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Senate

The Senate met at 10 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.

God and Father of all, without whom our labor is but lost and with whom the weak are made mighty, make us worthy of Your mercies.

Lord, help our lawmakers to find strength in Your abiding love. Lift their minds to the pure serenity of Your presence, enabling them to meet life's challenges with faith and optimism. May they find delight in doing Your will because Your precepts are within their hearts. Remind them that all that is necessary for evil to triumph is for good people to do nothing. Deliver them from sins of commission and omission, as You liberate them from all lesser loves and loyalties, until they find in You their reason for being.

We pray in Your Holy Name. Amen.

PLEDGE OF ALLEGIANCE

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

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

RECOGNITION OF THE MAJORITY LEADER

The PRESIDING OFFICER (Mr. COTTON). The majority leader is recognized.

FIGHTING TERRORISM

Mr. MCCONNELL. Mr. President, yesterday the Justice Department released a transcript of the Orlando terrorist's 911 call in which he claimed responsibility for the attack and declared his loyalty to ISIL.

''What's your name?'' the operator asked.

''My name,'' he said, ''is I pledge allegiance to Abu Bakr al-Baghdadi of the Islamic State.''

It was 2:35 a.m., a half-hour into his terrorist attack. The terrorist would soon meet his end at the hands of law enforcement, and first responders would make their way through the aftermath of his ISIL-inspired hatred—the deafening hum of unanswered cell phones crescendoing around them.

CIA Director Brennan called this terrorist attack ''an assault on the values of openness and tolerance that define us as a nation.'' He is right. The report he delivered to Congress last week was sobering.

Here is what seems clear to me.

It seems clear that this vile, hateful terrorist organization is going to keep bringing tragedies to our doorsteps until we defeat ISIL where it actually trains, operates, and prepares for attacks—places like Iraq and Syria.

It also seems clear that the President's current ''containment'' strategy has not been sufficient to defeat ISIL abroad or to prevent more ISIL-inspired attacks right here at home.

The President needs to finally lead a campaign to accomplish this objective.

Senators in both parties should work to fight terror beyond our borders and prevent attacks within them. This is an area where Republicans have long been focused. Now is the time for Democrats to join us too. Work with us to connect the dots on terrorist communications. Work with us to address the threat of lone-wolf attacks. Work with us to prevent more Americans from being inspired by ISIL, like the terrorist in Orlando.

Yesterday Democrats had a chance to support serious constitutional proposals from Senators CORNYN and GRASSLEY that would have helped to keep guns and explosives out of the hands of terrorists and improve the national background check system. While a majority of the Senate voted to support these proposals, most Democrats voted against both.

So let me say this again. Senator CORNYN put forward a serious proposal designed to prevent known or suspected terrorists from being able to buy a gun, and Democrats voted against it.

Now, does that mean Democrats have decided to sell weapons to ISIL? Of course not. Democrats surely don't believe their leadership's claim that any Senator voted to sell guns to terrorists last night, just as Democrats really don't believe that every Democrat who voted against the Cornyn amendment to block such sales and take terrorists off the streets is guilty of voting to sell guns to terrorists.

We all agree that the Obama administration must prevent the sale of guns to terrorists. Disagreeing on how best to do that doesn't require amateur claims that we all know to be false.

So why don't we get serious. ISIL is not the JV team. It is not contained. We need to defeat it overseas if we want to prevent more terrorist tragedies here at home.

By working together in the Senate, we could give this President and the next one more tools to achieve that objective, and we could advance commonsense, counterterror solutions to keep Americans safer here at home.

This week we will have the opportunity to strengthen our ability to combat lone-wolf terrorists and connect the dots so we are better able to prevent terrorist attacks here in the United States. It is an example of serious, thoughtful policy where we can work together to make progress for the American people.

RECOGNITION OF THE MINORITY LEADER

The PRESIDING OFFICER. The Democratic leader is recognized.

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

ORDER OF BUSINESS

Mr. REID. Mr. President, last night the Republican leader filed cloture on the McCain amendment. The Republican leader has committed to a Democratic alternative pending to the McCain amendment, and we have one. We have it ready now, and we will have it typed up and ready to go in a couple of hours.

GUN VIOLENCE

Mr. REID. Mr. President, in the aftermath of last week's mass murder in Orlando that took the lives of 49 people, we saw where the American people stand on gun control. We know that gun safety is essential to making us a safer, more secure America. As an example of what went on in Orlando after that terrible morning, people stood for hours in long lines waiting to donate blood. People attended large gatherings to express their united grief. People left flowers and figurines at the scene of the murders. In cities across the country, people stood at candlelight vigils to honor members of the LGBT community and the Latino community who were slaughtered.

Here in the Capitol, Senator MURPHY stood on the floor of the Senate for 15 hours demanding that Congress act to stop gun violence. In Florida, families and friends of victims stood grieving at graveside services for their murdered loved ones.

Where were Senate Republicans? Where did they stand? Yet again, Senate Republicans stood with the National Rifle Association.

Yesterday, the leader of Gun Owners of America—the shadow organization of the NRA—said he believed that people should be armed in bars and taverns. That is what he said.

Last night, for the third time in as many years, Senate Republicans stood with the NRA in blocking commonsense gun legislation that would keep firearms and explosives away from suspected terrorists and other dangerous individuals.

Senate Republicans proved again that regardless of how brutal the massacre or how reasonable the solution, ultimately—it doesn't matter; there is never a good time—their actions will be dictated by the National Rifle Association.

A CNN poll released yesterday said 90 percent of Americans support expanded background checks and 85 percent of Americans support legislation keeping guns away from suspected terrorists. There is one reason that these proposals are not already law—the National Rifle Association—because they oppose anything dealing with guns.

How can Senate Republicans side with the NRA against the American people? Ninety percent of Americans support expanded background checks. If you are a criminal or a crazy person, you shouldn't be able to get a gun. Eighty-five percent of Americans support legislation keeping guns away from suspected terrorists. But the NRA doesn't support that, and so Senate Republicans don't support it.

Here is a little secret for my Republican colleagues: The NRA doesn't care about you. It doesn't care about your constituents. It doesn't care about the constitutional rights of its followers. The NRA and its leadership care about two things: Making money for gun manufacturers and making money for the NRA—and selling more guns.

The NRA wants gun manufacturers to be able to make more guns. There are never enough. The NRA wants to have more firearms sold. More guns sold means more money and more donations for their bottom line.

During times of crisis when Americans should be coming together to find these commonsense solutions, what does the NRA do? They raise every dollar they can by spreading lies and fomenting these conspiracy theories. The mail is out, folks. Look in your mailbox. Direct mail is their specialty. They circulate false mailers to their followers.

For example, ''Congress is trying to take away your guns!'' or ''President Obama wants to confiscate your firearms!''

The NRA uses that money to fund ads against candidates who refuse to bow down to the gun lobby.

Taking a page from the Koch brothers' playbook, the NRA uses so-called dark money to influence elections through mysterious front groups awash in undisclosed campaign cash.

