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## Senate

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

### PRAYER

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

Let us pray.

Eternal God, protector of nations in a turbulent world when we know not what a day will bring forward, we look to You, our help in ages past and our hope for the years to come.

Today, we ask that You would use our lawmakers as agents of reconciliation and justice. May their labors hasten the day when justice will roll down like waters and righteousness like a mighty stream.

We thank You, O God, that even during seasons of challenge and unrest, we have the calm assurance of Your presence. Even in the valley of the shadows, we find comfort because You are with us.

Lord, forgive us for the many times we have failed to humble ourselves and pray and seek Your face and turn from evil so that You will hear our prayers, forgive our sins, and heal our land. We praise You that the best is yet to come for this great land, and we anticipate Your providence enabling us to be blessed beyond anything we can ask or imagine.

We pray in Your wonderful Name. Amen.

### PLEDGE OF ALLEGIANCE

The President pro tempore led the Pledge of Allegiance, as follows:

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

The PRESIDING OFFICER (Mr. HELLER). The Senator from Pennsylvania.

### UNANIMOUS CONSENT REQUEST— S. 1831

Mr. TOOMEY. Mr. President, I rise this morning to speak on S. 1831, the Preventing Animal Cruelty and Torture Act, also known as the PACT Act. This is a bipartisan bill.

I thank my colleague Senator BLUMENTHAL for coauthoring this and the 33 cosponsors I have.

This is a commonsense bill. This is the first Federal law that would protect all animals from torture, maiming, and abuse. The PACT Act allows Federal law enforcement to intervene when this kind of abuse occurs where the Federal Government has jurisdiction, on Federal property, in U.S. territories, and in relation to interstate commerce.

The act specifically bans the most appalling forms of animal abuse. It is often known as crushing. This is when a deranged individual actually tortures and sometimes sexually assaults household pets for some perverse enjoyment that they get. There are people who are in the business of soliciting animals over the Internet so they can conduct this appalling activity and then sell the images. It is unbelievable, but it happens.

This legislation is not controversial. Stopping this kind of obscene animal abuse is not controversial at all. There are no Republicans objecting to this legislation. The next Democratic leader on the other side is a cosponsor. Senator SCHUMER is a cosponsor of this legislation. There are 27 Democratic cosponsors. Over half of the Democratic caucus are cosponsors of this legislation, and a majority of House Members have cosponsored companion legislation. We worked with all of the relevant committees to make sure all concerns were addressed. It has been endorsed by every major animal welfare organization, including the Humane Society, the American Society for the Prevention of Cruelty to Animals, and the Animal Welfare Insti-

tute. We worked with agricultural and sporting groups. There is no organized opposition to this at all.

This legislation is necessary because there are many hundreds, and perhaps thousands, of cases of this kind of horrific abuse of animals occurring every year. We have seen appalling cases. I will submit for the record examples that are too appalling to discuss. Frankly, it is just that bad, and we need to bring this to an end.

It is also important for me to briefly point out that academic research has found a very strong correlation between people who abuse animals and then subsequently commit violent crimes against human beings. This has been documented by the National Institute of Mental Health. They say that a history of sexually assaulting animals is the single largest risk factor and strongest predictor of increased risk of committing child sexual abuse.

A 2013 Northeastern University study found that half of all school shooters had harmed animals before harming humans. It is very clear that if we can stop people from this appalling abuse of animals, we will also be protecting human beings, and that is why law enforcement agencies endorse my legislation as well. The PACT Act is endorsed by the National Sheriffs' Association, Fraternal Order of Police, Association of Prosecuting Attorneys, and nearly 200 local law enforcement agencies.

As I have said, this is a very simple issue. It is not confusing or complicated, and it is not controversial. Animals are not adequately protected across America. Many of our constituents feel very strongly and passionately about this issue, as well they should. Passage of this legislation will help protect people as well as animals, and Congress should act on this legislation.

Mr. President, I ask unanimous consent that the Committee on the Judiciary be discharged from further consideration of S. 1831 and the Senate proceed to its immediate consideration;

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



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further, that the Toomey 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. Is there objection?

RECOGNITION OF THE MINORITY LEADER

The PRESIDING OFFICER. The Democratic leader is recognized.

Mr. REID. Mr. President, I reserve my right to object.

It is stunning that my friend from Pennsylvania would come to the floor and abandon all the principles we have heard the new Republican majority wants in the Senate. First of all, how about having a hearing? There has not been a hearing on this bill. I would put my support of animals and fighting animal abuse with anyone's. The Humane Society has supported me every time I have run for office. PETA has supported me, as have all of the animal rights groups.

Wouldn't it be a good idea to follow what the Republican leader said about how we are going to proceed in this new Senate? He said that we were going to have hearings, and they would not bring a bill to the floor unless there has been a hearing. Well, that hasn't worked out so well.

We have recently been out of session for 7 weeks. We had a lot of time to do all kinds of things, but we have done nothing. This has been the longest recess since 1956, and with the break that is anticipated by my Republican colleagues, we will break all records going back to—we don't even know when. We haven't been able to determine that. It could go as far back as the Depression or World War I.

All of this sadness about not getting something done on this legislation cries for relief—relief for the American people that we start working again. We have not only had months to deal with legislation like this, but we have had more than 6 months to deal with something that is vitally important to America. It is important everywhere in America. It is important in Nevada, Pennsylvania, Kentucky—everyplace. What is that? How about having a full Supreme Court?

The man who opened the Senate today, ORRIN HATCH, the President pro tempore of the U.S. Senate, said publicly so everyone could hear that Merrick Garland would be a consensus nomination for the President. We satisfied his consensus appetite, and we brought forward, through the President of the United States, Merrick Garland on March 16. We waited and waited. Initially no one would even meet with him—no Republican would meet with him. Finally, a few Republicans trickled into a few meetings, but there was no hearing, and, of course, no vote.

We are happy to consider all kinds of legislation, but to pick and choose what they are going to do, leaving volumes of work undone here in the Senate, is something that leaves me incredulous.

Before we rush ahead on legislation that has had no hearing, I think it would be a good idea that we have a hearing and a vote on Merrick Garland. If Republican Senators want to vote against Merrick Garland, let them do it, but let's go through the process.

I ask through the Chair whether the Senator from Pennsylvania would be willing to modify his unanimous consent request so that following a vote on confirmation of the nomination of a consensus nominee, Merrick Garland, to be a Justice of the U.S. Supreme Court so we would have nine members on the Court—nothing too unusual—the Senate proceed to the immediate consideration of this legislation, S. 1831.

The PRESIDING OFFICER. Will the Senator modify his request?

RECOGNITION OF THE MAJORITY LEADER

The majority leader is recognized.

Mr. MCCONNELL. Mr. President, that was a consent request, was it not? Mr. REID. Yes, it was.

Mr. MCCONNELL. I object.

The PRESIDING OFFICER. Objection is heard.

Mr. REID. I object to the initial request.

The PRESIDING OFFICER. Objection is heard to the original request.

The Senator from Pennsylvania.

Mr. TOOMEY. Mr. President, let me briefly observe what is going on here. I don't think it is any mystery to anyone who has been following what is happening here.

Mr. REID. Mr. President, if I could direct a question to my friend through the Chair.

The PRESIDING OFFICER. Does the Senator from Pennsylvania yield?

Mr. REID. Mr. President, I came to the floor at his convenience. I am busy, and I am sure he is busy. I came to the floor to be a gentleman, and I allowed him to go first. I have a speech to give. I came here, and I agreed to the Republican leader's request. I didn't need to agree. I said I would be willing to do this right now so the Republican leader could give his speech later. I think it is rude, to say the least, for him to give a speech here and prevent me from giving a speech to the Senate. I think that is not being very collegial, and I am disappointed that he would do this. He can go ahead and talk as long as he wants. I will wait.

Mr. TOOMEY. Mr. President, I believe I have the floor.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. TOOMEY. Mr. President, I would observe for the record that we have been waiting for about 2 weeks, looking for the opportunity to do this and work with every Member on the other side, and we accommodated the leader's schedule when he said this was the only time he could do this—this and one other time.

I will close by saying this: Look, we all know what is going on here. The Democratic leader stands up and complains that we have not been produc-

tive and not gotten things done, and then when I propose a unanimous consent request on a bipartisan bill that has a majority of Democratic Senators as cosponsors, has been thoroughly vetted, and is supported by every outside group, he raises a completely unrelated issue and uses that as the basis to block this noncontroversial legislation.

This is exactly what the American people are so frustrated about with this body and some of the leadership in this body when this kind of completely partisan-driven agenda blocks progress even on modest and noncontroversial legislation.

I yield the floor.

The PRESIDING OFFICER. The Democratic leader.

Mr. REID. Mr. President, just so the record is very clear, I have been asked to come to the floor on two or three different occasions to meet his schedule, and I was here; he wasn't. Make sure the record reflects that.

Mr. President, for almost 2 years the Senate has been run by the Republicans. The schedule is set by the Republicans. I don't set the schedule anymore.

To have my friend, the Senator from Pennsylvania, come here and say: Well, this is really important—I have indicated how I feel about animal cruelty. I have spoken out about all kinds of animal cruelty for more than three decades. But I also have some concern, as do the American people, that Senators like my friend from Pennsylvania have helped block a simple hearing and a vote on a man who is a consensus nominee to be a Supreme Court Justice. That is wrong.

I am not a big fan of polling, but you could take a poll in your front room, in a mall, or have one of these professionals come in and claim they know what they are doing. Overwhelmingly, it would show that the American people want a vote on this.

The Supreme Court being short one member has stopped work from being done for the good of this country. Important cases that should have been determined haven't been determined. Now they have to go along with whatever the lower courts say. That is not our system of justice.

So I hope everyone understands that it would be extremely fair and important to have a hearing and a vote on Merrick Garland.

I can't understand the lack of courage of my Republican friends such as the Senator from Pennsylvania. If they don't like Merrick Garland, vote against him, but don't block him. For the longest time in the history of America, a Supreme Court Justice has been stopped—stopped—from even having a hearing. It has never happened before—never in the history of this country.

I will speak on my subject a little later.

I yield the floor.

I ask that the Chair announce the business of the day.

## RESERVATION OF LEADER TIME

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

## MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, the Senate will be in a period of morning business until 11 a.m., with Senators permitted to speak therein for up to 10 minutes each.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

TRIBUTE TO LYNN  
WESTMORELAND

Mr. ISAKSON. Mr. President, we are reaching that time of year when some of our colleagues will retire, some may be retired without wanting to be retired, and we will have new colleagues coming to the Senate and the House next year. I wish to pause for a moment and pay tribute to a great Georgian who will be retiring at the end of December and who has served our State for six terms in the U.S. House of Representatives—Mr. LYNN WESTMORELAND.

LYNN WESTMORELAND is a true entrepreneur, a native Georgian, a dedicated father, an outstanding businessman, and an unquestioned leader in the House of Representatives. As the ranking member of the Intelligence Committee in the House, he has been instrumental since 9/11, seeing to it that we remain safe in this country and that we have the information we need to make decisions we need to make to keep America safe.

I go back with LYNN WESTMORELAND a long time. I was a realtor in Georgia. I was in the brokerage business for 33 years. I dealt with homebuilders all the time, and one of them was LYNN WESTMORELAND.

Early in his career, he founded his own construction company, called L.A.W. Construction. He was an outstanding homebuilder in Fayette County, GA, and in our State. He built that business to be one of the best building and construction businesses in our State, and I am proud of what he accomplished.

He is also a guy who gives back. So LYNN decided to run for public office. He ran for the Georgia House of Representatives in Fayette County and won. He served 12 years in the Georgia House, rising to Republican leader in the Georgia House of Representatives. He was the leader at the time when, for the first time in history, the Georgia Republican Party went from the minority party to the majority party.

Wherever LYNN has been, he has been a leader and a fighter for what is right for our country and a dynamic leader for our State.

LYNN is married to a beautiful lady named Joan. They have three children and six grandchildren. She has been a great supporter of LYNN. They have been side by side since they first met at the age of 15 and began their 47-year marriage a few years later.

LYNN will be retiring, and we will miss him. We want to say thank you to LYNN for all he has done for Georgia when he was in our legislature and for what he has done for America now in the Congress of the United States. He will be sorely missed, but he will be appreciated always as a man of courage, a man of conviction, a man of commitment, and a true son of Georgia who excelled in the United States of America.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

PRESCRIPTION OPIOID AND HEROIN  
EPIDEMIC AWARENESS  
WEEK

Mr. MARKEY. Mr. President, President Obama has issued a proclamation that this week is Prescription Opioid and Heroin Epidemic Awareness Week.

As the President explained, we pause to remember all those we have lost to opioid use disorder. We stand with the courageous individuals in recovery, and we recognize the importance of raising awareness of this epidemic. In recognition of Prescription Opioid and Heroin Epidemic Awareness Week, I am here with my colleagues to convey the urgency of responding to this crisis.

I want to start my remarks with a story I heard yesterday from a wonderful man named Patrick Byrne. I met yesterday with Patrick, as he was awarded the 2016 Education Award and Hero of the Year Award by the National Association of Letter Carriers. Patrick is from Lynn, MA. He lost his son James Byrne to heroin addiction. Here is his story.

James Byrne lived a fairly normal life in many ways. The son of Lynn, MA, Branch 7 president and Army vet Patrick Byrne, James had a good upbringing and strong family ties. He had a master's degree in computer science and made a good living in IT, but throughout his adult life, James had been hooked on heroin, a drug easily found on Lynn's post-industrial streets. James had periods of sobriety, but circumstances always seemed to steal them from him eventually.

James had enjoyed 7 months clean of drugs when an old friend and fellow ad-

dict called him one day in January of 2014 to beg James to find heroin for him. After first refusing, James gave in and bought some for his friend and apparently couldn't resist using it himself instead. The friend called James on the cell phone over and over as James lay dying of an overdose on the floor of his sister's house just down the street from his father's home. That is where Patrick found him.

After making his story public, Patrick heard from many other letter carriers about their own struggles with addiction, depression, or mental illness in their families. Patrick said: "I was shocked at how many people are dealing with similar problems." Inspired by Patrick's experiences and his efforts to educate fellow letter carriers and the broader public about the need to remove the stigma of addiction, the Postal Service Employee Assistance Program launched the Silent No More Initiative. The program is designed to help postal employees or their families break through the stigma and shame to share personal stories.

I thank Patrick for his leadership and service, and I pray for his family and for all the parents who are relying on hope and strength as they look for the support to achieve long-term recovery. None of us can be silent anymore in the face of this epidemic.

In order to get Patrick and all the families who are suffering the help they need when they need it, the Federal Government needs to invest in funding treatment and recovery programs. So far Congress has failed in this task.

In Massachusetts, I am hearing enormous frustration from people who don't feel adequate resources are being brought to bear on this epidemic of prescription drugs and heroin addiction. Countless individuals and families suffering with addiction cannot find a bed for detox. Then, when they are at their most vulnerable moment in recovery, they cannot find a place or provider for long-term treatment.

In May, Senator SHAHEEN from New Hampshire introduced legislation for \$600 million in emergency funding to combat this crisis. Then again in July, I and others argued on the floor for the need to invest \$1.1 billion into opioid treatment and recovery programs, but both times when Senator SHAHEEN made the case and others joined on the floor asking for additional funding, all of that was blocked so we could not in fact provide real funding that cities and States need to fight this epidemic.

We will not save lives and stop the scourge of addiction with just words and promises. We will not save lives with legislation that pays only lip service to providing treatment. So I stand here during Prescription Opioid and Heroin Epidemic Awareness Week to pledge that I will not stop fighting for funding.

In Boston, there is an area of our city called the Methadone Mile. It is approximately 1 square mile. It is the location of methadone clinics, safety net

hospitals, and homeless shelters. It is also the home to those struggling with addiction, those receiving treatment for addiction, and the litany of saints and angels who are providing the desperately needed services for those suffering from mental health and substance abuse disorders. It is a 1-mile, one-stop shop for hope and ground zero in the battle against addiction in Boston.

Here, in Washington, we are at the epicenter of the Money Mile. It is an area where Big Pharma's lobbyists toil with the task of ensuring that even during the storm of prescription drugs, heroin and fentanyl overdose deaths, the deluge for opioid-based painkillers goes unabated. When pitted against the Money Mile, the Methadone Mile doesn't stand a chance. The Money Mile and its army of Big Pharma lobbyists are the reason mandatory prescriber education is not a law. It is the reason partial-fill prescriptions is not a law. It is the reason the Food and Drug Administration and other Federal agencies and State agencies across our country have not done the job over the years and have in fact been complicit in the worsening of this epidemic.

Without real funding for opioid addiction treatment, the Methadone Mile and all the other areas in cities across this country will continue to drown in overdoses and death.

Our cities are fighting a war, and we need to help them. With that, I will yield the floor to the Senator from Minnesota, AMY KLOBUCHAR, who has worked tirelessly to stem the oversupply of prescription opioid drugs in this country.

The PRESIDING OFFICER. The Senator from Minnesota.

Ms. KLOBUCHAR. Thank you very much, and I thank Senator MARKEY for the work he has done and his passionate words as well as his understanding of the crisis this truly is.

I think one of the ways I can explain it in my State is, every day you turn on the news and you hear about car crashes and you hear about when there is a murder. Well, in the heart of my State, deaths from prescription drug abuse now claim the lives of more Minnesotans than homicides or car crashes. It is a crisis on the rise. According to the department of health in our State, drug overdose deaths among Minnesotans increased 11 percent from 2014 to 2015. Last year alone, 336 people in our State died from overdoses. The Twin Cities has been hit hard by this deadly trend. In Hennepin County, data shows that opioid-related deaths have increased 40 percent since 2006. But we know this is not a crisis confined to our urban areas.

I see Senator SHAHEEN from New Hampshire is here. This is something that has hit hard in her State in rural areas, just like in mine.

In one 7,000-person town in Minnesota, 3 young people died in just 6 months. Another three were hospitalized for heroin overdoses. We know, by

the way, that heroin overdose is no longer separate from prescription drugs. In fact, four out of five heroin users got their start on prescription drugs. They got addicted because someone gave them to them, or they got them out of a medicine cabinet or they went to the emergency room and were given 30 pills and got addicted, or maybe they just went to the dentist to get a wisdom tooth fixed.

These are real stories that are happening all over the country. I was in Montevideo, MN—a smaller town—with some doctors. One of them started to cry at this event, telling the story about how a guy had seen him for back pain over and over and over. The next thing he knew, the Secret Service was in his office telling him that this person had gotten completely addicted and was making threats over the Internet on the lives of elected officials and ended up in prison. He had no idea.

At that same forum, I heard the story of a 12-year-old who was courted by a pusher—a 12-year-old. They came up to him and said: Hey, could you go check your parent's medicine cabinet? They gave him a list of drugs and sent him off. They said: If you come back with those bottles of pills, we will give you a can of beer. That is what is happening in smalltown America.

We passed a bill, the Comprehensive Addiction and Recovery Act. I was proud of the bipartisan work. I was one of the four lead sponsors on that bill. It builds on some of the work we have done to set up a framework. Senator CORNYN and I passed one of the first bills in this area, the drug take-back bill, which allows for drug take-backs in a way that we are now starting to see across the Nation. We were already seeing them, of course, in police departments and public facilities, but this makes it easier for drugstores and pharmacies to take back drugs. Walgreens has announced they are going to be doing this on a national basis. It also makes it easier for long-term care facilities.

Those things are beginning, but we can't end there, not when on one recent National Prescription Drug Take Back Day back in April, over 445 tons of unused drugs were collected. That is 1 day in this country, to give a sense of how many are out there. In the CARA bill, we made it easier to do drug take-backs.

We also increased the availability of naloxone, although I will say on a side-line, Senator MARKEY, one problem with this is the price of naloxone has gone up 1,000 percent by the pharmaceutical company that provides it. So that is another issue we are going to have to deal with. That is, of course, for another day. But I will say that naloxone is something we know can save lives.

For me, the heart of this is trying to go after these prescription drugs at the start, to try to stop people from becoming addicted. I will get to the treatment part in a moment, but we

need to stop the addiction in the first place.

Just this month, one Minnesota newspaper told the story of a man in Duluth who got prescriptions for opioid painkillers from 23 dentists and 15 emergency room physicians in just over 2 years.

Back in May, in Moorhead, I heard the story of another man—this was from a rehab counselor. This guy had filled 108 prescriptions for painkillers from more than 85 different prescribers in Minnesota and in neighboring States.

The Presiding Officer is my neighbor in South Dakota. We see people who go to South Dakota, North Dakota, Minnesota, Iowa, and Wisconsin in search of different doctors whom they can basically dupe into giving them prescriptions because they are addicts. That should not be happening. Doctors should not be giving out these prescriptions. That is why I have introduced a new bill that would require doctors and pharmacies to immediately report when they give out these prescriptions and require physicians to check this list. Many States have these programs in place—prescription drug monitoring programs—but they are voluntary. Not everyone does them. Some States, such as Florida, don't even share their data with the rest of the country. I truly believe the doctors and pharmacists on the frontlines—if they check these, we are going to stop people from getting addicted and get them into treatment the way we should.

That leads me to the next piece, which is treatment itself. I have had many people tell me that they are better off committing a felony to get treatment. Why is that? Well, a lot of States, like mine, have good drug courts, and if you can get into the right program in the drug court, you are going to get treatment and followup and you are going to get the help you need. But a lot of insurance policies are not covering it. There is not treatment available. That is why I support Senator MANCHIN, and I am an original cosponsor of the LifeBOAT Act, which basically places a 1-cent fee on each milligram of active opioid ingredient in a prescription pain pill. That is one good way to pay for treatment, as well as, of course, Senator SHAHEEN's strong bill that appropriates emergency funding to address the drug abuse epidemic with treatment.

We have to remember that only 1 in 10 people who suffer from opioid addiction actually receives the treatment they need.

My State is a big believer in treatment. We use treatment a lot for low-level offenses. We use drug courts a lot. It is one of the reasons we have been able to keep our crime rate at a decent level compared to a lot of other States. That does not mean there is not horrific crime, but we have really focused on treatment.

In my own life, my dad is an alcoholic. He is sober now and happily married at age 88. He stopped drinking a

while back, but he would not have done it without treatment. And that was after three DWIs and a lot of difficulty, but he got through it. From seeing that, seeing my dad climb the highest mountain but fall to the lowest valleys, I believe there is redemption and there is hope. But I don't think that treatment should be limited to just the people who have good insurance or can afford it.

We in this country have created this crisis. Let's be clear. Decisions were made at pharmaceutical companies and everywhere across the country to expand the use of opioids, to tell people they can take 30 pills when maybe they need 1 or none or maybe 2 or 3. These are bad decisions. They were made, and people were duped and they got addicted. The least we can do is give them the treatment so they can get off of it, and then make sure their kids don't get addicted as well.

This is a serious epidemic, and it calls for serious action as well as funding.

I say thank you, to Senator MARKEY.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. MARKEY. Mr. President, I thank the Senator from Minnesota.

Many have already heard these statistics: Our Nation is experiencing more deaths from drug overdoses than from gun violence or auto accidents. Nearly 30,000 people in the United States died from an opioid overdose in 2015. Approximately 1,300 of those were in Massachusetts.

Fentanyl, the drug that killed the musician Prince from the State of the Senator from Minnesota, is flowing in from China and Mexico and is laying waste to our communities. It is 50 times more powerful than heroin and 100 times more potent than morphine. Approximately 2.5 million Americans abused or were dependent on opioids in 2012, but fewer than 1 million received treatment for their condition.

If we do not provide the resources and enact the policies required to change the momentum of this epidemic, we are poised to lose future generations to addiction and death. We need the money for treatment.

With that, I would like to yield the floor to my good friend and great Senator from New Hampshire, who has led the fight here on the Senate floor for funding for opioid use disorder treatment and recovery, Mrs. JEANNE SHAHEEN.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mrs. SHAHEEN. Mr. President, I thank my colleague from Massachusetts, who has seen the same tragedy we are seeing in New Hampshire. I am sad to have to come to the floor again today to join my colleagues, Senator MARKEY and Senator KLOBUCHAR, who have spoken so passionately about our need to address the ongoing heroin and opioid crisis.

Like them and many others, I have been coming to the floor for many

months to describe the terrible toll this crisis is taking on communities across the country. I know the Presiding Officer must see it in his home State because it is happening all across America.

It is ironic that we are here during Prescription Opioid and Heroin Epidemic Awareness Week to once again call on this Congress and the Senate to pass emergency funding to address what is the most pervasive, most destructive, and, I believe, most urgent public health crisis that faces this Nation.

I certainly don't want to minimize the gravity of the other health challenges we are facing in America, especially the Zika outbreak, which I believe is absolutely critical, but by any objective measure, these challenges are dwarfed by the destruction and loss of life that is being inflicted every day by the uncontrolled epidemic of heroin and opioid abuse. This epidemic is raging in all 50 States. It is an uncontrolled public health epidemic of staggering dimensions. In 2014, some 47,000 people died from drug overdoses—far more than the number of Americans who died in motor vehicle accidents the same year.

I am sad to say that New Hampshire is at the epicenter of this epidemic because we have the highest percentage of overdose deaths in the Nation. This year, at the rate we are seeing overdose fatalities, we will lose over 500 people in New Hampshire, a State of about 1.3 million. Estimates are that over 100,000 people in New Hampshire have some sort of substance abuse/misuse issue. The statistics don't even begin to describe the heartbreak and the trauma that is experienced by those who have drug misuse issues and their families. Yet, despite this appalling death toll, despite what the statistics tell us, the Senate has failed to provide emergency funding to first responders and to treatment providers on the frontlines of this crisis.

In July, Congress passed the Comprehensive Addiction and Recovery Act, CARA. I applaud Senator KLOBUCHAR and the other sponsors of that legislation. It is a good, bipartisan bill that passed this Chamber with overwhelming support. I was a cosponsor, and I voted for it. But, as we all know very well, CARA is an authorizing bill, it is not an appropriations bill. The public may not know that because I think there is a lot of confusion about the difference between authorizing and appropriating, but the fact is, we know here in this Chamber that CARA is an authorizing bill and it does not provide one penny to fight the opioid epidemic.

We need to fund CARA. That is probably not going to happen this year and may not happen for several years. We need to put actual resources behind all of our talk about stemming this crisis. Earlier this year, I introduced emergency funding that would provide an additional \$600 million for policing, prevention, treatment, and recovery. I

offered this legislation as an amendment to the CARA bill but sadly it was defeated.

The legislation looks at all of those aspects: prevention, treatment, recovery, and policing because I believe there isn't one magic bullet solution for this issue.

We definitely need more treatment. We need to acknowledge that addiction is a disease. That is a critical part of it, but we also need to do the policing—the long-term recovery. I was at a recovery center in New Hampshire several weeks ago, and one of the women I met there who was in recovery said: You know, getting clean was easy. It is staying clean that is the hard part.

Our Nation has addressed our public health crises with emergency funding bills far larger than the one I proposed. In 2014, Congress passed nearly \$5.4 billion—billion with a “b”—in emergency funding to combat the Ebola outbreak in West Africa. The Ebola outbreak killed one person in America. The heroin and opioid epidemic is killing more than 128 Americans every single day.

We know treatment is the only effective answer to addiction, but people are being turned away from treatment due to lack of resources. Nationwide, in 2013, nearly 9 out of 10 people needing drug treatment did not receive it. It is the same story on the law enforcement side of the equation, a chronic lack of resources.

As Senator KLOBUCHAR pointed out, and as my colleagues from Vermont—who just came to the floor—and Massachusetts understand very clearly, heroin traffickers expressly target rural States and counties where law enforcement is spread too thin and lacks the resources to respond effectively.

Meanwhile, as Congress fails to act, the opioid epidemic is on the verge of expanding dramatically. Carfentanil is a synthetic opioid that is used to tranquilize elephants. It is now available on the streets, blamed for a record surge of drug overdoses in the Midwest.

Carfentanil is 100 times more potent than fentanyl, which, in turn, can be up to 50 times more deadly than heroin. It is one of the synthetic additives to heroin that is causing so many overdose deaths in New Hampshire. Until recently, Hamilton County, OH, had four to five overdoses a day. Now, because of carfentanil, the county is reporting 20 overdoses, 30 overdoses, and sometimes even 50 overdoses a day, completely overwhelming first responders.

Some public health officials say the United States has reached a disastrous inflection point in the opioid epidemic. Going forward, we may be seeing more and more synthetic opioids on the market—cheaper, more potent, more addictive, and even more deadly.

This is just one more wake-up call.

As I travel across New Hampshire and talk to Senate colleagues from across the country, again and again I hear about the lack of resources to marshal an effective, well-coordinated

response. As new and more dangerous opioids hit the streets, this crisis could become exponentially worse. Our failure to act is having tragic consequences.

At long last, let's give law enforcement, let's give treatment providers, and let's give recovery centers the resources they so desperately need. At long last, let's come together. Let's pass an emergency funding bill to combat the opioid epidemic. If we can spend billions to fight Ebola on a distant continent, surely we can allocate \$600 million to combat a raging epidemic right here at home.

When the Senate comes back into session after the election, we will have another opportunity to consider emergency funding to combat this crisis. For tens of thousands of Americans, this is very literally a matter of life and death.

Let's put politics aside. Let's do the job the American people sent us to do. At long last, let's give law enforcement and treatment providers on the frontlines the resources they need to effectively address the opioid crisis.

Thank you to my colleagues from Massachusetts and Minnesota for coming to the floor to once again point out the need we so desperately have.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Mr. President, I believe we had arranged for Senator GRASSLEY and me to speak at this point.

I see my distinguished colleague on the floor.

Mr. BARRASSO. Mr. President, I have about 8 minutes or 9 minutes of remarks, but I don't see the Senator from Iowa yet. If the Senator from Vermont wishes to speak—

Mr. LEAHY. Mr. President, he wanted me to speak, and then he was going to speak. If I might continue, this will be fairly brief.

#### EB-5 REGIONAL CENTER PROGRAM

Mr. LEAHY. Mr. President, the reason I have come to the floor today—and I will be joined by Senator GRASSLEY—is to share my concern and his concern about the EB-5 Regional Center Program. The authorization of this program is set to expire at the end of the month, but Senate leadership wants to extend the EB-5 Program as part of the continuing resolution. I want the Senators to know that if this flawed program is not reformed, I believe it should end. I can no longer support a straight extension of the program.

For years, I strongly supported the EB-5 Program. I even championed its reauthorization. I did so because EB-5 was designed to bring in investment and jobs to underserved rural and urban communities. For some time, that is what it did. In my home State of Vermont, communities such as Warren and Vergennes used EB-5 to create and save jobs during difficult economic times. They are EB-5 success stories,

but that was the EB-5 yesterday. The EB-5 Program today is mired in fraud and abuse. It has strayed from its important policy goals. The incentives Congress created to direct investment to underserved areas—the very reason I supported this program—have been rendered meaningless.

The program has become an unintended boon for the wealthiest business districts in the country. Affluent areas now dominate the program. They exploit incentives that were intended for underserved areas, a practice Department of Homeland Security Secretary Johnson has rightly described as gerrymandering. It has reached the point where a luxury hotel in Beverly Hills, CA, qualifies as a distressed urban area. Only in the world of EB-5 is Beverly Hills considered economically distressed.

This type of abuse today is not the exception, it is the rule. Currently, 90 percent of EB-5 capital goes to areas that rely on gerrymandering to qualify as distressed—90 percent. That is why the civil rights community, led by the Leadership Conference on Civil and Human Rights, has so strongly criticized this program.

Far from being a tool for economic development and job creation, EB-5 is now serving as a corporate subsidy for wealthy developers, allowing them to save tens of millions of dollars in financing. It is no wonder these developers fight so hard against reforms that would restore incentives for EB-5 to do what it was supposed to do when it began—promote investment in rural and poor urban areas.

I am not suggesting that affluent areas should never qualify, I am merely suggesting they should not qualify for the unique incentives that Congress intended for underserved communities because these underserved communities have far more trouble attracting capital to create jobs.

Unfortunately, gerrymandering and abused incentives are only part of the problem. In recent years, EB-5 has become riddled with fraud. Review after review—conducted by the GAO, the Inspector General, and by Senator GRASSLEY and me on the Judiciary Committee—have revealed serious vulnerabilities in the program. Investors have been defrauded. They have lost money and their immigration benefits have been put in jeopardy.

Communities that once hoped to benefit from this program have been left to pick up the pieces. From California to Florida, and from Texas to even my home State of Vermont, allegations of fraud have stained this program. Since 2013, the Securities and Exchange Commission has filed dozens of EB-5-related enforcement actions. As of last year, over 50 more Federal investigations were ongoing. Fraud will continue unabated until we give the Department of Homeland Security the tools it needs to guard against abuse.

We have an obligation in Congress to ensure that Federal agencies can do

their job. The Department of Homeland Security has made some administrative improvements to EB-5, but Secretary Johnson has made it clear to both me and Senator GRASSLEY that congressional action is necessary.

For 5 years, I worked with both Democrats and Republicans to reform EB-5. In 2013, I included EB-5 reforms in the Senate-passed comprehensive immigration reform. That received a bipartisan vote of 68 votes in the Senate, but the House of Representatives failed to allow a vote on those reforms. Since then, I have continued to work with Senator GRASSLEY to review and reform the EB-5 Program.

Last year, he and I negotiated far-reaching reforms with our counterparts in the House Judiciary Committee. Senator GRASSLEY and I pushed to have that four corners agreement included in the omnibus appropriations bill at the end of last year. But big city developers still viewed our reforms as a threat to their bottom line, and they have worked aggressively to block our efforts.

Unfortunately, leaders in Congress sided with the developers and extended the EB-5 Program without reform. Senator GRASSLEY and I are not going to relent in our efforts to reform this program.

I see the distinguished Senator from Iowa on the floor. He will be speaking on this, but I would note that at the very beginning of the new year, we worked together to continue a series of public hearings to keep pushing for reform. We are united in our belief that it is unacceptable that Congress has failed to respond to an overwhelming consensus for reform. A full revamping of the program is required. A Band-Aid is not good enough. Powerful corporate interests must not be allowed to derail improvements that can guard against fraud, protect investors, and also help our most distressed communities.

The powerful developers want only “window dressing” reform proposals that do little to change the status quo. We cannot accept so-called reforms that the SEC believes would, in fact, leave holes in enforcement efforts.

Senator GRASSLEY and I, along with our counterparts in both parties in the House Judiciary Committee, have put forward meaningful reforms. These reforms were developed in consultation with the Department of Homeland Security and the SEC. They are tailored to prevent the rampant fraud we are seeing today. They are necessary to save EB-5 from itself.

As the American people learn more about how the EB-5 Program is being abused, the louder the calls will be for its reform or even its termination. I believe we could still fix EB-5, but I cannot support simply extending it yet again. I do not come to this decision lightly, but I cannot support a continuing resolution that leaves these flaws in place. The time has come, either reform EB-5 or get rid of it.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. GRASSLEY. Mr. President, I rise to fully support everything Senator LEAHY has said. I have my own remarks on the same subject.

When Senator LEAHY and I are done—and I may be the end of that—if Senator LEAHY wants to speak, I ask unanimous consent to speak for 60 seconds on another item.

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

Mr. GRASSLEY. Mr. President, in 1990, Congress created the EB-5 visa, which was intended to create new employment for U.S. workers and to infuse new capital into the country. Two years later, Congress revised the EB-5 category by establishing a pilot program allowing investors to use regional centers to pool their investments. This pilot program still exists, nearly 25 years later, but it is deeply flawed, lacks adequate oversight, and has veered far away from congressional intent.

The Regional Center Program expires on September 30 of this year. In my view, it is in need of a major overhaul if it is going to be reauthorized. I have said that repeatedly on the Senate floor, in hearings, and in letters to Senate leadership.

Despite the need for reform, the fiscal year 2016 Omnibus appropriations bill included a straight and clean extension of the program. This was a disappointment given the alarm bells and the whistleblower allegations. It was a missed opportunity. It is my hope that both House and Senate leaders will find a way to include reforms in a continuing resolution or simply leave it off the table for a later date.

The Senate Judiciary Committee held two hearings this year on the program. We discussed the flaws and corruption. We noted the many vulnerabilities. We had stakeholders weigh in. We heard from local leaders, associations representing workers and regional centers. We listened to academics and government officials. We received feedback from all types of industries, as well as immigration and securities attorneys. We talked to other Senate offices and committees.

We have outlined the problems. Allow me to mention a few of them. Under the EB-5 Regional Center Program: Investments can be spent before business plans are approved. Regional center operators can charge excessive fees of foreign nationals in addition to their required investments. Jobs created are not “direct” or verifiable jobs but rather are “indirect” and based on estimates and economic modeling. All jobs created by a project are counted by the foreign national when obtaining a green card, even if EB-5 money is only a fraction of the total invested. Investment funds are not adequately vetted. Gifts and loans are acceptable sources of funds from foreign nationals. The investment level has been stagnant for nearly 25 years. There is no prohibition against foreign governments owning or operating regional centers or projects.

Regional centers can be rented or sold without government oversight or approval. Regional centers don’t have to certify they comply with securities laws. There is no oversight of promoters who work overseas for the regional centers. There is no set of sanctions for violations, no recourse for bad actors. There are no required background checks on anyone associated with a regional center. Regional centers draw targeted employment area boundaries around poor areas in order to come in at a lower investment level, yet the jobs created are not actually created in those areas, and the projects aren’t actually in those areas. Every targeted employment area designation is rubberstamped by the agency. Adjudicators are pressured to get to a yes, especially for those politically connected. Visas are not properly scrutinized. They have been approved despite national security warnings. Files and applications lack basic and necessary information to monitor compliance. The agency does not do site visits for each and every project. There is no transparency on how funds are spent, who is paid, and what investors are told about the projects they invest in.

Then there are the national security problems. Our committee has received numerous briefings and classified documents to show this side of the story.

The enforcement arm of the Department of Homeland Security wrote an internal memo that raises significant concerns about the program. There was an interagency working group that reviewed fraud and other national security vulnerabilities in 2010. Members of the working group made recommendations to reform the program, including the recommendation to sunset the regional center model due to crippling fraud and national security vulnerabilities.

Not all of these recommendations were communicated to Congress. This week, Chairman CHAFFETZ, Mr. CUMMINGS, and I sent a letter to the Director of the agency in charge and asked for documents relating to this working group. I also sent a letter to Secretary Johnson, calling on him to investigate the policies and guidance that permit foreign ownership of an EB-5 regional center. It is obvious that foreign corporations and foreign governments are increasingly taking advantage of the Regional Center Program to establish ownership in U.S.-based real estate projects. I am concerned that this may allow foreign corporations and foreign governments to profit from marketing U.S. green cards to their citizens in return for investment and ownership in EB-5 real estate projects. I asked for a top-to-bottom review to ensure that U.S. interests are protected in the EB-5 program.

The Securities and Exchange Commission has brought over a dozen suits against regional centers and operators. U.S. investors and foreign nationals are being duped and left high and dry. Just this week another individual was

indicted for devising a scheme to defraud and obtain money and property from investors. This person was able to take in millions of dollars from foreign investors and use the money for his personal gain. I have seen it time and again. But, under current law, such individuals are not banned from the program in the future.

Aside from the vulnerabilities, the benefits of the program are questionable. Even the Government Accountability Office says it is hard to ascertain the economic benefits.

Most of the visas are going to urban and affluent areas at a discounted rate when Congress specifically intended to steer some visas to rural and high unemployment areas. Census tracts are stitched together to incorporate remote public housing developments so that highrises, hotels, casinos and resorts can attract investors for less than the statutory \$1 million requirement.

The Judiciary Committee held a hearing on this specific issue. Though Congress intended for most EB-5 investments to be made at the \$1 million level, nearly all are made at the \$500,000 level because of gerrymandering. That is just not right. Gerrymandering allows very affluent areas to benefit from the lower investment threshold, resulting in little incentive to invest EB-5 funds in distressed or rural areas, as was envisioned by Senators when it was created.

The senior Senator from New York says we don’t know how cities work. He doesn’t think projects should or could be built in the Bronx. He says they will commute and work on 5th Avenue where luxury condos are being built. Those in New York jump over rivers and go through Central Park just to connect to low-income neighborhoods.

As a result, smaller and economically depressed cities are forced to compete with Beverly Hills, Miami, and Manhattan. Foreign investors—who ultimately want a green card—want to put their money in glitzy hotels and luxurious condo projects where there is a higher return.

Targeted employment areas are at the heart of the controversy about EB-5 and are the principal reason we were unable to pass commonsense reforms last year. Yet we proposed a lot of good reforms. For example, the Grassley-Leahy-Conyers-Goodlatte proposal, for the first time, incentivized EB-5 investment in manufacturing and infrastructure projects.

Manufacturing employers create direct, long-term, quality jobs in their communities. As for infrastructure, we have lots of needs in the Midwest, including rail and river transportation, wastewater treatment plants, and bridges. More EB-5 capital in infrastructure projects would reduce the burden on taxpayers, especially when local governments are up against Federal mandates.

We also proposed reallocating the visas—carving out enough for rural and



high unemployment areas but leaving more than half of the visas for projects that come in at the higher investment level. We even offered to give affluent areas their own carve-out. Yet one proposal suggested to us was to make the visas cheaper. They want to reduce the amount an investor has to pay for a green card. They also want more visas. The demand for visas is through the roof, yet they want to reduce the price.

My colleagues and I have been willing to engage with other Members on this issue. We have made so many concessions. I am not sure how much more we can give, especially when there are increasing calls to end the program. The status quo is not acceptable. It is time for things to change.

I encourage my colleagues to join the ranking member and me in our request for reforms. I hope this body will think twice before allowing the program to continue as is.

#### TRANSPARENCY AND GOVERNMENT OVERSIGHT

Mr. GRASSLEY. Now, Mr. President, I would like to use that additional 60 seconds.

Another issue I want to raise with Senate leadership is transparency and our responsibility of government oversight.

Last week, I spoke about the danger of allowing agencies to improperly use the Office of Senate Security to keep information secret even when it is unclassified.

I said that if we let the FBI get away with hiding the Clinton investigation documents from the public, then other agencies would abuse the system to undermine transparency and oversight. That is exactly what is happening.

The State, Treasury, and Justice Departments are trying the same trick to hide documents about the Obama administration's transfer of billions of dollars to Iran for hostages.

These unclassified documents requested by the Judiciary Committee are being locked away in the basement of the Capitol. They are being treated as if they are classified, but they are not.

The Committee was not consulted and did not agree to these burdensome and unnecessary document controls.

With the Clinton investigation documents, the FBI improperly mixed classified and unclassified documents together in order to keep the unclassified documents secret. But, this time every paragraph and every page of the Iran hostage payment documents is 100 percent unclassified.

So why send it to Senate Security? Why keep it locked away from the public and congressional oversight? Why would the Senate participate in this scheme to undermine transparency?

If the Senate, as an institution, wants to take its oversight responsibility seriously, we should not be helping the executive branch hide embarrassing information from the American people.

The PRESIDING OFFICER (Mr. RUBIO). The Senator's time has expired. Mr. GRASSLEY. I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

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

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

#### CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER (Mr. SASSE). Morning business is closed.

#### LEGISLATIVE BRANCH APPROPRIATIONS ACT, 2017—MOTION TO PROCEED

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of the motion to proceed to H.R. 5325, which the clerk will report.

The senior assistant legislative clerk read as follows:

Motion to proceed to Calendar No. 516, H.R. 5325, a bill making appropriations for the Legislative Branch for the fiscal year ending September 30, 2017, and for other purposes.

The PRESIDING OFFICER. All postcloture time has expired.

The question is on agreeing to the motion.

The motion was agreed to.

#### LEGISLATIVE BRANCH APPROPRIATIONS ACT, 2017

The PRESIDING OFFICER. The clerk will report the bill.

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.

#### AMENDMENT NO. 5082

(Purpose: In the nature of a substitute)

Mr. MCCONNELL. Mr. President, I have a substitute amendment at the desk that I ask the clerk to report.

The PRESIDING OFFICER. The clerk will report.

The senior assistant legislative clerk read as follows:

The Senator from Kentucky [Mr. MCCONNELL], for Mr. COCHRAN, proposes an amendment numbered 5082.

Mr. MCCONNELL. I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

(The amendment is printed in today's RECORD under "Text of Amendments.")

Mr. MCCONNELL. I ask for the yeas and nays on my amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

#### AMENDMENT NO. 5083 TO AMENDMENT NO. 5082

Mr. MCCONNELL. Mr. President, I have an amendment that is at the desk that I ask the clerk to report.

The PRESIDING OFFICER. The clerk will report.

The senior assistant legislative clerk read as follows:

The Senator from Kentucky [Mr. MCCONNELL] proposes an amendment numbered 5083 to amendment No. 5082.

Mr. MCCONNELL. I ask unanimous consent that the reading of the amendment be dispensed with.

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

The amendment is as follows:

At the end add the following:

This Act shall take effect 1 day after the date of enactment.

Mr. MCCONNELL. I ask for the yeas and nays on my amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

#### AMENDMENT NO. 5084 TO AMENDMENT NO. 5083

Mr. MCCONNELL. Mr. President, I have a second-degree amendment at the desk.

The PRESIDING OFFICER. The clerk will report the amendment.

The senior assistant legislative clerk read as follows:

The Senator from Kentucky [Mr. MCCONNELL] proposes an amendment numbered 5084 to amendment No. 5083.

The amendment is as follows:

Strike "1 day" and insert "2 days".

#### AMENDMENT NO. 5085

Mr. MCCONNELL. Mr. President, I have an amendment to the text proposed to be stricken.

The PRESIDING OFFICER. The clerk will report.

The senior assistant legislative clerk read as follows:

The Senator from Kentucky [Mr. MCCONNELL] proposes an amendment numbered 5085 to the language proposed to be stricken by amendment No. 5082.

The amendment is as follows:

At the end add the following:

This Act shall take effect 3 days after the date of enactment.

Mr. MCCONNELL. I ask for the yeas and nays on my amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

#### AMENDMENT NO. 5086 TO AMENDMENT NO. 5085

Mr. MCCONNELL. Mr. President, I have a second-degree amendment at the desk.

The PRESIDING OFFICER. The clerk will report.

The senior assistant legislative clerk read as follows:

The Senator from Kentucky [Mr. MCCONNELL] proposes an amendment numbered 5086 to amendment No. 5085.



The amendment is as follows:  
Strike “3 days” and insert “4 days”.

MOTION TO COMMIT WITH AMENDMENT NO. 5087  
Mr. MCCONNELL. Mr. President, I have a motion to commit H.R. 5325 with instructions, which is at the desk.  
The PRESIDING OFFICER. The clerk will report the motion.

The senior assistant legislative clerk read as follows:

The Senator from Kentucky [Mr. MCCONNELL] moves to commit the bill to the Appropriations Committee with instructions to report back forthwith with an amendment numbered 5087.

The amendment is as follows:

At the end add the following:  
This Act shall take effect 5 days after the date of enactment.

Mr. MCCONNELL. I ask for the yeas and nays on that motion.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

AMENDMENT NO. 5088

Mr. MCCONNELL. Mr. President, I have an amendment to the instructions at the desk.

The PRESIDING OFFICER. The clerk will report.

The senior assistant legislative clerk read as follows:

The Senator from Kentucky [Mr. MCCONNELL] proposes an amendment numbered 5088 to the instructions of the motion to commit H.R. 5325.

The amendment is as follows:

Strike “5” and insert “6”.

Mr. MCCONNELL. I ask for the yeas and nays on that amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

AMENDMENT NO. 5089 TO AMENDMENT NO. 5088

Mr. MCCONNELL. Mr. President, I have a second-degree amendment at the desk.

The PRESIDING OFFICER. The clerk will report.

The senior assistant legislative clerk read as follows:

The Senator from Kentucky [Mr. MCCONNELL] proposes an amendment numbered 5089 to amendment No. 5088.

The amendment is as follows:

Strike “6” and insert “7”.

CLOTURE MOTION

Mr. MCCONNELL. Mr. President, I have a cloture motion at the desk for the substitute amendment.

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

The senior assistant legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on Senate amendment No. 5082 to H.R. 5325, an act making appropriations for the Legislative

Branch for the fiscal year ending September 30, 2017, and for other purposes.

Mitch McConnell, Mike Rounds, Thad Cochran, John Cornyn, Daniel Coats, Roger F. Wicker, Thom Tillis, John Barrasso, Lamar Alexander, John Hoeven, Pat Roberts, Orrin G. Hatch, Susan M. Collins, Lisa Murkowski, Steve Daines, Tom Cotton.

CLOTURE MOTION

Mr. MCCONNELL. Mr. President, I have a cloture motion at the desk for the underlying bill.

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

The senior assistant legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on H.R. 5325, an act making appropriations for the Legislative Branch for the fiscal year ending September 30, 2017, and for other purposes.

Mitch McConnell, Mike Rounds, Thad Cochran, John Cornyn, Daniel Coats, Thom Tillis, Roger F. Wicker, John Barrasso, Lamar Alexander, John Hoeven, Pat Roberts, Orrin G. Hatch, Susan M. Collins, Lisa Murkowski, Steve Daines, Tom Cotton.

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the mandatory quorum calls under rule XXII be waived for these cloture motions.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. MCCONNELL. Mr. President, there have been broad requests for a clean continuing resolution. So that is what I have just offered. It is a result of many hours of bipartisan work on both sides of the aisle. It is a fair proposal. It funds all current government operations through December 9, while also providing funding for the new legislation we have just passed overwhelmingly and that the President has signed. That is legislation to address the heroin and prescription opioid epidemic as well as the TSCA bill.

It contains a sufficient downpayment on flood relief for many States, including Maryland, West Virginia, and Louisiana, and, of course, it includes important resources to support our veterans and combat Zika. These are resources needed to help develop a vaccine and promote mosquito control.

Members will have the next 4 days to review before any votes are taken in relation to the issue. Further, we expect the President to either sign or send up the veto message on JASTA by tomorrow. Beginning the process on the clean CR today will ensure that there is adequate time to finish before the override vote and before the current government funding runs out next week. Then we can turn to the veto override.

I look forward to continuing with bipartisan cooperation so we can complete our important work on Zika, veterans funding, and the clean CR that will fund the government through December 9.

The PRESIDING OFFICER. The Senator from Maryland.

Ms. MIKULSKI. Mr. President, I rise as the ranking member on the Appropriations Committee. I want to say to my colleagues on both sides of the aisle that over the past few weeks, we Democrats have negotiated with the Republicans to come up with a responsible continuing funding resolution that keeps the government open through December 9, giving Congress time to complete an appropriations process.

Our goal was to respond to compelling urgent needs: Zika, Flint, floods in Louisiana, and also our national security as well as those things that are important to the economy of the United States of America. We wanted to be sure it did not include any poison pill riders but did contain the continuing funding for veterans and military construction. Our negotiations have been cordial and productive. I compliment the other side of the aisle on their professionalism and on their civility.

We are now down to a handful of issues, but they are down to the real issues. The majority leader has filed a Republican-only bill with a substitute that has now been placed before the Senate today. We Democrats cannot vote for that substitute and urge others to vote against it.

We want to be sure we avoid a government shutdown and a government showdown and continue the constructive talks that we have had, but the substitute offered by the Republican majority leader falls short. What is wrong with the bill before us?

One, it fails to help the people of Flint, MI; 100,000 people in Flint, MI, are still waiting for their water to be clean and safe; 9,000 children have already had lead exposure that can cause permanent and irreversible damage. It tells Michigan to keep waiting in line.

We know the people of Louisiana have been hit by terrible floods. We don't want to just give lip service in response to their needs but Louisiana is not the only “need” in America. We believe the people of Flint, MI—the people of Flint who have been waiting for more than 1 year—should be included in this continuing resolution.

I want to be clear. We do want to help the people of Louisiana, but we also want to help the people of Flint. The other side of the aisle says Flint can be handled 2 months from now with a bill called WRDA—the water resources development bill. The House has made no commitment to help Flint in that bill. They haven't even brought WRDA to the floor for action.

The people of Flint need help now. They actually needed help 9 months ago. Remember, they are in a jackpot because of flawed budget cuts and our failure to enact a comprehensive infrastructure bill where cities like Flint, Baltimore, and so on could do something about their aging water infrastructure and at the same time create American jobs in our own urban communities.

The Senate passed Flint funding on the WRDA bill 95 to 3 last week. So why wait? It is paid for. We have a framework for proceeding. Let's just do it. Also, while Democrats continue to fight for Flint, we will not stand by on partisan policy riders such as the SEC political disclosure to a 10-week continuing funding resolution.

I know the 135,000 Marylanders who work for the Federal Government want to stay on the job. I want them to know we are working very hard to keep the government open and to avoid a shutdown or a slamdown. We need to make sure we help our veterans. We need to make sure we have the funds to fight Zika and the terrible challenge of children being born with the most horrific and lifelong—as short as their little lives might be—permanent handicaps, and we want to help Flint. Most of all, we know that in a trillion-dollar budget that funds both domestic and military, we have a framework to move ahead.

Very serious work has been done on national security: the funding of the Department of Defense, the funding of other agencies that contribute to our national security, whether it is the State Department and diplomatic efforts, whether it is Homeland Security. Didn't they do a good job responding last weekend to the challenges in New York? In every community we face these.

At the same time, when you look at the Labor-HHS, an agency such as the National Institutes of Health, we want them to keep the lights on so they can keep the light of hope going on to make sure we find cures for disease. We will say more about this.

We appreciate the majority leader for continuing conversation with us. We are a work in progress. Let's get back to work. Let's continue to make progress. We have taken steps forward. Let's not take steps sideways or take steps backward. Let's continue making progress. Let's get rid of the poison pill riders. Let's come to an agreement on how we can help Louisiana and help Flint and resolve some of these other issues.

Mr. President, we look forward to more conversation, more constructive conversation, and our side of the aisle stands ready to engage in those conversations and negotiations. I urge my colleagues to be on standby and to wish us well so we keep doing the job we were elected to do.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

SUPPORTING OUR NATION'S LAW ENFORCEMENT OFFICERS

Mr. COTTON. Mr. President, today I want to talk about the brave men and

women who put their lives on the line each day to keep us safe—law enforcement officers. Last month I spent much of my time meeting with various law enforcement agencies across Arkansas. In the wake of the shooting in Dallas and other violence against police officers, I wanted Arkansas' law enforcement officers to know that I support them and that Arkansans support them. I wanted to learn a little more about what life looks like from their perspective.

From the North Little Rock Police Department, to the Prosecuting Attorneys Association, to the Federal prison in Forrest City, to the Arkansas Sheriffs' Association in Northwest Arkansas—each of these meetings left me confident in our State's law enforcement officers and provided me with valuable insight into the law enforcement community.

Police officers in Arkansas and across the country have a difficult job, one that is unlike any other career. In the Army, my soldiers and I fought overseas to keep our country safe, but at the end of our tours, we went home, and many of us transitioned to other safer jobs. But for law enforcement officers, there is no end to the tour. They put their lives on the line every single day to keep us safe. We owe them a debt of gratitude, and we ought to find ways to support our officers more and ensure that their communities and the country as a whole have a better understanding of their hard work and sacrifice.

Each of the law enforcement groups I met had a similar message: Law enforcement officers need support, cooperation, and assistance. They need support from their communities and their leadership at every level—local, State, and Federal. They need to know that we are on their side, and in the face of controversy, they need to know they have leaders who will be a steady hand.

Given the controversy surrounding law enforcement recently, it is easy to take a different view, but most officers, like most soldiers with whom I served in the Army, are committed to upholding the discipline and integrity of their force. They want those who violate policy and especially the law to be held accountable, but they also want those decisions made in a factual, unbiased way.

To keep us safe, law enforcement officers also need the cooperation and assistance of those they are sworn to protect. They know this will help them not only to investigate and punish crime but also, and more importantly, to stop crime before it happens. They have a constant and regular presence which serves not only to deter the criminal element but also to reassure and gain the support of the vast majority of law-abiding Arkansans who are going to provide the tips or help smooth the waters in moments of tension.

So how do we achieve these things? I believe there are a few simple steps.

First, take a moment to recognize our law enforcement officers and the vital work they do. So many officers commented to me how thankful they were to see yard signs announcing support for the police or when someone picked up their lunch or just said a simple thank you.

Law enforcement is a tough job and it can be a little strange. Officers dedicate their lives to protecting law-abiding citizens, who are the vast majority of all Americans. Yet they have to spend much of their time around the tiny minority and the criminal element to protect those law-abiding citizens. Therefore, it means a lot when they hear from you.

Second, law enforcement agencies ought to continue their outreach efforts to the communities they serve. On a visit to the Jonesboro Police Department, Chief Rick Elliot told me: "It all gets back to community relations and outreach." I was struck by how many of our police officers in Arkansas work to become integral parts of their communities.

In El Dorado, the police department recently shared a video of an officer singing and dancing with local kids at the area Boys & Girls Club. The Little Rock Police Department announced an upcoming "Coffee with a Cop" event, which will allow Arkansans to come and meet their police officers in a casual setting. A school resource officer in Morrilton made State and national news last month for starting "Cop Car Karaoke" to get to know his students better. I could go on.

But let's be honest. These aren't the stories dominating the headlines. These days, it seems like the police make the news most often when there is an officer involved in use of force, like in Ferguson or now in Charlotte, or when cops are gunned down in the line of duty, like in Dallas and Baton Rouge. Sadly, these stories often have a racial element, too, which, of course, drives more media coverage. We haven't seen a story like this in Arkansas lately, but the law enforcement officers with whom I spoke all knew it could happen at any time. That is one reason why they stressed community engagement so much, especially in Black neighborhoods where tensions can run the highest.

So the final step, after citizens and law enforcement officers do their part, is for elected leaders and community leaders to do ours. Too often, leaders jump to conclusions after an officer-involved use of force, not least so they can jump in front of a television camera. But, as we have seen in Ferguson and Baltimore, for example, first impressions can often be wrong. One thing I learned in the Army is that first reports often, even usually, are wrong or at least incomplete. Our leaders shouldn't fan the flames of racial tension and divide our communities before all the facts are known. After all, there is always a neutral, impartial inquiry following an officer-involved use

of force, especially a shooting. Our leaders ought to let those inquiries occur in a calm, dispassionate setting and call upon all other citizens to do the same. They certainly should never condone rioting.

When the use of force is justified, we ought to support the officer, and when it is not, the public demands accountability.

During my visits around the State, I met with several veteran officers, but I also spoke with many new recruits and newly hired officers. You might expect these rookies to be discouraged by anti-police protests and the recent assassinations of law enforcement officers. On the contrary, they said they were more motivated than ever to prove themselves to the people they serve and to honor the sacrifices of those officers killed in the line of duty. We are lucky to have men and women like them.

As I left my meeting with the officers at the Arkansas State Police Headquarters in Little Rock, I stopped to pay my respects at the Hall of Honor, a memorial dedicated to the troopers who lost their lives in the line of duty. Toward the back of the room, above a small star for each lost trooper, inscribed in the wall are the words "In Valor There is Hope." These words are particularly poignant right now.

I am grateful for every officer at every department and agency who displays professionalism and courage in the face of danger every day. In their valor, the American people do, indeed, find hope.

Thank you.

God bless our men and women in blue.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

#### TRIBUTE TO EMILY WINTERSON

Ms. WARREN. Mr. President, today I rise to celebrate the retirement of Emily Winterson, an immigration specialist in my Boston office, who has served the people of Massachusetts and the United States for over 32 years.

Emily began working in the Senate on March 7, 1984, and has worked for four consecutive Massachusetts Senators since then. First, Emily worked in the office of Senator Ted Kennedy for over 20 years. When Senator Kennedy passed, she stayed on to work for Senator Paul Kirk, then Senator Scott Brown, and now she has been on my team in the Boston office since I was sworn in.

As my colleagues know well, there are two parts to a Senate office. The side the Nation hears about most often and is in the news is the legislative work we do right here in Washington.

But there is an equally important side to our work, and that is the help we provide back home. We would not be able to offer this critical help without devoted people like Emily Winterson. Emily has committed entirely to this work, and she has touched the lives of countless families across the State of Massachusetts. With her years of expertise and her relentless determination, she has helped people navigate our complex immigration system, and she does it all with exceptional humility and grace.

When someone has a last-minute passport problem and may not be able to make the trip with the group from the temple or the church, Emily has been the one to cut through the red-tape. When a student needs a visa to be able to attend one of our great universities, Emily is there. When extraordinary musicians or performers from around the world needed help getting into the country, Emily was there. When families needed her most, when foreign adoptions were tangled up and families were divided or stranded, Emily was there. When sick children needed to get medical care at world-class hospitals in Boston and around our State, Emily was there. No matter the issue, Emily always knew the right people to call to get results in government offices both here and abroad—and they all knew Emily.

There are too many stories to count, but I want to tell just one. A young woman came from China to the United States to study medicine at Boston University. While she was here, she was diagnosed with leukemia. She had no family in America and she desperately needed help getting a visa for her sister to come to the United States to help take care of her. As have so many others, she reached out to Emily for help.

Now, Emily was able to get the visa for her sister to come and to support her through a long and very difficult treatment, but the story doesn't stop there. Without any form of financial support and unable to work, the young woman faced eviction. Together with the help of Catholic Charities, Emily helped secure the funds needed to help her get caught up on her rent.

During all of this, the young woman's student visa expired, which left her ineligible for health care. Once again, Emily got to work and was able to obtain deferred action on her visa. Emily even helped her find an apartment near the hospital when she was being treated, and in her usual "do more than anyone would expect," Emily even helped her furnish the place.

Still, the young woman's health worsened. As she was nearing her final days, her last wish was to see her mother, whom she had not seen for 12 years during her studies. Again, Emily concentrated all of her efforts on securing an expedited visa for her mother so she could be with her before she passed. Because of Emily's tireless work, this young woman, far from home, spent her final days with the support and care of her mother and her sister.

Emily was there for her through thick and thin. When this young woman needed help and had no one to turn to, Emily was there. With steadfast commitment, Emily fought for her.

Now, this is just one of many stories that together form the fabric of Emily's life work. At a time when many Americans feel that government is not working for them, a system that too often overlooks those in need, Emily is a shining example of the powers of public service. She embodies the link between government and the people. She has dedicated her working life to making government fulfill its most fundamental mission—improving the lives of the people it serves.

Emily Winterson has shown us all that when we take time to listen to someone's story, when we have the compassion to care about their troubles and the determination to fight on their behalf, we have the power to improve each other's lives. This is government by the people and for the people. Emily is American politics at its best. This is the legacy that Emily leaves behind.

We will all miss her greatly. Although we are sad to see Emily leave, we could not be happier for her as she begins her much earned retirement in October. I know she is looking forward to gardening, to working on her memoirs, and to spending more time with her children and her grandchildren.

So, Emily, on behalf of the people fortunate enough to work alongside you, for the State of Massachusetts and for the thousands of people you have served, thank you. We wish you the best as you move into the next chapter of your life.

Thank you, Mr. President.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

#### MORNING BUSINESS

Mr. PORTMAN. 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.

#### PRESCRIPTION DRUG AND HEROIN EPIDEMIC

Mr. PORTMAN. Mr. President, I want to start by thanking my colleague from Indiana for his indulgence, and I look forward to hearing his remarks. We were both on the floor today waiting to speak while we tried to work out differences with the continuing resolution. I am hopeful those issues can be

resolved so we can have a process to move forward with our spending bills.

In the meantime, I need to talk on the floor today about an ongoing issue in all of our communities around the country, sadly, which is this issue of prescription drug abuse, heroin, and now fentanyl. It is really an epidemic. It is now the No. 1 cause of accidental death in my home State of Ohio, and more recently it is the No. 1 cause of accidental death in our country, surpassing car accidents. It is something that is taking thousands of lives every year, and it is something that is tearing families apart, causing crime, creating real hardship for so many families, and hurting the economy.

President Obama and his administration declared this week Prescription Opioid and Heroin Epidemic Awareness Week, and I commend him for that. I think raising the awareness of this issue is really important right now. Having a national conversation on this issue is really important right now.

This is the opportunity I take every week to come to the floor. I have been doing it since before we passed the Comprehensive Addiction and Recovery Act back in March. I come every week to talk on the floor about the importance of addressing the issue. Initially, it was to get the legislation passed, and we did that. Now we are implementing the legislation and even adding additional legislation because of this new wave of addiction that we are seeing and overdoses and deaths based on synthetic heroin, also called fentanyl or carfentanil or U-4, which is coming into our communities.

About once a month, I have a tele-townhall, and I ask people on the call a number of questions that they answer about their top priorities. I started out by asking this question: How many of you have been directly affected by the heroin and prescription drug epidemic in Ohio? I will tell you, sadly, that in the last few calls we have had surprising results, which is that roughly half of the people on the call say they have been affected, whether I am calling people in Cleveland, Columbus, or in rural areas—no matter where it is. I recently called people in Canton, OH, and Wood County, outside of Toledo, and 49 percent of the people on the call said yes, they have been affected directly.

Earlier this month I talked to people in my town of Cincinnati, and it was 51 percent. Here is something even more alarming. A couple of months ago, I called people in southeast Ohio. Some of you know that Portsmouth, OH, is an area that, unfortunately, has been hit particularly hard. In fact, there is a book that some may have read, and if you have not and you are interested in this issue, I would recommend it. It is called "Dreamland," by a man named Sam Quinones. What the author talks about is the history behind this prescription drug, heroin, and opioid epidemic and some suggestions for us on how to address it.

In any case, I called southeast Ohio. "Dreamland" is based on a community center swimming pool. It is the name of a swimming pool in Portsmouth, OH, and 68 percent of the people on the call said they were directly affected. Typically, we have about 20 to 25,000 people on the call, and 68 percent said they were directly affected. That is alarming, but it doesn't surprise me because I see it when I am home.

So many other people are seeing it now, too. As some know, recently there was something that went viral on Facebook. It was a photograph of two people passed out in the front of a car and a child in the backseat. It happened in northeast Ohio, in East Liverpool, OH. This has been shared thousands and thousands of times, and commented on thousands and thousands of times. The two people in the front seat were the grandmother and her boyfriend and a grandson was in the backseat, age 4. They were passed out, overdosed in the front seat, and he was looking confused and alarmed in the backseat.

This, unfortunately, is something that is happening around our country. The East Liverpool police said at the time:

It is time that the non-drug-using public sees what we are dealing with on a daily basis. . . . The poison known as heroin has taken a strong grip on many communities—not just ours.

I agree with them. They see these images every day, not just in East Liverpool but in your hometown and in your county. This is not the only child who has watched his parents overdose. In Cleveland, 2 weeks ago, a 6-year-old boy was found in Barkwell Park shaking and crying next to his parents, who were both unconscious from heroin overdoses.

Another incident that has received national attention is the spike of 24 heroin overdoses in Akron, OH, 1 week ago today. So far 112 people in Akron, OH, have died from overdoses this year. That is already a record. Already this year more people have died in Akron than all of last year. This follows an even larger spike of overdoses in my hometown of Cincinnati, OH, where since August 19, there have been 300 heroin overdoses. During a 6-day period there were 174 overdoses. I went to the firehouse that responded to the largest number of those overdoses and talked to the firefighters about it. They talked about administering Narcan. This miracle drug actually can reverse the overdose. Typically, it is administered once. With regard to these overdoses, they saved so many lives—34 lives. They had to use Narcan not once, not twice, not three times but four or five times. We found out later—and I was able to get samples to Cincinnati to find this out—that there was carfentanil mixed with the heroin. This is a synthetic drug that traffickers are now using that is far more powerful even than heroin. Carfentanil is actually something that is a sedative for

large animals such as elephants, and yet traffickers are using this along with heroin.

The Hamilton County coroner confirmed that eight of the overdoses in this 6-day period were a direct result of carfentanil. Some of these victims were not brought back to life. Some of them did pass away. But these brave first responders responded quickly, professionally, and were able to save all but 4 or 5 lives out of 174 in a 6-day period—incredible. This new drug called fentanyl is incredibly powerful. It is a substance so strong that only a few flakes of it ingested by a human being can kill them.

If you want an idea of how addictive this stuff is, consider the story of a woman in Massillon, OH, who last Saturday used heroin with her boyfriend. He died of an overdose right next to her, and, according to police, after he died, she left his corpse lying there for 11 hours while she went out to get more heroin.

I have met with addicts who are still using, and I have met with those in recovery all over Ohio. I have met with several hundred people who have a story to tell. I am told again and again by those in recovery the same thing: The drug becomes everything. The drug becomes more important than family, more important than work, more important than anything, leading them to do what many of these people have never done before, which is commit crimes to pay for their habit.

As addictive as heroin is, fentanyl can be 50 to 100 times more powerful. According to the DEA, the Drug Enforcement Agency, carfentanil can be many times more powerful, 10 times as powerful as morphine. It is used primarily to take down elephants and used as a sedative. The police officer in Newtown, OH, who heads up our Hamilton County drug task force said: "The side effect of carfentanil is death."

These synthetic drugs are contributing in Ohio to our rapid increase in overdoses. Since 2000, the number of annual opioid overdoses in Ohio has increased dramatically. We are losing one life to overdose every 3 hours. We happen to have information now coming in on fentanyl. Just in the last 2 years, according to records, from 2013 to 2015, we saw a 13-fold increase in fentanyl-related deaths. Just 3 years ago, about 1 in 20 deaths in Ohio was a result of fentanyl. Now it is more than one in three. Sadly, I expect that number to rise substantially this year, based on the information we have.

The message today for those who might be listening or a family member who might be listening is, if you are suffering from this addiction, get treatment. Find some place that provides treatment, longer term recovery. This legislation, the Comprehensive Addiction and Recovery Act, which passed this House with a vote of 92 to 2, will help provide for treatment and recovery. It is the first time we have ever dealt with recovery in the Congress. It is very important.

If you don't know whether the heroin that is on the street contains these deadly synthetic drugs, you need to be extremely, extremely careful. As Coroner Sammarco in Hamilton County puts it, every time you buy heroin or every time you inject it, "you may be literally gambling with your life."

These drugs that are devastating Ohio don't come from Ohio. They don't come from any of our States. We are told they come from overseas, primarily from China. There are laboratories in China that are developing this poison—this fentanyl and carfentanil. Some of the labs, we are told, also are in India.

The drugs that are coming from China and India then come through the U.S. mail. It comes from their postal system and our postal system into the United States. It is unbelievable, but the poison is coming in the mail to our communities. It is easy to do. Because unlike private carriers, such as UPS or FedEx, in the mail system a package can be sent without having any information attached to it. It shouldn't be that easy, and it doesn't have to be. We want to close this loophole. It is a commonsense idea that will help to keep our streets safer and help prevent some of these deadly overdoses from synthetic heroin.

Customs and Border Protection has told us that if we had advance electronic data on these packages from overseas, like we must have from private carriers, such as UPS or FedEx, it would help to ensure that these dangerous drugs wouldn't end up in the hands of the drug traffickers or, worse yet, in the hands of our family members and friends.

That is why we introduced the Synthetics Trafficking and Overdose Prevention Act, or STOP Act. It is very simple. It is to help keep this poison off the streets by closing a loophole and requiring that same advance electronic data to come with all these packages coming from overseas showing where it is coming from, what is in it, and where it is going. They are using the mail system because they don't have to provide that now.

This legislation goes hand in hand with the Comprehensive Addiction and Recovery Act that we talked about earlier, which both Houses passed by nearly unanimous votes and the President signed in July. This legislation is a tremendous step forward and is very comprehensive, dealing with the prevention, intervention, treatment, and recovery and helping to provide law enforcement officers with the Narcan they need. It helps in getting the drugs off the shelves with the take-back program. It is a good bill, but I think this is complementary to it—to deal with it now and to stop this new surge of fentanyl and carfentanil.

I urge the administration, especially in light of these tragic events recently and during this Prescription Opioid and Heroin Epidemic Awareness Week to implement the CARA legislation as

soon as possible. There are a number of new programs that must be implemented for our veterans and for pregnant women and the babies born with dependency to ensure they are getting the funding that they need. The President and the administration, if they get these programs up and running, will be able to make a bigger difference sooner.

Let's also increase the funding for opioid programs. We have a 47-percent increase in the funding for this year, the fiscal year we are in right now. But we are coming to the end of the fiscal year. CARA has another \$181 million per year in authorized funding per year going forward for this opioid issue—heroin, prescription drugs, fentanyl. We should make a down payment for that in this continuing resolution. I know it is only a short-term continuing resolution that we are talking about on the floor here today in order to keep the funding going. We need to make a down payment to ensure CARA is funded.

If you are one of the 92 Senators who supported the CARA Act, I hope you will look at the STOP Act. It is complementary to CARA. It will help deal with the very real problems we face by limiting the supply of these dangerous drugs. It is a bipartisan bill. Last week, PATRICK TIBERI and RICHARD NEAL introduced the STOP Act in the House. So we have a companion bill in the House that is bipartisan. They both have a real passion for this issue, and I appreciate them.

Everything that we are doing in this area is important right now. Every Senator should be involved. If you are tough on crime, you should care about the increase in crime that is being created by this. If you are concerned about the innocent victims of an addiction epidemic, you should support this legislation to help protect those children who are being born with addictions. If you want to be tougher on China or if you want better border security, you should support this legislation to try to shut off this poison coming into our States from other countries. If you care about—

The PRESIDING OFFICER. The Senator has used 10 minutes.

Mr. PORTMAN. Mr. President, I ask unanimous consent for 1 additional minute.

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

Mr. PORTMAN. Mr. President, again, this is an issue that has brought us all together in the past. Let's continue to work together on this on a bipartisan basis to begin to turn the tide on this epidemic before it is too late, before we lose more of our young people, before we have more communities devastated by this crisis.

I yield the floor.

The PRESIDING OFFICER (Mr. HOEVEN). The Senator from Michigan.

## AUTOMATED VEHICLES

Mr. PETERS. Mr. President, I rise today to speak about the incredible future of mobility in this country. Earlier this week, the Department of Transportation, or DOT, made history by releasing its official Federal policy for automated vehicles. This marks a major milestone in the effort to bring driverless cars to American roads and to ensure that our country remains the world leader in the next generation of transportation.

DOT's Federal policy contains four key components. The first outlines a 15-point safety assessment for the safe design, development, testing, and deployment of automated vehicles. This is a meaningful first step, the first Federal guidance for automotive manufacturers seeking to develop and deploy these new technologies.

The second component outlines the distinct Federal and State roles for regulation of automated vehicles, moving us toward a uniform national framework for the regulation in this space.

Third, the policy makes a Federal commitment to expedite the safe introduction of automated vehicles into the marketplace. The Department of Transportation will streamline its procedures to be more responsive to consumers and innovative manufacturers alike.

Finally, the policy presents a number of novel considerations that Congress should closely examine. This includes new tools and authorities that the DOT might need in the future as automated vehicle technology advances and we begin to see deployment on a much wider scale.

