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## Senate

The Senate met at 3 p.m. and was called to order by the Honorable JONI ERNST, a Senator from the State of Iowa.

### PRAYER

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

Let us pray.

Eternal Spirit, the fountain of all of our blessings, we rejoice because of the majesty of Your Name and power, for Your glory fills the Earth. We see Your handiwork in the beauty of spacious skies and in the splendor of amber waves of grain. Today, inspire our Senators so that the thoughts they think, the words they speak, and the deeds they do will please You.

Lord, as our lawmakers strive to live worthy of Your blessings, continue to surround them with the shield of Your favor and prompt them to strive to find common ground. As we all experience Your favor, help us to remember the needy and those crushed by the iron feet of injustice. May we strive to stay within the circle of Your providential will, remembering Your promise to supply all of our needs.

We pray in Your merciful Name. Amen.

### PLEDGE OF ALLEGIANCE

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

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

### APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

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

The legislative clerk read the following letter:

U.S. SENATE,  
PRESIDENT PRO TEMPORE,  
Washington, DC, September 26, 2016.

To the Senate:

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

ORRIN G. HATCH,  
President pro tempore.

Mrs. ERNST thereupon assumed the Chair as Acting President pro tempore.

### RECOGNITION OF THE MAJORITY LEADER

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

### JUSTICE AGAINST SPONSORS OF TERRORISM ACT—VETO

Mr. MCCONNELL. Madam President, is there a message at the desk in reference to S. 2040?

The ACTING PRESIDENT pro tempore. The Chair lays before the Senate a communication from the Secretary of the Senate regarding that matter.

The clerk will read the communication.

The legislative clerk read as follows:

U.S. SENATE,  
OFFICE OF THE SECRETARY,  
Washington, DC, September 26, 2016.

Hon. JOSEPH R. BIDEN, Jr.,  
President of the Senate,  
Washington, DC.

DEAR MR. PRESIDENT: On Friday, September 23, 2016, the President of the United States sent by messenger the attached sealed envelope addressed to the President of the Senate dated September 23, 2016, said to contain a veto message on the bill S. 2040, the "Justice Against Sponsors of Terrorism Act." The Senate not being in session on the last day which the President had for the return of this bill under the provisions of the Constitution of the United States, in order to protect the interests of the Senate so that it might have the opportunity to reconsider the bill, I accepted the message at 3:45 p.m.,

and I now present to you the President's veto message, with the accompanying papers, for disposition by the Senate.

Respectfully,

JULIE E. ADAMS,  
Secretary of the Senate.

Mr. MCCONNELL. Madam President, is the veto message with the papers attached at the desk?

The ACTING PRESIDENT pro tempore. It is.

Mr. MCCONNELL. Madam President, I ask unanimous consent that the veto message on S. 2040 be considered as having been read; that it be printed in the RECORD, and spread in full upon the Journal.

The ACTING PRESIDENT pro tempore. Is there objection?

Without objection, it is so ordered.

The veto message ordered to be printed in the RECORD is as follows:

To the Senate of the United States:

I am returning herewith without my approval S. 2040, the "Justice Against Sponsors of Terrorism Act" (JASTA), which would, among other things, remove sovereign immunity in U.S. courts from foreign governments that are not designated state sponsors of terrorism.

I have deep sympathy for the families of the victims of the terrorist attacks of September 11, 2001 (9/11), who have suffered grievously. I also have a deep appreciation of these families' desire to pursue justice and am strongly committed to assisting them in their efforts.

Consistent with this commitment, over the past 8 years, I have directed my Administration to pursue relentlessly al-Qa'ida, the terrorist group that planned the 9/11 attacks. The heroic efforts of our military and counterterrorism professionals have decimated al-Qa'ida's leadership and killed Osama bin Laden. My Administration also strongly supported, and I signed into law, legislation which ensured that those who bravely responded

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



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on that terrible day and other survivors of the attacks will be able to receive treatment for any injuries resulting from the attacks. And my Administration also directed the Intelligence Community to perform a declassification review of "Part Four of the Joint Congressional Inquiry into Intelligence Community Activities Before and After the Terrorist Attacks of September 11," so that the families of 9/11 victims and broader public can better understand the information investigators gathered following that dark day of our history.

Notwithstanding these significant efforts, I recognize that there is nothing that could ever erase the grief the 9/11 families have endured. My Administration therefore remains resolute in its commitment to assist these families in their pursuit of justice and do whatever we can to prevent another attack in the United States. Enacting JASTA into law, however, would neither protect Americans from terrorist attacks nor improve the effectiveness of our response to such attacks. As drafted, JASTA would allow private litigation against foreign governments in U.S. courts based on allegations that such foreign governments' actions abroad made them responsible for terrorism-related injuries on U.S. soil. This legislation would permit litigation against countries that have neither been designated by the executive branch as state sponsors of terrorism nor taken direct actions in the United States to carry out an attack here. The JASTA would be detrimental to U.S. national interests more broadly, which is why I am returning it without my approval.

First, JASTA threatens to reduce the effectiveness of our response to indications that a foreign government has taken steps outside our borders to provide support for terrorism, by taking such matters out of the hands of national security and foreign policy professionals and placing them in the hands of private litigants and courts.

Any indication that a foreign government played a role in a terrorist attack on U.S. soil is a matter of deep concern and merits a forceful, unified Federal Government response that considers the wide range of important and effective tools available. One of these tools is designating the foreign government in question as a state sponsor of terrorism, which carries with it a litany of repercussions, including the foreign government being stripped of its sovereign immunity before U.S. courts in certain terrorism-related cases and subjected to a range of sanctions. Given these serious consequences, state sponsor of terrorism designations are made only after national security, foreign policy, and intelligence professionals carefully review all available information to determine whether a country meets the criteria that the Congress established.

In contrast, JASTA departs from longstanding standards and practice under our Foreign Sovereign Immuni-

ties Act and threatens to strip all foreign governments of immunity from judicial process in the United States based solely upon allegations by private litigants that a foreign government's overseas conduct had some role or connection to a group or person that carried out a terrorist attack inside the United States. This would invite consequential decisions to be made based upon incomplete information and risk having different courts reaching different conclusions about the culpability of individual foreign governments and their role in terrorist activities directed against the United States—which is neither an effective nor a coordinated way for us to respond to indications that a foreign government might have been behind a terrorist attack.

Second, JASTA would upset longstanding international principles regarding sovereign immunity, putting in place rules that, if applied globally, could have serious implications for U.S. national interests. The United States has a larger international presence, by far, than any other country, and sovereign immunity principles protect our Nation and its Armed Forces, officials, and assistance professionals, from foreign court proceedings. These principles also protect U.S. Government assets from attempted seizure by private litigants abroad. Removing sovereign immunity in U.S. courts from foreign governments that are not designated as state sponsors of terrorism, based solely on allegations that such foreign governments' actions abroad had a connection to terrorism-related injuries on U.S. soil, threatens to undermine these longstanding principles that protect the United States, our forces, and our personnel.

Indeed, reciprocity plays a substantial role in foreign relations, and numerous other countries already have laws that allow for the adjustment of a foreign state's immunities based on the treatment their governments receive in the courts of the other state. Enactment of JASTA could encourage foreign governments to act reciprocally and allow their domestic courts to exercise jurisdiction over the United States or U.S. officials—including our men and women in uniform—for allegedly causing injuries overseas via U.S. support to third parties. This could lead to suits against the United States or U.S. officials for actions taken by members of an armed group that received U.S. assistance, misuse of U.S. military equipment by foreign forces, or abuses committed by police units that received U.S. training, even if the allegations at issue ultimately would be without merit. And if any of these litigants were to win judgments—based on foreign domestic laws as applied by foreign courts—they would begin to look to the assets of the U.S. Government held abroad to satisfy those judgments, with potentially serious financial consequences for the United States.

Third, JASTA threatens to create complications in our relationships with even our closest partners. If JASTA were enacted, courts could potentially consider even minimal allegations accusing U.S. allies or partners of complicity in a particular terrorist attack in the United States to be sufficient to open the door to litigation and wide-ranging discovery against a foreign country—for example, the country where an individual who later committed a terrorist act traveled from or became radicalized. A number of our allies and partners have already contacted us with serious concerns about the bill. By exposing these allies and partners to this sort of litigation in U.S. courts, JASTA threatens to limit their cooperation on key national security issues, including counterterrorism initiatives, at a crucial time when we are trying to build coalitions, not create divisions.

The 9/11 attacks were the worst act of terrorism on U.S. soil, and they were met with an unprecedented U.S. Government response. The United States has taken robust and wide-ranging actions to provide justice for the victims of the 9/11 attacks and keep Americans safe, from providing financial compensation for victims and their families to conducting worldwide counterterrorism programs to bringing criminal charges against culpable individuals. I have continued and expanded upon these efforts, both to help victims of terrorism gain justice for the loss and suffering of their loved ones and to protect the United States from future attacks. The JASTA, however, does not contribute to these goals, does not enhance the safety of Americans from terrorist attacks, and undermines core U.S. interests.

For these reasons, I must veto the bill.

BARACK OBAMA.

THE WHITE HOUSE, September 23, 2016.

Mr. McCONNELL. Madam President, I ask unanimous consent that notwithstanding the provisions of rule XXII, the veto message be held at the desk, and at a time to be determined by the majority leader in consultation with the Democratic leader on Wednesday, September 28, the Senate proceed to the veto message on S. 2040; that there be 2 hours of debate, divided between the leaders or their designees; that upon the use or yielding back of that time, the Senate vote on passage of the bill, the objections of the President to the contrary notwithstanding, with no intervening action or debate.

The ACTING PRESIDENT pro tempore. Is there objection?

Without objection, it is so ordered.

#### CONTINUING RESOLUTION

Mr. McCONNELL. Madam President, the 10-week clean CR the Senate will vote on tomorrow is pretty simple. It keeps the government funded at the same agreed-upon, bipartisan spending levels as today. It contains zero controversial riders, it funds the fight

against Zika, and it ensures that veterans and the victims of severe flooding and the heroin and prescription opioid crisis are not left behind. It is clean. It is fair. We should pass it.

Now, it is true that some in the Democratic leadership would like to turn this simple 10-week funding bill into some unnecessary partisan food fight. They think it is good election-year politics, but they have struggled to explain how they might even justify a vote against it. They can't do it on spending levels; they already agreed to those. They can't do it on controversial riders; there are none. They can't do it on Zika; we have a bipartisan compromise there. Both Democrats and Republicans agree on the need to help vets, flood victims, and those suffering from the heroin and prescription opioid crisis.

So if both parties support what is actually in the clean CR-Zika package, then just what in this bill are Democratic leaders opposed to? It turns out they are trying to take our country to the brink, not based on something that is in this bill but something that isn't, and it is something the Senate already addressed in the appropriate vehicle to do so.

On September 15, the Senate voted to pass the Water Resources Development Act, which includes assistance for the families affected by lead poisoning in Flint. As Chairman INHOFE has pointed out, WRDA is not only the proper vehicle to address the situation facing Flint now, it is also the proper vehicle to help prevent water infrastructure crises in the future. The House is now prepared this week to pass WRDA as well, and Chairman INHOFE has pledged he will continue to pursue resources for Flint once the bill goes to conference.

We know it is important to help the victims of recent severe flooding. Democrats are now suggesting, however, that we not provide that relief unless they get an unrelated rider in this clean CR-Zika package. Is their solution then to remove help for flood victims? If their solution is to remove help for flood victims, they should say so.

So let's be clear. It would be cruel for any Senator who just voted to help Flint to now turn around and filibuster the victims of floods, the heroin and prescription opioid crisis, and Zika as part of some partisan game.

Senators in both parties know this. I know our Democratic friends understand this, especially when we consider their calls to do more to address the heroin and prescription opioid crisis, and especially when we consider the letter they just wrote on Zika this month.

Let me read some of what they had to say: "Zika is now well established in the United States with cases of local transmission by mosquitoes being reported in multiple areas of Florida, as well as the U.S. territories," Democratic Senators wrote. It is causing "babies [to] die, pregnant women and

communities [to] suffer, [and] adults [to] worry about future long-term neurological risks from Zika. . . ."

These Senate Democrats called for immediate passage of a bipartisan Zika package because "[t]he longer we delay, the greater the . . . irreparable human harm from Zika."

This is what they said: "The time for partisan games is over."

Now, that is a letter Senate Democrats wrote just this month. The bill before us contains a compromise Zika package that both parties support.

Senator NELSON, a Democrat from Florida, understands the urgency of addressing Zika, and that is why he supports this bill which, as he noted, represents a "clean \$1.1 billion to help stop the spread of the Zika virus with no political riders."

Senator SCHATZ, a Democrat from Hawaii, also voiced his support for the Zika compromise in this bill. Just last week, he said it is good for his State and urged that we "move forward with providing the CDC with the resources it needs."

Senator NELSON and Senator SCHATZ are just 2 Democratic Senators out of nearly 30 who penned the letter earlier this month calling for quick congressional action on Zika. I ask all of them to join us and act now.

Just as we joined together to help Flint earlier this month in the appropriate vehicle, now it is time for Democrats to join with Republicans to ensure veterans and those impacted by Zika, flooding, and the heroin and prescription opioid crisis do not fall victim to a partisan filibuster.

#### RECOGNITION OF THE MINORITY LEADER

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

#### DONALD TRUMP

Mr. REID. Madam President, virtually every time Donald Trump says or does something discriminatory—and that is often—the media relies upon a catalog of buzzwords to describe his actions. The press uses words like hateful, intolerant, bigot, extremist, prejudice, to name but a few. Yet there is always one word that many of the press conspicuously avoid: Racist. They never label Trump as a racist, but he is a racist. Donald Trump is a racist. "Racist" is a term I don't really like.

We have all, with rare exception—I don't know who it would be—said things that are not politically correct, but I don't know of anyone, when that happens, who doesn't acknowledge it and, if necessary, apologizes quickly, but Donald Trump doesn't believe the racist things he does and says are wrong. He says them with the full intent to demean and to denigrate. That is who he is.

Each time Trump is given a chance to apologize and make amends, he re-

fuses, and then he doubles down on what he said before. The media is not holding Donald Trump accountable at all. He is not being held accountable.

So why do reporters and pundits abstain from calling Trump what he is—a racist? It is not as if Trump's racism is new. His bigotry has been on display since the early days of his business career.

When Donald Trump was still working at his father's side as second in command, the Department of Justice slapped their company with a civil rights lawsuit. Why? Because they deserved it. Undercover Federal officers in New York found that the Trumps discriminated against potential tenants by rejecting applications for housing from African Americans and Puerto Ricans.

Trump has even had a secret system for discriminatory practices. As the Washington Post reported:

Trump employees have secretly marked the applications of minorities with codes, such as 'No. 9' and 'C' for colored. . . . The employees allegedly directed blacks and Puerto Ricans away from buildings with mostly white tenants and steered them toward properties that had many minorities.

In the 1980s, Trump took his racism to Atlantic City. This is Donald Trump at his best. He cheated, coerced, filed bankruptcy, did anything he could to cheat people out of money. In the process, his racism came to the forefront in Atlantic City. Trump was accused of making his African-American employees move off the casino floor when he didn't want to see them, which was any time he came to the casino. One employee, Kip Brown, said:

When Donald and Ivana came to the casino, the bosses would order all the black people off the floor. It was the eighties, I was a teenager, but I remember it: they put us all in the back.

Trump was later fined \$200,000 by the New Jersey Casino Control Commission for that act of disgusting racism.

In the 1990s, John O'Donnell, the former president of Trump Plaza Hotel and Casino, wrote a book about his time working with Donald Trump. O'Donnell reported that Trump frequently denigrated African Americans. He remembers a lot, but he specifically remembers Trump saying of his accountants:

I've got black accountants at Trump Castle and Trump Plaza. Black guys counting my money! I hate it. The only kind of people I want counting my money are short guys that wear yarmulkes every day.