The NRA says they are spending money to protect gun owners. Well, it is clear what it is really about. It is about protecting the power of the National Rifle Association.

Since the Supreme Court's misguided Citizens United decision, the NRA has tripled its political spending to support their radical agenda, but Republicans in Congress have no knowledge of any of this. Senate Republicans pretend the NRA is simply a grassroots organization working for America's best interests. Nothing could be further from the truth. This is false.

The NRA used to advocate for mandatory background checks. It used to encourage reasonable legislation to keep guns away from dangerous individuals.

One month after the Columbine shooting in Colorado, where those two young men killed a lot of innocent people, Wayne LaPierre, the executive vice president of the National Rifle Association—the man who goes on TV all the time justifying what they do—testified before the House Judiciary Subcommittee on Crime. Here is what he said:

> We think it is reasonable to provide mandatory instant criminal background checks for every sale at every gun show. No loopholes anywhere for anyone.

Wayne LaPierre said that.

Now, in 2016, it is a different story. Just yesterday this same organization pressured Senate Republicans to vote against closing loopholes he said should be closed.

Senate Republicans voted against the Murphy amendment that would have closed loopholes in our Nation's background check system.

Senate Republicans voted against Senator FEINSTEIN's amendment that would have closed the terror loophole, which simply allows suspected terrorists to legally purchase weapons and explosives. We believe it should be closed, but it is not. The loophole is still there because Republicans have always followed the NRA mandate.

That is how strong the NRA's hold is on Senate Republicans. Republicans won't even agree to keep guns away from terrorists.

The Republican Congress has become so thoroughly indoctrinated that it is now the legislative wing of the NRA. While the Republicans do the bidding of the NRA, innocent Americans are being gunned down in schools, churches, and nightclubs.

How many more mass shootings will we have to endure before Republicans realize that they are being used by the NRA? How many more people have to die before Republicans come to grips with the fact that the NRA is only concerned about its bottom line?

The American people are looking to Congress for leadership. They are hoping we will do something substantive to protect our communities from gun violence, but the simple truth is, we cannot protect the American people and protect the NRA at the same time. Public safety demands a solution that prevents dangerous people from possessing weapons, while the NRA exists solely as a fundraising vehicle for more guns, more bullets, and fewer safeguards.

It is time for Republicans in Congress to defend the people who sent them to Washington in the first place, and put the personal safety of their constituents over the needs of the NRA. It is time for the Republicans to tell the NRA: Enough murder, enough carnage, enough guns.

Mr. President, there is no one on the floor seeking recognition. I ask the Chair to 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 12:30 p.m., with Senators permitted to speak therein for up to 10 minutes each.

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

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

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

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

GUN VIOLENCE

Mr. DURBIN. Mr. President, the whole world knows that on June 12, a gunman shot and killed 49 people and wounded 53 more in the worst mass shooting in modern American history, but what they may not know is, there has been at least 10 other mass shooting incidents in America since Orlando. By mass shootings, I mean incidents where at least four people were injured or killed by gunfire.

Two of those mass shootings were in Chicago, in my home State of Illinois. On June 13, five men were shot in the East Garfield Park neighborhood, and on June 18, four people were shot in the middle of the afternoon in the South Shore neighborhood. Fortunately, none of the victims in these two Chicago mass shootings were fatally wounded, but since the Orlando shooting, there have been many other gunshot victims in Chicago who have lost their lives.

Last Friday, Yvonne Nelson, a city worker, was shot and killed walking out of a coffee shop on the South Side in the middle of the afternoon. The shooter was aiming for someone else in an apparent gang dispute, but Ms. Nelson was shot in the chest and killed. She was 49 years old, a member of the New Life Covenant Church, and beloved by friends and family. She was described as a beautiful person, hardworking, loving, kind. She was taken from us last Friday.

Last Thursday, Denzel Thornton, who worked for the Chicago Public School System, was shot and killed outside the entrance of McNair Elementary School in the South Austin neighborhood shortly after noon. He was 25 years old, a graduate of DePaul University, and aspired to be a chef. He was a promising young man with a bright future ahead of him. He was taken from us in the middle of the day as the elementary school children looked on.

This past weekend, 13 people were shot and killed in Chicago, and at least 41 others were injured by gunfire. The youngest shooting victim was only 3 years old.

So far this year, over 1,700 men, women, and children have been wounded or killed by gunfire in the city of Chicago. I will keep the victims and their families and loved ones in my thoughts and prayers, but thoughts and prayers are not enough. As lawmakers, it is our responsibility to do everything in our power to protect the people we represent and to stop the killing in the neighborhoods of America.

Last Friday, I visited the city of Chicago and went to several different spots to get a perspective on this gun violence and killing. I met for an hour with the superintendent of police, Eddie Johnson. He has 28 years on the Chicago police force. This is man who started as a patrolman. He understands the violence on the streets. We talked about so many different things.

They have identified 1,300 who they suspect are most likely to be shooters or victims. By and large, these are men with a history of gun violence. Over the Memorial Day weekend, approximately 66 people were shot in the city of Chicago, and 80 percent of them came from the list. So we have a finite list of suspects whose names pop up more often than not when it comes to this gun violence. We talked about ways to address it, and there are many people thinking about how to deal with it in the right way, in a constitutional way but with a specific strategy to end this gun violence.

The superintendent told me a story. He said: You know, after you have been a cop in Chicago for a while, you get pretty tough. There aren't many things that make you emotional, but I do remember when there was a shooting in a home and a grandmother was killed and a toddler next to her was killed. We arrested the 15-year-old.

The superintendent said: I looked in his eyes, and I said: What were you thinking to spray that gun into that home and killing that grandmother and that toddler, and he said that young man looked him in the eye and said: They shouldn't have been there. They should have known better.

The superintendent said: I was crushed with that comment.

I talked to him about a visit I made to the juvenile facility about 6 weeks ago in Chicago to meet some of the young people who were waiting to stand trial. They had been charged with adult crimes. They are in the juvenile facility being held until the date of the trial. Some of them wait 1 year to 2 years. They take on a life in this juvenile center. There is a high school, a gym, activities, and there is also counseling. For many of these young people, this is the first time ever that someone with professional credentials sat down with them and tried to figure out what was going on in their minds and why they would commit these crimes of violence.

Afterward, I asked one of the counselors: What kind of mental condition do you find in these young people who are engaged in this random violence? He said they find everything—a spectrum of mental illness, from bipolar to schizophrenia, to acute depression, and on and on and on—but he said there is one recurring finding: 92 percent of these juveniles have a recurring issue. I asked: What is it? He said that 92 percent of them have either been the victims of or witnessed violent trauma.

When we think about PTSD—men and women who take on the uniform of the United States and go off to war and who either hurt themselves or witness violence that occurs on the battlefield—and they come home troubled and needing counseling and help. By and large, these folks are over the age of 18, but now we are talking about teenagers and adolescents having gone through the same or similar experience with violence. What impact does that have on the human mind of an adolescent? Are we dealing with some form of post-traumatic stress disorder that makes them so hardened and callused that they don't even appreciate the violence of their own lives and their own acts? I think that is a very real concern.