Last year, over 35,000 lives were lost in motor vehicle crashes. We saw the largest annual percentage rise in deaths on our roads for the past 50 years—50. This is simply unacceptable. Connected and automated vehicle technologies have the potential to drastically reduce this troubling statistic and help ensure that at the end of the day, our children, our parents, and all of our family and friends are able to travel on our roads and make it home safe and sound.

We need to roll up our sleeves and do our part to ensure successful implementation of this policy. Many of our existing laws and regulations were enacted long before modern vehicles. Now is the time to consider updating policies from a time when the most advanced onboard electronics in our cars and trucks were AM radios. We need to do this the right way and ensure that these cars and trucks are introduced safely as we work through the challenges facing wide-scale deployment and the adoption of these absolutely revolutionary technologies. This means we need to take a hard look at issues such as automotive liability, consumer education, data and cyber security, and the future of the American workforce.

As a member of Senate Commerce Committee and as the cofounder of the

Smart Transportation Caucus, I am committed to leading these important discussions on Capitol Hill. As a start, I would like to take a moment to highlight some of what I believe are the key aspects of DOT's four-part Federal policy. Safety, of course, is paramount, and the new safety assessment emphasizes consumer education and awareness. Just as prior generations had to adapt to the innovation of stoplights and the construction of interstate highways, Americans in the coming months and years will learn how to operate and share the road with automated vehicles.

To save lives, consumers must trust that the technology underpinning this revolution in transportation is completely safe. It will require public-private cooperation to improve consumer understanding and adoption of these technologies. We also cannot ignore the new threats facing modern vehicles, as they are increasingly connected to each other and to the infrastructure.

It is critical that the 15-point assessment promotes built-in cyber security from the very start of vehicle development lifestyle. I am encouraged that DOT is addressing data recording, data sharing, and data privacy. We need to know how these automated systems work and what happens when they don't. We also need to ensure that this data is shared and protected.

Finally, I support DOT's emphasis on continuing collaborative work among industry, government, academic, and R&D communities to advance automated vehicles. In Michigan, we have already seen the benefits of such collaborative work at the Mcity testing facility in Ann Arbor. Soon, joint advanced research will take place on a much larger scale at the American Center for Mobility in Ypsilanti, where we will be testing, validating, and certifying the vehicles that will be driving America in the coming years.

I look forward to the continued partnership with DOT to help advance the innovation that is driving the future of mobility, and I want to thank Secretary Foxx and Administrator Rosekind for their focus and hard work that made this week's historic announcement possible.

This guidance demonstrates that America will be the global leader in the development and deployment of advanced vehicle technologies. You know, just 8 years ago, people were predicting the financial ruin of the auto industry here in America. Today, not only have we had the auto industry come roaring back with record sales, but we are now working to produce some of the greatest and most important innovations in American manufacturing history.

(The remarks of Mr. PETERS pertaining to the introduction of S. 3381 are printed in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. PETERS. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

#### WASTEFUL SPENDING

Mr. COATS. Mr. President, I have put this poster up for Waste of the Week to address waste, fraud or abuse of taxpayers' hard-earned dollars, and this is week 51.

Today I am here to draw attention to the \$2.3 billion owed to the United States from uncollected anti-dumping and countervailing duties. These are nations that have violated our trade laws, that signed up through trade laws or trade agreements, and then violated those—or companies from those countries that have violated those. There are laws that prohibit that and enforce that, and this is what it ought to be.

Let me say at the outset here that I do support international trade. It bolsters our economy; the statistics show that. It creates new opportunities for American businesses overseas, and it enhances America's security and global roles.

Trade raises economic prosperity; it has been a proven fact. Just take my State of Indiana. In recent years, Indiana has exported over \$34 billion in goods and services. Hoosier manufacturers export automobiles, auto parts, industrial machinery, medical devices, and much more. Indiana is a national leader in pharmaceutical and agricultural exports. In 2014, our State had the highest share of manufacturing employment per capita and the highest manufacturing income share relevant to the total income of any State in our country.

According to statistics, more than one in four—actually one in five—jobs in Indiana are due to our ability to export overseas. That has a significant impact on our economy here in Indiana. It is vital for our State to have strong trade laws that prevent other countries from engaging in unfair trade so that Hoosier companies can compete with them on a level playing field.

Having said that, I support international trade for all of the benefits to my State and to our country. I also strongly support the use of our trade laws to protect American companies against dumped or subsidized imports from foreign countries, China in particular.

Under Federal law, anti-dumping duties are special fees that are placed on products shipped to the United States at unfairly low prices. Sometimes this occurs when a foreign manufacturer sells a product in the United States for less than it cost to even make that profit. They are not even trying to regain their costs. They want our market share, so they dump products into the

United States that undercut our American-made goods. I will not stand for that. I will not support that.

Some who support trade laws say that we shouldn't be enforcing these, that it will ultimately work itself out. I don't believe that. The law is the law. The agreements are the agreements. They need to be enforced. Countervailing duties are fees placed on products imported into the United States that are made in countries where the foreign government unfairly subsidizes the product to lower their sale price.

We are a free enterprise system here in America. Yes, there have been some subsidies, and we should not be a violator of that in terms of unfairly breaking the laws, and we generally are not in that situation. But many countries, we have found and proven through a process, a judicial process, have unfairly subsidized their products, and we need to impose the fees and penalties against these countries and these companies.

Both anti-dumping and countervailing duties are how we fight the predatory practices of foreign nations that unfairly hurt American manufacturers by making American-made products more expensive than a foreign competitor's product. In order to level the playing field for American companies and their workers, the U.S. Department of Commerce calculates the duties that should be placed on the imported product to make up for these predatory trade practices. Once Congress calculates the money owed to the United States, the U.S. Customs and Border Protection agency—CBP, which oversees all imports into the United States—is responsible for collecting these fees that are imposed.

Even though CBP is legally directed to collect all of these fees, recently the Government Accountability Office discovered that from the years 2001 to 2014, the CBP failed to collect about \$2.3 billion in anti-dumping and countervailing duties. There are a number of reasons CBP has trouble collecting these fees, but one key reason the Government Accountability Office highlighted is that CBP simply does not assess the fees once the item is initially imported or once Commerce determines how much is owed. Basically, they are just behind the curve. So the agency that is responsible for collecting these fees simply is not doing its job successfully enough. CBP is supposed to collect the fees within the first 6 months of entry of the product or assessment, but in its accountability process, the GAO found that of the 41,000 uncollected bills—41,000 uncollected bills—the median age of the bills was 4.5 years, and they were supposed to do it in the first 6 months. Clearly, we have some dysfunction here. Clearly, we have some waste that needs to be corrected so that we can enforce these trade laws. Otherwise, we are sending a signal: Go ahead and do it. Chances are we will get away with it. Their assessment system is not



functional. We have a good chance of avoiding the fee altogether.

That is the signal which is being sent out to countries and manufacturers all around the world that are dumping or unfairly subsidizing their products and making our products—our competition less competitive.

As I said, GAO has found that out of the 41,000 uncollected bills, the median age is 4.5 years. We need to get them back to the 6-month standard.

Additionally, we have learned that nearly 1,000 of those uncollected bills were between 10 years and 13 years old. That is simply not acceptable. It is a dysfunction of government. It is a dysfunction of the bureaucratic processes we have to deal with in Washington. If it were somebody else's money, maybe we could make an excuse for this dysfunction, but this is taxpayer money. This money is from the hard-earned money each family takes home at the end of the week to pay the bills, to pay the mortgage, to save money for college. It is unacceptable to have this happening in Washington, DC, where this waste, fraud, and abuse continue to ramp up on our calculator.

American manufacturers work tirelessly to compete on a global market and sometimes against those who don't even play by the rules. Those who don't play by the rules have to have the rules enforced. So enforcement of our trade laws through the assessment of anti-dumping and countervailing duties is essential to ensure a level playing field for American workers and to show that predatory practices will not be tolerated. That is one reason I supported bipartisan legislation that was enacted earlier this year that would give the Customs and Border Patrol people the tools necessary to better enforce our trade laws, such as requiring CBP to better track which foreign companies may be less likely to pay fees owed to the United States.

Fortunately, CBP has agreed with the GAO's recommendations. Now that Congress has also provided the Customs and Border Patrol people with the tools to implement and enforce these recommendations, I am hopeful—but also watchful—that CBP will improve its track record in the near future.

We have a responsibility not only to sort out waste of taxpayers' dollars or misuse of taxpayers' dollars, we have a responsibility to try to correct the errors, to give the tools to the agencies to do their job as we have ordered them to do and then to oversee and make sure. It is one thing that the job is done. It is one thing to come to the floor and identify a problem. It is another thing to come down here with my colleagues and offer a solution. It is another thing to follow up and oversee that solution and see what we can do to make sure this doesn't happen again. We are far too short on oversight and far too long on rhetoric.

With that, I am adding \$2.3 billion for uncollected anti-dumping and countervailing duties, bringing our taxpayer

price tag to over \$328-plus billion of waste, fraud, and abuse. Think what we could do with that \$328 billion—help our defense, help the National Institutes of Health produce lifesaving new medical techniques or therapies, pave some roads, pay for essential functions of the Federal Government, or even better, not have to take this money from the taxpayers and simply throw it away.

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

The PRESIDING OFFICER. The Senator from Pennsylvania.

#### WILLSYE HOSPITAL

Mr. CASEY. Mr. President, I rise this afternoon to talk for a few minutes about a hospital in Pennsylvania, WillsEye Hospital. This is a hospital which is not only critically important to our State but to the Nation as well. It serves people from across our State and across the country.

WillsEye Hospital is a public trust that was gifted to the city of Philadelphia and founded in 1832. It was the first dedicated eye hospital in the country, providing care to the blind and the indigent—something they still do today. They still have that same mission.

Unfortunately, if the Centers for Medicare & Medicaid Services—what we know as CMS—has its way, WillsEye Hospital will no longer be able to provide this kind of care. This is world-class care that so many Pennsylvanians and so many Americans can speak to personally. I had a personal experience when my daughter Julia had an eye problem years ago, and WillsEye did great work for her.

In this case, CMS is using an arbitrary ratio of the number of inpatients and outpatients to say that WillsEye Hospital is not a hospital and should be what is known as an ambulatory surgery center, which could have drastic implications and ultimately force WillsEye to close. Again, this was an institution founded almost 200 years ago.

Last week I went to WillsEye in Philadelphia to talk about this problem and had the opportunity to meet Joey Povio, whose picture is in this enlarged photograph. Joey is 6 years old, and he has retinoblastoma, a type of ocular cancer which, if left untreated, will lead to his death.

According to the American Cancer Society, there are 200 cases to 300 cases of retinoblastoma diagnosed each year. In the last fiscal year, WillsEye treated 110 unique individuals with a diagnosis of retinoblastoma, or almost 37 percent to 55 percent of the diagnosed cases in the country. So you can see the impact of just one hospital on a substantial problem that Joey and children across the country have. Fortunately for Joey, he is receiving first-rate treatment, but we have to have ask ourselves: What about the others who have retinoblastoma? What about the chil-

dren who will have retinoblastoma in the future? What will happen to them without WillsEye Hospital?

You can tell from this picture not just how dynamic Joey is—and I can attest to that personally, after having met him—but how focused he is on getting better and how confident he and his family are that he can, in fact, get better because of the great work done at WillsEye Hospital.

There are many who might think this is just a unique situation or simply an unfortunate situation, and certainly it is for Joey and his family and for others who have retinoblastoma or a number of other ailments or problems that center on their eyes. Thank God we have WillsEye to treat those problems. But there are other hospitals in the Nation that are dealing with some of these same issues and especially dealing with issues that relate to their interaction with CMS, and these are obviously some great hospitals that I will mention in a moment.

In this case, for whatever reason, I think CMS is treating WillsEye Hospital unfairly. I think that is an understatement. In this case, we have a number of institutions that have a bed ratio—that is the interplay between inpatient and outpatient that CMS is focused on in this circumstance—there are some hospitals that have a bed ratio that is lower than the one at WillsEye. Because those numbers are lower, that would mean those hospitals should be the subject of the same kind of action CMS is taking when it comes to WillsEye.

When WillsEye was first denied hospital status, their bed ratio was 17 percent. But according to the data provided by the American Hospital Association, the Cleveland Clinic, one of our great institutions, has a ratio of 6.14 percent, which is obviously lower than 17 percent, and Stanford Health Care, another great institution, has a ratio of 10.5 percent, which is again lower than the 17 percent at WillsEye Hospital. As I mentioned, these are the bed ratios. So it doesn't make much sense that CMS is focused on WillsEye and is not taking the same action or similar action as it relates to those other two institutions.

Now, no one would doubt that these two premier institutions—Cleveland Clinic and Stanford—are hospitals. There is no question they are hospitals. Yet CMS is focused on WillsEye in a determination they have made that it is not a hospital. It doesn't make any sense.

CMS does not even have a definite ratio that a facility needs to meet in order to have inpatient beds. They simply need to be "primarily engaged" in providing inpatient services. So there is no definite ratio, and yet they are taking action that is to the detriment of WillsEye Hospital, and I believe—and I think the evidence in the record is clear—to the detriment of a lot of people in Southeastern Pennsylvania, a



lot of people throughout our Commonwealth, and indeed throughout our Nation. In this case, I believe, obviously, CMS has made the wrong decision.

One would think, in order to help determine what a hospital is doing, a representative from CMS would visit and would do a thorough review of the hospital that can only be done in person. You can't do that just based upon charts or phone calls. One would think someone from CMS would come and see WillsEye Hospital firsthand. They really haven't done that yet in a manner that is connected to the actions they have been taking. So I have encouraged them to do that. It is not a very burdensome task to get on the train, go to Philadelphia, spend some time in WillsEye Hospital, and use that as part of the basis upon which to make a determination as an agency of government.

In this case, unfortunately, CMS has made an arbitrary decision, which is wrong. This decision threatens this world-class hospital, and that is an understatement. In essence, this decision makes no sense. WillsEye is a hospital. It provides great care for people who can't get this care almost anywhere else in the country, especially when it comes to children and especially when it comes to that diagnosis that families get of retinoblastoma. Without the intervention and the great work at WillsEye, those children will die.

I will continue to urge CMS to work with me and to work with WillsEye on a solution that resolves this bureaucratic problem. That is basically what this is, a bureaucratic approach that doesn't make sense in the real world—the real world of quality medical care, the real world of the services that WillsEye provides, and the real world of Joey's circumstance and children like him across our region in Pennsylvania but also across the country.

Mr. President, I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

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

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

Ms. STABENOW. Mr. President, I ask unanimous consent to speak for 10 minutes, and if the Chair would, let me know when I have spoken for 8 minutes, please.

The PRESIDING OFFICER. The Chair will do so.

Ms. STABENOW. I thank the Chair.

#### FUNDING FOR FLINT, MICHIGAN

Ms. STABENOW. Mr. President, this has been a roller coaster time for those of us who care deeply about what happened over 2½ years ago in the city of Flint with a system that was not treated properly and exposed 100,000 people in Flint to lead poisoning.

We had a great vote last week, and I am very grateful to Senator INHOFE and Senator BOXER, who came together, working with Senator PETERS and me, to put together a larger water bill that included an effort to help Flint families as well as other communities that have exposure to lead in their water. That effort had a final vote of 95 to 3. This was a very positive moment.

Today, just a little while ago, it was just the opposite. We have an opportunity to complete the job we started last week and include this fully offset package in this budget bill in front of us, the continuing resolution. Yet the Republican leader did not do that. What adds insult to injury is, there is help for Louisiana but not for the families of Flint, and I might add, ours is fully offset. There is no offset in spending, there are no other programs cut to pay for the help for Louisiana, but I offered to phase out a program I sponsored in 2007—that doesn't happen a lot around here—in order to pay for this emergency in Flint and help other communities with lead in their water across the country. So we have something fully paid for and for which there should be absolutely no objection.

I would love to know the objection to helping a group of people—100,000 people in Flint and other families across the country in Jackson, MS, New York, Indiana, Pennsylvania, Texas, and across the country—with something fully paid for. What is the objection to putting that into this continuing resolution if the other side of the aisle is willing to put in something that doesn't have an offset in it to help the people in Louisiana?

I support helping the people in Louisiana. I believe we are in this together as a country. As Americans, I think, no matter the emergency, we should be willing to help each other. We have had a variety of emergencies over the years, such as the fertilizer company in West, TX, where there was an explosion a few years ago. It was not a flood, not a hurricane, not a drought but a fertilizer explosion, and people were exposed. The Federal Government stepped in to help, and that wasn't fully paid for either.

Here we have a situation with 100,000 people—9,000 children under the age of 6—who are seriously exposed to lead and that exposure will affect their development, physically and mentally, for the rest of their lives. They have now waited—they have waited—over 1 year since they knew what was happening. We have finally gotten to a point where we have strong bipartisan support in the Senate, and this is easy to put this in this bill—easy. But we are in a situation where we are saying to the people of Flint: Well, wait just 3 more months. Wait until the end of the year. I guess the other question is, Why don't people in Louisiana wait until the end of the year? I think we should help both of them now.

In Flint, we literally have people getting up in the morning and saying: OK.

I have to take the kids to the school. Should I pick up the bottle of water before I take them to school or after? Gosh. Now, I don't have a car, but can I get somebody to help me go over before I go to work—pick up the bottle of water now or later? We are going to have to spend some time because it is not easy to use bottled water and do a shower for yourself and the kids, let alone for cooking and all of the other things we take for granted every day. People in Flint, for almost 2 years, have been having to deal with this every single day.

If this were happening to us, we would view it as an emergency. A decade ago—I don't know, 10 or 12 years ago—when Washington, DC, had lead in the water, somehow everybody came together to get that fixed. There was a concern about the water in the Cannon House Office Building, and that got fixed. I have a funny feeling if something happened in Wisconsin, the Speaker would decide that was serious enough to fix that, but we have a group of people in Flint, MI, who trusted their elected officials and who have been waiting—actually, incredibly patiently—for action so they can turn on the faucet and have clean water.

They had such hopes last week. This was a great moment of people coming together, 95 to 3, on a bill that would not only help families in Flint but across the country. That is how we are supposed to govern. We did that concerning the lead in the water in Flint. We went the extra mile to make sure that was fully offset by phasing out another program to pay for it.

Literally, this package could go anywhere. It could go by itself by voice vote today. It could go any number of places, but it needs to happen now. To see the continuing resolution come to the floor with help for Louisiana and not for the families of Flint is outrageous. It is just outrageous. I will do everything in my power to make sure this does not happen. We are not—we are not, I am not—going to support an effort that says to the people of Flint: You don't count. Your child doesn't count. We care about people in Louisiana. Oh, they count, but people in Flint, MI, don't count. We don't see them. We don't care.

Well, we do see them. We do care about them. We spent 8 months putting together a bipartisan coalition in the Senate, and I am grateful for that. As I said before, Senator INHOFE has been terrific to work with. We were so pleased last week that we were on track to get this done and then to find out that when we now have this opportunity and we had this huge vote—a bipartisan, fully offset, paid-for package to move it forward—suddenly Flint doesn't count. Flint families don't count. Flint children don't count. But for Louisiana, which wasn't in the WRDA bill—or so far we haven't voted on it separately—we need to help Louisiana. By the way, let me say again, I am happy to support Louisiana, but

the help for Louisiana and the help for Flint need to be done the same.

Let me finally say—

The PRESIDING OFFICER. The Senator has used 8 minutes.

Ms. STABENOW. I thank the Chair.

I want to actually turn and give 2 minutes to my colleague who has been my great partner in this, but I want to close by saying this. There is one other provision in this bill that is outrageous and that continues dark money in campaigns from having to be reported. So this continuing resolution is saying yes to dark money and no to children with lead poisoning in Flint, and that is not acceptable.

Now to my partner Senator PETERS.

Mr. PETERS. Mr. President, I thank Senator STABENOW for yielding me her remaining time. I couldn't concur more with what she had to say.

This is another day. It seems like we are down here on the floor all of the time talking about the crisis in Flint, asking for help, and demanding that folks step up to help the people of Flint. We are so close to doing it.

As the Senator mentioned, we came with incredible bipartisan support, 95 votes—a program fully paid for that the Senator authored, a program that I fought for as a Member of the U.S. House. Now we are saying this is so important that we are willing to take this program, use these funds to help the people of Flint. But the people can't wait any longer. In this body, the Senate should not be about picking and choosing specific States to help, specific cities to help, specific neighborhoods. It should be about all of America: No matter who you are, no matter where you live, when you are hurting, we will step up as the American people and help those folks in need. That is all we are asking.

A program that is fully paid for and has strong bipartisan support—this seems to be a very easy thing to do, which is why I am at a loss to understand why it can't be put in a CR when it had such broad support and when it is clear people have been waiting for months. We had families in Washington last week, a woman, a mom, talking about her daughter whose teeth are crumbling when she bites into sandwiches because of the damage related to lead poisoning. She has blood levels going up and down with lead; it is still not under control. She was in tears. She was at a loss. She felt some hope when the WRDA bill passed. But if we don't take action and we leave to go back to our States for the month of October, who knows when we were going to bring this up. This is wrong.

The people of Flint have waited long enough. The people of Flint have suffered enough. This is our opportunity as the Senate to rise up and to say: Every American's life is important. Every American's life is one that we celebrate. Every child should have opportunities.

We can put this in the CR. We can pass it and send a strong signal to the people of Flint that their lives matter.

I yield the floor.

The PRESIDING OFFICER. The Senator from Michigan.

Ms. STABENOW. Mr. President, if there is a moment left, I wish to underscore that we are not asking to pit communities against each other. We are not asking colleagues to say no to Louisiana. We are asking colleagues to say yes to Flint and Louisiana and understand that your ZIP Code doesn't matter. We have the obligation to step up when there is an emergency and help American families. That is all we are asking for the people of Flint.

The PRESIDING OFFICER. The Senator from Utah.

#### JUSTICE CLARENCE THOMAS

Mr. HATCH. Mr. President, I rise today to celebrate an event that both represents and helps preserve what is best about this great country. I ask unanimous consent that I be permitted to finish these remarks.

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

Mr. HATCH. Mr. President, 25 years ago next month, the Senate confirmed, and President George H.W. Bush appointed, Clarence Thomas to be an Associate Justice of the U.S. Supreme Court. To paraphrase John F. Kennedy, I would like to note both what this country has done for Justice Thomas and what Justice Thomas is doing for this country.

President Bush made the announcement of then-Judge Thomas's Supreme Court nomination on July 1, 1991, at the Bush home in Maine. In his brief remarks, Judge Thomas said: "Only in America could this have been possible." He was right. It would be difficult to find a more powerful story about how far someone can go in this country.

Clarence Thomas was born on June 23, 1948, in a small wood-frame house in the rural town of Pin Point, GA. Six people lived in that house, which had no indoor plumbing.

Life in the world of Clarence's youth was fully segregated. In 1955, the year after the Supreme Court ruled segregated education unconstitutional, he and his brother moved in with his maternal grandparents, Myers and Christine Anderson. Myers Anderson lacked the outward material signs of success that many prize so highly today. He grew up poor, without a father, and had only a third grade education. Yet it was what he had, rather than what he lacked, that would make him the most profound influence on his grandson, Clarence Thomas. Mr. Anderson's strength of character, his principles and values, and his example shaped the man whose memoir would later be titled, "My Grandfather's Son."

Clarence's grandparents were honest, hardworking, and deeply religious people. They taught decency and respect for others, insisting that Clarence never refuse to do an errand for a neighbor. Mr. Anderson wanted his

grandson to be self-sufficient, able to stand on his own two feet even in a hostile world where the odds seemed heavily stacked against him.

The other powerful influences for young Clarence were the nuns who taught him at St. Benedict's Grammar School. There, and at St. Benedict's Catholic Church, Clarence learned that all people are inherently equal, no matter what the law or society might say at a particular time.

Clarence graduated from high school in 1967, the only Black student in his class, and was the first person in his family to attend college. After graduating from Yale Law School, Clarence went to work for Missouri attorney general John Danforth—known as Jack Danforth by us—arguing his first case before the Missouri Supreme Court just 3 days after having been sworn in as a member of the Missouri Bar. He came to Washington in 1979 to join then-Senator Danforth as a legislative assistant.

Clarence Thomas was confirmed by the Senate for the first of five times in 1981 as Assistant Secretary of Education for Civil Rights. I think I was the chairman at that time. He would become the longest serving chairman of the Equal Employment Opportunity Commission in 1982, a judge on the U.S. Court of Appeals for the D.C. Circuit in 1990, and a Supreme Court Justice in 1991 at the age of 43. America gave him opportunities that do not exist anywhere else in the world.

Since this anniversary is about Justice Thomas's service on the Supreme Court, let me turn from what America has done for him to what he is doing for America. I have known Clarence for 35 years and chaired or served on the committees that oversaw each of his appointments. His impact on our Nation comes from his own strength of character fueling his deep conviction about the principles of liberty and other great principles as well.

I have already touched on some of the building blocks of Clarence's character, including his grandfather's example of standing firm in his beliefs. In one interview, Clarence said that his professional career is a vindication of the way he was raised. He described that upbringing in this way in a 1986 article:

But my training by the nuns and my grandparents paid off. I decided then . . . that it was better to be respected than liked.

At the time of Clarence's Supreme Court nomination, reporters noted that he defied categorization and refused to uncritically accept orthodoxy of any stripe. Even liberal columnists acknowledged the nominee's intellectual independence was great. This strength of character has not changed and makes it possible for Justice Thomas to advance his deep conviction about the principles of liberty.

The first principle is the inherent equality of every human being. As the Declaration of Independence states, government exists to secure the inalienable rights of individuals. Justice

Thomas has called the Constitution “a logical extension of [the Declaration’s] principles.”

The second principle of liberty that defines Justice Thomas’s service is the necessity of limits on government, including judges. In 1988, while Chairman of the EEOC, he made an important presentation at the Federalist Society’s annual symposium. The related principles of equality and God-given inalienable rights, he said, are “the best defense of limited government, of the separation of powers, and of the judicial restraint that flows from the commitment to limited government.”

Justice Thomas has said many times that he resists a single label or category for his judicial philosophy or his understanding of the power and role of judges in our system of government. In that 1988 speech, however, he said that liberty and limited government are the foundation for what he called “a judiciary active in defending the Constitution, but judicious in its restraint and moderation.” This judiciary, he explained, “is the only alternative to the willfulness of both run-amok majorities and run-amok judges.”

To put it simply, Justice Thomas draws a direct connection between equality and God-given inalienable rights, limited government, and liberty itself. This means that each branch of government, including the judiciary, should be active but only within its proper bounds. A judiciary consistent with liberty will be active in properly interpreting and applying the Constitution and will be restrained in declining to exercise power to manipulate or change the law.

In 1990, after being appointed to the U.S. court of appeals, Clarence had lunch with a friend and reflected on his new judicial role. He said: Every time I put on the robe, I have to remember that I am only a judge. The only reason that sounds unusual today is that we live in an era of run-amok judges engaging in what the late Justice Antonin Scalia called power-judging.

Justice Thomas’s statement would not, however, have sounded strange to America’s Founders. Alexander Hamilton, after all, wrote that because the judiciary may exercise judgment but may not exercise will, it is the weakest and least dangerous branch.

In 2008, two legal scholars wrote about Justice Thomas in the *Wall Street Journal*. They quoted him describing his basic yet profound judicial philosophy this way: “It’s not my Constitution to play around with,” he said. “I just think that we should interpret the Constitution as it’s drafted, not as we would have drafted it.”

A properly active judiciary will interpret the Constitution as it is already drafted, and a properly restrained judiciary will refuse to interpret the Constitution the way judges would have drafted it. That is what judges are supposed to do in our system of government. They are supposed to interpret the Constitution as it was

drafted. Judges must take the law as they find it and apply it impartially to decide cases. That is their job, their part of the system of government that supports liberty and freedom.

This is the kind of Justice that we knew Clarence Thomas would be: A Justice who knows both the purpose and the limits of the power the Constitution gives him. This is also the reason that many fought so hard against his appointment and continue to criticize his service. The debate over Justice Thomas’s Supreme Court nomination was a debate over what kind of Justice should be appointed in America. His opponents and critics want Justices who will interpret the Constitution as those particular Justices would have drafted it. In other words, they want a judiciary that is inconsistent with liberty, a judiciary that will control the law rather than be controlled by the law. They are concerned more about power than about liberty.

Thankfully, Justice Thomas is the kind of Justice that our liberty requires, and defending liberty is what he is doing for America and for each one of us. We have all passed by the National Archives building, which sits on Constitution Avenue just a few blocks from here. One of the statues in front bears the inscription, “Eternal vigilance is the price of liberty.” Justice Thomas is paying that price of vigilance.

A Justice’s clerks, in a unique and special way, become a family. Justice Thomas’s clerks have become partners in America’s best law firms and professors at her finest law schools, carrying with them the principles and lessons he taught about how to protect liberty. As I did 5 years ago when celebrating Justice Thomas’s 20th anniversary, I asked some of his former clerks to send letters about the Justice.

Mr. President, I ask unanimous consent that these letters be printed in the *RECORD* following my remarks.

The principles of liberty established by America’s Founders are the same principles to which Clarence Thomas is deeply committed. But it is when those principles are fueled by personal character, integrity, and brilliance that they become a powerful force that defines a nation and helps chart its future.

On July 1, 1991, when President Bush announced that he was nominating Clarence Thomas to the Supreme Court, Clarence said that his grandparents, his mother, and the nuns who taught him “were adamant that I grow up and make something of myself.” To my friend Clarence, I have to say that not only did you exceed all of those expectations, but your service, character, and example are helping to make something good out of the rest of us.

Also, on a more personal note, the unexpected death of Justice Scalia has been a profound loss in many ways, including for his friend and colleague Clarence Thomas. On several different levels—personally, philosophically,

even spiritually—they were close—fellow travelers, if you will. Justice Scalia’s death is a great personal loss, but it also created a void that I am confident Justice Thomas is already filling in continuing to stand for the principles they mutually shared.

A few months ago, Justice Thomas was the commencement speaker at Hillsdale College in Michigan. He cautioned that today there is more emphasis on our rights and what we are owed than on our obligations and what we can give. He asked this question: “If we are not making deposits to replenish our liberties, then who is?”

By his character and convictions, Clarence Thomas continues to make those deposits and maintain the vigilance necessary to replenish and protect our liberty. America gave him much, and he is returning even more.

As a personal friend of most of the Justices, but especially Clarence Thomas, he has far exceeded what many of us thought he would be able to do on the Court. I thought that he would be great and that he would do a great job as a Justice on the Supreme Court, but he has gone even beyond my expectations. He is a great Justice. He is a person of great quality, of great character, and great spirit. You cannot be around him very long without laughing and enjoying life. You can’t be around him very long without knowing that this is one heck of a unique individual—somebody who really deserves to be on the Supreme Court, who has made a process of being a great Justice.

I am proud of him. I am proud of what he has been able to do. I am proud of what he has become. I am proud of the growth that he continually makes in life. I have always been proud of Clarence Thomas, Justice of the U.S. Supreme Court.

I yield the floor.

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

JUDICIAL CRISIS NETWORK,  
Washington, DC, September 16, 2016.

Senator ORRIN HATCH,  
U.S. Senate,  
Washington, DC.

DEAR SENATOR HATCH: This year we celebrate the twenty-fifth anniversary of Supreme Court Justice Clarence Thomas’s confirmation. His significance on the Court has often been underappreciated by commentators and politicians alike. Justice Scalia’s outspokenness and Thomas’s silence at oral arguments may have captured the fancy of reporters who favor rhetorical flash over a quarter-century of studious opinions. But as Thomas moves into the most senior position among the Court’s conservatives, his influence will soon become clearly recognizable.

Thomas joined the Court after the 1991 October Term had already begun. He had just spent the summer battling those who would do anything to ensure that Justice Thurgood Marshall could not be replaced by a conservative African-American Justice.

He won those battles, but he had a new challenge waiting for him at the Supreme Court. Whereas his new colleagues had had months to prepare for the Term’s cases, Thomas was thrown, metaphorically speaking, into the deep end. Or, as Thomas himself

would describe it later, he was building his wagon as he was riding in it.

But despite that initial disadvantage, Thomas made clear to his colleagues from his first week on the Court that he would mount a serious challenge to the liberal status quo. In the third case he heard, he shocked his colleagues by emerging as the lone dissenter. After his powerful dissent was circulated to the other justices, his position gained three additional votes. It wasn't enough to change the outcome of that particular case, but it made clear to the other justices that a new wind was blowing from an unexpected direction.

Those outside the Courthouse's marble walls were only rarely aware of Thomas's influence. For example, in one case in which he and Scalia were the only two dissenters, many in the press depicted Thomas as Scalia's puppet. When internal records from the term were released decades later, however, the truth became clear: Thomas started out as the lone dissenter in that case, and it was Scalia who had moved to join him. As he had done before, time and again, Thomas was blazing his own trail.

Thomas's life experiences—a childhood lived under state-mandated racial segregation and a society that punished federal judges who tried to enforce constitutional requirements of race neutrality—undergird his commitment to principled constitutionalism. He shares the Founders' skepticism of untrammelled governmental power, as well as their belief that the Constitution keeps government from encroaching on our foundational liberties. And he recognizes that making the right decisions in the face of harsh criticism takes courage.

So last Term Justice Thomas penned several opinions advancing a serious critique of the administrative state, the growing army of unelected bureaucrats who increasingly write laws that, at least under the Constitution, are the sole responsibility of our elected representatives in Congress. Even staunch originalists like Justice Scalia hadn't taken on that behemoth.

He makes decisions based on legal principles, not politics. That means that Thomas is just as willing to uphold laws he may consider wrong and strike down those he may like, voting to strike down even "conservative" federal laws such as those regulating locally-grown and distributed marijuana. He may like the policies behind those laws, but he doesn't think the federal government has the constitutional power to pass them in the first place.

He also refuses to invent new law to reach "hard cases." As he sees it, judges shouldn't do damage control for lawmakers who don't do a good job writing laws.

Nor is it his job to edit the Constitution to fit his own views. He makes numerous "liberal" pro-defendant decisions that are dictated by the constitutional right to a jury trial or to confront one's accusers. It's not because he thinks those criminals are innocent; it's because he takes seriously his oath to uphold the Constitution.

I was privileged to clerk for Justice Thomas nine years ago. While his judicial integrity and commitment to the Constitution are truly remarkable, his clerks most admire his personal integrity. His high standards helped us reach our own potential and his continued mentorship and guidance have truly made him a father figure to a growing clerk "family". Through him we learned how to wear the mantle of authority lightly, how to maintain humility and perspective in the face of adulation, and even how to stay the course with fortitude when faced with criticism and personal attack.

As the Court prepares to change with Scalia's successor, I predict that the impor-

tance of Thomas's calls for a courageous and principled constitutionalism will soon be recognized much more widely. Many who overlooked or downplayed the importance of his steady hand will soon begin to realize how significant he has been all along.

Sincerely,

CARRIE SEVERINO,  
Chief Counsel and Policy Director,  
Judicial Crisis Network.

WASHINGTON, DC,  
September 16, 2016.

Hon. ORRIN HATCH,  
Hart Senate Office Building,  
Washington, DC.

DEAR SENATOR HATCH: Twenty-five years ago, Justice Clarence Thomas took his seat as an Associate Justice of the Supreme Court of the United States. I had the privilege of serving as one of Justice Thomas's first law clerks, during the Court's October Term 1991.

By now, Justice Thomas's jurisprudence is apparent. He favors text over policy, original meaning over evolving standards, history over legislative history, rules over standards, and getting it right over following precedent. He understands that the Constitution limits the government in order to secure individual liberty. He further understands that maintaining our constitutional structure—including the separation of powers and federalism—is critical to preserving that liberty. He broadly enforces the Constitution, but recognizes that it leaves ample room for citizens to govern themselves through democratic processes. In areas related to race, he worries about the laws of unintended consequences, and his views are informed by his own remarkable experiences growing up in the segregated South.

Even as early as 1991, much of this was already becoming apparent. During his very first sitting, he was the sole dissenter in three different cases during the justices' initial voting. (I can tell this story because all of the pertinent information has already been disclosed.) Despite being a brand-new, 43-year-old justice, he never flinched at going it alone, and it never occurred to him to do anything other than call the balls and strikes exactly as he saw them. His positions in these three cases were eminently sensible: (1) if a capital defendant puts on mitigating evidence of good character, the prosecutor may respond with countervailing evidence that the defendant belonged to a white supremacist prison gang; (2) state tort law, rather than the constitutional prohibition on cruel and unusual punishment, governs the routine mistreatment of prisoners; and (3) if a criminal defendant secures an acquittal on the ground of insanity, he may be civilly confined for as long as he remains dangerous. The first of these cases was ultimately decided by an 8-1 margin, the second by 7-2, and the third by 5-4. In the second and third cases, Justice Scalia switched his original vote from the majority to the dissent. So, while outside observers were speculating that Justice Thomas seemed to be reflexively following Justice Scalia, in significant part it was Justice Scalia who was following Justice Thomas.

Another striking opinion from that year was *Wright v. West*. On a superficial level, the case involved an unusually narrow question about whether there was enough evidence to support a particular criminal conviction. The lower court had said no, and the Justices unanimously said yes. Rather than simply reinstate the conviction, Justice Thomas wrote a long, scholarly opinion explaining why it was wrong for a federal court to review the conviction at all without giving respect to the views of the state court in which the defendant had been originally con-

victed. His ambitious opinion fractured the Court into a 3-3-1-1 split. But, four years later, Congress codified his view in the Antiterrorism and Effective Death Penalty Act of 1996, thereby fundamentally changing the law and practice of federal habeas corpus.

Then there was *United States v. Fordice*, which involved the desegregation of public universities. The majority opinion, which Justice Thomas joined, contained much lofty rhetoric about the urgent need for desegregation. At the same time, Justice Thomas worried about harming historically black colleges, and he wrote separately to urge their preservation: "It would be ironic, to say the least, if the institutions that sustained blacks during segregation were themselves destroyed in an effort to combat its vestiges."

Since that year, Justice Thomas has staked out strikingly original positions in a wide range of areas including the Commerce Clause, the non-delegation doctrine, federal war powers, deference to federal agencies, the Establishment Clause, retroactivity, implied preemption, race neutrality, and cross burning, to name only a few examples. With the loss of Justice Scalia, he is the Court's only remaining originalist. While his views have not always garnered a majority, he has done more than any other Justice in the last half-century to lay out what the words of the Constitution meant to those who ratified it—and to show how far the current Court has strayed from that original understanding. The Court has been, and will be, greatly enriched by his service.

Sincerely,

GREGORY G. KATSAS.

MCLEAN, VIRGINIA.

September 16, 2016.

Re Celebrating Justice Thomas's 25 Years of Service on the Supreme Court

Hon. ORRIN G. HATCH,  
U.S. Senate Committee on the Judiciary,  
Washington, DC.

DEAR SENATOR HATCH: As a lawyer who had the great fortune to serve as a law clerk to Justice Clarence Thomas during October Term 1992 on the Supreme Court, and as an American who cares deeply about the constitutional foundations of our Republic, I write with pleasure and gratitude to commemorate the first 25 years of Justice Thomas's tenure as an Associate Justice. Through his dedicated and principled work on the Court, through his humble jurisprudence and worldview as a judge, and through his amazing personal story and lifetime of experience and relationships, Justice Thomas has made a singularly historic and positive contribution to the life of our Nation and to the legacy of the Court.

Before offering my perspective on the lasting impact of Justice Thomas's first 25 years of service, let me say a word of tribute to the President who nominated him to the Court. The selection of Clarence Thomas to serve as Associate Justice on the Supreme Court of the United States was one of the most consequential, world-improving decisions made by President George H.W. Bush during his term of office. I believe all Americans, of all backgrounds and all political persuasions, have benefited (probably far more than they realize) from the fact that Justice Thomas has occupied one of the nine seats on the Court's bench since 1991.

I also want to express my deep personal thanks to you, Senator Hatch, for the pivotal role you played in securing the confirmation of Justice Thomas in 1991. As a leader on the Judiciary Committee, you were the essential, stalwart champion in support of the nomination. I trust you take enormous pride in the legacy of Justice Thomas's

service on the Court and the gift to our country that you helped to bring about.

#### THE MOST PERSONABLE AND AUTHENTIC JUSTICE

After emerging from the searing cauldron of his confirmation hearings, Justice Thomas was often portrayed in the press as a wounded and brooding figure, quietly stewing in anger in the inner chambers of the Supreme Court Building. Certainly anger would have been a natural and justifiable emotion for someone who suffered through a nationally televised inquisition and whose home had been picketed by activists who called him many things, including (astoundingly) “inauthentic.” The truth, however, is that this portrayal of the smoldering, angry, reclusive Justice is the absolute opposite of reality.

I would venture to say that few Justices in history have been more personable, accessible, and, yes, authentic. He is a good man, a warm and caring man, a Justice who takes the time and personal attention to become a real friend to everyone who works with him in the Supreme Court family. He is utterly open and candid with his life experiences.

And what experiences they have been! From the abject poverty and racial suppression of Pin Point, Georgia; to the up-by-the-bootstraps discipline of life with his self-sufficient grandfather, Myers Anderson; to the unwavering kindness and motivating strictness of the nuns of St. Benedict the Moor Grammar School; to the challenge of forging his own career path at Holy Cross, at Yale Law School, in the private sector, and with John Danforth; and finally to the Education Department and EEOC of the Reagan Administration before his appointment as a judge on the court of appeals. Few of us can imagine what it took for him to navigate that extraordinary upward journey. But the meaning and value of those life experiences shine through in his smile, his warm hugs for friends in need, and his deep and generous laugh. And, of course, they animate his loving marriage with Ginni.

Justice Thomas's life experiences also shine through in the way he opens his Chambers and his heart to all manner of school groups and other visitors eager to meet him and share in his life story. He may have set a record for the number of visitors to the Court, and these guests come to meet with him from all walks of life and from every corner of the United States.

More than that, his life and personality come through in the way he approaches the drafting of Supreme Court opinions. From his first Term on the Court, and consistently today as a veteran Justice, he takes care to ensure that his opinions are written for the everyday American, so that the average person can understand the issues at play and the force and track of his reasoning. That has always been a top priority and objective in every case he handles.

For me as his former law clerk, his example was and remains a true lesson in humility—a lesson in how all of us who appear in the federal courts, whether as advocate or judge, should approach our roles humbly. Justice Thomas's humility comes from the recognition that to participate in the law is to uphold a sacred trust, because our legal system is an essential part of the American experiment in self-government. And the Supreme Court, as the paramount court in the United States, is the most important guardian of that trust.

#### DEFENDER OF FREEDOM AND EQUAL JUSTICE UNDER LAW

True to this sacred trust, Justice Thomas brings an unwavering vigilance to the work of the Court. For him, every time the Court resolves a case, including in the way the Justices reason through the issues, the Court af-

fects the freedom and individual liberty of all Americans. In approaching his role on the Court, even in cases involving technical questions of statutory interpretation, just as in the most momentous decisions of constitutional law, Justice Thomas maintains a constant mindfulness that the Court can and should contribute to the preservation of freedom and to the promotion of equal justice for all Americans.

He is steadfastly attentive to the proper limits of the Court's role as an interpreter of the law, rather than a creator of new legal norms, and to the opportunities the Court has to decide cases in ways that will preserve and vindicate the Founders' original understanding of our constitutional system and the true nature of the rights protected by the Constitution. He knows that remaining true to the originating vision of the Founders is the surest guarantee of liberty.

I am not revealing some secret or non-public information. This vigilance is manifest in the words and structure of each opinion he authors, whether speaking for a majority of the Court or in a separate concurrence or dissent.

Many of his influential opinions are directed at the judicial function itself. Federal judges are not elected, and once they are confirmed to lifetime appointments, they are not accountable to the people. That means that the most basic freedom of a self-governing people to make policy choices through their elected representatives and to redirect the agenda of government at all levels according to the changing priorities of the popular will depends critically upon the discipline and consistency with which the judiciary honors its institutional limits.

Thus, Justice Thomas has defended the political freedom of the people by urging the courts to stick to clear, simple, and consistent principles of decision and to avoid using malleable balancing tests and multifactor standards that allow judges to supersede the will of the legislators with their own preferred policy outcomes. His concurring opinion in *Holder v. Hall* (1994), construing section 2 of the Voting Rights Act, is a model of such defense: “I can no longer adhere to a reading of the Act that does not comport with the terms of the statute and that has produced such a disastrous misadventure in judicial policymaking.”

Knowing that the Constitution, not the niceties of stare decisis, is the true bastion of the people's liberty, Justice Thomas has often been the lone voice urging the Court to return to the foundational understanding of the Constitution's great clauses and to cast aside decades of misguided judicial gloss. He is the only Justice on the current Court calling for a complete course correction back to the original meaning of the Commerce Clause, which has become, as reinterpreted by the Court, the prime springboard for the runaway growth of the federal government. In voting with the Court to protect an individual's right to keep and bear arms against abridgment by a municipal government in *McDonald v. City of Chicago* (2010), he was also the only Justice who actively urged the restoration of the Privileges or Immunities Clause of the Fourteenth Amendment to its rightful place as the surest bulwark against the suppression of fundamental liberties by the States.

Justice Thomas's allegiance to the text and original meaning of the Constitution has often led him to assert broader, bolder, and less compromising protection for the guarantees enshrined in the Bill of Rights. He has been among the staunchest upholders of the First Amendment on the Court and has consistently urged full protection for commercial speech, free from judge-made balancing tests. And he has joined Justice Scalia and

others to reestablish the force and imperative of the Confrontation Clause as a fundamental protection for criminal defendants.

With similar boldness, Justice Thomas has refused to compromise in pursuing the goal of equal treatment under the law for all Americans. He knows well that despite the best of intentions, government only exacerbates prejudice and inequality when it persists in granting preferences or imposing disadvantages on the basis of race. And he believes that such programs are inconsistent with the colorblind commands of the Fourteenth Amendment.

As he wrote in his concurrence in *Adarand Constructors v. Peña* (1995), “Purchased at the price of immeasurable human suffering, the equal protection principle reflects our Nation's understanding that such classifications ultimately have a destructive impact on the individual and our society.” In his understanding of the Constitution, “there can be no doubt that racial paternalism and its unintended consequences can be as poisonous and pernicious as any other form of discrimination,” since it “teaches many that because of chronic and apparently immutable handicaps, minorities cannot compete with them without their patronizing indulgence. Inevitably, such programs engender attitudes of superiority or, alternatively, provoke resentment among those who believe that they have been wronged by the government's use of race.”

#### THE MOST COURAGEOUS JUSTICE

Justice Thomas's plea for a colorblind Constitution is just one example of what may be his most distinguishing quality as a judge: the courage of his conviction.

He showed that courage from his first days on the Court when he wrote fearless opinions as the lone dissenter on hot-button issues, like the application of the Eighth Amendment to the treatment of prisoners in state institutions in *Hudson v. McMillian* (1992). When, in reaction, the New York Times reflexively labeled him the “cruellest Justice,” many of us knew that he was actually the most courageous.

This flame of courage has continued to burn steadily over the past 25 years.

It was burning bright in *Graham v. Collins* in 1993 when he concluded that the “mitigating circumstances” prong of the Court's death penalty jurisprudence invited capital juries to engage in the same unbounded and potentially irrational and discriminatory sentencing judgments that the Court first condemned in *Furman v. Georgia* (1972):

“Any determination that death is or is not the fitting punishment for a particular crime will necessarily be a moral one, whether made by a jury, a judge, or a legislature. But beware the word ‘moral’ when used in an opinion of this Court. This word is a vessel of nearly infinite capacity—just as it may allow the sentencer to express benevolence, it may allow him to cloak latent animus. A judgment that some will consider a ‘moral response’ may secretly be based on caprice or even outright prejudice. When our review of death penalty procedures turns on whether jurors can give ‘full mitigating effect’ to the defendant's background and character, and on whether juries are free to disregard the State's chosen sentencing criteria and return a verdict that a majority of this Court will label ‘moral,’ we have thrown open the back door to arbitrary and irrational sentencing.”

His courage was also on display in *Elk Grove Unified School District v. Newdow* in 2004, where Justice Thomas had the temerity to suggest that the Establishment Clause may not protect an individual right and may not be incorporated fully against the States through the Fourteenth Amendment—a proposition often raised by respected law

professors but shunned as anathema by the modern Court.

And this courage flamed again in 2009 in *Northwest Austin Municipal Utility District Number One v. Holder* when Justice Thomas was the first Member of the Court to reach the conclusion that section 5 of the Voting Rights Act is no longer constitutionally sustainable as a countermeasure for a historical pattern of voter discrimination and disenfranchisement in the covered States.

Many of us (including me) will not agree with every position Justice Thomas has espoused in his opinions. But all of us, I believe, should recognize and respect the conviction with which he approaches his duties on the Court and the boldness and courage he has consistently exhibited in voicing his convictions.

We live in times today when the courage of conviction is in short supply among our leaders but is most needed by our Nation. We are therefore blessed, indeed, that courage and conviction have full expression on the Supreme Court of the United States through the voice of Justice Thomas.

Thank you, Senator Hatch, for giving me the opportunity to share my thoughts on the important contributions of Justice Thomas to our Nation and to the Supreme Court on the historic 25th anniversary of his appointment as Associate Justice.

Respectfully submitted,

STEVEN GILL BRADBURY.

The PRESIDING OFFICER. The Senator from Louisiana.

#### LOUISIANA FLOODS

Mr. CASSIDY. Mr. President, I rise again today to bring attention to the devastating floods in my State of Louisiana, which are now being called the Great Flood of 2016. In a matter of a few days, 7.1 million gallons of rain fell on Louisiana—more than fell during Hurricane Katrina. The flooding that resulted caused \$3.7 billion in damages to homes and businesses.

A flood event of this magnitude is such a low probability that it is called a thousand-year flood. To put this in perspective—just statistically—the last time a flood of this magnitude would have occurred in this area would have been 500 years before Christopher Columbus discovered the Americas.

It is hard to comprehend, but this chart may help. We all know of the devastation caused by Hurricane Sandy and of Katrina, Rita, and Wilma in 2005. This is from the 1871 Chicago fire. This is the fifth largest disaster after the 1906 San Francisco earthquake. In the last 100 years, the 2016 Louisiana flood is the third largest disaster in American history.

The National Hurricane Center was not able to warn us for this. They said that rain is going to start. It started to rain, and the next day there was flooding. Most folks who were flooded had never been flooded before. They were living in areas that they were told were not at risk for flooding.

The first parishes did not have time to evacuate or to prepare. Here you can see a family being helped out by volunteers. In the back, you see what is called a high-water vehicle. It doesn't flood out, but it is a single vehicle.

There were as many as 30,000 folks evacuated from their homes by what was called the "Cajun Navy"—Americans helping Americans get out.

By the way, this is a residential street. This is a neighborhood in which you can see the street itself flooded. This family's belongings are now piled up on the side of a road. They escaped with the bags they hold. This is one family. So far, 144,000 people have applied for individual assistance through FEMA.

I suggest that these people need to know their fellow Americans care about them. Just as important for communities, small businesses were hit too. According to the local newspaper, 12,000 small businesses in the area flooded have been out of commission because of the flood. This is from Denham Springs. It is a town right across the Amite River from East Baton Rouge Parish. You see everything they are selling piled up on the side of the road. Of course, this is tragic for the business, but think about the community. The National Flood Insurance Program estimates that 40 percent of small businesses that flood never recover and never go back into business.

This is tragic not just for the business owner but also for the people whom she employs because you have just destroyed the job and the opportunity for everyone whom she does employ.

It is one thing to look at statistics and to look at the huge scope of this disaster, but I return to the fact that it is a disaster affecting individuals and affecting families—people who have lost everything. When I say "everything"—they still have their life, but the floodwaters have now receded. You would say: Wait, how can floodwaters have receded if we still have a home under which there is obviously a lot of water?

This flood was so devastating. There is a community called Cypress Point in the French Settlement. The homes were built far above the base flood elevation. They were told they were not at risk of flooding. The floodwaters rose, though, to 46 feet above flood level, and they ripped out the ground beneath the homes. What you are looking at used to be ground beneath the home. Now the river has taken away the bank, and these homes are sitting in a river.

Ten of these homes are being condemned, and there is a certain kind of bitterness these folks must feel. First, they didn't think they were going to flood. If they want to come back and put supports under their home, they will have to get an Army Corps of Engineers permit to do that. If their home falls into the river—and it looks like that could happen—they have to pay to remove their home from that river. They are going to be caught coming and going. Again, these homes are built above the base flood elevation.

This is Dorothy Brooks. Dorothy is 78. She is being rescued. She is wheel-

chair-bound. Here is Sergeant Thomas Wheeler of the Tangipahoa Parish Sheriff's Office carrying her out. Dorothy did not have time to get out on her own. You can still see rain falling, even though water is up to about 3 or 4 feet. Many seniors like Dorothy were able to return to their home, but due to their age, they could not rip it out. If your home is flooded to 4 feet, you have to go around and physically take the sheetrock and the insulation out that is behind the carpet and the wood floors. If not, mold comes in.

Here is a tragic example of it. Roy and Vera Rodney are both in their eighties. They had 4 inches of water in their home. The FEMA inspector told them that it was habitable. So they were denied repairs and rental assistance, but they didn't have any family nearby. They couldn't gut their house. They couldn't repair it. So the water-damaged carpet, furniture, and belongings stayed, and, predictably, mold appeared. They could no longer live there. They evacuated. They weren't there to let volunteers in to rip it out. Now they have mold throughout their home, and it is uninhabitable. Because they couldn't get the aid they needed, cost of recovery grew with time.

If there is a metaphor here, it is this. If you are unable to get the aid when needed, the cost of recovery grows with time. Roy and Vera were not required to purchase flood insurance. They lived in zone X. Zone X is thought to be at such low risk of flooding that flood insurance is not required.

By the way, that is a huge factor in flooding. About 80 percent of the homes that were flooded did not have flood insurance—not because they didn't purchase it on purpose when they were told to but because they were told they lived in low-risk areas for flooding where flood insurance was not required.

I will say that is why Federal aid is so critical. We have thousands of families completely caught off guard, unprepared—through no fault of their own—by a freak of nature, a thousand-year flood. They are now struggling to pick up the pieces. They are trying to make the decision: Do I stay and rebuild, or do I just move on? Families, businesses, Louisiana need help. I ask that we pass this funding bill quickly. People are hurting; people need help.

Some look at this picture and just see debris. This may be Youngsville, a community I visited, but it could be any community. I would say that is not debris. That is a wedding dress that was saved for 20 years. It is picture albums, children's toys, clothes to go to work, textbooks, and memorabilia. It is their life, piled up the road.

I am thankful that Senate leadership has put what they are calling a down payment on the continuing resolution. This reassures families that their fellow Americans care and that they can rebuild and prosper, but we are not through yet. Helping each other is a fundamental American value.



I urge my colleagues on the other side of the aisle to support this legislation—to help families faced with losing their homes and losing everything, to help folks pick up the pieces and put their lives back together. To Americans across the country, call your Senator and ask them to support Dorothy, Ray, and Vera.

I yield back.

The PRESIDING OFFICER. The Senator from Massachusetts.

#### PRESCRIPTION OPIOID AND HEROIN EPIDEMIC AWARENESS WEEK

Mr. MARKEY. Mr. President, in recognition of Prescription Opioid and Heroin Epidemic Awareness Week, I am here to convey the urgency of responding to this crisis.

We are coming to the point of no return in this national discussion of opioid addiction. Between 2013 and 2015, the United States saw an increase of more than 8,000 percent in the amount of synthetic opioids such as fentanyl seized by U.S. Customs and Border Protection.

Wait; it gets worse. The Massachusetts State Police Crime Laboratory tells my office that from 2013 to 2015, the number of items seized by law enforcement that tested positive for fentanyl increased by 10,000 percent. We are watching as this category 5 hurricane is making landfall. Unless we do something to stop it, we will watch fentanyl lay waste to community after community all across the United States of America. Fentanyl is the Godzilla of opioids. It is stronger, it is deadly, and it is coming to every family in our country unless we do something now.

Between 2013 and 2014, more than 700 deaths in the United States were attributed to fentanyl and its components. That is for the whole country, but according to the Massachusetts Department of Public Health, as of last month, unintentional opioid overdose deaths in my State since January have skyrocketed. From January to the end of June, there were 488 confirmed cases of fentanyl overdose opioid deaths in my own State alone. There were only 700 deaths in the whole country from fentanyl between 2013 and 2014. Fentanyl has now been confirmed in two-thirds of all of the overdosed deaths in Massachusetts so far this year. It was 57 percent of the deaths last year in 2015 and now it is up to 66 percent of the deaths.

Many drug users overdose on fentanyl because they have no idea it is mixed into whatever substance they are injecting or whatever pills they are swallowing. They do not realize how deadly it is. It also poses a serious threat to the men and women who are first to respond to the scene of an overdose. If the powder is absorbed into the skin or accidentally inhaled, it can be deadly, making our first responders especially vulnerable to the drug's harm-

ful effects. Just last week, 11 members of a SWAT team fell ill after a bust in Connecticut where they encountered deadly fentanyl.

We know Mexico and China are the primary sources of illicit fentanyl and for the chemical building blocks from which it is made and then trafficked into the United States. The business model for those who manufacture and sell fentanyl is simple: fentanyl is cheaper, more potent, and more addictive than heroin.

We must make stopping the trafficking of fentanyl into the United States from Mexico and China one of our highest foreign policy priorities. We must elevate it up to what we are trying to put together as a plan to fight ISIS. We must put it up there with a plan to ensure that we protect our jobs from copyright or trade infringement. We must elevate this importation of fentanyl to the very highest level of foreign policy concern in our country.

I was pleased to see reports of recent cooperation between the United States and China in combating fentanyl trafficking, including a commitment by China to target U.S.-bound exports of substances controlled in the United States and an agreement to increase the exchange of law enforcement and scientific information that can lead to coordinated actions to control substances and chemicals of concern.

We are improving information sharing on heroin and fentanyl between our government and Mexico. Next month, Mexico, Canada, and the United States will meet for a North American drug dialogue and focus on commitments to develop a North American approach to combatting illicit opioids, including fentanyl and its precursor chemicals and analogs, but there is so much more we must do. Fentanyl is an overseas invader of a different kind, but it is equally deadly. We must continue to elevate the fight against fentanyl and make it one of our highest national and international priorities.

I have introduced a Senate resolution calling for cooperation to stop the trafficking of illicit fentanyl from overseas. It is a bipartisan resolution with the support of Senator RUBIO, and I thank my friend Senator SHAHEEN for cosponsoring this legislation as well. Our resolution expresses the sense of the Senate that the U.S. Government and the Governments of Mexico and China have a shared interest in and responsibility for stopping the trafficking of fentanyl into the United States, and all three countries should develop joint actions to attain that goal.

I urge my colleagues to cosponsor this resolution and to recognize the grave seriousness of the challenge illicit fentanyl poses to our country and to make stopping the trafficking of that drug into the United States a national priority.

Let's be clear. Stopping the overprescription of opioid pain medication

that is fueling addiction to heroin and fentanyl and countless overdoses starts with the prescribers. We need to require anyone who prescribes opioid pain medication and other controlled substances to undergo mandatory training on safe prescribing practices and the identification of possible substance use disorders. We need to make sure people who enter the judicial system don't arbitrarily have their Medicaid coverage terminated, making it more difficult to access treatment once they are released and thereby fueling the vicious cycle of reincarceration.

We need to make sure all opioids approved by the Food and Drug Administration are first reviewed by independent experts to ensure that those drugs are not only safe and effective but also will not continue to fuel the epidemic of addiction in this country.

We need to make sure prescription drug monitoring programs are fully utilized and nationally interoperable in order to prevent doctor shopping, where one doctor doesn't know another doctor has already prescribed a medication or a person moves from one State to another State with multiple doctors prescribing the same prescription drugs. That must end.

We must let Big Pharma know their army of lobbyists will be matched by an army of advocates who work every day to raise awareness and save lives.

In Boston, there is an area of our city called the Methadone Mile. It is approximately 1 square mile. It is the location of methadone clinics, safety-net hospitals, and homeless shelters. It is also home to those struggling and receiving treatment for addiction and the litany of saints and angels who are providing the desperately needed services for those suffering from mental health and substance abuse disorders. It is a 1 mile, one-stop shop for hope and ground zero in the battle against addiction in Boston.

Here in Washington, we are at the epicenter of the Money Mile. It is both an area where Big Pharma's lobbyists toil with the task of ensuring that even during this storm of prescription drug, heroin, and fentanyl overdose deaths, the deluge of prescriptions for opioid-based painkillers goes unabated. According to a story that came out this week from the Associated Press and Center for Public Integrity, the pharmaceutical industry spent more than \$880 million nationwide on lobbying and campaign contributions from 2006 through 2015. That is more than eight times what even the NRA and the gun lobby recorded for activities during that time period. When pitted against the Money Mile, the Methadone Mile doesn't stand a chance. The Money Mile and its army of Big Pharma lobbyists are the reason mandatory prescriber education is not the law. It is the reason the Food and Drug Administration has been complicit in many instances in the worsening of this epidemic. Without real funding for opioid addiction treatment, the Methadone



Mile and all the other areas in cities across the country will continue to drown in overdoses and deaths. Our cities are fighting a war, and we need to help them.

Throughout Massachusetts, people are growing angrier and angrier by the day. They are frustrated by Congress's lack of response to this, and frankly so am I. The deaths caused by this epidemic are growing exponentially every single year, but the only thing that outpaces those deaths are the empty promises of funding made by this Congress. I believe history will judge this Congress by how we responded to the prescription drug, heroin, and fentanyl epidemic that is devastating this country. We have little more than 100 days left in this Congress to do the right thing—100 days to show the American people that partisan politics will not impede our responsibility to respond to what may ultimately become the greatest public health crisis of the 21st century in the United States.

The U.S. Congress has an opportunity to let all those who are struggling with addiction know we have heard their stories, help is on the way, and we will not forget them. We must let them know that no matter how dark life seems right now, there is hope, and sunlight will grace them once again. Treatment works, recovery is possible, but this Congress must provide the funding for that treatment and recovery. We must fund the \$1.1 billion the President is asking for the opioid crisis in our country. We can no longer turn a blind eye or a deaf ear to that request.

Families all across our country desperately need this help. There is a terrorist that is across the streets of every city and town in our country, and it is this opioid epidemic. It is a terrorist that is more deadly for those families in America than anything that is going on in Aleppo. It kills 30,000 people a year, and the numbers are growing on the streets of our country. We know what the cause of it is. We know more treatment is needed for those who are already affected. It is the responsibility of this Congress to provide that funding.

As we now talk about a continuing resolution, the Republicans still refuse to talk about funding for this opioid crisis. If we do not deal with this issue, we do not deal with the public health crisis on the streets of our country right now.

I urge every Member, regardless of party, to listen to the families of this country, listen to those who are suffering, need help, and are looking to us to give them the assistance they need. These family members are heroes, but heroes need help. They are turning to us, and so far we have not given them the help or the treatment and recovery programs they need.

At this point, I yield back the remainder of my time.

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

Mr. RUBIO. Mr. President, I ask to be recognized to speak in morning business.

The PRESIDING OFFICER. The Senator is recognized.

#### ZIKA VIRUS FUNDING

Mr. RUBIO. Mr. President, first of all, as to the news that has already been reported today, there is a broader issue about funding the government that remains in play with some issues, and there has been back and forth about that which will continue. I want to specifically talk about one of the provisions involved in this; that is, the funding for Zika. My colleagues know I have been discussing this issue for quite some time over the last few months as it has spread.

Let's start with the United States. Across the U.S. territory, there are now close to 20,000 cases of Zika. There are over 3,300 infections in the mainland of the United States; 867 of them are in Florida and 90 were transmitted locally, meaning it happened in the State. There are 89 infections in Florida involving pregnant women. There are 85 infections now among U.S. servicemembers, two of whom are pregnant. There are 21 dependents of U.S. servicemembers infected with Zika, and one of them is pregnant. This is an issue that continues to grow in urgency, and it has taken far too long for Congress to act. As I have said repeatedly, both parties are to blame that we are at this point.

What I am more optimistic about is the fact that we have reached a bipartisan agreement to fund the Federal Government's response to this virus, and it is a \$1.1 billion package. There is \$15 million specifically targeted for States with local transmissions, and so far Florida is the only State that has local transmissions. It also includes \$16 million specifically for territories like the Island of Puerto Rico, which has had the highest number of affected American citizens, and that is by far. It is not even close.

So next week when we come back, we are expected to vote on these anti-Zika resources, and it is going to be part of the larger bill to fund the Federal Government beyond September 30. I know that some of those other issues have yet to be worked out. There will be some extensive debate about some of the issues remaining, but this provision is an important part of this, and it has to be a part of the final package as we send it over to the House.

I will begin by laying this out today in the hopes that not just my colleagues in the Senate will support the funding mechanism for Zika but also to begin to speak to some of our House colleagues about how important it is that we get the anti-Zika funding passed. Passing this funding will enable this money to begin to flow to help those who are being hurt by the virus but also so that medical researchers can focus on developing a vaccine with-

out having to worry about their resources drying up.

I think this package that has been put together in a bipartisan way rightfully prioritizes funding for Americans in Puerto Rico and Florida, and I am encouraged that our repeated calls for action on their behalf are beginning to be answered. I think that as we go through some of the details of it here, as some of it becomes public and as we go through some of the issues, I know people are going to care about it.

This anti-Zika funding provides \$1.1 billion. By the way, the Senate already passed the \$1.1 billion provision—I believe back in May—so the Senate has already acted on this once. This is kind of revisiting this issue, but it is important. We are going to have to lead the way on how this is structured.

Among the provisions, there is almost \$400 million for mosquito control and surveillance. That is money which will go to the Centers for Disease Control and Prevention and to do things like support vector controls, technical assistance for States, as well as international response activities. Of this amount, by the way, \$44 million is to reimburse States for public health emergency preparedness funding that was transferred for Zika response activities.

There is about \$400 million for vaccine and diagnostic development through the National Institutes of Health and the Biomedical Advanced Research and Development Authority. This is strictly related to research for Zika, vaccine development, and the commercialization of diagnostic tests. It is hard to get a test for Zika now. A couple of weeks ago, someone whom I know well could not find a place to do the test because there is not a commercially available one that is widely available.

It provides about \$75 million to reimburse health care providers in States and U.S. territories that have active Zika transmission, for those without private health insurance. That includes \$40 million for community health centers in Puerto Rico and U.S. territories, \$6 million for the National Health Services Corps in Puerto Rico, and \$20 million for maternal and child health special projects of regional and national significance in Puerto Rico and the U.S. territories.

It requires a spending plan of not later than 30 days after this act is passed, so it has oversight, and it provides about \$1 million for oversight activities just to make sure the money is being appropriately targeted.

This funding also includes about \$175 million to support response efforts related to the Zika virus—for example, our diplomatic and consular programs; \$14 million to address the Zika virus abroad, including our own personnel. For emergencies in the Diplomatic and Consular Service, we include about \$4 million to support potential costs of evacuating U.S. citizens from Zika-affected countries.

There is \$1 million to enable financing of \$1.9 million in repatriation loans to U.S. citizens who are seeking to leave a Zika-affected area outside of the United States or who have been exposed to or contracted Zika.

As part of the global health programs, there is another \$145 million to support the ability of infected countries to implement vector management and control programs to reduce the transmission of the virus. This is important because a lot of the cases we are seeing are coming from other countries. The virus has taken off in places like Brazil and other places, and when we have U.S. visitors to those places, ultimately what we are finding is that some people infected by Zika abroad are trying to come into the United States, even if they come in potentially on a tourist visa or what have you. So part of this effort is to control it abroad so it doesn't ultimately spread and reach here.

There is a lot, as I said, that is complex. There are a lot of funds available. The good news is that it is being targeted in the right direction. The good news for Florida is that as the only State so far that has had a global transmission of Zika, we have included \$15 million, which I think will be incredibly helpful for Florida.

So I urge my colleagues—we have all come at this from a different perspective. There were a lot of other issues in play and a lot of political rhetoric surrounding this, but I think we have reached the point where, at least when it comes to Zika, we can rally around the proposal that is before us. It is as good as we are going to get given the time constraints we face, and we have waited far too long. We cannot leave here on September 30, next week, without moving something forward, and I think this gives us the best chance to get it done.

I urge my colleagues to support it as we go into the new week, and I urge the House Members to look at this and rally around it. We have to take action on this once and for all. This gives us the best chance of success.

I am cautiously optimistic that we are going to be able to get this done over here. I say "cautiously" because I want people at home to understand that this provision for Zika is part of a much bigger product that involves funding the Federal Government, and there are all sorts of other issues that are still being debated.

As we heard the minority leader and others who have already spoken today—I read it in the press—they are not big fans of the proposal that is on the table. There are broader issues at play that could potentially derail Zika, issues that have nothing to do with Zika funding. There are other issues being debated that could derail funding for Zika that have nothing to do with Zika but involve some of these other issues associated with the funding of the government.

This is important enough for us to move forward. I don't think anyone

wants to see a government shutdown, of course, but beyond that, I think we have to get moving on this funding. We have heard loud and clear that this has taken far too long.

Let me say that if this money doesn't start flowing—because I have been really hard on the administration about spending the money that is already available to them, but now I can tell you that money is slowly dwindling. Here is the fact: If we don't get something done over the next few days, the research on the vaccines and other things are going to stop and come to a grinding halt.

If we want to save money on Zika, if we want to save money on this issue once and for all, develop a vaccine. That is what needs to happen. That can't happen if the funding is being threatened or if the funding is not something they can count on to move forward. Also, these local governments and municipalities and the State of Florida have already expended significant amounts of money to deal with this issue, including the mosquito control efforts. So that is important.

These cases are going to happen whether we fund it or not. That is why I wanted us to do this in April and in May and June and in July. It took too long. Here is where we are now. Better late than never. Let's get this done as soon as possible so that we can give assurance to our people back home that the Federal Government has stepped up and their elected representatives have done their job to deal with this issue once and for all.

With that, I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

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

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

#### CLIMATE CHANGE

Mr. MERKLEY. Mr. President, today I rise to address an issue vital to the future of our country and to the future of our planet: climate change.

When President Kennedy told the Nation that we would land a man on the Moon by the end of the 1960s, he said:

We choose to go to the moon in this decade and do other things, not because they are easy, but because they are hard . . . because that challenge is one that we are willing to accept, one we are unwilling to postpone, and one which we intend to win.

It was an ambitious goal—one that many believed was beyond reach. The technology was not all in place. But on July 20, 1969, America and the entire world watched Neil Armstrong take one giant leap for mankind and become the first human to walk on the Moon. It was a powerful moment. We achieved President Kennedy's vision. We accom-

plished the improbable. We accomplished what many people thought was impossible because America and the American people are known for overcoming great challenges and achieving the impossible and because we set an ambitious goal that inspired us to push past the limits of what we had previously thought achievable. Now we have to do it again.

But whether we are looking out to the Moon or out to the stars, we have to focus here on spaceship Earth and save our planet from catastrophic climate change. We have to move quickly because to save our planet—our beautiful, blue-green planet—we have to keep it from warming more than 2 degrees Celsius, which is 3.6 degrees Fahrenheit. The planet has already warmed nearly 1 degree Celsius since we started burning fossil fuels, and we are running out of time.

Moreover, despite growing attention and growing concern around the world, humankind's production of global warming gas is still increasing rather than decreasing. We are in a race against time, and at this moment, we are losing that race.

We need immediate, bold action. That is why in the upcoming months I will introduce a plan that challenges our Nation to transition to 100 percent clean and renewable energy by the year 2050—a plan referred to as 100 by 50. The 100 by 50 plan will set a goal of having no more than 50 percent of our country's energy come from fossil fuels by 2030 and a complete phaseout of energy from fossil fuels by the year 2050.

There will be those who, as with President Kennedy's challenge, will say that is beyond reach, but we already have in hand the vast majority of the technology needed to meet this challenge. We need market incentives that will dramatically accelerate the introduction and deployment of these technologies. We need a continued effort to improve the affordability and efficiency of these technologies. Like going to the Moon, this has to be a challenge that our generation is willing to accept, unwilling to postpone, and that we intend to win.

Climate change is here, and it is already having devastating impacts on our world. We can observe climate change in many different ways, through temperature readings of the planet, through the measuring of carbon dioxide which drives temperature increases, and we can see it through the changing, damaging facts on the ground, from glaciers to fire seasons, to droughts, to rising sea levels.

Consider this. Since May of 2015, each and every month has set a new temperature record—the hottest May of 2015, hotter than any May ever recorded; June of 2015, hotter than any June ever recorded; July of 2015, hotter than any July ever recorded and so forth, 16 months in a row. As NASA has recently announced, August of this year, 2016, has tied July of this year, 2016, as the hottest month ever recorded, not just the hottest July, not

just the hottest August, not just the hottest months of the year but the two hottest months ever recorded on our planet. To put that into context, global temperatures in August were almost a full degree Celsius above the 20th century average, well on the way to reaching that 2-degree threshold that scientists refer to as a threshold for catastrophic consequences. It isn't that catastrophic consequences start just when we reach 2 degrees. We can already see the facts on the ground, and we can already see the carbon dioxide that is driving temperature is continuing to rise steadily.

We know carbon dioxide pollution that is spewing into the air from burning fossil fuels is driving those temperatures. That is because, as we burn more fossil fuel and emit more carbon dioxide, the carbon dioxide traps the heat on our planet's surface and global temperatures rise higher and higher. You can see that pattern going back hundreds and thousands of years. You can also see it just looking at the time from 1959 until now.

We have increased substantially the amount of carbon dioxide from 320 parts per million to now we have broken 400 parts per million. During that time, temperatures have risen steadily just copying that carbon dioxide level, just as it has over hundreds of thousands of years before.

What we also see is that in this black line, which are the carbon dioxide levels, we see the slope is going upward, meaning that the rate of humankind pollution is increasing, not decreasing. Not so long ago, scientists said we must curtail the pollution of the planet at 350 parts per million. That is down here, 350 parts. We are no longer there. We passed that level quite a while ago in the late 1980s, and here we are at 400, steadily going up.

So we see it in the temperatures, the hottest months ever on record for 16 months in a row, we see it in the carbon dioxide, but we can see it wherever we travel in this country through the facts on the ground.

Take my home State of Oregon. Our fire season is now 60 days longer than it was 40 years ago, with ever greater acreage being burned. Just this summer, we saw two wildfires—the Cherry Road and Rail Fires—burn more than 100 square miles of land. Another example, warmer winter months failing to kill the pine beetles, magnifying their destructive infestations. On the coast of Oregon, we see the rising acidity of the Pacific Ocean, the level 30 percent higher than it was before we started burning coal, gas, and oil 150 years ago. That was before the industrial revolution. It is making it much harder for the oyster to be able to reproduce and to form shells in those first few days of life.