How about that?

I've got black accountants at Trump Castle and Trump Plaza. Black guys counting my money! I hate it.

Those are words from Donald Trump's mouth.

The only kind of people I want counting my money are short guys that wear yarmulkes every day.

That is what he said.

Speaking of another African-American employee, Trump told O'Donnell:

I think the guy is lazy. And it's probably not his fault because laziness is a trait in blacks. It really is. I believe that.

That is Donald Trump. He thinks that Blacks are lazy and that they can't help it because it is one of their traits. Trump didn't deny it. He later admitted: "The stuff O'Donnell wrote about me is probably true."

But since Donald Trump became involved in Presidential politics, his racism has reached even new heights. Trump led the so-called birther movement to delegitimize our first African-American President. Last year, announcing his candidacy for President, Trump denounced Mexican immigrants as "criminals, drug dealers, rapists."

Consider all of the despicable racist things he has done this year alone. He has repeatedly called for a ban on Muslims entering the United States. Trump attacked a Gold Star dad and a Gold Star mother. They are Muslims. Their son, CPT Humayun Khan, was killed in battle, but Donald Trump didn't only question Mr. Khan, he questioned Mrs. Khan. She was sitting there, and he said: I guess she is not talking because she is forbidden to speak by Islam.

Donald Trump refused to condemn former KKK grand wizard David Duke, who is still in politics.

Donald Trump has retweeted messages from Nazi sympathizers and White supremacists.

Donald Trump launched a racist attack on U.S. District Court Judge Curiel, a man born in Indiana, but Trump didn't like that because his mom and dad were of Mexican heritage. He said he should be disqualified from hearing the case. Speaker RYAN called Trump's offensive attack "a textbook definition of a racist comment." This is the U.S. House of Representatives Speaker, who acknowledges that his Republican Presidential nominee is a racist. Yet here we are, 7 weeks from election day, and the Speaker of the House and the Senate Republican leader are both endorsing this racist man.

Republicans should not support a man for President who by their Speaker's own admission is the textbook definition of a racist. Think of the example Republicans are setting for our Nation's youth. Republicans are normalizing this racist behavior. This will be their legacy—one of them. They have plenty to add to that. Those who refuse to denounce Donald Trump's actions as racism are complicit in propagating and normalizing his hate.

It is time for reporters and journalists to be honest with the American people. They owe Americans the truth: Through his words and deeds, Donald Trump is a racist.

#### CONTINUING RESOLUTION

Mr. REID. Madam President, I want to make a few comments on the CR. Senator MCCONNELL has given a great statement, but about whom? It is a straw man argument. We don't oppose the Zika legislation. We don't oppose helping flood victims. But we want more. We think it should be taken care

of, but it hasn't been in this bill, that is for sure.

On opioids, we think it should be really funded, not this pitter path that doesn't do anything. What it does is allow you to spend money that is not here. We think we should do the Shaheen legislation and pay for it. We do believe we should not leave Flint behind, though.

The CR proposed by the Republicans is short on a number of issues, and I will talk only about two of them this afternoon.

I was especially disappointed to see the Republicans' proposal regarding another disaster—a disaster that has been ongoing for well over a year. This CR, this funding measure, does not put a single penny toward Flint, MI—not a penny. The people of Flint, MI, have been waiting for emergency assistance to clean up poison water for more than a year. There are 100,000 people—children—lead-poisoned already.

Senate Republicans claim they will address the needs of Flint when we return after the election. Well, we have heard that before, haven't we? That has been the Republicans go-to move in stalling funding for Flint—they always claim they will do it at a later time. Flint has heard this and heard this and heard this. In the meantime, the people of Flint, if they are fortunate, can take a drink of water out of a bottle and bathe in bottled water.

We ran out of time months ago. We ran out of time when the Republicans decided to take a 7-week vacation, which is something that was remarkable in history, in more than 60 years. With the time we are going to have off before December 9 with the funding resolution, it will be the longest break the Senate has had going back, we believe, to before the Depression—the Great Depression, not the Bush depression.

The crisis has been going on for a long time. Two and a half years ago, Flint learned that its water was not safe. Nine months ago, Republican Governor Snyder and President Obama declared the Flint, MI, water crisis an emergency. Five months ago, the Senate Environment and Public Works Committee passed water infrastructure legislation with a bipartisan aid package for Flint. I commend the chairman of that committee, Senator INHOFE, over and over for agreeing to do the fair thing. That package was voted out of the Senate less than 2 weeks ago on a vote of 95 to 3 as part of the so-called WRDA Act, but the House Republicans made it clear they have no intention of putting funding for Flint in that bill. Still the people of Flint wait for assistance.

I have heard all the happy talk: Well, the Republicans are going to take care of this. Call and tell me you are going to take care of it. Give me some assurances that you are going to take care of it because 100,000 Flint residents continue to struggle with having safe water to drink. In fact, 40 percent of

the people of Flint live below the poverty line.

Flint, MI, is a community of color—African Americans. The junior Senator from Louisiana was especially callous in dismissing the people of Flint. It is hard to acknowledge what he said, but I am going to do it. He called the residents of Flint "other people's grief." Well, using his analogy, the things we have done over the years with all the problems that Louisiana has had—hurricanes, floods, wind storms, and this latest ravaging rain they got—in Nevada, I guess that is somebody else's problem—the people of Louisiana. The many problems we have had in Texas over the last decade—they are everybody's problem, but not by the definition of the Senator from Louisiana. They are not other people's grief.

I would suggest the relatively new Senator from Louisiana needs to figure out what the name of his job is. It is United States Senator—not State senator from Louisiana, United States Senator. He can look out for the people of Louisiana and yet turn a cold shoulder to fellow Americans in Michigan. Congress must act to address emergencies whenever and wherever they occur, especially to help vulnerable Americans, because every one of these emergencies is creating lots of vulnerable Americans.

The people of Flint deserve justice, and 90,000 children who have been lead-poisoned deserve justice. But instead of helping the people of Flint, they promise to use this government funding measure to feed their addiction to undisclosed and unaccountable dark money. What the Republican leader stuck in this funding resolution is a provision to prevent the Securities and Exchange Commission from telling corporations that they must disclose campaign contributions. If ever there were legislation contained in a resolution that didn't deserve to be there, it would be that. Shadowy interest groups are spending hundreds of millions of dollars on trying to elect hand-picked political candidates.

What is this dark money? It is all these advertisements with all these phony front groups, most of which are funded by the Koch brothers. You won't see their name on anything other than something to divert your attention—a public service announcement about how good Koch Industries is for creating jobs. Well, Koch Industries is great for trying to get richer and richer and trying to enrich these two wealthy, Republican, rightwing men who are doing everything they can to buy America. They are doing pretty well, I have to give them credit for that. If they continue the way they are, they are going to be first in line. They are going to be the No. 1 oligarch in America, and they can match to see if they are entitled to be even a notch higher than the No. 1 oligarch in Russia. Russia is an oligarchy, and because

of the Koch brothers, America is turning into one. And what does the Republican leader do? He sticks a provision in this legislation to protect them even further.

Current Federal law requires publicly traded corporations to disclose financial details on their annual report to shareholders, such as how much they are paying their executive officers and others, but shareholders—the true owners of corporations—have no idea how much money is being spent on politics, being directed by a few in the corporations. The Securities and Exchange Commission does not require this to be reported.

Last August, 44 Democratic Senators sent a letter to the Securities and Exchange Commission in support of adding political disclosures in their annual shareholder reports. The Republican leader wants to stop this. He wants to do everything he can to protect the Koch brothers. But the Securities and Exchange Commission received 1 million public comments in support of disclosure because it protects the interests of investors—1 million comments. That is unheard of.

The Republicans in the Senate are opposed to disclosure. That is why the Republican leader has attached this so-called rider to the government funding bill to prevent shareholders from knowing how their money is spent and being used in the political process. Republicans are holding the government hostage because they want to keep the political system awash in dark money. They want to give contributions to the Chamber of Commerce, the National Rifle Association, and on and on—millions and millions of dollars.

The Senate Republicans need to rethink their priorities. Republicans need to spend less time worrying about the balance in their campaign accounts and more time protecting their fellow Americans, especially those in Flint, MI.

Madam President, I see my friend the senior Senator from Iowa on the floor. Before he speaks, will the Chair announce the business of the day.

#### RESERVATION OF LEADER TIME

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

#### LEGISLATIVE BRANCH APPROPRIATIONS ACT, 2017

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will resume consideration of H.R. 5325, which the clerk will report.

The senior assistant legislative clerk read as follows:

A bill (H.R. 5325) making appropriations for the Legislative Branch for the fiscal year ending September 30, 2017, and for other purposes.

Pending:

McConnell (for Cochran) amendment No. 5082, in the nature of a substitute.

McConnell amendment No. 5083 (to amendment No. 5082), to change the enactment date.

McConnell amendment No. 5084 (to amendment No. 5083), of a perfecting nature.

McConnell amendment No. 5085 (to the language proposed to be stricken by amendment No. 5082), to change the enactment date.

McConnell amendment No. 5086 (to amendment No. 5085), of a perfecting nature.

McConnell motion to commit the bill to the Committee on Appropriations, with instructions, McConnell amendment No. 5087, to change the enactment date.

McConnell amendment No. 5088 (to the instructions) amendment No. 5087), of a perfecting nature.

McConnell amendment No. 5089 (to amendment No. 5088), of a perfecting nature.

The ACTING PRESIDENT pro tempore. The Senator from Iowa.

#### IOWA FLOODS

Mr. GRASSLEY. Madam President, natural disasters happen. Eight years ago, Senator Harkin and I had to deal with flooding in Eastern Iowa. Today Senator ERNST and I are called upon to observe—as we did this past weekend—a great amount of flooding in Eastern Iowa. Earlier this year, we also heard the Senators from West Virginia and the Senators from Louisiana speak about the natural disasters in their State. It was only 8 years ago that I was on the floor talking about the record devastation caused by severe storms and floods. Many of the same places are currently experiencing similar flooding as rivers are cresting at record or near-record levels.

On Saturday, I toured several cities with the Governor, the Lieutenant Governor, and Members of the Iowa congressional delegation, including Senator ERNST. We saw debris and damage left by receding floodwaters, many homes underwater, and great flood fight preparations.

Many businesses and individual volunteers have been working tirelessly to help prevent damage to both public and private property and to help clean up. Today I had a discussion with the mayor of Greene, IA, about the numbers of high schools that are closed in that area, but the kids are coming in to help clean up in the city of Greene, IA. This is the Iowa way. I thank those who have helped and will provide assistance in the future.

Since the floods of 2008, many lessons have been learned. Plans and training to protect Iowa communities are in place. I am pleased to report that the mitigation through Federal, State, and local resources that has taken place throughout Iowa since the floods of 2008 has been beneficial. This has already proven effective and will lessen the impact of this year's floods. It is estimated that more than \$50 million of reduced impact will be experienced because of previous mitigation efforts. However, as we learned this weekend, so much remains to be done.

Iowa's second largest city, Cedar Rapids, experienced massive devastation, with more than 1,300 city blocks covered in water and over \$32 billion worth of damages from the floods of

2008. Today, as a result of massive amounts of rain upstream over the last few days, the city of Cedar Rapids is fighting to prepare for the high crest on the Cedar River, second only to 2008. Cedar Rapids is doing everything it can to protect its citizens by using HESCO barriers, earthen levees, and berms. However, a permanent solution through permanent flood control structures is still very much needed.

Even prior to the 2008 floods, the protection of the Cedar River in Cedar Rapids was identified as needing evaluation. In 2006, Congress authorized a flood risk management feasibility study with the feasibility cost share arrangement being signed on May 30, 2008. Since then, the feasibility study was completed and alternatives were chosen, although this Federal project protects only a portion of Cedar Rapids. I worked to get the construction of the project authorized in the Water Resources Reform and Development Act of 2014. That happened to be the first WRDA bill since 2007. However, funding has been difficult to obtain since the benefit-cost ratio is just over one from the point of view of the Corps of Engineers' scoring.

I am pleased the Senate instructed the Army Corps of Engineers to expedite this and three other flood damage reduction and flood risk management projects in the recently passed Water Resources Development Act.

Also in this year's act, the Senate passed an amendment to the bill that I was pleased to cosponsor with my colleague, Senator ERNST, requiring the Government Accountability Office to study the Army Corps of Engineers' methodology and performance metrics used to calculate benefit-cost ratios when evaluating construction projects.

I have heard from Cedar Rapids, Des Moines, and several other places in Iowa regarding their concerns about how the Corps calculates the benefit of structures and that mitigation and future savings is not a strong factor in determining flood risk management.

Let me say that as I talk to people in Iowa—but particularly in Cedar Rapids, IA—about the cost-benefit ratio, mitigation, and future savings not being taken so much into consideration, it is something that they just do not understand. I recognize that this is a complex issue and that the Corps rarely gets enough funding to maintain and operate what it owns, let alone start numerous construction projects. I also recognize the need to have a rationale on how to prioritize projects when there are scarce resources, and I have been supportive of these efforts.

However, a one-size-fits-all approach doesn't work when dealing with flood protection. This is the most difficult thing to explain to people in Cedar Rapids, IA. It is a necessity to more accurately quantify future benefits and the protection of citizens when making benefit-cost ratios. We also need to find a way to expedite these flood projects so it doesn't take 20 to 40

years to study, design, and build—and it seems as if it takes forever to get completed.

Again, Iowans—especially the people of Cedar Rapids—when they are faced with severe, repeated flooding, don't understand why the Federal Government does not prioritize flood risk management and mitigation instead of spending emergency money to fight, recover, and then put them back in the same position as they were before. That money was spent in 2008—maybe not as much money, but still a great deal of money was spent this year—and still they are in the same position. That is what is not seemed to be understood. This money would be better spent actually mitigating the problem and protecting citizens and their property.

I have heard of similar concerns all across the United States, not just in Iowa. My staff has surveyed articles from Louisiana, Texas, New Jersey, and Idaho, all stating similar concerns. I am sure that if we continued to look, we would find others as well.

I call on the Army Corps of Engineers to carefully evaluate how they can improve their areas of flood control policy. Reforms have taken place to expedite the study, planning, and report process, but reforms are needed to how they make these determinations.

I also call on the Office of Management and Budget and my colleagues on the Appropriations Committee to change the way the Army Corps of Engineers receives its funding. Every part of the Corps' budget could be considered an earmark under Senate rules. Therefore, it is very hard to advocate for the needs of the Corps' districts and projects within Congress without violating the earmark ban. As a result, the primary decision about what is included in the Corps' budget rests with the President's budget each year. I am not advocating to bring back earmarks for specific projects but to fund the Corps in a programmatic way or by district to allow Congress to exercise its oversight over funding decisions. All branches need to be held accountable for spending decisions, including the Federal bureaucracy. Congress should have the power of the purse for funding decisions of such importance to the people we represent, not just some bureaucrat.

Retired MG Tom Sands, who was a commanding General of the Army Corps of Engineers' Lower Mississippi Valley Division and president of the Mississippi River Commission, in a blog for The Hill newspaper on September 7 of this year, wrote:

No doubt the rationale for the current uniform approach [at the Corps] is to foster "fairness." But federal water policy would be better focused on how to quantify and achieve superior outcomes. This new approach needs to focus more on common sense than on bureaucratic decisions.

As I have based my work as a public servant on Iowa's common sense, not bureaucratic nonsense, I couldn't have

said it better than General Sands, so I associate myself with his remarks.

I yield the floor.

I suggest the absence of a quorum.

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

The legislative clerk proceeded to call the roll.

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

The PRESIDING OFFICER (Mr. COATS). 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.