Let me quickly interject that struggling with mental illness does not mean you are going to be a violent criminal at all. It is more likely that you are going to be the victim of a crime with your mental illness or mental condition, but we have to take an honest look at this aspect of what we are dealing with when it comes to violence.

Friday night, I went to visit a friend—a controversial friend, to some a radical Catholic priest in Chicago but from where I am standing, the man who has given his life to a neighborhood who desperately needs it. His name is Mike Pfleger, and he is a Catholic priest at St. Sabina in Chicago. He had a peace march on Friday night. Father Mike brought out 400 people—300 African American and 100 White and Hispanic. We had a rally and at that rally mothers stood up and read the names of those under the age of 20 who have been killed this year in the city of Chicago. They read 150 names ranging from 20 years of age to zero, babies who were shot and killed.

There were a lot of tears that night over the losses, and a reminder that the statistics we read every single day in a newspaper are real human lives causing real human pain and suffering to the families who survive. Then, Father Mike rallied everybody and took them out on a march through the neighborhood there, trying to reclaim one of the toughest, most challenging areas in the city of Chicago.

So what are we going to do about it—the U.S. Senate right here in Washington, DC? Last night, it was a disappointment.

Many of us took to the floor to join Senator MURPHY last week in his filibuster. He was the leader, and I give him the credit for his steely determination to stand here—literally, stand here for, I believe, 15 hours in a filibuster—to force the votes we had last night. Senator MCCONNELL, the Republican leader, agreed to have those votes, and after they were finished, all four amendments were defeated. I am sure many people across the country said: What a waste of time that the Senate would acknowledge the problem, yet not find a solution to move forward. Well, I would add quickly that we haven't given up and we shouldn't. Senator SUSAN COLLINS of Maine is working on an amendment right now relative to the question of whether a

suspected terrorist should be able to buy firearms in America. I think that is a pretty clear question and answer. Most Americans, 90 percent, say for goodness' sake, stop suspected terrorists from getting their hands on weapons. Yet the Senate defeated Senator FEINSTEIN's effort last night to do just that. I voted for it, but it didn't get the 60 votes needed.

Senator COLLINS has picked up the banner, and she is trying to put together a bipartisan measure. We haven't seen it in its entirety, but I encourage her, and I have tried by working with her to plug in some of the gaps and answer some of the questions about her approach. I hope she is successful, and I hope a bipartisan measure emerges from the Senate and puts pressure on the House of Representatives. There is absolutely no excuse for us not doing everything in our power to keep semi-automatic weapons out of the hands of suspected terrorists, convicted felons, and those who suffer from serious mental instability.

How deadly are these weapons? There is something called Snapchat, which I am not an expert on by any means, but it is a video that lasts about 10 seconds. One of the victims at Pulse nightclub in Orlando turned on her Snapchat video as the firing started, and in the span of 9 seconds, you can count 17 rounds that were fired into the crowd, one of which killed the woman who was taking the video. That is the kind of weapon this crazed man was able to buy and take into a nightclub and kill 49 innocent people and injure more than 50.

Why would we make that easy for someone who is a suspected terrorist? Does that really reflect what we feel in America? I don't think so. Ninety percent of Americans think we should do just the opposite and stop these suspected terrorists from having easy access.

There was an amendment offered yesterday by Senator CORNYN of Texas, supported by the National Rifle Association. It did not pass. I voted against it. It was not a valid approach to dealing with this issue because Senator CORNYN required, if a suspected terrorist was going to buy a firearm, that the burden was on the U.S. Government to go to court if they challenged their being on the terrorist list. The burden was on the government, within 72 hours, to come up with a lawsuit, a criminal action, to stop the person from buying a firearm. If the same person wanted to get on an airplane in the State of Texas and was on a no-fly list, they wouldn't get on the airplane. It wouldn't be a question of the government going to court to prove it. For the safety of the other passengers, we would keep the suspected terrorist off the airplane. Why not when it comes to semi-automatic weapons? Shouldn't the burden at least be in favor of security and safety for the people of the United States?

That is still an issue for us to resolve. Is Congress doing all it can to stop the daily toll of gun violence and the involvement of guns with suspected terrorists? Not even close. So many shootings are preventable. They never would have happened if our laws did a better job keeping guns out of the hands of dangerous people. But too many Members of Congress are too afraid to stand up to the gun lobby. They are afraid to vote for commonsense reforms, supported by 90 percent of the American people, for fear that the NRA will come after them in the next election.

Remember, the gun lobby fights laws that make it harder for them to sell guns. First and foremost, they are not constitutional scholars. They are sellers of firearms, and they want to sell increasingly large volumes of their product so they make more profits. The National Rifle Association and gun lobby groups are constantly working to weaken laws on the books and prevent any new laws that might prevent gun sales. As a result, we have a ludicrous set of loopholes in our laws that allows criminals, the mentally ill, and even suspected terrorists to buy guns. We can't let this continue. As lawmakers, we have a responsibility to protect Americans from gun violence. After last night's votes, it is clear we haven't done our job.

Last week, the American Medical Association declared in an official statement that gun violence in America is ''a public health crisis requiring a comprehensive public health response and solution.'' This was the first such declaration that has been made by our Nation's largest medical association, and I commend the AMA for their leadership.

The numbers behind their decision are staggering. Every year, almost 32,000 Americans are killed with guns. On an average day in America, 297 Americans are shot, and 91 of those shootings are fatal. Communities across the Nation are affected by this violence. In cities like Chicago, the daily toll of these shootings is devastating.

Last week, when I joined Senator MURPHY and almost 40 other Democratic colleagues, we spoke out or tried to speak out to get the Senate to debate this issue—not just a quick driveby vote of four amendments, take it or leave it, but a meaningful debate with real alternatives brought to the floor. The filibuster lasted 15 hours and caught the attention of the Nation. Having been in this business for a while, I can tell whether our activities here are even noticed. They were. That filibuster was noticed. People came up to me and said: Thank goodness you are finally going to say something, do something, and vote on this issue of ending gun violence.

Well, words are not enough, and the votes last night are not enough. We need to start with commonsense reform supported by the overwhelming majority of Americans. Keeping firearms out of the hands of suspected terrorists shouldn't even be debated; it is so obvious. We should prevent suspected terrorists from buying guns and make sure an FBI criminal background check is conducted every time a gun is sold.

There is no excuse for what is going on now in Northern Indiana. Gun shows take place there regularly. Guns are sold in volume out of those gun shows with no background checks on the buyers. So the gangbangers of Chicago and the others head over to Northern Indiana—it is just across the border—fill up their trunks with guns and bring them into the city of Chicago.

The police department in the city of Chicago has confiscated one crime gun per hour for every day this year, and we still have a huge backlog of guns that are floating through the community in the hands of those who have no business owning or using a gun. The Chicago Police Department is trying to keep up with this wave of firearms flooding our city. They have confiscated more guns than the cities of New York and Los Angeles combined, and they still can't keep up with it.