Now, we may wonder, what does ocean acidity have to do with global warming? Here is the situation. The carbon dioxide we are putting into the air—much of it is being absorbed by

the ocean. The amount that is left is the amount you saw on the chart just a moment ago, but the amount the ocean absorbs becomes carbonic acid. The ocean is so vast, it is almost unimaginable that there could be enough carbon dioxide that we are putting into the air to be absorbed by the ocean to create carbonic acid to create this acidity level, but that is exactly what has happened. If the shells of our oysters are being affected, what else is being affected in the food chain? For example, what about the impact on coral reefs?

Obviously, it is not just Oregon that is feeling the impact. Every State we go to, we can find an impact of facts on the ground. We see communities all along the East Coast, from Key West and Miami to Wilmington, NC, Annapolis, New York, experiencing sunny-day flooding because of rising sea levels. We have watched the glaciers of Glacier National Park dwindle from 150 in 1910 to just 25 today.

As with the pine beetles, warmer weather is great for ticks, and out-of-control tick populations are killing moose in Minnesota and New Hampshire. The lobsters of Maine are moving north. That is not all. It is like the 10 plagues in ancient Egypt—more devastating droughts, more powerful floods, fiercer storms. It is a direct assault on rural America, a direct assault on our fishing, forestry, and farming, and that matters. It matters for rural America and it matters for urban America.

Our Earth is changing at lightning speed right before our eyes. We can evaluate this change through temperature records. We can evaluate it through the recording of carbon dioxide levels. We can evaluate it through the facts on the ground, and it is all going to get much worse, year by year.

So there is no time to wait. To save our planet, we must move quickly. We must move forward to end the burning of fossil fuels and to do so in a short period of time. We must completely transform our energy system.

In the first half of 2016, roughly 60 percent of our Nation's total energy output came from burning fossil fuel. The good news there is, we already have made a significant reduction, if you will, of the total energy picture. There is a lot of clean and renewable energy we are producing, but we have so much further to go.

On these bar charts, what we are seeing in red is the amount of energy in different sectors: residential, commercial, industrial, and transportation in the generation of electricity. The red is what is being produced by fossil fuels, and the green represents what is being produced by clean or renewable energy. These red bars have to go. We need to transform them completely and do so to the green bar, renewable and clean energy, by 2050.

This goal is achievable, but it is going to take enormous political courage. Those vested deeply in the fossil

fuel economy will—for their personal profit, their company's profit—try to hold on to the fossil fuel energy economy. It will not matter to them that they are destroying the planet, but it should certainly matter to every single Senator who serves in the U.S. Senate and every Member of the House. We are responsible. We are responsible to take on this challenge.

The first thing we should do, because it is a fabulously effective tool, is put a fee on carbon. A fee on carbon drives our economy to eliminate carbon in the most cost-effective ways, unleashing a torrent of technology, the development of technology in the best possible, cost-effective way to turn these red bars into green bars.

We have seen this work before. We applied this strategy to sulfur dioxide, and the result was that with less expense and less time than anyone imagined, we were able to tackle that problem, and what works for sulfur dioxide works for carbon dioxide. The impact on the price of carbon will be immediate and substantial. One of the reasons is, we already have significant, powerful technologies that will be mobilized by such a carbon fee.

Let's examine some of the major energy sectors, starting with electricity. The potential electricity we could generate in the United States from just wind and solar is over 120 times the amount of electricity currently generated from fossil fuels. This is the amount of energy currently generated in electricity from fossil fuels. This large green sphere is the potential energy—the theoretical potential energy—from solar and wind. So we have a lot to work with.

Here is more good news. Solar and wind energy has grown increasingly affordable in recent years. For instance, photovoltaic solar panels produced electricity at 39 cents per kilowatt hour in 2009. That is up here. In 2014, it was 8 cents per kilowatt hour, an almost fivefold reduction. We see in communities and cities all across the country, businesses and homes with solar panels on their rooftops. We start to see businesses putting up arrays, not just on rooftops but sometimes in their yards. Those declining costs matter. If you put a carbon fee on top of it, you drive that deployment.

Over the same period, the cost of wind was cut by more than half, from 14 cents per kilowatt hour to 6 cents per kilowatt hour. In the 2 years since the 2014 numbers, the story has continued to be one of declining costs. Those declining costs, together with Federal tax credits, have resulted in a rapid growth in wind and solar energy deployment.

Let's take a look at the solar side. We have on the red line the declining cost per kilowatt hour of solar energy and on the blue bars the increasing deployment of solar energy. That is pretty dramatic, rapid drops in costs, rapid increase in deployment.

We see the same thing in wind. On wind power, we see declining costs occurring here, and we see increased deployment since the year 2000. In the early 2000s, I was traveling the State, talking to folks interested in running for the Oregon State Legislature. In the very first trip I took, I was traveling in the area and saw the first big wind turbines being deployed on the plateau east of the Cascades. Then 6 months later, 1 year later, 2 years later, there was a huge increase in deployment of wind turbines, mimicking what we see on this chart right here.

Here is a fascinating number. In the first quarter—this is the first 3 months of this year—96 percent of the new electricity-generating capacity has come from wind and solar. That is a stunning number. Most people think the new generation capacity is coming from natural gas because it has dropped so much in cost, but 96 percent in the first 3 months of this year came from wind and solar.

If we make a national commitment to these and other clean, renewable sources, such as geothermal and wave energy, we can absolutely achieve 100 percent green electrons—clean, renewable electrons by 2050, eliminating fossil fuels in the generation of electricity.

This decision is not without challenges, just as the journey to the Moon was not without challenges. Most significantly, we have to match the supply of the variable solar and wind energy to the demand for electricity. As we know, for solar and wind to generate electricity, the Sun has to shine and the wind has to blow, but there are a number of ways we can tackle this challenge.

One answer is to shift demand through peak load pricing, encouraging consumers, for example, to shift flexible consumption, such as drying your clothes, to match the supply. We change the time of day we use our dryer. Another possibility is to increase the grid of electricity from one region where there is excess supply to another region where there is excess demand. A third answer is to store electricity, which can be accomplished through quite a variety of technologies. To name a few, you can store energy in a liquid salt solution at high-temperature solar projects. You can use pump storage, where you pump water up a hill and then you run it back down through turbines. You can use battery storage. By investing in these strategies, the elimination of fossil fuels in the generation of electricity is within our grasp.

Let's turn to transportation. Fossil fuels have dominated the transportation sector for a century, but that is changing. One change is the greater deployment and use of mass transit, light rail, streetcars, bicycles, and pedestrian transit. These investments get people out of fossil fuel cars. That trend continues, and we should encourage it.

Another strategy is electrify the cars themselves. We have seen tremendous progress in the electric car market thanks to falling prices and growing consumer demand. Today there are approximately 500,000 plug-in vehicles driving on our roads. You can see how that really started in 2010, and here we are 6 years later at half a million cars, with a steady upward growth. Electric vehicles are far more viable today than they were in 2010 because the most expensive component of an electric vehicle is the battery, and the price of batteries—lithium ion batteries—has been plunging, dropping fourfold since 2008 to less than \$300 per kilowatt hour.

We have also seen other parts of the transportation industry adopt electricity into their fleets. Mack Trucks, for example, has developed an electric hybrid garbage truck. Proterra, an innovator in heavy-duty electric transport, recently unveiled an electric bus that can travel 350 miles on a single charge. They are developing a recharging capacity that can recharge a bus faster than you can put diesel into a diesel bus tank.

What about aviation? How do we transition our airlines from fossil fuels? Well, biofuels are a piece of the puzzle. United Airlines has started using a mixture of 30 percent biofuel and 70 percent traditional jet fuel for flights from Los Angeles to San Francisco. JetBlue just announced a 10-year contract to buy 350 million gallons of renewable biofuels to mix into its fuel supply. That will account for about 20 percent of its annual fuel use at Kennedy International Airport. Other airlines, including Lufthansa and Virgin Atlantic, are embracing biofuels.

Let's think a little bit about long-haul trucking, which currently runs virtually universally on diesel. It is a big challenge. Biodiesel can play a role here, as it does in aviation. A few years ago, Poland Springs switched to a 5-percent biodiesel blend for its fleet of tractor trailers and tanker trucks. The company estimates that not only did it reduce its annual carbon emissions by 1.8 million pounds in the first 2 years, but it saved about \$70,000 in fuel costs. That is a pretty substantial incentive.

As more and more firms seek to replace fossil diesel with biodiesel, production has surged, increasing from 343 million gallons in 2010 to 1.2 billion gallons in 2014. But while the production and use of biodiesel is growing, we don't anticipate that it will be a complete answer. The production of biofuel has challenges of its own, including a potential disruption of food agriculture.

We have to keep developing and looking at a variety of technologies, possibly including, for example, the development of hydrogen fuel cells. Nikola Motor, an electric truck startup in Salt Lake City, announced plans at the end of last month for its upcoming Nikola One big rigs to run on custom-made hydrogen electric fuel cells. These trucks are going to be designed

to travel 1,200 miles between hydrogen fill-ups.

If hydrogen does become viable along established routes for trucking, we will need to generate a lot of hydrogen, and we can do that from electricity, putting the green electrons to work in this challenge and establishing a fuel deployment infrastructure.

What about residential and commercial heating? About one-fifth of all natural gas is used to heat homes and water in residences. Both of these objectives can be accomplished through electrification. The good news here is that heat pumps, powered by green electrons, can be cost-competitive with gas heating in most climates, even at today's very low natural gas prices.

Replacing the use of natural gas in the commercial and industrial sectors will be more challenging, especially industrial manufacturing. Electrification will help. Conservation will help. They will be part of the solution. In some cases, there may not be a solution. There may not be a viable answer. We will need to employ carbon offsets to reach net zero generation of carbon dioxide from the burning of fossil fuels.

So there are pieces of this puzzle we will have to figure out. Just as our predecessors in the space program did not have all of the answers when they set out on a mission to put a man on the Moon, we don't have all of the answers now, but we have a lot. With the diligence and determination that has characterized the American spirit, we will find more answers and we can reach these goals.

We have so much of the technology in hand to propel ourselves into the 100-by-50 vision, but we need political courage. We need commitment as a nation. We need to take responsibility because we are the first generation feeling the impact of the disruptive ravages of climate change, and we are the last generation that can do something about it. And we do so, driving a rapid transition from a fossil fuel-based energy economy to a clean renewable one.

One thing is certain: It is going to mean a lot of new jobs. That is pretty exciting. There is going to be a lot of innovation. That is pretty exciting. Already more than 2.5 million Americans go off to work every day in the clean and renewable energy industry. Some 414,000 are employed in renewable generation, such as solar and wind. In just the past 6 years, the solar industry alone has added 115,000 jobs. Another 170,000 are employed in advanced vehicles, working to move the automotive industry further toward hybrid and electric vehicle technology. Imagine how many more jobs we will create if we truly commit and invest in clean and renewable technologies. Imagine what a boon it will be to our economy to be the leader in these industries, selling and exporting the technology and the products that we develop around the world.

As we head into this exciting frontier, we have an obligation to do right

by all the American workers, the men and women who rely on jobs in fossil fuel industries to provide for their families. We need to make sure they have the support and the training and the help to transition to work in the new industries. We need to make sure no worker in the fossil fuel world is left behind.

These are the basic elements of the 100-by-50 plan I will be introducing to move our country from fossil fuel to clean renewable energy:

One. Adopt a price on carbon to put our markets to work on this mission.

Two. Utilize energy conservation—virtually always the most cost-effective strategy.

Three. Convert all electricity generation from fossil fuel electrons to green electrons.

Four. Shift as many uses as possible from the fossil fuel energy world to the electric energy world, including various applications in transportation and home and business heating.

Five. Sustain substantial investments in research and development to improve current technologies and develop new ones.

Finally, for the most difficult challenges, we may consider utilizing carefully constructed carbon offsets to reach net zero fossil fuels.

Fellow citizens, colleagues here in the Chamber, we need a bold plan to save our beautiful, blue-green planet from the ravages of global warming. This 100-by-50 is that plan—completely overhauling our energy system over the next three and a half decades, eliminating carbon dioxide from the burning of fossil fuels by 2050.

By leading this fight, America will benefit from all of the technological innovation it generates. By leading this fight, America will generate good-paying jobs. By leading this fight, America will have the moral standing to pull together the nations of the world onto a parallel path. America must lead this charge. We are the only Nation that can. We have the best scientific and technical minds in the world.

The American people have the courage to take on big challenges. By leading this fight, America will bring together the nations of the world. Working together, we will save our planet. The world needs to act, and to act now, to tackle the devastating impacts of climate change. It cannot wait. But they will need our example—a national commitment to revolutionizing our energy sector to spur them to action, to set an example, to work in cooperation.

Daniel Burnham, the great American architect, once said:

Make no little plans; they have no magic to stir men's blood and probably will themselves not be realized. Make big plans; aim high in hope and work.

We need to stir our blood and our hearts and our minds and our souls to this great challenge. We need to do everything in our power, utilizing every tool at our disposal. We are in a very real race against time, and it is a race

in which we are behind but a race we must not lose. That is our responsibility. That is our moral obligation to our children and their children and their children's children.

Some will say this can't be done, but I say to them and I say to you: Do not bet against America. We conquered the electron and harnessed electricity. We beat gravity to soar above the clouds. We cured diseases, invented the telephone, the television, and the Internet. When President Kennedy called us into action, we, America, traveled to the Moon. When we commit ourselves, there is nothing American ingenuity cannot accomplish. We will find the answers. We will achieve the impossible. At this moment, let's embrace the urgency of this mission and determine to act immediately and to act boldly.

Fellow Americans, colleagues, let's join together and set ourselves and our Nation and, through our leadership, the world's community of nations on a course to make this giant leap for mankind.

I suggest the absence of a quorum.

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

The bill clerk proceeded to call the roll.

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

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

#### ORDER OF PROCEDURE

Mr. MCCONNELL. Mr. President, I ask unanimous consent that notwithstanding the provisions of rule XXII, the pending cloture motions with respect to H.R. 5325 not ripen until 2:15 p.m., on Tuesday, September 27; I further ask that if cloture is invoked on the substitute amendment, cloture be considered to have been invoked at 6 p.m., on Monday, September 26.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

#### 100TH ANNIVERSARY OF THE AMERICAN RED CROSS, NORTHERN NEVADA CHAPTER AND SOUTHERN NEVADA CHAPTER

Mr. REID. Mr. President, today I wish to recognize the 100th anniversary of the American Red Cross, Northern and Southern Nevada Chapters.

The Northern and Southern Nevada Chapters of the American Red Cross were established during World War I, when a small group of women came to-

gether to knit sweaters, socks, and caps for troops overseas. Since then, the American Red Cross in Nevada has provided invaluable support and services to those in need. For instance, during the Great Depression, the American Red Cross provided temporary housing, nutritious meals, and clean drinking water. The American Red Cross also provided disaster relief after the 1999 Clark County flood that caused extensive property damage.

For 100 years, the American Red Cross in Nevada has served numerous people in our community, Nation, and throughout the world. Today 650 volunteers facilitate essential programs for Nevadans, including services for the Armed Forces, community preparedness training, youth services, and international programs to reconnect families. Through these programs, the American Red Cross transforms the lives of individuals and families across the Silver State.

The American Red Cross in Nevada has made many noteworthy contributions to our community. Its services ensure that Nevadans receive relief during their most difficult times. The American Red Cross's work is appreciated and admired, and I wish them continued success.

#### 25TH ANNIVERSARY OF THE LAS VEGAS NATURAL HISTORY MUSEUM

Mr. REID. Mr. President, today I wish to recognize the 25th anniversary of the Las Vegas Natural History Museum. For a quarter century, the museum has inspired curiosity, appreciation, and responsibility for the natural world and its resources. It is my great pleasure to recognize the institution, its employees, and its board members before the U.S. Senate today.

The Las Vegas Natural History Museum began as a culmination of efforts by dedicated Nevadans, including executive director and founder Marilyn Gillespie, to protect the State's collection of wildlife and prehistoric exhibits. Through cooperation with the Las Vegas City Council and partnerships within the Las Vegas area, the museum was soon able to officially open its doors to visitors in 1991. Since then, the museum has expanded to include a multibillion dollar collection of regional and global artifacts, as well as a variety of interactive scientific exhibits and educational resources. In 2002, the Smithsonian Institution granted affiliate membership to the Las Vegas Natural History Museum, further enhancing its exhibits and impact on visitors.

Early collaborations within the Las Vegas area provided the framework for a history of community engagement that continues to define the institution to this day. Last year, more than 23,000 educational tours were provided to students from Clark County, each of which were designed to meet State educational requirements. The museum

also continued its Open Doors Program, allowing more students from at-risk or economically disadvantaged schools to visit the museum.

At a time when environmental stewardship is more important than ever, I am proud to join my fellow Nevadans in celebrating this important milestone. As we look back on 25 years of scientific exploration and discovery, we look forward to many more in the future.

#### OPENING OF THE NATIONAL MUSEUM OF AFRICAN AMERICAN HISTORY AND CULTURE

Mr. DURBIN. Mr. President, this weekend the doors will open on a new American treasure. The National Museum of African American History and Culture tells the story of a people whose toil and genius helped create America and whose contributions in every walk of life have enriched our Nation beyond measure.

The museum stands majestically on the National Mall, at the foot of the Washington Monument.

If you stand at the museum's entrance and look in one direction you see the Lincoln Memorial, where Marian Anderson sang and Dr. King spoke of his dream for America.

Look in the other direction and you can see a plot of land where, just several generations ago, men, women and children were sold like chattel—close enough to this Capitol that members of Congress could hear their anguished cries.

Those stories and many, many more, are chronicled within the walls of this ambitious and long overdue museum.

The National Museum of African American History and Culture represents America's first official attempt to tell the story of African Americans—a story that spans 600 years and stretches from the indignity and inhumanity of slavery to the long and still ongoing march for freedom that changed our Nation and our world.

As one writer described it, the museum is “a shifting mix of sadness and celebration.” It is a record of brutal subjugation, racial violence, and discrimination—and it is the story of a resilient people who survived those horrors and created a rich and vibrant culture.

The new museum is the 19th in the priceless portfolio of the Smithsonian Institution.

If you ask African Americans about the significance of the new museum, you are likely to hear many answers. One answer you will hear over and over is: “Now our ancestors can rest.”

At long last, the stories of struggle, perseverance, and achievement that have been passed down, generation after generation, in African-American families finally have an official and honored repository in America.

Speakers at the museum's opening on Saturday will include President Barack Obama and former President George W.

Bush—two Presidents, one Republican and one Democrat, a White man and our Nation's first African-American President. Imagine the ancestors' delight at that line-up.

As many as 100,000 people from all over America are expected to visit the museum on this opening weekend—like one giant, proud family reunion.

The National Museum of African American History and Culture tells the harrowing story of slavery, Jim Crow, and segregation. It also documents the civil rights movement of the 1950s and 1960s—the template for the women's movement, the disability rights movement, and other modern human rights struggles in America and around the world.

But the Museum of African American History and Culture is more than a story of suffering and struggle. It is a celebration of resilience and triumph—of faith in America and in a better future.

It showcases the countless ways in which African Americans have enriched and enlivened American culture and society—in sports, music, literature, and art—in commerce and business, and in scientific discovery.

While it focuses on African Americans, it is a museum for all Americans—because you cannot truly understand American history without understanding African-American history and the difficult, often inspirational, and always central role that African Americans have played in our history.

Lonnie Bunch III is a brilliant historian and educator. He is also the founding director of the Smithsonian's National Museum of African American History and Culture.

As he says, the history of African Americans is “the quintessential American story,” a story of measured progress and remarkable achievement after an ugly period of painful oppression.

From 2001 to 2005, Lonnie Bunch served as president of the Chicago Historical Society, now called the Chicago History Museum. That is where I came to know and respect him.

During his short tenure, Lonnie Bunch oversaw a hugely successful expansion of the Chicago History Museum, and he helped broaden community support for the museum dramatically.

He became almost as much of a cultural treasure as the museum itself, and we hated to see him leave Chicago.

But the chance to help create the National Museum of African American History and Culture—literally, from the ground up—was the challenge of a lifetime.

It was also, as Lonnie Bunch will tell you, something he felt he needed to do for his ancestors, to honor their struggle and perseverance.

When he signed on to head it in 2005, the National Museum of African American History and Culture had no staff, no collection, and no building—not even a blueprint.

No Smithsonian museum had ever started life without a collection.

What is more, the museum's initial, very modest acquisitions budget meant that many of the most valuable artifacts of African-American history sell at traditional auctions were beyond the financial reach of the new museum.

So Lonnie Bunch conceived of a brilliant strategy to build the museum's collection.

He and his staff conducted “Antiques Roadshow”-style programs in 15 cities called “Save Our African American Treasures.”

Their hunt for African-American treasures kicked off in January 2008 at the Harold Washington Public Library in Chicago. Hundreds of people brought family heirlooms to be inspected and appraised.

Many of the nearly 40,000 artifacts in the new museum's collection came from these shows. In city after city, people brought treasured objects that had been in their families for years and generations and said: “We've cared for this until now. We trust the Smithsonian to keep it safe from now on.”

Among the treasures is Harriet Tubman's prayer shawl, given to her by Queen Victoria, and the great abolitionist's personal hymnal.

As the endpoint in the great migration of African Americans from the Deep South to the North, Chicago holds a special place in African-American history and that is reflected in the new museum.

One of the most powerful exhibits is the original glass casket that held the battered body of Emmett Till, the 14-year-old boy from Chicago who was viciously murdered by two White men in Mississippi in 1955. Emmett Till was kidnapped, beaten to a bloody pulp, and shot in the head. His broken body was then weighted down and thrown into a river.

His grieving mother, Mamie Till Moseley, insisted that the casket remain open during her son's funeral so the world could see what racial hatred and violence had done to her only child.

The images of Emmett's mangled body shocked the Nation's conscience and fueled the modern civil rights movement.

Rosa Parks said she was thinking of those images 3 months later when she refused to give up her seat and move to the back of the bus.

Other treasures from Chicago and Illinois include objects from the Pullman Car Company and from famed African-American publications including *Ebony* and *Jet* magazines and the Chicago Defender newspaper.

There are photographs from fair housing marches led by Dr. Martin Luther King in Marquette Park, a neighborhood in southwest Chicago in 1966. Dr. King was struck in the head by a brick thrown from an angry mob. Those marches showed America that racial animus and violence was not simply a Southern problem, it was an American problem.



Only nine African Americans have ever served in this Senate. Illinois is proud to be home to three of those Senators, including the man who went on to become our first African-American President.

Among the museum's artifacts from Barack Obama's historic public life is the entire contents of a 2008 Obama for President headquarters in Falls Church, VA—packed up—lock, stock and barrel—and preserved by the Smithsonian for future generations.

Among the museum's other treasures are a fighter jet flown by Tuskegee Airman and shards of glass from the horrific Klan bombing in 1963 of the 16th Street Baptist Church in Birmingham, an act of terrorism that claimed the lives of four little girls attending Sunday school.

Other artifacts remind us that the long march to freedom is not entirely over yet.

Poll tax receipts from a century ago remind us of the need to be vigilant in protecting every Americans' constitutional right to vote.

A guard tower from the infamous Angola State Penitentiary reminds us that racial inequities persist in America's criminal justice and we have more work to do to root it out.

To borrow a phrase from the immortal Sam Cooke, the National Museum of African American History and Culture "has been a long, long time coming."

It was first proposed more than a century ago by African-American veterans of the Civil War.

Congress approved it once, in 1927, but never funded it because of the Depression.

The idea was resurrected in the late 1980s, led by Congressman JOHN LEWIS of Georgia, an icon of the civil rights movement.

For 15 years, though, a bill to create the museum was defeated.

The logjam was finally broken in 2003, when President George W. Bush took up the cause.

More than any previous Smithsonian museum, this one has relied on private donations, rather than just public dollars.

A number of celebrities have made very large gifts, including \$5 million from Michael Jordan and \$21 million from Oprah Winfrey, the largest single benefactor.

But many of the donations have come from churches, sororities and fraternities, and other African-American groups. A large amount—\$4 million—came from average people in gifts of less than \$1,000.

The new museum looks like nothing else on the National Mall. It is clad in burnished bronze grillwork and built to resemble a three-tiered crown from an old African kingdom.

Looking at it, one is reminded of the words of the writer James Baldwin. In exhorting African Americans to take pride in their history, Baldwin wrote: "Your crown has been bought and paid for. All you must do is put it on."

The National Museum of African American History and Culture is one of the great jewels in that crown. It will help the ancestors to rest and allow this and future generations to learn and be inspired, and that is cause to celebrate.

#### EXPLANATORY STATEMENT REGARDING AMENDMENT NO. 5082 TO H.R. 5325

Mr. COCHRAN. Mr. President, I ask unanimous consent to have an explanatory statement regarding Senate amendment No. 5082 to H.R. 5325 printed in the RECORD.

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

#### EXPLANATORY STATEMENT SUBMITTED BY MR. COCHRAN OF MISSISSIPPI, CHAIRMAN OF THE SENATE COMMITTEE ON APPROPRIATIONS REGARDING THE SENATE AMENDMENT TO H.R. 5325

The following is an explanation of the "Continuing Appropriations and Military Construction, Veterans Affairs, and Related Agencies Appropriations Act, 2017, and Zika Response and Preparedness Act".

This Act includes the Military Construction, Veterans Affairs, and Related Agencies Appropriations Act, 2017 (Division A), the Zika Response and Preparedness Appropriations Act, 2016 (Division B), the Continuing Appropriations Act, 2017 (Division C), and a division on rescissions of funds (Division D). H.R. 5325 was used as the vehicle for the Senate amendment.

Section 1 of the Act is the short title of the bill.

Section 2 of the Act displays a table of contents.

Section 3 of the Act states that, unless expressly provided otherwise, any reference to "this Act" contained in any division shall be treated as referring only to the provisions of that division.

Section 4 provides a statement of appropriations.

Section 5 states that each amount designated by Congress as an emergency requirement is contingent on the President so designating all such emergency amounts and transmitting such designations to Congress.

Section 6 of the Act specifies that this explanatory statement shall have the same effect with respect to the allocation of funds and implementation of this Act as if it were a joint explanatory statement of a committee of conference, and it specifies that any reference to the "joint explanatory statement accompanying this Act" contained in division A shall be considered to be a reference to this explanatory statement.

References in this explanatory statement in division A (Military Construction, Veterans Affairs, and Related Agencies Appropriations Act, 2017) to "conferees" are deemed to be references to the Committees on Appropriations of the House of Representatives and the Senate, and references to the "conference agreement" are deemed to be references to the recommendations in division A of this Act.

The Act does not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined by clause 9 of rule XXI of the Rules of the House of Representatives.

#### DIVISION A—MILITARY CONSTRUCTION, VETERANS AFFAIRS, AND RELATED AGENCIES APPROPRIATIONS ACT, 2017

The following is an explanation of the effects of Division A, which makes appropri-

tions for Military Construction, Veterans Affairs, and Related Agencies for fiscal year 2017. Unless otherwise noted, reference to the House and Senate reports are to House Report 114-497 and Senate Report 114-237. The language set forth in House Report 114-497 and Senate Report 114-237 should be complied with and carry the same emphasis as the language included in the joint explanatory statement, unless specifically addressed to the contrary in this joint explanatory statement. While repeating some report language for emphasis, this joint explanatory statement does not intend to negate the language referred to above unless expressly provided herein. In cases in which the House or the Senate has directed the submission of a report, such report is to be submitted to both Houses of Congress. House or Senate reporting requirements with deadlines prior to, or within 15 days after enactment of this Act shall be submitted not later than 60 days after enactment of this Act. All other reporting deadlines not specifically directed by this joint explanatory statement are to be met.

#### TITLE I—DEPARTMENT OF DEFENSE

*Bid Savings.*—The conferees note that, given information for cost variation notices required by 10 U.S.C. 2853, the Department of Defense continues to have bid savings on previously appropriated military construction projects. Therefore, the agreement includes rescissions to the Army, Air Force, and Defense-Wide construction accounts. The Secretary of Defense is directed to continue to submit 1002 reports on military construction bid savings at the end of each fiscal quarter to the Committees.

*Missile Defense.*—The conferees remain committed to rapidly implementing the European Phased Adaptive Approach (EPAA). Construction of the first Aegis Ashore missile defense site in Deveselu, Romania, is complete and the site is operational. The Committees fully funded construction of the second site at Redzikowo, Poland, in fiscal year 2016, and expect the Missile Defense Agency to pursue an aggressive construction schedule to bring this critical asset online. Additionally, the conference agreement fully funds the request for the first phase of the Long Range Discrimination Radar at Clear, Alaska. This radar will dramatically improve our ability to effectively target ballistic missile threats to the homeland coming from the Pacific. As the missile threat continues to evolve, the conferees remain strongly supportive of the expeditionary deployment of a Terminal High Altitude Area Defense battery on Guam. The conferees encourage the Department of Defense to consider making this deployment permanent and request the appropriate military construction projects in support of this critical mission be requested in future budget submissions.

*Overseas Contingency Operations.*—The conference agreement includes House Title IV, Overseas Contingency Operations. The Senate bill included funding for similar projects in Title I.

*Emerging Security Threats in Europe.*—The conferees are aware that heightened tensions between Russia and Europe following Russia's invasion of Ukraine in 2014 have increased security threats to European nations, particularly in Eastern Europe. In response to Russian aggression, the Administration in 2014 announced the European Reassurance Initiative (ERI) to enhance allied security by increasing the presence and joint training activities of U.S. military forces in Europe. The ERI includes a number of military construction projects funded in both fiscal year 2015 and in this Act. The conferees note that although ERI military construction funding was originally intended to be a



one-time only investment, the evolving nature of the threat has prompted the Department of Defense (DOD) to expand its plans for investing in military construction to support the continual presence of U.S. rotational military forces in Europe, increased training activities with European allies, and the prepositioning of Army combat-ready equipment in Poland to support an armored brigade combat team.

The conferees recognize the importance of providing reassurance and security to the Nation's European allies, but are concerned that DOD has not outlined a comprehensive plan for military construction requirements to support the ERI. Instead, the Committees have received ad hoc notifications of proposed planning and design expenditures for projects in support of the ERI, including a \$200,000,000 facility for prepositioning Army combat brigade equipment in Poland, and nine ERI-related Air Force projects, primarily at U.S. Air Force bases in Germany, estimated to cost a total of \$260,000,000.

Given the magnitude of the planned ERI military construction investment thus far, the conferees direct the Secretary of Defense to provide to the Committees on Appropriations of both Houses of Congress (the Committees), with submission of the fiscal year 2018 budget request, a comprehensive plan for military construction requirements associated with the European Reassurance Initiative through the fiscal year 2018 Future Years Defense Program.

The conferees further direct the Comptroller General of the United States to provide to the Committees, not later than one year after the date of enactment of this Act, a report evaluating the extent to which the Department of Defense has developed a comprehensive force structure plan, including military construction requirements, to meet emerging security threats in Europe. The report shall include an assessment of the extent to which the Department has:

- (1) identified the near-term and long-term United States military force requirements in Europe in support of the European Reassurance Initiative;
- (2) evaluated the posture, force structure, and military construction options for meeting projected force requirements;
- (3) evaluated the long-term costs associated with the posture, force structure, and military construction requirements; and
- (4) developed a Future Years Defense Program for force structure costs associated with the European Reassurance Initiative.

The report shall also include any other matters related to security threats in Europe that the Comptroller General determines are appropriate, and recommendations as warranted for improvements to the Department's planning and analysis methodology. The reports shall be provided in the appropriate classified and unclassified formats.

**Al Udeid Air Base Mold Contamination.**—The conferees are concerned about reports that airmen serving at Al Udeid Air Base in Qatar were living in dangerously contaminated barracks. On social media and later in the press, reports detailed collapsing ceilings, contaminated water, and toxic black mold found throughout the facility. The Committees have raised concerns in the past about low levels of funding for facility sustainment, restoration and modernization, and if the black mold issues at Al Udeid were a result of a lack of funding for maintenance, that is unacceptable. Also, the conferees are aware that the Department of Defense Inspector General released a report in September 2014 (DODIG-2014-121) that identified 1,057 deficiencies and code violations "that could affect the health, safety, and well-being of warfighters and their families" sta-

tioned in Japan. Included among the deficiencies were elevated levels of radon and excessive mold growth. In light of the Inspector General report and the reports from Al Udeid, the conferees direct the Department to submit a report to the congressional defense committees not later than 180 days after enactment of this Act detailing global military housing and expeditionary facilities locations with mold contamination, mitigation strategies implemented or expected to be in place, and any new construction standards designed to prevent mold contamination.

#### MILITARY CONSTRUCTION, ARMY

The conference agreement provides \$513,459,000 for Military Construction, Army. Within this amount, the conference agreement provides \$98,159,000 for study, planning, design, architect and engineer services, and host nation support.

**Aging Army hangars for Combat Aviation Units.**—The conferees recognize that the Army's aging hangars housing combat aviation units are structurally deficient and do not meet the operational requirements of the Army's Combat Aviation Brigades. A critical need exists for the Army to modernize infrastructure associated with operational needs, inclement weather, personnel changes, and unforeseen circumstances. The conferees direct the Secretary of the Army to submit a report to the congressional defense committees not later than 90 days after the enactment of this Act detailing the age and condition of the Army's Combat Aviation Brigade aircraft maintenance hangars, a prioritization of the most deficient infrastructure assets, and a plan to modernize or replace those hangars, including the required resources.

**Air traffic control facilities.**—The conferees are concerned that many of the Army's air traffic control facilities are unsafe, antiquated, and do not provide adequate control, communications or observation abilities for the current air traffic levels at certain locations. For example, the current facility located at Fort Benning, Georgia, will become wholly inadequate at the current pace of operations and a replacement facility is necessary to ensure air traffic services are available to support mission readiness and deployment platforms and the military flying community. The conferees are concerned that this could be a problem throughout the Army enterprise with the recent reductions to the Department of Defense's construction accounts. Therefore, the Secretary of the Army is directed to conduct a risk assessment on Army air traffic control facilities throughout the Army enterprise and develop a plan to update these facilities. This assessment shall be submitted to the congressional defense committees not later than 60 days after enactment of this Act.

**Defense Laboratory Enterprise Facilities and Infrastructure.**—The conferees note that DOD investment in Defense laboratories has been lacking, resulting in negative impacts on the ability of the military to develop new acquisition programs or perform cutting-edge research. At the same time, the Nation's near-peer competitors are making significant new investments in their research and development capabilities as part of the effort to close the technology gap with the U.S. military. Of additional concern, aging lab infrastructure also creates a disincentive to attracting new employees as DOD tries to rebuild its technical workforce.

One of the tools that Congress has provided to incentivize DOD lab investment is the establishment of a higher threshold for unspecified minor military construction (UMMC) for laboratories to enable the services to keep up with a threat that evolves faster

than the normal planning process. However, the conferees are concerned that the services are not programming sufficient UMMC to take full advantage of the laboratory revitalization initiative. For example, in fiscal year 2016, the Army, which operates an extensive network of DOD labs, did not allocate any unspecified minor military construction funding for necessary laboratory revitalization projects, and the request for UMMC in the Army has remained flat at \$25,000,000. Therefore, the conference agreement provides an additional \$10,000,000 to supplement unspecified minor military construction, and the Army is encouraged to pursue opportunities to use the additional funding for lab revitalization.

#### MILITARY CONSTRUCTION, NAVY AND MARINE CORPS

The conference agreement provides \$1,021,580,000 for Military Construction, Navy and Marine Corps. Within this amount, the conference agreement provides \$88,230,000 for study, planning, design, architect and engineer services.

**Military Construction funding for the Navy and Marine Corps.**—Conferees are concerned about the need for the construction of an F-35C aircraft maintenance hangar, a communications complex and infrastructure upgrades, and an F-35C aircraft parking apron for the Marine Corps' four F-35C squadrons on the West Coast. This construction supports Carrier Air Wing operations with the USS *Carl Vinson* as the first F-35C compatible ship on the West Coast in support of the Pacific Command Area of Responsibility. The Marine Corps has identified these projects as its top priorities, critical to the F-35C squadrons and the conferees support these priorities.

**Townsend Bombing Range.**—Concerns still remain regarding the Townsend Bombing Range and its effect on the local timber industry. While the Navy and local stakeholders have started a dialogue, an agreement has not yet been reached. The conferees look forward to an agreement that meets the Navy's training needs and protects local timber stakeholders.

**Navy Unfunded Reprogramming Requirements.**—The Committees were recently informed that the Navy has been underestimating the cost of major construction projects over the past several years due to unrealistic cost assumptions and a flawed construction cost formula. The Navy acknowledges that it has been aware of this problem for some time but had taken no action to remedy the deficiencies in its construction cost estimating process or to notify the Committees in a timely manner of the situation or its potential impact on the execution of projects. As a result, the Navy is faced with a large inventory of underfunded projects, and insufficient unobligated balances from bid savings or cancelled projects to cover the shortfall. Thus, a number of authorized projects for which funds have been appropriated over the past several years are at risk due to insufficient funds to award a contract.

The conferees provide an additional \$89,400,000 in this Act, to address the Navy's highest priority urgent unfunded reprogramming requirements as well as unanticipated emergency construction requirements. However, the conferees are concerned that this is just the tip of the iceberg, and that additional underfunded projects for which no ready source of reprogramming funds is available will emerge. Therefore, the conferees direct the Secretary of the Navy to reassess the sufficiency of the appropriation request for all previously appropriated projects for which contracts have not been awarded, and to provide to the congressional

defense committees, within 60 days of enactment of this Act, (1) a detailed analysis of the process and decisions that led to the underestimating of construction costs, (2) the revised cost estimate, if applicable, for any project that is estimated to be underfunded due to unrealistic cost assumptions and/or a flawed construction cost formula, (3) a plan of how the Navy intends to address the shortfall within its own resources, including the identification of any previously appropriated projects that might have to be cancelled, and (4) a description of the steps it is taking to remedy the cost estimating process for future construction projects.

The conferees further direct the Secretary of Defense to review the construction cost formulas used to develop military construction appropriation requests by the Naval Facilities Engineering Command and the U.S. Army Corps of Engineers to assess the reliability of the formulas, and to report to the congressional defense committees within 90 days of enactment of this Act on its findings and any recommendations to improve the fidelity of the construction cost formulas.

All the services, including the Navy, have informed the Committees for the past several years that construction costs have been rising with the improving economy and the rebound of the construction market, and that bid savings have been subsequently decreasing. The conferees believe there is no excuse for the Navy's inability to or failure to address this problem, and fully expect a sound and justifiable cost estimate for any military construction projects submitted in the fiscal year 2018 and future budget requests.

#### MILITARY CONSTRUCTION, AIR FORCE

The conference agreement provides \$1,491,058,000 for Military Construction, Air Force. Within this amount, the conference agreement provides \$143,582,000 for study, planning, design, architect and engineer services. Additionally, the conference agreement rescinds \$23,900,000 for three fiscal year 2014 projects in Saipan, Commonwealth of the Northern Mariana Islands (CNMI), to support Air Force training exercises and provide an emergency divert location. The conferees are concerned that the Air Force has been unable to reach a land use agreement with the Government of the CNMI despite extensive negotiations, and no resolution to the issue is imminent. Therefore, the funding is rescinded without prejudice, and the Air Force is urged to resubmit the projects once agreement on the location is finalized and the projects can be executed.

*Air Force Facility Security Requirements.*—The conferees are concerned with the Department's funding recommendation for the Air Force's unspecified minor military construction account. An additional \$10,000,000 is provided to assist installations in the continental U.S. with significant facility entry and exit point concerns. Priority should be given to installations with access control points that present safety, security and traffic hazards.

*Air Force Ballistic Missile Facilities.*—The conferees are aware that ground-based intercontinental ballistic missile (ICBM) facilities at the Nation's three ICBM bases in Montana, North Dakota, and Wyoming are aging and in urgent need of replacement. At a time of increased global tensions among nuclear-capable nations, it is imperative to replace crumbling and outdated ICBM infrastructure at U.S. installations with state-of-the-art nuclear deterrence facilities. Key to this effort is the replacement of the Cuban missile crisis-era Weapons Storage Facilities and Missile Alert Facilities at each of the ICBM bases. The conferees understand that the Air Force has developed a funding road-

map to replace the Weapons Storage Facilities (WSFs) at each ICBM base but are concerned that the current timeline for implementation of the roadmap is not sufficiently aggressive in light of the urgency of upgrading these facilities to meet current threat conditions. Given the failing condition of the current WSFs and the importance of the ground-based ICBM capability to the Nation's nuclear deterrence, the conferees urge the Air Force to prioritize and accelerate the replacement of the WSFs as well as the Nuclear Alert Facilities at ICBM bases. The conferees reiterate the directive in Senate Report 114-237 for the Secretary of the Air Force to undertake an analysis of the cost of maintaining the existing Missile Alert Facilities at the Nation's ICBM bases and to provide a report to the Committees within 90 days of enactment of this Act on the findings of the analysis and a projected cost and timeline for replacing the Weapons Alert Facilities at each of these bases. The conferees also direct the Secretary of Defense to assess the feasibility of using Defense Access Road funding and other sources of funding to build alternate routes for military equipment traveling on public roads to missile launch facilities, taking into consideration the proximity of local populations, security risks, safety, and weather, and to provide a report to the Committees within one year of enactment of this Act.

#### MILITARY CONSTRUCTION, DEFENSE-WIDE (INCLUDING TRANSFER OF FUNDS)

The conference agreement provides \$2,025,444,000 for Military Construction, Defense-Wide. Within this amount, the conference agreement provides \$180,775,000 for study, planning, design, architect and engineer services. Within this amount, an additional \$15,000,000 is provided for Missile Defense Agency planning and design. The additional funding is to expedite the construction and deployment of urgently needed missile defense assets in various locations within the continental United States, including Alaska and Hawaii.

*Pentagon Metro entrance facility.*—The conference agreement includes funding for the Pentagon Metro entrance facility project as requested in the budget submission. The conferees remain concerned that this facility needs to be constructed in a manner that will further enhance the physical access and perimeter defense of the building in accordance with the Integrated Pentagon Security Master Plan and the Pentagon Century Review. Given that the design is only at 10 percent at this point, the conferees direct the Secretary of Defense to report to the congressional defense committees quarterly on the progress of the planning and design and any major construction changes to the current project's 1391.

#### MILITARY CONSTRUCTION, ARMY NATIONAL GUARD

The conference agreement provides \$232,930,000 for Military Construction, Army National Guard. Within this amount, the conference agreement provides \$8,729,000 for study, planning, design, architect and engineer services.

#### MILITARY CONSTRUCTION, AIR NATIONAL GUARD

The conference agreement provides \$143,957,000 for Military Construction, Air National Guard. Within this amount, the conference agreement provides \$10,462,000 for study, planning, design, architect and engineer services.

#### MILITARY CONSTRUCTION, ARMY RESERVE

The conference agreement provides \$68,230,000 for Military Construction, Army Reserve. Within this amount, the conference agreement provides \$7,500,000 for study, planning, design, architect and engineer services.

#### MILITARY CONSTRUCTION, NAVY RESERVE

The conference agreement provides \$38,597,000 for Military Construction, Navy Reserve. Within this amount, the conference agreement provides \$3,783,000 for study, planning, design, architect and engineer services.

#### MILITARY CONSTRUCTION, AIR FORCE RESERVE

The conference agreement provides \$188,950,000 for Military Construction, Air Force Reserve. Within this amount, the conference agreement provides \$4,500,000 for study, planning, design, architect and engineer services.

#### NORTH ATLANTIC TREATY ORGANIZATION SECURITY INVESTMENT PROGRAM

The conference agreement provides \$177,932,000 for the North Atlantic Treaty Organization Security Investment Program.

#### DEPARTMENT OF DEFENSE BASE CLOSURE ACCOUNT

The conference agreement provides \$240,237,000 for the Department of Defense Base Closure Account, which is \$35,000,000 above the request. The additional funding is for the Army and the Navy to accelerate environmental remediation at installations closed under previous Base Realignment and Closure (BRAC) rounds.

*Accelerated cleanup.*—The conferees recognize that many factors hinder the cleanup of BRAC sites. However, the conferees believe that strategic investments can lead to quicker clean-ups and faster turnover of DOD property to the local community. Therefore, the conferees direct the Secretary of Defense to submit to the congressional defense committees a spend plan for the additional BRAC funds not later than 15 days after enactment of this Act.

#### Family Housing Overview

*Homeowners Assistance Program—Delayed Expression or Delayed Identification of Injured Beneficiaries.*—As the Executive Agent for the Homeowners Assistance Program (HAP) across the Department of Defense, the Army mistakenly administered approximately 76 applicants whose injuries were incurred during a military deployment, while they owned a home, and experienced delayed expression or delayed identification of the injury. The applicants were paid in good faith and in accordance with guidance from Congress and the Department of Defense to err in favor of wounded, ill, and injured HAP applicants. If these beneficiaries had suffered from an obvious physical injury—which the HAP statute envisioned—their injury would have been clearly documented at the time they owned their home, and they would have qualified for HAP benefits. Therefore, no funds from this Act shall be used to collect overpayments for any wounded, ill, or injured HAP beneficiary with delayed expression or delayed identification, or send notice letters, while the Department further develops permanent legislative solutions with Congress.

#### FAMILY HOUSING CONSTRUCTION, ARMY

The conference agreement provides \$157,172,000 for Family Housing Construction, Army.

#### FAMILY HOUSING OPERATION AND MAINTENANCE, ARMY

The conference agreement provides \$325,995,000 for Family Housing Operation and Maintenance, Army.

#### FAMILY HOUSING CONSTRUCTION, NAVY AND MARINE CORPS

The conference agreement provides \$94,011,000 for Family Housing Construction, Navy and Marine Corps.

#### FAMILY HOUSING OPERATION AND MAINTENANCE, NAVY AND MARINE CORPS

The conference agreement provides \$300,915,000 for Family Housing Operation and Maintenance, Navy and Marine Corps.

## FAMILY HOUSING CONSTRUCTION, AIR FORCE

The conference agreement provides \$61,352,000 for Family Housing Construction, Air Force.

## FAMILY HOUSING OPERATION AND MAINTENANCE, AIR FORCE

The conference agreement provides \$274,429,000 for Family Housing Operation and Maintenance, Air Force.

## FAMILY HOUSING OPERATION AND MAINTENANCE, DEFENSE-WIDE

The conference agreement provides \$59,157,000 for Family Housing Operation and Maintenance, Defense-Wide.

## DEPARTMENT OF DEFENSE FAMILY HOUSING IMPROVEMENT FUND

The conference agreement provides \$3,258,000 for the Department of Defense Family Housing Improvement Fund.

## ADMINISTRATIVE PROVISIONS

## (INCLUDING TRANSFERS AND RESCISSIONS OF FUNDS)

The conference agreement includes section 101 limiting the use of funds under a cost-plus-a-fixed-fee contract.

The conference agreement includes section 102 allowing the use of construction funds in this title for hire of passenger motor vehicles.

The conference agreement includes section 103 allowing the use of construction funds in this title for advances to the Federal Highway Administration for the construction of access roads.

The conference agreement includes section 104 prohibiting construction of new bases in the United States without a specific appropriation.

The conference agreement includes section 105 limiting the use of funds for the purchase of land or land easements that exceed 100 percent of the value.

The conference agreement includes section 106 prohibiting the use of funds, except funds appropriated in this title for that purpose, for family housing.

The conference agreement includes section 107 limiting the use of minor construction funds to transfer or relocate activities.

The conference agreement includes section 108 prohibiting the procurement of steel unless American producers, fabricators, and manufacturers have been allowed to compete.

The conference agreement includes section 109 prohibiting the use of construction or family housing funds to pay real property taxes in any foreign nation.

The conference agreement includes section 110 prohibiting the use of funds to initiate a new installation overseas without prior notification.

The conference agreement includes section 111 establishing a preference for American architectural and engineering services for overseas projects.

The conference agreement includes section 112 establishing a preference for American contractors in United States territories and possessions in the Pacific and on Kwajalein Atoll and in countries bordering the Arabian Gulf.

The conference agreement includes section 113 requiring congressional notification of military exercises when construction costs exceed \$100,000.

The conference agreement includes section 114 allowing funds appropriated in prior years for new projects authorized during the current session of Congress.

The conference agreement includes section 115 allowing the use of expired or lapsed funds to pay the cost of supervision for any project being completed with lapsed funds.

The conference agreement includes section 116 allowing military construction funds to be available for five years.

The conference agreement includes section 117 allowing the transfer of funds from Family Housing Construction accounts to the Family Housing Improvement Program.

The conference agreement includes section 118 allowing transfers to the Homeowners Assistance Fund.

The conference agreement includes section 119 limiting the source of operation and maintenance funds for flag and general officer quarters and allowing for notification by electronic medium.

The conference agreement includes section 120 extending the availability of funds in the Ford Island Improvement Account.

The conference agreement includes section 121 allowing the transfer of expired funds to the Foreign Currency Fluctuations, Construction, Defense account.

The conference agreement includes section 122 restricting the obligation of funds for relocating an Army unit that performs a testing mission.

The conference agreement includes section 123 allowing for the reprogramming of construction funds among projects and activities subject to certain criteria.

The conference agreement includes section 124 prohibiting the obligation or expenditure of funds provided to the Department of Defense for military construction for projects at Arlington National Cemetery.

The conference agreement includes section 125 providing additional funds for various Military Construction accounts.

The conference agreement includes section 126 providing additional funds for Military Construction, Navy and Marine Corps.

The conference agreement includes section 127 rescinding funds from prior Appropriations Acts from various accounts.

The conference agreement includes section 128 rescinding unobligated balances from the fund established by Sec. 1013(d) of 42 U.S.C. 3374.

The conference agreement includes section 129 defining the congressional defense committees.

The conference agreement includes section 130 prohibiting the use of funds in this Act to close or realign Naval Station Guantanamo Bay, Cuba. The provision is intended to prevent the closure or realignment of the installation out of the possession of the United States, and maintain the Naval Station's long-standing regional security and migrant operations missions.

The conference agreement includes section 131 restricting funds in this Act to be used to consolidate or relocate any element of Air Force Rapid Engineer Deployable Heavy Operational Repair Squadron Engineer until certain conditions are met.

MILITARY CONSTRUCTION  
(AMOUNTS IN THOUSANDS)

	BUDGET REQUEST	HOUSE	SENATE	CONFERENCE AGREEMENT
ALASKA				
ARMY				
FORT WAINWRIGHT				
UNMANNED AERIAL VEHICLE HANGAR.....	47,000	47,000	47,000	47,000
AIR FORCE				
CLEAR AFS				
FIRE STATION.....	20,000	20,000	20,000	20,000
EIELSON AFB				
F-35A ADAL FIELD TRAINING DETACHMENT FAC.....	22,100	22,100	22,100	22,100
F-35A AIRCRAFT WEATHER SHELTER (SQD 2).....	82,300	---	82,300	82,300
F-35A AIRCRAFT WEATHER SHELTERS (SQD 1).....	79,500	79,500	79,500	79,500
F-35A EARTH COVERED MAGAZINES.....	11,300	11,300	11,300	11,300
F-35A HANGAR/PROPULSION MX/DISPATCH.....	44,900	44,900	44,900	44,900
F-35A HANGAR/SQUAD OPS/AMU SQ #2.....	42,700	42,700	42,700	42,700
F-35A MISSILE MAINTENANCE FACILITY.....	12,800	12,800	12,800	12,800
JOINT BASE ELMENDORF-RICHARDSON				
ADD/ALTER AWACS ALERT HANGAR.....	29,000	29,000	29,000	29,000
DEFENSE-WIDE				
CLEAR AFS				
LONG RANGE DISCRIM RADAR SYS COMPLEX PH1.....	155,000	155,000	155,000	155,000
FORT GREELY				
MISSILE DEFENSE COMPLEX SWITCHGEAR FACILITY.....	9,560	9,560	9,560	9,560
JOINT BASE ELMENDORF-RICHARDSON				
CONSTRUCT TRUCK OFFLOAD FACILITY.....	4,900	4,900	4,900	4,900
ARIZONA				
NAVY				
YUMA				
VMX-22 MAINTENANCE HANGAR.....	48,355	48,355	48,355	48,355
AIR FORCE				
LUKE AFB				
F-35A SQUAD OPS/AIRCRAFT MAINT UNIT #5.....	20,000	20,000	20,000	20,000
DEFENSE-WIDE				
FORT HUACHUCA				
JITC BUILDING 52110 RENOVATION.....	4,493	4,493	4,493	4,493
CALIFORNIA				
ARMY				
CONCORD				
ACCESS CONTROL POINT.....	12,600	12,600	12,600	12,600
NAVY				
CORONADO				
COASTAL CAMPUS ENTRY CONTROL POINT.....	13,044	13,044	13,044	13,044
COASTAL CAMPUS UTILITIES INFRASTRUCTURE.....	81,104	81,104	81,104	81,104
GRACE HOPPER DATA CENTER POWER UPGRADES.....	10,353	10,353	10,353	10,353
LEMOORE				
F-35C ENGINE REPAIR FACILITY.....	26,723	26,723	26,723	26,723
SAN DIEGO				
ENERGY SECURITY HOSPITAL MICROGRID.....	6,183	---	6,183	---
SEAL BEACH				
MISSILE MAGAZINES.....	21,007	21,007	21,007	21,007
AIR FORCE				
EDWARDS AIR FORCE BASE				
FLIGHTLINE FIRE STATION.....	24,000	24,000	24,000	24,000
DEFENSE-WIDE				
CORONADO				
SOF HUMAN PERFORMANCE TRAINING CENTER.....	15,578	15,578	15,578	15,578
SOF SEAL TEAM OPS FACILITY.....	47,290	47,290	47,290	47,290
SOF SEAL TEAM OPS FACILITY.....	47,290	47,290	47,290	47,290
SOF SPECIAL RECON TEAM ONE OPERATIONS FAC.....	20,949	20,949	20,949	20,949
SOF TRAINING DETACHMENT ONE OPS FACILITY.....	44,305	44,305	44,305	44,305
TRAVIS AFB				
REPLACE HYDRANT FUEL SYSTEM.....	26,500	26,500	26,500	26,500

MILITARY CONSTRUCTION  
(AMOUNTS IN THOUSANDS)

	BUDGET REQUEST	HOUSE	SENATE	CONFERENCE AGREEMENT
-----				
ARMY RESERVE				
FORT HUNTER LIGGETT				
EMERGENCY SERVICES CENTER.....	21,500	21,500	21,500	21,500
CAMP PARKS				
TRANSIENT TRAINING BARRACKS.....	19,000	19,000	19,000	19,000
COLORADO				
ARMY				
FORT CARSON				
AUTOMATED INFANTRY PLATOON BATTLE COURSE.....	8,100	8,100	8,100	8,100
UNMANNED AERIAL VEHICLE HANGAR.....	5,000	5,000	5,000	5,000
AIR FORCE				
BUCKLEY AIR FORCE BASE				
SMALL ARMS RANGE COMPLEX.....	13,500	13,500	13,500	13,500
CONNECTICUT				
AIR NATIONAL GUARD				
BRADLEY IAP				
CONSTRUCT SMALL AIR TERMINAL.....	6,300	6,300	6,300	6,300
DELAWARE				
AIR FORCE				
DOVER AFB				
AIRCRAFT MAINTENANCE HANGAR.....	39,000	39,000	39,000	39,000
DEFENSE-WIDE				
DOVER AFB				
WELCH ES/DOVER MS REPLACEMENT.....	44,115	44,115	44,115	44,115
FLORIDA				
NAVY				
EGLIN AFB				
WMD FIELD TRAINING FACILITIES.....	20,489	20,489	20,489	20,489
AIR FORCE				
EGLIN AFB				
ADVANCED MUNITIONS TECHNOLOGY COMPLEX.....	75,000	75,000	75,000	75,000
FLIGHTLINE FIRE STATION.....	13,600	13,600	13,600	13,600
PATRICK AFB				
FIRE/CRASH RESCUE STATION.....	13,500	13,500	13,500	13,500
DEFENSE-WIDE				
PATRICK AFB				
REPLACE FUEL TANKS.....	10,100	10,100	10,100	10,100
AIR NATIONAL GUARD				
JACKSONVILLE IAP				
REPLACE FIRE CRASH/RESCUE STATION.....	9,000	9,000	9,000	9,000
GEORGIA				
ARMY				
FORT GORDON				
CYBER PROTECTION TEAM OPS FACILITY.....	90,000	90,000	90,000	90,000
FORT STEWART				
AUTOMATED QUALIFICATION/TRAINING RANGE.....	14,800	14,800	14,800	14,800
AIR FORCE				
MOODY AFB				
PERSONNEL RECOVERY 4-BAY HANGAR/HELO MX UNIT.....	30,900	30,900	30,900	30,900
DEFENSE-WIDE				
FORT BENNING				
SOF TACTICAL UNMANNED AERIAL VEHICLE HANGAR.....	4,820	4,820	4,820	4,820
FORT GORDON				
MEDICAL CLINIC REPLACEMENT.....	25,000	25,000	25,000	25,000
HAWAII				
ARMY				
FORT SHAFTER				
COMMAND AND CONTROL FACILITY, INCR 2.....	40,000	40,000	40,000	40,000

MILITARY CONSTRUCTION  
(AMOUNTS IN THOUSANDS)

	BUDGET REQUEST	HOUSE	SENATE	CONFERENCE AGREEMENT
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NAVY				
BARKING SANDS				
UPGRADE POWER PLANT & ELECTRICAL DISTRIB SYS.....	43,384	43,384	43,384	43,384
KANEOHE BAY				
REGIMENTAL CONSOLIDATED COMM/ELEC FACILITY.....	72,565	72,565	72,565	72,565
ARMY NATIONAL GUARD				
HILO				
COMBINED SUPPORT MAINTENANCE SHOP.....	31,000	31,000	31,000	31,000
AIR NATIONAL GUARD				
JOINT BASE PEARL HARBOR-HICKAM				
F-22 COMPOSITE REPAIR FACILITY.....	11,000	11,000	11,000	11,000
IOWA				
ARMY NATIONAL GUARD				
DAVENPORT				
NATIONAL GUARD READINESS CENTER.....	23,000	23,000	23,000	23,000
AIR NATIONAL GUARD				
SIOUX GATEWAY AIRPORT				
CONSTRUCT CONSOLIDATED SUPPORT FUNCTIONS.....	12,600	12,600	12,600	12,600
KANSAS				
AIR FORCE				
MCCONNELL AFB				
AIR TRAFFIC CONTROL TOWER.....	11,200	11,200	11,200	11,200
KC-46A ADAL TAXIWAY DELTA.....	5,600	5,600	5,600	5,600
KC-46A ALTER FLIGHT SIMULATOR BLDGS.....	3,000	3,000	3,000	3,000
ARMY NATIONAL GUARD				
FORT LEAVENWORTH				
NATIONAL GUARD READINESS CENTER.....	29,000	29,000	29,000	29,000
LOUISIANA				
AIR FORCE				
BARKSDALE AFB				
CONSOLIDATED COMMUNICATION FACILITY.....	21,000	21,000	21,000	21,000
NAVY RESERVE				
NEW ORLEANS				
JOINT RESERVE INTELLIGENCE CENTER.....	11,207	11,207	11,207	11,207
MAINE				
NAVY				
KITTERY				
UNACCOMPANIED HOUSING.....	17,773	17,773	17,773	17,773
UTILITY IMPROVEMENTS FOR NUCLEAR PLATFORMS.....	30,119	30,119	30,119	30,119
DEFENSE-WIDE				
KITTERY				
MEDICAL/DENTAL CLINIC REPLACEMENT.....	27,100	27,100	27,100	27,100
MARYLAND				
NAVY				
PATUXENT RIVER				
CBARS RDT&E HANGAR.....	40,576	40,576	40,576	40,576
AIR FORCE				
JOINT BASE ANDREWS				
21 POINTS ENCLOSED FIRING RANGE.....	13,000	13,000	13,000	13,000
PAR RELOCATE JADOC SATELLITE SITE.....	3,500	3,500	3,500	3,500
DEFENSE-WIDE				
BETHESDA NAVAL HOSPITAL				
MEDCEN ADDITION/ALTERATION INCR 1.....	50,000	50,000	50,000	50,000
FORT MEADE				
ACCESS CONTROL FACILITY.....	21,000	21,000	21,000	21,000
NSAW CAMPUS FEEDERS PHASE 3.....	17,000	17,000	17,000	17,000
NSAW RECAPITALIZE BUILDING #2 INCR 2.....	195,000	195,000	195,000	195,000

MILITARY CONSTRUCTION  
(AMOUNTS IN THOUSANDS)

	BUDGET REQUEST	HOUSE	SENATE	CONFERENCE AGREEMENT
MASSACHUSETTS				
AIR FORCE				
HANSCOM AFB				
SYSTEM MANAGEMENT ENGINEERING FACILITY.....	20,000	20,000	20,000	20,000
MINNESOTA				
AIR NATIONAL GUARD				
DULUTH IAP				
LOAD CREW TRAINING/WEAPON SHOPS.....	7,600	7,600	7,600	7,600
MISSOURI				
DEFENSE-WIDE				
ST LOUIS				
LAND ACQUISITION-NEXT NGA WEST (N2W) CAMPUS.....	801	801	801	801
MONTANA				
AIR FORCE				
MALMSTROM AFB				
MISSILE MAINTENANCE FACILITY.....	14,600	14,600	14,600	14,600
NEVADA				
NAVY				
FALLON				
AIR WING SIMULATOR FACILITY.....	13,523	13,523	13,523	13,523
AIR FORCE				
NELLIS AFB				
F-35A POL FILL STAND ADDITION.....	10,600	10,600	10,600	10,600
NEW HAMPSHIRE				
ARMY NATIONAL GUARD				
HOOKSETT				
NATIONAL GUARD VEHICLE MAINTENANCE SHOP.....	11,000	11,000	11,000	11,000
ROCHESTER				
NATIONAL GUARD VEHICLE MAINTENANCE SHOP.....	8,900	8,900	8,900	8,900
AIR NATIONAL GUARD				
PEASE INTERNATIONAL TRADE PORT				
KC-46A INSTALL FUSELAGE TRAINER BLDG 251.....	1,500	1,500	1,500	1,500
NEW MEXICO				
AIR FORCE				
CANNON AFB				
NORTH FITNESS CENTER.....	21,000	21,000	21,000	21,000
HOLLOMAN AFB				
HAZARDOUS CARGO PAD AND TAXIWAY.....	10,600	10,600	10,600	10,600
KIRTLAND AFB				
COMBAT RESCUE HELICOPTER (CRH) SIMULATOR.....	7,300	7,300	7,300	7,300
NEW YORK				
NAVY RESERVE				
BROOKLYN				
ELECTRIC FEEDER DUCTBANK.....	1,964	1,964	1,964	1,964
SYRACUSE				
MARINE CORPS RESERVE CENTER.....	13,229	13,229	13,229	13,229
NORTH CAROLINA				
NAVY				
CAMP LEJEUNE				
RANGE FACILITIES SAFETY IMPROVEMENTS.....	18,482	18,482	18,482	18,482
CHERRY POINT MARINE CORPS AIR STATION				
CENTRAL HEATING PLANT CONVERSION.....	12,515	12,515	12,515	12,515
DEFENSE-WIDE				
CAMP LEJEUNE				
DENTAL CLINIC REPLACEMENT.....	31,000	31,000	31,000	31,000
FORT BRAGG				
SOF COMBAT MEDIC TRAINING FACILITY.....	10,905	10,905	10,905	10,905



MILITARY CONSTRUCTION  
(AMOUNTS IN THOUSANDS)

	BUDGET REQUEST	HOUSE	SENATE	CONFERENCE AGREEMENT
SOF PARACHUTE RIGGING FACILITY.....	21,420	21,420	21,420	21,420
SOF SPECIAL TACTICS FACILITY (PH3).....	30,670	30,670	30,670	30,670
SOF TACTICAL EQUIPMENT MAINTENANCE FACILITY.....	23,598	23,598	23,598	23,598
AIR NATIONAL GUARD				
CHARLOTTE/DOUGLAS IAP				
C-17 CORROSION CONTROL/FUEL CELL HANGAR.....	29,600	29,600	29,600	29,600
C-17 TYPE III HYDRANT REFUELING SYSTEM.....	21,000	21,000	21,000	21,000
AIR FORCE RESERVE				
SEYMOUR JOHNSON AFB				
KC-46A ADAL BLDG FOR AGE/FUSELAGE TRAINING.....	5,700	5,700	5,700	5,700
KC-46A ADAL SQUADRON OPERATIONS FACILITIES.....	2,250	2,250	2,250	2,250
KC-46A TWO BAY CORROSION/FUEL CELL HANGAR.....	90,000	90,000	90,000	90,000
OHIO				
AIR FORCE				
WRIGHT-PATTERSON AFB				
RELOCATED ENTRY CONTROL FACILITY 26A.....	12,600	12,600	12,600	12,600
OKLAHOMA				
AIR FORCE				
ALTUS AFB				
KC-46A FTU/FTC SIMULATOR FACILITY PH 2.....	11,600	11,600	11,600	11,600
TINKER AFB				
KC-46A DEPOT SYSTEM INTEGRATION LABORATORY.....	17,000	17,000	17,000	17,000
ARMY NATIONAL GUARD				
ARDMORE				
NATIONAL GUARD READINESS CENTER.....	22,000	22,000	22,000	22,000
PENNSYLVANIA				
ARMY NATIONAL GUARD				
YORK				
NATIONAL GUARD READINESS CENTER.....	9,300	9,300	9,300	9,300
AIR FORCE RESERVE				
PITTSBURGH IAP				
C-17 ADAL FUEL HYDRANT SYSTEM.....	22,800	22,800	22,800	22,800
C-17 CONST/OVERLAY TAXIWAY AND APRON.....	8,200	8,200	8,200	8,200
C-17 CONSTRUCT TWO BAY CORROSION/FUEL HANGAR.....	54,000	54,000	54,000	54,000
RHODE ISLAND				
ARMY NATIONAL GUARD				
EAST GREENWICH				
NATIONAL GUARD/RESERVE CENTER BUILDING (JFHQ).....	20,000	20,000	20,000	20,000
SOUTH CAROLINA				
NAVY				
BEAUFORT				
AIRCRAFT MAINTENANCE HANGAR.....	83,490	83,490	83,490	83,490
PARRIS ISLAND				
RECRUIT RECONDITIONING CENTER & BARRACKS.....	29,882	29,882	29,882	29,882
DEFENSE-WIDE				
JOINT BASE CHARLESTON				
CONSTRUCT HYDRANT FUEL SYSTEM.....	17,000	17,000	17,000	17,000
AIR NATIONAL GUARD				
MCENTIRE ANG				
REPLACE OPERATIONS AND TRAINING FACILITY.....	8,400	8,400	8,400	8,400
TEXAS				
ARMY				
FORT HOOD				
AUTOMATED INFANTRY PLATOON BATTLE COURSE.....	7,600	7,600	7,600	7,600
AIR FORCE				
JOINT BASE SAN ANTONIO				
BMT RECRUIT DORMITORY 6.....	67,300	67,300	67,300	67,300

MILITARY CONSTRUCTION  
(AMOUNTS IN THOUSANDS)

	BUDGET REQUEST	HOUSE	SENATE	CONFERENCE AGREEMENT
DEFENSE-WIDE				
RED RIVER ARMY DEPOT				
CONSTRUCT WAREHOUSE & OPEN STORAGE.....	44,700	44,700	44,700	44,700
SHEPPARD AFB				
MEDICAL/DENTAL CLINIC REPLACEMENT.....	91,910	91,910	91,910	91,910
AIR NATIONAL GUARD				
ELLINGTON FIELD				
CONSOLIDATE CREW READINESS FACILITY.....	4,500	4,500	4,500	4,500
NAVY RESERVE				
GALVESTON				
RESERVE CENTER ANNEX.....	8,414	8,414	8,414	8,414
UTAH				
ARMY				
CAMP WILLIAMS				
LIVE FIRE EXERCISE SHOOTHOUSE.....	7,400	7,400	7,400	7,400
AIR FORCE				
HILL AFB				
649 MUNS MUNITIONS STORAGE MAGAZINES.....	6,600	6,600	6,600	6,600
649 MUNS PRECISION GUIDED MISSILE MX FACILITY.....	8,700	8,700	8,700	8,700
649 MUNS STAMP/MAINT & INSPECTION FACILITY.....	12,000	12,000	12,000	12,000
COMPOSITE AIRCRAFT ANTENNA CALIBRATION FAC.....	7,100	7,100	7,100	7,100
F-35A MUNITIONS MAINTENANCE COMPLEX.....	10,100	10,100	10,100	10,100
ARMY NATIONAL GUARD				
CAMP WILLIAMS				
NATIONAL GUARD READINESS CENTER.....	37,000	37,000	37,000	37,000
VERMONT				
AIR NATIONAL GUARD				
BURLINGTON IAP				
F-35 BEDDOWN 4- BAY FLIGHT SIMULATOR.....	4,500	4,500	4,500	4,500
VIRGINIA				
ARMY				
FORT BELVOIR				
SECURE ADMIN/OPERATIONS FACILITY, INCR 2.....	64,000	64,000	64,000	64,000
AIR FORCE				
JOINT BASE LANGLEY-EUSTIS				
AIR FORCE TARGETING CENTER.....	45,000	45,000	45,000	45,000
FUEL SYSTEM MAINTENANCE DOCK.....	14,200	14,200	14,200	14,200
DEFENSE-WIDE				
PENTAGON				
PENTAGON METRO ENTRANCE FACILITY.....	12,111	12,111	---	12,111
UPGRADE IT FACILITIES INFRASTRUCTURE-RRMC.....	8,105	8,105	8,105	8,105
ARMY RESERVE				
DUBLIN				
ORGANIZATIONAL MAINTENANCE SHOP/AMSA.....	6,000	6,000	6,000	6,000
WASHINGTON				
NAVY				
BANGOR				
SERVICE PIER ELECTRICAL UPGRADES.....	18,939	18,939	18,939	18,939
SUBMARINE REFIT MAINT SUPPORT FACILITY.....	21,476	21,476	21,476	21,476
BREMERTON				
NUCLEAR REPAIR FACILITY.....	6,704	6,704	6,704	6,704
WHIDBEY ISLAND				
EA-18G MAINTENANCE HANGAR.....	45,501	45,501	45,501	45,501
TRITON MISSION CONTROL FACILITY.....	30,475	30,475	30,475	30,475
AIR FORCE				
FAIRCHILD AFB				
PIPELINE DORM, USAF SERE SCHOOL (150 RM).....	27,000	27,000	27,000	27,000

MILITARY CONSTRUCTION  
(AMOUNTS IN THOUSANDS)

	BUDGET REQUEST	HOUSE	SENATE	CONFERENCE AGREEMENT
<hr/>				
WISCONSIN				
ARMY RESERVE				
FORT MCCOY				
AT/MOB DINING FACILITY.....	11,400	11,400	11,400	11,400
WYOMING				
AIR FORCE				
F. E. WARREN AFB				
MISSILE TRANSFER FACILITY BLDG 4331.....	5,550	5,550	5,550	5,550
ARMY NATIONAL GUARD				
LARAMIE				
NATIONAL GUARD READINESS CENTER.....	21,000	21,000	21,000	21,000
AUSTRALIA				
AIR FORCE				
DARWIN				
APR - AIRCRAFT MX SUPPORT FACILITY.....	1,800	1,800	1,800	1,800
APR - EXPAND PARKING APRON.....	28,600	28,600	28,600	28,600
BULGARIA				
AIR FORCE				
GRAF IGNATIEVO				
SQUADRON OPERATIONS/OPERATION ALERT FACILITY.....	---	---	3,800	---
FIGHTER RAMP EXTENSION.....	---	---	7,000	---
UPGRADE MUNITIONS STORAGE.....	---	---	2,600	---
CUBA				
ARMY				
GUANTANAMO BAY				
MIGRATION COMPLEX IMPROVEMENTS.....	33,000	33,000	33,000	33,000
DIEGO GARCIA				
DEFENSE-WIDE				
DIEGO GARCIA				
IMPROVE WHARF REFUELING CAPABILITY.....	30,000	30,000	30,000	30,000
DJIBOUTI				
NAVY				
CAMP LEMONNIER				
MEDICAL/DENTAL FACILITY.....	---	---	37,409	---
AIR FORCE				
CHABELLEY AIRFIELD				
ACCESS ROAD.....	---	---	3,600	---
PARKING APRON AND TAXIWAY.....	---	---	6,900	---
ESTONIA				
AIR FORCE				
AMARI AB				
BULK FUEL STORAGE.....	---	---	6,500	---
GERMANY				
ARMY				
EAST CAMP GRAFENWOEHR				
TRAINING SUPPORT CENTER.....	22,000	22,000	22,000	22,000
GARMISCH				
DINING FACILITY.....	9,600	9,600	9,600	9,600
WIESBADEN ARMY AIRFIELD				
CONTROLLED HUMIDITY WAREHOUSE.....	16,500	16,500	16,500	16,500
HAZARDOUS MATERIAL STORAGE BUILDING.....	2,700	2,700	2,700	2,700
AIR FORCE				
RAMSTEIN AB				
37 AS SQUADRON OPERATIONS/AIRCRAFT MAINT UNIT.....	13,437	13,437	13,437	13,437
SPANGDAHLEM AB				
EIC - SITE DEVELOPMENT AND INFRASTRUCTURE.....	43,465	43,465	43,465	43,465

MILITARY CONSTRUCTION  
(AMOUNTS IN THOUSANDS)