#### TRIBUTE TO RICHARD A. PAUL

Mr. DURBIN. Mr. President, it has been said that nations that forget its defenders will be itself forgotten. Well, I would like to take a moment to recognize one of those defenders who fought for and secured our freedom during World War II. First, I want to commend Richard Paul for his brave actions and quiet courage—and thank him for a debt that we can never fully repay. I also want to wish him an early happy birthday. On October 23, Richard Paul, first lieutenant of the 13th Army Air Force—from Quincy, IL—will turn 100 years old. What an achievement.

Today, I am honored to share his story. Let me take you back to November 29, 1942. On that November day, in the midst of World War II, rather than waiting to have his draft number called, Richard drove down to the nearest Army Air Force Cadet Training Program in Peoria, IL, and volunteered to serve. The next day, he was sworn into the program and told to await further orders. In January 1943, Richard received his orders and reported to Decatur, IL.

After stints in Jefferson Barracks, MO, and Galesburg, IL, Richard found himself in Texas for pilot training. On March 12, 1944, Richard graduated from flight school and spent the next 7 weeks in Liberal, KS, learning to fly the B-24 Liberator, an American bomber with the greatest bomb load carrying capacity and longest range of its time. By the spring of 1944, First Lieutenant Richard Paul and his crew flew B-24 Liberators on 36 combat missions, including two recon missions in the South Pacific theater. Richard also received the Distinguished Flying Cross for his heroism and extraordinary achievement while participating and supporting military operations in an aerial flight.

Although he didn't know it at the time, on March 20, 1945, Richard flew his final mission. The following day, he was told he was going back to the

States. For all his wartime accomplishments, I think Richard would agree that his greatest achievement happened in flight school, marrying Esther Viola Jewell, who he simply called Vi. After getting permission from his base commander, the chaplain picked Richard and his bride up from the hotel she was staying at in Independence, KS. There was one problem: Richard and Vi didn't have witnesses. So Richard rushed back to the barracks and found two cadets to fill in. Disaster averted. And on Christmas Eve 1943, Richard and Vi were married. They would spend the next 64 Christmases together before Vi passed on December 14, 2008.

We owe a great debt to veterans like Richard, who came home after the war and built this Nation. When the war ended, Richard first looked for work as a pilot at a Minneapolis airline. But despite his incredible experience, he was told they received nearly 100 applications from former Army pilots every day and did not have enough jobs. Well, it was the airline's loss and a blessing for the people of Quincy. The following year, Richard became a pharmacist and spent the next 44 years working in Quincy at the Brown Drug Company—the same Brown Drug Company Vi worked at in 1940.

There are many advantages of having 100 years on Earth, but on top of the list may be the ability to spread love in so many ways. Whether it was through love of country—while serving as first lieutenant in the 13th Air Force during World War II; love of community—spending 44 years as a pharmacist at the Brown Drug Company; or love of family, raising 4 daughters with his wife, Vi, 8 grandchildren, and 18 great-grandchildren—what an extraordinary legacy.

I will close with this: I have heard the first 100 years are the hardest. But I am reminded of what an old ball player once said: "Age is a case of mind over matter. If you don't mind, it don't matter." So when the big day arrives, I hope Richard celebrates with friends and family—and enjoys it. He has earned it.

Thank you, Richard, for your service and sacrifice, and congratulations on an outstanding milestone.

#### BUDGETARY REVISIONS

Mr. ENZI. Mr. President, section 251 of the Balanced Budget and Emergency Deficit Control Act of 1985, BBEDCA, establishes statutory limits on discretionary spending and allows for various adjustments to those limits, while sections 302 and 314(a) of the Congressional Budget Act of 1974 allow the chairman of the Budget Committee to establish and make revisions to allocations, aggregates, and levels consistent with those adjustments. The Senate will soon consider S. amendment No. 5082, which provides for continuing appropriations for fiscal year 2017, full-year appropriations for military construction and veterans programs, and

funding for the Federal response to the Zika virus.

This amendment provides funding to combat the Zika virus. For these efforts, the amendment provides \$876 million in budget authority for fiscal year 2016 and \$310 million in outlays for fiscal year 2017, respectively. These figures include rescissions of emergency funds in division D of the amendment that provide a partial offset. This legislation includes language that would designate these provisions as emergency funding pursuant to section 251(b)(2)(A)(i) of BBEDCA. The inclusion of these designations makes this spending eligible for an adjustment under the Congressional Budget Act.

The amendment also includes funding for military construction outside of the United States that is designated as overseas contingency operations funding pursuant to section 251(b)(2)(A)(ii) of BBEDCA. These provisions provide \$172 million in budget authority and \$1 million in outlays for fiscal year 2017. The inclusion of the overseas contingency operations designations in these provisions makes this spending eligible for an adjustment under the Congressional Budget Act.

Previously, I made adjustments to enforceable budgetary levels to accommodate the conference report to accompany H.R. 2577, which included both the Military Construction, Vet-

erans Affairs and Related Agencies Appropriations Act of 2017 and supplemental Zika funding. The adjustments I make today take these prior adjustments into consideration and reflect the appropriate level for overall adjustments for considering the Zika and overseas contingency operations funding of this amendment.

Further, on May 12, 2016, I filed an adjustment to accommodate emergency spending in S. amendment No. 3896, which included the Transportation, Housing and Urban Development and Related Agencies Appropriations Act, 2017. This emergency provision, which increased outlays by \$1 million in fiscal year 2017, is now included in division C of S. amendment 5082, and I am taking my previous adjustment into account for processing this amendment.

Finally, division C includes \$500 million in budget authority in fiscal year 2016 and \$10 million in outlays in fiscal year 2017 for the Community Development Block Grant program to respond to major natural disasters. This provision is designated as being for disaster relief pursuant to section 251(b)(2)(D) of BBEDCA and as such makes adjustments possible to accommodate this spending.

As a result, I am increasing the budgetary aggregate for fiscal year 2016 by \$385 million in budget authority and

decreasing related outlays by \$39 million. I am decreasing the budgetary aggregate for fiscal year 2017 by \$62 million in outlays. Further, I am revising the budget authority and outlay allocations to the Committee on Appropriations by increasing revised non-security budget authority by \$385 million and reducing outlays by \$39 million in fiscal year 2016. Finally, I am revising the outlay allocation to the Committee on Appropriations by reducing outlays by \$62 million in fiscal year 2017.

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

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

#### REVISION TO BUDGETARY AGGREGATES

(Pursuant to Section 311 of the Congressional Budget Act of 1974 and S. Con. Res. 11, the Concurrent Resolution on the Budget for Fiscal Year 2016)

\$s in millions	2016
Current Spending Aggregates:	
Budget Authority .....	3,070,820
Outlays .....	3,091,285
Adjustments:	
Budget Authority .....	385
Outlays .....	-39
Revised Spending Aggregates:	
Budget Authority .....	3,071,205
Outlays .....	3,091,246

#### REVISION TO SPENDING ALLOCATION TO THE COMMITTEE ON APPROPRIATIONS FOR FISCAL YEAR 2016

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

\$s in millions	2016
Current Allocation:*	
Revised Security Discretionary Budget Authority .....	548,091
Revised Nonsecurity Category Discretionary Budget Authority .....	528,848
General Purpose Outlays .....	1,173,106
Adjustments:	
Revised Security Discretionary Budget Authority .....	0
Revised Nonsecurity Category Discretionary Budget Authority .....	385
General Purpose Outlays .....	-39
Revised Allocation:*	
Revised Security Discretionary Budget Authority .....	548,091
Revised Nonsecurity Category Discretionary Budget Authority .....	529,233
General Purpose Outlays .....	1,173,067

\* Excludes amounts designated for Overseas Contingency Operations/Global War on Terrorism pursuant to Section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

#### Memorandum: Above Adjustments by Designation

	Program Integrity	Disaster Relief	Emergency	Total
Revised Security Discretionary Budget Authority .....	0	0	0	0
Revised Nonsecurity Category Discretionary Budget Authority .....	0	500	-115	385
General Purpose Outlays .....	0	0	-39	-39

#### REVISION TO BUDGETARY AGGREGATES

(Pursuant to Section 311 of the Congressional Budget Act of 1974 and Section 102 of the Bipartisan Budget Act of 2015)

\$s in millions	2017
Current Spending Aggregates:	
Budget Authority .....	3,212,522
Outlays .....	3,219,575

#### REVISION TO BUDGETARY AGGREGATES—Continued

(Pursuant to Section 311 of the Congressional Budget Act of 1974 and Section 102 of the Bipartisan Budget Act of 2015)

\$s in millions	2017
Adjustments:	
Budget Authority .....	0
Outlays .....	-62

#### REVISION TO BUDGETARY AGGREGATES—Continued

(Pursuant to Section 311 of the Congressional Budget Act of 1974 and Section 102 of the Bipartisan Budget Act of 2015)

\$s in millions	2017
Revised Spending Aggregates:	
Budget Authority .....	3,212,522
Outlays .....	3,219,513

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

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

\$s in millions	2017
Current Allocation:	
Revised Security Discretionary Budget Authority .....	551,240
Revised Nonsecurity Category Discretionary Budget Authority .....	518,531
General Purpose Outlays .....	1,182,184
Adjustments:	
Revised Security Discretionary Budget Authority .....	0
Revised Nonsecurity Category Discretionary Budget Authority .....	0
General Purpose Outlays .....	-62
Revised Allocation:	
Revised Security Discretionary Budget Authority .....	551,240
Revised Nonsecurity Category Discretionary Budget Authority .....	518,531
General Purpose Outlays .....	1,182,122



Memorandum: Detail of Adjustments Made Above	OCO	Program Integrity	Disaster Relief	Emergency	Total
Revised Security Discretionary Budget Authority .....	0	0	0	0	0
Revised Nonsecurity Category Discretionary Budget Authority .....	0	0	0	0	0
General Purpose Outlays .....	0	0	10	-72	-62

TRIBUTE TO JOSEPH BOARDMAN

Mr. BOOKER. Mr. President, today I wish to honor the dedication of Joseph Boardman, the president and chief executive officer of Amtrak. After nearly 8 years of service, Mr. Boardman will retire from Amtrak this month. He is the second longest serving leader in Amtrak's history.

Mr. Boardman has spent his life in transportation and public service. As a boy, Mr. Boardman would watch the buses passing on Route 69 as he was working in the fields on his family farm. His father persuaded him of the importance of transportation and started him down to the road to a career in public transportation. After graduating from high school, he enlisted in the U.S. Air Force in 1966 and served the United States in Vietnam. He received his bachelor's degree at Cornell and his master's from SUNY Binghamton.

Mr. Boardman's transportation career began as a bus driver. Later, he went on to manage the transportation authorities for the cities of Rome and Utica. He also worked in Broome County as the commission of transportation services, before starting his own transportation company in 1995. Mr. Boardman later went on to serve as the longest serving Commissioner of Transportation in New York State's history. In 2005, he became the Administrator of the Federal Railroad Administration.

During his transportation career, Mr. Boardman has been a fierce advocate for improving safety. At the Federal Railroad Administration, he played a particularly important role in the development and passage of the 2008 Rail Safety Improve Act. This bill mandated the implementation of positive train control technology to help prevent crashes and fatalities on America's railroads. Under Mr. Boardman's leadership at Amtrak, the railroad led the Nation in implementing this life-saving technology.

At Amtrak, Mr. Boardman has also made improvements in how Amtrak operates. He has been responsible for a host of financial, technical, and safety improvements at the railroad, as well as numerous investments in infrastructure improvements. During Mr. Boardman's tenure, Amtrak has hit its highest ridership levels; annual ridership reached and passed 30 million passengers per year. Amtrak's debt dropped to a third of the 2002 level, which allowed the railroad to replace its aging elective locomotive fleet and improve service on the Northeast corridor. Amtrak has made numerous improvements to its infrastructure thanks to Mr. Boardman's careful stewardship of the Federal investment in Amtrak. In my State, we know just how important that is, as Amtrak

works to build the Gateway Project, connecting New Jersey and New York via a new tunnel under the Hudson River.

Finally, it goes without saying that Joe Boardman has been the heart and soul of Amtrak. He has been a passionate advocate for maintaining nationwide Amtrak service, for increasing passenger rail service around the country and for providing the best possible service to Amtrak riders. His dedication to the railroad will be sorely missed. I congratulate Mr. Boardman on his service and wish him well in his retirement.

Thank you.

ADDITIONAL STATEMENTS

TRIBUTE TO TRISHA PRABHU

• Mr. KIRK. Mr. President, today I want to recognize a member of my student leadership advisory board, a very remarkable student from Naperville, IL, Trisha Prabhu. Miss Prabhu is the founder of ReThink, an award winning anticyberbullying platform that effectively prevents cyberbullying proactively, at the source, before the damage is done. The app, which acts as a keyboard on your smartphone, recognizes an inappropriate text and prompts the user with a message asking them to rethink their text. Miss Prabhu crafted the premise of the app and its algorithms in 2014 and has been recognized as a global finalist for the Google Science Fair and was awarded the Inspire 2016 Aristotle Award by Massachusetts Institute of Technology, MIT. She made Illinois proud when ReThink was an exhibitor at the White House Science Fair in March 2015.

Yesterday, ReThink was featured on the popular entrepreneur show, "Shark Tank." Thoroughly impressed with her accomplishments and the comprehensive app, Miss Prabhu agreed to a \$100,000 business deal with Mark Cuban and Lori Greiner.

Miss Prabhu is an outstanding example of Illinois innovation and uses her innovative spirit to better her community and promote STEM education throughout the country. She has deservedly received a number of awards for her work to stop bullying, including the "Global Anti-Bullying Hero" award from Auburn University. I share a common goal with Miss Prabhu: to end bullying once and for all.

I want to congratulate Trisha Prabhu on her recent accomplishment and wish her and ReThink the best of luck.●

REMEMBERING RAYMOND BUSHLAND

• Mr. THUNE. Mr. President, it is with a great deal of pride that I honor the

life and accomplishments of Dr. Raymond Bushland. This year, Dr. Bushland, along with his close friend and research partner Dr. Edward F. Knipling, posthumously received the Golden Goose award for his essential research into the reproductive cycle of the screwworm fly.

Dr. Bushland was born in our neighboring State of Minnesota and was raised and educated in my home State of South Dakota. He earned both his bachelor's degree and master's degree in entomology from South Dakota State University. After completing these degrees, he pursued a doctorate from Kansas State University and began a long and fruitful career as a research scientist.

During the 38 years Dr. Bushland worked with the U.S. Department of Agriculture's research program, he authored over 70 scientific papers on the science and management of insects. He is most noted for working toward eradication of the screwworm fly. This scourge of man and beast had an annual economic impact of well over \$1.8 billion, in today's money, to the livestock industry. Thanks to the research of Dr. Bushland and Dr. Knipling, most Americans have never heard of the screwworm fly, let alone ever dealt personally with its negative impacts.

Dr. Knipling and Dr. Bushland were jointly awarded some of the highest honors that anyone involved in agricultural research can earn: the Hoblitzelle National Award, the John F. Scotte Medal, and the World Food Prize. Dr. Bushland is currently the only graduate of South Dakota State to hold a World Food Prize.

For his life's work and service to humanity, I would like to remember Dr. Raymond Bushland.●

PRESIDENTIAL MESSAGE

REPORT OF THE VETO OF S. 2040, THE JUSTICE AGAINST SPONSORS OF TERRORISM ACT, RECEIVED DURING ADJOURNMENT OF THE SENATE ON SEPTEMBER 23, 2016—PM 56

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States which was ordered to be printed in the RECORD, spread in full upon the Journal, and held at the desk:

*To the Senate of the United States:*

I am returning herewith without my approval S. 2040, the "Justice Against Sponsors of Terrorism Act" (JASTA), which would, among other things, remove sovereign immunity in U.S. courts from foreign governments that



are not designated state sponsors of terrorism.