There is no excuse for the gun show loophole. We should have serious, meaningful background checks of everyone purchasing firearms. The conscientious, self-respecting gun owners of America agree with this. They went through a background check to buy their guns. They think people should do that as well to avoid selling guns to the wrong people.

We must never forget our obligation to do everything we can to keep America safe. Our first obligation is to provide for the common defense, promote the general welfare, and insure domestic tranquility in the United States. If that is our obligation, there is much more that needs to be done—keeping America safe from gun violence.

Thousands of Americans are shot and killed each year in shootings that could have been prevented. There are steps we can take that are consistent with our Constitution. With our tradition of supporting hunting, sports shooting, guns for self-defense, we can still take meaningful steps to avoid tragic death, and we shouldn't be afraid to do that.

I am not going to quit on this issue, and many of my colleagues will not either. I ask the American people, don't quit and don't get discouraged. Keep speaking out for commonsense reforms as the American Medical Association did last week. When people ask me what they can do, I say: In our democratic form of government, it is very basic. It is called an election. If this issue of gun safety means something to you, ask that Member of Congress or the congressional candidate, that Senator or the Senatorial candidate, where they stand. If it is important enough, make your vote follow the answer. Join us and stand together. We can beat back the gun lobby and start saving lives and protecting the innocent across America. We can do this, and we must.

Mr. President, I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

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

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

COMPROMISE GUN LEGISLATION

Mr. FLAKE. Mr. President, I come to the floor today to announce my support and my hope that all of us will support the bipartisan compromise that will be proffered this afternoon by Senator COLLINS, myself, Senator HEITKAMP, and others on the Democratic side to actually put something on the floor that is not designed to fail but is designed to pass.

Many of us have been concerned that we use lists that actually mean something. We believe that somebody who is not allowed to fly, somebody who is on the no-fly list, should not be allowed to purchase a weapon but that those people who find themselves in that position should be afforded due process protections as well, as is necessary under the Constitution.

The problem with the broader watch list that there was an amendment on last night is it is a broad watch list with more than a million people. There are bits and pieces of information from many of our intelligence agencies. It isn't really designed for this purpose. So what we have done with this compromise piece of legislation is taken the no-fly list, as well as what is called the selectee list, which is a slightly broader list of those who are allowed to fly but are retained for additional screening. These are defined lists, much smaller, and affect a much smaller group of Americans.

If you find yourself on these lists, then the Attorney General would have the ability to block that gun purchase, but you would be given robust due process protections as well, where you could challenge it. The presumption of innocence would be there, and it would be the government's job to actually prove that you belong on that list and should be denied the purchase of a weapon. If the government could not prove their case, the government would actually pay the attorney's fees as well. So there are strong, robust due process protections here as well.

But this is simply based on the principle that if you are denied the right to fly, it stands to reason that, without additional checks, you should not be able to purchase a weapon.

That is what this compromise piece of legislation is all about. A lot will be said outside of this body—that it is intended for other purposes—but I would encourage everyone to look at the legislation we are offering this afternoon. It has bipartisan support—unlike most of what has been put forward so far—and it has growing support as well.

We actually believe we ought to put something on the floor that will pass, not just protect one party or the other in terms of an election coming up. We want to actually have an impact on the situation.

With that, I urge support for the bipartisan compromise we are going to offer this afternoon.

Mr. President, I yield back the remainder of my time.

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

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

UNITED KINGDOM AND THE EUROPEAN UNION

Mr. COTTON. Mr. President, on September 2, 1939, the House of Commons convened to debate whether to declare war on Germany for having invaded Poland. Prime Minister Neville Chamberland seemed ambivalent and didn't immediately call for a declaration. Clement Atlee, the Labor Party leader was absent that day. When his deputy rose and declared that he would ''speak for Labor,'' Conservative MP Leo Amery famously yelled from across the floor: ''Speak for England!''

I am here today to speak for England, for Great Britain, indeed for all of the United Kingdom. This Thursday, June 23, the British people will answer a momentous question: Should the United Kingdom remain a member of the European Union or leave the European Union?

I have not stated nor will I state today a position on this question. The British people alone should decide their policy toward the Continent. What I will defend is their sovereign right as a people to decide this question free of external influences, foreign threats, and hysterical fear-mongering.

The ''great and the good,'' the Davoisie elite, are united in horror at the prospect of a British exit from the EU. According to these Eurocrats, if the British people choose to leave the EU, then the people must be punished. Some have called for immediate tax increases and budget cuts should the ''Leave'' campaign win. Business leaders threaten to move jobs out of Britain and to the Continent. Many economists speculate that recession is the best possible outcome, with depression the more likely outcome.

Most disappointing of all, foreign governments have made egregious threats of retaliation in trade, financial matters, and other economic matters, both to punish the British people for exercising their sovereign right of self-government and to intimidate the other peoples of Europe from doing the same. I would say the only thing they aren't predicting is war and pestilence—but they are. Indeed, one leading Eurocrat said a British exit could mean ''the end of Western civilization.''

If the Davoisie elite were doing even a passable job of governing their own countries, perhaps their unsolicited advice might be heeded. But let's face it. Europe is beset by its own problems, not the least caused by the democracy deficit in the European Union. With no coordination or democratic accountability, the Eurocrats last summer allowed migrants to overrun their continent. Most of these migrants lack the job skills and education to contribute meaningfully to European economies. Some migrants went on rampaging crime sprees, and terrorists infiltrated the migrant flows to enter France and commit the Paris attacks. Meanwhile, the migrant flow continues across the Mediterranean, with hundreds dying en route. What is the Eurocrats' policy? ''If you survive the trip, you can stay.'' How is that moral? How is that wise?

The economies of Europe aren't much better. Many countries are trapped beneath unpayable mountains of debt, saddled with austerity plans merely to make the next repayment and avoid default. Unemployment is high, and for young people it is rampant and chronic. Growth is negligible. In fact, the only continent with lower growth than Europe is Antarctica.

I am amazed, maybe even a little amused, that despite these and other manifest failures, the Eurocrats presume to lecture the British people. Perhaps they hope ''Project Fear'' will sufficiently intimidate the Brits into voting for ''Remain.'' After all, if the EU loses Great Britain, Europe will lose 350 million pounds a week, and it will lose a dumping ground for a quarter million migrants a year. The stakes are pretty high for Brussels.

But that doesn't justify their flagrant interference with Britain's domestic politics. Since the Davoisie elite are threatening to punish the Brits if they leave the EU, let me say in response that the American people will stand with our British cousins no matter what they decide. If the Continent dares to retaliate against Britain, I will do everything in my power to defend and strengthen the Anglo-American alliance that built so much of the modern world and on which it still depends.

The Eurocrats may want to pressure Britain, but perhaps they might recall that Britain is not the only land where pressure can be brought to bear. On my last trip to Europe, I heard from many political and business leaders who were eager—desperate, even—to consummate the Transatlantic Trade and Investment Partnership. The Paris and Brussels attacks vividly reminded us that the small continental countries depend heavily on American intelligence to support their counterterrorism efforts. Of course, need anyone be reminded which NATO country underwrites the independence and security of

Europe, particularly in the face of a revisionist Russia?