	BUDGET REQUEST	HOUSE	SENATE	CONFERENCE AGREEMENT
-----				
HIGH CAPACITY TRIM PAD AND HUSH HOUSE.....	---	---	1,000	---
F/A-22 LOW OBSERVABLE/COMPOSITE REPAIR FACILITY...	---	---	12,000	---
F/A-22 UPGRADE				
INFRASTRUCTURE/COMMUNICATIONS/UTILITIES.....	---	---	1,600	---
UPGRADE HARDENED AIRCRAFT SHELTERS FOR F/A-22.....	---	---	2,700	---
UPGRADE MUNITION STORAGE DOORS.....	---	---	1,400	---
DEFENSE-WIDE				
KAISERLAUTERN AB				
SENBACH ELEMENTARY/MIDDLE SCHOOL REPLACEMENT.....	45,221	45,221	45,221	45,221
RHINE ORDNANCE BARRACKS				
MEDICAL CENTER REPLACEMENT INCR 6.....	58,063	58,063	58,063	58,063
GUAM				
NAVY				
JOINT REGION MARIANAS				
HARDENING OF GUAM POL INFRASTRUCTURE.....	26,975	26,975	26,975	26,975
POWER UPGRADE - HARMON.....	62,210	62,210	62,210	62,210
AIR FORCE				
JOINT REGION MARIANAS				
APR - MUNITIONS STORAGE IGLOOS, PH 2.....	35,300	35,300	35,300	35,300
APR - SATCOM C4I FACILITY.....	14,200	14,200	14,200	14,200
BLOCK 40 MAINTENANCE HANGAR.....	31,158	31,158	31,158	31,158
ICELAND				
NAVY				
KEFLAVIK				
P-8A AIRCRAFT RINSE FACILITY.....	---	---	5,000	---
P-8A HANGAR UPGRADE.....	---	---	14,600	---
JAPAN				
NAVY				
KADENA AB				
AIRCRAFT MAINTENANCE COMPLEX.....	26,489	26,489	26,489	26,489
SASEBO				
SHORE POWER (JULIET PIER).....	16,420	16,420	16,420	16,420
AIR FORCE				
KADENA AB				
APR - REPLACE MUNITIONS STRUCTURES.....	19,815	19,815	19,815	19,815
YOKOTA AB				
C-130J CORROSION CONTROL HANGAR.....	23,777	23,777	23,777	23,777
CONSTRUCT COMBAT ARMS TRAINING & MAINT FAC.....	8,243	8,243	8,243	8,243
DEFENSE-WIDE				
IWAKUNI				
CONSTRUCT TRUCK OFFLOAD & LOADING FACILITIES.....	6,664	6,664	6,664	6,664
KADENA AB				
KADENA ELEMENTARY SCHOOL REPLACEMENT.....	84,918	84,918	84,918	84,918
MEDICAL MATERIEL WAREHOUSE.....	20,881	20,881	20,881	20,881
SOF MAINTENANCE HANGAR.....	42,823	42,823	42,823	42,823
SOF SIMULATOR FACILITY (MC-130).....	12,602	12,602	12,602	12,602
YOKOTA AB				
AIRFIELD APRON.....	41,294	41,294	41,294	41,294
HANGAR/AMU.....	39,466	39,466	39,466	39,466
OPERATIONS AND WAREHOUSE FACILITIES.....	26,710	26,710	26,710	26,710
SIMULATOR FACILITY.....	6,261	6,261	6,261	6,261
KWAJALEIN				
DEFENSE-WIDE				
KWAJALEIN ATOLL				
REPLACE FUEL STORAGE TANKS.....	85,500	85,500	85,500	85,500
LITHUANIA				
AIR FORCE				
SIAULIAI				
MUNITIONS STORAGE.....	---	---	3,000	---

MILITARY CONSTRUCTION  
(AMOUNTS IN THOUSANDS)

	BUDGET REQUEST	HOUSE	SENATE	CONFERENCE AGREEMENT
-----				
MARIANA ISLANDS				
AIR FORCE				
UNSPECIFIED LOCATION				
APR - LAND ACQUISITION.....	9,000	9,000	9,000	9,000
POLAND				
AIR FORCE				
LASK AIR BASE				
SQUADRON OPERATIONS FACILITY.....	---	---	4,100	---
POWIDZ				
SQUADRON OPERATIONS FACILITY.....	---	---	4,100	---
ROMANIA				
AIR FORCE				
CAMP TURZII				
MUNITIONS STORAGE AREA.....	---	---	3,000	---
SQUADRON OPERATIONS FACILITY.....	---	---	3,400	---
TWO-BAY HANGAR.....	---	---	6,100	---
EXTEND PARKING APRONS.....	---	---	6,000	---
SPAIN				
NAVY				
ROTA				
COMMUNICATION STATION.....	23,607	23,607	23,607	23,607
TURKEY				
AIR FORCE				
INCIRLIK AB				
AIRFIELD FIRE/CRASH RESCUE STATION.....	13,449	13,449	13,449	13,449
UNITED ARAB EMIRATES				
AIR FORCE				
AL DHAFRA				
LARGE AIRCRAFT MAINTENANCE HANGAR.....	35,400	35,400	35,400	35,400
UNITED KINGDOM				
AIR FORCE				
CROUGHTON RAF				
JIAC CONSOLIDATION - PH 3.....	53,082	53,082	53,082	53,082
MAIN GATE COMPLEX.....	16,500	16,500	16,500	16,500
DEFENSE-WIDE				
CROUGHTON RAF				
CROUGHTON ELEM/MIDDLE/HIGH SCHOOL REPLACEMENT.....	71,424	71,424	71,424	71,424
ROYAL AIR FORCE LAKENHEATH				
CONSTRUCT HYDRANT FUEL SYSTEM.....	13,500	13,500	13,500	13,500
WAKE ISLAND				
DEFENSE-WIDE				
WAKE ISLAND				
TEST SUPPORT FACILITY.....	11,670	11,670	11,670	11,670
VARIOUS WORLDWIDE LOCATIONS				
NAVY				
TRITON FORWARD OPERATING BASE HANGAR.....	41,380	41,380	41,380	41,380
NATO SECURITY INVESTMENT PROGRAM.....	177,932	177,932	177,932	177,932
WORLDWIDE UNSPECIFIED				
ARMY				
HOST NATION SUPPORT.....	18,000	18,000	18,000	18,000
MINOR CONSTRUCTION.....	25,000	25,000	35,000	35,000
PLANNING AND DESIGN.....	80,159	80,159	99,059	80,159

MILITARY CONSTRUCTION  
(AMOUNTS IN THOUSANDS)

	BUDGET REQUEST	HOUSE	SENATE	CONFERENCE AGREEMENT
<hr/>				
NAVY				
PLANNING AND DESIGN.....	88,230	88,230	91,030	88,230
MINOR CONSTRUCTION.....	29,790	29,790	29,790	29,790
AIR FORCE				
PLANNING AND DESIGN.....	84,862	84,862	94,802	84,862
PLANNING AND DESIGN - ANDREWS AFB.....	18,720	18,720	18,720	18,720
PLANNING AND DESIGN - HANSCOM AFB.....	40,000	40,000	40,000	40,000
MINOR CONSTRUCTION.....	30,000	30,000	40,000	40,000
DEFENSE-WIDE				
CONTINGENCY CONSTRUCTION.....	10,000	---	---	---
ENERGY CONSERVATION INVESTMENT PROGRAM.....	150,000	150,000	150,000	150,000
PLANNING AND DESIGN				
DEFENSE WIDE.....	23,450	22,649	23,450	23,450
DEPARTMENT OF DEFENSE DEPENDENT EDUCATION.....	23,585	23,585	23,585	23,585
DEFENSE LOGISTICS AGENCY.....	27,660	27,660	27,660	27,660
MDA.....	---	15,000	---	15,000
NATIONAL GEOSPATIAL INTELLIGENCE AGENCY.....	71,647	36,000	71,647	36,000
NATIONAL SECURITY AGENCY.....	24,000	24,000	24,000	24,000
SPECIAL OPERATIONS COMMAND.....	27,653	27,653	27,653	27,653
WASHINGTON HEADQUARTERS SERVICE.....	3,427	3,427	3,427	3,427
SUBTOTAL, PLANNING AND DESIGN.....	776,183	744,735	817,823	765,536
UNSPECIFIED MINOR CONSTRUCTION				
DEFENSE-WIDE.....	3,000	3,000	3,000	3,000
DEPARTMENT OF DEFENSE DEPENDENT EDUCATION.....	3,000	3,000	3,000	3,000
DEFENSE HEALTH AGENCY.....	8,500	8,500	8,500	8,500
JOINT CHIEFS OF STAFF.....	8,631	8,631	13,631	8,631
MISSILE DEFENSE AGENCY.....	2,414	2,414	2,414	2,414
NATIONAL SECURITY AGENCY.....	3,913	3,913	3,913	3,913
SPECIAL OPERATIONS COMMAND.....	5,994	5,994	5,994	5,994
SUBTOTAL, UNSPECIFIED MINOR CONSTRUCTION.....	35,452	35,452	40,452	35,452
ARMY NATIONAL GUARD				
PLANNING AND DESIGN.....	8,729	8,729	8,729	8,729
MINOR CONSTRUCTION.....	12,001	12,001	12,001	12,001
AIR NATIONAL GUARD				
PLANNING AND DESIGN.....	10,462	10,462	10,462	10,462
MINOR CONSTRUCTION.....	17,495	17,495	17,495	17,495
ARMY RESERVE				
PLANNING AND DESIGN.....	7,500	7,500	7,500	7,500
MINOR CONSTRUCTION.....	2,830	2,830	2,830	2,830
NAVY RESERVE				
PLANNING AND DESIGN.....	3,783	3,783	3,783	3,783
MINOR CONSTRUCTION.....	---	---	---	---
AIR FORCE RESERVE				
PLANNING AND DESIGN.....	4,500	4,500	4,500	4,500
MINOR CONSTRUCTION.....	1,500	1,500	1,500	1,500
FAMILY HOUSING, ARMY				
KOREA				
CAMP WALKER (DAEGU)				
FAMILY HOUSING NEW CONSTRUCTION (90 UNITS).....	54,554	54,554	54,554	54,554
CAMP HUMPHRIES				
FAMILY HOUSING NEW CONSTRUCTION (216 UNITS).....	143,563	143,563	143,563	100,000



MILITARY CONSTRUCTION  
(AMOUNTS IN THOUSANDS)

	BUDGET REQUEST	HOUSE	SENATE	CONFERENCE AGREEMENT
PLANNING AND DESIGN.....	2,618	2,618	2,618	2,618
SUBTOTAL, CONSTRUCTION.....	200,735	200,735	200,735	157,172
OPERATION AND MAINTENANCE				
UTILITIES ACCOUNT.....	55,428	55,428	55,428	55,428
SERVICES ACCOUNT.....	7,993	7,993	7,993	7,993
MANAGEMENT ACCOUNT.....	40,344	40,344	40,344	40,344
MISCELLANEOUS ACCOUNT.....	400	400	400	400
FURNISHINGS ACCOUNT.....	10,178	10,178	10,178	10,178
LEASING.....	131,761	131,761	131,761	131,761
MAINTENANCE OF REAL PROPERTY.....	60,745	60,745	60,745	60,745
PRIVATIZATION SUPPORT COSTS.....	19,146	19,146	19,146	19,146
SUBTOTAL, OPERATION AND MAINTENANCE.....	325,995	325,995	325,995	325,995
FAMILY HOUSING, NAVY AND MARINE CORPS				
GUAM				
NSA ANDERSON				
REPLACEMENT HOUSING PHASE I.....	78,815	78,815	78,815	78,815
JAPAN				
IWAKUNI				
CONSTRUCTION IMPROVEMENTS (36 UNITS).....	11,047	11,047	11,047	11,047
PLANNING AND DESIGN.....	4,149	4,149	4,149	4,149
SUBTOTAL, CONSTRUCTION.....	94,011	94,011	94,011	94,011
OPERATION AND MAINTENANCE				
UTILITIES ACCOUNT.....	56,685	56,685	56,685	56,685
SERVICES ACCOUNT.....	12,855	12,855	12,855	12,855
MANAGEMENT ACCOUNT.....	51,291	51,291	51,291	51,291
MISCELLANEOUS ACCOUNT.....	364	364	364	364
FURNISHINGS ACCOUNT.....	17,457	17,457	17,457	17,457
LEASING.....	54,689	54,689	54,689	54,689
MAINTENANCE OF REAL PROPERTY.....	81,254	81,254	81,254	81,254
PRIVATIZATION SUPPORT COSTS.....	26,320	26,320	26,320	26,320
SUBTOTAL, OPERATION AND MAINTENANCE.....	300,915	300,915	300,915	300,915
FAMILY HOUSING, AIR FORCE				
JAPAN				
KADENA (CAMP FOSTER)				
CONSTRUCTION IMPROVEMENTS (NORTH TOWERS).....	52,307	52,307	52,307	52,307
KADENA				
CONSTRUCTION IMPROVEMENTS (KADENA HEIGHTS).....	4,179	4,179	4,179	4,179
SPAIN				
MORON AB				
CONSTRUCTION IMPROVEMENTS (UNITS 650 AND 658).....	498	498	498	498
PLANNING AND DESIGN.....	4,368	4,368	4,368	4,368
SUBTOTAL, CONSTRUCTION.....	61,352	61,352	61,352	61,352
OPERATION AND MAINTENANCE				
UTILITIES ACCOUNT.....	37,241	37,241	37,241	37,241
MANAGEMENT ACCOUNT.....	42,919	42,919	42,919	42,919
SERVICES ACCOUNT.....	13,026	13,026	13,026	13,026
FURNISHINGS ACCOUNT.....	31,690	31,690	31,690	31,690
MISCELLANEOUS ACCOUNT.....	1,745	1,745	1,745	1,745

MILITARY CONSTRUCTION  
(AMOUNTS IN THOUSANDS)

	BUDGET REQUEST	HOUSE	SENATE	CONFERENCE AGREEMENT
LEASING.....	20,530	20,530	20,530	20,530
MAINTENANCE.....	85,469	85,469	85,469	85,469
PRIVATIZATION SUPPORT COSTS.....	41,809	41,809	41,809	41,809
SUBTOTAL, OPERATION AND MAINTENANCE.....	274,429	274,429	274,429	274,429
FAMILY HOUSING, DEFENSE-WIDE				
OPERATION AND MAINTENANCE				
NATIONAL SECURITY AGENCY				
UTILITIES.....	367	367	367	367
FURNISHING.....	399	399	399	399
LEASING.....	11,044	11,044	11,044	11,044
MAINTENANCE OF REAL PROPERTY.....	800	800	800	800
DEFENSE INTELLIGENCE AGENCY				
UTILITIES.....	4,100	4,100	4,100	4,100
FURNISHINGS.....	500	500	500	500
LEASING.....	40,984	40,984	40,984	40,984
DEFENSE LOGISTICS AGENCY				
UTILITIES.....	174	174	174	174
FURNISHINGS.....	20	20	20	20
SERVICES.....	32	32	32	32
MANAGEMENT.....	388	388	388	388
MAINTENANCE OF REAL PROPERTY.....	349	349	349	349
SUBTOTAL, OPERATION AND MAINTENANCE.....	59,157	59,157	59,157	59,157
DOD FAMILY HOUSING IMPROVEMENT FUND.....	3,258	3,258	3,258	3,258
DEPARTMENT OF DEFENSE BASE CLOSURE ACCOUNT.....	205,237	230,237	205,237	240,237
MILITARY CONSTRUCTION, ARMY (SEC. 125).....	---	40,500	40,500	40,500
MILITARY CONSTRUCTION, NAVY AND MARINE CORPS (SEC. 125).....	---	293,600	143,000	227,099
MILITARY CONSTRUCTION, AIR FORCE (SEC. 125).....	---	26,000	195,465	149,500
MILITARY CONSTRUCTION, ARMY NATIONAL GUARD (SEC. 125).....	---	67,500	16,500	67,500
MILITARY CONSTRUCTION, ARMY RESERVE (SEC. 125).....	---	86,500	30,000	30,000
MILITARY CONSTRUCTION, DEFENSE-WIDE (S. SEC. 125).....	---	---	64,364	---
MILITARY CONSTRUCTION, AIR NATIONAL GUARD (SEC. 125).....	---	---	11,000	11,000
MILITARY CONSTRUCTION, NAVY AND MARINE CORPS (SEC. 126).....	---	---	---	89,400
FAMILY HOUSING CONSTRUCTION, ARMY (S. SEC. 125).....	---	---	14,400	---
RESCISSIONS FROM PRIOR YEAR UNOBLIGATED BALANCES				
ARMY (SEC. 127).....	---	-25,000	-30,000	-29,602
NAVY AND MARINE CORPS (H. SEC. 126).....	---	-51,848	---	---
AIR FORCE (SEC. 127).....	---	---	-22,340	-51,460
DEFENSE-WIDE (SEC. 127).....	---	-37,377	-132,283	-141,600
DEFENSE-WIDE - PLANNING AND DESIGN (SEC. 127).....	---	---	---	-30,000
AIR NATIONAL GUARD.....	---	---	---	---
42 USC 3374 (SEC. 128).....	---	-25,000	---	-25,000
NATO SECURITY INVESTMENT PROGRAM (SEC. 127).....	---	-30,000	-15,000	-30,000

## TITLE II—DEPARTMENT OF VETERANS AFFAIRS

VETERANS BENEFITS ADMINISTRATION—  
COMPENSATION AND PENSIONS  
(INCLUDING TRANSFER OF FUNDS)

The conference agreement provides \$90,119,449,000 for Compensation and Pensions in advance for fiscal year 2018. Of the amount provided, not more than \$17,224,000 is to be transferred to General Operating Expenses, Veterans Benefits Administration (VBA) and Information Technology Systems for reimbursement of necessary expenses in implementing provisions of title 38.

## READJUSTMENT BENEFITS

The conference agreement provides \$13,708,648,000 for Readjustment Benefits in advance for fiscal year 2018.

## VETERANS INSURANCE AND INDEMNITIES

The conference agreement provides \$107,899,000 for Veterans Insurance and Indemnities in advance for fiscal year 2018, as well as an additional \$16,605,000 for fiscal year 2017.

## VETERANS HOUSING BENEFIT PROGRAM FUND

The conference agreement provides such sums as may be necessary for costs associated with direct and guaranteed loans for the Veterans Housing Benefit Program Fund. The agreement limits obligations for direct loans to not more than \$500,000 and provides that \$198,856,000 shall be available for administrative expenses.

VOCATIONAL REHABILITATION LOANS PROGRAM  
ACCOUNT

The conference agreement provides \$36,000 for the cost of direct loans from the Vocational Rehabilitation Loans Program Account, plus \$389,000 to be paid to the appropriation for General Operating Expenses, Veterans Benefits Administration. The agreement provides for a direct loan limitation of \$2,517,000.

NATIVE AMERICAN VETERAN HOUSING LOAN  
PROGRAM ACCOUNT

The conference agreement provides \$1,163,000 for administrative expenses of the Native American Veteran Housing Loan Program Account.

GENERAL OPERATING EXPENSES, VETERANS  
BENEFITS ADMINISTRATION

The conference agreement provides \$2,856,160,000 for General Operating Expenses, Veterans Benefits Administration and makes available not to exceed 5 percent of this funding until the end of fiscal year 2018. The full request for the Veterans Benefits Management System is provided in the agreement, which includes \$37,356,000 from this account and \$143,000,000 from the Information Technology Systems account. The agreement also includes the full budget request of \$26,695,000 for the centralized mail initiative and \$152,924,000 for the Veterans Claim Intake Program (VCIP), which is \$10,000,000 above the request.

The placement of the General Operating Expenses, Veterans Benefits Administration account in the bill has been moved from Departmental Administration to Veterans Benefits Administration to align the administrative expenses of VBA with its program activities.

**Disability claims backlog.**—The conferees commend the Department of Veterans Affairs (VA) on its efforts to reduce the disability claims backlog and increase the accuracy of claims decisions, and is committed to ensuring that VA maintains its goal of processing all claims within 125 days with 98 percent accuracy. The Committees are also committed to ensuring there is not a recurrence of any sizeable backlog or a reduction in accuracy and will continue to assert their

oversight by monitoring on a monthly and quarterly basis each regional office's timeliness and accuracy performance measures.

The conference agreement includes section 228 which requires VBA to submit a quarterly report with the following data from each VBA regional office: (1) the average time to complete a disability compensation claim; (2) the number of claims pending more than 125 days, disaggregated by initial and supplemental claims; (3) error rates; (4) the number of claims personnel; (5) any corrective action taken within the quarter to address poor performance; (6) training programs undertaken; (7) the number and results of Quality Review Team audits; (8) the number of claims completed by each regional office based on the regional office being the station of jurisdiction; and (9) the number of claims completed by each regional office based on the regional office being the station of origin.

**Regional office performance.**—The conferees have been disturbed by repeated reports of manipulation of records and benefit data at several VBA regional offices, as well as irregular personnel practices that have jeopardized sound management of the regional offices. The conferees urge VA to monitor regional office performance to make certain that personnel and claims management activities remain fully transparent and comply with overall VA regulations and handbooks.

**Equitable relief.**—The conferees urge the Secretary to continue to grant or extend equitable relief to eligible veterans initially deemed eligible in instances of administrative error.

**Service satisfaction rates among women veterans.**—The conferees direct VA to provide to the Committees not later than the beginning of fiscal year 2017 an analysis of trends and satisfaction rates among women veterans participating in the Vocational Rehabilitation and Employment program to ensure these services are adapting to the changing demographics of veterans and the needs of women veterans with disabilities.

**Disability benefits questionnaires.**—The conferees expect VA to meet with Members of Congress to explain their plans to develop additional disability benefits questionnaires (DBQs) for chronic multi-system illnesses experienced by veterans for which DBQs do not exist. Moreover, the conferees urge the Department to make permanent the period for filing Gulf War presumptive claims under 38 CFR 3.317.

VETERANS HEALTH ADMINISTRATION MEDICAL  
SERVICES

The conference agreement provides \$44,886,554,000 in advance for fiscal year 2018 for Medical Services and makes \$1,400,000,000 of the advance available through fiscal year 2019. The agreement also provides \$1,078,993,000 for fiscal year 2017 in addition to the advance appropriation provided last year. The fiscal year 2018 advance funding for medical services is \$6,786,446,000 lower than the fiscal year 2017 advance because of Department projections that increased amounts of medical care will be provided through the Medical Community Care account.

Given that there may be significant unfunded liabilities created by the winding down of the Choice Act, the conference agreement includes bill language in section 232 permitting the transfer of funding from multiple VA appropriations accounts to Medical Services to address unfunded needs.

The conference agreement includes bill language requiring the Secretary to ensure that sufficient amounts are available for the acquisition of prosthetics designed specifically for female veterans and to provide access to therapeutic listening devices to vet-

erans with mental health or substance abuse problems or traumatic brain injury.

**Curing Hepatitis C within the veteran population.**—The Department is to be commended for robustly treating veterans with Hepatitis C (HCV), which is a particular concern because the veteran population is twice as likely to have the virus as the general population. Available HCV drugs have a cure rate of 96 percent, and early, preventative treatments avoid tens of thousands of dollars in future healthcare spending. To that end, the agreement includes funding for the treatment of Hepatitis C of \$1,500,000,000 in fiscal year 2017, which is \$840,000,000 above the President's request. The conferees understand that because of an uneven start to the Hepatitis C campaign due to funding interruptions, VA projects there will be a carryover of fiscal year 2016 funding that will increase the resources available in fiscal year 2017. The conferees are pleased that recent price reductions in the new Hepatitis C drugs will allow VA to treat patients faster and reach their target goal of treating all veterans with Hepatitis C years earlier than projected.

The conferees encourage VA to work to remove any barriers to timely screening and treatment for veterans with Hepatitis C, including maximizing the use of rapid testing techniques. Rapid testing can be especially helpful in reaching veterans who are medically underserved or who live long distances from VA facilities.

To assist in congressional oversight, VA is directed to continue to report to the Committees in quarterly briefings the number of veterans treated to date, the number of veterans treated each week, the number of veterans pronounced cured to date, the projected number of new cases, and the estimate of veterans likely to be cured during the next quarter. VA is also directed to report quarterly to the Committees obligations for funding Hepatitis C treatments as part of the larger crosscutting VA quarterly financial report required in section 218.

**Program priorities.**—The conference agreement provides the following fiscal year 2017 funding for these high priority areas: \$243,483,000 for readjustment counseling at Vet Centers; \$535,400,000 for gender-specific healthcare, which is \$20,000,000 higher than the administration request; \$734,628,000 for the caregivers program, which is \$10,000,000 above the request; \$257,477,000 for the homeless grant and per diem program, which is \$10,000,000 above the request; and \$320,000,000 for the homeless supportive services for low income veterans and families, which is \$20,000,000 above the request.

**Rural healthcare.**—The conference agreement includes the full budget request of \$250,000,000 for the Office of Rural Health (ORH) and the Rural Health Initiative. In addition to any directives contained in the House and Senate reports, the conferees direct that ORH coordinate directly with the Readjustment Counseling Service to develop and implement a strategy to expand the capacity of Vet Centers in order to ensure that the readjustment and psychological counseling needs of veterans in rural and highly rural communities are met. The conferees also direct VA to identify ways to obtain more accurate data on homeless and at-risk veterans in rural areas, as instructed in the Senate report. The conference agreement includes a one-year extension through fiscal year 2017 of the Access Received Closer to Home (ARCH) program, which provides care to veterans in areas without extensive access to VA health facilities. This extension is necessary to maintain veterans' access to healthcare during the transition as VA moves to consolidate its non-VA healthcare programs. The conferees encourage VA to expand its use of telehealth for rural areas

since the technique has proven particularly helpful in mental health and primary care health delivery.

**Mental health.**—The conference agreement provides the full budget request for all VA mental health services and programs, with additional resources within Medical Services provided for the Veterans Crisis Line and the National Centers for Posttraumatic Stress Disorder. The conference agreement includes \$40,000,000 for the National Centers and \$78,572,000 for the Veterans Crisis Line. Overall, the agreement includes \$173,005,000 for suicide prevention outreach. The conference agreement includes bill language in section 238 similar to that contained in the House bill that requires certain professional standards for the suicide hotline.

**Opioid safety.**—To respond to the urgency of the opioid overdose epidemic, the Department is directed to continue to comply with the guidance included in the fiscal year 2016 conference report under the paragraph “Opioid Safety.” VA is also directed to make public the findings of the Office of Accountability Review investigation into accusations of widespread retaliation against whistleblowers at the Tomah VA Medical Center as well as the outside clinical review. The Department is encouraged to utilize the full spectrum of treatment options for dealing with opioid addiction and expand the use of medication-assisted treatment and other clinically appropriate services to achieve and maintain abstinence from all opioids. The conferees believe it is important for the Department to report necessary information to State-run prescription drug monitoring programs as this will ensure VA providers have the tools they need to better identify at-risk veterans.

The conferees are aware that only 14 States require their physicians to take pain management education credits. The conferees urge VA to ensure that healthcare providers learn the latest pain management techniques, understand safe prescribing practices, and be able to spot the signs of potential substance use disorders. The conferees believe that comprehensive training in the proper use of pain management medications is a vital step in combating the opioid problem.

**Choice Program delays.**—VA data indicate that the number of veterans waiting more than 30 days for an appointment is actually higher now than when the Veterans Choice Program was initiated. The conferees are concerned that this well-intentioned program was cobbled together quickly given the time constraints, which has contributed to delays. Further, an often-cited problem with the Choice Program is the lack of clear communications regarding the eligibility requirements of the program to both veterans and non-VA providers. The conferees believe that understanding the obstacles to efficient scheduling of appointments of veterans and swift reimbursement for providers would serve as crucial first steps in resolving some of these issues. The conferees urge VA and its third party providers to address the delays and the communication errors plaguing implementation of the Choice Program.

**Nursing authority.**—The conferees recognize that VA has recently published a proposed rule indicating that it is considering the issue of granting full practice authority to some or all of the four advanced practice nursing disciplines. The proposed rule indicates that decision will be reflected in the final rule, after consideration of all the public comments received. In addition, the Under Secretary for Health has testified that he plans to consider as an important variable whether there are significant shortages of the affiliated physician specialties throughout the VA system, which would validate the

need for full practice authority for those advanced practice nurse specialties. The conferees urge VA to carefully and thoughtfully seek additional input from internal and external stakeholders prior to publishing the final rule. The conferees encourage VA to make all possible outreach efforts to communicate the changes contained in the proposed rule, gather public comments, and collaborate with Congress, affected stakeholders, VA physician and nursing staffs, and external organizations.

**National Veteran Sports Programs.**—The conference agreement includes \$9,005,000, which is the budget request for the Office of the National Veterans Sports Programs and Special Events. The conferees concur with the movement of this office to the Veterans Health Administration (VHA), and the agreement includes necessary bill language in section 257 to permit VHA to carry out the Office’s activities.

**Patient consults.**—The conferees direct VA to report not later than 30 days after the beginning of fiscal year 2017 on specific quality controls that have been implemented to ensure that patient consults are handled in a timely manner.

**Collaboration with historically black health professions schools.**—As described in the House and Senate reports, the conferees urge VA to increase its collaboration with the larger, urban hospitals with historically black health professions schools. The Secretary is directed, as in previous conference reports, to convene a symposium where minority collaboration concerns are discussed and addressed.

**Leveraging private sector programs.**—The conferees encourage VA to integrate into VA settings private sector programs that adapt information technologies and data interoperability capabilities to better coordinate healthcare services for veterans, as described in the House report.

**Medical residency positions.**—The conferees note that, to date, the Department has not submitted to the Committees a report that was directed in the explanatory statement accompanying Public Law 114-113 detailing current coordination with the Direct Graduate Medical Education Program, limitations that may restrict VA’s program and ability to expand to underserved areas, and a plan to more effectively carry out VA’s graduate medical education program within constraints that exist in the Direct Graduate Medical Education program. The conferees understand that the Department is reviewing comments provided by the Department of Health and Human Services’ Center for Medicare and Medicaid Services and direct VA to move as expeditiously as possible in its review and submit the report to the Committees. Further, the conferees direct that VA provide an update to the Committees not later than 15 days after enactment of this Act on the status of this report and a timeline for submission.

**Rehabilitation equipment.**—The conferees are aware that the Department currently purchases or reimburses veterans for recumbent bicycles or hand cycles used for rehabilitative purposes only and does not cover the cost of upright bicycles. Given the many veterans in physical or mental rehabilitation programs who are able to use upright bicycles, the conferees urge the Department to make upright bicycles eligible for reimbursement to qualifying veterans. In addition, the conferees direct the Department to submit to the Committees on Appropriations of both Houses of Congress (hereafter “the Committees”) a report not later than the beginning of fiscal year 2017 outlining the steps needed to be taken to make upright bicycles eligible for reimbursement.

#### MEDICAL COMMUNITY CARE

The conference agreement provides \$7,246,181,000 for Medical Community Care, the account created in the Surface Transportation and Veterans Health Care Choice Improvement Act to consolidate all the VA programs that provide care for veterans in the community from non-VA providers. Section 217 of the conference agreement rescinds an identical amount from the Medical Services account. The agreement also provides \$9,409,118,000 in advance fiscal year 2018 funding for this account. Of the fiscal year 2017 funding, \$2,000,000,000 is made available until the end of fiscal year 2020; of the fiscal year 2018 funding, \$1,500,000,000 is available until the end of fiscal year 2021.

**Extended availability of funding.**—The conferees are aware the Department books obligations for non-VA care upon a veteran receiving authorization to obtain medical care outside of the Veterans Health Administration and not upon that authorization actually being filled and the Department billed by the outside provider. Due to the timing of reconciliation between obligations, authorizations, and the number of those authorizations filled through private providers, this accounting procedure has led to the de-obligation of funds past the life of the budget authority, leading to the expiration of millions of dollars that could have been applied to veterans healthcare programs. Therefore, the conferees have provided flexibility to aid the Department in ensuring all appropriations within this account are able to be obligated before expiration. This extended availability within the new Medical Community Care account should allow VA time to correct this problem; however, the conferees also note this longer period of availability is a temporary solution and will not continue unaltered into the future. The Department is expected to work towards identifying changes in execution that will result in a permanent fix, including discussing with the Office of Management and Budget how best to define the point of obligation for these funds. The conferees expect the Department to keep the Committees apprised of its progress towards a permanent solution and request this issue be addressed within the fiscal year 2019 advance appropriations request for this account.

#### MEDICAL SUPPORT AND COMPLIANCE

The conference agreement provides \$6,654,480,000 in advance for fiscal year 2018 for Medical Support and Compliance and makes \$100,000,000 of the advance funding available through fiscal year 2019.

**Filling senior position vacancies.**—In order for VHA to improve access and increase efficiency within the system, it must fill the critical senior management and clinical vacancies. Therefore, the conferees direct that not less than \$21,000,000, as provided in the budget request, be used to hire medical center directors and employees for other management and clinical positions within the Veterans Health Administration.

**Requirements for the hiring of VA healthcare providers.**—The conferees are deeply troubled by recent reports concerning practicing VA providers whose credentials have not been verified or have been misrepresented, and who have previously entered into settlements or completed disciplinary actions in other States where they may hold a medical license. To protect our Nation’s veterans, the Department must do more to guarantee that VA providers are of the highest quality and are, at the very least, in good standing with each State medical board with which they hold licenses. The conferees believe VA should be in strict compliance with Veterans Health Administration Handbook 1100.19 and Directive 2012-030 which require the Department to obtain any and all information on

medical license violations from each State medical board where a provider holds or has ever held a license and whether the provider has entered into any settlement agreements with a board for disciplinary charges relating to medical practice. The Department is directed to submit a report to the Committees not later than 90 days after the beginning of fiscal year 2017 providing an analysis and an assessment of VA field compliance with Veterans Health Administration Handbook 1100.19 and Directive 2012-030.

*Transmission of VA healthcare providers' information to State medical boards.*—Under current VA policy outlined in Veterans Health Administration Handbook 1100.18, in each instance in which a licensed healthcare professional whose behavior or clinical practice so substantially fails to meet generally-accepted standards of clinical practice as to raise reasonable concern for the safety of patients, the Department is required to provide a report to each State licensure board (SLB) where the professional holds a license.

The conferees are aware, however, that such reports sent to SLBs are typically limited to a generic description of the clinical shortcomings involved, and if the SLB wants more details of the situation it must respond to the report with a formal request for more information. The conferees note SLBs and the Federation of State Medical Boards find it extremely difficult to gain useful information even if they follow VA's exact procedures.

It is critical for VA to improve communication with SLBs and improve transparency surrounding medical practice violations. VA is urged to send promptly to each SLB where a provider holds a license and the SLB in the State where the provider practices, the full information concerning any violations during the provider's practice at VA.

While VA providers do not need to hold a license in the same State where the medical facility resides, the conferees believe such State's medical board should, nonetheless, have access to information about a clinical violation committed at a facility in their State to ensure the board can adequately fulfill its obligation to uphold safe medical practice. The Department is directed to submit a report to the Committees not later than 90 days after the beginning of fiscal year 2017 providing an assessment of VA field compliance with Veterans Health Administration Handbook 1100.18 and its ability to provide full reporting to SLBs in instances where licensed healthcare professionals' behavior or clinical practice so substantially failed to meet generally-accepted standards of clinical practice that it needed to be reported in compliance with Handbook 1100.18.

*Non-VA care provider reviews.*—As the Department continues to increase the scope and size of its non-VA care programs, it is imperative that VA develop policies that ensure that a healthcare provider removed from employment with the Veterans Health Administration due to substandard care, professional misconduct, or violation of the requirements of his or her medical license does not subsequently reemerge as a contracted healthcare provider in the community care programs, including the Choice Program. Therefore, the conferees direct the Department to submit to the Committees not later than the beginning of fiscal year 2017 the current VHA policy on entering into contractual agreements with private providers, either directly or through a third-party administrator, and the provisions of that policy which detail how VA ensures that no healthcare providers removed for misconduct subsequently become providers through the VA's community care programs. In addition, the Department is directed to include, with

the policy, what enforcement mechanisms are currently in place as a safeguard and any legislative authorities needed to ensure that veterans receive the highest quality of care from healthcare providers on contract to VA.

#### MEDICAL FACILITIES

The conference agreement provides \$5,434,880,000 in advance for fiscal year 2018 for Medical Facilities, as well as \$247,668,000 in fiscal year 2017 funding, which is in addition to the advance funding provided last year. Of the advance funding, \$250,000,000 is made available through fiscal year 2019.

*Medical facility inspections for food service and environmental quality.*—The conferees are disturbed by reports of sanitation and insect infestation problems at food service areas and kitchens at VA healthcare facilities, despite existing internal requirements for periodic inspections. In addition, health-threatening mold has been found in some VA facilities, as documented by the VA Inspector General. The conference agreement includes bill language in sections 251 and 252 requiring VA to contract with the Joint Commission on Accreditation of Hospital Organizations to conduct annual inspections of healthcare facility food service areas, with remediation and re-inspection required. Section 252 includes the requirement for the Joint Commission to conduct similar periodic reviews to inspect mold issues in VA medical facilities.

*Improved community-based outpatient clinics (CBOC) capabilities.*—The conferees are concerned that VA needs to improve its planning and contracting practices to allow for future expansion needs of CBOCs. In the case of the recently approved Rochester, New York CBOC (Phase I), the conferees have been informed that options to expand for potential future growth could not be included in the original lease contract, warranting procurement of a second facility. The conferees urge the Department to consider economic benefits when considering locations. Furthermore, the Department is directed to provide a report to the Committees not later than the beginning of fiscal year 2017 addressing the rationale as to why such flexibility cannot be included in lease contracts and identify any barriers, including necessary statutory changes, to ensure such options for flexibility are included in future lease contracts.

*Green energy management program.*—Given congressional concern with some prior wind energy projects, the conferees believe that the Committees need a clearer budget presentation of all green energy projects—wind, solar, geothermal, etc.—proposed to be funded in the fiscal year 2018 budget. Because green energy management funding was used to backfill shortfalls in the Denver hospital construction project, the Committees have difficulty discerning the strategic funding plans that remain for VA green energy management.

*Budget presentation.*—The conferees have found the current budget presentation for Medical Facilities distressingly difficult to interpret. The conferees direct VA in the fiscal year 2018 budget submission and in future years to include a list of the projects that are funded in the request, with the project's Strategic Capital Investment Priorities score identified. Recognizing that the list of funded projects may change during the course of the year, VA is directed to provide quarterly updates to the Committees that identify any changes to the list provided in the budget.

#### MEDICAL AND PROSTHETIC RESEARCH

The conference agreement provides \$675,366,000 for Medical and Prosthetic Research, available until September 30, 2018. Bill language is included to ensure that the

Secretary allocates adequate funding for research on gender-appropriate prosthetics and toxic exposures.

*Gulf War symptoms study.*—The conferees are aware that on March 23, 2015, VA contracted with the Institute of Medicine to fulfill the mandated Gulf War and post-9/11 veterans report as required by Public Law 110-389 and that VA is now in receipt of the report. The conferees direct the Department to review the report in an expeditious manner and transmit it to the appropriate congressional committees of jurisdiction not later than 60 days after the beginning of fiscal year 2017.

*New research areas.*—As indicated in the House report, the conferees encourage VA to create a Center of Innovation for research support and use as candidates for initial research hyperbaric oxygen therapy and magnetic EEG/EKG-guided resonance therapy.

*Study on toxic exposures.*—The conferees are aware the Department is finalizing a contract with the National Academies of Sciences, Engineering, and Medicine (NASEM) to assess the current research available on possible generational health effects that may be the result of toxic exposures experienced by veterans. The conferees are aware NASEM will also assess areas requiring further scientific study on the descendants of veterans with toxic exposures. In addition, NASEM will further assess the scope and methodology required to conduct research on such descendants to identify current or possible health effects in the veterans' descendants. The study will be similar to what is directed in the Senate report. The Committees have been provided a detailed list of the scope of the study and are aware the contract is to be awarded in fiscal year 2017. The conferees intend to monitor the award of this contract closely and expect the Department to finalize the award, as summarized above and presented to the Committees.

#### NATIONAL CEMETERY ADMINISTRATION

The conference agreement provides \$286,193,000 for the National Cemetery Administration (NCA). Of the amount provided, not to exceed 10 percent is available until September 30, 2018.

*Rural veterans burial initiative.*—The Department is directed to submit to the Committees not later than the beginning of fiscal year 2017 a report detailing the progress to date of the Rural Veterans Burial Initiative and the expected timeline for completion of such initiative.

#### DEPARTMENTAL ADMINISTRATION

##### GENERAL ADMINISTRATION

##### (INCLUDING TRANSFER OF FUNDS)

The conference agreement provides \$345,391,000 for General Administration. Of the amount provided, not to exceed 5 percent is available for obligation until September 30, 2018. The agreement continues to include bill language in section 233 permitting the transfer of funds from this account to General Operating Expenses, Veterans Benefits Administration.

The conference agreement provides \$10,545,000 for the Office of the Secretary. The recommendation fully supports and provides the requested amounts in fiscal year 2017 for the Center for Faith-Based and Neighborhood Partnerships, the Center for Minority Veterans, the Center for Women Veterans, and the Office of Survivors Assistance. The Office of Government Relations is funded at \$9,146,000, to include not more than \$5,900,000 for functions previously conducted by the Office of Congressional and Legislative Affairs.

Within the amounts made available for General Administration, not less than an additional \$1,500,000 shall be specifically reserved for the hiring of Veterans Integrated

Service Network (VISN) directors; these amounts shall supplement and not supplant amounts included in the budget request for the hiring of VISN directors. Savings below the requested level for the Office of Congressional and Legislative Affairs function and the immediate Office of the Secretary have been repurposed for this initiative, consistent with direction in the Senate report.

*Improving the veterans' experience at VA.*—The conferees note the Secretary is undertaking a major effort to better understand the myriad of ways veterans and eligible dependents interact with VA and then to measurably improve the veterans experience at the point of service delivery. The current customer experience when interacting with the Department is disjointed, inconsistent, and all too often frustrating for the veteran. For example, the VA has over 500 veteran-facing websites and almost a thousand 1-800 numbers for veterans to contact VA. To make matters worse, there is no consistent, VA-wide performance standard for the many call centers VA operates. In addition, the current process for training and integrating staff at VA is sorely lacking and not on par with commercial equivalents, particularly when it comes to front-line staff who directly interface with veterans. Also, many of VA's business processes (for example, compensation and pension exams) are built to be internal-facing instead of built to put the veteran at the center of the process. The sum of all these limitations has a direct impact on veterans. For example, only 47 percent of veterans surveyed marked "strongly agree or agree" with this statement: "I trust VA to fulfill our country's commitment to veterans." The conferees believe VA can and should redesign, measure, and improve the way VA provides services to veterans nationwide, and note with interest the recent efforts by the Secretary to do that. The conferees are interested in the metrics and data the Department has promised it can provide that will show an increase in veteran satisfaction resulting from the efforts the Secretary's office has put into place over the past year intending to improve the veteran experience. The Department is directed to report quarterly to the Committees metrics and data that show improvement in customer satisfaction, the veterans experience, and employee training. The conferees did not provide a direct appropriation for this effort in fiscal year 2017; however, the Department is able and expected to continue improving the veterans experience.

*Financial management system.*—The conference agreement includes \$8,000,000 in this account as well as \$44,300,000 in the Information Technology Systems account for development of a new financial management system. The Department has dithered for years in replacing its antiquated legacy system and suffered the consequences of a near meltdown in the hospital system in 2015 when obligations could not be correctly reported. The conferees urge VA to make a decision in fiscal year 2016 to replace its inadequate system with a 21st century product so that the Committees can rely on financial information from VA and VA can manage its obligations.

*VA Patient Protection Act of 2016.*—The conferees remain concerned about reports of retaliation against whistleblowers within the Department across the Nation. VA has promised to foster a culture of openness by encouraging employees to report cases of wrongdoing, yet there continue to be reports that after bringing to light cases of wrongdoing, the whistleblowers become subjects of retaliation. The conferees note VA must create an environment that allows employees to openly and safely advocate on behalf of veterans, consistent with direction in the Sen-

ate report. The conference agreement includes bill language in section 247 that comprehensively addresses the creation of a formal process for whistleblowers to file disclosures when operations within the Department fail to meet the high standards of care and service veterans deserve. Section 247 establishes a Central Whistleblower Office designed as an independent investigatory body to process VA employee complaints, which will ensure whistleblower disclosures receive the prompt, impartial attention deserved. Section 247 defines what actions constitute prohibited retaliation against whistleblowers, sets forth a process under which supervisors will be punished for handling disclosures inappropriately, and requires VA supervisors to be evaluated on their handling of whistleblower complaints. Further, section 247 requires the Department to report annually to the Committees on the number of whistleblower complaints received and their outcomes and to provide the results of Office of Special Counsel investigations related to whistleblower complaints.

*Quarterly reporting.*—In section 218 of the conference agreement, the conferees continue to direct VA to provide on a quarterly basis, not later than 30 days after the end of each quarter, a quarterly financial status report that includes, at a minimum, the information identified in this paragraph. Such information shall include:

1. VHA obligations and collections for the four Medical Care accounts, Nonrecurring Maintenance (as a non-add), Medical Research, the VA-DOD Facility Demonstration Fund, and Medical Care Collections Fund (MCCF) collections—actual to date versus plan;
2. Updated 'VA Medical Care Obligations by Program' chart displayed in the fiscal year 2017 budget justification;
3. Choice Act obligations for sections 801 and 802—actual to date versus plan;
4. Hepatitis C obligations, amounts funded through appropriations versus Choice Act, both sources actual to date versus plan;
5. Cumulative tracking of all transfers made under any authority, including each transfer within the Medical Care appropriations accounts;
6. General Administration obligations—personal services versus all other—actual to date versus plan;
7. Board of Veterans Appeals obligations—personal services versus all other—actual to date versus plan;
8. VBA, GOE obligations—personal services versus all other—actual to date versus plan;
9. Compensation and Pensions, Readjustment Benefits, and Veterans Insurance and Indemnities—obligations year-to-date versus plan;
10. NCA obligations—personal services versus all other—actual to date versus plan;
11. Information Technology Systems obligations—personal services versus all other—actual to date versus plan;
12. Major and Minor Construction obligations—actual to date versus plan;
13. Obligations to date for each Major Construction project, broken into design versus construction; and
14. Status of VA full-time equivalent employment—by Administration/IT and revolving funds—by quarter, actual versus plan.

#### BOARD OF VETERANS APPEALS

The conference agreement provides \$156,096,000 for the Board of Veterans Appeals (BVA), of which not to exceed 10 percent shall remain available until September 30, 2018. Bill language is included in section 233 permitting VA to transfer funding between this account and the General Operating Expenses, Veterans Benefits Administration account if needed to align funding with the ap-

propriate account to hire staff to address the appeals backlog.

The conference agreement provides the full budget request in recognition of the growing backlog in resolving appeals. However, the conferees are skeptical that, without the necessary legislative changes proposed by the Administration, VA will be able to make a significant dent in the backlog. As one step, the conferees urge the Board to hire additional BVA board members.

*Legal assistance.*—The conferees request the Board to provide a report not later than 90 days after the beginning of fiscal year 2017 about the possible need for legal assistance by veterans who are appealing their ruling from the Veterans Benefits Administration. The report should include information about: (1) the percentage of appellants who receive free legal counsel from veterans service organizations or others versus those who represent themselves or have paid legal counsel; (2) the Board's estimate of unmet legal need among appellants; (3) possible mechanisms to provide free legal assistance to veterans who do not have and are unable to afford legal assistance; and (4) the legal assistance program provided through the U.S. Court of Appeals for Veterans Claims and whether such a program would be appropriate for the Board, including a description of program structure and cost.

#### INFORMATION TECHNOLOGY SYSTEMS (INCLUDING TRANSFER OF FUNDS)

The conference agreement provides \$4,278,259,000 for Information Technology (IT) Systems. The agreement identifies separately in bill language the funding available for pay (\$1,272,548,000); operations and maintenance (\$2,534,442,000); and systems development, modernization, and enhancement (\$471,269,000). The agreement makes \$37,100,000 of pay funding available until the end of fiscal year 2018; \$180,200,000 of operations and maintenance funding available until the end of fiscal year 2018; and all IT systems development, modernization and enhancement funding available until the end of fiscal year 2018.

The conference agreement includes \$259,874,000 for VistA Evolution, the modernization of the interoperable electronic health record (EHR) or any successor program; \$143,000,000 in information technology funding for the Veterans Benefits Management System which processes disability claims; \$19,100,000 for the claims appeals modernization effort; \$20,000,000 for Section 508 compliance efforts; \$44,300,000 for development of a new VA financial management system; and \$370,067,000 for the VA information security program, including \$125,000,000 for the Cybersecurity Strategy Implementation program.

As with the fiscal year 2013-2016 appropriations Acts, the fiscal year 2017 agreement includes a prohibition on obligation or expenditure of more than 25 percent of fiscal year 2017 funds provided for development, modernization, and enhancement of the VistA Evolution EHR or a successor program until the Department meets reporting and accountability requirements contained in the conference bill language.

The conference agreement includes language prohibiting the obligation of IT development, modernization, and enhancement funding until VA submits a certification of the amounts to be obligated, in part or in full, for each development project.

The conference agreement includes language permitting funding to be transferred among the three IT subaccounts, subject to approval from the Committees.

The conference agreement includes language providing that funding may be transferred among development projects or to new



projects subject to the Committees' approval.

The conference agreement provides funding for IT development, modernization, and enhancement for the projects and in the amounts specified in the following table:

INFORMATION TECHNOLOGY DEVELOPMENT PROJECTS  
(in thousands of dollars)

Project	Conference
Electronic Health Record Interoperability/VLER Health ...	17,322
Vista Evolution or successor EHR program .....	63,339
Veterans Benefits Management System (VBMS) .....	85,288
Virtual Lifetime Electronic Record (VLER) .....	17,857
Veteran Customer Experience .....	73,624
VHA Research IT Support Development .....	15,066
Other IT Systems Development .....	198,773
<b>Total, All Development .....</b>	<b>\$471,269</b>

This table is intended to serve as the Department's approved list of development projects; any requested changes are subject to reprogramming requirements.

**Appointment scheduling.**—For more than a decade, VA has spent millions in an attempt to replace its antiquated scheduling system. VA has begun to fix some of the worst problems in the system with its rollout of VistA Scheduling Enhancement (VSE). But further efforts to modernize scheduling have been put on hold until VA makes a decision about what direction to take with modernizing the electronic health record. The conferees understand the need to align the two systems, but are distressed about the further delays in the implementation of both. The conferees expect that VA will finalize its strategic approach for both the electronic health record and scheduling before the end of fiscal year 2016.

**Expenditure plan.**—The conference agreement directs the Department to continue to provide an IT expenditure plan to the Committees not later than the start of fiscal year 2017, as indicated in both the House and Senate reports. This plan should be in the same format as the table above.

**Periodic briefings.**—The conferees continue to require VA to provide quarterly briefings to the Committees regarding schedule, milestones, and obligations for VistA Evolution or any successor program. The conferees also require quarterly briefings from the DOD/VA Interagency Program Office on the EHR interoperability project.

**Data matching with the Department of Education.**—The conferees urge VA to establish a matching program with the Department of Education to identify veterans who are unemployable due to a service-connected disability. Under current law, veterans who have been determined by VA to be unemployable due to a service-connected disability are also eligible for student loan forgiveness. However, given the complexity of the loan discharge process and the seeming lack of communication between the Departments of Veterans Affairs and Education, disabled veterans would stand to benefit from greater coordination between the two Departments.

#### OFFICE OF INSPECTOR GENERAL

The conference agreement provides \$160,106,000 for the Office of Inspector General (OIG). Of the amount provided, not to exceed 10 percent is available for obligation until September 30, 2018. The conference agreement directs that the OIG should post publicly any report or audit not later than 3 days after it is submitted to the Secretary in final form.

#### CONSTRUCTION, MAJOR PROJECTS

The conference agreement provides \$528,110,000 for Construction, Major Projects, which is the same as the budget request. The agreement makes this funding available for five years, except that \$50,000,000 is made available until expended.

**Outside project management.**—To ensure the Department will never again mishandle public funds on a construction project in the manner and to the degree the Denver VA Medical Center in Aurora, CO, was mismanaged, the conference agreement directs that \$222,620,000 for Veterans Health Administration major construction projects shall not be available until the Department enters into an agreement with a non-Department of Veterans Affairs Federal entity to serve as the design and/or construction agent for each major construction project with a total estimated cost of \$100,000,000 or above. The conference agreement makes the funding available for obligation for each project only after VA certifies that the agreement with the non-Department Federal entity is in effect for that project. The two VHA projects affected by the fencing provision are in Reno, Nevada, and Long Beach, California. The requirement to contract with an outside agent for major construction projects was also mandated in Section 502 of the Department of Veterans Affairs Expiring Authorities Act of 2015 (Public Law 114-58), enacted on September 30, 2015. The law contemplates that the non-Department Federal entity will provide management over all or part of the project design, acquisition, construction, and appropriate contract changes, and the Department will reimburse the entity for all appropriate costs associated with the provision of such services.

The conference agreement funds the following items as requested in the budget submission:

CONSTRUCTION, MAJOR PROJECTS  
(in thousands of dollars)

Location and description	Conference Agreement
<b>Veterans Health Admin. (VHA):</b>	
Long Beach, CA, seismic corrections for mental health and community living center .....	\$30,200
Reno, NV, upgrade seismic, life safety, utilities, and expand clinical services .....	192,420
Advance Planning and Design Fund—various locations .....	65,000
Major Construction staff—various locations .....	24,000
Claims Analysis—various locations .....	5,000
Hazardous Waste—various locations .....	10,000
Judgment Fund—various locations .....	9,000
Non-Dept. Fed. Entity Project Management Support .....	49,490
<b>Total VHA .....</b>	<b>385,110</b>
<b>National Cemetery Admin. (NCA):</b>	
Elmira, NY—new national cemetery—Western NY .....	36,000
Las Animas, CO—new national cemetery—South-CO .....	36,000
Jacksonville, FL—gravesite expansion .....	24,000
South Florida, FL—gravesite expansion .....	31,000
Advance Planning and Design Fund—various locations .....	10,000
<b>Total NCA .....</b>	<b>137,000</b>
<b>General Admin.:</b>	
Staff Offices Advance Planning Fund .....	6,000
<b>Major Construction total .....</b>	<b>\$528,110</b>

**Major construction budget justification documents.**—The conferees reiterate their concerns regarding the budget justifications submitted for projects funded in this account. The congressional budget justification materials that accompany the President's Budget require a greater level of detail to enhance oversight of the Department's major construction projects. Therefore, the conference agreement includes a new administrative provision section 258, requiring the Department to submit enhanced budget justification documents for projects for which funds are requested. Pursuant to section 258, such justifications shall include, at a minimum, the following elements for all major construction projects:

1. Project description, to include phases (if applicable) delineated by fiscal year, funding for each phase by fiscal year, and a detailed description of what that funding procures;
2. Project justification and analysis of benefits;

3. A comparison of budget authority with the prior year's President's Budget for budget authority already received and needed in future years;

4. A justification of any cost, schedule, or design change from prior years;

5. Total estimated cost with a detailed breakout by design, construction (differentiated by primary and support facilities), and operating costs;

6. A complete project schedule to include dates indicating design start, 35 percent design completion, award of construction documents, design completion, award of construction contract, and estimated construction completion;

7. Design contract type;

8. An analysis of alternatives with associated costs;

9. Demographic data; and

10. Workload data.

The Department is directed to submit this information in a format resembling the Department of Defense form 1391 (DD 1391). In addition, language is included requiring the Department to submit a proposed budget justification template that complies with this requirement to the Committees within 45 days of enactment of this Act.

**Alternative sources of construction funding.**—

The conferees are aware of the budget challenges with new facility construction at VA. The conferees are pleased that VA has begun to work with the private sector in developing public-private partnerships (P3). P3 projects take advantage of readily available private sector investment capital, expertise, and entrepreneurial discipline. Where private sector financing has already been identified, and where practical, the conferees urge VA to use a P3 model on future VA construction projects.

#### CONSTRUCTION, MINOR PROJECTS

The conference agreement provides \$372,069,000 for Construction, Minor Projects. The agreement makes this funding available for five years. Included within the total is \$285,000,000 for the Veterans Health Administration; \$56,890,000 for the National Cemetery Administration; \$20,000,000 for the Veterans Benefits Administration; and \$10,179,000 for General Administration—Staff Offices.

**Expenditure Plan.**—The conference agreement includes a directive for the Department to provide an expenditure plan not later than 30 days after the beginning of the fiscal year, as provided in the Senate report. This expenditure plan shall include a complete list of minor construction projects to be supported with the fiscal year 2017 appropriation. The plan shall be updated six months and twelve months after enactment.

#### GRANTS FOR CONSTRUCTION OF STATE EXTENDED CARE FACILITIES

The conference agreement provides \$90,000,000 for Grants for Construction of State Extended Care Facilities, to remain available until expended.

#### GRANTS FOR CONSTRUCTION OF VETERANS CEMETERIES

The conference agreement provides \$45,000,000 for Grants for Construction of Veterans Cemeteries, to remain available until expended.

#### ADMINISTRATIVE PROVISIONS

##### (INCLUDING TRANSFERS AND RESCISSIONS OF FUNDS)

The conference agreement includes section 201 allowing for transfer of funds among the three mandatory accounts.

The conference agreement includes section 202 allowing for the transfer of funds among the four medical accounts.

The conference agreement includes section 203 allowing salaries and expenses funds to be used for related authorized purposes.

The conference agreement includes section 204 restricting the accounts that may be used for the acquisition of land or the construction of any new hospital or home.

The conference agreement includes section 205 limiting the use of funds in the Medical Services account only for entitled beneficiaries unless reimbursement is made to the Department.

The conference agreement includes section 206 allowing for the use of certain mandatory appropriations accounts for payment of prior year accrued obligations for those accounts.

The conference agreement includes section 207 allowing the use of appropriations available in this title to pay prior year obligations.

The conference agreement includes section 208 allowing the Department to use surplus earnings from the National Service Life Insurance Fund, the Veterans' Special Life Insurance Fund, and the United States Government Life Insurance Fund to administer these programs.

The conference agreement includes section 209 allowing the Department to cover the administrative expenses of enhanced-use leases and provides authority to obligate these reimbursements in the year in which the proceeds are received.

The conference agreement includes section 210 limiting the amount of reimbursement the Office of Resolution Management and the Office of Employment Discrimination Complaint Adjudication can charge other offices of the Department for services provided.

The conference agreement includes section 211 requiring the Department to collect third-party payer information for persons treated for a non-service-connected disability.

The conference agreement includes section 212 allowing for the use of enhanced-use leasing revenues for Construction, Major Projects and Construction, Minor Projects.

The conference agreement includes section 213 outlining authorized uses for Medical Services funds.

The conference agreement includes section 214 allowing for funds deposited into the Medical Care Collections Fund to be transferred to the Medical Services and Medical Community Care accounts.

The conference agreement includes section 215 which allows Alaskan veterans to use medical facilities of the Indian Health Service or tribal organizations.

The conference agreement includes section 216 permitting the transfer of funds from the Department of Veterans Affairs Capital Asset Fund to the Construction, Major Projects and Construction, Minor Projects accounts and makes those funds available until expended.

The conference agreement includes section 217 rescinding \$7,246,181,000 of fiscal year 2017 Medical Services funds that were provided in advance. This funding is now provided through the Medical Community Care account.

The conference agreement includes section 218 requiring the Secretary to submit financial status quarterly reports for each of the Administrations in the Department. The specific data requested is similar to that requested in the fiscal year 2016 conference report.

The conference agreement includes section 219 requiring the Department to notify and receive approval from the Committees of any proposed transfer of funding to or from the Information Technology Systems account and limits the aggregate annual increase in the account to no more than 10 percent of the funding appropriated to the account in this Act.

The conference agreement includes section 220 prohibiting any funds from being used in

a manner that is inconsistent with statutory limitations on outsourcing.

The conference agreement includes section 221 providing up to \$274,731,000 of fiscal year 2017 funds for transfer to the Joint DOD-VA Medical Facility Demonstration Fund.

The conference agreement includes section 222 which permits up to \$280,802,000 of fiscal year 2018 medical care funding provided in advance to be transferred to the Joint DOD-VA Medical Facility Demonstration Fund.

The conference agreement includes section 223 which authorizes transfers from the Medical Care Collections Fund to the Joint DOD-VA Medical Facility Demonstration Fund.

The conference agreement includes section 224 which transfers at least \$15,000,000 from VA medical accounts to the DOD-VA Health Care Sharing Incentive Fund.

The conference agreement includes section 225 prohibiting funds available to the Department in this or any other Act from being used to replace the current system by which VISNs select and contract for diabetes monitoring supplies and equipment.

The conference agreement includes section 226 requiring that the Department notify the Committees of bid savings in a major construction project of at least \$5,000,000, or 5 percent, whichever is less, 14 days prior to the obligation of the bid savings and their anticipated use.

The conference agreement includes section 227 which prohibits VA from increasing the scope of work for a major construction project above the scope specified in the original budget request unless the Secretary receives approval from the Committees.

The conference agreement includes section 228 requiring a quarterly report from each VBA regional office on pending disability claims, both initial and supplemental; error rates; the number of claims processing personnel; corrective actions taken; training programs; and review team audit results.

The conference agreement includes section 229 limiting the funding from the Medical Services and Medical Support and Compliance accounts for the electronic health record and electronic health record interoperability projects.

The conference agreement includes section 230 requiring VA to notify the Committees 15 days prior to any staff office relocations within VA of 25 or more FTE.

The conference agreement includes section 231 requiring the Secretary to report to the Committees each quarter about any single national outreach and awareness marketing campaign exceeding \$2,000,000.

The conference agreement includes section 232 permitting the transfer to the Medical Services account of fiscal year discretionary 2017 funds appropriated in this Act or available from advance fiscal year 2017 funds already appropriated, except for funds appropriated to General Operating Expenses, VBA, to address possible unmet, high priority needs in Medical Services. Such unanticipated demands may result from circumstances such as a greater than projected number of enrollees or higher intensity of use of benefits. Any such transfer requires the approval of the Committees.

The conference agreement includes section 233 permitting the transfer of funding between the General Operating Expenses, Veterans Benefits Administration account and the Board of Veterans Appeals account if necessary to permit the hiring of staffing at the appropriate stage of the appeals process to address mounting claims appeals workload. Any such transfer requires the approval of the Committees.

The conference agreement includes section 234 prohibiting the Secretary from reprogramming funds in excess of \$5,000,000 among major construction projects or pro-

grams unless the reprogramming is approved by the Committees.

The conference agreement includes section 235 rescinding \$40,000,000 in unobligated balances in the DOD-VA Health Care Sharing Incentive Fund.

The conference agreement includes sections 236 and 237 making general rescissions of \$169,000,000 in fiscal year 2017 advance appropriations and reductions of \$23,000,000 in fiscal year 2017 current funded appropriations.

The conference agreement includes section 238 mandating certain professional standards for the veterans crisis hotline.

The conference agreement includes section 239 pertaining to certification of marriage and family therapists.

The conference agreement includes section 240 restricting funds from being used to close certain medical facilities in the absence of a national realignment strategy.

The conference agreement includes section 241 which prohibits funds from being used to transfer funding from the Filipino Veterans Equity Compensation Fund to any other VA account.

The conference agreement includes section 242 which provides an extension through fiscal year 2017 of the Access Received Closer to Home (ARCH) program.

The conference agreement includes section 243 which ends a co-payment requirement for opioid antagonists and supports education on the use of opioid antagonists.

The conference agreement includes section 244 requiring the VA Inspector General to make public all work products.

The conference agreement includes section 245 permitting funding to be used in fiscal years 2017 and 2018 to carry out and expand the child care pilot program authorized by section 205 of Public Law 111-163.

The conference agreement includes section 246 making mandatory the reporting to State prescription drug monitoring programs.

The conference agreement includes section 247 which includes the text of the VA Patient Protection Act of 2016 addressing protections for VA whistleblowers.

The conference agreement includes section 248 identifying information which may be used to verify the status of coastwise merchant seamen who served during World War II for the purposes of eligibility for medals, ribbons, or other military decorations.

The conference agreement includes section 249 providing monthly assistance allowances for disabled veterans competing on United States Olympic teams.

The conference agreement includes section 250 which provides coverage under the VA beneficiary travel program for certain types of special disabilities rehabilitation.

The conference agreement includes section 251 which requires VA to conduct annual inspections of kitchens and food service areas of each medical facility, through the Joint Commission on Accreditation of Hospital Organizations, with required remediation if necessary.

The conference agreement includes section 252 which requires VA to conduct periodic inspections of mold issues at VA medical facilities through the Joint Commission on Accreditation of Hospital Organizations, along with required remediation if necessary.

The conference agreement includes section 253 reinstating the requirement for a report on the capacity of VA to provide for specialized treatment and rehabilitative needs of disabled veterans.

The conference agreement includes section 254 permitting the Secretary to use appropriated funds to ensure particular ratios of veterans to full-time employment equivalents within any VA program of rehabilitation.

The conference agreement includes section 255 indicating that no funds available in the Act may be used to deny the Inspector General timely access to Department records and documents over which the Inspector General has responsibilities under the Inspector General Act of 1978.

The conference agreement includes section 256 forbidding funds to be used to enter into a settlement that would restrict an individual's freedom to speak to Members of Congress or their staff.

The conference agreement includes section 257 providing authority for the Veterans Health Administration to administer the National Veterans Sports Program.

The conference agreement includes section 258 requiring certain data to be included in budget justifications for Major Construction projects.

The conference agreement includes section 259 which authorizes 8 VA major construction projects that were funded in fiscal year 2016.

The conference agreement includes section 260 allowing the use of Medical Services funding for fertility treatment and adoption reimbursement for veterans and their spouses if the veteran has a service-connected disability that results in being unable to procreate without such fertility treatment.

The Secretary of Veterans Affairs shall develop and publish implementing guidance within 120 days of enactment of this Act. The implementing guidance developed by the Secretary shall not be materially different from, and in no way more expansive than, the implementing guidance promulgated by the Department of Defense in the April 3, 2012 memorandum from the Assistant Secretary of Defense (Health Affairs) entitled "Policy for Assisted Reproductive Services for the Benefit of Seriously or Severely Ill/Injured (Category II or III) Active Duty Service Members".

### TITLE III—RELATED AGENCIES

#### AMERICAN BATTLE MONUMENTS COMMISSION SALARIES AND EXPENSES

The conference agreement includes \$75,100,000 for Salaries and Expenses of the American Battle Monuments Commission (ABMC), as requested.

The conferees appreciate and support the meaningful work of the ABMC to preserve commemorative and historical sites and to educate the public about the United States Armed Forces. The conferees further recognize the critical role that African Americans and other minorities played during World War II. The conferees urge the ABMC to partner with Department of Defense historians to ensure that these servicemembers and support staff are properly recognized at ABMC sites. Further, the conferees direct the ABMC to appropriately incorporate the contributions of African Americans and other minorities into ABMC's interpretive exhibits and on the ABMC website.

#### FOREIGN CURRENCY FLUCTUATIONS ACCOUNT

The conference agreement includes such sums as necessary for the Foreign Currency

Fluctuations Account. However, due to favorable exchange rates, no funds are expected to be required in fiscal year 2017.

#### UNITED STATES COURT OF APPEALS FOR VETERANS CLAIMS SALARIES AND EXPENSES

The conference agreement includes \$30,945,000 for Salaries and Expenses for the United States Court of Appeals for Veterans Claims, as requested.

#### DEPARTMENT OF DEFENSE—CIVIL CEMETERIAL EXPENSES, ARMY SALARIES AND EXPENSES

The conference agreement includes \$70,800,000 for Cemeterial Expenses, Army—Salaries and Expenses, as requested. Within that amount, up to \$15,000,000 in funding is available until September 30, 2019.

#### ARMED FORCES RETIREMENT HOME TRUST FUND

The conference agreement includes a total of \$64,300,000 for the Armed Forces Retirement Home (AFRH), as requested, but does not provide the funds in the manner requested. The agreement does not include the indefinite transfer of an estimated \$22,000,000 in funds from the Department of Defense (DOD), Operations and Maintenance, Defense-Wide Account, as requested. Instead, the conference agreement directs that \$42,300,000 be derived from the Trust Fund and \$22,000,000 be provided from the General Fund to support AFRH operations.

*Trust Fund Solvency.*—The conferees are disappointed the Department of Defense did not include with the fiscal year 2017 budget request legislative proposals and administrative actions that can be taken under current law in order to achieve Trust Fund solvency in spite of clear direction to do so in the Explanatory Statement accompanying Public Law 114-113, the Consolidated Appropriations Act, 2016. Both legislative and administrative actions are necessary to improve Trust Fund solvency, eliminate AFRH's reliance on the General Fund, and maintain the high-quality services provided to AFRH residents. The conferees again direct DOD, working with AFRH, to take appropriate administrative action and to develop and submit proposed authorizing language with the fiscal year 2018 budget request that addresses the issue of Trust Fund solvency. In addition, AFRH is directed to regularly report to the Committees on efforts to stabilize the Trust Fund and to lease its property at the Washington, D.C. facility.

*Study Findings and Proposals.*—AFRH's budget request notes that DOD has undertaken an in-depth study to develop mid-term and long-term plans to improve Trust Fund solvency. The study also includes an analysis of AFRH operations to include benchmarking and to identify potential legislative changes to revise AFRH's funding model. The Committees request further information from DOD regarding the study, including a report on its cost, scope of work, deliverables, and timeline, and requests a briefing on the findings and resulting proposals. The conferees are troubled that the study's statement of work seems to be fo-

cused on cuts to core AFRH operations as a means of achieving Trust Fund solvency. The conference agreement directs that AFRH and the Department of Defense submit by October 1, 2016, a proposal that ensures the long-term sustainability of the Trust Fund by replenishing the Trust Fund's revenues, not by cutting core AFRH operations.

### ADMINISTRATIVE PROVISIONS

The conference agreement includes section 301 permitting funds to be provided to Arlington County, Virginia, for the relocation of a water main located on the Arlington National Cemetery property.

The conference agreement includes section 302 allowing Arlington National Cemetery to deposit and use funds derived from concessions.

### TITLE IV—OVERSEAS CONTINGENCY OPERATIONS

#### DEPARTMENT OF DEFENSE

The conference agreement includes title IV, Overseas Contingency Operations, for military construction projects related to the Global War on Terrorism, the European Reassurance Initiative and Counterterrorism Support that were requested by the Administration in the Fiscal Year 2017 Overseas Contingency Operations budget request.

#### MILITARY CONSTRUCTION, ARMY

The conference agreement includes \$18,900,000 for "Military Construction, Army", as requested in the Fiscal Year 2017 Overseas Contingency Operations budget request, for planning and design in support of the European Reassurance Initiative.

#### MILITARY CONSTRUCTION, NAVY AND MARINE CORPS

The conference agreement includes \$59,809,000 for "Military Construction, Navy and Marine Corps", as requested in the Fiscal Year 2017 Overseas Contingency Operations budget request, of which \$21,400,000 is in support of the European Reassurance Initiative and \$38,409,000 is in support of Overseas Contingency Operations.

#### MILITARY CONSTRUCTION, AIR FORCE

The conference agreement includes \$88,291,000 for "Military Construction, Air Force", as requested in the Fiscal Year 2017 Overseas Contingency Operations budget request, of which \$68,280,000 is in support of the European Reassurance Initiative, \$11,440,000 is in support of Overseas Contingency Operations, and \$8,571,000 is in support of counterterrorism efforts.

#### MILITARY CONSTRUCTION, DEFENSE-WIDE

The conference agreement includes \$5,000,000 for "Military Construction, Defense-Wide", as requested in the Fiscal Year 2017 Overseas Contingency Operations budget request, for unspecified minor military construction for the Joint Staff in support of the European Reassurance Initiative.

#### ADMINISTRATIVE PROVISION

The conference agreement includes section 401 regarding emergency designation for the Overseas Contingency Operations accounts.

OVERSEAS CONTINGENCY OPERATIONS  
(AMOUNTS IN THOUSANDS)

	BUDGET REQUEST	HOUSE	SENATE	CONFERENCE AGREEMENT
-----				
FY 2017 OVERSEAS CONTINGENCY OPERATIONS				
OVERSEAS CONTINGENCY OPERATIONS				
WORLDWIDE UNSPECIFIED				
NAVY				
PLANNING AND DESIGN.....	1,000	1,000	---	1,000
AIR FORCE				
PLANNING AND DESIGN.....	940	940	---	940
DJIBOUTI				
NAVY				
CAMP LEMONIER				
MEDICAL/DENTAL FACILITY.....	37,409	37,409	---	37,409
AIR FORCE				
CHABELLEY AIRFIELD				
ACCESS ROAD.....	3,600	3,600	---	3,600
PARKING APRON AND TAXIWAY.....	6,900	6,900	---	6,900
EUROPEAN REASSURANCE INITIATIVE				
BULGARIA				
AIR FORCE				
GRAF IGNATIEVO				
SQUADRON OPERATIONS/OPERATION ALERT FACILITY.....	3,800	3,800	---	3,800
FIGHTER RAMP EXTENSION.....	7,000	7,000	---	7,000
UPGRADE MUNITIONS STORAGE.....	2,600	2,600	---	---
ESTONIA				
AIR FORCE				
AMARI AB				
BULK FUEL STORAGE.....	6,500	6,500	---	6,500
GERMANY				
AIR FORCE				
SPANGDAHLEM AB				
HIGH CAPACITY TRIM PAD AND HUSH HOUSE.....	1,000	1,000	---	---
F/A-22 LOW OBSERVABLE/COMPOSITE REPAIR FACILITY.....	12,000	12,000	---	18,000
F/A-22 UPGRADE				
INFRASTRUCTURE/COMMUNICATIONS/UTILITIES.....	1,600	1,600	---	580
UPGRADE HARDENED AIRCRAFT SHELTERS FOR F/A-22.....	2,700	2,700	---	2,700
UPGRADE MUNITION STORAGE DOORS.....	1,400	1,400	---	---
ICELAND				
NAVY				
KEFLAVIK				
P-8A AIRCRAFT RINSE FACILITY.....	5,000	5,000	---	5,000
P-8A HANGAR UPGRADE.....	14,600	14,600	---	14,600
LITHUANIA				
AIR FORCE				
SIAULIAI				
MUNITIONS STORAGE.....	3,000	3,000	---	3,000
POLAND				
AIR FORCE				
LASK AIR BASE				
SQUADRON OPERATIONS FACILITY.....	4,100	4,100	---	4,100
POWIDZ				
SQUADRON OPERATIONS FACILITY.....	4,100	4,100	---	4,100

OVERSEAS CONTINGENCY OPERATIONS  
(AMOUNTS IN THOUSANDS)

	BUDGET REQUEST	HOUSE	SENATE	CONFERENCE AGREEMENT
-----				
ROMANIA				
AIR FORCE				
CAMP TURZII				
MUNITIONS STORAGE AREA.....	3,000	3,000	---	3,000
SQUADRON OPERATIONS FACILITY.....	3,400	3,400	---	3,400
TWO-BAY HANGAR.....	6,100	6,100	---	6,100
EXTEND PARKING APRONS.....	6,000	6,000	---	6,000
WORLDWIDE UNSPECIFIED				
ARMY				
PLANNING AND DESIGN.....	18,900	18,900	---	18,900
NAVY				
PLANNING AND DESIGN.....	1,800	1,800	---	1,800
DEFENSE-WIDE				
UNSPECIFIED MINOR CONSTRUCTION				
THE JOINT STAFF.....	5,000	5,000	---	5,000
COUNTERTERRORISM SUPPORT				
WORLDWIDE UNSPECIFIED				
AIR FORCE				
PLANNING AND DESIGN.....	9,000	8,551	---	8,571

NOTE: FUNDING FOR OVERSEAS CONTINGENCY OPERATIONS  
MILITARY CONSTRUCTION WAS REQUESTED AND IS DISPLAYED  
IN TITLE IV. THE SENATE PROVIDED FUNDING FOR THESE  
PROJECTS IN TITLE I.