I have deep sympathy for the families of the victims of the terrorist attacks of September 11, 2001 (9/11), who have suffered grievously. I also have a deep appreciation of these families' desire to pursue justice and am strongly committed to assisting them in their efforts.

Consistent with this commitment, over the past 8 years, I have directed my Administration to pursue relentlessly al-Qa'ida, the terrorist group that planned the 9/11 attacks. The heroic efforts of our military and counterterrorism professionals have decimated al-Qa'ida's leadership and killed Osama bin Laden. My Administration also strongly supported, and I signed into law, legislation which ensured that those who bravely responded on that terrible day and other survivors of the attacks will be able to receive treatment for any injuries resulting from the attacks. And my Administration also directed the Intelligence Community to perform a declassification review of "Part Four of the Joint Congressional Inquiry into Intelligence Community Activities Before and After the Terrorist Attacks of September 11," so that the families of 9/11 victims and broader public can better understand the information investigators gathered following that dark day of our history.

Notwithstanding these significant efforts, I recognize that there is nothing that could ever erase the grief the 9/11 families have endured. My Administration therefore remains resolute in its commitment to assist these families in their pursuit of justice and do whatever we can to prevent another attack in the United States. Enacting JASTA into law, however, would neither protect Americans from terrorist attacks nor improve the effectiveness of our response to such attacks. As drafted, JASTA would allow private litigation against foreign governments in U.S. courts based on allegations that such foreign governments' actions abroad made them responsible for terrorism-related injuries on U.S. soil. This legislation would permit litigation against countries that have neither been designated by the executive branch as state sponsors of terrorism nor taken direct actions in the United States to carry out an attack here. The JASTA would be detrimental to U.S. national interests more broadly, which is why I am returning it without my approval.

First, JASTA threatens to reduce the effectiveness of our response to indications that a foreign government has taken steps outside our borders to provide support for terrorism, by taking such matters out of the hands of national security and foreign policy professionals and placing them in the hands of private litigants and courts.

Any indication that a foreign government played a role in a terrorist attack on U.S. soil is a matter of deep concern and merits a forceful, unified Federal

Government response that considers the wide range of important and effective tools available. One of these tools is designating the foreign government in question as a state sponsor of terrorism, which carries with it a litany of repercussions, including the foreign government being stripped of its sovereign immunity before U.S. courts in certain terrorism-related cases and subjected to a range of sanctions. Given these serious consequences, state sponsor of terrorism designations are made only after national security, foreign policy, and intelligence professionals carefully review all available information to determine whether a country meets the criteria that the Congress established.

I contrast, JASTA departs from longstanding standards and practice under our Foreign Sovereign Immunities Act and threatens to strip all foreign governments of immunity from judicial process in the United States based solely upon allegations by private litigants that a foreign government's overseas conduct had some role or connection to a group or person that carried out a terrorist attack inside the United States. This would invite consequential decisions to be made based upon incomplete information and risk having different courts reaching different conclusions about the culpability of individual foreign governments and their role in terrorist activities directed against the United States—which is neither an effective nor a coordinated way for us to respond to indications that a foreign government might have been behind a terrorist attack.

Second, JASTA would upset longstanding international principles regarding sovereign immunity, putting in place rules that, if applied globally, could have serious implications for U.S. national interests. The United States has a larger international presence, by far, than any other country, and sovereign immunity principles protect our Nation and its Armed Forces, officials, and assistance professionals, from foreign court proceedings. These principles also protect U.S. Government assets from attempted seizure by private litigants abroad. Removing sovereign immunity in U.S. courts from foreign governments that are not designated as state sponsors of terrorism, based solely on allegations that such foreign governments' actions abroad had a connection to terrorism-related injuries on U.S. soil, threatens to undermine these longstanding principles that protect the United States, our forces, and our personnel.

Indeed, reciprocity plays a substantial role in foreign relations, and numerous other countries already have laws that allow for the adjustment of a foreign state's immunities based on the treatment their governments receive in the courts of the other state. Enactment of JASTA could encourage foreign governments to act reciprocally and allow their domestic courts to exercise jurisdiction over the United

States or U.S. officials—including our men and women in uniform—for allegedly causing injuries overseas via U.S. support to third parties. This could lead to suits against the United States or U.S. officials for actions taken by members of an armed group that received U.S. assistance, misuse of U.S. military equipment by foreign forces, or abuses committed by police units that received U.S. training, even if the allegations at issue ultimately would be without merit. And if any of these litigants were to win judgments—based on foreign domestic laws as applied by foreign courts—they would begin to look to the assets of the U.S. Government held abroad to satisfy those judgments, with potentially serious financial consequences for the United States.

Third, JASTA threatens to create complications in our relationships with even our closest partners. If JASTA were enacted, courts could potentially consider even minimal allegations accusing U.S. allies or partners of complicity in a particular terrorist attack in the United States to be sufficient to open the door to litigation and wide-ranging discovery against a foreign country—for example, the country where an individual who later committed a terrorist act traveled from or became radicalized. A number of our allies and partners have already contacted us with serious concerns about the bill. By exposing these allies and partners to this sort of litigation in U.S. courts, JASTA threatens to limit their cooperation on key national security issues, including counterterrorism initiatives, at a crucial time when we are trying to build coalitions, not create divisions.

The 9/11 attacks were the worst act of terrorism on U.S. soil, and they were met with an unprecedented U.S. Government response. The United States has taken robust and wide-ranging actions to provide justice for the victims of the 9/11 attacks and keep Americans safe, from providing financial compensation for victims and their families to conducting worldwide counterterrorism programs to bringing criminal charges against culpable individuals. I have continued and expanded upon these efforts, both to help victims of terrorism gain justice for the loss and suffering of their loved ones and to protect the United States from future attacks. The JASTA, however, does not contribute to these goals, does not enhance the safety of Americans from terrorist attacks, and undermines core U.S. interests.

For these reasons, I must veto the bill.

BARACK OBAMA.  
THE WHITE HOUSE, September 23, 2016.

#### MESSAGE FROM THE HOUSE RECEIVED DURING ADJOURNMENT

##### ENROLLED BILLS SIGNED

Under the authority of the order of the Senate on January 6, 2015, the following enrolled bills, previously signed

by the Speaker of the House, were signed on September 23, 2016, during the adjournment of the Senate, by the President pro tempore (Mr. HATCH):

H.R. 2615. An act to establish the Virgin Islands of the United States Centennial Commission.

H.R. 5252. An act to designate the United States Customs and Border Protection Port of Entry located at 1400 Lower Island Road in Tornillo, Texas, as the "Marcelino Serna Port of Entry".

H.R. 5937. An act to amend title 36, United States Code, to authorize the American Battle Monuments Commission to acquire, operate, and maintain the Lafayette Escadrille Memorial in Marnes-la-Coquette, France, and for other purposes.

#### MESSAGE FROM THE HOUSE

At 3:02 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 bill, with amendment, in which it requests the concurrence of the Senate:

S. 1550. An act to amend title 31, United States Code, to establish entities tasked with improving program and project management in certain Federal agencies, and for other purposes.

The message also announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 1296. An act to amend the San Luis Rey Indian Water Rights Settlement Act to clarify certain settlement terms, and for other purposes.

H.R. 2285. An act to improve enforcement against trafficking in cultural property and prevent stolen or illicit cultural property from financing terrorist and criminal networks, and for other purposes.

H.R. 4419. An act to update the financial disclosure requirements for judges of the District of Columbia courts and to make other improvements to the District of Columbia courts.

H.R. 4564. An act to redesignate the small triangular property located in Washington, DC, and designated by the National Park Service as reservation 302 as "Robert Emmet Park", and for other purposes.

H.R. 5037. An act to authorize the establishment of a program of voluntary separation incentive payments for nonjudicial employees of the District of Columbia courts and employees of the District of Columbia Public Defender Service.

H.R. 5320. An act to restrict the inclusion of social security account numbers on documents sent by mail by the Social Security Administration, and for other purposes.

H.R. 5523. An act to amend title 31, United States Code, to prohibit the Internal Revenue Service from carrying out seizures relating to a structuring transaction unless the property to be seized derived from an illegal source or the funds were structured for the purpose of concealing the violation of another criminal law or regulation, to require notice and a post-seizure hearing for such seizures, and for other purposes.

H.R. 5625. An act to provide for reimbursement for the use of modern travel services by Federal employees traveling on official Government business, and for other purposes.

H.R. 5719. An act to amend the Internal Revenue Code of 1986 to modify the tax treatment of certain equity grants.

H.R. 5798. An act to designate the facility of the United States Postal Service located

at 1101 Davis Street in Evanston, Illinois, as the "Abner J. Mikva Post Office Building".

H.R. 5931. An act to provide for the prohibition on cash payments to the Government of Iran, and for other purposes.

H.R. 5946. An act to amend the Internal Revenue Code of 1986 to exclude from gross income any prizes or awards won in competition in the Olympic Games or the Paralympic Games.

H.R. 5963. An act to reauthorize and improve the Juvenile Justice and Delinquency Prevention Act of 1974, and for other purposes.

H.R. 6004. An act to modernize Government information technology, and for other purposes.

#### MEASURES REFERRED

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

H.R. 2285. An act to improve enforcement against trafficking in cultural property and prevent stolen or illicit cultural property from financing terrorist and criminal networks, and for other purposes; to the Committee on Finance.

H.R. 5037. An act to authorize the establishment of a program of voluntary separation incentive payments for nonjudicial employees of the District of Columbia courts and employees of the District of Columbia Public Defender Service; to the Committee on Homeland Security and Governmental Affairs.

H.R. 5320. An act to restrict the inclusion of social security account numbers on documents sent by mail by the Social Security Administration, and for other purposes; to the Committee on Finance.

H.R. 5625. An act to provide for reimbursement for the use of modern travel services by Federal employees traveling on official Government business, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

H.R. 5798. An act to designate the facility of the United States Postal Service located at 1101 Davis Street in Evanston, Illinois, as the "Abner J. Mikva Post Office Building"; to the Committee on Homeland Security and Governmental Affairs.

H.R. 5931. An act to provide for the prohibition on cash payments to the Government of Iran, and for other purposes; to the Committee on Foreign Relations.

H.R. 6004. An act to modernize Government information technology, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

#### REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. COCHRAN, from the Committee on Appropriations:

Special Report entitled "Further Revised Allocation to Subcommittees of Budget Totals For Fiscal Years 2016 and 2017" (Rept. No. 114-358).

By Mr. THUNE, from the Committee on Commerce, Science, and Transportation, without amendment:

H.R. 4742. A bill to authorize the National Science Foundation to support entrepreneurial programs for women.

H.R. 4755. A bill to inspire women to enter the aerospace field, including science, technology, engineering, and mathematics, through mentorship and outreach.

#### 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. LEAHY:

S. 3393. A bill to prevent terrorists and criminals from obtaining explosives and firearms; to the Committee on the Judiciary.

By Mr. WYDEN (for himself, Mr. MARKEY, and Mrs. MCCASKILL):

S. 3394. A bill to amend the Energy Reorganization Act of 1974 to modify provisions relating to protection of the employees of the Department of Energy and the Nuclear Regulatory Commission; to the Committee on Energy and Natural Resources.

#### SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

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

By Mr. BLUMENTHAL (for himself and Mr. GRAHAM):

S. Res. 573. A resolution designating October 8, 2016, as "National Hydrogen and Fuel Cell Day"; considered and agreed to.

By Mr. MENENDEZ (for himself, Mr. REID, Mr. CORNYN, Mr. BENNET, Mr. BOOKER, Mrs. BOXER, Mr. CARPER, Mr. COONS, Mr. DURBIN, Mr. HELLER, Ms. HIRONO, Mr. MERKLEY, Mrs. MURRAY, Mr. NELSON, Mr. PETERS, Ms. STABENOW, Mr. WARNER, Mr. UDALL, Mr. KAINE, Mr. BROWN, Mr. RUBIO, Mr. HEINRICH, Ms. KLOBUCHAR, and Mr. FRANKEN):

S. Res. 574. A resolution recognizing Hispanic Heritage Month and celebrating the heritage and culture of Latinos in the United States and the immense contributions of Latinos and Latinas to the United States; considered and agreed to.

By Mr. ENZI (for himself, Mr. CARDIN, Mr. ALEXANDER, Mr. WYDEN, and Ms. COLLINS):

S. Res. 575. A resolution supporting the goals and ideals of National Retirement Security Week, including raising public awareness of the various tax-preferred retirement vehicles, increasing personal financial literacy, and engaging the people of the United States on the keys to success in achieving and maintaining retirement security throughout their lifetimes; considered and agreed to.

By Mr. CASSIDY (for himself, Ms. MIKULSKI, Mr. MURPHY, and Ms. WARREN):

S. Res. 576. A resolution calling on Congress, schools, and State and local educational agencies to recognize the significant educational implications of dyslexia that must be addressed and designating October 2016 as "National Dyslexia Awareness Month"; considered and agreed to.

By Ms. MURKOWSKI (for herself and Mr. SULLIVAN):

S. Res. 577. A resolution commemorating the 50th anniversary of the Alaska Federation of Natives; considered and agreed to.

By Mrs. BOXER (for herself, Ms. COLLINS, Mr. DURBIN, Ms. MURKOWSKI, Mr. FRANKEN, Ms. MIKULSKI, and Mr. WHITEHOUSE):

S. Res. 578. A resolution supporting Lights On Afterschool, a national celebration of afterschool programs held on October 20, 2016; to the Committee on Health, Education, Labor, and Pensions.

By Mr. BLUMENTHAL (for himself and Mr. MURPHY):

S. Res. 579. A resolution recognizing the 40th Anniversary of the first class of women admitted to the Coast Guard Academy; to the Committee on Commerce, Science, and Transportation.

#### ADDITIONAL COSPONSORS

S. 275

At the request of Mr. ISAKSON, the name of the Senator from Louisiana (Mr. CASSIDY) was added as a cosponsor of S. 275, a bill to amend title XVIII of the Social Security Act to provide for the coverage of home as a site of care for infusion therapy under the Medicare program.

S. 743

At the request of Mr. BOOZMAN, the name of the Senator from Wisconsin (Ms. BALDWIN) was added as a cosponsor of S. 743, a bill to amend title 38, United States Code, to recognize the service in the reserve components of the Armed Forces of certain persons by honoring them with status as veterans under law, and for other purposes.

S. 746

At the request of Mr. WHITEHOUSE, the name of the Senator from Montana (Mr. TESTER) was added as a cosponsor of S. 746, a bill to provide for the establishment of a Commission to Accelerate the End of Breast Cancer.

S. 827

At the request of Ms. KLOBUCHAR, the name of the Senator from South Dakota (Mr. THUNE) was added as a cosponsor of S. 827, a bill to amend the Communications Act of 1934 to ensure the integrity of voice communications and to prevent unjust or unreasonable discrimination among areas of the United States in the delivery of such communications.

S. 924

At the request of Mr. HELLER, the name of the Senator from New Hampshire (Mrs. SHAHEEN) was added as a cosponsor of S. 924, a bill to require the National Credit Union Administration to hold public hearings and receive comments from the public on its budget, and for other purposes.

S. 1127

At the request of Mr. REED, the name of the Senator from Oregon (Mr. MERKLEY) was added as a cosponsor of S. 1127, a bill to amend the Internal Revenue Code of 1986 to expand the denial of deduction for certain excessive employee remuneration, and for other purposes.

S. 1327

At the request of Ms. KLOBUCHAR, the names of the Senator from Texas (Mr. CORNYN) and the Senator from Rhode Island (Mr. WHITEHOUSE) were added as cosponsors of S. 1327, a bill to amend the Controlled Substances Act relating to controlled substance analogues.