It would be regrettable if a continental temper tantrum imperiled these important relationships with the United States. One would hope that cooler heads will prevail in the capitals of continental Europe should the British people elect to leave the EU. One would hope that Brussels, Berlin, Paris, and other capitals will realize that Britain, in or out of the EU, is a NATO ally, a trading partner, and a friend in freedom. One would hope that a British exit, if that is Britain's choice, would be followed by the spirit of magnanimity, generosity, and continued friendship. But hopes aside, one should know this: The American people will stand with Britain, in or out of the EU, and will stand against punitive retaliation against the British people.

Of course, I must admit that, unfortunately—though not surprisingly—our own government is also sticking its nose where it doesn't belong. President Obama traveled to London last month to say that a newly free Britain would go to ''the back of the queue'' in trade negotiations with the United States. U.S. Trade Representative Michael Froman has cautioned: ''We're not particularly in the market for [free trade agreements] with individual countries.'' This strange combination of arrogance and ignorance is all too typical of the Obama administration. The United States has a bilateral trade agreement with Oman, after all. But negotiate a new bilateral trade agreement to support the special relationship with Great Britain, our ancestral ally? No, sir, we will have none of that nonsense.

So, for the record, let it be noted that the American people will stand up to the ''great and the good'' not only on the Continent, but also here in Washington if this or any future administration tries to punish Britain should it leave the EU. Just as I will do everything in my power to preserve our special relationship against continental meddling, so will I do the same with any administration that doesn't fully appreciate that relationship. I suspect many other Senators feel the same.

Put simply, there will be a new bilateral trade agreement, NATO will survive, our Five Eyes intelligence partnership will continue, and the special relationship will remain a bedrock for the prosperity and security of both our nations. The British people can cast their votes certain of those things.

The British people deserve nothing less. Were it not for them, Europe—indeed, the world over—might still be a mere plaything of kings and tyrants. Of all the peoples of the world, surely the Brits have earned the sovereign right to govern their own affairs, free of external influence or threats of retaliation. Like most Americans, I stand in admiration of Great Britain, and I stand with the British people, in or out of the EU.

I also call on the Davoisie elite, on the ''great and the good,'' to spend a little less time fulminating about British democracy in action and a little more time looking in the mirror at their own failures. Populist insurgencies are raging on both sides of the Atlantic, on both the left and the right. Rather than obsess about Great Britain, rather than keep the populists at bay one desperate election at a time, these leaders should consider why these insurgencies are gaining in every election—stagnant wages for the working class, uncontrolled migration without regard to economic need or cultural assimilation, Islamic terrorists massacring our citizens, and a loss of national honor around the world.

This record is not pretty. In politics, as in medicine, it is usually better to address the cause than the symptom. If our leaders addressed these challenges more creatively, more forthrightly, more effectively, perhaps neither the British people nor so many other people would be disappointed in their leaders to begin with. Let the British people manage their own affairs, whether right or wrong in your eyes. In the words of Scripture, whatever you may think of their mote, take care of your own beam first.

Mr. President, I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. 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.

TRIBUTE TO JOEL SPENCER

Mr. COTTON. Mr. President, I wish to recognize Joel Spencer of Little Rock, AR, as this week's Arkansan of the Week for his dedication to educating the next generation of computer coders, teaching students computer coding skills, and training other teachers as well.

Studies show that students who learn coding and computer science at a young age are more successful later on, and Joel Spencer wants to make sure each child who comes through his classroom has the opportunity for that success. Joel is an elementary science specialist and teacher in the Little Rock School District and each week teaches over 500 students. But his dedication to learning doesn't end there. Joel also conducts an afterschool computer Science First club, a Lego MINDSTORMS robotics club, and various other day camps around the State to introduce Arkansas students to programming. To say he is passionate about computer science education is an understatement.

Children aren't the only ones Joel teaches. He is also dedicated to helping his fellow teachers become better educators. Joel serves as an affiliate trainer for Code.org, a nonprofit dedicated to expanding access to computer science and increasing participation by women and underrepresented groups. Through his work with this organization, Joel has trained over 1,000 teachers in code curriculum. He was also part of the committee that developed and adopted the K–8 computer science standards in Arkansas.

Joel's dedication in computer coding education hasn't gone unnoticed. He received the Arkansas Association of Instructional Media Technology Teacher of the Year Award for the State of Arkansas and is also a nominee for the Presidential Award for Excellence in Mathematics and Science Teaching. And during National Teacher Appreciation Week earlier this year, he was one of the computer science teachers recognized by President Obama at the White House.

While he was in town for that ceremony, Joel made some time to visit my office and share his passion for computer coding education. I am proud that Arkansas has teachers like Joel, who are making students' futures brighter each day.

It is my honor to recognize Joel Spencer as this week's Arkansan of the Week, and I am confident that the future of our State and Nation is brighter because of his work to inspire students to rise to the challenges of the 21st century.

Mr. President, I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

ISIS

Mr. THUNE. Mr. President, 2 weeks ago I came to the Senate floor to discuss the numerous foreign policy failures of the Obama administration. While there has been no shortage of examples over the past 7 years, I wish to revisit one particular subject from the litany of this administration's errors—the very serious national security threat that President Obama once called a JV team.

Last November, President Obama participated in an interview with the host of ''Good Morning America,'' George Stephanopoulos, who asked him the following question: ''But ISIS is gaining strength, aren't they?''

The President's reply:

> Well, no. I don't think they're gaining strength. What is true is that from the start, our goal has been first to contain, and we have contained them.

Just 1 day later—1 day later—ISIS gunmen and suicide bombers attacked Paris and killed 130 people. Less than a month after that, 2 ISIS-inspired terrorists killed 14 people in the first

homegrown ISIS attack on American soil. Now there is Orlando, the worst terrorist attack on America's homeland security since 9/11—so much for ''we have contained them.''

Unfortunately, despite these attacks, President Obama continues to paint an unrealistically rosy picture of our success against ISIS. Emerging from a meeting last week, the President declared that ''we are making significant progress'' in the fight against ISIS. He went on to say, ''ISIL's ranks are shrinking. . . . Their morale is sinking.''

Two days later, however, the President's CIA Director painted a very different picture. Testifying before Congress, CIA Director John Brennan stated: ''Unfortunately, despite all our progress against ISIL on the battlefield and in the financial realm, our efforts have not reduced the group's terrorism capability and global reach.''

Let me repeat that: ''Our efforts have not reduced the group's terrorism capability and global reach.'' That is something the President neglected to mention 2 days earlier.

That is not the only thing he forgot to bring up. The President discussed the anti-ISIS coalition's efforts to target ISIS's funding. But he neglected to mention that those efforts still left ISIS with a robust revenue stream.