## TITLE V—GENERAL PROVISIONS

The conference agreement includes section 501 prohibiting the obligation of funds in this Act beyond the current fiscal year unless expressly so provided.

The conference agreement includes section 502 prohibiting the use of the funds in this Act for programs, projects, or activities not in compliance with Federal law relating to risk assessment, the protection of private property rights, or unfunded mandates.

The conference agreement includes section 503 encouraging all Departments to expand their use of “E-Commerce.”

The conference agreement includes section 504 specifying the congressional committees that are to receive all reports and notifications.

The conference agreement includes section 505 prohibiting the transfer of funds to any instrumentality of the United States Gov-

ernment without authority from an appropriations Act.

The conference agreement includes section 506 prohibiting the use of funds for a project or program named for a serving Member, Delegate, or Resident Commissioner of the United States House of Representatives.

The conference agreement includes section 507 requiring all reports submitted to Congress to be posted on official web sites of the submitting agency.

The conference agreement includes section 508 prohibiting the use of funds to establish or maintain a computer network unless such network blocks the viewing, downloading, and exchanging of pornography, except for law enforcement investigation, prosecution, or adjudication activities.

The conference agreement includes section 509 prohibiting the use of funds for the pay-

ment of first-class air travel by an employee of the executive branch.

The conference agreement includes section 510 prohibiting the use of funds in this Act for any contract where the contractor has not complied with E-Verify requirements.

The conference agreement includes section 511 prohibiting the use of funds in this Act by the Department of Defense or the Department of Veterans Affairs for the purchase or lease of a new vehicle except in accordance with Presidential Memorandum—Federal Fleet Performance, dated May 24, 2011.

The conference agreement includes section 512 prohibiting the use of funds in this Act for the renovation, expansion, or construction of any facility in the continental United States for the purpose of housing any individual who has been detained at the United States Naval Station, Guantanamo Bay, Cuba.



DIVISION A, MILITARY CONSTRUCTION AND VETERANS AFFAIRS, AND RELATED  
AGENCIES APPROPRIATIONS ACT, 2017 (H.R. 4974, H.R. 2577)  
(Amounts in thousands)

	FY 2016 Enacted	FY 2017 Request	House	Senate	Conference Agreement	Conference vs Enacted	Conference vs Request
-----							
TITLE I - DEPARTMENT OF DEFENSE							
Military Construction, Army.....	663,245	503,459	503,459	532,359	513,459	-149,786	+10,000
Military Construction, Navy and Marine Corps.....	1,669,239	1,027,763	1,021,580	1,087,572	1,021,580	-647,659	-6,183
Military Construction, Air Force.....	1,389,185	1,481,058	1,398,758	1,579,798	1,491,058	+101,873	+10,000
Military Construction, Defense-Wide.....	2,242,867	2,056,091	2,024,643	2,038,980	2,025,444	-217,423	-30,647
-----							
Total, Active components.....	5,964,536	5,068,371	4,948,440	5,238,709	5,051,541	-912,995	-16,830
-----							
Military Construction, Army National Guard.....	197,237	232,930	232,930	232,930	232,930	+35,693	---
Military Construction, Air National Guard.....	138,738	143,957	143,957	143,957	143,957	+5,219	---
Military Construction, Army Reserve.....	113,595	68,230	68,230	68,230	68,230	-45,365	---
Military Construction, Navy Reserve.....	36,078	38,597	38,597	38,597	38,597	+2,519	---
Military Construction, Air Force Reserve.....	65,021	188,950	188,950	188,950	188,950	+123,929	---
-----							
Total, Reserve components.....	550,669	672,664	672,664	672,664	672,664	+121,995	---
-----							
North Atlantic Treaty Organization Security Investment Program.....	135,000	177,932	177,932	177,932	177,932	+42,932	---
Department of Defense Base Closure Account.....	266,334	205,237	230,237	205,237	240,237	-26,097	+35,000
=====							
Total, Military Construction.....	6,916,539	6,124,204	6,029,273	6,294,542	6,142,374	-774,165	+18,170
=====							
-----							
Family Housing Construction, Army.....	108,695	200,735	200,735	200,735	157,172	+48,477	-43,563
Family Housing Operation and Maintenance, Army.....	375,611	325,995	325,995	325,995	325,995	-49,616	---
Family Housing Construction, Navy and Marine Corps....	16,541	94,011	94,011	94,011	94,011	+77,470	---

DIVISION A, MILITARY CONSTRUCTION AND VETERANS AFFAIRS, AND RELATED  
AGENCIES APPROPRIATIONS ACT, 2017 (H.R. 4974, H.R. 2577)  
(Amounts in thousands)

	FY 2016 Enacted	FY 2017 Request	House	Senate	Conference Agreement	Conference vs Enacted	Conference vs Request
Family Housing Operation and Maintenance, Navy and Marine Corps.....	353,036	300,915	300,915	300,915	300,915	-52,121	---
Family Housing Construction, Air Force.....	160,498	61,352	61,352	61,352	61,352	-99,146	---
Family Housing Operation and Maintenance, Air Force...	331,232	274,429	274,429	274,429	274,429	-56,803	---
Family Housing Operation and Maintenance, Defense-Wide	58,668	59,157	59,157	59,157	59,157	+489	---
Department of Defense Family Housing Improvement Fund.....	---	3,258	3,258	3,258	3,258	+3,258	---
<b>Total, Family Housing.....</b>	<b>1,404,281</b>	<b>1,319,852</b>	<b>1,319,852</b>	<b>1,319,852</b>	<b>1,276,289</b>	<b>-127,992</b>	<b>-43,563</b>
<b>ADMINISTRATIVE PROVISIONS</b>							
Military Construction, Army (Sec. 127) (rescission)...	-86,420	---	-25,000	-30,000	-29,602	+56,818	-29,602
Military Construction, Navy and Marine Corps (H. Sec. 126) (rescission).....	---	---	-51,848	---	---	---	---
Defense Access Roads (Sec. 132).....	30,000	---	---	---	---	-30,000	---
Military Construction, Air Force (Sec. 127) (rescission).....	-46,400	---	---	-22,340	-51,460	-5,060	-51,460
Military Construction, Defense-Wide (Sec. 127) (rescission).....	-134,000	---	-37,377	-132,283	-141,600	-7,600	-141,600
Military Construction, Defense-Wide - Planning and Design (Sec. 127).....	---	---	---	---	-30,000	-30,000	-30,000
Military Construction, Army (Sec. 125).....	34,500	---	40,500	40,500	40,500	+6,000	+40,500
Military Construction, Navy and Marine Corps (Sec. 125).....	34,500	---	293,600	143,000	227,099	+192,599	+227,099
Military Construction, Army National Guard (Sec. 125).	51,300	---	67,500	16,500	67,500	+16,200	+67,500

DIVISION A, MILITARY CONSTRUCTION AND VETERANS AFFAIRS, AND RELATED  
AGENCIES APPROPRIATIONS ACT, 2017 (H.R. 4974, H.R. 2577)  
(Amounts in thousands)

	FY 2016 Enacted	FY 2017 Request	House	Senate	Conference Agreement	Conference vs Enacted	Conference vs Request
Military Construction, Army Reserve (Sec. 125).....	34,200	---	86,500	30,000	30,000	-4,200	+30,000
NATO Security Investment Program (Sec. 127) (rescission).....	---	---	-30,000	-15,000	-30,000	-30,000	-30,000
42 USC 3374 (Sec. 128).....	-105,000	---	-25,000	---	-25,000	+80,000	-25,000
Military Construction, Air Force (Sec. 125).....	21,000	---	26,000	195,465	149,500	+128,500	+149,500
Military Construction, Defense-Wide (S. Sec. 125).....	---	---	---	64,364	---	---	---
Military Construction, Air National Guard (Sec. 125)..	6,100	---	---	11,000	11,000	+4,900	+11,000
Military Construction, Navy and Marine Corps (Sec. 126).....	---	---	---	---	89,400	+89,400	+89,400
Military Construction, Air Force Reserve.....	10,400	---	---	---	---	-10,400	---
Family Housing, Army (S. Sec. 125).....	---	---	---	14,400	---	---	---
	=====	=====	=====	=====	=====	=====	=====
Total, Administrative Provisions.....	-149,820	---	344,875	315,606	307,337	+457,157	+307,337
Appropriations.....	(222,000)	---	(514,100)	(515,229)	(614,999)	(+392,999)	(+614,999)
Rescissions.....	(-371,820)	---	(-169,225)	(-199,623)	(-307,662)	(+64,158)	(-307,662)
General Provisions							
Arlington Cemetery Defense Access Road (FY 2016) (S. Sec. 130).....	---	---	---	30,000	---	---	---

DIVISION A. MILITARY CONSTRUCTION AND VETERANS AFFAIRS, AND RELATED  
AGENCIES APPROPRIATIONS ACT, 2017 (H.R. 4974, H.R. 2577)  
(Amounts in thousands)

	FY 2016 Enacted	FY 2017 Request	House	Senate	Conference Agreement	Conference vs Enacted	Conference vs Request
(FY 2016, rescission) (S. Sec. 130).....	---	---	---	-30,000	---	---	---
Total, General Provisions.....	---	---	---	---	---	---	---
Total, title I, Department of Defense.....	8,171,000	7,444,056	7,694,000	7,930,000	7,726,000	-445,000	+281,944
Appropriations.....	(8,542,820)	(7,444,056)	(7,863,225)	(8,129,623)	(8,033,662)	(-509,158)	(+589,606)
Rescissions.....	(-371,820)	---	(-169,225)	(-199,623)	(-307,662)	(+64,158)	(-307,662)
<b>TITLE II - DEPARTMENT OF VETERANS AFFAIRS</b>							
<b>Veterans Benefits Administration</b>							
Compensation and pensions:							
Advance from prior year.....	---	(86,083,128)	(86,083,128)	(86,083,128)	(86,083,128)	(+86,083,128)	---
Current year request.....	76,865,545	---	---	---	---	-76,865,545	---
Subtotal, current year.....	76,865,545	86,083,128	86,083,128	86,083,128	86,083,128	+9,217,583	---
Advance appropriation, FY 2018.....	86,083,128	90,119,449	90,119,449	90,119,449	90,119,449	+4,036,321	---
Readjustment benefits:							
Advance from prior year.....	---	(16,340,828)	(16,340,828)	(16,340,828)	(16,340,828)	(+16,340,828)	---
Current year request.....	14,313,357	---	---	---	---	-14,313,357	---
Subtotal.....	14,313,357	16,340,828	16,340,828	16,340,828	16,340,828	+2,027,471	---

DIVISION A, MILITARY CONSTRUCTION AND VETERANS AFFAIRS, AND RELATED  
AGENCIES APPROPRIATIONS ACT, 2017 (H.R. 4974, H.R. 2577)  
(Amounts in thousands)

	FY 2016 Enacted	FY 2017 Request	House	Senate	Conference Agreement	Conference vs Enacted	Conference vs Request
Advance appropriation, FY 2018.....	16,340,828	13,708,648	13,708,648	13,708,648	13,708,648	-2,632,180	---
Veterans insurance and indemnities:							
Advance from prior year.....	---	(91,920)	(91,920)	(91,920)	(91,920)	(+91,920)	---
Current year request.....	77,180	16,605	16,605	16,605	16,605	-60,555	---
Subtotal.....	77,180	108,525	108,525	108,525	108,525	+31,365	---
Advance appropriation, FY 2018.....	91,920	107,899	107,899	107,899	107,899	+15,979	---
Veterans housing benefit program fund:							
(indefinite).....	---	---	---	---	---	---	---
(Limitation on direct loans).....	(500)	(500)	(500)	(500)	(500)	---	---
Administrative expenses.....	164,558	198,856	167,612	198,856	198,856	+34,298	---
Vocational rehabilitation loans program account.....	31	36	36	36	36	+5	---
(Limitation on direct loans).....	(2,952)	(2,517)	(2,517)	(2,517)	(2,517)	(-435)	---
Administrative expenses.....	367	389	389	389	389	+22	---
Native American veteran housing loan program account..	1,134	1,163	1,163	1,163	1,163	+29	---
General operating expenses, VBA.....	2,707,734	2,826,160	2,826,160	2,856,160	2,856,160	+148,426	+30,000
=====	=====	=====	=====	=====	=====	=====	=====
Total, Veterans Benefits Administration.....	196,645,762	106,979,205	106,947,961	107,009,205	107,009,205	-89,636,557	+30,000
Appropriations.....	(94,129,886)	(3,043,209)	(3,011,965)	(3,073,209)	(3,073,209)	(-91,056,677)	(+30,000)
Advance appropriations, FY 2018.....	(102,515,876)	(103,935,996)	(103,935,996)	(103,935,996)	(103,935,996)	(+1,420,120)	---
=====	=====	=====	=====	=====	=====	=====	=====
Advances from prior year appropriations.....	---	(102,515,876)	(102,515,876)	(102,515,876)	(102,515,876)	(+102,515,876)	---

DIVISION A, MILITARY CONSTRUCTION AND VETERANS AFFAIRS, AND RELATED  
AGENCIES APPROPRIATIONS ACT, 2017 (H.R. 4974, H.R. 2577)  
(Amounts in thousands)

	FY 2016 Enacted	FY 2017 Request	House	Senate	Conference Agreement	Conference vs Enacted	Conference vs Request
<hr/>							
Veterans Health Administration							
Medical services:							
Advance from prior year.....	(47,603,202)	(51,673,000)	(51,673,000)	(51,673,000)	(51,673,000)	(+4,069,798)	---
Current year request.....	2,369,158	1,078,993	864,000	1,078,993	1,078,993	-1,290,165	---
Subtotal.....	49,972,360	52,751,993	52,537,000	52,751,993	52,751,993	+2,779,633	---
Advance appropriation, FY 2018.....	51,673,000	44,886,554	44,886,554	44,886,554	44,886,554	-6,786,446	---
Medical community care:							
Advance appropriation, FY 2018.....	---	9,409,118	9,409,118	9,409,118	9,409,118	+9,409,118	---
Transfer from medical care accounts.....	---	(7,246,181)	(7,246,181)	---	---	---	(-7,246,181)
Current year request.....	---	---	---	7,246,181	7,246,181	+7,246,181	+7,246,181
Subtotal.....	---	16,655,299	16,655,299	16,655,299	16,655,299	+16,655,299	---
Medical support and compliance:							
Advance from prior year.....	(6,144,000)	(6,524,000)	(6,524,000)	(6,524,000)	(6,524,000)	(+380,000)	---
Current year request.....	---	---	---	---	---	---	---
Subtotal.....	6,144,000	6,524,000	6,524,000	6,524,000	6,524,000	+380,000	---
Advance appropriation, FY 2018.....	6,524,000	6,654,480	6,654,480	6,654,480	6,654,480	+130,480	---

DIVISION A, MILITARY CONSTRUCTION AND VETERANS AFFAIRS, AND RELATED  
AGENCIES APPROPRIATIONS ACT, 2017 (H.R. 4974, H.R. 2577)  
(Amounts in thousands)

	FY 2016 Enacted	FY 2017 Request	House	Senate	Conference Agreement	Conference vs Enacted	Conference vs Request
Medical facilities:							
Advance from prior year.....	(4,915,000)	(5,074,000)	(5,074,000)	(5,074,000)	(5,074,000)	(+159,000)	---
Current year request.....	105,132	649,000	---	495,100	247,668	+142,536	-401,332
Subtotal.....	5,020,132	5,723,000	5,074,000	5,569,100	5,321,668	+301,536	-401,332
Advance appropriation, FY 2018.....	5,074,000	5,434,880	5,434,880	5,434,880	5,434,880	+360,880	---
Medical and prosthetic research.....	630,735	663,366	663,366	675,366	675,366	+44,631	+12,000
Medical care cost recovery collections:							
Offsetting collections.....	-2,445,000	-2,637,000	-2,637,000	-2,637,000	-2,637,000	-192,000	---
Appropriations (indefinite).....	2,445,000	2,637,000	2,637,000	2,637,000	2,637,000	+192,000	---
Subtotal.....	---	---	---	---	---	---	---
DoD-VA Joint Medical Funds (transfers out).....	(-286,000)	(-274,731)	(-274,731)	(-274,731)	(-274,731)	(+11,269)	---
DoD-VA Joint Medical Funds (by transfer).....	(286,000)	(274,731)	(274,731)	(274,731)	(274,731)	(-11,269)	---
DoD-VA Health Care Sharing Incentive Fund (Transfer out).....	(-15,000)	(-15,000)	(-15,000)	(-15,000)	(-15,000)	---	---
DoD-VA Health Care Sharing Incentive Fund (by transfer).....	(15,000)	(15,000)	(15,000)	(15,000)	(15,000)	---	---
Total, Veterans Health Administration.....	66,376,025	68,776,391	67,912,398	75,880,672	75,633,240	+9,257,215	+6,856,849
Appropriations.....	(3,105,025)	(2,391,359)	(1,527,366)	(9,495,640)	(9,248,208)	(+6,143,183)	(+6,856,849)
(By transfer).....	(301,000)	(7,535,912)	(7,535,912)	(289,731)	(289,731)	(-11,269)	(-7,246,181)
Advance appropriations, FY 2018.....	(63,271,000)	(66,385,032)	(66,385,032)	(66,385,032)	(66,385,032)	(+3,114,032)	---



DIVISION A. MILITARY CONSTRUCTION AND VETERANS AFFAIRS, AND RELATED  
AGENCIES APPROPRIATIONS ACT, 2017 (H.R. 4974, H.R. 2577)  
(Amounts in thousands)

	FY 2016 Enacted	FY 2017 Request	House	Senate	Conference Agreement	Conference vs Enacted	Conference vs Request
Advances from prior year appropriations.....	(58,662,202)	(63,271,000)	(63,271,000)	(63,271,000)	(63,271,000)	(+4,608,798)	---
=====							
National Cemetery Administration							
National Cemetery Administration.....	271,220	286,193	271,220	286,193	286,193	+14,973	---
Departmental Administration							
General administration.....	336,659	417,959	316,159	417,959	345,391	+8,732	-72,568
Board of Veterans Appeals.....	109,884	156,096	156,096	156,096	156,096	+46,212	---
Information technology systems.....	4,133,363	4,278,259	4,225,869	4,278,259	4,278,259	+144,896	---
Office of Inspector General.....	136,766	160,106	160,106	160,106	160,106	+23,340	---
Construction, major projects.....	1,243,800	528,110	528,110	528,110	528,110	-715,690	---
Construction, minor projects.....	406,200	372,069	372,069	372,069	372,069	-34,131	---
Grants for construction of State extended care facilities.....	120,000	80,000	80,000	90,000	90,000	-30,000	+10,000
Grants for the construction of veterans cemeteries....	46,000	45,000	45,000	45,000	45,000	-1,000	---
=====							
Total, Departmental Administration.....	6,532,672	6,037,599	5,883,409	6,047,599	5,975,031	-557,641	-62,568
Administrative Provisions							
Section 226 (FY16)							
Medical services.....	1,400,000	---	---	---	---	-1,400,000	---
(Rescission).....	-1,400,000	---	---	---	---	+1,400,000	---

DIVISION A, MILITARY CONSTRUCTION AND VETERANS AFFAIRS, AND RELATED  
AGENCIES APPROPRIATIONS ACT, 2017 (H.R. 4974, H.R. 2577)  
(Amounts in thousands)

	FY 2016 Enacted	FY 2017 Request	House	Senate	Conference Agreement	Conference vs Enacted	Conference vs Request
Medical support and compliance.....	100,000	---	---	---	---	-100,000	---
(Rescission).....	-100,000	---	---	---	---	+100,000	---
Medical facilities.....	250,000	---	---	---	---	-250,000	---
(Rescission).....	-250,000	---	---	---	---	+250,000	---
JIF rescission (Sec. 235).....	-30,000	---	-30,000	-52,000	-40,000	-10,000	-40,000
General rescission (Sec. 236).....	---	---	-337,382	---	-169,000	-169,000	-169,000
General reduction (Sec. 237).....	---	---	-46,618	---	-23,000	-23,000	-23,000
Medical Services (Sec. 217) (rescission).....	---	---	---	-7,246,181	-7,246,181	-7,246,181	-7,246,181
Total. Administrative Provisions.....	-30,000	---	-414,000	-7,298,181	-7,478,181	-7,448,181	-7,478,181
<hr/>							
Total, title II.....	269,795,679	182,079,388	180,600,988	181,925,488	181,425,488	-88,370,191	-653,900
Appropriations.....	(105,788,803)	(11,758,360)	(10,647,342)	(11,656,460)	(11,313,460)	(-94,475,343)	(-444,900)
Rescissions.....	(-1,780,000)	---	(-367,382)	(-52,000)	(-209,000)	(+1,571,000)	(-209,000)
(By transfer).....	(301,000)	(7,535,912)	(7,535,912)	(289,731)	(289,731)	(-11,269)	(-7,246,181)
Advance Appropriations, FY 2018:							
Mandatory.....	(102,515,876)	(103,935,996)	(103,935,996)	(103,935,996)	(103,935,996)	(+1,420,120)	---
Discretionary.....	(63,271,000)	(66,385,032)	(66,385,032)	(66,385,032)	(66,385,032)	(+3,114,032)	---
Advances from prior year appropriations:							
Mandatory.....	---	(102,515,876)	(102,515,876)	(102,515,876)	(102,515,876)	(+102,515,876)	---
Discretionary.....	(58,662,202)	(63,271,000)	(63,271,000)	(63,271,000)	(63,271,000)	(+4,608,798)	---
(Limitation on direct loans).....	(3,452)	(3,017)	(3,017)	(3,017)	(3,017)	(-435)	---
Discretionary.....	(76,023,741)	(78,126,787)	(76,648,387)	(77,972,887)	(77,472,887)	(+1,449,146)	(-653,900)

DIVISION A, MILITARY CONSTRUCTION AND VETERANS AFFAIRS, AND RELATED  
AGENCIES APPROPRIATIONS ACT, 2017 (H.R. 4974, H.R. 2577)  
(Amounts in thousands)

	FY 2016 Enacted	FY 2017 Request	House	Senate	Conference Agreement	Conference vs Enacted	Conference vs Request
Advances from prior year less FY 2018 advances	(-4,608,798)	(-3,114,032)	(-3,114,032)	(-3,114,032)	(-3,114,032)	(+1,494,766)	---
Net discretionary.....	(71,414,943)	(75,012,755)	(73,534,355)	(74,858,855)	(74,358,855)	(+2,943,912)	(-653,900)
Mandatory.....	(193,771,938)	(103,952,601)	(103,952,601)	(103,952,601)	(103,952,601)	(-89,819,337)	---
Advances from prior year less FY 2018 advances	(-102,515,876)	(-1,420,120)	(-1,420,120)	(-1,420,120)	(-1,420,120)	(+101,095,756)	---
Net mandatory.....	(91,256,062)	(102,532,481)	(102,532,481)	(102,532,481)	(102,532,481)	(+11,276,419)	---
Total mandatory and discretionary.....	162,671,005	177,545,236	176,066,836	177,391,336	176,891,336	+14,220,331	-653,900
=====							
TITLE III - RELATED AGENCIES							
American Battle Monuments Commission							
Salaries and expenses.....	105,100	75,100	75,100	75,100	75,100	-30,000	---
Foreign currency fluctuations account.....	2,000	---	---	---	---	-2,000	---
Total, American Battle Monuments Commission.....	107,100	75,100	75,100	75,100	75,100	-32,000	---
U.S. Court of Appeals for Veterans Claims							
Salaries and expenses.....	32,141	30,945	30,945	30,945	30,945	-1,196	---

DIVISION A, MILITARY CONSTRUCTION AND VETERANS AFFAIRS, AND RELATED  
AGENCIES APPROPRIATIONS ACT, 2017 (H.R. 4974, H.R. 2577)  
(Amounts in thousands)

	FY 2016 Enacted	FY 2017 Request	House	Senate	Conference Agreement	Conference vs Enacted	Conference vs Request
-----							
Department of Defense - Civil							
Cemeterial Expenses, Army							
Salaries and expenses.....	79,516	70,800	70,800	70,800	70,800	-8,716	---
Armed Forces Retirement Home - Trust Fund							
Operation and maintenance.....	43,300	63,300	41,300	41,300	41,300	-2,000	-22,000
Capital program.....	1,000	1,000	1,000	1,000	1,000	---	---
Payment from General Fund.....	20,000	---	22,000	22,000	22,000	+2,000	+22,000
	-----	-----	-----	-----	-----	-----	-----
Total, Armed Forces Retirement Home.....	64,300	64,300	64,300	64,300	64,300	---	---
	=====	=====	=====	=====	=====	=====	=====
Total, title III.....	283,057	241,145	241,145	241,145	241,145	-41,912	---
	=====	=====	=====	=====	=====	=====	=====
TITLE IV - OVERSEAS CONTINGENCY OPERATIONS							
Overseas Contingency Operations							
Navy.....	---	38,409	38,409	---	38,409	+38,409	---
Air Force.....	---	11,440	11,440	---	11,440	+11,440	---
	-----	-----	-----	-----	-----	-----	-----
Subtotal.....	---	49,849	49,849	---	49,849	+49,849	---

DIVISION A, MILITARY CONSTRUCTION AND VETERANS AFFAIRS, AND RELATED  
AGENCIES APPROPRIATIONS ACT, 2017 (H.R. 4974, H.R. 2577)  
(Amounts in thousands)

	FY 2016 Enacted	FY 2017 Request	House	Senate	Conference Agreement	Conference vs Enacted	Conference vs Request
<hr/>							
European Reassurance Initiative							
Army.....	---	18,900	18,900	---	18,900	+18,900	---
Navy.....	---	21,400	21,400	---	21,400	+21,400	---
Air Force.....	---	68,300	68,300	---	68,280	+68,280	-20
Defense-Wide.....	---	5,000	5,000	---	5,000	+5,000	---
Subtotal.....	---	113,600	113,600	---	113,580	+113,580	-20
<hr/>							
Counterterrorism Support							
Air Force.....	---	9,000	8,551	---	8,571	+8,571	-429
Total, title IV.....	---	172,449	172,000	---	172,000	+172,000	-449
<hr/>							
Grand total.....	278,249,736	189,937,038	188,708,133	190,096,633	189,564,633	-88,685,103	-372,405
Appropriations.....	(114,614,680)	(19,443,561)	(18,751,712)	(20,027,228)	(19,588,267)	(-95,026,413)	(+144,706)
Rescissions.....	(-2,151,820)	---	(-536,607)	(-251,623)	(-516,662)	(+1,635,158)	(-516,662)
Advance appropriations, FY 2018.....	(165,786,876)	(170,321,028)	(170,321,028)	(170,321,028)	(170,321,028)	(+4,534,152)	---
Overseas contingency operations.....	---	(172,449)	(172,000)	---	(172,000)	(+172,000)	(-449)
Advances from prior year appropriations.....	(58,662,202)	(165,786,876)	(165,786,876)	(165,786,876)	(165,786,876)	(+107,124,674)	---

DIVISION A, MILITARY CONSTRUCTION AND VETERANS AFFAIRS, AND RELATED  
AGENCIES APPROPRIATIONS ACT, 2017 (H.R. 4974, H.R. 2577)  
(Amounts in thousands)

	FY 2016 Enacted	FY 2017 Request	House	Senate	Conference Agreement	Conference vs Enacted	Conference vs Request
(By transfer).....	(301,000)	(7,535,912)	(7,535,912)	(289,731)	(289,731)	(-11,269)	(-7,246,181)
(Transfer out).....	(-301,000)	(-289,731)	(-289,731)	(-289,731)	(-289,731)	(+11,269)	---
(Limitation on direct loans).....	(3,452)	(3,017)	(3,017)	(3,017)	(3,017)	(-435)	---

DIVISION B—ZIKA RESPONSE AND  
PREPAREDNESS APPROPRIATIONS

The Act includes \$1,108,094,000 in fiscal year 2016 appropriations for Zika response and preparedness. These funds will provide the Department of Health and Human Services and Department of State, and the U.S. Agency for International Development, with additional resources to combat the Zika virus.

Within the funds provided for Centers for Disease Control and Prevention (CDC), a robust level of funding is intended to support mosquito control efforts conducted by State, county, or municipal programs, including mosquito control districts. CDC should consider the risk of active or local transmission of the Zika virus when allocating such funds.

The Secretary of Health and Human Services is encouraged to update the Healthcare Common Procedure Coding System to account for specific coding requirements and

adequate reimbursement rates for Zika diagnostic tests recognized by the Food and Drug Administration.

Funds provided in the fifth proviso under the Public Health and Social Services Emergency Fund shall be administered by the Centers for Medicare and Medicaid Services to reimburse for costs of health conditions related to the Zika virus.

A table displaying additional detail for the funding in division B follows:

DIVISION B: ZIKA RESPONSE AND PREPAREDNESS APPROPRIATIONS ACT, 2016  
(Amounts in Thousands)

	FY 2016 Request	House	Senate	Final	Final vs. Request
-----					
DEPARTMENT OF HEALTH AND HUMAN SERVICES					
Food and Drug Administration					
Salaries and Expenses (emergency).....	10,000	---	---	---	-10,000
TITLE I					
DEPARTMENT OF HEALTH AND HUMAN SERVICES					
Health Resources and Services Administration					
Primary Health Care (emergency).....	---	---	40,000	---	---
Health Workforce (emergency).....	---	---	6,000	---	---
Maternal and Child Health (emergency).....	---	---	5,000	---	---
-----					
Total, Health Resources and Services.....	---	---	51,000	---	---



DIVISION B: ZIKA RESPONSE AND PREPAREDNESS APPROPRIATIONS ACT, 2016  
(Amounts in Thousands)

	FY 2016 Request	House	Senate	Final	Final vs. Request
-----					
Centers for Disease Control and Prevention					
CDC-Wide Activities and Program Support.....	---	170,000	---	---	---
(emergency).....	828,000	---	449,000	394,000	-434,000
Subtotal, CDC-Wide activities and programs.....	828,000	170,000	449,000	394,000	-434,000
-----					
National Institutes of Health					
National Institute of Allergy and Infectious Diseases (emergency).....	130,000	230,000	200,000	152,000	+22,000
-----					
Office of the Secretary					
Public Health and Social Services Emergency Fund (emergency) 1/ .....	295,000	103,000	150,000	387,000	+92,000

DIVISION B: ZIKA RESPONSE AND PREPAREDNESS APPROPRIATIONS ACT, 2016  
(Amounts in Thousands)

	FY 2016 Request	House	Senate	Final	Final vs. Request
<hr/>					
General Provisions					
Centers for Medicare and Medicaid Services: Emergency					
Increase in Territorial Medicaid FMAP (CBO					
estimate)2/.....	157,000	---	---	---	-157,000
	=====	=====	=====	=====	=====
Total, Title I.....	1,410,000	503,000	850,000	933,000	-477,000
	=====	=====	=====	=====	=====
TITLE II					
DEPARTMENT OF STATE					
Administration of Foreign Affairs					
Diplomatic and Consular Programs (emergency).....	14,594	9,100	14,594	14,594	---
Emergencies in the Diplomatic and Consular Service					
(emergency).....	4,000	---	4,000	4,000	---
Repatriation Loans Program Account, Direct loans					
subsidy (emergency).....	1,000	---	1,000	1,000	---

DIVISION B: ZIKA RESPONSE AND PREPAREDNESS APPROPRIATIONS ACT, 2016  
(Amounts in Thousands)

	FY 2016 Request	House	Senate	Final	Final vs. Request
-----					
UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT					
Funds Appropriated to the President					
Operating Expenses, USAID (emergency).....	10,000	10,000	10,000	10,000	---
BILATERAL ECONOMIC ASSISTANCE					
Funds Appropriated to the President					
Global Health Programs.....	---	100,000	---	---	---
(emergency).....	325,000	---	211,000	145,500	-179,500
-----					
Subtotal, Global health programs.....	325,000	100,000	211,000	145,500	-179,500
International Security Assistance					
Nonproliferation, Anti-terrorism, Demining, and Related Programs (emergency).....	8,000	---	4,000	---	-8,000

DIVISION B: ZIKA RESPONSE AND PREPAREDNESS APPROPRIATIONS ACT, 2016  
(Amounts in Thousands)

	FY 2016 Request	House	Senate	Final	Final vs. Request
-----					
Multilateral Assistance					
International Organizations and Programs (emergency) ..	13,500	---	13,500	---	-13,500
General Provisions--This Title					
USAID Operating expenses (rescission) (emergency) 3/..	---	---	-10,000	---	---
	=====	=====	=====	=====	=====
Total, Title II.....	376,094	119,100	248,094	175,094	-201,000
	=====	=====	=====	=====	=====
GENERAL PROVISIONS - THIS ACT					
Unobligated balances (Public Law 113-235) (rescission) (emergency) .....	---	-352,100	---	---	---

DIVISION B: ZIKA RESPONSE AND PREPAREDNESS APPROPRIATIONS ACT, 2016  
(Amounts in Thousands)

	FY 2016 Request	House	Senate	Final	Final vs. Request
Nonrecurring expenses fund unobligated balances (Public Law 110-161) (rescission).....	---	-270,000	---	---	---
Total, General Provisions.....	---	-622,100	---	---	---
GRAND TOTAL.....	1,796,094	---	1,098,094	1,108,094	-688,000
Appropriations.....	---	(270,000)	---	---	---
Emergency appropriations.....	(1,796,094)	(352,100)	(1,108,094)	(1,108,094)	(-688,000)
Rescissions.....	---	(-622,100)	---	---	---
Rescissions of Emergency funding.....	---	(-352,100)	(-10,000)	---	---

1/ Includes \$46M for Primary Health Services in Puerto Rico and other territories, of which \$6M is used for the National Health Service Corps

2/ OMB estimate is \$246M. FMAP is Federal Medical Assistance Percentage

3/ A rescission of \$7.522M is included in division D of this Act

DIVISION C—CONTINUING  
APPROPRIATIONS ACT, 2017

The Act includes the “Continuing Appropriations Act, 2017” as division C.

Section 145 of division C includes an additional \$500,000,000 for fiscal year 2016 for the Community Planning and Development, Community Development Fund, for activities related to major disasters. The Secretary of Housing and Urban Development shall publish on a public website information accounting for how all grant funds are used, including the award and expenditure of funds. The Secretary shall update the information on the website on a monthly basis through December 31, 2016, and on a quarterly basis thereafter.

DIVISION D—RESCISSIONS OF FUNDS

The Act includes \$400,001,198 in budgetary savings for fiscal year 2016, as follows:

\$10,000,000 is rescinded from unobligated balances of “Department of Commerce, Economic Development Administration, Economic Development Assistance Programs”;

\$13,000,000 is rescinded from unobligated balances of “Department of Commerce, National Oceanic and Atmospheric Administration, Operations, Research, and Facilities”;

\$279,045 is rescinded from unobligated balances of “Department of Homeland Security, Departmental Management and Operations, Office of the Secretary and Executive Management”;

\$39,246 is rescinded from unobligated balances of “Department of Homeland Security, U.S. Customs and Border Protection, Salaries and Expenses”;

\$48,075,920 is rescinded from “Department of Homeland Security, United States Coast Guard, Acquisition, Construction, and Improvements”;

\$731,790 is rescinded from unobligated balances of “Department of Homeland Security, Federal Emergency Management Agency, Administrative and Regional Operations”;

\$168,100,000 is rescinded from unobligated amounts available under section 1323(c)(1) of the Patient Protection and Affordable Care Act;

\$7,522,000 is rescinded from unobligated balances of Ebola response and preparedness funds under “Operating Expenses” of the U.S. Agency for International Development;

\$109,478,000 is rescinded from unobligated balances of Ebola response and preparedness funds under “Bilateral Economic Assistance, Funds Appropriated to the President”;

\$5,375,197 is rescinded from unobligated balances of “Department of Transportation, Federal Aviation Administration, Facilities and Equipment”; and

\$37,400,000 is rescinded from unobligated balances of the Department of Transportation provided under section 108 of Public Law 101-130.

SURFACE TRANSPORTATION AND  
MARITIME SECURITY ACT

Mr. BOOKER. Mr. President, yesterday I joined my colleagues Senators NELSON, THUNE, and FISCHER in introducing the Surface Transportation and Maritime Security Act. The security of our Nation’s ports and rail and surface transportation systems is critical to the daily lives of Americans, as well as to the health of our national economy. I thank my colleagues for joining together on this important legislation and hope that it leads to improved safety for our country.

This legislation comes months after the tragic attack on the Brussels

metro and airport which killed 35 and injured over 300, and it comes just days after explosives were detonated in New Jersey and New York, threatening the lives of thousands. The sad reality is that attacks like these occur, and we must do more to protect our citizens.

The fact is mass transit and rail systems are challenging to secure. Meeting this challenge requires us to have a strategy in place that recognizes the evolving threats to surface networks and puts sufficient resources in place to match those risks. Currently, less than 2 percent of the Transportation Security Administration’s, TSA, budget and staff are dedicated to protecting surface transportation networks. While the Federal role has been to support and oversee State and local efforts to secure transit and other surface networks, we need to ask ourselves whether we are doing enough to protect passengers.

The Surface Transportation and Maritime Security Act requires the TSA Administrator to implement risk-based security plans for surface transportation in order to ensure resources are being driven to the most high-risk places. The bill directs TSA to conduct careful analysis to consider risks and provide mitigation strategies using information from global terrorist attacks. Additionally, I thank my colleagues for working with me to include language to the bill that will authorize more bomb-sniffing canines to be utilized to deter threats in our railroad networks and surface transportation. The bill also helps improve the screening of maritime workers and includes further measures to reform and improve port security. The bill includes several other important provisions that will yield new data to help inform future security needs. The bill is a product of compromise with my colleagues, and we will also need to work with our appropriator colleagues to ensure TSA has the resources to take these important security measures.

Again I thank my esteemed colleagues for partnering together on this legislation.

GROWTH DISORDER AWARENESS  
WEEK

Mr. MENENDEZ. Mr. President, today, on behalf of every child currently living with a growth disorder, I wish to recognize this week—September 19 through 23, 2016—as Growth Disorder Awareness Week.

A child’s growth is a strong indicator of that child’s overall health status. According to the Pictures of Standard Syndromes and Undiagnosed Malformations, POSSUM, database, more than 600 serious diseases and health conditions can cause growth failure. These diseases range from nutritional disturbances and hormone imbalances, to far more serious conditions that affect the kidneys or even lead to brain tumors. While these conditions affect a child’s growth progress, a stunning 48

percent of children with the most common growth disorders go undiagnosed. To make matters worse, the longer a child with growth failure goes undiagnosed, the greater the potential for long-term health issues and higher costs of treatment. Early detection and diagnosis are, therefore, critical to ensuring a healthy future for these children.

This week, as we recognize Growth Disorder Awareness Week, I want to applaud the MAGIC Foundation for the tremendous work they do to further public awareness of growth failure and to improve the lives and health of the children whom they affect.

100TH ANNIVERSARY OF THE  
KIWANIS CLUB OF MILWAUKEE

Ms. BALDWIN. Mr. President, today I wish to recognize the 100th anniversary of the Kiwanis Club of Milwaukee. Over the past 100 years, the club and its members have served the families and children of Milwaukee through countless hours of service and commitment meant to better the community. This year, as they celebrate their 100th anniversary, I wish to honor their philanthropic achievements and dedication to this great Wisconsin city.

Founded in 1916 as a charter club, the Kiwanis Club of Milwaukee was the 23rd chapter founded in the United States and is now one of 8,309 worldwide. Although one of many around the globe, the Milwaukee Club has set itself apart through its 100-year tradition of service and advocacy on behalf of Milwaukee children.

One of the first projects members embraced in 1917 was providing coal for families in need. In 1939, they opened a Gaenslen School for handicapped children, and 20 years later, in 1959, they established a Boy Scout troop for 30 handicapped boys. Continuing their aid to children, in 1977, the club started a Children’s Center for Curative Rehabilitation. Elsewhere in their community, they sponsored and directed Milwaukee’s first river clean-up in 1982 and established the Kiwanis Landing community fishing area in 2010. The common thread in all these important programs was creating opportunities for children, regardless of their circumstances.

In all their efforts, Kiwanis members strive to improve the quality of life for all Milwaukee residents. In 2015, they conducted vision tests at 37 Milwaukee public schools, serving 5,550 children. Additionally, they served meals to more than 750 children and their families at the Ronald McDonald House. The Kiwanis Club of Milwaukee has spent countless hours tutoring children in Milwaukee public schools, as well as helping guide college students in organizing volunteer programs at three local colleges. Throughout the year, the club collects items such as hats, mittens, gloves, and personal hygiene products for homeless children, and they work to replenish local food banks.

In honor of their 100th anniversary, the club has taken on additional service projects that revolve around the number 100, including providing 100 Thanksgiving meals, donating 100 backpacks to children in foster care, planting 100 native trees, donating 100 flowering mums to single mothers, and donating 100 U.S. flags to schools and nonprofits.

It is heartwarming to think of the vast number of children and families club members have helped during their 100 years of service. They deserve to be proud of the significant difference they have made in the lives of individuals in need and the collective impact they have had on their community as a whole.

The Kiwanis Club of Milwaukee is a truly wonderful, deserving organization. Members work hard every day to help the world become a better place—one child at a time. I am excited to see what the future holds for this exemplary organization and the families it serves.

#### ADDITIONAL STATEMENTS

##### TRIBUTE TO JOAN ELIEL

• Mr. DAINES. Mr. President, I would like to recognize Joan Eliel, investigator/program specialist with the Montana Department of Justice for receiving one of three 2016 Outstanding Crime Victim Advocate of the Year awards. Joan is a dedicated public servant who has been a key DOJ employee for Attorneys General McGrath, Bullock, and Fox covering 14 years.

Confederated Salish and Kootenai Tribal Court chief judge, Winona Tanner, nominated Joan for the Outstanding Victim Advocate Award due to her leadership as program administrator for Montana's Project Passport, End of Life Registry, and Address Confidentiality Programs. Joan is currently piloting two national projects, including the Hope Card Project, which helps victims of protection order violations on the local, tribal, State, and Federal level. Matthew Dale, director of the Office of Consumer Protection and Victim Services, stated that Joan's work "... is a national model of how Native Americans, the state and the federal government can work together to keep victims safe and hold offenders accountable."

Joan is a true innovator and had dedicated her life to making positive and lasting changes for the victims of domestic violence. I am truly honored to be able to recognize Joan as "Montanan of the Week" for those efforts. Joan is married and the mother of two children and resides in Townsend, MT, in Broadwater County.

Thank you, Joan, for your service, not only to the people of Montana, but our entire Nation. I look forward to hearing about the next innovative work you will lead on and the success of your current projects.●

##### TRIBUTE TO KATHLEEN LYNN SCHAEFFER AND ARVELLA JERGENSEN

• Mr. HELLER. Mr. President, today I wish to congratulate Kathleen Lynn Schaeffer and Arvella Jergesen on receiving the Presidential Awards for Excellence in Mathematics and Science Teaching. These awards are truly prestigious, attained by only the most influential educators across the country. The Silver State is fortunate to have both of these successful teachers working at local schools.

The Presidential Awards for Excellence in Mathematics and Science Teaching are considered the Nation's highest honor for kindergarten through high school mathematics and science educators. These teachers stand as role models to their colleagues and are dedicated to the success of America's future generations, particularly in encouraging students to pursue science, technology, engineering, and math. These educators go above and beyond in their local schools to implement unique, high-quality curriculum to help students excel in their learning. I am thankful to both Ms. Schaeffer and Mrs. Jergesen for their invaluable educational contributions.

Ms. Schaeffer has played an influential role in the lives of students since she started working for the Clark County School District in 1988. As a member of the original staff that opened Bob Miller Middle School, BM, in Henderson, NV, she truly made an everlasting impression on its faculty, staff, and student body. During her time at BM, she established and directed the annual Bobcat Institute to assist each year's sixth grade class through their transition into middle school. Ms. Schaeffer was recognized most for her technology-based teaching methods that triggered educational growth for all of her students. Currently, Ms. Schaeffer works for the Clark County School District and was recently selected to attend the Foundations of Global Education International Research and Exchanges, where she participated in a fellowship in India. Ms. Schaeffer's teaching methods have proven to be truly beneficial to many Clark County School District students. Ms. Schaeffer's work is truly commendable.

Mrs. Jergesen has taught at Fernley Intermediate School, FIS, for 15 years. She is the anchor of the school's sixth grade math and science team, chairperson of FIS's School Improvement Plan program, and coach of the school's Academic Olympic Team. Mrs. Jergesen is also a pivotal resource that brings guest speakers and educational workshops to FIS that foster students to participate in unique, hands-on learning experiences. Mrs. Jergesen is an outstanding teacher who is dedicated to ensuring all her students succeed. She is highly respected within her community and is very deserving of this award. Mrs. Jergesen's dedication is greatly appreciated in Fernley and throughout the rest of Nevada.

As a father of four children who attended Nevada's public schools and as the husband of a teacher, I understand the important role that teachers play in enriching the lives of Nevada's students. Ensuring that America's youth are prepared to compete in the 21st century is critical for the future of our country. The State of Nevada is fortunate to be home to educators such as Ms. Schaeffer and Mrs. Jergesen.

I ask my colleagues and all Nevadans to join me in thanking Ms. Schaeffer and Mrs. Jergesen for their dedication to enriching the lives of Nevada's students and in congratulating them on receiving this incredible award. I wish them well in all of their future endeavors and in creating success for all students who enter their classrooms.●

##### TRIBUTE TO ALLANA NOYES

• Mr. HELLER. Mr. President, today I wish to recognize one of Nevada's brightest students—Allana Noyes—on being selected as a 2015-2016 recipient of the Fulbright scholarship.

The Fulbright Scholar Program was developed shortly after World War II by former U.S. Senator James William Fulbright to promote the exchange of students in the fields of education, culture, and science. Today the program offers 1,900 grants each year for students to study in various fields in more than 140 countries worldwide. As a highly competitive and prestigious scholarship, thousands of students and young professionals apply from across the country. I am proud to congratulate Ms. Noyes on her achievement. She is a shining example of how hard work leads to success and stands as a role model for future members of the Nevada Wolf Pack.

Ms. Noyes graduated from the University of Nevada, Reno, or UNR, with bachelor's degrees in linguistics, Spanish, and French. Before deciding for multiple degrees at UNR, Ms. Noyes participated in a study abroad program in Puebla, Mexico. After her time in Puebla, Ms. Noyes followed her passion of language and moved to France to study and practice French. Ms. Noyes returned to UNR to pursue her passion in language and continued studying French while taking nearly every Spanish class offered at the university. After completing all of her requirements, Ms. Noyes received her Fulbright scholarship, allowing her to spend a year in Mexico with the Fulbright English Teaching Assistant Program. Ms. Noyes is focusing her efforts on educating students in both Spanish and English, while embedding herself in Mexican culture and lifestyle. After her time in Mexico, Ms. Noyes is expected to enter a graduate program that focuses on translation and creative writing skills. Ultimately, Ms. Noyes plans to become an English and Spanish creative writer and translator.

Today I ask my colleagues to join me in congratulating this exceptional young Nevadan. I am proud to have her

representing both Nevada and UNR as a global ambassador through the Fulbright Scholarship Program. Allana Noyes worked hard for this incredible opportunity, and I wish her the best of luck in her future endeavors.●

#### REMEMBERING PAM HILLERY

● Mr. TESTER. Mr. President, I wish to honor the life of my close friend, Pam Hillery.

On Wednesday, September 14, 2016, Pam passed away, surrounded by her loving family, but leaving behind an unforgettable and inspiring life story. Her legacy is one of tremendous political activism and civic involvement, and it will endure throughout the Treasure State.

Pam, who suffered from amyotrophic lateral sclerosis, ALS, or Lou Gehrig's disease, never let her diagnosis prevent her from lending a helping hand to the community or working tirelessly to improve the lives of those around her. She immersed herself in community service.

Born in Mechanicsburg, PA, in July 1960, Pam graduated high school in Germany in 1978—where her father was stationed with the U.S. Department of Defense—and attended college at the College of William and Mary, eventually gaining her master's degree in environmental studies at the University of Montana. It was there that she met her future husband, Paul. They married in 1989.

In every town or city where they lived, Pam gave back to the community. In Helena, she volunteered for the Solid Waste Task Force, CASA, St. Helena Cathedral, and won a seat on the Helena Citizens Council, in addition to cofounding Trash for Trees.

In Havre, where she and Paul moved in 2000, she volunteered for St. Jude's Catholic Church, the Boys and Girls Club of the Hi-Line, Havre Elementary PTO, Havre-Hill County Crimestoppers, and the Hi-Line/Northern Showcase Concert Association. She served two terms on the city council and launched a run for mayor. Even after being diagnosed with ALS, she remained undaunted. Pam was appointed to a 1-year term on the city council after a council member resigned, but this was not simply a caretaker appointment. Pam was no placeholder. She immediately went into action and launched a sweeping plan to fix the city's decaying streets. After leaving office, Pam was concerned the council was dragging its feet, so she showed up at a meeting. Unable to speak, she had her husband, Paul, read a letter urging prompt action. Still frustrated, she followed up with a letter to the editor.

That was Pam. She never gave up. Pam loved Havre and gave 100 percent of herself to make her community and her State a better place.

Pam is survived by her husband, Paul, their two children Dolan and Caroline, her five siblings, several nieces and nephews, and one great-

nephew. I know that they are grieving, but I hope they find some comfort in the fact that Pam will be remembered by a grateful community that is better off for having been graced with her enduring and cheerful spirit.●

#### MESSAGES FROM THE PRESIDENT

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

#### EXECUTIVE MESSAGES REFERRED

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

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

#### MESSAGES FROM THE HOUSE

At 1:16 p.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 2315. An act to limit the authority of States to tax certain income of employees for employment duties performed in other States.

H.R. 3438. An act to amend title 5, United States Code, to postpone the effective date of high-impact rules pending judicial review.

H.R. 3924. An act to establish in the United States Agency for International Development an entity to be known as the United States Global Development Lab, and for other purposes.

H.R. 3957. An act to amend the Internal Revenue Code of 1986 to temporarily allow expensing of certain costs of replanting citrus plants lost by reason of casualty.

H.R. 4712. An act to direct the Secretary of Homeland Security to provide for an option under the Secure Mail Initiative under which a person to whom a document is sent under that initiative may require that the United States Postal Service obtain a signature from that person in order to deliver the document, and for other purposes.

H.R. 5064. An act to amend the Small Business Act to allow small business development centers to assist and advise small business concerns on relevant cyber security matters, and for other purposes.

H.R. 5094. An act to contain, reverse, and deter Russian aggression in Ukraine, to assist Ukraine's democratic transition, and for other purposes.

H.R. 5147. An act to amend title 40, United States Code, to require restrooms in public buildings to be equipped with baby changing facilities.

H.R. 5461. An act to require the Secretary of the Treasury to submit a report to the appropriate congressional committees on the estimated total assets under direct or indirect control by certain senior Iranian leaders and other figures, and for other purposes.

H.R. 5613. An act to provide for the extension of the enforcement instruction on supervision requirements for outpatient therapeutic services in critical access and small rural hospitals through 2016.

H.R. 5659. An act to amend title XVIII of the Social Security Act with respect to expanding Medicare Advantage coverage for individuals with end-stage renal disease (ESRD).

H.R. 5708. An act to oppose loans at international financial institutions for the Government of Nicaragua, other than to address basic human needs or promote democracy, unless the Government of Nicaragua is taking effective steps to hold free, fair, and transparent elections, and for other purposes.

H.R. 5713. An act to provide for the extension of certain long-term care hospital Medicare payment rules, clarify the application of rules on the calculation of hospital length of stay to certain moratorium-excepted long-term care hospitals, and for other purposes.

H.R. 5859. An act to amend the Homeland Security Act of 2002 to establish the major metropolitan area counterterrorism training and exercise grant program, and for other purposes.

H.R. 5977. An act to direct the Secretary of Transportation to provide to the appropriate committees of Congress advance notice of certain announcements, and for other purposes.

H.R. 5995. An act to strike the sunset on certain provisions relating to the authorized protest of a task or delivery order under section 4106 of title 41, United States Code.

H.R. 6007. An act to amend title 49, United States Code, to include consideration of certain impacts on commercial space launch and reentry activities in a navigable airspace analysis, and for other purposes.

H. R. 6014. An act to allow the Administrator of the Federal Aviation Administration to enter into reimbursable agreements for certain airport projects.

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

H. Con. Res. 122. Concurrent resolution supporting efforts to stop the theft, illegal possession or sale, transfer, and export of tribal cultural items of American Indians, Alaska Natives, and Native Hawaiians in the United States and internationally.

The message also announced that the House agrees to the amendment of the Senate to the bill (H.R. 1475) to authorize a Wall of Remembrance as part of the Korean War Veterans Memorial and to allow certain private contributions to fund that Wall of Remembrance.

The message further announced that the House agrees to the amendment of the Senate to the bill (H.R. 2494) to support global anti-poaching efforts, strengthen the capacity of partner countries to counter wildlife trafficking, designate major wildlife trafficking countries, and for other purposes.

#### ENROLLED BILLS SIGNED

At 4:40 p.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the Speaker has signed the following enrolled bills:

H.R. 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.

### MEASURES REFERRED

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

H.R. 3438. An act to amend title 5, United States Code, to postpone the effective date of high-impact rules pending judicial review; to the Committee on Homeland Security and Governmental Affairs.

H.R. 3924. An act to establish in the United States Agency for International Development an entity to be known as the United States Global Development Lab, and for other purposes; to the Committee on Foreign Relations.

H.R. 4712. An act to direct the Secretary of Homeland Security to provide for an option under the Secure Mail Initiative under which a person to whom a document is sent under that initiative may require that the United States Postal Service obtain a signature from that person in order to deliver the document, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

H.R. 5094. An act to contain, reverse, and deter Russian aggression in Ukraine, to assist Ukraine's democratic transition, and for other purposes; to the Committee on Foreign Relations.

H.R. 5461. An act to require the Secretary of the Treasury to submit a report to the appropriate congressional committees on the estimated total assets under direct or indirect control by certain senior Iranian leaders and other figures, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

H.R. 5613. An act to provide for the extension of the enforcement instruction on supervision requirements for outpatient therapeutic services in critical access and small rural hospitals through 2016; to the Committee on Finance.

H.R. 5659. An act to amend title XVIII of the Social Security Act with respect to expanding Medicare Advantage coverage for individuals with end-stage renal disease (ESRD); to the Committee on Finance.

H.R. 5708. An act to oppose loans at international financial institutions for the Government of Nicaragua, other than to address basic human needs or promote democracy, unless the Government of Nicaragua is taking effective steps to hold free, fair, and transparent elections, and for other purposes; to the Committee on Foreign Relations.

H.R. 5713. An act to provide for the extension of certain long-term care hospital Medicare payment rules, clarify the application of rules on the calculation of hospital length of stay to certain moratorium-excepted long-term care hospitals, and for other purposes; to the Committee on Finance.

H.R. 5859. An act to amend the Homeland Security Act of 2002 to establish the major metropolitan area counterterrorism training and exercise grant program, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

H.R. 6014. An act to allow the Administrator of the Federal Aviation Administration to enter into reimbursable agreements for certain airport projects; to the Committee on Commerce, Science, and Transportation.

### MEASURES PLACED ON THE CALENDAR

The following bills were read the first and second times by unanimous consent, and placed on the calendar:

H.R. 5687. An act to eliminate or modify certain mandates of the Government Accountability Office.

H.R. 5690. An act to ensure the Government Accountability Office has adequate access to information.

### REPORTS OF COMMITTEES

The following reports of committees were submitted:

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

S. 1040. A bill to direct the Consumer Product Safety Commission and the National Academy of Sciences to study the vehicle handling requirements proposed by the Commission for recreational off-highway vehicles and to prohibit the adoption of any such requirements until the completion of the study, and for other purposes (Rept. No. 114-357).

S. 650. A bill to extend the positive train control system implementation deadline, and for other purposes.

### EXECUTIVE REPORTS OF COMMITTEE

The following executive reports of nominations were submitted:

By Mr. MCCAIN for the Committee on Armed Services.

Air Force nomination of Col. Kenneth P. Ekman, to be Brigadier General.

Air Force nomination of Brig. Gen. Jon T. Thomas, to be Major General.

Army nominations beginning with Col. Alfred F. Abramson III and ending with Col. David Wilson, which nominations were received by the Senate and appeared in the Congressional Record on September 6, 2016. (minus 2 nominees: Col. Mario A. R. Diaz; Col. Michael R. Fenzel)

\*Air Force nomination of Gen. John E. Hyten, to be General.

Navy nomination of Rear Adm. Christopher W. Grady, to be Vice Admiral.

Mr. MCCAIN. Mr. President, for the Committee on Armed Services I report favorably the following nomination list which was printed in the RECORD on the date indicated, and ask unanimous consent, to save the expense of reprinting on the Executive Calendar that this nomination lie at the Secretary's desk for the information of Senators.

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

Navy nomination of Thomas M. Hearty, to be Commander.

\*Nomination was reported with recommendation that it be confirmed subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

(Nominations without an asterisk were reported with the recommendation that they be confirmed.)

### 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. WARREN (for herself, Mr. DURBIN, and Mr. SCHATZ):

S. 3380. A bill to amend the Higher Education Act of 1965 to provide for accreditation reform, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. PETERS:

S. 3381. A bill to establish a program to accurately document vehicles that were significant in the history of the United States, and for other purposes; to the Committee on Energy and Natural Resources.

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

S. 3382. A bill to amend title 31, United States Code, to provide for the issuance of Green Bonds and to establish the United States Green Bank, and for other purposes; to the Committee on Finance.

By Mr. ALEXANDER (for himself and Mr. CORKER):

S. 3383. A bill to designate the Federal building and United States courthouse located at 719 Church Street in Nashville, Tennessee, as the "Fred. D. Thompson Federal Building and United States Courthouse"; to the Committee on Environment and Public Works.

By Mr. WYDEN:

S. 3384. A bill to amend the Internal Revenue Code of 1986 to provide a credit for middle-income housing, and for other purposes; to the Committee on Finance.

By Mr. WHITEHOUSE (for himself, Ms. WARREN, and Mr. DURBIN):

S. 3385. A bill to amend title 11 of the United States Code to provide bankruptcy protections for medically distressed debtors, and for other purposes; to the Committee on the Judiciary.

By Mr. BLUNT (for himself and Mrs. MCCASKILL):

S. 3386. A bill to amend title 36, United States Code, to designate May 1 as "Silver Star Service Banner Day"; to the Committee on the Judiciary.

By Mr. COTTON:

S. 3387. A bill to provide for the fast track review of certain generic drugs; to the Committee on Health, Education, Labor, and Pensions.

By Mrs. MURRAY:

S. 3388. A bill to make improvements to certain wildfire and disaster recovery programs of the Federal Government, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

By Mr. HEINRICH:

S. 3389. A bill to authorize State-sponsored multiple employer plans and State payroll deduction savings programs; to the Committee on Finance.

By Mr. DURBIN (for himself and Mr. WICKER):

S. 3390. A bill to ensure that significantly more students graduate college with the international knowledge and experience essential for success in today's global economy through the establishment of the Senator Paul Simon Study Abroad Program in the Department of Education; to the Committee on Health, Education, Labor, and Pensions.

By Mr. REED (for himself, Ms. COLLINS, Mr. COCHRAN, and Mrs. GILLIBRAND):

S. 3391. A bill to reauthorize the Museum and Library Services Act; to the Committee on Health, Education, Labor, and Pensions.

By Mr. ISAKSON (for himself and Mr. CARPER):

S. 3392. A bill to amend title XVIII of the Social Security Act in order to improve the process whereby Medicare Administrative Contractors issue local coverage determinations under the Medicare Program, and for

other purposes; to the Committee on Finance.

## SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

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

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

S. Con. Res. 51. A concurrent resolution expressing the sense of Congress that those who served in the bays, harbors, and territorial seas of the Republic of Vietnam during the period beginning on January 9, 1962, and ending on May 7, 1975, should be presumed to have been exposed to the toxin Agent Orange and should be eligible for all related Federal benefits that come with such presumption under the Agent Orange Act of 1991; to the Committee on Veterans' Affairs.

## ADDITIONAL COSPONSORS

S. 386

At the request of Mr. THUNE, the name of the Senator from Georgia (Mr. ISAKSON) was added as a cosponsor of S. 386, a bill to limit the authority of States to tax certain income of employees for employment duties performed in other States.

S. 613

At the request of Mrs. GILLIBRAND, the name of the Senator from Hawaii (Ms. HIRONO) was added as a cosponsor of S. 613, a bill to amend the Richard B. Russell National School Lunch Act to improve the efficiency of summer meals.

S. 827

At the request of Ms. KLOBUCHAR, the name of the Senator from Vermont (Mr. LEAHY) 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. 1085

At the request of Mrs. MURRAY, the name of the Senator from Washington (Ms. CANTWELL) was added as a cosponsor of S. 1085, a bill to expand eligibility for the program of comprehensive assistance for family caregivers of the Department of Veterans Affairs, to expand benefits available to participants under such program, to enhance special compensation for members of the uniformed services who require assistance in everyday life, and for other purposes.

S. 1473

At the request of Mr. MARKEY, the name of the Senator from Vermont (Mr. SANDERS) was added as a cosponsor of S. 1473, a bill to authorize the appropriation of funds to the Centers for Disease Control and Prevention for conducting or supporting research on firearms safety or gun violence prevention.

S. 1562

At the request of Mr. WYDEN, the name of the Senator from North Da-

kota (Ms. HEITKAMP) was added as a cosponsor of S. 1562, a bill to amend the Internal Revenue Code of 1986 to reform taxation of alcoholic beverages.

S. 1714

At the request of Mr. MANCHIN, the name of the Senator from Alaska (Mr. SULLIVAN) was added as a cosponsor of S. 1714, a bill to amend the Surface Mining Control and Reclamation Act of 1977 to transfer certain funds to the Multiemployer Health Benefit Plan and the 1974 United Mine Workers of America Pension Plan, and for other purposes.

S. 2028

At the request of Mr. PAUL, the name of the Senator from Hawaii (Ms. HIRONO) was added as a cosponsor of S. 2028, a bill to amend the Federal Credit Union Act, to advance the ability of credit unions to promote small business growth and economic development opportunities, and for other purposes.

S. 2066

At the request of Mr. SASSE, the name of the Senator from Georgia (Mr. ISAKSON) was added as a cosponsor of S. 2066, a bill to amend title 18, United States Code, to prohibit a health care practitioner from failing to exercise the proper degree of care in the case of a child who survives an abortion or attempted abortion.

S. 2071

At the request of Mr. CRAPO, the name of the Senator from Colorado (Mr. BENNET) was added as a cosponsor of S. 2071, a bill to amend title XVIII of the Social Security Act to modernize payments for ambulatory surgical centers under the Medicare program, and for other purposes.

S. 2216

At the request of Ms. COLLINS, the name of the Senator from West Virginia (Mrs. CAPITO) 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. 2253

At the request of Mr. BLUMENTHAL, the name of the Senator from Washington (Mrs. MURRAY) was added as a cosponsor of S. 2253, a bill to amend title 38, United States Code, to provide veterans affected by closures of educational institutions certain relief and restoration of educational benefits, and for other purposes.

S. 2385

At the request of Mr. COONS, the names of the Senator from Ohio (Mr. PORTMAN) and the Senator from Oregon (Mr. MERKLEY) were added as cosponsors of S. 2385, a bill to strengthen protections for the remaining populations of wild elephants, rhinoceroses, and other imperiled species through country-specific anti-poaching efforts and anti-trafficking strategies, to promote the value of wildlife and natural resources, to curtail the demand for illegal wildlife products in consumer countries, and for other purposes.

S. 2420

At the request of Mr. BLUMENTHAL, the name of the Senator from Massachusetts (Ms. WARREN) was added as a cosponsor of S. 2420, a bill to amend the Food and Nutrition Act of 2008 to modify the exception to the work requirement.

S. 2424

At the request of Mr. PORTMAN, the name of the Senator from Georgia (Mr. ISAKSON) was added as a cosponsor of S. 2424, a bill to amend the Public Health Service Act to reauthorize a program for early detection, diagnosis, and treatment regarding deaf and hard-of-hearing newborns, infants, and young children.

S. 2628

At the request of Mr. COONS, the name of the Senator from Massachusetts (Ms. WARREN) was added as a cosponsor of S. 2628, a bill to authorize the National Emergency Medical Services Memorial Foundation to establish a commemorative work in the District of Columbia and its environs, and for other purposes.

S. 2680

At the request of Mr. ALEXANDER, the names of the Senator from Iowa (Mrs. ERNST) and the Senator from New Hampshire (Mrs. SHAHEEN) were added as cosponsors of S. 2680, a bill to amend the Public Health Service Act to provide comprehensive mental health reform, and for other purposes.

S. 2841

At the request of Mr. BOOKER, the name of the Senator from Maryland (Mr. CARDIN) was added as a cosponsor of S. 2841, a bill to amend the Outer Continental Shelf Lands Act to prohibit oil-, gas-, and methane hydrate-related seismic activities in the North Atlantic, Mid-Atlantic, South Atlantic, and Straits of Florida planning areas of the outer Continental Shelf, and for other purposes.

S. 2892

At the request of Ms. STABENOW, the names of the Senator from Mississippi (Mr. WICKER), the Senator from Michigan (Mr. PETERS) and the Senator from Vermont (Mr. SANDERS) were added as cosponsors of S. 2892, a bill to accelerate the use of wood in buildings, especially tall wood buildings, and for other purposes.

S. 2912

At the request of Mr. JOHNSON, the name of the Senator from Kentucky (Mr. PAUL) 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. 2979

At the request of Mr. WYDEN, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S. 2979, a bill to amend the Federal Election Campaign Act of 1971 to require candidates of major parties for the office of President to disclose recent tax return information.

S. 3056

At the request of Mr. LEAHY, the names of the Senator from Illinois (Mr. DURBIN) and the Senator from Arkansas (Mr. COTTON) were added as cosponsors of S. 3056, a bill to provide for certain causes of action relating to delays of generic drugs and biosimilar biological products.

S. 3130

At the request of Mr. MARKEY, the name of the Senator from New York (Mrs. GILLIBRAND) was added as a cosponsor of S. 3130, a bill to amend title XVIII of the Social Security Act to provide for a permanent independence at Home medical practice program under the Medicare program.

S. 3179

At the request of Ms. HEITKAMP, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 3179, a bill to amend the Internal Revenue Code of 1986 to improve and extend the credit for carbon dioxide sequestration.

S. 3223

At the request of Mrs. MURRAY, the name of the Senator from Wisconsin (Ms. BALDWIN) was added as a cosponsor of S. 3223, a bill to increase funding to reduce opioid use disorders and overdose, and for other purposes.

S. 3242

At the request of Ms. AYOTTE, the name of the Senator from Missouri (Mr. BLUNT) was added as a cosponsor of S. 3242, a bill to amend the Internal Revenue Code of 1986 to provide the opportunity for responsible health savings to all American families.

S. 3260

At the request of Mr. INHOFE, the name of the Senator from South Dakota (Mr. ROUNDS) was added as a cosponsor of S. 3260, a bill to provide liability protection for volunteer pilots who fly for the public benefit, and for other purposes.

S. 3308

At the request of Mrs. CAPITO, the name of the Senator from Kansas (Mr. MORAN) was added as a cosponsor of S. 3308, a bill to amend title XVIII of the Social Security Act to prohibit prescription drug plan sponsors and MA-PD organizations under the Medicare program from retroactively reducing payment on clean claims submitted by pharmacies.

S. 3367

At the request of Mr. RUBIO, his name was added as a cosponsor of S. 3367, a bill to authorize the Secretary of Veterans Affairs to carry out certain major medical facility leases of the Department of Veterans Affairs.

S. 3379

At the request of Mr. THUNE, the name of the Senator from Connecticut (Mr. BLUMENTHAL) was added as a cosponsor of S. 3379, a bill to improve surface transportation and maritime security.

S.J. RES. 32

At the request of Mr. MURPHY, the name of the Senator from Ohio (Mr.

BROWN) was added as a cosponsor of S.J. Res. 32, a joint resolution to provide limitations on the transfer of certain United States munitions from the United States to Saudi Arabia.

#### STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. PETERS:

S. 3381. A bill to establish a program to accurately document vehicles that were significant in the history of the United States, and for other purposes; to the Committee on Energy and Natural Resources.

Mr. PETERS. Mr. President, few American innovations have changed the modern world like the automobile. Cars and trucks are now woven into the very fabric of American life and culture. As a Senator from the State of Michigan, as well as a car and motorcycle enthusiast, I am especially proud of our State's leading role in the American auto industry.

The history of the automobile is really a history of American workers, innovators, and entrepreneurs, and it must be preserved. Right before me are two pictures of two really iconic vehicles, vehicles such as the 1964 Shelby Cobra at the top and a 1967 Chevrolet Camaro. These two cars helped spark a lifelong love of cars for millions of Americans. Fifty years later, these vehicles still inspire today's innovators and engineers as they work to develop cars and trucks of the future to be smarter, safer, more reliable, and more efficient than ever before. However, there is currently no dedicated Federal register to document historically significant automobiles, motorcycles, trucks, and commercial vehicles for future generations of Americans to appreciate and to enjoy.

Today I am introducing the National Historic Vehicle Register Act, which will establish a Federal register of historic vehicles and document and preserve records of these vehicles for our Nation's history. This legislation will ensure that the engineering drawings, photos, and stories of historically important vehicles will be available to inspire Americans and celebrate the accomplishments of the American auto industry.

The National Historic Vehicle Register Act would build on efforts of the Historic Vehicle Association to help document and preserve the legacy of some of our most historic vehicles. I recently had the opportunity to see two of the autos that have already been documented by the Historic Vehicle Association. I saw this vehicle right here at the bottom. This is President Taft's 1909 White Steam Car. It was the very first Presidential limousine. It is a beautiful and fascinating example of steam car technology from the early days of the automobile and could reach astonishing speeds up to 60 miles an hour. In addition to being a pleasant way to get around, President Taft's use of automobiles helped encourage other

Americans to adopt the new technology as their favorite mode of transportation.

I also had the honor to see the Jeep up on the top photo, which is President Reagan's 1962 Willys Jeep CJ-6. It was a Christmas gift from his wife Nancy. Standing next to the Jeep, I could not help but have a vivid picture of President Reagan driving it on his ranch in California, often accompanied by his dogs Lucky, Freebo, and Victory. The register would work to preserve these memories, with members of the historic vehicles community selecting automobiles and motorcycles to include in the register and establishing collaborative partnerships to carry out the register's activities.

Our Nation's rich automotive history belongs to the American people, and it is worthy of its own dedicated register. I look forward to working with my Senate colleagues, the historic vehicle community, and car enthusiasts across the country to preserve our motor heritage.

By Mr. DURBIN (for himself and Mr. WICKER):

S. 3390. A bill to ensure that significantly more students graduate college with the international knowledge and experience essential for success in today's global economy through the establishment of the Senator Paul Simon Study Abroad Program in the Department of Education; to the Committee on Health, Education, Labor, and Pensions.

Mr. DURBIN. Mr. President, throughout his life, the late Senator Paul Simon believed that for the United States to be a true world leader, our country and its citizens needed to strengthen our international understanding. In a 1995 floor speech, he posed the question "Can someone really be considered educated if, upon graduation as an engineer or physician or teacher or journalist or accountant or architect, he or she does not have the most minimal understanding of the rest of the world?" At the heart of this question was his aspiration for our country to become more internationally aware.

Following the horrific attacks of September 11, 2001—an event that is now 15 years in our past, Senator Simon shared his vision of a world in which peace and security is fostered through mutual understanding and global awareness. He believed the best way to develop this understanding and awareness was through fully immersing oneself in another culture. Senator Simon saw that the opportunity for this already existed on college campuses through study abroad programs. Study abroad helps students make a connection with another part of the world and begin to develop insight into the perspectives of other nations. By exposing young adults to study abroad, today's students will become more globally aware future leaders.

Unfortunately, as a country, we are falling short of achieving the great vision set forth by Senator Simon. Currently, less than 2 percent of enrolled post-secondary students in the United States study abroad. Furthermore, the students who do study abroad are not reflective of post-secondary enrollment in the United States. Minority students, first generation college students, and community college students are significantly underrepresented among those who do study abroad. These groups of students disproportionately lose out on the remarkable educational opportunities that come along with studying abroad—engaging with other cultures, enhancing foreign language skills, and expanding international knowledge through firsthand experience.

Further, the students who study abroad do so overwhelmingly in just one part of the world. Of all students who study abroad, 40 percent study in just four countries: the United Kingdom, Italy, Spain, and France. An additional 13 percent study in other European countries, meaning that over half of all U.S. students who study abroad do so in Europe. Europe has many valuable and important educational experiences to offer American students. But, increasing the diversity of study abroad destinations allows students to expand their horizons and make connections that will help them develop a global perspective and deeper understanding of the challenges we face in the 21st Century.

In 2004, Congress took the first step towards expanding study abroad when it authorized the Commission on Abraham Lincoln Study Abroad Fellowship Program to provide recommendations to Congress and the President on expanding study abroad programs.

Today, I am honored to carry on the vision laid out by Senator Simon as Senator WICKER and I introduce the Senator Paul Simon Study Abroad Program Act. This legislation takes an important step towards making the vision of Senator Simon a reality based on the recommendations made by the Abraham Lincoln Study Abroad Commission.

It establishes a competitive grant program for institutions of higher education to encourage the sustainable expansion of study abroad opportunities for students in the United States. Over the next 10 years, this grant program aims to increase the overall number of undergraduate students studying abroad each year to one million students. It will place a special emphasis on increasing opportunities for nontraditional and minority students, so that the demographics of students who study abroad more closely reflect the population of current undergraduate students.

This bill will also emphasize getting students to study abroad in nontraditional destinations particularly in developing countries. We need to send more students to developing nations

because these are the places that America needs to better understand—countries in Africa, Asia, Latin America, South America, and the Middle East. This legislation takes important steps toward expanding and diversifying participation in study abroad.