S. 1440

At the request of Mr. WYDEN, the name of the Senator from Massachusetts (Mr. MARKEY) was added as a cosponsor of S. 1440, a bill to amend the Federal Credit Union Act to exclude a

loan secured by a non-owner occupied 1- to 4-family dwelling from the definition of a member business loan, and for other purposes.

S. 1605

At the request of Mr. CARDIN, the name of the Senator from Rhode Island (Mr. WHITEHOUSE) was withdrawn as a cosponsor of S. 1605, a bill to amend the Millennium Challenge Act of 2003 to authorize concurrent compacts for purposes of regional economic integration and cross-border collaborations, and for other purposes.

At the request of Mr. CARDIN, the name of the Senator from Connecticut (Mr. MURPHY) was added as a cosponsor of S. 1605, *supra*.

S. 2126

At the request of Ms. CANTWELL, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of S. 2126, a bill to reauthorize the women's business center program of the Small Business Administration, and for other purposes.

S. 2208

At the request of Mrs. MURRAY, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 2208, a bill to promote the economic security and safety of survivors of domestic violence, dating violence, sexual assault, or stalking, and for other purposes.

S. 2216

At the request of Ms. COLLINS, the name of the Senator from Pennsylvania (Mr. TOOMEY) was added as a cosponsor of S. 2216, a bill to provide immunity from suit for certain individuals who disclose potential examples of financial exploitation of senior citizens, and for other purposes.

S. 2373

At the request of Ms. CANTWELL, the name of the Senator from Montana (Mr. TESTER) 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. 2553

At the request of Ms. KLOBUCHAR, the name of the Senator from South Dakota (Mr. THUNE) was added as a cosponsor of S. 2553, a bill to amend the Communications Act of 1934 to require multi-line telephone systems to have a default configuration that permits users to directly initiate a call to 9-1-1 without dialing any additional digit, code, prefix, or post-fix, and for other purposes.

S. 2595

At the request of Mr. CRAPO, the name of the Senator from Vermont (Mr. LEAHY) was added as a cosponsor of S. 2595, a bill to amend the Internal Revenue Code of 1986 to permanently extend the railroad track maintenance credit.

S. 2702

At the request of Mr. BURR, the name of the Senator from Connecticut (Mr.

BLUMENTHAL) was added as a cosponsor of S. 2702, a bill to amend the Internal Revenue Code of 1986 to allow individuals with disabilities to save additional amounts in their ABLE accounts above the current annual maximum contribution if they work and earn income.

S. 2703

At the request of Mr. BURR, the name of the Senator from Connecticut (Mr. BLUMENTHAL) was added as a cosponsor of S. 2703, a bill to amend the Internal Revenue Code of 1986 to allow rollovers between 529 programs and ABLE accounts.

S. 2704

At the request of Mr. BURR, the name of the Senator from Connecticut (Mr. BLUMENTHAL) was added as a cosponsor of S. 2704, a bill to amend the Internal Revenue Code of 1986 to increase the age requirement with respect to eligibility for qualified ABLE programs.

S. 2869

At the request of Mr. BURR, the name of the Senator from Connecticut (Mr. BLUMENTHAL) was added as a cosponsor of S. 2869, a bill to amend the Internal Revenue Code of 1986 to improve college savings under section 529 programs, and for other purposes.

S. 2912

At the request of Mr. JOHNSON, the name of the Senator from Nebraska (Mr. SASSE) was added as a cosponsor of S. 2912, a bill to authorize the use of unapproved medical products by patients diagnosed with a terminal illness in accordance with State law, and for other purposes.

S. 2957

At the request of Mr. NELSON, the names of the Senator from Arkansas (Mr. BOOZMAN), the Senator from Alaska (Ms. MURKOWSKI) and the Senator from Texas (Mr. CORNYN) were added as cosponsors of S. 2957, a bill to require the Secretary of the Treasury to mint commemorative coins in recognition of the 50th anniversary of the first manned landing on the Moon.

S. 3065

At the request of Mr. HATCH, the name of the Senator from Illinois (Mr. KIRK) was added as a cosponsor of S. 3065, a bill to amend parts B and E of title IV of the Social Security Act to invest in funding prevention and family services to help keep children safe and supported at home, to ensure that children in foster care are placed in the least restrictive, most family-like, and appropriate settings, and for other purposes.

At the request of Mr. WYDEN, the names of the Senator from Ohio (Mr. BROWN) and the Senator from Connecticut (Mr. BLUMENTHAL) were added as cosponsors of S. 3065, *supra*.

S. 3081

At the request of Mr. CASSIDY, the name of the Senator from Alaska (Mr. SULLIVAN) was added as a cosponsor of S. 3081, a bill to amend title 38, United States Code, to provide certain employees of Members of Congress with

access to case-tracking information of the Department of Veterans Affairs.

S. 3198

At the request of Mr. HATCH, the name of the Senator from Washington (Mrs. MURRAY) was added as a cosponsor of S. 3198, a bill to amend title 38, United States Code, to improve the provision of adult day health care services for veterans.

S. 3279

At the request of Mr. BLUNT, the name of the Senator from North Carolina (Mr. BURR) was added as a cosponsor of S. 3279, a bill to realign structures and reallocate resources in the Federal Government in keeping with the core belief that families are the best protection for children and the bedrock of any society to bolster United States diplomacy targeted at ensuring that every child can grow up in a permanent, safe, nurturing, and loving family, and to ensure that intercountry adoption to the United States becomes a viable and fully developed option for providing families for children in need, and for other purposes.

S. 3369

At the request of Mr. MCCAIN, the names of the Senator from Florida (Mr. RUBIO) and the Senator from North Carolina (Mr. TILLIS) were added as cosponsors of S. 3369, a bill to amend section 2709 of title 18, United States Code, to clarify that the Government may obtain a specified set of electronic communication transactional records under that section, and to make permanent the authority for individual terrorists to be treated as agents of foreign powers under the Foreign Intelligence Surveillance Act of 1978.

S. 3371

At the request of Mr. WYDEN, the name of the Senator from Maryland (Mr. CARDIN) was added as a cosponsor of S. 3371, a bill to amend titles II, XVIII, and XIX of the Social Security Act to improve the affordability and enrollment procedures of the Medicare program, and for other purposes.

S. RES. 527

At the request of Mr. UDALL, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. Res. 527, a resolution recognizing the 75th anniversary of the opening of the National Gallery of Art.

S. RES. 535

At the request of Mr. MARKEY, the name of the Senator from Pennsylvania (Mr. TOOMEY) was added as a cosponsor of S. Res. 535, a resolution expressing the sense of the Senate regarding the trafficking of illicit fentanyl into the United States from Mexico and China.

S. RES. 570

At the request of Mr. MURPHY, the names of the Senator from New Hampshire (Ms. AYOTTE) and the Senator from Colorado (Mr. BENNET) were added as cosponsors of S. Res. 570, a resolution recognizing the importance of substance abuse disorder treatment and recovery in the United States.

## SUBMITTED RESOLUTIONS

### SENATE RESOLUTION 573—DESIGNATING OCTOBER 8, 2016, AS “NATIONAL HYDROGEN AND FUEL CELL DAY”

Mr. BLUMENTHAL (for himself and Mr. GRAHAM) submitted the following resolution; which was considered and agreed to:

S. RES. 573

Whereas hydrogen, which has an atomic mass of 1.008, is the most abundant chemical substance in the universe;

Whereas the United States is a world leader in the development and deployment of fuel cell and hydrogen technologies;

Whereas hydrogen fuel cells played an instrumental role in the United States space program, helping the United States achieve the mission of landing a man on the moon;

Whereas private industry, Federal and State governments, national laboratories, and institutions of higher education continue to improve fuel cell and hydrogen technologies to address the most pressing energy, environmental, and economic issues of the United States;

Whereas fuel cells utilizing hydrogen and hydrogen-rich fuels to generate electricity are clean, efficient, and resilient technologies being sold for stationary and backup power, zero-emission light duty motor vehicles and buses, industrial vehicles, and portable power;

Whereas stationary fuel cells are being placed in service for continuous and backup power to provide business and energy consumers with reliable power in the event of grid outages;

Whereas stationary fuel cells can help reduce water use, as compared to traditional power generation technologies;

Whereas fuel cell electric light duty motor vehicles and buses that utilize hydrogen can completely replicate the experience of internal combustion vehicles, including comparable range and refueling times;

Whereas hydrogen fuel cell industrial vehicles are being deployed at logistical hubs and warehouses across the United States and exported to facilities in Europe and Asia;

Whereas hydrogen is a nontoxic gas that can be derived from a variety of domestically available traditional and renewable resources, including solar, wind, biogas, and the abundant supply of natural gas in the United States;

Whereas hydrogen and fuel cells can store energy to help enhance the grid and maximize opportunities to deploy renewable energy;

Whereas the United States produces and uses more than 11,000,000 metric tons of hydrogen per year; and

Whereas engineers and safety code and standard professionals have developed consensus-based protocols for safe delivery, handling, and use of hydrogen: Now, therefore, be it

*Resolved*, That the Senate designates October 8, 2016, as “National Hydrogen and Fuel Cell Day”.

### SENATE RESOLUTION 574—RECOGNIZING HISPANIC HERITAGE MONTH AND CELEBRATING THE HERITAGE AND CULTURE OF LATINOS IN THE UNITED STATES AND THE IMMENSE CONTRIBUTIONS OF LATINOS AND LATINAS TO THE UNITED STATES

Mr. MENENDEZ (for himself, Mr. REID, Mr. CORNYN, Mr. BENNET, Mr. BOOKER, Mrs. BOXER, Mr. CARPER, Mr. COONS, Mr. DURBIN, Mr. HELLER, Ms. HIRONO, Mr. MERKLEY, Mrs. MURRAY, Mr. NELSON, Mr. PETERS, Ms. STABENOW, Mr. WARNER, Mr. UDALL, Mr. KAINE, Mr. BROWN, Mr. RUBIO, Mr. HEINRICH, Ms. KLOBUCHAR, and Mr. FRANKEN) submitted the following resolution; which was considered and agreed to:

S. RES. 574

Whereas the United States will celebrate Hispanic Heritage Month from September 15, 2016, through October 15, 2016;

Whereas the United States Census Bureau estimates the Hispanic population in the United States at more than 56,500,000 people, making Hispanic Americans 17.6 percent of the population of the United States and the largest racial or ethnic minority group in the United States;

Whereas, in 2015, there were 1,000,000 or more Latino residents in Puerto Rico and each of the following 9 States: Arizona, California, Colorado, Florida, Illinois, New Jersey, New York, New Mexico, and Texas;

Whereas Latinos grew the United States population by more than 1,215,000 people between July 1, 2014, and July 1, 2015, accounting for nearly 1/2 of all population growth during that period;

Whereas the Latino population in the United States is projected to grow to 119,000,000 people by 2060, at which point the Latino population will comprise more than 28.6 percent of the total population of the United States;

Whereas the Latino population in the United States is currently the third largest worldwide, exceeding the size of the population in every Latin American and Caribbean country except Mexico and Brazil;

Whereas, in 2015, there were 15,062,452 Latino households in the United States and more than 18,000,000 Latino children younger than 18 years of age, representing approximately 1/3 of the total Latino population in the United States;

Whereas more than 1 in 4 public school students in the United States is Latino and the share of Latino students is expected to rise to nearly 30 percent in the next decade;

Whereas 19 percent of all college students between 18 and 24 years of age are Latino, making Latinos the largest racial or ethnic minority group on college campuses in the United States, including both 2-year community colleges and 4-year colleges and universities;

Whereas a record 11,200,000 Latinos voted in the 2012 Presidential election, representing a record 8.4 percent of the electorate in the United States;

Whereas an estimated 27,300,000 Latinos will be eligible to vote in the 2016 Presidential election and the number of eligible Latino voters is expected to rise to 40,000,000 by 2030, accounting for 40 percent of the growth in the eligible electorate in the United States over the next 15 years;

Whereas more than 2,000 Latino citizens in the United States reach 18 years of age and become eligible to vote every day and an estimated 1,000,000 Latino citizens in the

United States will turn 18 and become eligible to vote every year by 2024;

Whereas, in 2015, the annual purchasing power of Hispanic Americans was an estimated \$1,500,000,000,000, which is larger than the economy of all but 15 countries in the world;

Whereas there are more than 4,700,000 Hispanic-owned firms in the United States, supporting millions of employees nationwide and contributing more than \$600,000,000,000 in revenue to the economy of the United States;

Whereas Hispanic-owned businesses represent the fastest-growing segment of small businesses in the United States, with Latino owned businesses growing at more than 15 times the national rate;

Whereas, as of August 2016, almost 27,000,000 Latino workers represented 16.9 percent of the total civilian labor force in the United States;

Whereas the share of the Latino labor force participation is expected to grow to 28 percent by 2024, with the Latino population accounting for more than 40 percent of the increase in employment in the United States over the next 5 years;

Whereas Latinos have the highest labor force participation rate of any racial or ethnic group at 66.1 percent, compared to 62.7 percent overall;

Whereas, in 2015, there were 267,920 Latino elementary and middle school teachers, 83,435 Latino chief executives of businesses, 63,800 Latino lawyers, 64,448 Latino physicians and surgeons, and 11,194 Latino psychologists contributing to the United States through their professions;

Whereas Hispanic Americans serve in all branches of the Armed Forces and have bravely fought in every war in the history of the United States;

Whereas, as of July 31, 2015, more than 164,000 Hispanic active duty service members had served with distinction in the Armed Forces;

Whereas, as of July 31, 2016, approximately 284,000 Latinos have served in post-September 11, 2001, overseas contingency operations, including more than 9,870 Latinos currently serving in operations in Iraq and Afghanistan;

Whereas, as of September 2016, not fewer than 680 fatalities in Iraq and Afghanistan were members of the Armed Forces who were Hispanic;

Whereas an estimated 200,000 Hispanics were mobilized for World War I and about 500,000 Hispanics served during World War II;

Whereas more than 80,000 Hispanics served in the Vietnam War, representing 5.5 percent of individuals who made the ultimate sacrifice for the United States in the conflict, even though Hispanics comprised only 4.5 percent of the population of the United States at the time;

Whereas approximately 148,000 Hispanic members of the Armed Forces served in the Korean War, including Puerto Rico's 65th Infantry Regiment known as the "Borinqueneers", the only active duty segregated Latino military unit in the history of the United States;

Whereas, as of September 2015, there are an estimated 1,500,000 living Hispanic veterans of the Armed Forces;

Whereas 61 Hispanic Americans have received the Congressional Medal of Honor, the highest award for valor in action against an enemy force that can be bestowed on an individual serving in the Armed Forces;

Whereas Hispanic Americans are dedicated public servants, holding posts at the highest levels of the Federal Government, including 1 seat on the Supreme Court of the United States, 3 seats in the Senate, 34 seats in the

House of Representatives, and 4 seats in the Cabinet; and

Whereas Hispanic Americans harbor a deep commitment to family and community, an enduring work ethic, and a perseverance to succeed and contribute to society: Now, therefore, be it

*Resolved*, That the Senate—

(1) recognizes the celebration of Hispanic Heritage Month from September 15, 2016, through October 15, 2016;

(2) esteems the integral role of Latinos and the manifold heritage of Latinos in the economy, culture, and identity of the United States; and

(3) urges the people of the United States to observe Hispanic Heritage Month with appropriate programs and activities that celebrate the contributions of Latinos to life in the United States.