The CIA Director noted that ''ISIL . . . continues to generate at least tens of millions of dollars in revenue per month, primarily from taxation and from crude oil sales.''

The President hailed accomplishments on the ground in Iraq and Syria, but he didn't mention that those successes are doing essentially nothing to reduce ISIS's ability to attack abroad.

This is again a quote from Director Brennan:

> The group's foreign branches and global networks can help preserve its capacity for terrorism regardless of events in Iraq and Syria. In fact, as the pressure mounts on ISIL, we judge that it will intensify its global terror campaign to maintain its dominance of the global terrorism agenda.

That, again, is from Director Brennan.

The President noted that ISIS is losing ground in Libya, but he forgot to mention ISIS's Libyan branch is perhaps its most dangerous and poses a real threat to Africa and to Europe. Director Brennan testified again:

> ISIL is gradually cultivating its global network of branches into a more interconnected organization. The branch in Libya is probably the most developed and the most dangerous. We assess that it is trying to increase its influence in Africa and to plot attacks in the region and in Europe.

If there is one thing that Director Brennan's testimony made clear, it is that we are not doing enough to confront the threat posed by ISIS. Unfortunately, that is not something President Obama seems to understand. As his remarks last week made clear, the President is more interested in explaining why he doesn't like the term ''radical Islam'' than he is in offering a concrete plan to actually defeat ISIS.

It is difficult to understand why the President so resolutely avoids this term. The fact is, ISIS and its adherents are driven by their radical interpretation of Islam. How can we hope to confront this terrorist ideology if we can't actually call it by its name?

On the same note, what was the administration hoping to accomplish when it redacted references to ISIS in its initial release of the 911 transcripts from the Orlando attack? Was it hoping to somehow distract from the fact that this was a terrorist attack? Do they want to play down the fact that ISIS is now inspiring attacks in the United States?

Unfortunately, our Commander in Chief's disturbing reluctance to identify our enemy by its name is emblematic of the fundamental lack of seriousness that has characterized the President's foreign policy. The attack in Orlando was a terrorist attack, yet the President's response was a formulaic call for gun control. All the gun control laws in the world are not going to stop a terrorist bent on wreaking havoc in our country. France's strict gun control laws didn't prevent terrorists from slaughtering 130 people last November.

To stop ISIS-inspired attacks, we need to stop ISIS. And to do that, we need a serious, comprehensive plan from the President. What I wish we had heard last week from the President are concrete proposals to counter the threat of homegrown terrorism. He could have talked about ways to make sure our intelligence agencies have the resources they need to track and counter ISIS efforts to communicate with its recruits in the West. He could have discussed ways to address the threat of lone wolf terrorists. He could have talked about ways we can improve our ability to monitor terrorists' communications to disrupt their plans. He could have called on Senate Democrats to support Senator CORNYN's amendment to give the Attorney General the authority to act on probable cause against would-be terrorists while protecting due process to protect Second Amendment rights, but he didn't. Instead, he issued a brief call for gun control and spent a large chunk of his speech defending his refusal to use the term ''radical Islam.''

When President Obama was elected, we were told he would restore America's standing in the world. In fact, he received a Nobel Peace prize in the first year of his first term based solely on people's belief that he would promote peace and bring stability to world affairs. I thought of that when I saw this statement from CIA Director Brennan toward the end of his testimony last week. The Director said: ''I have never seen a time when our country faced such a wide variety of threats to our national security.'' Again, that statement was stated by CIA Director Brennan during his testimony just last week.

President Obama is certainly not responsible for all the unrest in the world today, but the unfortunate truth is, his foreign policy failures have contributed to a lot of it. His politically motivated decision to withdraw our troops from Iraq and announce the timetable to our enemies created the vacuum that ISIS quickly moved in to fill. His decision not to act when Syrian President Bashar al-Assad crossed the redline the President himself had drawn sent a message to tyrants and dictators the world over that America could be ignored at will. The President's nuclear deal with Iran has left that country better equipped to acquire advanced nuclear weapons down the road.

President Obama is nearing the end of his term, but there is still time for him to commit to working with Republicans to take the steps that are necessary to not just contain but to actually defeat ISIS. There is still time for him to focus on controlling our borders so terrorists don't slip across without our knowledge. There is still time for him to take measures to strengthen our counterterrorism capabilities, and there is still time for him to focus on supporting Federal and local law enforcement in their efforts to stop terrorism.

I hope in the coming days, the President will see his way to offering some serious solutions to the danger ISIS poses to our Nation. It is high time that happen.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER (Mrs. FISCHER). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

FOREIGN SOVEREIGN IMMUNITIES ACT

Mr. GRASSLEY. Madam President, I rise to speak about the changing nature of globalization. Everyone is aware globalization has changed how economies work. Some people have embraced globalization while others are fighting to slow its effects. In America, most people are familiar with the modern, multinational corporation. These corporations are privately owned by shareholders and operate in countries around the world. However, there is a new trend that is becoming increasingly evident in commerce today. We are now seeing entities that are owned by governments competing with private companies in the automotive, food, and airline industries that represent more traditional commerce.

Over the last several decades, governments, through entities called state-owned enterprises, have become highly involved in international commerce. We have seen state-owned companies and enterprises buy the assets of private companies, such as Smithfield Foods, and start up completely new

companies, such as the new airlines in the Middle East. There is nothing inherently wrong with state-owned enterprises paying a premium on market value to purchase a company. However, the actions of the company and its legal obligations after the transaction is complete are what I intend to focus on today.

In a 2014 report, the United Nations estimated there are over 550 state-owned transnational companies with cumulative assets of over $2 trillion. Many would argue the estimate of $2 trillion in assets under management is a conservative number. There are many differences between state-owned companies and companies that are publicly traded.

First, state-owned companies are not subject to the same transparency requirements as publicly traded companies. Publicly traded companies must adhere to GAAP accounting standards and file quarterly and annual reports, such as 10–Qs and 10–Ks, with the Securities and Exchange Commission.

Second, state-owned enterprises have the implicit backing of the various governments, giving them access to credit oftentimes at cheaper rates than individual private companies could hope to find. The most valuable companies in America, based on market capitalization, are worth between $500 and $600 billion on any given day. While Fortune 100 companies are large, their resources then pale in comparison to government wealth.

Finally, state-owned enterprises report their strategies, profits, and losses to governments. They are not accountable to shareholders in the way publicly traded companies are. Therefore, it is prudent we take time to consider how foreign, state-owned enterprises are participating in this American economy.