I am pleased that several organizations have endorsed this bill including the American Public and Land-grant Universities, Association of International Educators, Partners of the Americas, American Council on Education, the American Association of Community Colleges, the Forum on Education Abroad, the Hispanic Association of Colleges and Universities, and the Association of American Universities.

In today's global society, an undergraduate education that includes a meaningful study abroad experience is more important than ever. Expanded participation in study abroad is necessary to prepare the next generation of Americans with the global knowledge and skills needed for success in an increasingly interconnected world. I thank Senator WICKER for standing with me in this effort and I hope my colleagues will join us.

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

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

S. 3390

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE.

This Act may be cited as the “Senator Paul Simon Study Abroad Program Act of 2016”.

#### SEC. 2. FINDINGS.

Congress makes the following findings:

(1) To prepare students for success in the modern global economy, opportunities for study abroad should be included as part of a well-rounded education.

(2) Study abroad programs provide students with unparalleled access to international knowledge, an unmatched opportunity to learn foreign languages, and a unique environment for developing cultural understanding, all of which are knowledge and skills needed in today's global economy.

(3) Less than 2 percent of all enrolled post-secondary students in the United States study abroad for credit in any given year, and minority students, first generation college students, and community college students are significantly underrepresented in study abroad participation.

(4) Congress authorized the establishment of the Commission on the Abraham Lincoln Study Abroad Fellowship Program pursuant to section 104 of the Miscellaneous Appropriations and Offsets Act, 2004 (division H of Public Law 108-199). Pursuant to its mandate, the Lincoln Commission submitted to Congress and the President a report of its recommendations for greatly expanding the opportunity for students at institutions of higher education in the United States to study abroad, with special emphasis on studying in developing nations.

(5) According to the Lincoln Commission, “[e]xperience shows that leadership from administrators and faculty will drive the number of study abroad participants higher and

improve the quality of programs. Such leadership is the only way that study abroad will become an integral part of the undergraduate experience.”. A competitive grant program is necessary to encourage and support such leadership.

#### SEC. 3. PURPOSES.

The purposes of this Act are—

(1) to ensure that significantly more students have access to quality study abroad opportunities;

(2) to ensure that the diversity of students studying abroad reflects the diversity of students and institutions of higher education in the United States;

(3) to encourage greater diversity in study abroad destinations by increasing the portion of study abroad that takes place in nontraditional study abroad destinations, especially in developing countries; and

(4) to encourage a greater commitment by institutions of higher education to expand study abroad opportunities.

#### SEC. 4. SENATOR PAUL SIMON STUDY ABROAD PROGRAM.

Section 741 of the Higher Education Act of 1965 (20 U.S.C. 1138) is amended—

(1) in subsection (a)—

(A) by redesignating paragraphs (12) and (13) as paragraphs (13) and (14), respectively; and

(B) by inserting after paragraph (11) the following:

“(12) awarding grants under the Senator Paul Simon Study Abroad Program described in subsection (g);” and

(2) by adding at the end the following:

“(g) SENATOR PAUL SIMON STUDY ABROAD PROGRAM.—

“(1) DEFINITIONS.—In this subsection:

“(A) INSTITUTION OF HIGHER EDUCATION.—The term ‘institution of higher education’ has the meaning given the term in section 101(a).

“(B) NATIONAL OF THE UNITED STATES.—The term ‘national of the United States’ means a national of the United States or an alien lawfully admitted for permanent residence (as those terms are defined in section 101 of the Immigration and Nationality Act (8 U.S.C. 1101)).

“(C) NONTRADITIONAL STUDY ABROAD DESTINATION.—The term ‘nontraditional study abroad destination’ means a location that is determined by the Secretary to be a less common destination for students who study abroad.

“(D) STUDENT.—The term ‘student’ means a national of the United States who is enrolled at an institution of higher education located within the United States.

“(E) STUDY ABROAD.—The term ‘study abroad’ means an educational program of study, work, research, internship, or combination thereof that is conducted outside the United States and that carries academic credit.

“(2) SENATOR PAUL SIMON STUDY ABROAD PROGRAM.—

“(A) ESTABLISHMENT.—There is established in the Department a program to be called the ‘Senator Paul Simon Study Abroad Program’.

“(B) OBJECTIVES.—The objectives of the program established under subparagraph (A) are, that not later than 10 years after the date of enactment of the Senator Paul Simon Study Abroad Program Act of 2016—

“(i) not less than 1,000,000 undergraduate students will study abroad annually;

“(ii) the demographics of study abroad participation will reflect the demographics of the United States undergraduate population; and

“(iii) an increasing portion of study abroad will take place in nontraditional study

abroad destinations, with a substantial portion of such increases in developing countries.

“(C) COMPETITIVE GRANTS TO INSTITUTIONS OF HIGHER EDUCATION.—In order to accomplish the objectives set forth in subparagraph (B), the Secretary shall award grants on a competitive basis to institutions of higher education, individually or in a consortium, based on applications by the institutions that—

“(i) set forth detailed plans for using grant funds to further such objectives;

“(ii) include an institutional commitment to expanding access to study abroad;

“(iii) include plans for evaluating progress made in increasing access to study abroad;

“(iv) describe how increases in study abroad participation achieved through the grant will be sustained in subsequent years; and

“(v) demonstrate that the programs have established health and safety guidelines and procedures.

“(D) NONGOVERNMENTAL INSTITUTIONS.—Consortia of institutions of higher education applying for grants described in subparagraph (C) may include nongovernmental institutions that provide and promote study abroad opportunities for students.

“(E) COMMISSION ON THE ABRAHAM LINCOLN STUDY ABROAD FELLOWSHIP PROGRAM.—In administering the program, the Secretary shall take fully into account the recommendations of the Commission on the Abraham Lincoln Study Abroad Fellowship Program, established pursuant to section 104 of the Miscellaneous Appropriations and Offsets Act, 2004 (division H of Public Law 108–199).

“(F) CONSULTATION.—In carrying out this paragraph, the Secretary shall consult with representatives of diverse institutions of higher education, educational policy organizations, and others with appropriate expertise.

“(3) ANNUAL REPORT.—Not later than December 31 of each year following the date of enactment of the Senator Paul Simon Study Abroad Program Act of 2016, the Secretary shall submit to the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Education and the Workforce of the House of Representatives a report on the implementation of this subsection during the prior fiscal year.

“(4) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this subsection such sums as may be necessary for fiscal year 2017 and each subsequent fiscal year.”.

By Mr. REED (for himself, Ms. COLLINS, Mr. COCHRAN, and Mrs. GILLIBRAND):

S. 3391. A bill to reauthorize the Museum and Library Services Act; to the Committee on Health, Education, Labor, and Pensions.

Mr. REED. Mr. President, I am pleased to be joined by Senators COLLINS, COCHRAN, and GILLIBRAND in introducing legislation to renew the law that expands the reach of libraries and museums and enables them to better serve their communities. These vital institutions educate, inform, engage, and connect people from all walks of life.

This year marks several milestones for library and museum programs at the Federal level. Sixty years ago, in 1956, Congress passed legislation to establish the first Federal program of direct support to public libraries, with the goal of expanding access. Forty

years ago, in 1976, Congress established the Institute of Museum Services to provide assistance to museums, including for exhibits and conservation, educational programs, and professional curatorial training. In the following years, the programs were updated and renewed many times to addressing evolving needs for library and museum services. Twenty years ago, in 1996, Congress passed the Museum and Library Services Act, establishing the Institute of Museum and Library Services, IMLS, to house the library and museum programs together for the first time. My predecessor, the late Senator Claiborne Pell, a great champion for expanding educational and cultural opportunities to all communities, was instrumental in passage of this law. The Senate Committee report for this bill noted the “great potential in an Institute that is focused on the combined roles that libraries and museums play in our community life, in support of research, learning, and entertainment, and in support of American culture and history.”

We have seen this borne out over the last 20 years. Through a relatively modest Federal investment, IMLS has helped build capacity to support and expand access to library and museum services at the State and local levels. IMLS has been the source of major Federal support for the full range of libraries, including public, academic, research, special, and tribal libraries—123,000 across the country—and the full range of museums, including art, history, science and technology, children’s, historical societies, tribal, planetariums, botanic gardens, and zoos—35,000 across the country. We have seen access to libraries and museums increase all the while these institutions have striven to meet the ever-evolving needs of their communities.

In Rhode Island, IMLS funding for the grants to States program under the Library Services and Technology Act, LSTA, has supported improved online resources; literacy initiatives, including a summer reading program; and the provision of talking books to residents with visual impairments and disabilities. This year, Providence Public Library was awarded a nearly \$530,000 National Leadership Grant to provide underserved teens with learning opportunities, leading to digital credentials, academic credit, exposure to work, and entry into education and career pathways. IMLS has also supported and elevated the work of Rhode Island museums. I was so pleased that the Tomaquag Museum in Exeter was one of ten recipients nationally to be recognized with a 2016 National Medal for Museum and Library Service. The Providence Children’s Museum and the Preservation Society of Newport County also received grants to support their work this year.

I have been proud to continue the work of Senator Pell in supporting robust funding for libraries and museums and authoring the last two renewals of

the Museum and Library Services Act. I have seen firsthand the impact libraries and museums have had on our communities in Rhode Island and the residents and visitors they serve, making our State stronger because of the services and experiences that these institutions provide.

The museum and library communities have provided invaluable input in helping us craft this bipartisan legislation. I would especially like to thank the Rhode Island library community for hosting me at libraries across the state and convening a roundtable discussion in June to delve deeper into the programs libraries are providing and ways to improve how they serve their communities.

In response to the input and insight offered by the library and museum communities, the bill we are introducing today, the Museum and Library Services Act of 2016, requires the use of data-driven tools to measure the impact and maximize the effectiveness of library and museum services and better tailor services to address and meet community needs. The legislation provides for technical support and assistance to help the library and museum fields with their data collection responsibilities. It also enhances IMLS’s collaborative efforts with an expanded number of Federal agencies in order to fully leverage the benefits libraries and museums provide to Americans.

This legislation also amends LSTA to highlight the role of libraries as community hubs, through services and programming in such areas as literacy, education, lifelong learning, workforce development, economic and business development, digital literacy skills, critical thinking, financial literacy skills, and new and emerging technology. The bill provides greater emphasis on recruiting and training of the next generation of library and information science professionals from diverse and underrepresented backgrounds. Additionally, it seeks to focus leadership grant funds on activities that serve a range of library types and geographically diverse areas; have evaluation, analysis, and dissemination components; and involve, impact, or have future applicability in libraries.

In 1964, when signing an expansion of library programs into law, President Lyndon Baines Johnson remarked, “Libraries are not just for the young and the curious about an exciting world. They are not just for our youth preparing for their careers. They are not just for busy people looking for information to do their jobs. Libraries are for everyone and therein lies their real value.” The changes we are contemplating in this reauthorization bill are designed to continue fulfilling this promise and update the law not only to account for activities that are currently underway but also to look ahead and provide flexibility for libraries to constantly respond to changing demands and missions.

The Museum and Library Services Act of 2016 also builds on the 40-year

legacy of Federal support for improving and expanding access to museum services. It addresses the critical need for professional development and recruiting and preparing the next generation of museum professionals, emphasizing diversity so that museums better reflect the communities they serve. The legislation also highlights the educational role of museums and the diverse ways that museums engage their communities, and it encourages partnerships with other agencies, professional networks, and community-based organizations to expand and enhance access to museum services.

At this year's National Medal for Museum and Library Service ceremony, First Lady Michelle Obama captured why it is so vital that we continue to support libraries and museums on a national level: "Day after day, year after year, our nation's libraries and museums are here for our communities. And at the end of the day, you all don't measure your impact by the number of books on your shelves or pieces in your exhibits, but by the young people you inspire, the lives you transform, and the impact you have every single day on your communities."

The Museum and Library Services Act of 2016 will continue our tradition of supporting our communities through their museums and libraries. It has the support of the American Library Association and the American Alliance of Museums and many of their affiliated associations. I thank my colleagues for supporting this endeavor and look forward to more joining us as we work together to urge swift action to adopt this important legislation.

#### SUBMITTED RESOLUTIONS

SENATE CONCURRENT RESOLUTION 51—EXPRESSING THE SENSE OF CONGRESS THAT THOSE WHO SERVED IN THE BAYS, HARBORS, AND TERRITORIAL SEAS OF THE REPUBLIC OF VIETNAM DURING THE PERIOD BEGINNING ON JANUARY 9, 1962, AND ENDING ON MAY 7, 1975, SHOULD BE PRESUMED TO HAVE BEEN EXPOSED TO THE TOXIN AGENT ORANGE AND SHOULD BE ELIGIBLE FOR ALL RELATED FEDERAL BENEFITS THAT COME WITH SUCH PRESUMPTION UNDER THE AGENT ORANGE ACT OF 1991

Mr. GRASSLEY (for himself, Mrs. GILLIBRAND, and Mr. DAINES) submitted the following concurrent resolution; which was referred to the Committee on Veterans' Affairs:

S. CON. RES. 51

Whereas section 1116(f) of title 38, United States Code, states that "For the purposes of establishing service connection for a disability or death resulting from exposure to a herbicide agent, including a presumption of service-connection under this section, a veteran who, during active military, naval, or

air service, served in the Republic of Vietnam during the period beginning on January 9, 1962, and ending on May 7, 1975, shall be presumed to have been exposed during such service to an herbicide agent containing dioxin or 2,4 dichlorophenoxyacetic acid, and may be presumed to have been exposed during such service to any other chemical compound in an herbicide agent, unless there is affirmative evidence to establish that the veteran was not exposed to any such agent during that service."

Whereas the international definition and United States-recognized borders of the Republic of Vietnam includes the bays, harbors, and territorial seas of that Republic;

Whereas multiple scientific and medical sources, including studies done by the government of Australia, have shown evidence of exposure to herbicide agents such as Agent Orange by those serving in the bays, harbors, and territorial seas of the Republic of Vietnam;

Whereas veterans who served in the Armed Forces in the bays, harbors, and territorial seas of the Republic of Vietnam during the period beginning on January 9, 1962, and ending on May 7, 1975, were exposed to this toxin through their ships' distillation processes, air and water currents, and the use of exposed water from inland sources, such as water from near heavily-sprayed Monkey Mountain, delivered by exposed water barges;

Whereas such veterans experience and significantly higher percentage of medical conditions associated with Agent Orange exposure compared to those in the regular populace;

Whereas when passing the Agent Orange Act of 1991 (Public Law 102-4), Congress did not differentiate between those who served on the inland waterways and on land versus those who served in the bays, harbors, and territorial seas of that Republic;

Whereas the purpose behind providing presumptive coverage for medical conditions associated with exposure to Agent Orange is because proving such exposure decades after its occurrence is not scientifically or medically possible; and

Whereas thousands of veterans who served in the Armed Forces in the bays, harbors, and territorial seas of the Republic of Vietnam during the period beginning on January 9, 1962, and ending on May 7, 1975, die at increasing rates every year; Now, therefore, be it

*Resolved by the Senate (the House of Representatives concurring), That Congress—*

(1) recognizes the intent of the Agent Orange Act of 1991 (Public Law 102-4) included the presumption that those veterans who served in the Armed Forces in the bays, harbors, and territorial seas of the Republic of Vietnam during the period beginning on January 9, 1962, and ending on May 7, 1975, were exposed to the Agent Orange dioxin;

(2) intends for those veterans who served in the Armed Forces during the period beginning on January 9, 1962, and ending on May 7, 1975, in the bays, harbors, territorial seas, inland waterways, on the ground in the Republic of Vietnam, and other areas exposed to Agent Orange, and having been diagnosed with connected medical conditions to be equally recognized for such exposure through equitable benefits and coverage; and

(3) calls on the Department of Veterans' Affairs to acknowledge this intent of Congress, rescind the VA Adjudication Procedure Manual M21-1, Part IV, Subpart II, Chapter 1, Section H, Topic 28.h, and reissue guidance extending presumptive coverage for exposure to agent orange to veterans described in paragraph (1).

#### AMENDMENTS SUBMITTED AND PROPOSED

SA 5082. Mr. McCONNELL (for Mr. COCHRAN) proposed an amendment to the bill H.R. 5325, making appropriations for the Legislative Branch for the fiscal year ending September 30, 2017, and for other purposes.

SA 5083. Mr. McCONNELL proposed an amendment to amendment SA 5082 proposed by Mr. McCONNELL (for Mr. COCHRAN) to the bill H.R. 5325, supra.

SA 5084. Mr. McCONNELL proposed an amendment to amendment SA 5083 proposed by Mr. McCONNELL to the amendment SA 5082 proposed by Mr. McCONNELL (for Mr. COCHRAN) to the bill H.R. 5325, supra.

SA 5085. Mr. McCONNELL proposed an amendment to the bill H.R. 5325, supra.

SA 5086. Mr. McCONNELL proposed an amendment to amendment SA 5085 proposed by Mr. McCONNELL to the bill H.R. 5325, supra.

SA 5087. Mr. McCONNELL proposed an amendment to the bill H.R. 5325, supra.

SA 5088. Mr. McCONNELL proposed an amendment to amendment SA 5087 proposed by Mr. McCONNELL to the bill H.R. 5325, supra.

SA 5089. Mr. McCONNELL proposed an amendment to amendment SA 5088 proposed by Mr. McCONNELL to the amendment SA 5087 proposed by Mr. McCONNELL to the bill H.R. 5325, supra.

SA 5090. Mr. COATS (for Mr. SANDERS) proposed an amendment to the bill S. 1878, to extend the pediatric priority review voucher program.

SA 5091. Mr. COATS (for Ms. HIRONO) proposed an amendment to the bill S. 2683, to include disabled veteran leave in the personnel management system of the Federal Aviation Administration.

#### TEXT OF AMENDMENTS

**SA 5082.** Mr. McCONNELL (for Mr. COCHRAN) proposed an amendment to the bill H.R. 5325, making appropriations for the Legislative Branch for the fiscal year ending September 30, 2017, and for other purposes; as follows:

Strike all after the enacting clause, and insert in lieu thereof:

##### SECTION 1. SHORT TITLE.

This Act may be cited as the "Continuing Appropriations and Military Construction, Veterans Affairs, and Related Agencies Appropriations Act, 2017, and Zika Response and Preparedness Act".

##### SEC. 2. TABLE OF CONTENTS.

- Sec. 1. Short title.
- Sec. 2. Table of contents.
- Sec. 3. References.
- Sec. 4. Statement of appropriations.
- Sec. 5. Availability of funds.
- Sec. 6. Explanatory statement.

##### DIVISION A—MILITARY CONSTRUCTION, VETERANS AFFAIRS, AND RELATED AGENCIES APPROPRIATIONS ACT, 2017

- Title I—Department of Defense
- Title II—Department of Veterans Affairs
- Title III—Related agencies
- Title IV—Overseas contingency operations
- Title V—General provisions

##### DIVISION B—ZIKA RESPONSE AND PREPAREDNESS APPROPRIATIONS ACT, 2016

##### DIVISION C—CONTINUING APPROPRIATIONS ACT, 2017

##### DIVISION D—RESCISSIONS OF FUNDS

##### SEC. 3. REFERENCES.

Except as expressly provided otherwise, any reference to "this Act" contained in any



division of this Act shall be treated as referring only to the provisions of that division.

#### SEC. 4. STATEMENT OF APPROPRIATIONS.

The following sums in this Act are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 2017.

#### SEC. 5. AVAILABILITY OF FUNDS.

Each amount designated in this Act by the Congress as an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985 shall be available (or rescinded, if applicable) only if the President subsequently so designates all such amounts and transmits such designations to the Congress.

#### SEC. 6. EXPLANATORY STATEMENT.

(a) The explanatory statement regarding this Act, printed in the Senate section of the Congressional Record on or about September 22, 2016, by the Chairman of the Committee on Appropriations of the Senate, shall have the same effect with respect to the allocation of funds and implementation of divisions A through D of this Act as if it were a joint explanatory statement of a committee of conference.

(b) Any reference to the "joint explanatory statement accompanying this Act" contained in division A of this Act shall be considered to be a reference to the explanatory statement described in subsection (a).

### DIVISION A—MILITARY CONSTRUCTION, VETERANS AFFAIRS, AND RELATED AGENCIES APPROPRIATIONS ACT, 2017

#### TITLE I

##### DEPARTMENT OF DEFENSE

##### MILITARY CONSTRUCTION, ARMY

For acquisition, construction, installation, and equipment of temporary or permanent public works, military installations, facilities, and real property for the Army as currently authorized by law, including personnel in the Army Corps of Engineers and other personal services necessary for the purposes of this appropriation, and for construction and operation of facilities in support of the functions of the Commander in Chief, \$513,459,000, to remain available until September 30, 2021: *Provided*, That, of this amount, not to exceed \$98,159,000 shall be available for study, planning, design, architect and engineer services, and host nation support, as authorized by law, unless the Secretary of the Army determines that additional obligations are necessary for such purposes and notifies the Committees on Appropriations of both Houses of Congress of the determination and the reasons therefor.

##### MILITARY CONSTRUCTION, NAVY AND MARINE CORPS

For acquisition, construction, installation, and equipment of temporary or permanent public works, naval installations, facilities, and real property for the Navy and Marine Corps as currently authorized by law, including personnel in the Naval Facilities Engineering Command and other personal services necessary for the purposes of this appropriation, \$1,021,580,000, to remain available until September 30, 2021: *Provided*, That, of this amount, not to exceed \$88,230,000 shall be available for study, planning, design, and architect and engineer services, as authorized by law, unless the Secretary of the Navy determines that additional obligations are necessary for such purposes and notifies the Committees on Appropriations of both Houses of Congress of the determination and the reasons therefor.

##### MILITARY CONSTRUCTION, AIR FORCE

For acquisition, construction, installation, and equipment of temporary or permanent public works, military installations, facilities, and real property for the Air Force as

currently authorized by law, \$1,491,058,000, to remain available until September 30, 2021: *Provided*, That of this amount, not to exceed \$143,582,000 shall be available for study, planning, design, and architect and engineer services, as authorized by law, unless the Secretary of the Air Force determines that additional obligations are necessary for such purposes and notifies the Committees on Appropriations of both Houses of Congress of the determination and the reasons therefor: *Provided further*, That none of the funds made available under this heading shall be for construction of the Joint Intelligence Analysis Complex Consolidation, Phase 3, at Royal Air Force Croughton, United Kingdom, unless authorized in an Act authorizing appropriations for fiscal year 2017 for military construction.

##### MILITARY CONSTRUCTION, DEFENSE-WIDE

##### (INCLUDING TRANSFER OF FUNDS)

For acquisition, construction, installation, and equipment of temporary or permanent public works, installations, facilities, and real property for activities and agencies of the Department of Defense (other than the military departments), as currently authorized by law, \$2,025,444,000, to remain available until September 30, 2021: *Provided*, That such amounts of this appropriation as may be determined by the Secretary of Defense may be transferred to such appropriations of the Department of Defense available for military construction or family housing as the Secretary may designate, to be merged with and to be available for the same purposes, and for the same time period, as the appropriation or fund to which transferred: *Provided further*, That of the amount appropriated, not to exceed \$180,775,000 shall be available for study, planning, design, and architect and engineer services, as authorized by law, unless the Secretary of Defense determines that additional obligations are necessary for such purposes and notifies the Committees on Appropriations of both Houses of Congress of the determination and the reasons therefor.

##### MILITARY CONSTRUCTION, ARMY NATIONAL GUARD

For construction, acquisition, expansion, rehabilitation, and conversion of facilities for the training and administration of the Army National Guard, and contributions therefor, as authorized by chapter 1803 of title 10, United States Code, and Military Construction Authorization Acts, \$232,930,000, to remain available until September 30, 2021: *Provided*, That, of the amount appropriated, not to exceed \$8,729,000 shall be available for study, planning, design, and architect and engineer services, as authorized by law, unless the Director of the Army National Guard determines that additional obligations are necessary for such purposes and notifies the Committees on Appropriations of both Houses of Congress of the determination and the reasons therefor.

##### MILITARY CONSTRUCTION, AIR NATIONAL GUARD

For construction, acquisition, expansion, rehabilitation, and conversion of facilities for the training and administration of the Air National Guard, and contributions therefor, as authorized by chapter 1803 of title 10, United States Code, and Military Construction Authorization Acts, \$143,957,000, to remain available until September 30, 2021: *Provided*, That, of the amount appropriated, not to exceed \$10,462,000 shall be available for study, planning, design, and architect and engineer services, as authorized by law, unless the Director of the Air National Guard determines that additional obligations are necessary for such purposes and notifies the Committees on Appropriations of both

Houses of Congress of the determination and the reasons therefor.

##### MILITARY CONSTRUCTION, ARMY RESERVE

For construction, acquisition, expansion, rehabilitation, and conversion of facilities for the training and administration of the Army Reserve as authorized by chapter 1803 of title 10, United States Code, and Military Construction Authorization Acts, \$68,230,000, to remain available until September 30, 2021: *Provided*, That, of the amount appropriated, not to exceed \$7,500,000 shall be available for study, planning, design, and architect and engineer services, as authorized by law, unless the Chief of the Army Reserve determines that additional obligations are necessary for such purposes and notifies the Committees on Appropriations of both Houses of Congress of the determination and the reasons therefor.

##### MILITARY CONSTRUCTION, NAVY RESERVE

For construction, acquisition, expansion, rehabilitation, and conversion of facilities for the training and administration of the reserve components of the Navy and Marine Corps as authorized by chapter 1803 of title 10, United States Code, and Military Construction Authorization Acts, \$38,597,000, to remain available until September 30, 2021: *Provided*, That, of the amount appropriated, not to exceed \$3,783,000 shall be available for study, planning, design, and architect and engineer services, as authorized by law, unless the Secretary of the Navy determines that additional obligations are necessary for such purposes and notifies the Committees on Appropriations of both Houses of Congress of the determination and the reasons therefor.

##### MILITARY CONSTRUCTION, AIR FORCE RESERVE

For construction, acquisition, expansion, rehabilitation, and conversion of facilities for the training and administration of the Air Force Reserve as authorized by chapter 1803 of title 10, United States Code, and Military Construction Authorization Acts, \$188,950,000, to remain available until September 30, 2021: *Provided*, That, of the amount appropriated, not to exceed \$4,500,000 shall be available for study, planning, design, and architect and engineer services, as authorized by law, unless the Chief of the Air Force Reserve determines that additional obligations are necessary for such purposes and notifies the Committees on Appropriations of both Houses of Congress of the determination and the reasons therefor.

##### NORTH ATLANTIC TREATY ORGANIZATION

##### SECURITY INVESTMENT PROGRAM

For the United States share of the cost of the North Atlantic Treaty Organization Security Investment Program for the acquisition and construction of military facilities and installations (including international military headquarters) and for related expenses for the collective defense of the North Atlantic Treaty Area as authorized by section 2806 of title 10, United States Code, and Military Construction Authorization Acts, \$177,932,000, to remain available until expended.

##### DEPARTMENT OF DEFENSE BASE CLOSURE ACCOUNT

For deposit into the Department of Defense Base Closure Account, established by section 2906(a) of the Defense Base Closure and Realignment Act of 1990 (10 U.S.C. 2687 note), \$240,237,000, to remain available until expended.

##### FAMILY HOUSING CONSTRUCTION, ARMY

For expenses of family housing for the Army for construction, including acquisition, replacement, addition, expansion, extension, and alteration, as authorized by

law, \$157,172,000, to remain available until September 30, 2021.

**FAMILY HOUSING OPERATION AND  
MAINTENANCE, ARMY**

For expenses of family housing for the Army for operation and maintenance, including debt payment, leasing, minor construction, principal and interest charges, and insurance premiums, as authorized by law, \$325,995,000.

**FAMILY HOUSING CONSTRUCTION, NAVY AND  
MARINE CORPS**

For expenses of family housing for the Navy and Marine Corps for construction, including acquisition, replacement, addition, expansion, extension, and alteration, as authorized by law, \$94,011,000, to remain available until September 30, 2021.

**FAMILY HOUSING OPERATION AND  
MAINTENANCE, NAVY AND MARINE CORPS**

For expenses of family housing for the Navy and Marine Corps for operation and maintenance, including debt payment, leasing, minor construction, principal and interest charges, and insurance premiums, as authorized by law, \$300,915,000.

**FAMILY HOUSING CONSTRUCTION, AIR FORCE**

For expenses of family housing for the Air Force for construction, including acquisition, replacement, addition, expansion, extension, and alteration, as authorized by law, \$61,352,000, to remain available until September 30, 2021.

**FAMILY HOUSING OPERATION AND  
MAINTENANCE, AIR FORCE**

For expenses of family housing for the Air Force for operation and maintenance, including debt payment, leasing, minor construction, principal and interest charges, and insurance premiums, as authorized by law, \$274,429,000.

**FAMILY HOUSING OPERATION AND  
MAINTENANCE, DEFENSE-WIDE**

For expenses of family housing for the activities and agencies of the Department of Defense (other than the military departments) for operation and maintenance, leasing, and minor construction, as authorized by law, \$59,157,000.

**DEPARTMENT OF DEFENSE FAMILY HOUSING  
IMPROVEMENT FUND**

For the Department of Defense Family Housing Improvement Fund, \$3,258,000, to remain available until expended, for family housing initiatives undertaken pursuant to section 2883 of title 10, United States Code, providing alternative means of acquiring and improving military family housing and supporting facilities.

**ADMINISTRATIVE PROVISIONS**

SEC. 101. None of the funds made available in this title shall be expended for payments under a cost-plus-a-fixed-fee contract for construction, where cost estimates exceed \$25,000, to be performed within the United States, except Alaska, without the specific approval in writing of the Secretary of Defense setting forth the reasons therefor.

SEC. 102. Funds made available in this title for construction shall be available for hire of passenger motor vehicles.

SEC. 103. Funds made available in this title for construction may be used for advances to the Federal Highway Administration, Department of Transportation, for the construction of access roads as authorized by section 210 of title 23, United States Code, when projects authorized therein are certified as important to the national defense by the Secretary of Defense.

SEC. 104. None of the funds made available in this title may be used to begin construction of new bases in the United States for which specific appropriations have not been made.

SEC. 105. None of the funds made available in this title shall be used for purchase of land or land easements in excess of 100 percent of the value as determined by the Army Corps of Engineers or the Naval Facilities Engineering Command, except: (1) where there is a determination of value by a Federal court; (2) purchases negotiated by the Attorney General or the designee of the Attorney General; (3) where the estimated value is less than \$25,000; or (4) as otherwise determined by the Secretary of Defense to be in the public interest.

SEC. 106. None of the funds made available in this title shall be used to: (1) acquire land; (2) provide for site preparation; or (3) install utilities for any family housing, except housing for which funds have been made available in annual Acts making appropriations for military construction.

SEC. 107. None of the funds made available in this title for minor construction may be used to transfer or relocate any activity from one base or installation to another, without prior notification to the Committees on Appropriations of both Houses of Congress.

SEC. 108. None of the funds made available in this title may be used for the procurement of steel for any construction project or activity for which American steel producers, fabricators, and manufacturers have been denied the opportunity to compete for such steel procurement.

SEC. 109. None of the funds available to the Department of Defense for military construction or family housing during the current fiscal year may be used to pay real property taxes in any foreign nation.

SEC. 110. None of the funds made available in this title may be used to initiate a new installation overseas without prior notification to the Committees on Appropriations of both Houses of Congress.

SEC. 111. None of the funds made available in this title may be obligated for architect and engineer contracts estimated by the Government to exceed \$500,000 for projects to be accomplished in Japan, in any North Atlantic Treaty Organization member country, or in countries bordering the Arabian Gulf, unless such contracts are awarded to United States firms or United States firms in joint venture with host nation firms.

SEC. 112. None of the funds made available in this title for military construction in the United States territories and possessions in the Pacific and on Kwajalein Atoll, or in countries bordering the Arabian Gulf, may be used to award any contract estimated by the Government to exceed \$1,000,000 to a foreign contractor: *Provided*, That this section shall not be applicable to contract awards for which the lowest responsive and responsible bid of a United States contractor exceeds the lowest responsive and responsible bid of a foreign contractor by greater than 20 percent: *Provided further*, That this section shall not apply to contract awards for military construction on Kwajalein Atoll for which the lowest responsive and responsible bid is submitted by a Marshallese contractor.

SEC. 113. The Secretary of Defense shall inform the appropriate committees of both Houses of Congress, including the Committees on Appropriations, of plans and scope of any proposed military exercise involving United States personnel 30 days prior to its occurring, if amounts expended for construction, either temporary or permanent, are anticipated to exceed \$100,000.

SEC. 114. Funds appropriated to the Department of Defense for construction in prior years shall be available for construction authorized for each such military department by the authorizations enacted into law during the current session of Congress.

SEC. 115. For military construction or family housing projects that are being completed with funds otherwise expired or lapsed for obligation, expired or lapsed funds may be used to pay the cost of associated supervision, inspection, overhead, engineering and design on those projects and on subsequent claims, if any.

SEC. 116. Notwithstanding any other provision of law, any funds made available to a military department or defense agency for the construction of military projects may be obligated for a military construction project or contract, or for any portion of such a project or contract, at any time before the end of the fourth fiscal year after the fiscal year for which funds for such project were made available, if the funds obligated for such project: (1) are obligated from funds available for military construction projects; and (2) do not exceed the amount appropriated for such project, plus any amount by which the cost of such project is increased pursuant to law.

**(INCLUDING TRANSFER OF FUNDS)**

SEC. 117. Subject to 30 days prior notification, or 14 days for a notification provided in an electronic medium pursuant to sections 480 and 2883 of title 10, United States Code, to the Committees on Appropriations of both Houses of Congress, such additional amounts as may be determined by the Secretary of Defense may be transferred to: (1) the Department of Defense Family Housing Improvement Fund from amounts appropriated for construction in "Family Housing" accounts, to be merged with and to be available for the same purposes and for the same period of time as amounts appropriated directly to the Fund; or (2) the Department of Defense Military Unaccompanied Housing Improvement Fund from amounts appropriated for construction of military unaccompanied housing in "Military Construction" accounts, to be merged with and to be available for the same purposes and for the same period of time as amounts appropriated directly to the Fund: *Provided*, That appropriations made available to the Funds shall be available to cover the costs, as defined in section 502(5) of the Congressional Budget Act of 1974, of direct loans or loan guarantees issued by the Department of Defense pursuant to the provisions of subchapter IV of chapter 169 of title 10, United States Code, pertaining to alternative means of acquiring and improving military family housing, military unaccompanied housing, and supporting facilities.

**(INCLUDING TRANSFER OF FUNDS)**

SEC. 118. In addition to any other transfer authority available to the Department of Defense, amounts may be transferred from the Department of Defense Base Closure Account to the fund established by section 1013(d) of the Demonstration Cities and Metropolitan Development Act of 1966 (42 U.S.C. 3374) to pay for expenses associated with the Homeowners Assistance Program incurred under 42 U.S.C. 3374(a)(1)(A). Any amounts transferred shall be merged with and be available for the same purposes and for the same time period as the fund to which transferred.

SEC. 119. Notwithstanding any other provision of law, funds made available in this title for operation and maintenance of family housing shall be the exclusive source of funds for repair and maintenance of all family housing units, including general or flag officer quarters: *Provided*, That not more than \$35,000 per unit may be spent annually for the maintenance and repair of any general or flag officer quarters without 30 days prior notification, or 14 days for a notification provided in an electronic medium pursuant to sections 480 and 2883 of title 10, United States Code, to the Committees on Appropriations of both Houses of Congress, except



that an after-the-fact notification shall be submitted if the limitation is exceeded solely due to costs associated with environmental remediation that could not be reasonably anticipated at the time of the budget submission: *Provided further*, That the Under Secretary of Defense (Comptroller) is to report annually to the Committees on Appropriations of both Houses of Congress all operation and maintenance expenditures for each individual general or flag officer quarters for the prior fiscal year.

SEC. 120. Amounts contained in the Ford Island Improvement Account established by subsection (h) of section 2814 of title 10, United States Code, are appropriated and shall be available until expended for the purposes specified in subsection (i)(1) of such section or until transferred pursuant to subsection (i)(3) of such section.

(INCLUDING TRANSFER OF FUNDS)

SEC. 121. During the 5-year period after appropriations available in this Act to the Department of Defense for military construction and family housing operation and maintenance and construction have expired for obligation, upon a determination that such appropriations will not be necessary for the liquidation of obligations or for making authorized adjustments to such appropriations for obligations incurred during the period of availability of such appropriations, unobligated balances of such appropriations may be transferred into the appropriation "Foreign Currency Fluctuations, Construction, Defense", to be merged with and to be available for the same time period and for the same purposes as the appropriation to which transferred.

SEC. 122. (a) Except as provided in subsection (b), none of the funds made available in this Act may be used by the Secretary of the Army to relocate a unit in the Army that—

(1) performs a testing mission or function that is not performed by any other unit in the Army and is specifically stipulated in title 10, United States Code; and

(2) is located at a military installation at which the total number of civilian employees of the Department of the Army and Army contractor personnel employed exceeds 10 percent of the total number of members of the regular and reserve components of the Army assigned to the installation.

(b) EXCEPTION.—Subsection (a) shall not apply if the Secretary of the Army certifies to the congressional defense committees that in proposing the relocation of the unit of the Army, the Secretary complied with Army Regulation 5-10 relating to the policy, procedures, and responsibilities for Army stationing actions.

SEC. 123. Amounts appropriated or otherwise made available in an account funded under the headings in this title may be transferred among projects and activities within the account in accordance with the reprogramming guidelines for military construction and family housing construction contained in Department of Defense Financial Management Regulation 7000.14-R, Volume 3, Chapter 7, of March 2011, as in effect on the date of enactment of this Act.

SEC. 124. None of the funds made available in this title may be obligated or expended for planning and design and construction of projects at Arlington National Cemetery.

SEC. 125. For an additional amount for the accounts and in the amounts specified, to remain available until September 30, 2021:

"Military Construction, Army", \$40,500,000;  
"Military Construction, Navy and Marine Corps", \$227,099,000;

"Military Construction, Air Force", \$149,500,000;

"Military Construction, Army National Guard", \$67,500,000;

"Military Construction, Air National Guard", \$11,000,000;

"Military Construction, Army Reserve", \$30,000,000:

*Provided*, That such funds may only be obligated to carry out construction projects identified in the respective military department's unfunded priority list for fiscal year 2017 submitted to Congress by the Secretary of Defense: *Provided further*, That such projects are subject to authorization prior to obligation and expenditure of funds to carry out construction: *Provided further*, That not later than 30 days after enactment of this Act, the Secretary of the military department concerned, or his or her designee, shall submit to the Committees on Appropriations of both Houses of Congress an expenditure plan for funds provided under this section.

SEC. 126. For an additional amount for "Military Construction, Navy and Marine Corps", \$89,400,000, to remain available until September 30, 2021: *Provided*, That, such funds may only be obligated to carry out construction projects identified by the Department of the Navy in its June 8, 2016, unfunded priority list submission to the Committees on Appropriations of both Houses of Congress detailing unfunded reprogramming and emergency construction requirements: *Provided further*, That, not later than 30 days after enactment of this Act, the Secretary of the Navy, or his or her designee, shall submit to the Committees an expenditure plan for funds provided under this section.

(RESCISSIONS OF FUNDS)

SEC. 127. Of the unobligated balances available to the Department of Defense from prior appropriation Acts, the following funds are hereby rescinded from the following accounts in the amounts specified:

"Military Construction, Army", \$29,602,000;  
"Military Construction, Air Force", \$51,460,000;

"Military Construction, Defense-Wide", \$171,600,000, of which \$30,000,000 are to be derived from amounts made available for Missile Defense Agency planning and design; and

"North Atlantic Treaty Organization Security Investment Program", \$30,000,000:

*Provided*, That no amounts may be rescinded from amounts that were designated by the Congress for Overseas Contingency Operations/Global War on Terrorism or as an emergency requirement pursuant to a concurrent resolution on the budget or the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

(RESCISSION OF FUNDS)

SEC. 128. Of the unobligated balances made available in prior appropriation Acts for the fund established in section 1013(d) of the Demonstration Cities and Metropolitan Development Act of 1966 (42 U.S.C. 3374) (other than appropriations designated by law as being for contingency operations directly related to the global war on terrorism or as an emergency requirement), \$25,000,000 are hereby rescinded.

SEC. 129. For the purposes of this Act, the term "congressional defense committees" means the Committees on Armed Services of the House of Representatives and the Senate, the Subcommittee on Military Construction and Veterans Affairs of the Committee on Appropriations of the Senate, and the Subcommittee on Military Construction and Veterans Affairs of the Committee on Appropriations of the House of Representatives.

SEC. 130. None of the funds made available by this Act may be used to carry out the closure or realignment of the United States Naval Station, Guantánamo Bay, Cuba.

SEC. 131. Notwithstanding any other provision of law, none of the funds appropriated or otherwise made available by this or any

other Act may be used to consolidate or relocate any element of a United States Air Force Rapid Engineer Deployable Heavy Operational Repair Squadron Engineer (RED HORSE) outside of the United States until the Secretary of the Air Force (1) completes an analysis and comparison of the cost and infrastructure investment required to consolidate or relocate a RED HORSE squadron outside of the United States versus within the United States; (2) provides to the Committees on Appropriations of both Houses of Congress ("the Committees") a report detailing the findings of the cost analysis; and (3) certifies in writing to the Committees that the preferred site for the consolidation or relocation yields the greatest savings for the Air Force: *Provided*, That the term "United States" in this section does not include any territory or possession of the United States.

TITLE II

DEPARTMENT OF VETERANS AFFAIRS

VETERANS BENEFITS ADMINISTRATION

COMPENSATION AND PENSIONS

(INCLUDING TRANSFER OF FUNDS)

For the payment of compensation benefits to or on behalf of veterans and a pilot program for disability examinations as authorized by section 107 and chapters 11, 13, 18, 51, 53, 55, and 61 of title 38, United States Code; pension benefits to or on behalf of veterans as authorized by chapters 15, 51, 53, 55, and 61 of title 38, United States Code; and burial benefits, the Reinstated Entitlement Program for Survivors, emergency and other officers' retirement pay, adjusted-service credits and certificates, payment of premiums due on commercial life insurance policies guaranteed under the provisions of title IV of the Servicemembers Civil Relief Act (50 U.S.C. App. 541 et seq.) and for other benefits as authorized by sections 107, 1312, 1977, and 2106, and chapters 23, 51, 53, 55, and 61 of title 38, United States Code, \$90,119,449,000, to remain available until expended and to become available on October 1, 2017: *Provided*, That not to exceed \$17,224,000 of the amount made available for fiscal year 2018 under this heading shall be reimbursed to "General Operating Expenses, Veterans Benefits Administration", and "Information Technology Systems" for necessary expenses in implementing the provisions of chapters 51, 53, and 55 of title 38, United States Code, the funding source for which is specifically provided as the "Compensation and Pensions" appropriation: *Provided further*, That such sums as may be earned on an actual qualifying patient basis, shall be reimbursed to "Medical Care Collections Fund" to augment the funding of individual medical facilities for nursing home care provided to pensioners as authorized.

READJUSTMENT BENEFITS

For the payment of readjustment and rehabilitation benefits to or on behalf of veterans as authorized by chapters 21, 30, 31, 33, 34, 35, 36, 39, 41, 51, 53, 55, and 61 of title 38, United States Code, \$13,708,648,000, to remain available until expended and to become available on October 1, 2017: *Provided*, That expenses for rehabilitation program services and assistance which the Secretary is authorized to provide under subsection (a) of section 3104 of title 38, United States Code, other than under paragraphs (1), (2), (5), and (11) of that subsection, shall be charged to this account.

VETERANS INSURANCE AND INDEMNITIES

For military and naval insurance, national service life insurance, servicemen's indemnities, service-disabled veterans insurance, and veterans mortgage life insurance as authorized by chapters 19 and 21, title 38, United States Code, \$124,504,000, to remain available until expended, of which

\$107,899,000 shall become available on October 1, 2017.

#### VETERANS HOUSING BENEFIT PROGRAM FUND

For the cost of direct and guaranteed loans, such sums as may be necessary to carry out the program, as authorized by subchapters I through III of chapter 37 of title 38, United States Code: *Provided*, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: *Provided further*, That, during fiscal year 2017, within the resources available, not to exceed \$500,000 in gross obligations for direct loans are authorized for specially adapted housing loans.

In addition, for administrative expenses to carry out the direct and guaranteed loan programs, \$198,856,000.

#### VOCATIONAL REHABILITATION LOANS PROGRAM ACCOUNT

For the cost of direct loans, \$36,000, as authorized by chapter 31 of title 38, United States Code: *Provided*, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: *Provided further*, That funds made available under this heading are available to subsidize gross obligations for the principal amount of direct loans not to exceed \$2,517,000.

In addition, for administrative expenses necessary to carry out the direct loan program, \$389,000, which may be paid to the appropriation for "General Operating Expenses, Veterans Benefits Administration".

#### NATIVE AMERICAN VETERAN HOUSING LOAN PROGRAM ACCOUNT

For administrative expenses to carry out the direct loan program authorized by subchapter V of chapter 37 of title 38, United States Code, \$1,163,000.

#### GENERAL OPERATING EXPENSES, VETERANS BENEFITS ADMINISTRATION

For necessary operating expenses of the Veterans Benefits Administration, not otherwise provided for, including hire of passenger motor vehicles, reimbursement of the General Services Administration for security guard services, and reimbursement of the Department of Defense for the cost of overseas employee mail, \$2,856,160,000: *Provided*, That expenses for services and assistance authorized under paragraphs (1), (2), (5), and (11) of section 3104(a) of title 38, United States Code, that the Secretary of Veterans Affairs determines are necessary to enable entitled veterans: (1) to the maximum extent feasible, to become employable and to obtain and maintain suitable employment; or (2) to achieve maximum independence in daily living, shall be charged to this account: *Provided further*, That, of the funds made available under this heading, not to exceed 5 percent shall remain available until September 30, 2018.

#### VETERANS HEALTH ADMINISTRATION MEDICAL SERVICES

For necessary expenses for furnishing, as authorized by law, inpatient and outpatient care and treatment to beneficiaries of the Department of Veterans Affairs and veterans described in section 1705(a) of title 38, United States Code, including care and treatment in facilities not under the jurisdiction of the Department, and including medical supplies and equipment, bioengineering services, food services, and salaries and expenses of healthcare employees hired under title 38, United States Code, aid to State homes as authorized by section 1741 of title 38, United States Code, assistance and support services for caregivers as authorized by section 1720G of title 38, United States Code, loan repayments authorized by section 604 of the Care-

givers and Veterans Omnibus Health Services Act of 2010 (Public Law 111-163; 124 Stat. 1174; 38 U.S.C. 7681 note), and hospital care and medical services authorized by section 1787 of title 38, United States Code; \$1,078,993,000, which shall be in addition to funds previously appropriated under this heading that become available on October 1, 2016; and, in addition, \$44,886,554,000, plus reimbursements, shall become available on October 1, 2017, and shall remain available until September 30, 2018: *Provided*, That, of the amount made available on October 1, 2017, under this heading, \$1,400,000,000 shall remain available until September 30, 2019: *Provided further*, That, notwithstanding any other provision of law, the Secretary of Veterans Affairs shall establish a priority for the provision of medical treatment for veterans who have service-connected disabilities, lower income, or have special needs: *Provided further*, That, notwithstanding any other provision of law, the Secretary of Veterans Affairs shall give priority funding for the provision of basic medical benefits to veterans in enrollment priority groups 1 through 6: *Provided further*, That, notwithstanding any other provision of law, the Secretary of Veterans Affairs may authorize the dispensing of prescription drugs from Veterans Health Administration facilities to enrolled veterans with privately written prescriptions based on requirements established by the Secretary: *Provided further*, That the implementation of the program described in the previous proviso shall incur no additional cost to the Department of Veterans Affairs: *Provided further*, That the Secretary of Veterans Affairs shall ensure that sufficient amounts appropriated under this heading for medical supplies and equipment are available for the acquisition of prosthetics designed specifically for female veterans: *Provided further*, That the Secretary of Veterans Affairs shall provide access to therapeutic listening devices to veterans struggling with mental health related problems, substance abuse, or traumatic brain injury.

#### MEDICAL COMMUNITY CARE

For necessary expenses for furnishing health care to individuals pursuant to chapter 17 of title 38, United States Code, at non-Department facilities, \$7,246,181,000, plus reimbursements, of which \$2,000,000,000 shall remain available until September 30, 2020; and, in addition, \$9,409,118,000 shall become available on October 1, 2017, and shall remain available until September 30, 2018: *Provided*, That of the amount made available on October 1, 2017, \$1,500,000,000 shall remain available until September 30, 2021.

#### MEDICAL SUPPORT AND COMPLIANCE

For necessary expenses in the administration of the medical, hospital, nursing home, domiciliary, construction, supply, and research activities, as authorized by law; administrative expenses in support of capital policy activities; and administrative and legal expenses of the Department for collecting and recovering amounts owed the Department as authorized under chapter 17 of title 38, United States Code, and the Federal Medical Care Recovery Act (42 U.S.C. 2651 et seq.), \$6,654,480,000, plus reimbursements, shall become available on October 1, 2017, and shall remain available until September 30, 2018: *Provided*, That, of the amount made available on October 1, 2017, under this heading, \$100,000,000 shall remain available until September 30, 2019.

#### MEDICAL FACILITIES

For necessary expenses for the maintenance and operation of hospitals, nursing homes, domiciliary facilities, and other necessary facilities of the Veterans Health Administration; for administrative expenses in

support of planning, design, project management, real property acquisition and disposition, construction, and renovation of any facility under the jurisdiction or for the use of the Department; for oversight, engineering, and architectural activities not charged to project costs; for repairing, altering, improving, or providing facilities in the several hospitals and homes under the jurisdiction of the Department, not otherwise provided for, either by contract or by the hire of temporary employees and purchase of materials; for leases of facilities; and for laundry services; \$247,668,000, which shall be in addition to funds previously appropriated under this heading that become available on October 1, 2016; and, in addition, \$5,434,880,000, plus reimbursements, shall become available on October 1, 2017, and shall remain available until September 30, 2018: *Provided*, That, of the amount made available on October 1, 2017, under this heading, \$250,000,000 shall remain available until September 30, 2019.

#### MEDICAL AND PROSTHETIC RESEARCH

For necessary expenses in carrying out programs of medical and prosthetic research and development as authorized by chapter 73 of title 38, United States Code, \$675,366,000, plus reimbursements, shall remain available until September 30, 2018: *Provided*, That the Secretary of Veterans Affairs shall ensure that sufficient amounts appropriated under this heading are available for prosthetic research specifically for female veterans, and for toxic exposure research.

#### NATIONAL CEMETERY ADMINISTRATION

For necessary expenses of the National Cemetery Administration for operations and maintenance, not otherwise provided for, including uniforms or allowances therefor; cemeterial expenses as authorized by law; purchase of one passenger motor vehicle for use in cemeterial operations; hire of passenger motor vehicles; and repair, alteration or improvement of facilities under the jurisdiction of the National Cemetery Administration, \$286,193,000, of which not to exceed 10 percent shall remain available until September 30, 2018.

#### DEPARTMENTAL ADMINISTRATION

##### GENERAL ADMINISTRATION

##### (INCLUDING TRANSFER OF FUNDS)

For necessary operating expenses of the Department of Veterans Affairs, not otherwise provided for, including administrative expenses in support of Department-wide capital planning, management and policy activities, uniforms, or allowances therefor; not to exceed \$25,000 for official reception and representation expenses; hire of passenger motor vehicles; and reimbursement of the General Services Administration for security guard services, \$345,391,000, of which not to exceed 5 percent shall remain available until September 30, 2018: *Provided*, That funds provided under this heading may be transferred to "General Operating Expenses, Veterans Benefits Administration".

##### BOARD OF VETERANS APPEALS

For necessary operating expenses of the Board of Veterans Appeals, \$156,096,000, of which not to exceed 10 percent shall remain available until September 30, 2018.

##### INFORMATION TECHNOLOGY SYSTEMS

##### (INCLUDING TRANSFER OF FUNDS)

For necessary expenses for information technology systems and telecommunications support, including developmental information systems and operational information systems; for pay and associated costs; and for the capital asset acquisition of information technology systems, including management and related contractual costs of said acquisitions, including contractual costs associated with operations authorized by section 3109 of title 5, United States Code,

\$4,278,259,000, plus reimbursements: *Provided*, That \$1,272,548,000 shall be for pay and associated costs, of which not to exceed \$37,100,000 shall remain available until September 30, 2018: *Provided further*, That \$2,534,442,000 shall be for operations and maintenance, of which not to exceed \$180,200,000 shall remain available until September 30, 2018: *Provided further*, That \$471,269,000 shall be for information technology systems development, modernization, and enhancement, and shall remain available until September 30, 2018: *Provided further*, That amounts made available for information technology systems development, modernization, and enhancement may not be obligated or expended until the Secretary of Veterans Affairs or the Chief Information Officer of the Department of Veterans Affairs submits to the Committees on Appropriations of both Houses of Congress a certification of the amounts, in parts or in full, to be obligated and expended for each development project: *Provided further*, That amounts made available for salaries and expenses, operations and maintenance, and information technology systems development, modernization, and enhancement may be transferred among the three subaccounts after the Secretary of Veterans Affairs requests from the Committees on Appropriations of both Houses of Congress the authority to make the transfer and an approval is issued: *Provided further*, That amounts made available for the “Information Technology Systems” account for development, modernization, and enhancement may be transferred among projects or to newly defined projects: *Provided further*, That no project may be increased or decreased by more than \$1,000,000 of cost prior to submitting a request to the Committees on Appropriations of both Houses of Congress to make the transfer and an approval is issued, or absent a response, a period of 30 days has elapsed: *Provided further*, That funds under this heading may be used by the Interagency Program Office through the Department of Veterans Affairs to define data standards, code sets, and value sets used to enable interoperability: *Provided further*, That of the funds made available for information technology systems development, modernization, and enhancement for VistA Evolution or any successor program, not more than 25 percent may be obligated or expended until the Secretary of Veterans Affairs:

(1) submits to the Committees on Appropriations of both Houses of Congress the VistA Evolution Business Case and supporting documents regarding continuation of VistA Evolution or alternatives to VistA Evolution, including an analysis of necessary or desired capabilities, technical and security requirements, the plan for modernizing the platform framework, and all associated costs;

(2) submits to the Committees on Appropriations of both Houses of Congress, and such Committees approve, the following: a report that describes a strategic plan for VistA Evolution, or any successor program, and the associated implementation plan including metrics and timelines; a master schedule and lifecycle cost estimate for VistA Evolution or any successor; and an implementation plan for the transition from the Project Management Accountability System to a new project delivery framework, the Veteran-focused Integration Process, that includes the methodology by which projects will be tracked, progress measured, and deliverables evaluated;

(3) submits to the Committees on Appropriations of both Houses of Congress a report outlining the strategic plan to reach interoperability with private sector healthcare providers, the timeline for reaching “meaningful use” as defined by the Office of Na-

tional Coordinator for Health Information Technology for each data domain covered under the VistA Evolution program, and the extent to which the Department of Veterans Affairs leverages the State Health Information Exchanges to share health data with private sector providers;

(4) submits to the Committees on Appropriations of both Houses of Congress, and such Committees approve, the following: a report that describes the extent to which VistA Evolution, or any successor program, maximizes the use of commercially available software used by DoD and the private sector, requires an open architecture that leverages best practices and rapidly adapts to technologies produced by the private sector, enhances full interoperability between the VA and DoD and between VA and the private sector, and ensures the security of personally identifiable information of veterans and beneficiaries; and

(5) certifies in writing to the Committees on Appropriations of both Houses of Congress that the Department of Veterans Affairs has met the requirements contained in the National Defense Authorization Act of Fiscal Year 2014 (Public Law 113-66) which require that electronic health record systems of the Department of Defense and the Department of Veterans Affairs have reached interoperability, comply with national standards and architectural requirements identified by the DoD/VA Interagency Program Office in collaboration with the Office of National Coordinator for Health Information Technology:

*Provided further*, That the funds made available under this heading for information technology systems development, modernization, and enhancement, shall be for the projects, and in the amounts, specified under this heading in the joint explanatory statement accompanying this Act.

#### OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General, to include information technology, in carrying out the provisions of the Inspector General Act of 1978 (5 U.S.C. App.), \$160,106,000, of which not to exceed 10 percent shall remain available until September 30, 2018.

#### CONSTRUCTION, MAJOR PROJECTS

For constructing, altering, extending, and improving any of the facilities, including parking projects, under the jurisdiction or for the use of the Department of Veterans Affairs, or for any of the purposes set forth in sections 316, 2404, 2406 and chapter 81 of title 38, United States Code, not otherwise provided for, including planning, architectural and engineering services, construction management services, maintenance or guarantee period services costs associated with equipment guarantees provided under the project, services of claims analysts, offsite utility and storm drainage system construction costs, and site acquisition, where the estimated cost of a project is more than the amount set forth in section 8104(a)(3)(A) of title 38, United States Code, or where funds for a project were made available in a previous major project appropriation, \$528,110,000, of which \$478,110,000 shall remain available until September 30, 2021, and of which \$50,000,000 shall remain available until expended: *Provided*, That except for advance planning activities, including needs assessments which may or may not lead to capital investments, and other capital asset management related activities, including portfolio development and management activities, and investment strategy studies funded through the advance planning fund and the planning and design activities funded through the design fund, including needs assessments which may or may not lead to

capital investments, and salaries and associated costs of the resident engineers who oversee those capital investments funded through this account and contracting officers who manage specific major construction projects, and funds provided for the purchase, security, and maintenance of land for the National Cemetery Administration through the land acquisition line item, none of the funds made available under this heading shall be used for any project that has not been notified to Congress through the budgetary process or that has not been approved by the Congress through statute, joint resolution, or in the explanatory statement accompanying such Act and presented to the President at the time of enrollment: *Provided further*, That funds made available under this heading for fiscal year 2017, for each approved project shall be obligated: (1) by the awarding of a construction documents contract by September 30, 2017; and (2) by the awarding of a construction contract by September 30, 2018: *Provided further*, That the Secretary of Veterans Affairs shall promptly submit to the Committees on Appropriations of both Houses of Congress a written report on any approved major construction project for which obligations are not incurred within the time limitations established above: *Provided further*, That, of the amount made available under this heading, \$222,620,000 for Veterans Health Administration major construction projects shall not be available until the Department of Veterans Affairs—

(1) enters into an agreement with an appropriate non-Department of Veterans Affairs Federal entity to serve as the design and/or construction agent for any Veterans Health Administration major construction project with a Total Estimated Cost of \$100,000,000 or above by providing full project management services, including management of the project design, acquisition, construction, and contract changes, consistent with section 502 of Public Law 114-58; and

(2) certifies in writing that such an agreement is executed and intended to minimize or prevent subsequent major construction project cost overruns and provides a copy of the agreement entered into and any required supplementary information to the Committees on Appropriations of both Houses of Congress.

#### CONSTRUCTION, MINOR PROJECTS

For constructing, altering, extending, and improving any of the facilities, including parking projects, under the jurisdiction or for the use of the Department of Veterans Affairs, including planning and assessments of needs which may lead to capital investments, architectural and engineering services, maintenance or guarantee period services costs associated with equipment guarantees provided under the project, services of claims analysts, offsite utility and storm drainage system construction costs, and site acquisition, or for any of the purposes set forth in sections 316, 2404, 2406 and chapter 81 of title 38, United States Code, not otherwise provided for, where the estimated cost of a project is equal to or less than the amount set forth in section 8104(a)(3)(A) of title 38, United States Code, \$372,069,000, to remain available until September 30, 2021, along with unobligated balances of previous “Construction, Minor Projects” appropriations which are hereby made available for any project where the estimated cost is equal to or less than the amount set forth in such section: *Provided*, That funds made available under this heading shall be for: (1) repairs to any of the nonmedical facilities under the jurisdiction or for the use of the Department

which are necessary because of loss or damage caused by any natural disaster or catastrophe; and (2) temporary measures necessary to prevent or to minimize further loss by such causes.

GRANTS FOR CONSTRUCTION OF STATE  
EXTENDED CARE FACILITIES

For grants to assist States to acquire or construct State nursing home and domiciliary facilities and to remodel, modify, or alter existing hospital, nursing home, and domiciliary facilities in State homes, for furnishing care to veterans as authorized by sections 8131 through 8137 of title 38, United States Code, \$90,000,000, to remain available until expended.

GRANTS FOR CONSTRUCTION OF VETERANS  
CEMETERIES

For grants to assist States and tribal organizations in establishing, expanding, or improving veterans cemeteries as authorized by section 2408 of title 38, United States Code, \$45,000,000, to remain available until expended.

ADMINISTRATIVE PROVISIONS  
(INCLUDING TRANSFER OF FUNDS)

SEC. 201. Any appropriation for fiscal year 2017 for "Compensation and Pensions", "Readjustment Benefits", and "Veterans Insurance and Indemnities" may be transferred as necessary to any other of the mentioned appropriations: *Provided*, That, before a transfer may take place, the Secretary of Veterans Affairs shall request from the Committees on Appropriations of both Houses of Congress the authority to make the transfer and such Committees issue an approval, or absent a response, a period of 30 days has elapsed.

(INCLUDING TRANSFER OF FUNDS)

SEC. 202. Amounts made available for the Department of Veterans Affairs for fiscal year 2017, in this or any other Act, under the "Medical Services", "Medical Community Care", "Medical Support and Compliance", and "Medical Facilities" accounts may be transferred among the accounts: *Provided*, That any transfers among the "Medical Services", "Medical Community Care", and "Medical Support and Compliance" accounts of 1 percent or less of the total amount appropriated to the account in this or any other Act may take place subject to notification from the Secretary of Veterans Affairs to the Committees on Appropriations of both Houses of Congress of the amount and purpose of the transfer: *Provided further*, That any transfers among the "Medical Services", "Medical Community Care", and "Medical Support and Compliance" accounts in excess of 1 percent, or exceeding the cumulative 1 percent for the fiscal year, may take place only after the Secretary requests from the Committees on Appropriations of both Houses of Congress the authority to make the transfer and an approval is issued: *Provided further*, That any transfers to or from the "Medical Facilities" account may take place only after the Secretary requests from the Committees on Appropriations of both Houses of Congress the authority to make the transfer and an approval is issued.

SEC. 203. Appropriations available in this title for salaries and expenses shall be available for services authorized by section 3109 of title 5, United States Code; hire of passenger motor vehicles; lease of a facility or land or both; and uniforms or allowances therefore, as authorized by sections 5901 through 5902 of title 5, United States Code.

SEC. 204. No appropriations in this title (except the appropriations for "Construction, Major Projects", and "Construction, Minor Projects") shall be available for the purchase of any site for or toward the construction of any new hospital or home.

SEC. 205. No appropriations in this title shall be available for hospitalization or examination of any persons (except beneficiaries entitled to such hospitalization or examination under the laws providing such benefits to veterans, and persons receiving such treatment under sections 7901 through 7904 of title 5, United States Code, or the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.)), unless reimbursement of the cost of such hospitalization or examination is made to the "Medical Services" account at such rates as may be fixed by the Secretary of Veterans Affairs.

SEC. 206. Appropriations available in this title for "Compensation and Pensions", "Readjustment Benefits", and "Veterans Insurance and Indemnities" shall be available for payment of prior year accrued obligations required to be recorded by law against the corresponding prior year accounts within the last quarter of fiscal year 2016.

SEC. 207. Appropriations available in this title shall be available to pay prior year obligations of corresponding prior year appropriations accounts resulting from sections 3328(a), 3334, and 3712(a) of title 31, United States Code, except that if such obligations are from trust fund accounts they shall be payable only from "Compensation and Pensions".

(INCLUDING TRANSFER OF FUNDS)

SEC. 208. Notwithstanding any other provision of law, during fiscal year 2017, the Secretary of Veterans Affairs shall, from the National Service Life Insurance Fund under section 1920 of title 38, United States Code, the Veterans' Special Life Insurance Fund under section 1923 of title 38, United States Code, and the United States Government Life Insurance Fund under section 1955 of title 38, United States Code, reimburse the "General Operating Expenses, Veterans Benefits Administration" and "Information Technology Systems" accounts for the cost of administration of the insurance programs financed through those accounts: *Provided*, That reimbursement shall be made only from the surplus earnings accumulated in such an insurance program during fiscal year 2017 that are available for dividends in that program after claims have been paid and actuarially determined reserves have been set aside: *Provided further*, That if the cost of administration of such an insurance program exceeds the amount of surplus earnings accumulated in that program, reimbursement shall be made only to the extent of such surplus earnings: *Provided further*, That the Secretary shall determine the cost of administration for fiscal year 2017 which is properly allocable to the provision of each such insurance program and to the provision of any total disability income insurance included in that insurance program.

SEC. 209. Amounts deducted from enhanced-use lease proceeds to reimburse an account for expenses incurred by that account during a prior fiscal year for providing enhanced-use lease services, may be obligated during the fiscal year in which the proceeds are received.

(INCLUDING TRANSFER OF FUNDS)

SEC. 210. Funds available in this title or funds for salaries and other administrative expenses shall also be available to reimburse the Office of Resolution Management of the Department of Veterans Affairs and the Office of Employment Discrimination Complaint Adjudication under section 319 of title 38, United States Code, for all services provided at rates which will recover actual costs but not to exceed \$47,668,000 for the Office of Resolution Management and \$3,932,000 for the Office of Employment Discrimination Complaint Adjudication: *Provided*, That pay-

ments may be made in advance for services to be furnished based on estimated costs: *Provided further*, That amounts received shall be credited to the "General Administration" and "Information Technology Systems" accounts for use by the office that provided the service.

SEC. 211. No funds of the Department of Veterans Affairs shall be available for hospital care, nursing home care, or medical services provided to any person under chapter 17 of title 38, United States Code, for a non-service-connected disability described in section 1729(a)(2) of such title, unless that person has disclosed to the Secretary of Veterans Affairs, in such form as the Secretary may require, current, accurate third-party reimbursement information for purposes of section 1729 of such title: *Provided*, That the Secretary may recover, in the same manner as any other debt due the United States, the reasonable charges for such care or services from any person who does not make such disclosure as required: *Provided further*, That any amounts so recovered for care or services provided in a prior fiscal year may be obligated by the Secretary during the fiscal year in which amounts are received.

(INCLUDING TRANSFER OF FUNDS)

SEC. 212. Notwithstanding any other provision of law, proceeds or revenues derived from enhanced-use leasing activities (including disposal) may be deposited into the "Construction, Major Projects" and "Construction, Minor Projects" accounts and be used for construction (including site acquisition and disposition), alterations, and improvements of any medical facility under the jurisdiction or for the use of the Department of Veterans Affairs. Such sums as realized are in addition to the amount provided for in "Construction, Major Projects" and "Construction, Minor Projects".

SEC. 213. Amounts made available under "Medical Services" are available—

- (1) for furnishing recreational facilities, supplies, and equipment; and
- (2) for funeral expenses, burial expenses, and other expenses incidental to funerals and burials for beneficiaries receiving care in the Department.

(INCLUDING TRANSFER OF FUNDS)

SEC. 214. Such sums as may be deposited to the Medical Care Collections Fund pursuant to section 1729A of title 38, United States Code, may be transferred to the "Medical Services" and "Medical Community Care" accounts to remain available until expended for the purposes of these accounts.

SEC. 215. The Secretary of Veterans Affairs may enter into agreements with Federally Qualified Health Centers in the State of Alaska and Indian tribes and tribal organizations which are party to the Alaska Native Health Compact with the Indian Health Service, to provide healthcare, including behavioral health and dental care, to veterans in rural Alaska. The Secretary shall require participating veterans and facilities to comply with all appropriate rules and regulations, as established by the Secretary. The term "rural Alaska" shall mean those lands which are not within the boundaries of the municipality of Anchorage or the Fairbanks North Star Borough.

(INCLUDING TRANSFER OF FUNDS)

SEC. 216. Such sums as may be deposited to the Department of Veterans Affairs Capital Asset Fund pursuant to section 8118 of title 38, United States Code, may be transferred to the "Construction, Major Projects" and "Construction, Minor Projects" accounts, to remain available until expended for the purposes of these accounts.

(RESCISSION OF FUNDS)

SEC. 217. Of the amounts appropriated in title II of division J of Public Law 114-113

under the heading “Medical Services” which become available on October 1, 2016, \$7,246,181,000 are hereby rescinded.

SEC. 218. Not later than 30 days after the end of each fiscal quarter, the Secretary of Veterans Affairs shall submit to the Committees on Appropriations of both Houses of Congress a report on the financial status of the Department of Veterans Affairs for the preceding quarter: *Provided*, That, at a minimum, the report shall include the direction contained in the paragraph entitled “Quarterly reporting”, under the heading “General Administration” in the joint explanatory statement accompanying this Act.

(INCLUDING TRANSFER OF FUNDS)

SEC. 219. Amounts made available under the “Medical Services”, “Medical Community Care”, “Medical Support and Compliance”, “Medical Facilities”, “General Operating Expenses, Veterans Benefits Administration”, “General Administration”, and “National Cemetery Administration” accounts for fiscal year 2017 may be transferred to or from the “Information Technology Systems” account: *Provided*, That such transfers may not result in a more than 10 percent aggregate increase in the total amount made available by this Act for the “Information Technology Systems” account: *Provided further*, That, before a transfer may take place, the Secretary of Veterans Affairs shall request from the Committees on Appropriations of both Houses of Congress the authority to make the transfer and an approval is issued.

SEC. 220. None of the funds appropriated or otherwise made available by this Act or any other Act for the Department of Veterans Affairs may be used in a manner that is inconsistent with: (1) section 842 of the Transportation, Treasury, Housing and Urban Development, the Judiciary, the District of Columbia, and Independent Agencies Appropriations Act, 2006 (Public Law 109-115; 119 Stat. 2506); or (2) section 8110(a)(5) of title 38, United States Code.

(INCLUDING TRANSFER OF FUNDS)

SEC. 221. Of the amounts appropriated to the Department of Veterans Affairs for fiscal year 2017 for “Medical Services”, “Medical Community Care”, “Medical Support and Compliance”, “Medical Facilities”, “Construction, Minor Projects”, and “Information Technology Systems”, up to \$274,731,000, plus reimbursements, may be transferred to the Joint Department of Defense-Department of Veterans Affairs Medical Facility Demonstration Fund, established by section 1704 of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111-84; 123 Stat. 3571) and may be used for operation of the facilities designated as combined Federal medical facilities as described by section 706 of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110-417; 122 Stat. 4500): *Provided*, That additional funds may be transferred from accounts designated in this section to the Joint Department of Defense-Department of Veterans Affairs Medical Facility Demonstration Fund upon written notification by the Secretary of Veterans Affairs to the Committees on Appropriations of both Houses of Congress: *Provided further*, That section 223 of title II of division J of Public Law 114-113 is repealed.

(INCLUDING TRANSFER OF FUNDS)

SEC. 222. Of the amounts appropriated to the Department of Veterans Affairs which become available on October 1, 2017, for “Medical Services”, “Medical Community Care”, “Medical Support and Compliance”, and “Medical Facilities”, up to \$280,802,000, plus reimbursements, may be transferred to the Joint Department of Defense-Depart-

ment of Veterans Affairs Medical Facility Demonstration Fund, established by section 1704 of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111-84; 123 Stat. 3571) and may be used for operation of the facilities designated as combined Federal medical facilities as described by section 706 of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110-417; 122 Stat. 4500): *Provided*, That additional funds may be transferred from accounts designated in this section to the Joint Department of Defense-Department of Veterans Affairs Medical Facility Demonstration Fund upon written notification by the Secretary of Veterans Affairs to the Committees on Appropriations of both Houses of Congress.

(INCLUDING TRANSFER OF FUNDS)

SEC. 223. Such sums as may be deposited to the Medical Care Collections Fund pursuant to section 1729A of title 38, United States Code, for healthcare provided at facilities designated as combined Federal medical facilities as described by section 706 of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110-417; 122 Stat. 4500) shall also be available: (1) for transfer to the Joint Department of Defense-Department of Veterans Affairs Medical Facility Demonstration Fund, established by section 1704 of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111-84; 123 Stat. 3571); and (2) for operations of the facilities designated as combined Federal medical facilities as described by section 706 of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110-417; 122 Stat. 4500).

(INCLUDING TRANSFER OF FUNDS)

SEC. 224. Of the amounts available in this title for “Medical Services”, “Medical Community Care”, “Medical Support and Compliance”, and “Medical Facilities”, a minimum of \$15,000,000 shall be transferred to the DOD-VA Health Care Sharing Incentive Fund, as authorized by section 8111(d) of title 38, United States Code, to remain available until expended, for any purpose authorized by section 8111 of title 38, United States Code.

SEC. 225. None of the funds available to the Department of Veterans Affairs, in this or any other Act, may be used to replace the current system by which the Veterans Integrated Service Networks select and contract for diabetes monitoring supplies and equipment.

SEC. 226. The Secretary of Veterans Affairs shall notify the Committees on Appropriations of both Houses of Congress of all bid savings in a major construction project that total at least \$5,000,000, or 5 percent of the programmed amount of the project, whichever is less: *Provided*, That such notification shall occur within 14 days of a contract identifying the programmed amount: *Provided further*, That the Secretary shall notify the Committees on Appropriations of both Houses of Congress 14 days prior to the obligation of such bid savings and shall describe the anticipated use of such savings.

SEC. 227. None of the funds made available for “Construction, Major Projects” may be used for a project in excess of the scope specified for that project in the original justification data provided to the Congress as part of the request for appropriations unless the Secretary of Veterans Affairs receives approval from the Committees on Appropriations of both Houses of Congress.

SEC. 228. Not later than 30 days after the end of each fiscal quarter, the Secretary of Veterans Affairs shall submit to the Committees on Appropriations of both Houses of Congress a quarterly report containing per-

formance measures and data from each Veterans Benefits Administration Regional Office: *Provided*, That, at a minimum, the report shall include the direction contained in the section entitled “Disability claims backlog”, under the heading “General Operating Expenses, Veterans Benefits Administration” in the joint explanatory statement accompanying this Act.

SEC. 229. Of the funds provided to the Department of Veterans Affairs for fiscal year 2017 for “Medical Support and Compliance” a maximum of \$40,000,000 may be obligated from the “Medical Support and Compliance” account for the VistA Evolution and electronic health record interoperability projects: *Provided*, That funds in addition to these amounts may be obligated for the VistA Evolution and electronic health record interoperability projects upon written notification by the Secretary of Veterans Affairs to the Committees on Appropriations of both Houses of Congress.