**SENATE RESOLUTION 575—SUPPORTING THE GOALS AND IDEALS OF NATIONAL RETIREMENT SECURITY WEEK, INCLUDING RAISING PUBLIC AWARENESS OF THE VARIOUS TAX-PREFERRED RETIREMENT VEHICLES, INCREASING PERSONAL FINANCIAL LITERACY, AND ENGAGING THE PEOPLE OF THE UNITED STATES ON THE KEYS TO SUCCESS IN ACHIEVING AND MAINTAINING RETIREMENT SECURITY THROUGHOUT THEIR LIFETIMES**

Mr. ENZI (for himself, Mr. CARDIN, Mr. ALEXANDER, Mr. WYDEN, and Ms. COLLINS) submitted the following resolution; which was considered and agreed to:

**S. RES. 575**

Whereas people in the United States are living longer and the cost of retirement is increasing significantly;

Whereas Social Security remains the bedrock of retirement income for the great majority of the people of the United States but was never intended by Congress to be the sole source of retirement income for families;

Whereas recent data from the Employee Benefit Research Institute indicates that, in the United States—

(1) only approximately ⅓ of workers or the spouses of those workers are saving for retirement; and

(2) the amount that workers have saved for retirement is much less than the amount those workers need to adequately fund their retirement years;

Whereas the financial literacy of workers in the United States is important so that those workers understand the need to save for retirement;

Whereas saving for retirement is a key component of overall financial health and security during retirement years and the importance of financial literacy in planning for retirement must be advocated;

Whereas many workers may not—

(1) be aware of the various options in saving for retirement; or

(2) have focused on the importance of, and need for, saving for retirement and successfully achieving retirement security;

Whereas, although many employees have access through their employers to defined benefit and defined contribution plans to assist the employees in preparing for retirement, many of those employees may not be taking advantage of those plans at all or to the full extent allowed by Federal law;

Whereas saving for retirement is necessary even during economic downturns or market

declines, which makes continued contributions all the more important;

Whereas all workers, including public and private sector employees, employees of tax-exempt organizations, and self-employed individuals, can benefit from developing personal budgets and financial plans that include retirement savings strategies that take advantage of tax-preferred retirement savings vehicles;

Whereas effectively and sustainably withdrawing retirement resources throughout the retirement years of an individual is as important and crucial as saving and accumulating funds for retirement; and

Whereas the week of October 16 through October 22, 2016, has been designated as "National Retirement Security Week": Now, therefore, be it

*Resolved*, That the Senate—

(1) supports the goals and ideals of National Retirement Security Week, including raising public awareness of the importance of saving adequately for retirement;

(2) acknowledges the need to raise public awareness of a variety of tax-preferred retirement vehicles that are used by many people in the United States but could be used by more; and

(3) calls on States, localities, schools, universities, nonprofit organizations, businesses, other entities, and the people of the United States to observe National Retirement Security Week with appropriate programs and activities, with the goal of increasing the retirement savings and personal financial literacy of all people in the United States, thereby enhancing the retirement security of the people of the United States.

**SENATE RESOLUTION 576—CALLING ON CONGRESS, SCHOOLS, AND STATE AND LOCAL EDUCATIONAL AGENCIES TO RECOGNIZE THE SIGNIFICANT EDUCATIONAL IMPLICATIONS OF DYSLEXIA THAT MUST BE ADDRESSED AND DESIGNATING OCTOBER 2016 AS "NATIONAL DYSLEXIA AWARENESS MONTH"**

Mr. CASSIDY (for himself, Ms. MIKULSKI, Mr. MURPHY, and Ms. WARREN) submitted the following resolution; which was considered and agreed to:

**S. RES. 576**

Whereas dyslexia is—

(1) defined as an unexpected difficulty in reading for an individual who has the intelligence to be a much better reader; and

(2) most commonly due to a difficulty in phonological processing (the appreciation of the individual sounds of spoken language), which affects the ability of an individual to speak, read, spell, and often, learn a second language;

Whereas dyslexia is the most common learning disability and affects 80 percent to 90 percent of all individuals with a learning disability;

Whereas dyslexia is highly prevalent, affecting as many as 1 out of 5 individuals, and persistent;

Whereas dyslexia is a paradox such that an individual with dyslexia may have—

(1) weaknesses in decoding that results in difficulties in accurate or fluent word recognition; and

(2) strengths in higher-level cognitive functions, such as reasoning, critical thinking, concept formation, or problem solving;

Whereas great progress has been made in understanding dyslexia on a scientific level, including the epidemiology and cognitive and neurobiological bases of dyslexia; and

Whereas early diagnosis of dyslexia is critical for ensuring that individuals with dyslexia receive focused, evidence-based intervention that leads to the promotion of self-awareness and self-empowerment and the provision of necessary accommodations so as to ensure school and life success: Now, therefore, be it

*Resolved*, That the Senate—

(1) calls on Congress, schools, and State and local educational agencies to recognize that dyslexia has significant educational implications that must be addressed; and

(2) designates October 2016 as “National Dyslexia Awareness Month”.

# SENATE RESOLUTION 577—COMMEMORATING THE 50TH ANNIVERSARY OF THE ALASKA FEDERATION OF NATIVES

Ms. MURKOWSKI (for herself and Mr. SULLIVAN) submitted the following resolution; which was considered and agreed to:

S. RES. 577

Whereas the Alaska Federation of Natives was established as the Alaska Federation of Native Associations at a historic 3-day meeting that began on October 18, 1966, which was the 99th anniversary of the transfer of Alaska from Russia to the United States;

Whereas the establishment of the Alaska Federation of Natives as a statewide voice for the Alaska Native community was necessary—

(1) to achieve a united stand relating to the settlement of Alaska Native land claims; and

(2) to establish the Alaska Native community as a significant political force in the State of Alaska;

Whereas that 3-day initial meeting of the Alaska Federation of Natives, which was largely funded by Chief Albert Kaloo, Jr., of the Native Village of Tyonek, was—

(1) chaired by Emil Notti, a 34-year-old Athabascan Indian from Ruby, Alaska, who served as president of the Cook Inlet Native Association; and

(2) attended by approximately 250 individuals representing 17 Native Associations;

Whereas the attendees of that first meeting of the Alaska Federation of Natives unanimously adopted the recommendations of a land claims committee chaired by Willie Hensley, including 3 fundamental recommendations that—

(1) a land freeze be imposed on the transfer of all Federal land until Alaska Native land claims were resolved;

(2) Congress enact legislation to enable settlement of the Alaska Native land claims; and

(3) the Federal Government engage in substantial consultation with Alaska Natives, including holding congressional hearings in the State of Alaska, before any action was taken on Alaska Native land claims settlement legislation;

Whereas in early 1967, a second meeting of the Alaska Federation of Natives was held at which—

(1) the name of the organization was changed to the Alaska Federation of Natives;

(2) Flore Lekanof, an Aleut from St. George, Alaska, was elected chairman; and

(3) Emil Notti was elected president;

Whereas the Alaska Federation of Natives diligently pursued legislation for the settlement of Alaska Native land claims, assisted by eminent legal experts, including former Associate Justice of the Supreme Court of the United States Arthur J. Goldberg and former Attorney General Ramsey Clark;

Whereas in 1970, the Yakima Nation provided critical financial support, in the form

of a substantial loan to the Alaska Federation of Natives, to the effort to settle Alaska Native land claims;

Whereas on December 18, 1971, with the enactment of the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.), the Alaska Federation of Natives achieved victory in its goal of settling Alaska Native land claims;

Whereas the Alaska Federation of Natives led a successful effort to enact the Alaska Native Claims Settlement Act Amendments of 1987 (43 U.S.C. 1601 note; Public Law 100-241) (commonly known as the “1991 Amendments”), which amended the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.);

Whereas for 50 years, the Alaska Federation of Natives has effectively represented the interests of the Alaska Native community on a broad range of significant issues, including Alaska Native self-governance, subsistence, economic development, human development, public safety, and the interests of Alaska Native elders and Alaska Native youth;

Whereas the Alaska Federation of Natives continues to be the principal forum and voice of Alaska Natives in dealing with critical issues of public policy and government;

Whereas the Alaska Federation of Natives will conduct its 50th anniversary convention from October 20 through 22, 2016, at the Carlson Center in Fairbanks, Alaska;

Whereas the Alaska Federation of Natives convention is the largest representative annual gathering of Native peoples in the United States and the largest convention in the State of Alaska; and

Whereas the theme of the Alaska Federation of Natives 2016 convention is “50 Years: Reflect, Refresh, Renew”, which—

(1) reflects on the challenges, innovations, and successes of the Alaska Native community over the past 50 years;

(2) refreshes collective accomplishments, achievements, and aspirations; and

(3) renews the commitment and dedication of the Alaska Federation of Natives to enriching the future of Native peoples: Now, therefore, be it

*Resolved*, That the Senate—

(1) recognizes the Alaska Federation of Natives on its 50th anniversary;

(2) commends the past and present officers, board members, delegates, and staff of the Alaska Federation of Natives for 50 years of dedication to the advancement of the Native peoples of the State of Alaska; and

(3) congratulates the Alaska Federation of Natives on 50 years of enhancing and promoting the cultural, economic, and political voice of the entire Alaska Native community.

# SENATE RESOLUTION 578—SUPPORTING LIGHTS ON AFTERSCHOOL, A NATIONAL CELEBRATION OF AFTERSCHOOL PROGRAMS HELD ON OCTOBER 20, 2016

Mrs. BOXER (for herself, Ms. COLLINS, Mr. DURBIN, Ms. MURKOWSKI, Mr. FRANKEN, Ms. MIKULSKI, and Mr. WHITEHOUSE) submitted the following resolution; which was referred to the Committee on Health, Education, Labor, and Pensions:

S. RES. 578

Whereas more than 28,000,000 children in the United States have parents who work outside the home;

Whereas high-quality programs that expand learning opportunities for children, such as afterschool, before-school, summer,

and expanded learning opportunities, provide safe, challenging, engaging, and fun learning experiences, including experiences that encourage science, technology, engineering, and math, that help children and youth develop social, emotional, physical, cultural, and academic skills;

Whereas high-quality afterschool programs and high-quality expanded learning opportunities provide students with hands-on, engaging lessons that are aligned with the school day;

Whereas high-quality afterschool programs complement regular and expanded school days, and support working families by ensuring that the children of those families are safe and productive during the hours parents are working;

Whereas high-quality afterschool programs engage families, schools, and diverse community partners in advancing the well-being of children and youth in the United States;

Whereas high-quality afterschool programs that partner with high-quality community-based organizations build stronger communities by integrating the school with the larger community;

Whereas Lights On Afterschool, a national celebration of afterschool, before-school, summer, and expanded learning opportunities programs, held on October 20, 2016, highlights the critical importance of those high-quality programs to children, their families, and their communities; and

Whereas nearly 2 in 5 afterschool programs report that their budgets are in worse condition in 2016 than at the height of the recession in 2008, and more than 3 in 5 afterschool programs report that their level of funding is lower than it was in 2013, making it difficult for afterschool programs across the United States to keep their doors open and their lights on: Now, therefore, be it

*Resolved*, That the Senate supports Lights On Afterschool, a national celebration of afterschool programs held on October 20, 2016.

# SENATE RESOLUTION 579—RECOGNIZING THE 40TH ANNIVERSARY OF THE FIRST CLASS OF WOMEN ADMITTED TO THE COAST GUARD ACADEMY

Mr. BLUMENTHAL (for himself and Mr. MURPHY) submitted the following resolution; which was referred to the Committee on Commerce, Science, and Transportation:

S. RES. 579

Whereas, on August 11, 1975, the Department of Transportation announced Coast Guard Commandant Admiral Siler's decision to admit women to the Coast Guard Academy, making it the first military service academy open to women;

Whereas, on October 7, 1975, President Ford signed the Department of Defense Appropriation Authorization Act, 1976 (Public Law 94-106; 89 Stat. 531) which authorized the admission of women into the remaining three military service academies, two months after the Coast Guard Academy's decision to do so;

Whereas, on February 3, 1976, the Coast Guard Academy was the first military service academy to issue appointments to women;

Whereas, on June 28, 1976, 38 women joined the Class of 1980 as freshmen and reported to the Coast Guard Academy for Swab Summer training;

Whereas, in 1980, the first fourteen women were honored at the Coast Guard Academy's 99th graduation;



Whereas, since the Coast Guard Academy's Class of 1980, more than 1,500 women have graduated from the Coast Guard Academy;

Whereas, in June 2016, the Coast Guard Academy's Class of 2020 hit a record of 38 percent female enrollment, an enrollment rate higher than any other military service academy;

Whereas the Coast Guard has been at the forefront of expanding opportunities for women and setting a precedent for the advancement of women in the Armed Forces; and

Whereas women serving in the Coast Guard have played vital roles in maritime law enforcement, search and rescue missions, and environmental protection initiatives and women continue to carry out an array of civil and military responsibilities that ensure the maritime security of the United States: Now, therefore, be it

*Resolved*, That the Senate—

(1) honors the Coast Guard Academy on the 40th Anniversary of the Academy enrolling female cadets and recognizes the Coast Guard Academy as the first military service academy to admit female cadets;

(2) recognizes the contribution women have made through their leadership, honor, and devotion to duty as members of the Coast Guard; and

(3) commends the Coast Guard Academy for breaking barriers and creating equal opportunities for women in the Armed Forces.

#### AMENDMENTS SUBMITTED AND PROPOSED

SA 5092. Mr. PAUL submitted an amendment intended to be proposed to amendment SA 5082 proposed by Mr. McCONNELL (for Mr. COCHRAN) to the bill H.R. 5325, making appropriations for the Legislative Branch for the fiscal year ending September 30, 2017, and for other purposes; which was ordered to lie on the table.

SA 5093. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 5082 proposed by Mr. McCONNELL (for Mr. COCHRAN) to the bill H.R. 5325, supra; which was ordered to lie on the table.

SA 5094. Mr. REID submitted an amendment intended to be proposed by him to the bill H.R. 5325, supra; which was ordered to lie on the table.

SA 5095. Mr. REID submitted an amendment intended to be proposed by him to the bill H.R. 5325, supra; which was ordered to lie on the table.

SA 5096. Mr. REID submitted an amendment intended to be proposed by him to the bill H.R. 5325, supra; which was ordered to lie on the table.

SA 5097. Mr. REID submitted an amendment intended to be proposed by him to the bill H.R. 5325, supra; which was ordered to lie on the table.

SA 5098. Mr. REID submitted an amendment intended to be proposed by him to the bill H.R. 5325, supra; which was ordered to lie on the table.

SA 5099. Mr. REID submitted an amendment intended to be proposed by him to the bill H.R. 5325, supra; which was ordered to lie on the table.

SA 5100. Mr. REID submitted an amendment intended to be proposed by him to the bill H.R. 5325, supra; which was ordered to lie on the table.

SA 5101. Mr. REID submitted an amendment intended to be proposed by him to the bill H.R. 5325, supra; which was ordered to lie on the table.

SA 5102. Mr. REID submitted an amendment intended to be proposed by him to the bill H.R. 5325, supra; which was ordered to lie on the table.

#### TEXT OF AMENDMENTS

SA 5092. Mr. PAUL submitted an amendment intended to be proposed to amendment SA 5082 proposed by Mr. McCONNELL (for Mr. COCHRAN) to the bill H.R. 5325, making appropriations for the Legislative Branch for the fiscal year ending September 30, 2017, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**SEC. \_\_\_\_ SENSE OF CONGRESS ON NEED FOR EXPLICIT AUTHORITY TO CONDUCT MILITARY OPERATIONS AGAINST ISIS.**

(a) **FINDING.**—Congress finds that neither the 2001 Authorization for Use of Military Force (Public Law 107-40; 50 U.S.C. 1541 note) or the Authorization for Use of Military Force Against Iraq Resolution of 2002 (Public Law 107-243; 50 U.S.C. 1541 note) authorize the use of military force against the Islamic State in Iraq and al-Sham (ISIS).