In agriculture, state-owned enterprises have started to buy publicly traded American companies. Smithfield Foods was sold to China's Shuanghui in 2013 for $4.7 billion in cash. ChemChina is currently trying to buy the Swiss-based seed and chemical company Syngenta for $43 billion. About one-third of Syngenta's $12 billion in revenue comes from North America, which is what makes this transaction very concerning for me. While some could argue these investments are similar to foreign direct investment, what these foreign, state-owned enterprises are really buying are our resources and expertise in food production, including the intellectual property that fuels development and growth of the agricultural sector. Even if these transactions function seamlessly for the first 10 or 15 years, there are strategic questions we need to consider before approving the sale of any more of our agricultural assets to another government. For that reason, Senator STABENOW and I asked the Committee on Foreign Investment in the United States, commonly referred to as CFIUS, to thoroughly review the proposed Sengenta acquisition with the help of the Department of Agriculture. CFIUS is responsible for reviewing the national security implications of transactions that result in foreign control of U.S. businesses and critical infrastructure. There is a shared sentiment among lawmakers, military officials, and everyday Americans that protecting the safety and resiliency of our food system is core to American national security. The food security of our country is not something we can take for granted, and as I have said before, at any given time we are only nine meals away from revolution.

As I mentioned, I also have concerns about the legal obligations and accountability of foreign, state-owned companies, particularly as they relate to those companies' interactions with American companies and consumers.

Now, I have heard several recent reports noting cases where companies owned by foreign governments have claimed that they are immune to lawsuits by American companies or American consumers in our very own courts.

They have made this claim even when a foreign, state-owned company or one of its corporate affiliates has been engaged in normal commerce with American consumers or other American companies.

In making this argument, these foreign, state-owned companies would try both to take advantage of our market and to avoid the rules and potential liability that every other market actor must face. Of course, that doesn't seem right to me, and it is not the way our laws are set up to work.

It is an age-old rule of international law that one sovereign nation should not subject another country acting in its sovereign capacity to the authority of domestic courts.

Our courts recognized this principle long before Congress wrote it into statute.

The theory developed at a time when personal sovereigns ruled foreign powers rather than democracies. The sovereign was the same as the State. Chief Justice John Marshall acknowledged it in an 1812 Supreme Court opinion when he explained that our courts had no jurisdiction to hear America's claim against France to recover a ship seized by order of Napoleon.

But there have long been important exceptions to the doctrine of foreign sovereign immunity. One of those is the so-called ''commercial activity'' exception. Just 12 years after his opinion about Napoleon's ship, Chief Justice Marshall explained that ''[w]hen a government becomes a partner in any trading company, it divests itself . . . of its sovereign character, and takes that of a private citizen.''

For that reason, over the last several decades, both the State Department and the Supreme Court have recognized that the original purposes of foreign sovereign immunity—respect for the person and governmental acts of a foreign sovereign—are not served when the doctrine is invoked to protect a sovereign's private acts.

This development resulted from the need to ensure stability and predictability in international commerce after state monopolization in industries like transportation and communication.

It is based on the notion that when a sovereign nation enters the competitive marketplace, it no longer acts as a sovereign at all, and it must follow the very same rules as every other market participant.

So in 1976 we codified those principles in statutory law by enacting the Foreign Sovereign Immunities Act, referred to as FSIA. Under the FSIA, foreign sovereign immunity extends not only to foreign sovereigns but also to political subdivisions and even corporate entities owned by foreign sovereigns.

But, importantly, the FSIA also codifies exceptions to the foreign sovereign immunity principle, including—very importantly—the commercial activity exception.

As I said, I have seen reports noting cases where companies owned by foreign governments have claimed that they are immune to suits by American companies or American consumers in our very own courts when they are suspected of doing something wrong. Sometimes, their arguments have succeeded, which raises concerns that the exception may not be working as designed.

Let me give one example. America bought much of the drywall used to rebuild New Orleans after Hurricane Katrina from Chinese manufacturers. Thousands of homes built with that drywall turned out to be uninhabitable because residents said the drywall made them sick.

So these Americans tried to sue the Chinese manufacturers, including a manufacturer's parent company, China National Building Materials Group, or CNBM.

The problem for the consumers is that the Chinese Government is heavily invested in these manufacturers, among many other commercial enterprises.

Under the general principle of foreign sovereign immunity, a foreign government selling Americans a product is not acting as a sovereign but as a market competitor. One would assume that the ''commercial activity'' exception to foreign sovereign immunity applies, but the state-owned manufacturer argued otherwise.

Here is how it works under statute. Foreign companies are sued in our courts all the time. Commonly, these lawsuits, like the drywall case, involve claims of American consumers or companies that the foreign company engaged in some behavior that harmed them.

When a foreign company is sued in one of our courts, it has a chance to show at the beginning of the case that a foreign government owns a majority

of its shares. If the foreign company makes that showing, it then enjoys a presumption of immunity under the FSIA, meaning that the plaintiffs' lawsuit will be dismissed.

But before that happens, the plaintiffs have one more chance to save their case from early dismissal. This is where the ''commercial activity'' exception comes into play. The plaintiffs can defeat the presumption of immunity by showing that the foreign state-owned company was acting as a market participant—that is, engaging in commercial activity that takes place in or affects the United States—when it caused the harm the plaintiffs complained about.

This principle—the ''commercial activity'' exception—saves a case from early dismissal and gives plaintiffs a chance to move forward and try to prove their claims against a foreign, state-owned corporation behaving like a market actor.

But as it turns out, that can be a complicated showing for plaintiffs to make at such an early stage in the case. Here is why. Companies owned by foreign states are often governed through very complicated corporate structure.

Take, for example, the large Chinese insurance company backed by the Chinese state bank in its recent attempt to purchase an American hotel chain. In describing the attempted takeover, the Wall Street Journal described the Chinese company's ownership structure as ''opaque.''

Yet in implementing the FSIA, courts require plaintiffs to meet the commercial activity exception at every level of corporate organization or they must show that various levels of organization acted only as corporate pass-throughs and, therefore, can be ignored.

Here is why I think that may be a problem. Corporate parents can exercise an extraordinary level of control over subsidiaries without concluding that the subsidiary is a mere pass-through.

Requiring plaintiffs to show commercial activity at every level of corporate organization—at such an early stage in the lawsuit—runs the risk of ignoring high-level involvement in the conduct that allegedly hurt the plaintiffs. If plaintiffs don't satisfy this showing against a parent company at an early stage in their case, they may lose the chance to establish their claims.

Now, what this means, as a practical matter, is that this mechanism puts foreign companies that happen to be owned by sovereign states at a distinct advantage over private foreign companies. A private foreign company has no mechanism for early dismissal of a lawsuit on these grounds. A private foreign company would be required to respond to the plaintiffs' allegations, and it would have to produce evidence during the course of the lawsuit relating both to its control over other parts of the conglomerate and also to its involvement in the activities alleged.

As a result of this early dismissal mechanism, the plaintiffs' case in New Orleans could only proceed against one subsidiary, and that happens to be CNBM. The case against CNBM itself was dismissed.

Now, it may be that these plaintiffs still wouldn't have been able to establish liability on the part of CNBM in the end, but they didn't even have that opportunity.

This is something that I want to consider carefully. If a foreign, state-owned company is able to shield parts of its organization behind the FSIA to avoid having to answer a lawsuit entirely in a way that the FSIA doesn't contemplate, when a privately owned foreign company wouldn't enjoy the same luxury, then a fix may be in order.