SEC. 230. The Secretary of Veterans Affairs shall provide written notification to the Committees on Appropriations of both Houses of Congress 15 days prior to organizational changes which result in the transfer of 25 or more full-time equivalents from one organizational unit of the Department of Veterans Affairs to another.

SEC. 231. The Secretary of Veterans Affairs shall provide on a quarterly basis to the Committees on Appropriations of both Houses of Congress notification of any single national outreach and awareness marketing campaign in which obligations exceed \$2,000,000.

(INCLUDING TRANSFER OF FUNDS)

SEC. 232. The Secretary of Veterans Affairs, upon determination that such action is necessary to address needs of the Veterans Health Administration, may transfer to the “Medical Services” account any discretionary appropriations made available for fiscal year 2017 in this title (except appropriations made to the “General Operating Expenses, Veterans Benefits Administration” account) or any discretionary unobligated balances within the Department of Veterans Affairs, including those appropriated for fiscal year 2017, that were provided in advance by appropriations Acts: *Provided*, That transfers shall be made only with the approval of the Office of Management and Budget: *Provided further*, That the transfer authority provided in this section is in addition to any other transfer authority provided by law: *Provided further*, That no amounts may be transferred from amounts that were designated by Congress as an emergency requirement pursuant to a concurrent resolution on the budget or the Balanced Budget and Emergency Deficit Control Act of 1985: *Provided further*, That such authority to transfer may not be used unless for higher priority items, based on emergent healthcare requirements, than those for which originally appropriated and in no case where the item for which funds are requested has been denied by Congress: *Provided further*, That, upon determination that all or part of the funds transferred from an appropriation are not necessary, such amounts may be transferred back to that appropriation and shall be available for the same purposes as originally appropriated: *Provided further*, That before a transfer may take place, the Secretary of Veterans Affairs shall request from the Committees on Appropriations of both Houses of Congress the authority to make the transfer and receive approval of that request.

(INCLUDING TRANSFER OF FUNDS)

SEC. 233. Amounts made available for the Department of Veterans Affairs for fiscal year 2017, under the “Board of Veterans Appeals” and the “General Operating Expenses,

Veterans Benefits Administration" accounts may be transferred between such accounts: *Provided*, That before a transfer may take place, the Secretary of Veterans Affairs shall request from the Committees on Appropriations of both Houses of Congress the authority to make the transfer and receive approval of that request.

SEC. 234. The Secretary of Veterans Affairs may not reprogram funds among major construction projects or programs if such instance of reprogramming will exceed \$5,000,000, unless such reprogramming is approved by the Committees on Appropriations of both Houses of Congress.

(RESCISSION OF FUNDS)

SEC. 235. Of the unobligated balances available within the "DOD-VA Health Care Sharing Incentive Fund", \$40,000,000 are hereby rescinded.

(RESCISSIONS OF FUNDS)

SEC. 236. Of the discretionary funds made available in Public Law 114-113 for the Department of Veterans Affairs for fiscal year 2017, \$134,000,000 are rescinded from "Medical Services", \$26,000,000 are rescinded from "Medical Support and Compliance", and \$9,000,000 are rescinded from "Medical Facilities".

SEC. 237. The amounts otherwise made available by this Act for the following accounts of the Department of Veterans Affairs are hereby reduced by the following amounts:

(1) "Veterans Health Administration—Medical and Prosthetic Research", \$2,000,000.

(2) "Departmental Administration—Board of Veterans Appeals", \$500,000.

(3) "Veterans Benefits Administration—General Operating Expenses, Veterans Benefits Administration", \$12,000,000.

(4) "Departmental Administration—Information Technology Systems", \$8,000,000.

(5) "Departmental Administration—Office of Inspector General", \$500,000.

SEC. 238. The Secretary of Veterans Affairs shall ensure that the toll-free suicide hotline under section 1720F(h) of title 38, United States Code—

(1) provides to individuals who contact the hotline immediate assistance from a trained professional; and

(2) adheres to all requirements of the American Association of Suicidology.

SEC. 239. (a) The Secretary of Veterans Affairs shall treat a marriage and family therapist described in subsection (b) as qualified to serve as a marriage and family therapist in the Department of Veterans Affairs, regardless of any requirements established by the Commission on Accreditation for Marriage and Family Therapy Education.

(b) A marriage and family therapist described in this subsection is a therapist who meets each of the following criteria:

(1) Has a masters or higher degree in marriage and family therapy, or a related field, from a regionally accredited institution.

(2) Is licensed as a marriage and family therapist in a State (as defined in section 101(20) of title 38, United States Code) and possesses the highest level of licensure offered from the State.

(3) Has passed the Association of Marital and Family Therapy Regulatory Board Examination in Marital and Family Therapy or a related examination for licensure administered by a State (as so defined).

SEC. 240. None of the funds in this or any other Act may be used to close Department of Veterans Affairs (VA) hospitals, domiciliarys, or clinics, conduct an environmental assessment, or to diminish healthcare services at existing Veterans Health Administration medical facilities located in Veterans Integrated Service Network 23 as part of a planned realignment of VA services until the

Secretary provides to the Committees on Appropriations of both Houses of Congress a report including the following elements:

(1) a national realignment strategy that includes a detailed description of realignment plans within each Veterans Integrated Service Network (VISN), including an updated Long Range Capital Plan to implement realignment requirements;

(2) an explanation of the process by which those plans were developed and coordinated within each VISN;

(3) a cost vs. benefit analysis of each planned realignment, including the cost of replacing Veterans Health Administration services with contract care or other outsourced services;

(4) an analysis of how any such planned realignment of services will impact access to care for veterans living in rural or highly rural areas, including travel distances and transportation costs to access a VA medical facility and availability of local specialty and primary care;

(5) an inventory of VA buildings with historic designation and the methodology used to determine the buildings' condition and utilization;

(6) a description of how any realignment will be consistent with requirements under the National Historic Preservation Act; and

(7) consideration given for reuse of historic buildings within newly identified realignment requirements: *Provided*, That, this provision shall not apply to capital projects in VISN 23, or any other VISN, which have been authorized or approved by Congress.

SEC. 241. None of the funds appropriated in this or prior appropriations Acts or otherwise made available to the Department of Veterans Affairs may be used to transfer any amounts from the Filipino Veterans Equity Compensation Fund to any other account within the Department of Veterans Affairs.

SEC. 242. Paragraph (3) of section 403(a) of the Veterans' Mental Health and Other Care Improvements Act of 2008 (Public Law 110-387; 38 U.S.C. 1703 note) is amended to read as follows:

"(3) DURATION.—A veteran may receive health services under this section during the period beginning on the date specified in paragraph (2) and ending on September 30, 2017."

SEC. 243. (a) Section 1722A(a) of title 38, United States Code, is amended by adding at the end the following new paragraph:

"(4) Paragraph (1) does not apply to opioid antagonists furnished under this chapter to a veteran who is at high risk for overdose of a specific medication or substance in order to reverse the effect of such an overdose."

(b) Section 1710(g)(3) of such title is amended—

(1) by striking "with respect to home health services" and inserting "with respect to the following:"

"(A) Home health services"; and

(2) by adding at the end the following new subparagraph:

"(B) Education on the use of opioid antagonists to reverse the effects of overdoses of specific medications or substances."

SEC. 244. Section 312 of title 38, United States Code, is amended in subsection (c)(1) by striking the phrase "that makes a recommendation or otherwise suggests corrective action,"

SEC. 245. Of the funds provided to the Department of Veterans Affairs for each of fiscal year 2017 and fiscal year 2018 for "Medical Services", funds may be used in each year to carry out and expand the child care program authorized by section 205 of Public Law 111-163, notwithstanding subsection (e) of such section.

SEC. 246. Section 5701(l) of title 38, United States Code, is amended by striking "may" and inserting "shall".

VA PATIENT PROTECTION ACT OF 2016

SEC. 247. (a) PROCEDURE AND ADMINISTRATION.—

(1) IN GENERAL.—Chapter 7 of title 38, United States Code, is amended by adding at the end the following new subchapter:

"SUBCHAPTER II—WHISTLEBLOWER COMPLAINTS

"§ 731. Whistleblower complaint defined

"In this subchapter, the term 'whistleblower complaint' means a complaint by an employee of the Department disclosing, or assisting another employee to disclose, a potential violation of any law, rule, or regulation, or gross mismanagement, gross waste of funds, abuse of authority, or substantial and specific danger to public health and safety.

"§ 732. Treatment of whistleblower complaints

"(a) FILING.—(1) In addition to any other method established by law in which an employee may file a whistleblower complaint, an employee of the Department may file a whistleblower complaint in accordance with subsection (g) with a supervisor of the employee.

"(2) Except as provided by subsection (d)(1), in making a whistleblower complaint under paragraph (1), an employee shall file the initial complaint with the immediate supervisor of the employee.

"(b) NOTIFICATION.—(1)(A) Not later than four business days after the date on which a supervisor receives a whistleblower complaint by an employee under this section, the supervisor shall notify, in writing, the employee of whether the supervisor determines that there is a reasonable likelihood that the complaint discloses a violation of any law, rule, or regulation, or gross mismanagement, gross waste of funds, abuse of authority, or substantial and specific danger to public health and safety.

"(B) The supervisor shall retain written documentation regarding the whistleblower complaint and shall submit to the next-level supervisor and the central whistleblower office described in subsection (h) a written report on the complaint.

"(2)(A) On a monthly basis, the supervisor shall submit to the appropriate director or other official who is superior to the supervisor a written report that includes the number of whistleblower complaints received by the supervisor under this section during the month covered by the report, the disposition of such complaints, and any actions taken because of such complaints pursuant to subsection (c).

"(B) In the case in which such a director or official carries out this paragraph, the director or official shall submit such monthly report to the supervisor of the director or official and to the central whistleblower office described in subsection (h).

"(c) POSITIVE DETERMINATION.—If a supervisor makes a positive determination under subsection (b)(1) regarding a whistleblower complaint of an employee, the supervisor shall include in the notification to the employee under such subsection the specific actions that the supervisor will take to address the complaint.

"(d) FILING COMPLAINT WITH NEXT-LEVEL SUPERVISORS.—(1) If any circumstance described in paragraph (3) is met, an employee may file a whistleblower complaint in accordance with subsection (g) with the next-level supervisor who shall treat such complaint in accordance with this section.

"(2) An employee may file a whistleblower complaint with the Secretary if the employee has filed the whistleblower complaint to each level of supervisors between the employee and the Secretary in accordance with paragraph (1).



“(3) A circumstance described in this paragraph is any of the following circumstances:

“(A) A supervisor does not make a timely determination under subsection (b)(1) regarding a whistleblower complaint.

“(B) The employee who made a whistleblower complaint determines that the supervisor did not adequately address the complaint pursuant to subsection (c).

“(C) The immediate supervisor of the employee is the basis of the whistleblower complaint.

“(e) **TRANSFER OF EMPLOYEE WHO FILES WHISTLEBLOWER COMPLAINT.**—If a supervisor makes a positive determination under subsection (b)(1) regarding a whistleblower complaint filed by an employee, the Secretary shall—

“(1) inform the employee of the ability to volunteer for a transfer in accordance with section 3352 of title 5; and

“(2) give preference to the employee for such a transfer in accordance with such section.

“(f) **PROHIBITION ON EXEMPTION.**—The Secretary may not exempt any employee of the Department from being covered by this section.

“(g) **WHISTLEBLOWER COMPLAINT FORM.**—(1) A whistleblower complaint filed by an employee under subsection (a) or (d) shall consist of the form described in paragraph (2) and any supporting materials or documentation the employee determines necessary.

“(2) The form described in this paragraph is a form developed by the Secretary, in consultation with the Special Counsel, that includes the following:

“(A) An explanation of the purpose of the whistleblower complaint form.

“(B) Instructions for filing a whistleblower complaint as described in this section.

“(C) An explanation that filing a whistleblower complaint under this section does not preclude the employee from any other method established by law in which an employee may file a whistleblower complaint.

“(D) A statement directing the employee to information accessible on the Internet website of the Department as described in section 735(d).

“(E) Fields for the employee to provide—

“(i) the date that the form is submitted;

“(ii) the name of the employee;

“(iii) the contact information of the employee;

“(iv) a summary of the whistleblower complaint (including the option to append supporting documents pursuant to paragraph (1)); and

“(v) proposed solutions to the complaint.

“(F) Any other information or fields that the Secretary determines appropriate.

“(3) The Secretary, in consultation with the Special Counsel, shall develop the form described in paragraph (2) by not later than 60 days after the date of the enactment of this section.

“(h) **CENTRAL WHISTLEBLOWER OFFICE.**—(1) The Secretary shall ensure that the central whistleblower office—

“(A) is not an element of the Office of the General Counsel;

“(B) is not headed by an official who reports to the General Counsel;

“(C) does not provide, or receive from, the General Counsel any information regarding a whistleblower complaint except pursuant to an action regarding the complaint before an administrative body or court; and

“(D) does not provide advice to the General Counsel.

“(2) The central whistleblower office shall be responsible for investigating all whistleblower complaints of the Department, regardless of whether such complaints are made by or against an employee who is not a member of the Senior Executive Service.

“(3) The Secretary shall ensure that the central whistleblower office maintains a toll-free hotline to anonymously receive whistleblower complaints.

“(4) The Secretary shall ensure that the central whistleblower office has such staff and resources as the Secretary considers necessary to carry out the functions of the central whistleblower office.

“(5) In this subsection, the term ‘central whistleblower office’ means the Office of Accountability Review or a successor office that is established or designated by the Secretary to investigate whistleblower complaints filed under this section or any other method established by law.

**“§ 733. Adverse actions against supervisory employees who commit prohibited personnel actions relating to whistleblower complaints**

“(a) **IN GENERAL.**—(1) In accordance with paragraph (2), the Secretary shall carry out the following adverse actions against supervisory employees (as defined in section 7103(a) of title 5) whom the Secretary, an administrative judge, the Merit Systems Protection Board, the Office of Special Counsel, an adjudicating body provided under a union contract, a Federal judge, or the Inspector General of the Department determines committed a prohibited personnel action described in subsection (c):

“(A) With respect to the first offense, an adverse action that is not less than a 12-day suspension and not more than removal.

“(B) With respect to the second offense, removal.

“(2)(A) An employee against whom an adverse action under paragraph (1) is proposed is entitled to written notice.

“(B)(i) An employee who is notified under subparagraph (A) of being the subject of a proposed adverse action under paragraph (1) is entitled to 14 days following such notification to answer and furnish evidence in support of the answer.

“(ii) If the employee does not furnish any such evidence as described in clause (i) or if the Secretary determines that such evidence is not sufficient to reverse the determination to propose the adverse action, the Secretary shall carry out the adverse action following such 14-day period.

“(C) Paragraphs (1) and (2) of subsection (b) of section 7513 of title 5, subsection (c) of such section, paragraphs (1) and (2) of subsection (b) of section 7543 of such title, and subsection (c) of such section shall not apply with respect to an adverse action carried out under paragraph (1).

“(b) **LIMITATION ON OTHER ADVERSE ACTIONS.**—With respect to a prohibited personnel action described in subsection (c), if the Secretary carries out an adverse action against a supervisory employee, the Secretary may carry out an additional adverse action under this section based on the same prohibited personnel action if the total severity of the adverse actions do not exceed the level specified in subsection (a).

“(c) **PROHIBITED PERSONNEL ACTION DESCRIBED.**—A prohibited personnel action described in this subsection is any of the following actions:

“(1) Taking or failing to take a personnel action in violation of section 2302 of title 5 against an employee relating to the employee—

“(A) filing a whistleblower complaint in accordance with section 732 of this title;

“(B) filing a whistleblower complaint with the Inspector General of the Department, the Special Counsel, or Congress;

“(C) providing information or participating as a witness in an investigation of a whistleblower complaint in accordance with section 732 or with the Inspector General of

the Department, the Special Counsel, or Congress;

“(D) participating in an audit or investigation by the Comptroller General of the United States;

“(E) refusing to perform an action that is unlawful or prohibited by the Department; or

“(F) engaging in communications that are related to the duties of the position or are otherwise protected.

“(2) Preventing or restricting an employee from making an action described in any of subparagraphs (A) through (F) of paragraph (1).

“(3) Conducting a negative peer review or opening a retaliatory investigation because of an activity of an employee that is protected by section 2302 of title 5.

“(4) Requesting a contractor to carry out an action that is prohibited by section 4705(b) or section 4712(a)(1) of title 41, as the case may be.

**“§ 734. Evaluation criteria of supervisors and treatment of bonuses**

“(a) **EVALUATION CRITERIA.**—(1) In evaluating the performance of supervisors of the Department, the Secretary shall include the criteria described in paragraph (2).

“(2) The criteria described in this subsection are the following:

“(A) Whether the supervisor treats whistleblower complaints in accordance with section 732 of this title.

“(B) Whether the appropriate deciding official, performance review board, or performance review committee determines that the supervisor was found to have committed a prohibited personnel action described in section 733(b) of this title by an administrative judge, the Merit Systems Protection Board, the Office of Special Counsel, an adjudicating body provided under a union contract, a Federal judge, or, in the case of a settlement of a whistleblower complaint (regardless of whether any fault was assigned under such settlement), the Secretary.

“(b) **BONUSES.**—(1) The Secretary may not pay to a supervisor described in subsection (a)(2)(B) an award or bonus under this title or title 5, including under chapter 45 or 53 of such title, during the one-year period beginning on the date on which the determination was made under such subsection.

“(2) Notwithstanding any other provision of law, the Secretary shall issue an order directing a supervisor described in subsection (a)(2)(B) to repay the amount of any award or bonus paid under this title or title 5, including under chapter 45 or 53 of such title, if—

“(A) such award or bonus was paid for performance during a period in which the supervisor committed a prohibited personnel action as determined pursuant to such subsection (a)(2)(B);

“(B) the Secretary determines such repayment appropriate pursuant to regulations prescribed by the Secretary to carry out this section; and

“(C) the supervisor is afforded notice and an opportunity for a hearing before making such repayment.

**“§ 735. Training regarding whistleblower complaints**

“(a) **TRAINING.**—Not less frequently than once each year, the Secretary, in coordination with the Whistleblower Protection Ombudsman designated under section 3(d)(1)(C) of the Inspector General Act of 1978 (5 U.S.C. App.), shall provide to each employee of the Department training regarding whistleblower complaints, including—

“(1) an explanation of each method established by law in which an employee may file a whistleblower complaint;

“(2) an explanation of prohibited personnel actions described by section 733(c) of this title;

“(3) with respect to supervisors, how to treat whistleblower complaints in accordance with section 732 of this title;

“(4) the right of the employee to petition Congress regarding a whistleblower complaint in accordance with section 7211 of title 5;

“(5) an explanation that the employee may not be prosecuted or reprised against for disclosing information to Congress, the Inspector General, or another investigatory agency in instances where such disclosure is permitted by law, including under sections 5701, 5705, and 7732 of this title, under section 552a of title 5 (commonly referred to as the Privacy Act), under chapter 93 of title 18, and pursuant to regulations promulgated under section 264(c) of the Health Insurance Portability and Accountability Act of 1996 (Public Law 104-191);

“(6) an explanation of the language that is required to be included in all nondisclosure policies, forms, and agreements pursuant to section 115(a)(1) of the Whistleblower Protection Enhancement Act of 2012 (5 U.S.C. 2302 note); and

“(7) the right of contractors to be protected from reprisal for the disclosure of certain information under section 4705 or 4712 of title 41.

“(b) MANNER TRAINING IS PROVIDED.—The Secretary shall ensure that training provided under subsection (a) is provided in person.

“(c) CERTIFICATION.—Not less frequently than once each year, the Secretary shall provide training on merit system protection in a manner that the Special Counsel certifies as being satisfactory.

“(d) PUBLICATION.—(1) The Secretary shall publish on the Internet website of the Department, and display prominently at each facility of the Department, the rights of an employee to file a whistleblower complaint, including the information described in paragraphs (1) through (7) of subsection (a).

“(2) The Secretary shall publish on the Internet website of the Department, the whistleblower complaint form described in section 732(g)(2).

#### “§ 736. Reports to Congress

“(a) ANNUAL REPORTS.—Not less frequently than once each year, the Secretary shall submit to the appropriate committees of Congress a report that includes—

“(1) with respect to whistleblower complaints filed under section 732 of this title during the year covered by the report—

“(A) the number of such complaints filed;

“(B) the disposition of such complaints; and

“(C) the ways in which the Secretary addressed such complaints in which a positive determination was made by a supervisor under subsection (b)(1) of such section;

“(2) the number of whistleblower complaints filed during the year covered by the report that are not included under paragraph (1), including—

“(A) the method in which such complaints were filed;

“(B) the disposition of such complaints; and

“(C) the ways in which the Secretary addressed such complaints; and

“(3) with respect to disclosures made by a contractor under section 4705 or 4712 of title 41—

“(A) the number of complaints relating to such disclosures that were investigated by the Inspector General of the Department of Veterans Affairs during the year covered by the report;

“(B) the disposition of such complaints; and

“(C) the ways in which the Secretary addressed such complaints.

“(b) NOTICE OF OFFICE OF SPECIAL COUNSEL DETERMINATIONS.—Not later than 30 days after the date on which the Secretary receives from the Special Counsel information relating to a whistleblower complaint pursuant to section 1213 of title 5, the Secretary shall notify the appropriate committees of Congress of such information, including the determination made by the Special Counsel.

“(c) APPROPRIATE COMMITTEES OF CONGRESS.—In this section, the term ‘appropriate committees of Congress’ means—

“(1) the Committee on Veterans’ Affairs and the Committee on Homeland Security and Governmental Affairs of the Senate; and

“(2) the Committee on Veterans’ Affairs and the Committee on Oversight and Government Reform of the House of Representatives.”.

(2) CONFORMING AND CLERICAL AMENDMENTS.—

(A) CONFORMING AMENDMENT.—Such chapter is further amended by inserting before section 701 the following:

“SUBCHAPTER I—GENERAL EMPLOYEE MATTERS”.

(B) CLERICAL AMENDMENTS.—The table of sections at the beginning of such chapter is amended—

(i) by inserting before the item relating to section 701 the following new item:

“SUBCHAPTER I—GENERAL EMPLOYEE MATTERS”;

and

(ii) by adding at the end the following new items:

“SUBCHAPTER II—WHISTLEBLOWER COMPLAINTS

“731. Whistleblower complaint defined.

“732. Treatment of whistleblower complaints.

“733. Adverse actions against supervisory employees who commit prohibited personnel actions relating to whistleblower complaints.

“734. Evaluation criteria of supervisors and treatment of bonuses.

“735. Training regarding whistleblower complaints.

“736. Reports to Congress.”.

(b) TREATMENT OF CONGRESSIONAL TESTIMONY BY DEPARTMENT OF VETERANS AFFAIRS EMPLOYEES AS OFFICIAL DUTY.—

(1) IN GENERAL.—Subchapter I of chapter 7 of title 38, United States Code, as designated by section 2(a)(2)(A), is amended by adding at the end the following new section:

“§ 715. Congressional testimony by employees: treatment as official duty

“(a) CONGRESSIONAL TESTIMONY.—An employee of the Department is performing official duty during the period with respect to which the employee is testifying in an official capacity in front of either chamber of Congress, a committee of either chamber of Congress, or a joint or select committee of Congress.

“(b) TRAVEL EXPENSES.—The Secretary shall provide travel expenses, including per diem in lieu of subsistence, in accordance with applicable provisions under subchapter I of chapter 57 of title 5, to any employee of the Department of Veterans Affairs performing official duty described under subsection (a).”.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter, as amended by section 2(a)(2)(B), is further amended by inserting after the item relating to section 713 the following new item:

“715. Congressional testimony by employees: treatment as official duty.”.

SEC. 248. (a) IN GENERAL.—For the purposes of verifying that an individual performed

service under honorable conditions that satisfies the requirements of a coastwise merchant seaman who is recognized pursuant to section 401 of the GI Bill Improvement Act of 1977 (Public Law 95-202; 38 U.S.C. 106 note) as having performed active duty service for the purposes described in subsection (c)(1), the Secretary of Defense shall accept the following:

(1) In the case of an individual who served on a coastwise merchant vessel seeking such recognition for whom no applicable Coast Guard shipping or discharge form, ship logbook, merchant mariner’s document or Z-card, or other official employment record is available, the Secretary of Defense shall provide such recognition on the basis of applicable Social Security Administration records submitted for or by the individual, together with validated testimony given by the individual or the primary next of kin of the individual that the individual performed such service during the period beginning on December 7, 1941, and ending on December 31, 1946.

(2) In the case of an individual who served on a coastwise merchant vessel seeking such recognition for whom the applicable Coast Guard shipping or discharge form, ship logbook, merchant mariner’s document or Z-card, or other official employment record has been destroyed or otherwise become unavailable by reason of any action committed by a person responsible for the control and maintenance of such form, logbook, or record, the Secretary of Defense shall accept other official documentation demonstrating that the individual performed such service during period beginning on December 7, 1941, and ending on December 31, 1946.

(3) For the purpose of determining whether to recognize service allegedly performed during the period beginning on December 7, 1941, and ending on December 31, 1946, the Secretary shall recognize masters of seagoing vessels or other officers in command of similarly organized groups as agents of the United States who were authorized to document any individual for purposes of hiring the individual to perform service in the merchant marine or discharging an individual from such service.

(b) TREATMENT OF OTHER DOCUMENTATION.—Other documentation accepted by the Secretary of Defense pursuant to subsection (a)(2) shall satisfy all requirements for eligibility of service during the period beginning on December 7, 1941, and ending on December 31, 1946.

(c) BENEFITS ALLOWED.—

(1) MEDALS, RIBBONS, AND DECORATIONS.—An individual whose service is recognized as active duty pursuant to subsection (a) may be awarded an appropriate medal, ribbon, or other military decoration based on such service.

(2) STATUS OF VETERAN.—An individual whose service is recognized as active duty pursuant to subsection (a) shall be honored as a veteran but shall not be entitled by reason of such recognized service to any benefit that is not described in this subsection.

SEC. 249. Section 322(d)(1) of title 38, United States Code, is amended—

(1) by striking “allowance to a veteran” and inserting the following: “allowance to—

“(A) a veteran”;

(2) in subparagraph (A), as designated by paragraph (1), by striking the period at the end and inserting “; and”; and

(3) by adding at the end the following new subparagraph:

“(B) a veteran with a VA service-connected disability rated as 30 percent or greater by the Department of Veterans Affairs who is selected by the United States Olympic Committee for the United States Olympic Team



for any month in which the veteran is competing in any event sanctioned by the National Governing Bodies of the United States Olympic Sports.”.

SEC. 250. (a) IN GENERAL.—Section 111(b)(1) of title 38, United States Code, is amended by adding at the end the following new subparagraph:

“(G) A veteran with vision impairment, a veteran with a spinal cord injury or disorder, or a veteran with double or multiple amputations whose travel is in connection with care provided through a special disabilities rehabilitation program of the Department (including programs provided by spinal cord injury centers, blind rehabilitation centers, and prosthetics rehabilitation centers) if such care is provided—

“(i) on an in-patient basis; or

“(ii) during a period in which the Secretary provides the veteran with temporary lodging at a facility of the Department to make such care more accessible to the veteran.”.

(b) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Veterans Affairs shall submit to the Committee on Veterans’ Affairs of the Senate and the Committee on Veterans’ Affairs of the House of Representatives a report on the beneficiary travel program under section 111 of title 38, United States Code, as amended by subsection (a), that includes the following:

(1) The cost of the program.

(2) The number of veterans served by the program.

(3) Such other matters as the Secretary considers appropriate.

(c) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on the first day of the first fiscal year that begins after the date of the enactment of this Act.

SEC. 251. (a) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Veterans Affairs shall establish a program to conduct inspections of kitchens and food service areas at each medical facility of the Department of Veterans Affairs. Such inspections shall occur not less frequently than annually. The program’s goal is to ensure that the same standards for kitchens and food service areas at hospitals in the private sector are being met at kitchens and food service areas at medical facilities of the Department.

(b) AGREEMENT.—

(1) IN GENERAL.—The Secretary shall seek to enter into an agreement with the Joint Commission on Accreditation of Hospital Organizations under which the Joint Commission on Accreditation of Hospital Organizations conducts the inspections required under subsection (a).

(2) ALTERNATE ORGANIZATION.—If the Secretary is unable to enter into an agreement described in paragraph (1) with the Joint Commission on Accreditation of Hospital Organizations on terms acceptable to the Secretary, the Secretary shall seek to enter into such an agreement with another appropriate organization that—

(A) is not part of the Federal Government;

(B) operates as a not-for-profit entity; and

(C) has expertise and objectivity comparable to that of the Joint Commission on Accreditation of Hospital Organizations.

(c) REMEDIATION PLAN.—

(1) INITIAL FAILURE.—If a kitchen or food service area of a medical facility of the Department is determined pursuant to an inspection conducted under subsection (a) not to meet the standards for kitchens and food service areas in hospitals in the private sector, that medical facility fails the inspection and the Secretary shall—

(A) implement a remediation plan for that medical facility within 72 hours; and

(B) Conduct a second inspection under subsection (a) at that medical facility within 14 days of the failed inspection.

(2) SECOND FAILURE.—If a medical facility of the Department fails the second inspection conducted under paragraph (1)(B), the Secretary shall close the kitchen or food service area at that medical facility that did not meet the standards for kitchens and food service areas in hospitals in the private sector until full remediation is completed and all kitchens and food service areas at that medical facility meet such standards.

(3) PROVISION OF FOOD.—If a kitchen or food service area is closed at a medical facility of the Department pursuant to paragraph (2), the Director of the Veterans Integrated Service Network in which the medical facility is located shall enter into a contract with a vendor approved by the General Services Administration to provide food at the medical facility.

(d) QUARTERLY REPORTS.—Not less frequently than quarterly, the Under Secretary of Health shall submit to Congress a report on inspections conducted under this section, and their detailed findings and actions taken, during the preceding quarter at medical facilities of the Department.

SEC. 252. (a) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Veterans Affairs shall establish a program to conduct risk-based inspections for mold and mold issues at each medical facility of the Department of Veterans Affairs. Such facilities will be rated high, medium, or low risk for mold. Such inspections at facilities rated high risk shall occur not less frequently than annually, and such inspections at facilities rated medium or low risk shall occur not less frequently than biennially.

(b) AGREEMENT.—

(1) IN GENERAL.—The Secretary shall seek to enter into an agreement with the Joint Commission on Accreditation of Hospital Organizations under which the Joint Commission on Accreditation of Hospital Organizations conducts the inspections required under subsection (a).

(2) ALTERNATE ORGANIZATION.—If the Secretary is unable to enter into an agreement described in paragraph (1) with the Joint Commission on Accreditation of Hospital Organizations on terms acceptable to the Secretary, the Secretary shall seek to enter into such an agreement with another appropriate organization that—

(A) is not part of the Federal Government;

(B) operates as a not-for-profit entity; and

(C) has expertise and objectivity comparable to that of the Joint Commission on Accreditation of Hospital Organizations.

(c) REMEDIATION PLAN.—If a medical facility of the Department is determined pursuant to an inspection conducted under subsection (a) to have a mold issue, the Secretary shall—

(1) implement a remediation plan for that medical facility within 7 days; and

(2) Conduct a second inspection under subsection (a) at that medical facility within 90 days of the initial inspection.

(d) QUARTERLY REPORTS.—Not less frequently than quarterly, the Under Secretary of Health shall submit to Congress a report on inspections conducted under this section, and their detailed findings and actions taken, during the preceding quarter at medical facilities of the Department.

SEC. 253. Section 1706(b)(5)(A) of title 38, United States Code, is amended, in the first sentence, by striking “through 2008”.

SEC. 254. (a) The Secretary of Veterans Affairs may use amounts appropriated or otherwise made available in this title to ensure that the ratio of veterans to full-time employment equivalents within any program of

rehabilitation conducted under chapter 31 of title 38, United States Code, does not exceed 125 veterans to one full-time employment equivalent.

(b) Not later than 180 days after the date of the enactment of this Act, the Secretary shall submit to Congress a report on the programs of rehabilitation conducted under chapter 31 of title 38, United States Code, including—

(1) an assessment of the veteran-to-staff ratio for each such program; and

(2) recommendations for such action as the Secretary considers necessary to reduce the veteran-to-staff ratio for each such program.

SEC. 255. (a) None of the funds made available in this Act may be used to deny an Inspector General funded under this Act timely access to any records, documents, or other materials available to the department or agency over which that Inspector General has responsibilities under the Inspector General Act of 1978 (5 U.S.C. App.), or to prevent or impede that Inspector General’s access to such records, documents, or other materials, under any provision of law, except a provision of law that expressly refers to the Inspector General and expressly limits the Inspector General’s right of access.

(b) A department or agency covered by this section shall provide its Inspector General with access to all such records, documents, and other materials in a timely manner.

(c) Each Inspector General shall ensure compliance with statutory limitations on disclosure relevant to the information provided by the establishment over which that Inspector General has responsibilities under the Inspector General Act of 1978 (5 U.S.C. App.).

(d) Each Inspector General covered by this section shall report to the Committees on Appropriations of the House of Representatives and the Senate within 5 calendar days any failures to comply with this requirement.

SEC. 256. None of the funds appropriated or otherwise made available in this title may be used by the Secretary of Veterans Affairs to enter into an agreement related to resolving a dispute or claim with an individual that would restrict in any way the individual from speaking to members of Congress or their staff on any topic not otherwise prohibited from disclosure by Federal law or required by Executive Order to be kept secret in the interest of national defense or the conduct of foreign affairs.

SEC. 257. Appropriations made available in this Act under the heading “Medical Services” shall be available to carry out sections 322(d) and 521A of title 38, United States Code, to include the payment of the administrative expenses necessary to carry out such sections. Of the amount appropriated for fiscal year 2017, up to \$2,000,000 shall be available for the payment of monthly assistance allowances to veterans pursuant to 38 U.S.C. 322(d) and up to \$8,000,000 shall be available for the payment of grants pursuant to 38 U.S.C. 521A. Of the amounts appropriated in advance for fiscal year 2018, up to \$2,000,000 shall be available for the payment of monthly assistance allowances to veterans pursuant to 38 U.S.C. 322(d) and up to \$8,000,000 shall be available for the payment of grants pursuant to 38 U.S.C. 521A.

SEC. 258. (a) In fiscal year 2017 and each fiscal year hereafter, beginning with the fiscal year 2018 budget request submitted to Congress pursuant to section 1105(a) of title 31, United States Code, the budget justification documents submitted for the “Construction, Major Projects” account of the Department of Veterans Affairs shall include, at a minimum, the information required under subsection (b).

(b) The budget justification documents submitted pursuant to subsection (a) shall include, for each project—

(1) the estimated total cost of the project;  
 (2) the funding provided for each fiscal year prior to the budget year;

(3) the amount requested for the budget year;

(4) the estimated funding required for the project for each of the 4 fiscal years succeeding the budget year; and

(5) such additional information as is enumerated under the heading relating to the "Construction, Major Projects" account of the Department of Veterans Affairs in the joint explanatory statement accompanying this Act.

(c) Not later than 45 days after the date of enactment of this Act, the Secretary of Veterans Affairs shall submit to the Committees on Appropriations of both Houses of Congress a proposed budget justification template that complies with the requirements of this section.

SEC. 259. (a) The Secretary of Veterans Affairs may carry out the following major medical facility projects, with each project to be carried out in an amount not to exceed the amount specified for that project:

(1) Seismic corrections to buildings, including retrofitting and replacement of high-risk buildings, in San Francisco, California, in an amount not to exceed \$180,480,000.

(2) Seismic corrections to facilities, including facilities to support homeless veterans, at the medical center in West Los Angeles, California, in an amount not to exceed \$105,500,000.

(3) Seismic corrections to the mental health and community living center in Long Beach, California, in an amount not to exceed \$287,100,000.

(4) Construction of an outpatient clinic, administrative space, cemetery, and columbarium in Alameda, California, in an amount not to exceed \$87,332,000.

(5) Realignment of medical facilities in Livermore, California, in an amount not to exceed \$194,430,000.

(6) Construction of a medical center in Louisville, Kentucky, in an amount not to exceed \$150,000,000.

(7) Construction of a replacement community living center in Perry Point, Maryland, in an amount not to exceed \$92,700,000.

(8) Seismic corrections and other renovations to several buildings and construction of a specialty care building in American Lake, Washington, in an amount not to exceed \$16,260,000.

(b) There is authorized to be appropriated to the Secretary of Veterans Affairs for fiscal year 2016 or the year in which funds are appropriated for the Construction, Major Projects, account, \$1,113,802,000 for the projects authorized in subsection (a).

(c) The projects authorized in subsection (a) may only be carried out using—

(1) funds appropriated for fiscal year 2016 pursuant to the authorization of appropriations in subsection (b);

(2) funds available for Construction, Major Projects, for a fiscal year before fiscal year 2016 that remain available for obligation;

(3) funds available for Construction, Major Projects, for a fiscal year after fiscal year 2016 that remain available for obligation;

(4) funds appropriated for Construction, Major Projects, for fiscal year 2016 for a category of activity not specific to a project;

(5) funds appropriated for Construction, Major Projects, for a fiscal year before fiscal year 2016 for a category of activity not specific to a project; and

(6) funds appropriated for Construction, Major Projects, for a fiscal year after fiscal year 2016 for a category of activity not specific to a project.

SEC. 260. (a) Notwithstanding any other provision of law, the amounts appropriated or otherwise made available to the Depart-

ment of Veterans Affairs for the "Medical Services" account may be used to provide—

(1) fertility counseling and treatment using assisted reproductive technology to a covered veteran or the spouse of a covered veteran; or

(2) adoption reimbursement to a covered veteran.

(b) In this section:

(1) The term "service-connected" has the meaning given such term in section 101 of title 38, United States Code.

(2) The term "covered veteran" means a veteran, as such term is defined in section 101 of title 38, United States Code, who has a service-connected disability that results in the inability of the veteran to procreate without the use of fertility treatment.

(3) The term "assisted reproductive technology" means benefits relating to reproductive assistance provided to a member of the Armed Forces who incurs a serious injury or illness on active duty pursuant to section 1074(c)(4)(A) of title 10, United States Code, as described in the memorandum on the subject of "Policy for Assisted Reproductive Services for the Benefit of Seriously or Severely Ill/Injured (Category II or III) Active Duty Service Members" issued by the Assistant Secretary of Defense for Health Affairs on April 3, 2012, and the guidance issued to implement such policy, including any limitations on the amount of such benefits available to such a member.

(4) The term "adoption reimbursement" means reimbursement for the adoption-related expenses for an adoption that is finalized after the date of the enactment of this Act under the same terms as apply under the adoption reimbursement program of the Department of Defense, as authorized in Department of Defense Instruction 1341.09, including the reimbursement limits and requirements set forth in such instruction.

(c) Amounts made available for the purposes specified in subsection (a) of this section are subject to the requirements for funds contained in section 508 of division H of the Consolidated Appropriations Act, 2016 (Public Law 114-113).

### TITLE III

#### RELATED AGENCIES

##### AMERICAN BATTLE MONUMENTS COMMISSION

#### SALARIES AND EXPENSES

For necessary expenses, not otherwise provided for, of the American Battle Monuments Commission, including the acquisition of land or interest in land in foreign countries; purchases and repair of uniforms for caretakers of national cemeteries and monuments outside of the United States and its territories and possessions; rent of office and garage space in foreign countries; purchase (one-for-one replacement basis only) and hire of passenger motor vehicles; not to exceed \$7,500 for official reception and representation expenses; and insurance of official motor vehicles in foreign countries, when required by law of such countries, \$75,100,000, to remain available until expended.

#### FOREIGN CURRENCY FLUCTUATIONS ACCOUNT

For necessary expenses, not otherwise provided for, of the American Battle Monuments Commission, such sums as may be necessary, to remain available until expended, for purposes authorized by section 2109 of title 36, United States Code.

##### UNITED STATES COURT OF APPEALS FOR VETERANS CLAIMS

#### SALARIES AND EXPENSES

For necessary expenses for the operation of the United States Court of Appeals for Veterans Claims as authorized by sections 7251 through 7298 of title 38, United States Code, \$30,945,000: *Provided*, That \$2,500,000 shall be

available for the purpose of providing financial assistance as described, and in accordance with the process and reporting procedures set forth, under this heading in Public Law 102-229.

##### DEPARTMENT OF DEFENSE—CIVIL

##### CEMETERIAL EXPENSES, ARMY

#### SALARIES AND EXPENSES

For necessary expenses for maintenance, operation, and improvement of Arlington National Cemetery and Soldiers' and Airmen's Home National Cemetery, including the purchase or lease of passenger motor vehicles for replacement on a one-for-one basis only, and not to exceed \$1,000 for official reception and representation expenses, \$70,800,000, of which not to exceed \$15,000,000 shall remain available until September 30, 2019. In addition, such sums as may be necessary for parking maintenance, repairs and replacement, to be derived from the "Lease of Department of Defense Real Property for Defense Agencies" account.

##### ARMED FORCES RETIREMENT HOME

#### TRUST FUND

For expenses necessary for the Armed Forces Retirement Home to operate and maintain the Armed Forces Retirement Home—Washington, District of Columbia, and the Armed Forces Retirement Home—Gulfport, Mississippi, to be paid from funds available in the Armed Forces Retirement Home Trust Fund, \$64,300,000, of which \$1,000,000 shall remain available until expended for construction and renovation of the physical plants at the Armed Forces Retirement Home—Washington, District of Columbia, and the Armed Forces Retirement Home—Gulfport, Mississippi: *Provided*, That of the amounts made available under this heading from funds available in the Armed Forces Retirement Home Trust Fund, \$22,000,000 shall be paid from the general fund of the Treasury to the Trust Fund.

#### ADMINISTRATIVE PROVISIONS

SEC. 301. Funds appropriated in this Act under the heading "Department of Defense—Civil, Cemeterial Expenses, Army", may be provided to Arlington County, Virginia, for the relocation of the federally owned water main at Arlington National Cemetery, making additional land available for ground burials.

SEC. 302. Amounts deposited into the special account established under 10 U.S.C. 4727 are appropriated and shall be available until expended to support activities at the Army National Military Cemeteries.

### TITLE IV

#### OVERSEAS CONTINGENCY OPERATIONS

##### DEPARTMENT OF DEFENSE

##### MILITARY CONSTRUCTION, ARMY

For an additional amount for "Military Construction, Army", \$18,900,000, to remain available until September 30, 2021, for projects outside of the United States: *Provided*, That such amount is designated by the Congress 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.

##### MILITARY CONSTRUCTION, NAVY AND MARINE CORPS

For an additional amount for "Military Construction, Navy and Marine Corps", \$59,809,000, to remain available until September 30, 2021, for projects outside of the United States: *Provided*, That such amount is designated by the Congress 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.

## MILITARY CONSTRUCTION, AIR FORCE

For an additional amount for “Military Construction, Air Force” \$88,291,000, to remain available until September 30, 2021, for projects outside of the United States: *Provided*, That such amount is designated by the Congress 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.

## MILITARY CONSTRUCTION, DEFENSE-WIDE

For an additional amount for “Military Construction, Defense-Wide”, \$5,000,000, to remain available until September 30, 2021, for projects outside of the United States: *Provided*, That such amount is designated by the Congress 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.

## ADMINISTRATIVE PROVISION

SEC. 401. Each amount designated in this Act by the Congress 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 shall be available only if the President subsequently so designates all such amounts and transmits such designations to the Congress.

## TITLE V

## GENERAL PROVISIONS

SEC. 501. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 502. None of the funds made available in this Act may be used for any program, project, or activity, when it is made known to the Federal entity or official to which the funds are made available that the program, project, or activity is not in compliance with any Federal law relating to risk assessment, the protection of private property rights, or unfunded mandates.

SEC. 503. All departments and agencies funded under this Act are encouraged, within the limits of the existing statutory authorities and funding, to expand their use of “E-Commerce” technologies and procedures in the conduct of their business practices and public service activities.

SEC. 504. Unless stated otherwise, all reports and notifications required by this Act shall be submitted to the Subcommittee on Military Construction and Veterans Affairs, and Related Agencies of the Committee on Appropriations of the House of Representatives and the Subcommittee on Military Construction and Veterans Affairs, and Related Agencies of the Committee on Appropriations of the Senate.

SEC. 505. None of the funds made available in this Act may be transferred to any department, agency, or instrumentality of the United States Government except pursuant to a transfer made by, or transfer authority provided in, this or any other appropriations Act.

SEC. 506. None of the funds made available in this Act may be used for a project or program named for an individual serving as a Member, Delegate, or Resident Commissioner of the United States House of Representatives.

SEC. 507. (a) Any agency receiving funds made available in this Act, shall, subject to subsections (b) and (c), post on the public Web site of that agency any report required to be submitted by the Congress in this or any other Act, upon the determination by the head of the agency that it shall serve the national interest.

(b) Subsection (a) shall not apply to a report if—

(1) the public posting of the report compromises national security; or

(2) the report contains confidential or proprietary information.

(c) The head of the agency posting such report shall do so only after such report has been made available to the requesting Committee or Committees of Congress for no less than 45 days.

SEC. 508. (a) None of the funds made available in this Act may be used to maintain or establish a computer network unless such network blocks the viewing, downloading, and exchanging of pornography.

(b) Nothing in subsection (a) shall limit the use of funds necessary for any Federal, State, tribal, or local law enforcement agency or any other entity carrying out criminal investigations, prosecution, or adjudication activities.

SEC. 509. None of the funds made available in this Act may be used by an agency of the executive branch to pay for first-class travel by an employee of the agency in contravention of sections 301–10.122 through 301–10.124 of title 41, Code of Federal Regulations.

SEC. 510. None of the funds made available in this Act may be used to execute a contract for goods or services, including construction services, where the contractor has not complied with Executive Order No. 12989.

SEC. 511. None of the funds made available by this Act may be used by the Department of Defense or the Department of Veterans Affairs to lease or purchase new light duty vehicles for any executive fleet, or for an agency's fleet inventory, except in accordance with Presidential Memorandum—Federal Fleet Performance, dated May 24, 2011.

SEC. 512. (a) IN GENERAL.—None of the funds appropriated or otherwise made available to the Department of Defense in this Act may be used to construct, renovate, or expand any facility in the United States, its territories, or possessions to house any individual detained at United States Naval Station, Guantánamo Bay, Cuba, for the purposes of detention or imprisonment in the custody or under the control of the Department of Defense.

(b) The prohibition in subsection (a) shall not apply to any modification of facilities at United States Naval Station, Guantánamo Bay, Cuba.

(c) An individual described in this subsection is any individual who, as of June 24, 2009, is located at United States Naval Station, Guantánamo Bay, Cuba, and who—

(1) is not a citizen of the United States or a member of the Armed Forces of the United States; and

(2) is—

(A) in the custody or under the effective control of the Department of Defense; or

(B) otherwise under detention at United States Naval Station, Guantánamo Bay, Cuba.

This division may be cited as the “Military Construction, Veterans Affairs, and Related Agencies Appropriations Act, 2017”.

## DIVISION B—ZIKA RESPONSE AND PREPAREDNESS

## TITLE I

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

## CENTERS FOR DISEASE CONTROL AND PREVENTION

## CDC-WIDE ACTIVITIES AND PROGRAM SUPPORT

For an additional amount for fiscal year 2016 for “CDC-Wide Activities and Program Support”, \$394,000,000, to remain available until September 30, 2017, to prevent, prepare for, and respond to Zika virus, health conditions related to such virus, and other vector-borne diseases, domestically and internationally: *Provided*, That products pur-

chased with these funds may, at the discretion of the Secretary of Health and Human Services, be deposited in the Strategic National Stockpile under section 319F-2 of the Public Health Service (“PHS”) Act: *Provided further*, That funds may be used for purchase and insurance of official motor vehicles in foreign countries: *Provided further*, That the provisions in section 317S of the PHS Act shall apply to the use of funds appropriated in this paragraph as determined by the Director of the Centers for Disease Control and Prevention to be appropriate: *Provided further*, That funds appropriated in this paragraph may be used for grants for the construction, alteration, or renovation of non-federally owned facilities to improve preparedness and response capability at State and local laboratories: *Provided further*, That of the amount appropriated in this paragraph, \$44,000,000 is included to supplement either fiscal year 2016 or fiscal year 2017 funds for the Public Health Emergency Preparedness cooperative agreement program to restore fiscal year 2016 funds that were reprogrammed for Zika virus response prior to the enactment of this Act: *Provided further*, That such amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

## NATIONAL INSTITUTES OF HEALTH

## NATIONAL INSTITUTE OF ALLERGY AND INFECTIOUS DISEASES

## (INCLUDING TRANSFER OF FUNDS)

For an additional amount for fiscal year 2016 for “National Institute of Allergy and Infectious Diseases”, \$152,000,000, to remain available until September 30, 2017, for research on the virology, natural history, and pathogenesis of the Zika virus infection and preclinical and clinical development of vaccines and other medical countermeasures for the Zika virus and other vector-borne diseases, domestically and internationally: *Provided*, That such funds may be transferred by the Director of the National Institutes of Health (“NIH”) to other accounts of the NIH for the purposes provided in this paragraph: *Provided further*, That such amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

## OFFICE OF THE SECRETARY

PUBLIC HEALTH AND SOCIAL SERVICES  
EMERGENCY FUND

## (INCLUDING TRANSFER OF FUNDS)

For an additional amount for fiscal year 2016 for “Public Health and Social Services Emergency Fund”, \$387,000,000, to remain available until September 30, 2017, to prevent, prepare for, and respond to Zika virus, health conditions related to such virus, and other vector-borne diseases, domestically and internationally; to develop necessary countermeasures and vaccines, including the development and purchase of vaccines, therapeutics, diagnostics, necessary medical supplies, and administrative activities; for carrying out section 501 of the Social Security Act; and for carrying out sections 330 through 336 and 338 of the PHS Act: *Provided*, That funds appropriated in this paragraph may be used to procure security countermeasures (as defined in section 319F-2(c)(1)(B) of the PHS Act): *Provided further*, That paragraphs (1) and (7)(C) of subsection (c) of section 319F-2 of the PHS Act, but no other provisions of such section, shall apply to such security countermeasures procured with funds appropriated in this paragraph: *Provided further*, That products purchased with funds appropriated in this paragraph may, at the discretion of the Secretary of

Health and Human Services, be deposited in the Strategic National Stockpile under section 319F–2 of the PHS Act: *Provided further*, That funds appropriated in this paragraph may be transferred to the fund authorized by section 319F–4 of the PHS Act: *Provided further*, That of the funds appropriated under this heading, \$75,000,000, in addition to the purposes specified above, shall also be available for necessary expenses for support to States, territories, tribes, or tribal organizations with active or local transmission cases of the Zika virus, as confirmed by the Centers for Disease Control and Prevention, to reimburse the costs of health care for health conditions related to the Zika virus, other than costs that are covered by private health insurance, of which not less than \$60,000,000 shall be for territories with the highest rates of Zika transmission: *Provided further*, That of the funds appropriated under this heading, \$20,000,000 shall be awarded, notwithstanding section 502 of the Social Security Act, for projects of regional and national significance in Puerto Rico and other territories authorized under section 501 of the Social Security Act: *Provided further*, That of the funds appropriated under this heading, \$40,000,000 shall be used to expand the delivery of primary health services authorized by section 330 of the PHS Act in Puerto Rico and other territories: *Provided further*, That of the funds appropriated under this heading, \$6,000,000 shall, for purposes of providing primary health services in areas affected by Zika virus or other vector-borne diseases, be used to assign National Health Service Corps (“NHSC”) members to Puerto Rico and other territories, notwithstanding the assignment priorities and limitations in or under sections 333(a)(1)(D), 333(b), or 333A(a) of the PHS Act, and to make NHSC Loan Repayment Program awards under section 338B of such Act: *Provided further*, That for purposes of the previous proviso, section 331(a)(3)(D) of the PHS Act shall be applied as if the term “primary health services” included health services regarding pediatric subspecialists: *Provided further*, That such amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

#### GENERAL PROVISIONS—THIS TITLE

##### (INCLUDING TRANSFER OF FUNDS)

##### DIRECT HIRES

SEC. 101. Funds appropriated by this title may be used by the heads of the Department of Health and Human Services, Department of State, and the United States Agency for International Development to appoint, without regard to the provisions of sections 3309 through 3319 of title 5 of the United States Code, candidates needed for positions to perform critical work relating to Zika response for which—

- (1) public notice has been given; and
- (2) the Secretary of Health and Human Services has determined that such a public health threat exists.

##### TRANSFER AUTHORITIES

SEC. 102. Funds appropriated by this title may be transferred to, and merged with, other appropriation accounts under the headings “Centers for Disease Control and Prevention”, “Public Health and Social Services Emergency Fund”, and “National Institutes of Health” for the purposes specified in this title following consultation with the Office of Management and Budget: *Provided*, That the Committees on Appropriations shall be notified 10 days in advance of any such transfer: *Provided further*, That, upon a determination that all or part of the funds transferred from an appropriation are not necessary, such amounts may be trans-

ferred back to that appropriation: *Provided further*, That none of the funds made available by this title may be transferred pursuant to the authority in section 205 of division H of Public Law 114–113 or section 241(a) of the PHS Act.

##### REPORTING REQUIREMENTS

SEC. 103. Not later than 30 days after enactment of this Act, the Secretary of Health and Human Services shall provide a detailed spend plan of anticipated uses of funds made available in this title, including estimated personnel and administrative costs, to the Committees on Appropriations: *Provided*, That such plans shall be updated and submitted to the Committees on Appropriations every 60 days until September 30, 2017.

##### OVERSIGHT

SEC. 104. Of the funds appropriated by this title under the heading “Public Health and Social Services Emergency Fund”, up to—

(1) \$500,000 shall be transferred to, and merged with, funds made available under the heading “Office of the Secretary, Office of Inspector General”, and shall remain available until expended, for oversight of activities supported with funds appropriated by this title: *Provided*, That the Secretary of Health and Human Services shall consult with the Committees on Appropriations prior to obligating such funds: *Provided further*, That the transfer authority provided by this paragraph is in addition to any other transfer authority provided by law; and

(2) \$500,000 shall be made available to the Comptroller General of the United States, and shall remain available until expended, for oversight of activities supported with funds appropriated by this title: *Provided*, That the Comptroller General shall consult with the Committees on Appropriations prior to obligating such funds.

##### TITLE II

#### DEPARTMENT OF STATE

##### ADMINISTRATION OF FOREIGN AFFAIRS

##### DIPLOMATIC AND CONSULAR PROGRAMS

##### (INCLUDING TRANSFER OF FUNDS)

For an additional amount for fiscal year 2016 for “Diplomatic and Consular Programs”, \$14,594,000, to remain available until September 30, 2017, for necessary expenses to support response efforts related to the Zika virus, health conditions related to such virus, and other vector-borne diseases: *Provided*, That such funds may be made available for medical evacuation costs of any other department or agency of the United States under Chief of Mission authority, and may be transferred to any other appropriation of such department or agency for such costs: *Provided further*, That such amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

##### EMERGENCIES IN THE DIPLOMATIC AND CONSULAR SERVICE

For an additional amount for fiscal year 2016 for “Emergencies in the Diplomatic and Consular Service”, \$4,000,000 for necessary expenses to support response efforts related to the Zika virus, health conditions related to such virus, and other vector-borne diseases, to remain available until September 30, 2017: *Provided*, That such amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

##### REPATRIATION LOANS PROGRAM ACCOUNT

For an additional amount for fiscal year 2016 for “Repatriation Loans Program Account” for the cost of direct loans, \$1,000,000, to support response efforts related to the

Zika virus, health conditions related to such virus, and other vector-borne diseases, to remain available until September 30, 2017: *Provided*, That such costs, including costs of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: *Provided further*, That such funds are available to subsidize an additional amount of gross obligations for the principal amount of direct loans not to exceed \$1,880,406: *Provided further*, That such amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

#### UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT

##### FUNDS APPROPRIATED TO THE PRESIDENT

##### OPERATING EXPENSES

For an additional amount for fiscal year 2016 for “Operating Expenses”, \$10,000,000, to remain available until September 30, 2017, for necessary expenses to support response efforts related to the Zika virus, health conditions related to such virus, and other vector-borne diseases: *Provided*, That such amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

##### BILATERAL ECONOMIC ASSISTANCE

##### FUNDS APPROPRIATED TO THE PRESIDENT

##### GLOBAL HEALTH PROGRAMS

For an additional amount for fiscal year 2016 for “Global Health Programs”, \$145,500,000, to remain available until September 30, 2017, for necessary expenses to prevent, prepare for, and respond to the Zika virus, health conditions related to such virus, and other vector-borne diseases: *Provided*, That funds appropriated under this heading shall be made available for vector control activities, vaccines, diagnostics, and vector control technologies: *Provided further*, That funds appropriated under this heading may be made available as contributions to the World Health Organization, the United Nations Children’s Fund, the Pan American Health Organization, the International Atomic Energy Agency, and the Food and Agriculture Organization: *Provided further*, That funds made available under this heading shall be subject to prior consultation with the Committees on Appropriations: *Provided further*, That none of the funds appropriated under this heading may be made available for the Grand Challenges for Development program: *Provided further*, That such amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

##### GENERAL PROVISIONS—THIS TITLE

##### TRANSFER AUTHORITIES

##### (INCLUDING TRANSFER OF FUNDS)

SEC. 201. (a) Funds appropriated by this title under the headings “Diplomatic and Consular Programs”, “Emergencies in the Diplomatic and Consular Service”, “Repatriation Loans Program Account”, and “Operating Expenses” may be transferred to, and merged with, funds appropriated by this title under such headings to carry out the purposes of this title.

(b) The transfer authorities provided by this section are in addition to any other transfer authority provided by law.

(c) Upon a determination that all or part of the funds transferred pursuant to the authorities provided by this section are not necessary for such purposes, such amounts may be transferred back to such appropriations.

(d) No funds shall be transferred pursuant to this section unless at least 5 days prior to

making such transfer the Secretary of State or the Administrator of the United States Agency for International Development, as appropriate, notifies the Committees on Appropriations in writing of the details of any such transfer.

#### NOTIFICATION REQUIREMENT

SEC. 202. Funds appropriated by this title shall only be available for obligation if the Secretary of State or the Administrator of the United States Agency for International Development, as appropriate, notifies the Committees on Appropriations in writing at least 15 days in advance of such obligation.

#### CONSOLIDATED REPORTING REQUIREMENT

SEC. 203. Not later than 30 days after enactment of this Act and prior to the initial obligation of funds made available by this title, the Secretary of State and the Administrator of the United States Agency for International Development shall submit a consolidated report to the Committees on Appropriations on the anticipated uses of such funds on a country and project basis, including estimated personnel and administrative costs: *Provided*, That such report shall be updated and submitted to the Committees on Appropriations every 60 days until September 30, 2017.

#### OVERSIGHT

SEC. 204. Of the funds appropriated by this title, up to—

(1) \$500,000 shall be transferred to, and merged with, funds available under the heading “United States Agency for International Development, Funds Appropriated to the President, Office of Inspector General”, and shall remain available until expended, for oversight of activities supported with funds appropriated by this title: *Provided*, That the transfer authority provided by this paragraph is in addition to any other transfer authority provided by law; and

(2) \$500,000 shall be made available to the Comptroller General of the United States, and shall remain available until expended, for oversight of activities supported with funds appropriated by this title: *Provided*, That the Secretary of State and the Comptroller General, as appropriate, shall consult with the Committees on Appropriations prior to obligating such funds.

#### TITLE III

#### GENERAL PROVISIONS—THIS DIVISION

##### EXTENSION OF AUTHORITIES AND PROVISIONS

SEC. 301. Unless otherwise provided for by this division, the additional amounts appropriated pursuant to this division are subject to the requirements for funds contained in the Consolidated Appropriations Act, 2016 (Public Law 114-113).

##### PERSONAL SERVICE CONTRACTORS

SEC. 302. Funds made available by this division may be used to enter into contracts with individuals for the provision of personal services (as described in section 104 of part 37 of title 48, Code of Federal Regulations (48 CFR 37.104)) to support the purposes of titles I and II of this division, within the United States and abroad, subject to prior consultation with, and the notification procedures of, the Committees on Appropriations: *Provided*, That such individuals may not be deemed employees of the United States for the purpose of any law administered by the Office of Personnel Management: *Provided further*, That the authority made available pursuant to this section shall expire on September 30, 2017.

##### DESIGNATION RETENTION

SEC. 303. Any amount appropriated by this division, designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and

Emergency Deficit Control Act of 1985 and subsequently so designated by the President, and transferred pursuant to transfer authorities provided by this division shall retain such designation.

#### EFFECTIVE DATE

SEC. 304. This division shall become effective immediately upon enactment of this Act.

This division may be cited as the “Zika Response and Preparedness Appropriations Act, 2016”.

#### DIVISION C—CONTINUING APPROPRIATIONS ACT, 2017

The following sums are hereby appropriated, out of any money in the Treasury not otherwise appropriated, and out of applicable corporate or other revenues, receipts, and funds, for the several departments, agencies, corporations, and other organizational units of Government for fiscal year 2017, and for other purposes, namely:

SEC. 101. (a) Such amounts as may be necessary, at a rate for operations as provided in the applicable appropriations Acts for fiscal year 2016 and under the authority and conditions provided in such Acts, for continuing projects or activities (including the costs of direct loans and loan guarantees) that are not otherwise specifically provided for in this Act, that were conducted in fiscal year 2016, and for which appropriations, funds, or other authority were made available in the following appropriations Acts:

(1) The Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2016 (division A of Public Law 114-113), except section 728.

(2) The Commerce, Justice, Science, and Related Agencies Appropriations Act, 2016 (division B of Public Law 114-113).

(3) The Department of Defense Appropriations Act, 2016 (division C of Public Law 114-113).

(4) The Energy and Water Development and Related Agencies Appropriations Act, 2016 (division D of Public Law 114-113).

(5) The Financial Services and General Government Appropriations Act, 2016 (division E of Public Law 114-113), which for purposes of this Act shall be treated as including section 707 of division O of Public Law 114-113.

(6) The Department of Homeland Security Appropriations Act, 2016 (division F of Public Law 114-113).

(7) The Department of the Interior, Environment, and Related Agencies Appropriations Act, 2016 (division G of Public Law 114-113).

(8) The Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 2016 (division H of Public Law 114-113).

(9) The Legislative Branch Appropriations Act, 2016 (division I of Public Law 114-113).

(10) The Department of State, Foreign Operations, and Related Programs Appropriations Act, 2016 (division K of Public Law 114-113), except title IX.

(11) The Transportation, Housing and Urban Development, and Related Agencies Appropriations Act, 2016 (division L of Public Law 114-113), except section 420.

(b) The rate for operations provided by subsection (a) is hereby reduced by 0.496 percent.

SEC. 102. (a) No appropriation or funds made available or authority granted pursuant to section 101 for the Department of Defense shall be used for: (1) the new production of items not funded for production in fiscal year 2016 or prior years; (2) the increase in production rates above those sustained with fiscal year 2016 funds; or (3) the initiation, resumption, or continuation of any project, activity, operation, or organization (defined as any project, subproject, ac-

tivity, budget activity, program element, and subprogram within a program element, and for any investment items defined as a P-1 line item in a budget activity within an appropriation account and an R-1 line item that includes a program element and subprogram element within an appropriation account) for which appropriations, funds, or other authority were not available during fiscal year 2016.

(b) No appropriation or funds made available or authority granted pursuant to section 101 for the Department of Defense shall be used to initiate multi-year procurements utilizing advance procurement funding for economic order quantity procurement unless specifically appropriated later.

SEC. 103. Appropriations made by section 101 shall be available to the extent and in the manner that would be provided by the pertinent appropriations Act.

SEC. 104. Except as otherwise provided in section 102, no appropriation or funds made available or authority granted pursuant to section 101 shall be used to initiate or resume any project or activity for which appropriations, funds, or other authority were not available during fiscal year 2016.

SEC. 105. Appropriations made and authority granted pursuant to this Act shall cover all obligations or expenditures incurred for any project or activity during the period for which funds or authority for such project or activity are available under this Act.

SEC. 106. Unless otherwise provided for in this Act or in the applicable appropriations Act for fiscal year 2017, appropriations and funds made available and authority granted pursuant to this Act shall be available until whichever of the following first occurs: (1) the enactment into law of an appropriation for any project or activity provided for in this Act; (2) the enactment into law of the applicable appropriations Act for fiscal year 2017 without any provision for such project or activity; or (3) December 9, 2016.

SEC. 107. Expenditures made pursuant to this Act shall be charged to the applicable appropriation, fund, or authorization whenever a bill in which such applicable appropriation, fund, or authorization is contained is enacted into law.

SEC. 108. Appropriations made and funds made available by or authority granted pursuant to this Act may be used without regard to the time limitations for submission and approval of apportionments set forth in section 1513 of title 31, United States Code, but nothing in this Act may be construed to waive any other provision of law governing the apportionment of funds.

SEC. 109. Notwithstanding any other provision of this Act, except section 106, for those programs that would otherwise have high initial rates of operation or complete distribution of appropriations at the beginning of fiscal year 2017 because of distributions of funding to States, foreign countries, grantees, or others, such high initial rates of operation or complete distribution shall not be made, and no grants shall be awarded for such programs funded by this Act that would impinge on final funding prerogatives.

SEC. 110. This Act shall be implemented so that only the most limited funding action of that permitted in the Act shall be taken in order to provide for continuation of projects and activities.

SEC. 111. (a) For entitlements and other mandatory payments whose budget authority was provided in appropriations Acts for fiscal year 2016, and for activities under the Food and Nutrition Act of 2008, activities shall be continued at the rate to maintain program levels under current law, under the authority and conditions provided in the applicable appropriations Act for fiscal year 2016, to be continued through the date specified in section 106(3).

(b) Notwithstanding section 106, obligations for mandatory payments due on or about the first day of any month that begins after October 2016 but not later than 30 days after the date specified in section 106(3) may continue to be made, and funds shall be available for such payments.

SEC. 112. Amounts made available under section 101 for civilian personnel compensation and benefits in each department and agency may be apportioned up to the rate for operations necessary to avoid furloughs within such department or agency, consistent with the applicable appropriations Act for fiscal year 2016, except that such authority provided under this section shall not be used until after the department or agency has taken all necessary actions to reduce or defer non-personnel-related administrative expenses.

SEC. 113. Funds appropriated by this Act may be obligated and expended notwithstanding section 10 of Public Law 91-672 (22 U.S.C. 2412), section 15 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2680), section 313 of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995 (22 U.S.C. 6212), and section 504(a)(1) of the National Security Act of 1947 (50 U.S.C. 3094(a)(1)).

SEC. 114. (a) Each amount incorporated by reference in this Act that was previously designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985 or as being for disaster relief pursuant to section 251(b)(2)(D) of such Act is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A) of such Act or as being for disaster relief pursuant to section 251(b)(2)(D) of such Act, respectively.

(b) The reduction in section 101(b) of this Act shall not apply to—

(1) amounts designated under subsection (a) of this section;

(2) amounts made available by section 101(a) by reference to the second paragraph under the heading “Social Security Administration—Limitation on Administrative Expenses” in division H of Public Law 114-113; or

(3) amounts made available by section 101(a) by reference to the paragraph under the heading “Centers for Medicare and Medicaid Services—Health Care Fraud and Abuse Control Account” in division H of Public Law 114-113.

(c) Section 6 of Public Law 114-113 shall apply to amounts designated in subsection (a) for Overseas Contingency Operations/Global War on Terrorism.

SEC. 115. During the period covered by this Act, discretionary amounts appropriated for fiscal year 2017 that were provided in advance by appropriations Acts covered by section 101 of this Act shall be available in the amounts provided in such Acts, reduced by the percentage in section 101(b).

SEC. 116. (a) In addition to the amounts otherwise provided by section 101, and notwithstanding section 104, an additional amount is provided to the Secretary of Health and Human Services to carry out the authorizations in the Comprehensive Addiction and Recovery Act of 2016 (Public Law 114-198), at a rate for operations of \$17,000,000.

(b) In addition to the amounts otherwise provided by section 101, and notwithstanding section 104, an additional amount is provided to the Attorney General to carry out the authorizations in the Comprehensive Addiction and Recovery Act of 2016 (Public Law 114-198), at a rate for operations of \$20,000,000.

(c) Notwithstanding any other provision of this Act, in addition to the purposes other-

wise provided for amounts that become available on October 1, 2016, under the heading “Department of Veterans Affairs—Veterans Health Administration—Medical Services” in division J of Public Law 114-113, such amounts shall be used to implement the Jason Simcakoski Memorial and Promise Act (title IX of Public Law 114-198) and the amendments made by that Act.

SEC. 117. Notwithstanding section 101, amounts are provided for “Department of Agriculture—Domestic Food Programs—Food and Nutrition Service—Commodity Assistance Program” at a rate for operations of \$310,139,000, of which \$236,120,000 shall be for the Commodity Supplemental Food Program.

SEC. 118. Amounts provided by section 111 to the Department of Agriculture for “Corporations—Commodity Credit Corporation Fund—Reimbursement for Net Realized Losses” may be used, prior to the completion of the report described in section 2 of the Act of August 17, 1961 (15 U.S.C. 713a-11), to reimburse the Commodity Credit Corporation for net realized losses sustained, but not previously reimbursed, as reflected in the June 2016 report of its financial condition.

SEC. 119. Amounts made available by section 101 for “Department of Agriculture—Rural Housing Service—Rental Assistance Program” may be apportioned up to the rate for operations necessary to pay ongoing debt service for the multi-family direct loan programs under sections 514 and 515 of the Housing Act of 1949 (42 U.S.C. 1484 and 1485).

SEC. 120. Section 529(b)(5) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360ff(b)(5)) shall be applied by substituting the date specified in section 106(3) of this Act for “September 30, 2016”.

SEC. 121. Notwithstanding sections 101 and 102, within amounts provided for “Department of Defense—Operation and Maintenance, Defense-Wide” and “Department of Defense—Research, Development, Test and Evaluation, Defense-Wide”, except for 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, the Secretary of Defense may develop, replace, and sustain Federal Government security and suitability background investigation information technology system requirements of the Office of Personnel Management at a rate for operations of \$95,000,000.

SEC. 122. Section 1215(f)(1) of the National Defense Authorization Act for Fiscal Year 2012 (Public Law 112-81; 10 U.S.C. 113 note), as most recently amended by section 1221 of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114-92), shall be applied by substituting “2017” for “2016” through the earlier of the date specified in section 106(3) of this Act or the date of the enactment of an Act authorizing appropriations for fiscal year 2017 for military activities of the Department of Defense.

SEC. 123. (a) Funds made available by section 101 for “Department of Energy—Energy Programs—Uranium Enrichment Decontamination and Decommissioning Fund” may be apportioned up to the rate for operations necessary to avoid disruption of continuing projects or activities funded in this appropriation.

(b) The Secretary of Energy shall notify the Committees on Appropriations of the House of Representatives and the Senate not later than 3 days after each use of the authority provided in subsection (a).

SEC. 124. (a) Notwithstanding any other provision of this Act, except section 106, the District of Columbia may expend local funds under the heading “District of Columbia Funds” for such programs and activities

under the District of Columbia Appropriations Act, 2016 (title IV of division E of Public Law 114-113) at the rate set forth under “Part A—Summary of Expenses” as included in the Fiscal Year 2017 Local Budget Act of 2016 (D.C. Act 21-414), as modified as of the date of the enactment of this Act.

(b) During the period in which this Act is in effect, the authority and conditions provided in the Financial Services and General Government Appropriations Act, 2016 (division E of Public Law 114-113) which were applicable to the obligation or expenditure of funds by the District of Columbia for any program, project, or activity during fiscal year 2016 shall apply to the obligation or expenditure of funds by the District of Columbia with respect to such program, project, or activity under any authority.

SEC. 125. (a) Notwithstanding section 101, amounts are provided for “General Services Administration—Expenses, Presidential Transition” for necessary expenses to carry out the Presidential Transition Act of 1963 (3 U.S.C. 102 note), at a rate for operations of \$9,500,000, of which not to exceed \$1,000,000 is for activities authorized by sections 3(a)(8) and 3(a)(9) of such Act: *Provided*, That such amounts may be transferred and credited to the “Acquisition Services Fund” or “Federal Buildings Fund” to reimburse obligations incurred prior to enactment of this Act for the purposes provided herein related to the Presidential election in 2016: *Provided further*, That amounts available under this section shall be in addition to any other amounts available for such purposes.

(b) Notwithstanding section 101, no funds are provided by this Act for “General Services Administration—Pre-Election Presidential Transition”.

SEC. 126. Notwithstanding section 101, for expenses of the Office of Administration to carry out the Presidential Transition Act of 1963, as amended, and similar expenses, in addition to amounts otherwise appropriated by law, amounts are provided to “Presidential Transition Administrative Support” at a rate for operations of \$7,582,000: *Provided*, That such funds may be transferred to other accounts that provide funding for offices within the Executive Office of the President and the Office of the Vice President in this Act or any other Act, to carry out such purposes.

SEC. 127. In addition to the amounts otherwise provided by section 101, an additional amount is provided for “District of Columbia—Federal Payment for Emergency Planning and Security Costs in the District of Columbia” for costs associated with the Presidential Inauguration, at a rate for operations of \$19,995,000.

SEC. 128. In addition to the amounts otherwise provided by section 101, an additional amount is provided for “National Archives and Records Administration—Operating Expenses” to carry out the Presidential transition responsibilities of the Archivist of the United States under sections 2201 through 2207 of title 44, United States Code (commonly known as the “Presidential Records Act of 1978”), at a rate for operations of \$4,850,000.

SEC. 129. Amounts made available by section 101 for “Small Business Administration—Business Loans Program Account” may be apportioned up to the rate for operations necessary to accommodate increased demand for commitments for general business loans authorized under section 7(a) of the Small Business Act (15 U.S.C. 636(a)).

SEC. 130. Amounts provided by section 101 for the Department of Homeland Security may be obligated in the account and budget structure set forth in the table provided by the Chief Financial Officer of the Department to the Committees on Appropriations



of the Senate and the House of Representatives prior to the end of fiscal year 2016 pursuant to section 563(e) of the Department of Homeland Security Appropriations Act, 2016 (division F of Public Law 114-113).

SEC. 131. (a) Amounts made available by section 101 for “Department of Homeland Security—U.S. Customs and Border Protection—Operations and Support” may be apportioned up to the rate for operations necessary to maintain not less than the number of staff achieved on September 30, 2016.

(b) Amounts made available by section 101 for “Department of Homeland Security—Transportation Security Administration—Operations and Support” may be apportioned up to the rate for operations necessary to maintain not less than the number of screeners achieved on September 30, 2016.

SEC. 132. The authority provided by section 831 of the Homeland Security Act of 2002 (6 U.S.C. 391) shall continue in effect through the date specified in section 106(3) of this Act.