(b) **SENSE OF CONGRESS.**—It is the sense of Congress that the President, unless acting out of self-defense or to address an imminent threat to the United States, is not authorized to conduct military operations against ISIS without explicit authorization for the use of such force, and Congress should debate and pass such an authorization.

SA 5093. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 5082 proposed by Mr. McCONNELL (for Mr. COCHRAN) to the bill H.R. 5325, making appropriations for the Legislative Branch for the fiscal year ending September 30, 2017, and for other purposes; which was ordered to lie on the table; as follows:

At the end of division C, add the following:

**SEC. \_\_\_\_** None of the funds made available by this Act shall be used to implement any restriction on motorized boating at Havasu National Wildlife Refuge, Arizona, that is not covered by the memorandum of understanding entitled "To Facilitate Collaborative Regional Administration of Lake Havasu" (Bureau of Land Management agreement numbered BLM MOU AZ-2014-13).

SA 5094. Mr. REID submitted an amendment intended to be proposed by him to the bill H.R. 5325, making appropriations for the Legislative Branch for the fiscal year ending September 30, 2017, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

The provisions in this Act shall go into effect 9 days after enactment.

SA 5095. Mr. REID submitted an amendment intended to be proposed by him to the bill H.R. 5325, making appropriations for the Legislative Branch for the fiscal year ending September 30, 2017, and for other purposes; which was ordered to lie on the table; as follows:

On page 1, line 1, strike "7" and insert "8".

SA 5096. Mr. REID submitted an amendment intended to be proposed by him to the bill H.R. 5325, making appropriations for the Legislative Branch for the fiscal year ending September 30, 2017, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

The provisions in this Act shall go into effect 7 days after enactment.

SA 5097. Mr. REID submitted an amendment intended to be proposed by him to the bill H.R. 5325, making appropriations for the Legislative Branch for the fiscal year ending September 30, 2017, and for other purposes; which was ordered to lie on the table; as follows:

On page 1, line 1, strike "5" and insert "6".

SA 5098. Mr. REID submitted an amendment intended to be proposed by him to the bill H.R. 5325, making appropriations for the Legislative Branch for the fiscal year ending September 30, 2017, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

The provisions in this Act shall go into effect 5 days after enactment.

SA 5099. Mr. REID submitted an amendment intended to be proposed by him to the bill H.R. 5325, making appropriations for the Legislative Branch for the fiscal year ending September 30, 2017, and for other purposes; which was ordered to lie on the table; as follows:

On page 1, line 1, strike "3" and insert "4".

SA 5100. Mr. REID submitted an amendment intended to be proposed by him to the bill H.R. 5325, making appropriations for the Legislative Branch for the fiscal year ending September 30, 2017, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

The provisions in this Act shall go into effect 3 days after enactment.

SA 5101. Mr. REID submitted an amendment intended to be proposed by him to the bill H.R. 5325, making appropriations for the Legislative Branch for the fiscal year ending September 30, 2017, and for other purposes; which was ordered to lie on the table; as follows:

On page 1, line 1, strike "1 day" and insert "2 days".

SA 5102. Mr. REID submitted an amendment intended to be proposed by him to the bill H.R. 5325, making appropriations for the Legislative Branch for the fiscal year ending September 30, 2017, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

The provisions in this Act shall go into effect 1 day after enactment.

#### COORDINATED OCEAN MONITORING AND RESEARCH ACT

Mr. McCONNELL. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 636, S. 1886.

The PRESIDING OFFICER. The clerk will report the bill by title.

The senior assistant legislative clerk read as follows:

A bill (S. 1886) to reauthorize the Integrated Coastal and Ocean Observation System Act of 2009 and for other purposes.

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Commerce, Science, and Transportation, with an amendment to strike



all after the enacting clause and insert in lieu thereof the following:

#### SECTION 1. SHORT TITLE.

This Act may be cited as the “Coordinated Ocean Monitoring and Research Act”.

#### SEC. 2. PURPOSES.

Section 12302 of the Integrated Coastal and Ocean Observation System Act of 2009 (33 U.S.C. 3601) is amended to read as follows:

##### “SEC. 12302. PURPOSES.

“The purposes of this subtitle are—

“(1) to establish and sustain a national integrated System of ocean, coastal, and Great Lakes observing systems, comprised of Federal and non-Federal components coordinated at the national level by the Council and at the regional level by a network of Regional Coastal Observing Systems, and that includes in situ, remote, and other coastal and ocean observation and modeling capabilities, technologies, data management systems, communication systems, and product development systems, and is designed to address regional and national needs for ocean and coastal information, to gather specific data on key coastal, ocean, and Great Lakes variables, and to ensure timely and sustained dissemination and availability of these data—

“(A) to the public;

“(B) to support national defense, search and rescue operations, marine commerce, navigation safety, weather, climate, and marine forecasting, energy siting and production, economic development, ecosystem-based marine, coastal, and Great Lakes resource management, public safety, and public outreach and education;

“(C) to promote greater public awareness and stewardship of the Nation’s ocean, coastal, and Great Lakes resources and the general public welfare;

“(D) to provide easy access to ocean, coastal, and Great Lakes data and promote data sharing between Federal and non-Federal sources and promote public data sharing;

“(E) to enable advances in scientific understanding to support the sustainable use, conservation, management, and understanding of healthy ocean, coastal, and Great Lakes resources; and

“(F) to monitor and model changes in ocean chemistry;

“(2) to improve the Nation’s capability to measure, track, observe, understand, and predict events related directly and indirectly to weather and climate change, natural climate variability, and interactions between the oceanic and atmospheric environments, including the Great Lakes; and

“(3) to authorize activities—

“(A) to promote basic and applied research to develop, test, and deploy innovations and improvements in coastal and ocean observation technologies, including advanced observing technologies needed to address critical data gaps, modeling systems, other scientific and technological capabilities to improve the understanding of weather and climate, ocean-atmosphere dynamics, global climate change, and the physical, chemical, and biological dynamics of the ocean, coastal and Great Lakes environments; and

“(B) to conserve healthy and restore degraded coastal ecosystems.”.

#### SEC. 3. DEFINITIONS.

Section 12303 of the Integrated Coastal and Ocean Observation System Act of 2009 (33 U.S.C. 3602) is amended—

(1) in paragraph (5), by striking “States, regional organizations, universities, nongovernmental organizations, or the private sector.” and inserting “the regional coastal observing systems, the National Oceanic and Atmospheric Administration, or the Interagency Ocean Observation Committee.”;

(2) by amending paragraph (6) to read as follows:

“(6) REGIONAL COASTAL OBSERVING SYSTEM.—The term ‘regional coastal observing system’ means an organizational body that is certified or established by contract or memorandum by the lead Federal agency designated in section 12304(c)(3) and coordinates State, Federal, local, tribal, and private interests at a regional level with the responsibility of engaging the private and public sectors in designing, operating, and improving regional coastal and ocean observing systems in order to ensure the provision of data and information that meet the needs of user groups from the respective regions.”; and

(3) in paragraph (7), by striking “National Oceanic and Atmospheric Administration.” and inserting “Administrator.”.

#### SEC. 4. INTEGRATED COASTAL AND OCEAN OBSERVATION SYSTEM.

##### (a) SYSTEM ELEMENTS.—

(1) IN GENERAL.—Section 12304(b) of the Integrated Coastal and Ocean Observation System Act of 2009 (33 U.S.C. 3603(b)) is amended by striking paragraph (1) and inserting the following:

“(1) IN GENERAL.—In order to fulfill the purposes of this subtitle, the System shall be national in scope and consist of—

“(A) Federal assets to fulfill national and international observation missions and priorities;

“(B) non-Federal assets, including a network of regional coastal observing systems identified under subsection (c)(4), to fulfill regional and national observation missions and priorities;

“(C) data management, communication, and modeling systems for the timely integration and dissemination of data and information products from the System;

“(D) a product development system to transform observations into products in a format that may be readily used and understood; and

“(E) a research and development program conducted under the guidance of the Council, consisting of—

“(i) basic and applied research and technology development—

“(I) to improve understanding of coastal and ocean systems and their relationships to human activities; and

“(II) to ensure improvement of operational assets and products, including related infrastructure, observing technologies, and information and data processing and management technologies;

“(ii) an advanced observing technology development program to fill gaps in technology;

“(iii) large scale computing resources and research to advance modeling of coastal and ocean processes;

“(iv) models to improve regional weather forecasting capabilities and regional weather forecasting products; and

“(v) reviews of data collection procedures across regions and programs to make recommendations for data collection standards across the System to meet national ocean observation, applied research, and weather forecasting needs.”.

(2) AVAILABILITY OF DATA.—Paragraph (3) of section 12304(b) of the Integrated Coastal and Ocean Observation System Act of 2009 (33 U.S.C. 3603(b)) is amended by striking the period at the end and inserting “for research and for use in the development of products to address societal needs.”.

(3) COORDINATION OF NON-FEDERAL ASSETS.—Paragraph (4) of section 12304(b) of the Integrated Coastal and Ocean Observation System Act of 2009 (33 U.S.C. 3603(b)) is amended—

(A) in the paragraph heading, by striking “NON-FEDERAL” and inserting “COORDINATION OF NON-FEDERAL”; and

(B) by inserting “, the regional coastal observing system,” after “Interagency Ocean Observation Committee”.

(b) POLICY OVERSIGHT, ADMINISTRATION, AND REGIONAL COORDINATION.—Section 12304(c) of the Integrated Coastal and Ocean Observation

System Act of 2009 (33 U.S.C. 3603(c)) is amended by striking paragraphs (2), (3), and (4), and inserting the following:

“(2) INTERAGENCY OCEAN OBSERVATION COMMITTEE.—

“(A) ESTABLISHMENT.—The Council shall establish or designate a committee which shall be known as the Interagency Ocean Observation Committee.

“(B) DUTIES.—The Interagency Ocean Observation Committee shall—

“(i) prepare annual and long-term plans for consideration and approval by the Council for the integrated design, operation, maintenance, enhancement, and expansion of the System to meet the objectives of this chapter and the System Plan;

“(ii) develop and transmit to Congress, along with the budget submitted by the President to Congress pursuant to section 1105(a) of title 31, United States Code, an annual coordinated, comprehensive budget—

“(I) to operate all elements of the System identified in subsection (b); and

“(II) to ensure continuity of data streams from Federal and non-Federal assets;

“(iii) establish requirements for observation data variables to be gathered by both Federal and non-Federal assets and identify, in consultation with regional information coordination entities, priorities for System observations;

“(iv) establish and define protocols and standards for System data processing, management, collection, configuration standards, formats, and communication for new and existing assets throughout the Integrated Ocean Observing System network;

“(v) develop contract requirements for each Regional Coastal Observing System—

“(I) to establish eligibility for integration into the System;

“(II) to ensure compliance with all applicable standards and protocols established by the Council; and

“(III) to ensure that regional observations are integrated into the System on a sustained basis;

“(vi) identify gaps in observation coverage or needs for capital improvements of both Federal assets and non-Federal assets;

“(vii) subject to the availability of appropriations, establish through 1 or more participating Federal agencies, in consultation with the System advisory committee established under subsection (d), a competitive matching grant or other programs—

“(I) to promote intramural and extramural research and development of new, innovative, and emerging observation technologies including testing and field trials; and

“(II) to facilitate the migration of new, innovative, and emerging scientific and technological advances from research and development to operational deployment;

“(viii) periodically—

“(I) review the System Plan; and

“(II) submit to the Council such recommendations as the Interagency Ocean Observation Committee may have for improvements to the System Plan;

“(ix) ensure collaboration among Federal agencies participating in the activities of the Interagency Ocean Observation Committee; and

“(x) perform such additional duties as the Council may delegate.

“(3) LEAD FEDERAL AGENCY.—

“(A) IN GENERAL.—The National Oceanic and Atmospheric Administration shall function as the lead Federal agency for the implementation and administration of the System.

“(B) CONSULTATION REQUIRED.—In carrying out this paragraph, the Administrator shall consult with the Council, the Interagency Ocean Observation Committee, other Federal agencies that maintain portions of the System, and the Regional Coastal Observing Systems.

“(C) REQUIREMENTS.—In carrying out this paragraph, the Administrator shall—

“(i) establish and operate an Integrated Ocean Observing System Program Office within

the National Oceanic and Atmospheric Administration—

“(I) that utilizes, to the extent necessary, personnel from member agencies participating on the Interagency Ocean Observation Committee; and

“(II) oversees daily operations and coordination of the System;

“(ii) implement policies, protocols, and standards approved by the Council and delegated by the Interagency Ocean Observation Committee;

“(iii) promulgate program guidelines—

“(I) to certify and integrate regional associations into the System; and

“(II) to provide regional coastal and ocean observation data that meet the needs of user groups from the respective regions;

“(iv) have the authority to enter into and oversee contracts, leases, grants, or cooperative agreements with non-Federal assets, including regional information coordination entities, to support the purposes of this chapter on such terms as the Administrator deems appropriate;

“(v) implement and maintain a merit-based, competitive funding process to support non-Federal assets, including the development and maintenance of a network of Regional Coastal Observing Systems, and develop and implement a process for the periodic review and evaluation of the regional associations;

“(vi) provide opportunities for competitive contracts and grants for demonstration projects to design, develop, integrate, deploy, maintain, and support components of the System;

“(vii) establish and maintain efficient and effective administrative procedures for the timely allocation of funds among contractors, grantees, and non-Federal assets, including regional associations;

“(viii) develop and implement a process for the periodic review and evaluation of the Regional Coastal Observing Systems;

“(ix) formulate an annual process by which gaps in observation coverage or needs for capital improvements of Federal assets and non-Federal assets of the System are—

“(I) identified by the regional associations described in the System Plan, the Administrator, or other members of the System; and

“(II) submitted to the Interagency Ocean Observing Committee;

“(x) develop and be responsible for a data management and communication system, in accordance with standards and protocols established by the Interagency Ocean Observing Committee, by which all data collected by the System regarding ocean and coastal waters of the United States including the Great Lakes, are processed, stored, integrated, and made available to all end-user communities;

“(xi) not less frequently than once each year, submit to the Interagency Ocean Observing Committee a report on the accomplishments, operational needs, and performance of the System to contribute to the annual and long-term plans prepared pursuant to paragraph (2)(B)(i);

“(xii) develop and periodically update a plan to efficiently integrate into the System new, innovative, or emerging technologies that have been demonstrated to be useful to the System and which will fulfill the purposes of this chapter and the System Plan; and

“(xiii) work with users and Regional Associations to develop products to enable real-time data sharing for decision makers, including with respect to weather forecasting and modeling, search and rescue operations, corrosive seawater forecasts, water quality monitoring and communication, and harmful algal bloom forecasting.

“(4) REGIONAL COASTAL OBSERVING SYSTEMS.—

“(A) IN GENERAL.—A Regional Coastal Observing System operated by a Regional Association described in the System Plan may not be certified or established under this subtitle unless it—

“(i) has been or shall be certified or established by contract or agreement by the Administrator;

“(ii) meets—

“(I) the certification standards and compliance procedure guidelines issued by the Administrator; and

“(II) the information needs of user groups in the region while adhering to national standards;

“(iii) demonstrates an organizational structure, that under funding limitations is capable of—

“(I) gathering required System observation data;

“(II) supporting and integrating all aspects of coastal and ocean observing and information programs within a region; and

“(III) reflecting the needs of State, local, and tribal governments, commercial interests, and other users and beneficiaries of the System and other requirements specified under this subtitle and the System Plan;

“(iv) identifies—

“(I) gaps in observation coverage needs for capital improvements of Federal assets and non-Federal assets of the System; and

“(II) other recommendations to assist in the development of the annual and long-term plans prepared pursuant to paragraph (2)(B)(i) and transmits such information to the Interagency Ocean Observation Committee via the Program Office established under paragraph (3)(C)(i);

“(v) develops and operates under a strategic operational plan that will ensure the efficient and effective administration of programs and assets to support daily data observations for integration into the System, pursuant to the standards approved by the Council;

“(vi) works cooperatively with governmental and nongovernmental entities at all levels to identify and provide information products of the System for multiple users within the service area of the regional coastal observing system; and

“(vii) complies with all financial oversight requirements established by the Administrator, including requirements relating to audits.