SEC. 133. Section 810 of the Federal Lands Recreation Enhancement Act (16 U.S.C. 6809) is amended by striking “September 30, 2017” and inserting “September 30, 2018”.

SEC. 134. (a) The authority provided by subsection (m)(3) of section 8162 of the Department of Defense Appropriations Act, 2000 (40 U.S.C. 8903 note; Public Law 106-79) shall continue in effect through the date specified in section 106(3) of this Act.

(b) Section 419(b) of division G of Public Law 114-113 shall not apply during the period covered by this Act.

SEC. 135. Notwithstanding section 101, subsection 35(d) of the Mineral Leasing Act (30 U.S.C. 191(d)) shall be applied, at a rate for operations, through the date specified in section 106(3), as if the following new paragraph were added at the end—

“(5) There is appropriated to the Fee Account established in subsection (c)(3)(B)(ii) of this section, out of any money in the Treasury not otherwise appropriated, \$26,000,000 for fiscal year 2017, to remain available until expended, for the coordination and processing of oil and gas use authorizations, to be reduced by amounts collected by the Bureau and transferred to such Fee Account pursuant to subsection (d)(3)(A)(ii) of this section, so as to result in a final fiscal year 2017 appropriation from the general fund estimated at not more than \$0.”.

SEC. 136. In addition to the amounts otherwise provided by section 101, an additional amount is provided for “Department of the Interior—National Park Service—Operation of the National Park System” for security and visitor safety activities related to the Presidential Inaugural Ceremonies, at a rate for operations of \$4,200,000.

SEC. 137. In addition to amounts otherwise made available by section 101, and notwithstanding section 104, amounts are provided for “Environmental Protection Agency—Environmental Programs and Management” at a rate for operations of \$3,000,000, to remain available until expended, and such amounts may be apportioned up to the rate for operations needed, for necessary expenses of activities described in section 26(b)(1) of the Toxic Substances Control Act (15 U.S.C. 2625(b)(1)): *Provided*, That fees collected pursuant to such section of such Act and deposited in the “TSCA Service Fee Fund” as discretionary offsetting receipts in fiscal year 2017 shall be retained and used for necessary salaries and expenses under the above heading and shall remain available until expended: *Provided further*, That the sum provided by this section of this Act from the general fund for fiscal year 2017 shall be reduced by the amount of discretionary offsetting receipts received during fiscal year 2017, so as to result in a final fiscal year 2017 ap-

propriation from the general fund estimated at not more than \$0: *Provided further*, That to the extent that amounts realized from such receipts exceed \$3,000,000, those amounts in excess of \$3,000,000 shall be deposited in the “TSCA Service Fee Fund” as discretionary offsetting receipts in fiscal year 2017, shall be retained and used for necessary salaries and expenses in this account, and shall remain available until expended: *Provided further*, That of the amounts provided under this heading by section 101, the Chemical Risk Review and Reduction program project shall be allocated for this fiscal year, excluding the amount of any fees made available, not less than the amount of appropriations for that program project for fiscal year 2014.

SEC. 138. Section 114(f) of the Higher Education Act of 1965 (20 U.S.C. 1011c(f)) shall be applied by substituting the date specified in section 106(3) of this Act for “September 30, 2016”.

SEC. 139. The first proviso under the heading “Department of Health and Human Services—Administration for Children and Families—Payments to States for the Child Care and Development Block Grant” in title II of division H of Public Law 114-113 shall not apply during the period covered by this Act.

SEC. 140. (a) The second proviso under the heading “Department of Health and Human Services—Administration for Children and Families—Children and Families Services Programs” in title II of division H of Public Law 114-113 shall be applied during the period covered by this Act as if the following were struck from such proviso: “, of which \$141,000,000 shall be available for a cost of living adjustment notwithstanding section 640(a)(3)(A) of such Act”.

(b) Amounts made available in the third proviso under the heading “Department of Health and Human Services—Administration for Children and Families—Children and Families Services Programs” in title II of division H of Public Law 114-113 shall not be included in the calculation of the “base grant”, as such term is used in section 640(a)(7)(A) of the Head Start Act (42 U.S.C. 9835(a)(7)(A)), during the period described in section 106 of this Act.

SEC. 141. (a) Section 529 of division H of Public Law 114-113 shall be applied by substituting “in the Child Enrollment Contingency Fund from the appropriation to the Fund for the first semi-annual allotment period for fiscal year 2017 under section 2104(n)(2)(A)(ii) of the Social Security Act” for “or available in the Child Enrollment Contingency Fund from appropriations to the Fund under section 2104(n)(2)(A)(i) of the Social Security Act”; and

(b) Section 530 of division H of Public Law 114-113 shall be applied by substituting “\$541,900,000” for “\$4,678,500,000” and by adding at the end the following: “and of the funds made available for the purposes of carrying out section 2105(a)(3) of the Social Security Act, \$5,669,100,000 are hereby rescinded”.

SEC. 142. Notwithstanding any other provision of this Act, there is appropriated for payment to Sami A. Takai, widow of Kyle Mark Takai, late a Representative from the State of Hawaii, \$174,000.

SEC. 143. (a) Amounts made available by section 101 for “Department of Transportation—Federal Railroad Administration—Operating Grants to the National Railroad Passenger Corporation” and “Department of Transportation—Federal Railroad Administration—Capital and Debt Service Grants to the National Railroad Passenger Corporation” shall be obligated in the account and budget structure, and under the authorities and conditions, set forth for “Department of Transportation—Federal Railroad Administration—Northeast Corridor Grants to the

National Railroad Passenger Corporation” and “Department of Transportation—Federal Railroad Administration—National Network Grants to the National Railroad Passenger Corporation” in H.R. 5394 and S. 2844, as introduced in the One Hundred Fourteenth Congress.

(b) Amounts made available pursuant to subsection (a) are provided for “Department of Transportation—Federal Railroad Administration—Northeast Corridor Grants to the National Railroad Passenger Corporation” at a rate for operations of \$235,000,000, to remain available until expended, and for “Department of Transportation—Federal Railroad Administration—National Network Grants to the National Railroad Passenger Corporation” at a rate for operations of \$1,155,000,000, to remain available until expended.

SEC. 144. Amounts made available by section 101 for “Maritime Administration—Maritime Security Program” shall be allocated at an annual rate across all vessels covered by operating agreements, as that term is used in chapter 531 of title 46, United States Code, and the Secretary shall distribute equally all such funds for payments due under all operating agreements in equal amounts notwithstanding title 46, United States Code, section 53106: *Provided*, That no payment shall exceed an annual rate of \$3,500,000 per operating agreement.

SEC. 145. (a) In addition to the amount otherwise provided by section 101 for the “Community Planning and Development, Community Development Fund”, there is appropriated \$500,000,000 for an additional amount for fiscal year 2016, to remain available until expended, for necessary expenses for activities authorized under title I of the Housing and Community Development Act of 1974 (42 U.S.C. 5301 et seq.) related to disaster relief, long-term recovery, restoration of infrastructure and housing, and economic revitalization in the most impacted and distressed areas resulting from a major disaster declared in 2016, and which the disaster occurred prior to the date of enactment of this Act, pursuant to the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.): *Provided*, That funds shall be awarded directly to the State or unit of general local government at the discretion of the Secretary: *Provided further*, That as a condition of making any grant, the Secretary shall certify in advance that such grantee has in place proficient financial controls and procurement processes and has established adequate procedures to prevent any duplication of benefits as defined by section 312 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5155), to ensure timely expenditure of funds, to maintain comprehensive websites regarding all disaster recovery activities assisted with these funds, and to detect and prevent waste, fraud, and abuse of funds: *Provided further*, That prior to the obligation of funds a grantee shall submit a plan to the Secretary for approval detailing the proposed use of all funds, including criteria for eligibility and how the use of these funds will address long-term recovery and restoration of infrastructure and housing and economic revitalization in the most impacted and distressed areas: *Provided further*, That such funds may not be used for activities reimbursable by, or for which funds are made available by, the Federal Emergency Management Agency or the Army Corps of Engineers: *Provided further*, That funds allocated under this heading shall not be considered relevant to the non-disaster formula allocations made pursuant to section 106 of the Housing and Community Development Act of 1974 (42 U.S.C. 5306): *Provided further*, That a State or subdivision thereof may use up to 5

percent of its allocation for administrative costs: *Provided further*, That in administering the funds under this heading, the Secretary of Housing and Urban Development may waive, or specify alternative requirements for, any provision of any statute or regulation that the Secretary administers in connection with the obligation by the Secretary or the use by the recipient of these funds (except for requirements related to fair housing, nondiscrimination, labor standards, and the environment), if the Secretary finds that good cause exists for the waiver or alternative requirement and such waiver or alternative requirement would not be inconsistent with the overall purpose of title I of the Housing and Community Development Act of 1974: *Provided further*, That, notwithstanding the preceding proviso, recipients of funds provided under this heading that use such funds to supplement Federal assistance provided under section 402, 403, 404, 406, 407, or 502 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.) may adopt, without review or public comment, any environmental review, approval, or permit performed by a Federal agency, and such adoption shall satisfy the responsibilities of the recipient with respect to such environmental review, approval or permit: *Provided further*, That, notwithstanding section 104(g)(2) of the Housing and Community Development Act of 1974 (42 U.S.C. 5304(g)(2)), the Secretary may, upon receipt of a request for release of funds and certification, immediately approve the release of funds for an activity or project assisted under this heading if the recipient has adopted an environmental review, approval or permit under the preceding proviso or the activity or project is categorically excluded from review under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.): *Provided further*, That the Secretary shall publish via notice in the Federal Register any waiver, or alternative requirement, to any statute or regulation that the Secretary administers pursuant to title I of the Housing and Community Development Act of 1974 no later than 5 days before the effective date of such waiver or alternative requirement: *Provided further*, That amounts provided under this section shall be designated by Congress as being for disaster relief pursuant to section 251(b)(2)(D) of the Balanced Budget and Emergency Deficit Control Act of 1985.

(b) Unobligated balances, including recaptures and carryover, remaining from funds appropriated to the Department of Housing and Urban Development for administrative costs of the Office of Community Planning and Development associated with funds appropriated to the Department for specific disaster relief and related purposes and designated by Congress as an emergency requirement pursuant to a Concurrent Resolution on the Budget or the Balanced Budget and Emergency Deficit Control Act, including information technology costs and costs for administering and overseeing such specific disaster related funds, shall be transferred to the Program Office Salaries and Expenses, Community Planning and Development account for the Department, shall remain available until expended, and may be used for such administrative costs for administering any funds appropriated to the Department for any disaster relief and related purposes in any prior or future act, notwithstanding the purposes for which such funds were appropriated: *Provided*, That the amounts transferred pursuant to this section that were previously designated by Congress as an emergency requirement pursuant to a Concurrent Resolution on the Budget or the Balanced Budget and Emergency Deficit Control Act are designated by the Congress

as an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985 and shall be transferred only if the President subsequently so designates the entire transfer and transmits such designation to the Congress.

(c) This section shall become effective immediately upon enactment of this Act.

This division may be cited as the “Continuing Appropriations Act, 2017”.

#### DIVISION D—RESCISSIONS OF FUNDS

SEC. 101. (a) Of the unobligated balances available from prior year appropriations under the heading “Department of Commerce, Economic Development Administration, Economic Development Assistance Programs” designated by the Congress as an emergency requirement pursuant to the Concurrent Resolution on the Budget or the Balanced Budget and Emergency Deficit Control Act of 1985, \$10,000,000 is rescinded immediately upon enactment of this Act: *Provided*, That such amounts are designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

(b) Of the unobligated balances available from amounts provided under the heading “Department of Commerce, National Oceanic and Atmospheric Administration, Operations, Research, and Facilities” in title II of Public Law 111-212 for responding to economic impacts of fisherman and fishery dependent businesses, \$13,000,000 is rescinded immediately upon enactment of this Act: *Provided*, That such amounts are designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

(c) Of the unobligated balances available from amounts provided under the heading “Department of Homeland Security, Office of the Secretary and Executive Management” in Public Law 109-148, \$279,045 is rescinded immediately upon enactment of this Act: *Provided*, That such amounts are designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

(d) Of the unobligated balances available under the heading “Department of Homeland Security, U.S. Customs and Border Protection, Salaries and Expenses” from emergency funds in Public Law 107-206 and earlier laws transferred to the Department of Homeland Security when it was created in 2003, \$39,246 is rescinded immediately upon enactment of this Act: *Provided*, That such amounts are designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

(e) Of the unobligated balances available from amounts provided under the heading “Department of Homeland Security, United States Coast Guard, Acquisition, Construction, and Improvements” in Public Law 110-329, Public Law 109-148 and Public Law 109-234, \$48,075,920 is rescinded immediately upon enactment of this Act: *Provided*, That such amounts are designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

(f) Of the unobligated balances available under the heading “Department of Homeland Security, Federal Emergency Management Agency, Administrative and Regional Operations” in Public Law 109-234, \$731,790 is rescinded immediately upon enactment of this Act: *Provided*, That such amounts are designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A)(i)

of the Balanced Budget and Emergency Deficit Control Act of 1985.

(g) Of the unobligated amounts made available under section 1323(c)(1) of the Patient Protection and Affordable Care Act (42 U.S.C. 18043(c)(1)), \$168,100,000 is rescinded immediately upon enactment of this Act.

(h) Of the unobligated balances available under the heading “Operating Expenses” in title IX of the Department of State, Foreign Operations, and Related Programs Appropriations Act, 2015 (division J of Public Law 113-235), \$7,522,000 is rescinded immediately upon enactment of this Act: *Provided*, That such amounts are designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

(i) Of the unobligated balances of appropriations made available under the heading “Bilateral Economic Assistance, Funds Appropriated to the President” in title IX of the Department of State, Foreign Operations, and Related Programs Appropriations Act, 2015 (division J of Public Law 113-235), \$109,478,000 is rescinded immediately upon enactment of this Act: *Provided*, That such amounts are designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

(j) Of the unobligated balances available from amounts provided under the heading “Department of Transportation, Federal Aviation Administration, Facilities and Equipment” in Public Law 109-148, \$4,384,920 is rescinded immediately upon enactment of this Act: *Provided*, That such amounts are designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

(k) Of the unobligated balances available from amounts provided under the heading “Department of Transportation, Federal Aviation Administration, Facilities and Equipment” in Public Law 102-368, \$990,277 is rescinded immediately upon enactment of this Act: *Provided*, That such amounts are designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

(l) Of the unobligated balances available to the Department of Transportation from amounts provided under section 108 of Public Law 101-130, \$37,400,000 is rescinded immediately upon enactment of this Act: *Provided*, That such amounts are designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

**SA 5083.** Mr. MCCONNELL proposed an amendment 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; as follows:

At the end add the following:  
This Act shall take effect 1 day after the date of enactment.

**SA 5084.** Mr. MCCONNELL proposed an amendment to amendment SA 5083 proposed by Mr. MCCONNELL to the 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; as follows:

Strike “1 day” and insert “2 days”.



**SA 5085.** Mr. McCONNELL proposed an amendment to the bill H.R. 5325, making appropriations for the Legislative Branch for the fiscal year ending September 30, 2017, and for other purposes; as follows:

At the end add the following:  
This Act shall take effect 3 days after the date of enactment.

**SA 5086.** Mr. McCONNELL proposed an amendment to amendment SA 5085 proposed by Mr. McCONNELL to the bill H.R. 5325, making appropriations for the Legislative Branch for the fiscal year ending September 30, 2017, and for other purposes; as follows:

Strike “3 days” and insert “4 days”.

**SA 5087.** Mr. McCONNELL proposed an amendment to the bill H.R. 5325, making appropriations for the Legislative Branch for the fiscal year ending September 30, 2017, and for other purposes; as follows:

At the end add the following:  
This Act shall take effect 5 days after the date of enactment.

**SA 5088.** Mr. McCONNELL proposed an amendment to amendment SA 5087 proposed by Mr. McCONNELL to the bill H.R. 5325, making appropriations for the Legislative Branch for the fiscal year ending September 30, 2017, and for other purposes; as follows:

Strike “5” and insert “6”.

**SA 5089.** Mr. McCONNELL proposed an amendment to amendment SA 5088 proposed by Mr. McCONNELL to the amendment SA 5087 proposed by Mr. McCONNELL to the bill H.R. 5325, making appropriations for the Legislative Branch for the fiscal year ending September 30, 2017, and for other purposes; as follows:

Strike “6” and insert “7”.

**SA 5090.** Mr. COATS (for Mr. SANDERS) proposed an amendment to the bill S. 1878, to extend the pediatric priority review voucher program; as follows:

On page 7, strike lines 7 through 17 and insert the following:

“(5) **TERMINATION OF AUTHORITY.**—The Secretary may not award any priority review vouchers under paragraph (1) after December 31, 2016.”; and

**SA 5091.** Mr. COATS (for Ms. HIRONO) proposed an amendment to the bill S. 2683, to include disabled veteran leave in the personnel management system of the Federal Aviation Administration; as follows:

On page 2, line 11, strike “paragraph (4)” and insert “paragraph (4) of this subsection”.

#### AUTHORITY FOR COMMITTEES TO MEET

##### COMMITTEE ON ARMED SERVICES

Mr. COTTON. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on September 22, 2016, at 9:30 a.m.

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

##### COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. COTTON. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate on September 22, 2016, at 9:30 a.m., in room SD-366 of the Dirksen Senate Office Building.

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

##### COMMITTEE ON FOREIGN RELATIONS

Mr. COTTON. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on September 22, 2016.

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

##### COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. COTTON. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions be authorized to meet during the session of the Senate on September 22, 2016, at 10 a.m., in room SD-430 of the Dirksen Senate Office Building to conduct a hearing entitled “Exploring Current Practices in Cosmetic Development and Safety.”

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

##### COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

Mr. COTTON. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs be authorized to meet during the session of the Senate on September 22, 2016, at 10 a.m., to conduct a hearing entitled “Exploring a Right to Try for Terminally Ill Patients.”

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

##### SELECT COMMITTEE ON INTELLIGENCE

Mr. COTTON. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on September 22, 2016, at 2 p.m., in room SH-219 of the Hart Senate Office Building.

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

##### SUBCOMMITTEE ON HOUSING, TRANSPORTATION, AND COMMUNITY DEVELOPMENT

Mr. COTTON. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs Subcommittee on Housing, Transportation, and Community Development be authorized to meet during the session of the Senate on September 22, 2016, at 10 a.m., to conduct a hearing entitled “Oversight of the HUD Inspection Process.”

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

##### SUBCOMMITTEE ON REGULATORY AFFAIRS AND FEDERAL MANAGEMENT

Mr. COTTON. Mr. President, I ask unanimous consent that the Subcommittee on Regulatory Affairs and

Federal Management of the Committee on Homeland Security and Governmental Affairs be authorized to meet during the session of the Senate on September 22, 2016, at 3 p.m., to conduct a hearing entitled “Continued Review of Agency Regulatory Guidance, Part III.”

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

#### ADVANCING HOPE ACT OF 2015

Mr. COATS. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 415, S. 1878.

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

The senior assistant legislative clerk read as follows:

A bill (S. 1878) to extend the pediatric priority review voucher program.

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Health, Education, Labor, and Pensions, 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 “Advancing Hope Act of 2016”.*

#### SEC. 2. REAUTHORIZATION OF PROGRAM FOR PRIORITY REVIEW TO ENCOURAGE TREATMENTS FOR RARE PEDIATRIC DISEASES.

(a) *IN GENERAL.*—Section 529 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360ff) is amended—

(1) in subsection (a)—

(A) in paragraph (3), by amending subparagraph (A) to read as follows:

“(A) The disease is a serious or life-threatening disease in which the serious or life-threatening manifestations primarily affect individuals aged from birth to 18 years, including age groups often called neonates, infants, children, and adolescents.”; and

(B) in paragraph (4)(F), by striking “Prescription Drug User Fee Amendments of 2012” and inserting “Advancing Hope Act of 2016”;

(2) in subsection (b)—

(A) by striking paragraph (4) and inserting the following:

“(4) **NOTIFICATION.**—

“(A) **SPONSOR OF A RARE PEDIATRIC DISEASE PRODUCT.**—

“(i) *IN GENERAL.*—Beginning on the date that is 90 days after the date of enactment of the Advancing Hope Act of 2016, the sponsor of a rare pediatric disease product application that intends to request a priority review voucher under this section shall notify the Secretary of such intent upon submission of the rare pediatric disease product application that is the basis of the request for a priority review voucher.

“(ii) *APPLICATIONS SUBMITTED BUT NOT YET APPROVED.*—The sponsor of a rare pediatric disease product application that was submitted and that has not been approved as of the date of enactment of the Advancing Hope Act of 2016 shall be considered eligible for a priority review voucher, if—

“(I) such sponsor has submitted such rare pediatric disease product application—

“(aa) on or after the date that is 90 days after the date of enactment of the Prescription Drug User Fee Amendments of 2012; and

“(bb) on or before the date of enactment of the Advancing Hope Act of 2016; and

“(II) such application otherwise meets the criteria for a priority review voucher under this section.

“(B) SPONSOR OF A DRUG APPLICATION USING A PRIORITY REVIEW VOUCHER.—

“(i) IN GENERAL.—The sponsor of a human drug application shall notify the Secretary not later than 90 days prior to submission of the human drug application that is the subject of a priority review voucher of an intent to submit the human drug application, including the date on which the sponsor intends to submit the application. Such notification shall be a legally binding commitment to pay the user fee to be assessed in accordance with this section.

“(ii) TRANSFER AFTER NOTICE.—The sponsor of a human drug application that provides notification of the intent of such sponsor to use the voucher for the human drug application under clause (i) may transfer the voucher after such notification is provided, if such sponsor has not yet submitted the human drug application described in the notification.”; and

(B) by striking paragraph (5) and inserting the following:

“(5) TERMINATION OF AUTHORITY.—The Secretary may not award any priority review vouchers under paragraph (1) after September 30, 2022, unless the rare pediatric disease product application—

“(A) is for a drug that, not later than September 30, 2022, is designated under subsection (d) as a drug for a rare pediatric disease; and

“(B) is, not later than September 30, 2027, approved under section 505(b)(1) of this Act or section 351(a) of the Public Health Service Act.”; and

(3) in subsection (g), by inserting before the period “, except that no sponsor of a rare pediatric disease product application may receive more than one priority review voucher issued under any section of this Act with respect to the drug for which the application is made.”

(b) RULE OF CONSTRUCTION.—Nothing in this Act, or the amendments made by this Act, shall be construed to affect the validity of a priority review voucher that was issued under section 529 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360ff) before the date of enactment of this Act.

### SEC. 3. GAO REPORT.

(a) STUDY.—The Comptroller General of the United States shall conduct a study on the effectiveness of awarding priority review vouchers under section 529 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360ff) in providing incentives for the development of drugs that treat or prevent rare pediatric diseases (as defined in subsection (a)(3) of such section) that would not otherwise have been developed. In conducting such study, the Comptroller General shall examine the following:

(1) The indications for which each drug for which a priority review voucher was awarded under such section 529 was approved under section 505(b)(1) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(b)(1)) or section 351(a) of the Public Health Service Act (42 U.S.C. 262(a)).

(2) Whether the priority review voucher impacted sponsors' decisions to invest in developing a drug to treat or prevent a rare pediatric disease.

(3) An analysis of the drugs for which such priority review vouchers were used, which shall include—

(A) the indications for which such drugs were approved under section 505(b)(1) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(b)(1)) or section 351(a) of the Public Health Service Act (42 U.S.C. 262(a));

(B) whether unmet medical needs were addressed through the approval of such drugs, including, for each such drug—

(i) if an alternative therapy was previously available to treat the indication; and

(ii) if the drug provided a benefit or advantage over another available therapy;

(C) the number of patients potentially treated by such drugs;

(D) the value of the priority review voucher if transferred; and

(E) the length of time between the date on which a priority review voucher was awarded and the date on which it was used.

(4) With respect to the priority review voucher program under section 529 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360ff)—

(A) the resources used by the Food and Drug Administration in implementing such program, including the effect of such program on the Food and Drug Administration's review of drugs for which a priority review voucher was not awarded or used;

(B) the impact of the program on the public health as a result of the review and approval of drugs that received a priority review voucher and products that were the subject of a redeemed priority review voucher; and

(C) alternative approaches to improving such program so that the program is appropriately targeted toward providing incentives for the development of clinically important drugs that—

(i) prevent or treat rare pediatric diseases; and

(ii) would likely not otherwise have been developed to prevent or treat such diseases.

(b) REPORT.—Not later than January 31, 2022, the Comptroller General of the United States shall submit to the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Energy and Commerce of the House of Representatives a report containing the results of the study of conducted under subsection (a).

Mr. COATS. Mr. President, I ask unanimous consent that the Sanders amendment, which is at the desk, be agreed to; the committee-reported substitute amendment, as amended, be agreed to; that the bill, as amended, be read a third time and passed; and that the motion to reconsider be considered made and laid upon the table.

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

The amendment (No. 5090) was agreed to, as follows:

(Purpose: To improve the bill)

On page 7, strike lines 7 through 17 and insert the following:

“(5) TERMINATION OF AUTHORITY.—The Secretary may not award any priority review vouchers under paragraph (1) after December 31, 2016.”; and

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

The bill (S. 1878), as amended, was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 1878

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

### SECTION 1. SHORT TITLE.

This Act may be cited as the “Advancing Hope Act of 2016”.

### SEC. 2. REAUTHORIZATION OF PROGRAM FOR PRIORITY REVIEW TO ENCOURAGE TREATMENTS FOR RARE PEDIATRIC DISEASES.

(a) IN GENERAL.—Section 529 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360ff) is amended—

(1) in subsection (a)—

(A) in paragraph (3), by amending subparagraph (A) to read as follows:

“(A) The disease is a serious or life-threatening disease in which the serious or life-threatening manifestations primarily affect individuals aged from birth to 18 years, including age groups often called neonates, infants, children, and adolescents.”; and

(B) in paragraph (4)(F), by striking “Prescription Drug User Fee Amendments of 2012” and inserting “Advancing Hope Act of 2016”;

(2) in subsection (b)—

(A) by striking paragraph (4) and inserting the following:

“(4) NOTIFICATION.—

“(A) SPONSOR OF A RARE PEDIATRIC DISEASE PRODUCT.—

“(i) IN GENERAL.—Beginning on the date that is 90 days after the date of enactment of the Advancing Hope Act of 2016, the sponsor of a rare pediatric disease product application that intends to request a priority review voucher under this section shall notify the Secretary of such intent upon submission of the rare pediatric disease product application that is the basis of the request for a priority review voucher.

“(ii) APPLICATIONS SUBMITTED BUT NOT YET APPROVED.—The sponsor of a rare pediatric disease product application that was submitted and that has not been approved as of the date of enactment of the Advancing Hope Act of 2016 shall be considered eligible for a priority review voucher, if—

“(I) such sponsor has submitted such rare pediatric disease product application—

“(aa) on or after the date that is 90 days after the date of enactment of the Prescription Drug User Fee Amendments of 2012; and

“(bb) on or before the date of enactment of the Advancing Hope Act of 2016; and

“(II) such application otherwise meets the criteria for a priority review voucher under this section.

“(B) SPONSOR OF A DRUG APPLICATION USING A PRIORITY REVIEW VOUCHER.—

“(i) IN GENERAL.—The sponsor of a human drug application shall notify the Secretary not later than 90 days prior to submission of the human drug application that is the subject of a priority review voucher of an intent to submit the human drug application, including the date on which the sponsor intends to submit the application. Such notification shall be a legally binding commitment to pay the user fee to be assessed in accordance with this section.

“(ii) TRANSFER AFTER NOTICE.—The sponsor of a human drug application that provides notification of the intent of such sponsor to use the voucher for the human drug application under clause (i) may transfer the voucher after such notification is provided, if such sponsor has not yet submitted the human drug application described in the notification.”; and

(B) by striking paragraph (5) and inserting the following:

“(5) TERMINATION OF AUTHORITY.—The Secretary may not award any priority review vouchers under paragraph (1) after December 31, 2016.”; and

(3) in subsection (g), by inserting before the period “, except that no sponsor of a rare pediatric disease product application may receive more than one priority review voucher issued under any section of this Act with respect to the drug for which the application is made.”

(b) RULE OF CONSTRUCTION.—Nothing in this Act, or the amendments made by this Act, shall be construed to affect the validity of a priority review voucher that was issued under section 529 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360ff) before the date of enactment of this Act.

### SEC. 3. GAO REPORT.

(a) STUDY.—The Comptroller General of the United States shall conduct a study on the effectiveness of awarding priority review vouchers under section 529 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360ff) in providing incentives for the development of drugs that treat or prevent rare pediatric diseases (as defined in subsection

(a)(3) of such section) that would not otherwise have been developed. In conducting such study, the Comptroller General shall examine the following:

(1) The indications for which each drug for which a priority review voucher was awarded under such section 529 was approved under section 505(b)(1) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(b)(1)) or section 351(a) of the Public Health Service Act (42 U.S.C. 262(a)).

(2) Whether the priority review voucher impacted sponsors' decisions to invest in developing a drug to treat or prevent a rare pediatric disease.

(3) An analysis of the drugs for which such priority review vouchers were used, which shall include—

(A) the indications for which such drugs were approved under section 505(b)(1) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(b)(1)) or section 351(a) of the Public Health Service Act (42 U.S.C. 262(a));

(B) whether unmet medical needs were addressed through the approval of such drugs, including, for each such drug—

(i) if an alternative therapy was previously available to treat the indication; and

(ii) if the drug provided a benefit or advantage over another available therapy;

(C) the number of patients potentially treated by such drugs;

(D) the value of the priority review voucher if transferred; and

(E) the length of time between the date on which a priority review voucher was awarded and the date on which it was used.

(4) With respect to the priority review voucher program under section 529 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360ff)—

(A) the resources used by the Food and Drug Administration in implementing such program, including the effect of such program on the Food and Drug Administration's review of drugs for which a priority review voucher was not awarded or used;

(B) the impact of the program on the public health as a result of the review and approval of drugs that received a priority review voucher and products that were the subject of a redeemed priority review voucher; and

(C) alternative approaches to improving such program so that the program is appropriately targeted toward providing incentives for the development of clinically important drugs that—

(i) prevent or treat rare pediatric diseases; and

(ii) would likely not otherwise have been developed to prevent or treat such diseases.

(b) REPORT.—Not later than January 31, 2022, the Comptroller General of the United States shall submit to the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Energy and Commerce of the House of Representatives a report containing the results of the study of conducted under subsection (a).

#### FEDERAL AVIATION ADMINISTRATION VETERAN TRANSITION IMPROVEMENT ACT OF 2016

Mr. COATS. Mr. President, I ask unanimous consent that the Commerce Committee be discharged from further consideration of S. 2683 and the Senate proceed to its immediate consideration.

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

The clerk will report the bill by title.

The senior assistant legislative clerk read as follows:

A bill (S. 2683) to include disabled veteran leave in the personnel management system of the Federal Aviation Administration.

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

Mr. COATS. Mr. President, I further ask that the Hirono amendment be agreed to; the bill, as amended, be read a third time and passed; and the motion to reconsider be considered made and laid upon the table with no intervening action or debate.

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

The amendment (No. 5091) was agreed to, as follows:

(Purpose: To improve the bill)

On page 2, line 11, strike “paragraph (4)” and insert “paragraph (4) of this subsection”.

The bill (S. 2683), as amended, was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 2683

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE.

This Act may be cited as the “Federal Aviation Administration Veteran Transition Improvement Act of 2016”.

#### SEC. 2. INCLUSION OF DISABLED VETERAN LEAVE IN FEDERAL AVIATION ADMINISTRATION PERSONNEL MANAGEMENT SYSTEM.

(a) IN GENERAL.—Section 40122(g)(2) of title 49, United States Code, is amended—

(1) in subparagraph (H), by striking “; and” and inserting a semicolon;

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

(3) by adding at the end the following: “(J) subject to paragraph (4) of this subsection, section 6329, relating to disabled veteran leave.”.

(b) CERTIFICATION OF LEAVE.—Section 40122(g) of such title is amended—

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

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

“(4) CERTIFICATION OF DISABLED VETERAN LEAVE.—In order to verify that leave credited to an employee pursuant to paragraph (2)(J) is used for treating a service-connected disability, that employee shall, notwithstanding section 6329(c) of title 5, submit to the Assistant Administrator for Human Resource Management of the Federal Aviation Administration certification, in such form and manner as the Administrator of the Federal Aviation Administration may prescribe, that the employee used that leave for purposes of being furnished treatment for that disability by a health care provider.”.

(c) APPLICATION.—The amendments made by this section shall apply with respect to any employee of the Federal Aviation Administration hired on or after the date that is one year after the date of the enactment of this Act.

(d) POLICIES AND PROCEDURES.—Not later than 270 days after the date of the enactment of this Act, the Administrator of the Federal Aviation Administration shall prescribe policies and procedures to carry out the amendments made by this section that are comparable, to the maximum extent practicable, to the regulations prescribed by the Office of Personnel Management under section 6329 of title 5, United States Code.

#### APPOINTMENT

The PRESIDING OFFICER. The Chair, on behalf of the Democratic leader, pursuant to Public Law 110–315, appoints the following individual to be a member of the National Advisory Committee on Institutional Quality and Integrity: Steven VanAusdile of Washington.

#### ORDERS FOR MONDAY, SEPTEMBER 26, 2016

Mr. COATS. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 3 p.m., Monday, September 26; 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 filing deadline for the cloture motions filed today be at 4 p.m., Monday, September 26 for first-degree amendments and for second-degree amendments at 12 p.m., Tuesday, September 27.

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

#### ADJOURNMENT UNTIL MONDAY, SEPTEMBER 26, 2016, AT 3 P.M.

Mr. COATS. 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 p.m., adjourned until Monday, September 26, 2016, at 3 p.m.

#### NOMINATIONS

Executive nominations received by the Senate:

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

NATHAN BRUCE DUTHU, OF VERMONT, TO BE A MEMBER OF THE NATIONAL COUNCIL ON THE HUMANITIES FOR A TERM EXPIRING JANUARY 26, 2022, VICE CHRISTOPHER MERRILL, TERM EXPIRED.

STATE JUSTICE INSTITUTE

JOHN D. MINTON, JR., OF KENTUCKY, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE STATE JUSTICE INSTITUTE FOR A TERM EXPIRING SEPTEMBER 17, 2019. (REAPPOINTMENT)

CHASE ROGERS, OF CONNECTICUT, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE STATE JUSTICE INSTITUTE FOR A TERM EXPIRING SEPTEMBER 17, 2018. (REAPPOINTMENT)

DEPARTMENT OF STATE

TULINABO SALAMA MUSHINGI, OF VIRGINIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF SENEGAL, AND TO SERVE CONCURRENTLY AND WITHOUT ADDITIONAL COMPENSATION AS AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF GUINEA-BISSAU.

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

*To be lieutenant general*

LT. GEN. JOHN F. THOMPSON

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

*To be lieutenant general*

MAJ. GEN. ROBERT D. MCMURRY, JR.

IN THE ARMY

THE FOLLOWING NAMED ARMY NATIONAL GUARD OF THE UNITED STATES OFFICER FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

*To be lieutenant general*

MAJ. GEN. REYNOLD N. HOOVER

IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

*To be rear admiral (lower half)*

CAPT. KELLY A. AESCHBACH

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT AS PERMANENT PROFESSOR AT THE UNITED STATES AIR FORCE ACADEMY IN THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTIONS 9333(B) AND 9336(A):

*To be colonel*

SCOTT E. WILLIAMS

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT AS PERMANENT PROFESSOR AT THE UNITED STATES AIR FORCE ACADEMY IN THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTIONS 9333(B) AND 9336(A):

*To be colonel*

JOHN D. CINNAMON

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE GRADE INDICATED IN THE REGULAR AIR FORCE UNDER TITLE 10, U.S.C., SECTION 531:

*To be major*

ALFRED G. TRAYLOR II

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT AS PERMANENT PROFESSOR AT THE UNITED STATES AIR FORCE ACADEMY IN THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTIONS 9333(B) AND 9336(A):

*To be colonel*

MARK C. ANARUMO

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT AS PERMANENT PROFESSOR AT THE UNITED STATES AIR FORCE ACADEMY IN THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTIONS 9333(B) AND 9336(A):

*To be colonel*

STEVEN C. M. HASSTEDT

IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTION 12203:

*To be colonel*

KARL E. NELL

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTION 12203:

*To be colonel*

TODD D. WOLFORD

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY MEDICAL SERVICE CORPS UNDER TITLE 10, U.S.C., SECTIONS 624 AND 3064:

*To be major*

LANCE L. JELKS

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY VETERINARY CORPS UNDER TITLE 10, U.S.C., SECTIONS 624 AND 3064:

*To be lieutenant colonel*

MATTHEW A. LEVINE

THE FOLLOWING NAMED INDIVIDUAL TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTION 12203:

*To be colonel*

DANIEL J. DONOVAN

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTION 12203:

*To be colonel*

DONNA A. MCDERMOTT

IN THE NAVY

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

*To be lieutenant commander*

JORDAN M. ADLER  
CHRISTOPHER S. BANNON  
DUSTY P. BARTLETT  
RHETT Z. BEGLEY  
RICHARD H. BURTON  
JACOB A. CARLSEN  
SARAH M. COOPER  
BOBBY L. COWART  
JEFFREY A. DAWSON  
JOSHUA C. DENNIS  
JONATHAN D. DIETER  
BRIAN C. FIELDS  
STEPHEN N. GAETKE  
BRENDAN J. GEOGHEGAN  
STEFAN E. GILLETTE  
DAVID GRIMALDO  
JASON R. HANEY  
MICHAEL M. HANNA  
BRYAN K. HARRIS  
LINDSAY M. HEGY  
JOSEPH K. HELKER  
LINDSEY HENRY III  
BRUCE W. HILL  
PHILIP B. IBBITSON  
KEVIN D. JACK  
YASMINE N. JOHNSON  
NICHOLAS J. LAKOMICIK  
BRIAN J. LEE  
DANIEL S. MINTZER  
MATTHEW K. MORSE  
ALEJANDRO D. MUSQUIZ  
JOSEPH SIMON  
ADAM R. SINSEL  
MARK W. STEWART  
JAY B. TAYLOR  
NATHANIEL R. THOMSON  
SCOTT C. TOLLEFSON  
RYAN T. WADINGTON  
CHRISTOPHER D. WEDDELL  
RICHARD C. WONG

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

*To be lieutenant commander*

JOHN A. ALLEN  
LANCE A. ALT  
ROBERT J. BEBBER  
JENEAN R. BEERS  
MARK J. BERGEM  
CHRISTOPHER D. BJORNNESS  
CHRISTOPHER B. BONINE  
MILES J. BOZARTH  
WILLIAM D. BRINKMEYER  
DEVON A. BRUMBAUGH  
DONALD M. COATES  
DAVID W. COURTNEY  
ANDREA M. CURRY  
JACOB F. DAVIS  
JAMIE J. DAVIS  
JOSHUA J. DUGAN  
JOSHUA G. DYE  
SAMUEL B. FLEMING  
WILLIAM R. FLEMING  
DEREK C. GILBERT  
MATTHEW D. GRAY  
MICHAEL D. GRIMSHAW  
JOHN D. HORTON  
TRACY JONES  
DAVID J. KING  
AARON M. LAWSONGRADLE  
JAMES L. LEGG  
MARCUS L. LONG  
SONDRA A. LONGWORTH  
STEVEN T. MAKI  
DEVIN J. MAYER  
ASHLEY S. M. MCABEE  
SEANN D. MCKENNA  
KYLE E. MILLER  
TANGIE I. MONTGOMERY  
MATTHEW I. MORAN  
NATHANIEL S. NEWSOM  
KEVIN D. OBRIEN  
WILLIAM A. PARKER  
BENJAMIN D. PARKS  
STEPHANIE R. PENDINO  
ANN M. PETERS  
MICHAEL A. PFAEFFLIN  
ALEXIS M. POSPISCHIL  
SHELLEY D. PULLIAM  
RICHARD H. PYFROM  
SARAH M. QUEMADA  
DANIEL S. RHAME, JR.  
ALEXANDER RIOS  
AUSTIN H. RUTKOWSKI  
WILFREDO SANTIAGO, JR.  
MICHAEL A. SCHMIDT  
RYAN W. SHROYER  
KURT M. SHULKITAS  
KELLY J. STEELE  
JOHN W. STUCKEY  
SEAN D. R. THOMPSON  
KENNETH S. TUMA II  
TIMBERON C. VANZANT

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

*To be lieutenant commander*

CHRISTOPHER D. AYALA  
CHARLOTTE A. BENBOW  
KEVIN I. BREACH  
ROBERT B. CARTER

SEAN P. CAULFIELD  
WESTON R. COBY  
SABRINA L. CUMMINGS  
THOMAS M. FREISMUTH, JR.  
CHAD E. GEIS  
DAVID W. E. HERRMANN  
DUSTIN D. HOCKING  
CORIANDRE T. JOHNSON  
DAVID J. LORFELD  
MARK C. MITCHELL  
ZACHARY E. MOODY  
AARON M. MORRONE  
THOMAS P. NEWMAN  
MATT A. PAULSON  
DYANNA L. RODRIGUEZ  
JEFFREY K. SEIBOLD  
WILLIAM D. TUBBS  
NICOLAAS A. VERHOEVEN  
ANDREW S. WEST

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

*To be lieutenant commander*

FRANCIS B. CARNABY  
JUN Y. CHEN  
CHRISTOPHER W. CRAZYBULL  
ANDREW B. DRODDY  
DANIEL L. JUSTICE  
SAMUEL S. T. KIM  
SIMON Y. KWAK  
CHRISTOPHER J. R. MCCOOK  
DANIEL J. MILLER  
VICTORIA E. MOORE  
BRENT H. OGLESBY  
VICTOR ROMANENKOV  
REBECCA I. SUMMERS

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

*To be lieutenant commander*

BENJAMIN R. ADDISON  
KEVIN L. CHAMBERS  
ADAM R. COLE  
MATTHEW A. COMER  
DANIEL L. DAY  
SHAWN P. EKLUND  
DESIREE E. F. FRAME  
CHRISTINE B. GARGAN  
JULIANNE J. HOLLAND  
LESLIE L. HUBBELL  
AMELIA E. K. A. LAWTON  
JACQUELINE E. PAU  
STEPHANIE A. H. TURO  
RUSSELL P. WOLFKIEL

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

*To be lieutenant commander*

JOSHUA C. ALCAZAR  
TODD M. ANDERSON  
THOMAS E. BEGNAL  
TIMOTHY J. DEAL  
KRISTOFFER C. DREW  
JESSE C. EPP  
KEVIN B. FLEESE  
KEVIN L. HICKS  
VAN J. HOWARD  
NATHANIEL H. HURT III  
DANIEL J. HUTTON  
JASON JACDEDT  
COURTNEY A. JOHNSON  
STEPHANIE M. KNIGHT  
CARLOS R. MARCIA  
SHAWN J. MARLOWE  
ORLANDO A. MARTINEZ  
BRIAN E. MCKEE  
MATTHEW G. OMIRE  
BRYAN S. RAYMOND, JR.  
MICHAEL C. SHAFFER  
BARRY O. SMITH  
DANNIE T. STIMSON  
PHILIP D. TOREM  
VICTOR E. VEGUILLADEJESUS  
JESSE L. WHITFIELD  
JUI I. YANG

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

*To be lieutenant commander*

SILAS O. CARPENTER  
EVAN A. KARLIK  
MARK L. MORRISON  
CHRISTOPHER E. WELLS

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

*To be lieutenant commander*

GALO A. CAVALCANTI  
MELANIE S. CHAMBERS  
SAMUEL L. H. CHEN  
RYAN T. DAILEY  
CHRISTINA M. DEES  
AUREL N. DEHOLLAN  
MICHAEL R. DICKENSON  
ALFONSO DUARTE  
JUSTIN R. FITZJARRALD  
AMANDA J. GRIFFITH  
DAVID A. HOOPER

ROY M. KLOTZBACH  
KYRA D. LASSITER  
LISA W. LEE  
ERIK E. MOSS  
JEROD A. TABER  
AUDRA M. VANCE

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT  
TO THE GRADE INDICATED IN THE UNITED STATES NAVY  
UNDER TITLE 10, U.S.C., SECTION 624:

*To be lieutenant commander*

CHRISTOPHER T. ABPLANALP  
KRISTIN P. ACTON  
DAVID J. ADAMEK  
STEPHEN W. ADAMS  
ANDRE M. AGRAVIADOR  
RAYMOND J. AHAUS  
JULIO A. ALARCON  
RICHARD A. ALI  
JEREMY R. ALLEY  
JONATHAN R. ALLMOND  
JOSEPH J. AMES  
AARON M. ANDERSON  
CHRISTOPHER D. ANDERSON  
JONANDREW D. ANDERSON  
NATHAN B. ANDERSON  
RAFAEL ANDRADE, JR.  
BENJAMIN M. ANDROS  
PAUL J. A. ANDRUZZI  
JAMES A. ANGEL  
JOSEPH W. ANGLIN  
JOHN D. ANHALT  
CHRISTINA C. APPELMAN  
ERNESTO A. ARBOLEDA  
ANTHONY S. ARDITO  
STEVEN E. ASPHOLM  
RAYMOND B. AUBUCHON  
MICHAEL J. AUSTIN  
TRAVIS AVANT  
TRISTAN A. AYSON  
JONATHAN C. BACON  
WAYNE M. BACON  
DEREK L. BADER  
JAKE R. BAKER  
JORGE R. BALARES, JR.  
JEFFREY G. BALISTRERI  
RAYMOND T. BALL, JR.  
VICTOR A. BARGER  
JAMES A. BARKLEY  
JENNIFER L. BARKLEY  
PETER D. BARKLEY  
WARREN D. BARKLEY  
TIMOTHY L. BARNIKEL  
ADAM J. BARBERAS  
TIMOTHY S. BARRY  
JOHN J. BARTIS  
DEVIN J. BASTEMEYER  
TRAVIS K. BATEMAN  
BRUCE BATESON  
DOUGLAS C. BATTIG  
JOHN T. BAXTER  
CALVIN S. BEADS  
ANDREW W. BEASLEY  
TODD M. BEATTY  
ROBERT G. BEAUCHAMP  
BRETT R. BELL  
LANDON K. BELL  
MICHAEL B. BELL  
MATTHEW F. BELLASSAI  
CHRISTINE C. BENEDICT  
ROBERT T. BENEDICT  
CHARLES E. BENNETT  
MATTHEW P. BENNETT  
LANCE M. BENSON  
ANDREA L. BENVENUTO  
JONATHAN A. BERGSTRAND  
BRIAN A. BERUMEN  
MATTHEW E. BEZOLD  
ROLAND M. BIEHLE  
KEITH A. BIERMAN  
JASON E. BILBRO  
MITCHELL T. BLACKBURN  
SEAN T. BLACKMAN  
RYAN P. BLAKE  
MATTHEW K. BLANDIN  
PAIGE M. BLOK  
GREGORY M. BOBICH  
ERIC R. BOND  
JOHNATHAN W. BOSCH  
CHAD T. BOSER  
ADAM H. BOSMA  
TIMOTHY J. BOSTON  
CAMERON M. BOUTON  
VINCENT A. BOVE  
QUINCY L. BOWLES  
TYRCHRA A. J. BOWMAN  
RYAN J. BRACK  
MATTHEW B. BRADEN  
MICHAEL D. BRAMMER  
PATRICK J. BRAY  
JOSEPH A. BREEDEN  
TIMOTHY E. BREEN  
ROBERT E. BREISCH III  
JASON D. BRETHAUER  
ANDREW M. BRETT  
JEFFREY P. BRIDGE  
CHRISTOPHER R. BRIDGES  
WILLIAM R. BRIDGES  
ROBERT B. BRIDGMAN  
MATTHEW BRIDWELL  
JOSEPH M. BRISCO, JR.  
BRANT J. BROCK  
BENJAMIN A. BROOKS  
MATTHEW S. BROOKS  
JANET M. BROOME  
ADAM W. BROOS

BERRY T. BROWN  
JAMES D. BROWN  
MICHAEL R. BROWN  
THOMAS M. BROWN  
JERAMY J. BRUX  
ANTHONY T. BRYANT  
JORDAN A. BRYE  
MICHAEL BUBULKA  
NICHOLAS D. BULARZIK  
AMANDA K. BURD  
JOSEPH BURNS  
SCOTT B. BURRILL  
ERIC BURTNERABT  
GEORGE M. BURTON  
KENNETH P. BUTRYM  
LISA M. BYDAIRK  
PAUL M. BYRNE III  
ALAN P. CABILING  
ROBERT J. CADY  
JOSHUA M. CALDWELL  
SHAWN R. CALLIHAN  
ANDREW P. CAMDEN  
ALLISON CAMERON  
BRETT S. CAMERON  
JESSICA CAMERON  
LARRY E. CAMP, JR.  
JOSEPH M. CAMPBELL  
JOSEPH M. CAMPBELL  
KEVIN M. CAMPBELL  
CHRISTOPHER A. CANALES  
RUSSELL S. CANTY  
CHRISTOPHER D. CARAWAY  
JAMES C. CARBAUGH  
ANDREW D. CARLSON  
TODD W. S. CARLSON  
BRIAN M. CARNES  
REBEKAH CARR  
RYAN L. CARR  
JEREMY K. CARROLL  
ADAM B. CARTER  
DAVID H. CARTER  
JOHN D. CARTER  
KASEY W. CARTER  
JONATHAN D. CARTLEDGE  
PATRICK C. CASHIN  
ROBERT J. CASTOR, JR.  
AARON J. CASTRO  
MICHAEL M. CATALANO  
JUSTIN R. CAUDLE  
TIMOTHY T. CHADWICK  
RYAN P. CHAMBERLAIN  
ANDREW M. CHAMBERS  
FRANCIS C. CHAPPELLE  
WILLIAM C. CHAPMAN  
MATTHEW E. CHARLES  
LEE J. CHASCO  
JOEL D. CHASE  
SCOTT C. CHASE  
JOHN J. CHESTER, JR.  
KYLE R. K. CHONG  
COREY J. CHONSKY  
JUSTIN J. CHRISTENSEN  
MICHAEL D. CHRISTOPH  
JASON CHUMA  
DANIEL CIULLO  
ANTHONY J. CLAY  
SAMUEL M. CLEMENT  
ANDRE D. CLEVELAND  
GRAHAM E. CLEVELAND  
HARRISON L. COLEMAN II  
ROBERT A. COLVIN, JR.  
ROSS F. CONLEY  
JOHN S. CONNER  
DANIEL B. COOPER  
AMANDON S. COPE, JR.  
BENJAMIN J. CORDLE  
NICHOLAS D. CORNWELL  
BETTINA J. CORY  
ERIC M. COTE  
MATTHEW J. COUSINS  
WILLIAM D. COUTS  
ADAM E. COWAN  
ADAM L. CRAIG  
DENNIS J. CRUMP  
GARRETT R. CRYSLER  
THOMAS A. CUNNINGHAM  
ROBERT J. DALTON  
WILLIAM E. DANN  
CLAIRE F. DANTONIO  
ANDREW C. DARJANY  
MICHAEL E. DARK  
TRAVIS F. DAUGHERTY  
WILLIAM L. DAVIDSON  
BRIAN P. DEADMON  
ZACHARY C. DEAN  
SCOTT T. DEARDEN  
CRAIG L. DEAVOURS  
MICHAEL E. DEBOER  
MICHAEL K. DELOACH  
JEFFREY R. DELONGPRE  
LOUIS E. DEMARCO  
SCOTT C. DEMARCO  
BRIAN R. DEMELL  
HEATHER S. DENT  
BENJAMIN A. DESMOND  
ANTHONY K. DEVOTO  
CHRISTOPHER T. DIBBLE  
DANIEL C. DIDIER  
KIMBERLY R. DILLON  
ERIK J. DIPPOLO  
SAM E. DIRICKSON  
TREY J. DITTBERNER  
NICOLAS A. DOCKINS  
JAMES J. DOHERTY  
LUKE T. DONAHUE  
RYAN C. DOOT  
RYAN A. DORN

MITCHELL R. DOW  
CHRISTOPHER M. DOWDELL  
MARGARET L. DOYLE  
JONATHAN T. DUENAS  
ALEX G. DULUDE  
PATRICK L. DUNN  
TIMOTHY M. DUNTUN  
DOUGLAS W. DURHAM  
JOSEPH F. DYCKMAN  
WILLISTON L. DYE III  
DAVID P. ECKARDT  
BRETT N. ECKERT  
JAMES A. ADMINISTER  
SCOTT A. ADMINISTER  
JENNIFER M. EDWARDS  
DANIEL L. ELFGUINN  
JEFFREY M. ELLER, JR.  
DEREK H. ELLIS  
JENNA A. EPIFANIO  
DEREK W. ESCALANTE  
PAUL K. EVANS  
STEVEN L. EVANS, JR.  
ASHLEY J. FAIRES  
JESSICA L. FEATHER  
CHRISTOPHER W. FEAY  
JONATHAN C. FEINS  
JOSEPH D. FELDER II  
KEITH W. FERRELL  
DANIAL L. FICKLING  
FREDERICK FIELDS, JR.  
COLIN P. FINNEGAN  
JACOB A. FISCHER  
JOSEPH E. FITZGERALD  
TIMOTHY FITZGERALD, JR.  
JENNIFER S. FLEMING  
MICHAEL W. FLICK  
ROBERT J. FLOYD II  
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RUBEN H. GUEVARA  
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JEREMY S. HALL  
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BRUCE D. HALLETT  
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HURSEL B. HANKS  
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JOHN P. HARRINGTON  
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 JUSTIN S. HEITMAN  
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 MELISSA L. HIATT  
 KALEN P. HICKEY  
 JASON R. HIGHLEY  
 JONATHAN W. HIGHTOWER  
 RYAN P. HILGER  
 JAMES F. HINDS  
 JASON P. HOCH  
 THOMAS J. HOFFMAN  
 BRYCE C. HOLDEN  
 DANIEL J. HOLIAN  
 BRENT J. HOLLOWAY  
 JENNIFER E. HOLSCLAW  
 MARCUS A. HOOGWIND  
 CHRISTOPHER L. HORNUNG  
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 ANSON W. HOWARD  
 GUILLERMO H. HOWELL  
 ANDREW HOWERTON  
 CECILIA X. L. HU  
 JOHNTA R. HUDSON  
 MICHAEL J. HUMARA  
 DAVID P. HUSCHER  
 ALAN J. HYTONEN  
 SERGIO L. IBARRA  
 ANDREW J. INGRAM  
 CHRISTOPHER D. IVEY  
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 PAUL A. JACOBS  
 JEREMY R. JANNEY  
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 RONALD JENKINS  
 BRYAN V. JENNINGS  
 MICHAEL T. JENNINGS  
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 CLAYTON A. JOHNSON  
 DAMIEAN M. JOHNSON  
 JEREMIAH A. JOHNSON  
 ROBERT A. JOHNSON  
 ANDRIA M. JONES  
 BRIAN C. JONES  
 MARVIN L. JOSEPH  
 DAVID A. JOSLEYN  
 JESSE A. JOYCE  
 NATHANAEAL C. JUCKETT  
 SEAN M. JURGENSEN  
 MATTHEW R. JUSTISON  
 JOHN T. KADZ  
 DAVID N. KAHKONEN  
 BRITTANY B. KALUSCAK  
 JONATHAN R. KANE  
 FARROKH K. KAPADIA  
 LOGAN V. KARSHNER  
 MAGDALENA M. KEEL  
 MATTHEW H. KEIDEL  
 JOHN G. KEITH  
 THOMAS L. KELLNER  
 PETER J. KELLY  
 RYAN P. KELLY  
 JOSH R. KEMPINSKI  
 SHANECE L. KENDALL  
 JOHN P. KENNEDY  
 LINCOLN E. KERGER  
 KEVIN M. KERNO  
 JEFFREY J. KERR  
 KYLE W. KILLINGBECK  
 CAL A. KIMES  
 RYAN E. KIMMEL  
 CHRISTOPHER M. KINGERY  
 SEAN M. KINNEY  
 BRIAN P. KIRK  
 GLENN A. KIRKPATRICK  
 GABRIAN M. KISLER  
 MARK S. KLEIN  
 CHRISTOPHER R. KNAPP  
 JAMES P. KOBYRA  
 DANIEL R. KOBZA  
 MICHAEL R. KOCH  
 CHRISTOPHER P. KOFOED  
 MATTHEW B. KOHLMANN  
 JOHN E. KOHUT  
 MICAH A. KOLCUN  
 MARK A. KONDRAT  
 ANDREW KONOWICZ  
 ANNA M. KOPP  
 ADAMANTIOS M. KOULOUMOUNDRAS  
 CHRISTOPHER M. KOWALCZYK  
 MICHAEL KRASNIEWSKI  
 MIRANDA L. KRASSELT  
 RUSSELL A. KRATOVILLE, JR.  
 PETER C. KRAVCHONOK  
 CHARLES R. KREUZ  
 BENJAMIN P. KROLL  
 KEITH R. KROUCHICK  
 ROBERT S. KURLAND  
 ADAM C. KYLE  
 TIMOTHY F. LABRESH  
 JOSHUA K. LAIL  
 JOEL A. LAKEY  
 PATRICK J. LAKUSTA  
 CHRISTOPHER W. LAMBERT  
 JOSH T. LANG  
 MATTHEW S. LANGFORD

SCOTT W. LANUM  
 EMILY A. LAPP  
 ANDREW J. LATHROP  
 ANDREW J. LAWRENCE  
 CHRISTOPHER J. LAWSON  
 MOLLY L. LAWTON  
 DANIEL M. LEAHEY  
 BRETT H. LEARNER  
 ROBERT G. LECLERC  
 ROBERT V. LEE  
 BRIAN LEGARE  
 JONATHAN R. LEONARDO  
 SCOTT M. LESCENSKI  
 MATTHEW J. LESZCZYNSKI  
 LUIS A. LEVINE  
 GREGORY J. LEWIS  
 JOHN A. LEWIS  
 KIRTLAN V. LEWIS  
 MATTHEW R. LEWIS  
 JOCELYN K. LIBERG  
 WINSTON J. LIKERT  
 JOSEPH T. LILES  
 MYRON E. LIND  
 NELS D. LINDBERG  
 MICHAEL A. LINDER, JR.  
 CAMERON M. LINDSAY  
 MICHAEL L. LINN  
 ROBERT M. LLOYD  
 LEIGH K. LOESEL  
 STEWART C. LONG  
 SAMUEL LOPEZ, JR.  
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 KEVIN A. LOUGHMILLER  
 NOLAN D. LUCAS  
 TODD M. J. LUCHT  
 BERNARD W. LUTZ  
 PAUL N. L. LWIN  
 MALCOLM R. LYBECK  
 SARAH K. LYNCH  
 NICHOLAS C. LYONS  
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 BRIAN F. MAHER  
 JASON A. MAIER  
 LOUIS S. MAJERCHIN  
 MICHAEL R. MALIN  
 DAVID MANGES  
 BRITTANY A. MANLEY  
 HERU K. MANSELL  
 WILLIAM L. MARDEN  
 SAMUEL M. MARRONE  
 CHRISTOPHER L. MARSH  
 DOUGLAS L. MARSH  
 ROBERT D. MARSHALL  
 TIMOTHY S. MARSHALL  
 NICHOLAS C. MARSTON  
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 JONATHAN R. MARTIN  
 MARK MARTIN  
 MICHELLE M. MARTINEZ  
 VICTORIA MARUM  
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 KYLE C. MASON  
 CAMERON H. MASSEY  
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 JAMESON D. MCCOIRT  
 DAMON C. MCCULLAR  
 ANDREW F. MCDONALD  
 MICHAEL J. MCDONALD  
 JOSHUA J. MCDONOUGH  
 MICHAEL D. MCOHAN  
 RYAN D. MCGINN  
 RYAN O. MCGOLDRICK  
 BRENDAN J. MCGUNIGLE  
 MICHAEL A. MCCLAUGHLIN  
 PRECIOUS S. W. MCQUADE  
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 NICHOLAS J. MOTTOLA  
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 WILLIAM P. MURPHY  
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 SEAMUS N. OBRIEN  
 THOMAS J. OBRIEN  
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 JAMES R. OLSEN  
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 KORHAN M. ORGUN  
 BRYAN M. ORLOWSKI  
 TIMOTHY J. ORTH  
 BRANDON M. OSWALD  
 JOSHUA A. OVERN  
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 ALEXANDER J. OWRE  
 JOSHUA S. PACE  
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 MATTHEW D. PAINTER  
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 SCOTT C. PENNOYER  
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 WILL O. READ  
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 MICHAEL D. SLEDGE  
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 ERIK T. SMITH  
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 LEX A. SMITH  
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 MATTHEW F. SULLIVAN  
 PATRICK T. SULLIVAN  
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 STEPHEN D. SZACHTA, JR.  
 AARON N. SZECHTMAN  
 RACHEL E. SZECHTMAN  
 ALEXANDER B. TAFRESHI

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 KEVIN F. TAYLOR  
 SCOTT J. TEDRICK  
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 MATTHEW I. TENNIS  
 RICHARD J. TERRIO II  
 KYLE L. TERWILLIGER  
 DANIELLE THIRIOT  
 JAMES G. THOMAS  
 ROSS J. THOMAS  
 ANDREW E. TIMPNER  
 CHRISTOPHER R. TOCKEY  
 ANDREW W. TOM  
 JOSEPH R. TRAGER  
 IAN X. TRAINOR  
 BRIAN L. TRIBBITT  
 BRENT L. TROST  
 SEAN M. TUOHY  
 JAMIE A. TURF  
 CLINTON K. TURNER  
 DAMON Y. TURNER  
 ANDREW J. TURO  
 JAC O. ULLMAN III  
 MICHAEL J. UMHOLTZ  
 SCOTT E. URBASHICH  
 PAUL J. VALCKE, JR.  
 EMILIO J. VALDEZ  
 MICHAEL VALLIANOS, JR.  
 NATHANIEL B. VANDEVENTER  
 KYLE E. VANNATTA  
 TROY H. VANTREASE  
 PATRICK E. VEILLETTE  
 BRIAN M. VIETHS  
 VAUGHN A. VILLARREAL  
 JOSHUA R. VIRGADAMO  
 JONATHAN M. VOLKLE  
 STEPHEN M. VOLPE  
 DANIEL E. VROMAN  
 GERALD D. VUOLO  
 JONATHAN G. WACHTEL  
 ADAM R. WAGLER  
 JOHN W. WALKER  
 VALON B. WALKER  
 WILLIAM J. WALKER III  
 MARK D. WALLIS  
 LEIF E. WALROTH  
 MARCUS T. WALTERS  
 BLAKE M. WANIER  
 TIMOTHY R. WARBURTON  
 MATTHEW P. WARNECKE  
 JUSTIN M. WASH  
 TIMOTHY C. WASHBURN  
 ERIC B. WATT  
 ROBERT M. WAYLAND  
 JOSHUA T. WEBB  
 BRAD C. WEILAND  
 JASON I. WELLS  
 JUSTIN T. WELLS  
 MICHAEL S. WELLS  
 CHRISTOPHER A. WENZEL  
 JAROD B. WHEELER  
 JEREMY W. WHEELIS  
 CURTIS W. WHITE  
 DUSTIN L. WHITE  
 ROOSEVELT B. WHITE, JR.  
 JEREMIAH W. WIESNER  
 CHRISTOPHER A. WILLIAMS  
 MATTHEW R. WILLIAMSON  
 FRANK D. WILLIS, JR.  
 NOAH D. WILLKOM  
 TROY M. WILLMAN  
 ANDREW R. WILSNACK  
 TYLER H. WILSON  
 CALEB P. WINES  
 MICHAEL P. WOLCHKO  
 TRAVIS B. WOLF  
 EVAN R. WOLFE  
 ANTHONY K. WOLVERTON  
 JEREMY D. WOODALL  
 GARRETT M. WOODS  
 CHARLES D. WORKMAN II  
 BRYON T. YAMAJI  
 XAI YANG  
 JACOB B. YANOFISKY  
 CHRISTOPHER H. YATES  
 ROGER L. YOUNG  
 JONATHAN M. ZANG  
 MICHAEL D. ZARRAONANDIA  
 JOSEPH ZERRA  
 DAVID E. ZIEROTH  
 JOHN G. ZILAI  
 MICHAEL J. ZIMMERMAN  
 RYAN E. ZYVITH

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT  
 TO THE GRADE INDICATED IN THE UNITED STATES NAVY  
 UNDER TITLE 10, U.S.C., SECTION 624:

*To be lieutenant commander*

STEVEN M. ARBOGAST  
 KYLE A. BAKER  
 TIMOTHY M. BEACH  
 BIX A. BEIDERBECKE  
 RYAN S. BOHNING  
 NATHANIEL J. BYRD  
 JOSEPH L. CAPRIO  
 CHRISTINA D. CARINO  
 DANIEL A. CARY  
 GREGORY A. CASKEY  
 AMAKA E. CHIDZIE  
 RYAN P. CONNER  
 GREGORY M. CONTRERAS  
 ANTHONY L. CULWELL  
 LEON A. FAISON  
 ROBERT T. FAUCI III

CHRISTOPHER R. FLORES  
 VICTOR R. FOULK  
 ANDREW D. FREEMAN  
 JORDAN K. GOFF  
 BENJAMIN L. HALL  
 JOHN M. HALLWORTH  
 KEENAN S. HARMAN  
 MARISSA C. HOBBS  
 ROY T. JOHNSTON  
 LEVI C. JONES  
 JOON H. KIM  
 ADRIAN S. LANEY  
 SCOTT F. LORD  
 CHRISTOPHER G. MACLEAN  
 WILLIAM J. MARPLE  
 DILLAN A. MASELLAS  
 CHAD S. MILTENBERGER  
 CASSANDRA C. MITCHELL  
 MICAH D. MUNDEN  
 LUKE C. OZECK  
 TIMOTHY D. PHILLIPS  
 JASON K. PONDER  
 DAVID C. REINHARDT  
 VERONIKA J. RICE  
 BRIAN E. SCOTT  
 JOSEPH M. STARK

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT  
 TO THE GRADE INDICATED IN THE UNITED STATES NAVY  
 UNDER TITLE 10, U.S.C., SECTION 624:

*To be lieutenant commander*

DORIAN R. ACKER  
 MARCO P. AGRICOLI  
 CHABONNIE R. ALEXANDER  
 ERIC L. ALEXANDER  
 STEVEN D. ALEXANDER  
 JASON A. ALLNUTT  
 PETER D. ANDREW  
 JAMES L. ARKADIE, JR.  
 MICHAEL J. ARNOLD  
 BOWEN B. BOLSTAD  
 RICHARD S. BOSTIC  
 LANCE BREEDING  
 ERIC D. BROOKS  
 JASON M. BUERGER  
 THOMAS J. BUMPASS  
 ALAN L. BUSH  
 GARY L. CALLAHAN  
 ARON E. CALLIPO  
 MARIO E. CANIS  
 JOHNNY M. J. CAPORUSCIO  
 STACEY M. CARFLEY  
 RALPH J. CARLTON, JR.  
 SCOTT L. CARPENTER  
 CHARLES H. CARTER, JR.  
 PAUL S. CASTILLO  
 DARREN L. CATLOW  
 DAVID C. CHANDLER  
 NICHOLAS D. CHUIONDI  
 DAVID J. CHUMLEY  
 CHAD C. COLLINS  
 JACK R. COLLINS  
 ALLEN L. CORDOVA  
 RICHARD J. COSENDINE  
 TODD E. COVINGTON  
 MICHAEL J. DASCH  
 DENISE T. DAVIS  
 JONATHAN R. DAVIS  
 THOMAS L. DEMPSEY  
 JEFFREY A. DOODY II  
 DUSTIN S. DOOLEY  
 PAUL S. DUBOSE  
 ADRIAN R. ECHEVARRIA  
 ALAN D. EGGENMEYER  
 TONI R. FADDEN  
 VINCENTSUNDAY C. FALCON  
 BRIAN M. FINGER  
 JAMES M. FLAHERTY  
 GEOFFREY W. FLOWERS  
 KARLA V. FUENTES  
 MICHAEL GALARZA II  
 JESUS A. GARCIA  
 TRAVIS S. GARLAND  
 JESSE W. GASKELL  
 FRANK J. GEBEL  
 SCOTT T. GEBEL  
 TIMOTHY K. GEILENFELDT  
 BRIAN S. GIBSON  
 MICHAEL B. GNACINSKI  
 JASON GONZALEZ  
 CHAD A. GROSS  
 MARCO M. GUIDI  
 ARISTILE S. GUIDRY  
 DAVID B. HADAWAY  
 GREGORY A. HAND  
 DARBY D. HARVILLE  
 MATTHEW A. HATLEVIG  
 PRESTON S. HOOPS  
 MARK A. HOVAN  
 CHRISTOPHER M. JOHNSON  
 LARRY L. JOHNSON II  
 TANYA S. JONES  
 WILLIE J. JORDAN  
 ANTRA W. JOSEPH  
 JASON B. KAPLAN  
 DENNIS A. KEE  
 DAVID R. KESSLER  
 TERRY J. KHAN  
 JEFFREY S. KING  
 LEMONT L. KING  
 RODNEY M. KING  
 TIMOTHY E. KING  
 JASON S. KNEELAND  
 RICHARD L. KRIENER  
 ALEXANDER N. LAMIS  
 SEAN P. LENNON

MICHAEL F. LEONE  
 GERALD A. LILLY II  
 JASON C. LOVELL  
 SCOTT A. LUDWIG  
 JOSEPH H. LUTHY  
 ZACHARY A. MACDONALD  
 JAMES F. MANNING  
 DOUGLAS E. MARTIN  
 KEVIN L. MARTIN  
 FREDRICK W. MASTEN, JR.  
 NATHAN M. R. MCCOY  
 LAVEDA C. MCDANIEL  
 DERMOT P. MCKENNA  
 SHANNON D. MCNIEL  
 SCOTT A. METCALF  
 GREGORY S. MILLER  
 JACOB A. MONN  
 DAVID P. MOSES  
 DAVID E. NELSON  
 MICHAEL M. NEWBY  
 BRIAN E. NEWCOMB  
 JASON J. NORVILLE  
 JOHN J. ORAVITZ, JR.  
 JIMMY J. PAVELKA  
 MICHAEL E. PEARNE  
 JOHN PETERS  
 SHELTRIC PETERSON  
 JUSTIN M. PORTZ  
 MATTHEW D. POST  
 BRIAN C. PROUT  
 JASON E. RACE  
 MARLON J. RAMSEY  
 CHRISTOPHER J. RASTRELLI  
 JASON D. REDMAN  
 JAVIER T. RIVERA  
 DANA P. ROCKOT  
 TIMOTHY W. ROE  
 DEREK S. SADZINSKI  
 MICHAEL J. SALSGIVER  
 MATTHEW T. SCHELL  
 LAWRENCE G. SCOTT, JR.  
 JOSE SELLES  
 TRAVIS W. SEMONES  
 JASON M. SETLIFF  
 JEREMY J. SHIPLOV  
 BRIAN K. SNYDER  
 THEODOSIUS SOILES II

WAYLON P. SOMMER  
 JOSHUA D. STEHR  
 JEFFREY N. SUEKOFF  
 ABDOULAYE SYLLA  
 HOLLY R. TAYLOR  
 JAMES D. TAYLOR  
 ROBERT K. TAYLOR  
 CLAIBORN B. THOMPSON  
 JERRY R. TOFTE, JR.  
 EDGAR V. TOVAR  
 SEAN D. TRIPLETT  
 CHINUAH A. TWITTY  
 RAFAEL M. VILLARREAL  
 JOHN L. VINCENT  
 TRAVIS L. WADE  
 MICHAEL K. WILLIAMS  
 JULIAN G. WILSON III  
 CHARLES A. WOOD  
 JOHN A. WOODS  
 CAROL A. YEISER  
 NIGEL S. YODER  
 JASON YORK

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT  
 TO THE GRADE INDICATED IN THE UNITED STATES NAVY  
 UNDER TITLE 10, U.S.C., SECTION 624:

*To be lieutenant commander*

MICHAEL A. AMMENDOLA  
 KYLE C. BACHMAN  
 ANN C. BEDNASH  
 COLIN R. BOYLE  
 STEPHEN J. BREMER  
 JUSTINE A. CACCAMO  
 BRIA R. CHAMBERS  
 DEAK C. CHILDRESS  
 JEANPAUL CHRISTOPHE  
 ELIZABETH D. CLARKEGLYNN  
 BENJAMIN E. CLICK  
 PAUL A. COLON  
 LEWIS J. COOPER  
 RHIANNON L. CROTHERS  
 SETH I. EPHRUSSI  
 CHRISTOPHER R. EUBANKS  
 DANIEL R. FLEMMING  
 JAMES A. FOX, JR.  
 ERIC W. GARDNER

MICHAEL C. GARTNER  
 REBEKAH D. GERBER  
 LISA T. GREEN  
 JASON K. GREGOIRE  
 ERIN L. HALKIN  
 FREDRICK N. HARLAMBAKIS  
 KEVIN A. HOADLEY  
 AMY E. HOUGH  
 ADAM P. HUDSON  
 JEFFREY B. HUNTER  
 RICHARD F. JENSEN  
 DANIEL G. KERN  
 KEVIN N. LAMPING  
 KURTIS A. LOBAUGH  
 ADRIENNE A. MAESSER  
 PETER C. MAKI  
 DOUGLAS M. MARKS  
 KRISTIAN S. MATTTSON  
 DANIEL W. MCILVAINE  
 ABBY K. MENNERICH  
 SAMUEL A. MORGAN III  
 LAURA M. NICHOLS  
 TIMOTHY R. OCONNOR  
 EDESEL W. PATE  
 CHRISTOPHER J. PUTKO, JR.  
 MI K. D. QWYN  
 KEITH L. RINNE  
 SARA J. RUBIN  
 JOSEPH E. SANDERS  
 MATTHEW C. SCHOMAKER  
 EVAN K. SCOTT  
 LUCAS H. SEEGER  
 CAROLINE M. SEIDER  
 LAWRENCE W. SHREVE  
 KWASI R. SNEED  
 JOHN L. THOMAS  
 ANDREW P. THOMPSON  
 CASEY W. TWOBEBARS  
 JACQUELINE E. VALAMOTAMED  
 BENJAMIN WANG  
 JOANNA L. WEST  
 GEORGE T. WHITTLE  
 STEVEN W. WILBUR  
 HASHIM A. WILLIAMS  
 ROSS E. WOLTJER  
 MICHAEL B. ZIMET