“(B) PARTICIPATION.—For the purposes of this title, employees of Federal agencies are permitted to be members of the governing body for the Regional Coastal Observing Systems and may participate in the functions of the regional information coordination entities.”

(c) SYSTEM ADVISORY COMMITTEE.—Section 12304(d) of the Integrated Coastal and Ocean Observation System Act of 2009 (33 U.S.C. 3603(d)) is amended—

(1) in paragraph (1), by striking “or the Interagency Ocean Observing Observation Committee.” and inserting “or the Council under this subtitle”; and

(2) in paragraph (2)—

(A) in subparagraph (A), by inserting “, data sharing,” after “data management”; and

(B) in subparagraph (C), by striking “and” at the end; and

(C) by striking subparagraph (D) and inserting the following:

“(D) additional priorities, including—

“(i) a national surface current mapping network designed to improve fine scale sea surface mapping using high frequency radar technology and other emerging technologies to address national priorities, including Coast Guard search and rescue operation planning and harmful algal bloom forecasting and detection that—

“(I) is comprised of existing high frequency radar and other sea surface current mapping infrastructure operated by regional associations;

“(II) incorporates new high frequency radar assets or other fine scale sea surface mapping technology assets, and other assets needed to fill gaps in coverage on United States coastlines; and

“(III) follows a deployment plan that prioritizes closing gaps in high frequency radar infrastructure in the United States, starting with areas demonstrating significant sea surface current data needs, especially in areas where additional data will improve Coast Guard search and rescue models;

“(ii) fleet acquisition for autonomous underwater and surface vehicles for deployment and data integration to fulfill the purposes of the Act;

“(iii) an integrative survey program for application of manned and unmanned vehicles to the real-time or near real-time collection and transmission of seafloor, water column, and sea surface data on biology, chemistry, geology, physics, and hydrography;

“(iv) remote sensing and data assimilation to develop new analytical methodologies to assimilate data from the Integrated Ocean Observing System into hydrodynamic models;

“(v) integrated, multistate monitoring to assess sources, movement and fate of sediments in coastal regions;

“(vi) a multiregion marine sound monitoring system to be—

“(I) planned in consultation with the International Ocean Observing Committee, the National Oceanic and Atmospheric Administration, the Department of the Navy, and academic research institutions; and

“(II) developed, installed, and operated in coordination with the National Oceanic and Atmospheric Administration, the Department of the Navy, and academic research institutions; and

“(E) any other purpose identified by the Administrator or the Council.”;

(D) in paragraph (3)(B), by inserting “The Administrator has the ability to stagger the terms of the System advisory committee members.” before “Members”; and

(E) in paragraph (4)—

(i) in subparagraph (A), by striking “and the Interagency Ocean Observing Committee”; and

(ii) in subparagraph (C), by striking “Observing” and inserting “Observation”.

(d) CIVIL LIABILITY.—Section 12304(e) of the Integrated Coastal and Ocean Observation System Act of 2009 (33 U.S.C. 3603(e)) is amended—

(1) by striking “information coordination entity” and inserting “coastal observing system”; and

(2) by striking “non-Federal asset or regional information coordination entity,” and inserting “Regional Coastal Observing System.”

## SEC. 5. INTERAGENCY FINANCING AND AGREEMENTS.

Section 12305(a) of the Integrated Coastal and Ocean Observation System Act of 2009 (33 U.S.C. 3604(a)) is amended to read as follows:

“(a) IN GENERAL.—To carry out interagency activities under this subtitle, the Secretary of Commerce may execute an agreement, on a reimbursable or nonreimbursable basis, with any State or subdivision thereof, any Federal agency, or any public or private organization, or individual to carry out interagency activities under this subtitle.”

## SEC. 6. REPORTS TO CONGRESS.

Section 12307 of the Integrated Coastal and Ocean Observation System Act of 2009 (33 U.S.C. 3606) is amended to read as follows:

### “SEC. 12307. REPORT TO CONGRESS.

“(a) REQUIREMENT.—Not later than 2 years after March 30, 2009, and every 3 years thereafter, the Administrator shall prepare and the President acting through the Council shall approve and transmit to the Congress a report on progress made in implementing this subtitle.

“(b) CONTENTS.—Each report required by subsection (a) shall include—

“(1) a description of activities carried out under this subtitle and the System Plan;

“(2) an evaluation of the effectiveness of the System, including an evaluation of progress made by the Council to achieve the goals identified under the System Plan;

“(3) identification of Federal and non-Federal assets as determined by the Council that have been integrated into the System, including assets essential to the gathering of required observation data variables necessary to meet the respective missions of Council agencies;

“(4) a review of procurements, planned or initiated, by each Council agency to enhance, expand, or modernize the observation capabilities and data products provided by the System, including data management and communication subsystems;

“(5) a summary of the existing gaps in observation infrastructure and monitoring data collection, including—

“(A) priorities considered by the System advisory committee;

“(B) the national sea surface current mapping network;

“(C) coastal buoys, and;

“(D) ocean chemistry monitoring;

“(6) an assessment regarding activities to integrate Federal and non-Federal assets, nationally and on the regional level, and discussion of the performance and effectiveness of regional information coordination entities to coordinate regional observation operations;

“(7) a description of benefits of the program to users of data products resulting from the System (including the general public, industries, scientists, resource managers, emergency responders, policy makers, and educators);

“(8) recommendations concerning—

“(A) modifications to the System; and

“(B) funding levels for the System in subsequent fiscal years; and

“(9) the results of a periodic external independent programmatic audit of the System.”.

#### SEC. 7. PUBLIC-PRIVATE USE POLICY.

Section 12308 of the Integrated Coastal and Ocean Observation System Act of 2009 (33 U.S.C. 3607) is amended to read as follows:

##### “SEC. 12308. PUBLIC-PRIVATE USE POLICY.

“The Council shall maintain a policy that defines processes for making decisions about the roles of the Federal Government, the States, regional information coordination entities, the academic community, and the private sector in providing to end-user communities environmental information, products, technologies, and services related to the System. The Administrator shall ensure that National Oceanic and Atmospheric Administration adheres to the decision making process developed by the Council regarding the roles of the Federal Government, the States, the Regional Coastal Observing Systems, the academic communities, and the private sector in providing the end-user communities environmental information, data products, technologies, and services related to the System.”.

#### SEC. 8. REPEAL OF INDEPENDENT COST ESTIMATE.

(a) IN GENERAL.—The Integrated Coastal and Ocean Observation System Act of 2009 is amended by striking section 12309 (33 U.S.C. 3608).

(b) TABLE OF CONTENTS AMENDMENT.—The table of contents in section 1(b) of the Omnibus Public Land Management Act of 2009 (Public Law 111–11; 123 Stat. 991) is amended by striking the item related to section 12309.

#### SEC. 9. AUTHORIZATION OF APPROPRIATIONS.

Section 12311 of the Integrated Coastal and Ocean Observation System Act of 2009 (33 U.S.C. 3610) is amended by striking “2013” and inserting “2019”.

#### SEC. 10. REPORTS AND RESEARCH PLANS.

Section 12404(c) of the Federal Ocean Acidification Research And Monitoring Act of 2009 (33 U.S.C. 3703(c)) is amended by adding at the end the following:

“(4) ECONOMIC VULNERABILITY REPORT.—

“(A) IN GENERAL.—Not later than 2 years after the date of the enactment of the Coordinated Ocean Monitoring and Research Act, and every 5 years thereafter, the Subcommittee shall transmit to appropriate committees of Congress a report that—

“(i) is named ‘The Ocean Chemistry Coastal Community Vulnerability Assessment’;

“(ii) identifies gaps in ocean acidification monitoring by public, academic, and private assets in the network of regional coastal observing systems;

“(iii) identifies geographic areas which have gaps in ocean acidification research;

“(iv) identifies United States coastal communities, including fishing communities, low-population rural communities, tribal and subsistence communities, and island communities, that may be impacted by ocean acidification;

“(v) identifies impacts of changing ocean carbonate chemistry on the communities described in clause (iv), including impacts from changes in ocean and coastal marine resources that are not managed by the Federal Government;

“(vi) identifies gaps in understanding of the impacts of ocean acidification on economically or commercially important species, particularly those which support United States commercial, recreational, and tribal fisheries and aquaculture;

“(vii) identifies habitats that may be particularly vulnerable to corrosive sea water, including areas experiencing multiple stressors such as hypoxia, sedimentation, and harmful algal blooms;

“(viii) identifies areas in which existing Integrated Ocean Observing System assets, including buoys and gliders, may be leveraged as platforms for the deployment of new sensors or other applicable observing technologies; and

“(ix) is written in collaboration with the agencies responsible for carrying out this Act.

“(B) FORM OF REPORT.—

“(i) INITIAL REPORT.—The initial report required by subparagraph (A) shall include the information described in clauses (i) through (ix) on a national level.

“(ii) SUBSEQUENT REPORTS.—Each report required by subparagraph (A) after the initial report—

“(I) may describe the information described in clauses (i) through (ix) on a national level; or

“(II) may consist of separate reports for each region of the National Oceanic and Atmospheric Administration.

“(iii) REGIONAL REPORTS.—If the Subcommittee opts to prepare a report required by subparagraph (A) as separate regional reports under clause (ii)(II), the Subcommittee shall submit a report for each region of the National Oceanic and Atmospheric Administration not less often than once during each 5-year reporting period.

“(C) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this paragraph and in paragraph (5), the term ‘appropriate committees of Congress’ means the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Science, Space, and Technology and the Committee on Natural Resources of the House of Representatives.

“(5) MONITORING PRIORITIZATION PLAN.—Not later than 180 days after the date of the submission of the initial report required by paragraph (4)(A), the Subcommittee shall transmit to the appropriate committees of Congress a report that develops a plan to deploy new sensors or other applicable observing technologies—

“(A) based on such initial report;

“(B) prioritized by—

“(i) the threat to coastal economies and ecosystems;

“(ii) gaps in data; and

“(iii) research needs; and

“(C) that leverage existing platforms, where possible.”.

#### SEC. 11. STRATEGIC RESEARCH PLAN.

(a) CONTENTS.—Section 12405(b) of the Federal Ocean Acidification Research And Monitoring Act of 2009 (33 U.S.C. 3704(b)) is amended—

(1) in paragraph (8), by striking “and” at the end;

(2) in paragraph (9), by striking the period at the end and inserting a semicolon and “and”; and

(3) by adding at the end the following:

“(10) make recommendations for research to be conducted, including in the social sciences and economics, to address the key knowledge

gaps identified in the economic vulnerability report conducted under section 12404(c).”.

(b) PROGRAM ELEMENTS.—Section 12405(c) of the Federal Ocean Acidification Research And Monitoring Act of 2009 (33 U.S.C. 3704(c)) is amended by adding at the end the following:

“(6) Research to understand combined effects of changes in ocean chemistry, sediment delivery, hypoxia, and harmful algal blooms and the impact these processes have on each other, and how these multiple stressors impact living marine resources and coastal ecosystems.

“(7) Applied research to identify adaptation strategies for species impacted by changes in ocean chemistry including vegetation-based systems, shell recycling, species and genetic diversity, applied technologies, aquaculture methodologies, and management recommendations.”.

#### SEC. 12. STAKEHOLDER INPUT ON MONITORING.

Section 12406(a) of the Federal Ocean Acidification Research And Monitoring Act of 2009 (33 U.S.C. 3705(a)) is amended—

(1) in paragraph (2), by striking “and” at the end;

(2) in paragraph (3), by striking the period at the end and inserting a semicolon and “and”; and

(3) by adding at the end the following:

“(4) includes an ongoing mechanism that allows potentially affected industry members, coastal stakeholders, fishery management councils and commissions, non-Federal resource managers, and scientific experts to provide input on monitoring needs that are necessary to support on the ground management, decision making, and adaptation related to ocean acidification.”.

#### SEC. 13. RESEARCH ACTIVITIES.

Section 12407(a) of the Federal Ocean Acidification Research And Monitoring Act of 2009 (33 U.S.C. 3706(a)) is amended to read as follows:

“(a) RESEARCH ACTIVITIES.—The Director of the National Science Foundation shall continue to carry out research activities on ocean acidification which shall support competitive, merit-based, peer-reviewed proposals for research, observatories and monitoring of ocean acidification and its impacts, including—

“(1) impacts on marine organisms and marine ecosystems;

“(2) impacts on ocean, coastal, and estuarine biogeochemistry;

“(3) the development of methodologies and technologies to evaluate ocean acidification and its impacts, and;

“(4) impacts of multiple stressors on ecosystems exhibiting hypoxia, harmful algal blooms, or sediment delivery, combined with changes in ocean chemistry.”.

Mr. McCONNELL. I ask unanimous consent that the committee-reported substitute amendment be agreed to, the bill, as amended, be considered read a third time and passed, and the motion to reconsider be considered made and laid upon the table.

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

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

The bill (S. 1886), as amended, was ordered to be engrossed for a third reading, was read the third time, and passed.

#### NATIONAL HYDROGEN AND FUEL CELL DAY

Mr. McCONNELL. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 573, submitted earlier today.

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

The senior assistant legislative clerk read as follows:

A resolution (S. Res. 573) designating October 8, 2016, as "National Hydrogen and Fuel Cell Day."

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

Mr. McCONNELL. I know of no further debate on this measure.

The PRESIDING OFFICER. Is there any further debate?

Hearing none, the question is on agreeing to the resolution.

The resolution (S. Res. 573) was agreed to.

Mr. McCONNELL. I ask unanimous consent that the preamble be agreed to and the motions to reconsider be considered made and laid upon the table.

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

The preamble was agreed to.

(The resolution, with its preamble, is printed in today's RECORD under "Submitted Resolutions.")

#### RESOLUTIONS SUBMITTED TODAY

Mr. McCONNELL. Mr. President, I ask unanimous consent that the Sen-

ate proceed to the en bloc consideration of the following Senate resolutions, which were submitted earlier today: S. Res. 574, S. Res. 575, S. Res. 576, and S. Res. 577.

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

Mr. McCONNELL. I ask unanimous consent that the resolutions be agreed to, the preambles be agreed to, and the motions to reconsider be laid upon the table en bloc.

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

The resolutions were agreed to.

The preambles were agreed to.

(The resolutions, with their preambles, are printed in today's RECORD under "Submitted Resolutions.")

#### APPOINTMENT

The PRESIDING OFFICER. The Chair, on behalf of the Democratic leader, pursuant to Public Law 99-661, appoints the following individual to be a member of the Board of Trustees of the Barry Goldwater Scholarship and Excellence in Education Foundation: the Honorable JACK REED of Rhode Island.

#### ORDERS FOR TUESDAY, SEPTEMBER 27, 2016

Mr. McCONNELL. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 10 a.m., Tuesday, September 27; that following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, and the time for the two leaders be reserved for their use later in the day; further, that following leader remarks, the Senate resume consideration of H.R. 5325; finally, that the Senate recess from 12:30 p.m. to 2:15 p.m. to allow for the weekly conference meetings.

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

#### ADJOURNMENT UNTIL 10 A.M. TOMORROW

Mr. McCONNELL. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that it stand adjourned under the previous order.

There being no objection, the Senate, at 5:27 p.m., adjourned until Tuesday, September 27, 2016, at 10 a.m.