The point of the commercial activity exception to foreign sovereign immunity is to treat foreign governments like any other market actor when they enter into commerce. Nothing about the principles of foreign sovereign immunity or the FSIA is designed to afford extra early defenses to foreign companies' commercial actions just because the companies happened to be owned by foreign states.

But, currently, foreign, state-owned companies will argue that many of their affiliates don't have to answer the claims of American companies and American consumers, even when it is clear that at some level the company engaged in market activity that may have harmed Americans. Sometimes, like in the New Orleans case, the companies are succeeding.

So I think that may be a problem. That is why I took the time to speak now on the floor of the Senate, and I intend to look at it very carefully and possibly seek legislative remedy.

I yield the floor.

The PRESIDING OFFICER. The Senator from Wisconsin.

GUN VIOLENCE

Ms. BALDWIN. Madam President, last week—let's start with last weekend—Americans woke to the news of a horrific mass murder in Orlando, FL. The gunman, a U.S. citizen inspired by terrorists, legally purchased a weapon of war and turned it upon members of the LGBT community on Latin night at a nightclub in Orlando, FL—49 dead, 53 wounded.

Senators returned from their home States last week to express thoughts and prayers and to observe moments of silence. Many of us resolved that while important, those sentiments were not enough and that we needed to follow up those thoughts, those prayers, and those moments of silence with action.

I joined with my colleagues on the floor when Senator MURPHY of Connecticut held the floor for 15 hours to draw attention to two commonsense amendments that would have limited that easy access to a weapon of war by closing a loophole that allows so many of our firearms purchases to occur without a proper background check and to close something we are calling the terror gap, which would allow the FBI the authority to deny gun purchases to people who are on a watch list, suspected of connections with terrorism. Those measures gained a vote in the Senate last night, but both failed to advance.

I don't think we can simply say that we tried and continue to accept shootings like the one in Orlando as the new normal and then move on to other business—especially, I might add, with our procedural posture right now, as the Senate has before it at this period in time the Commerce-Justice-Science appropriations bill, a measure in which we can prioritize our response to this tragedy and the preceding tragedies through amendments perfecting the measure before us. Americans are demanding more. We can't just carry on as usual in the wake of these enormous domestic tragedies. Wisconsinites are demanding more. Just in this last week, I received heartbreaking communications from my constituents asking us to act. I will briefly share two of them.

A young mother wrote to me:

I am a young mother of two young children and every day that they go to school I say a silent prayer that they come home safely to me, that no one decides to walk into their school or onto their bus with a gun and an intent to kill.

Another young person wrote to me:

As a young LGBTQ person, I am devastated by this attack on my community. I am scared that this attack happened in what was supposed to be a safe place, a free space in a world that is often hostile for LGBTQ people. I am scared for my safety and for the safety of my community. I am also angry. I am angry that the United States is the only country where shootings like this regularly occur, and I am angry that our government is not doing enough to prevent this kind of violence.

The attack in Orlando was, as I mentioned, an act that allegedly was inspired by maybe ISIL or other terrorist groups, but it was also an act of hate, a hate crime. I have filed an amendment with my colleagues, Senator MIKULSKI of Maryland and Senator HIRONO of Hawaii, to increase funding to strengthen the prevention of hate crimes and the enforcement of our hate crimes laws and our civil rights laws. The amendment is now cosponsored by 18 other Members of the Senate.

I think it is important to understand what a hate crime is. A hate crime is an underlying criminal act—so it is not about hate thought or hate speech—wherein the victim of the crime or victims of the crime are targeted based on a particular characteristic. Sometimes we hear about hate crimes committed against the LGBT community because of their sexual orientation or gender identity, but hate crimes are often perpetrated against people on the basis of religion, race, ethnicity, or gender. Hate crimes targeted against people based on their characteristics are done

so because not only are the victims victimized, but it sends a message of terror and hate throughout a community to all people who share characteristics with the victim or who love people who share the characteristics of the victim. They are terrifying, and they deserve, as we have chosen to do in the United States, to be treated very specifically as hate crimes.

It is only recently that the United States recognized hate crimes against members of the LGBT community or against women or people with disabilities with the passage of the Matthew Shepard and James Byrd, Jr. Hate Crimes Prevention Act.

There are too many of these hate crimes in the news these days. We are still grieving the massive numbers of dead and injured in Orlando. It was not all that long ago that Charleston had a mass murder in a church. The African-American community was targeted. In Wisconsin, in another place of worship, in a Sikh temple in Oak Creek, WI, a gunman came and targeted the congregation during Sunday worship.

In America, hate crimes overall are declining. That is good news, and that says something about what we can do together when we pass strong laws and try to prevent these crimes, educate, and enforce our laws. But I am sad to share that while overall our hate crimes are declining, those against some groups—most notably Muslims and members of the LGBT community—are on the rise. LGBT people are more likely than any other group to be targeted for hate violence, and LGBT people of color, particularly transgender women of color, are at the very greatest risk.

The amendment I have offered, along with my colleagues, Senators MIKULSKI and HIRONO, would provide, in the Commerce-Justice-Science appropriations bill, additional funding for the Civil Rights Division to focus on hate crimes prevention on the one hand but also enforcement and prosecution of those crimes when they occur. This amendment will provide important tools to the Justice Department that they need to combat discrimination and crimes of hate in communities across the country. I am pleased to have a large number of human rights organizations in this country endorse this as an important step forward.

We need to take action. We need to do more to address terrorism, to address gun violence, and to address hate crimes. I urge my colleagues in the Senate to join me in calling for a vote on this amendment and supporting it when we get that opportunity.

I yield the floor.

I suggest the absence of a quorum.

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

The senior assistant legislative clerk proceeded to call the roll.

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

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

ZIKA VIRUS

Mrs. MURRAY. Mr. President, I am on the floor to focus on some very frightening news we got late last week about the Zika virus, news that shows just how important it is that we get emergency funding to the President's desk right away.

Last week, three babies were born in the United States with birth defects linked to Zika. Three other pregnancies didn't make it to term as a result of this virus. As a mother and grandmother, my heart goes out to these families, and as a U.S. Senator, I am extremely frustrated that 4 months since President Obama first asked for a strong emergency funding package to respond to this frightening virus, Congress still has not sent anything to the President's desk because, unfortunately, the longer we wait to act, the more those numbers are going to grow.

In fact, Tom Frieden, Director of the CDC, has said in Puerto Rico alone, hundreds of babies could be born with birth defects related to Zika. There are already nearly 2,200 reported cases of Zika in the United States and the territories, and more than 400 expecting mothers are being monitored for possible infection.

Without question, this is a public health emergency. What makes it all the more frustrating is we have an agreement that could go to the President to be signed into law right away. While it shouldn't have taken so long, Senate Republicans did finally agree to work with us on a downpayment on the President's emergency funding proposal.

The agreement we have reached would give communities more resources for vector control. It would help accelerate development of a vaccine and, critically, provide much needed preventive health care, including family planning services, such as contraception, to families who ask for it.

This package has support from both sides of the aisle. All Senate Democrats and nearly half of Senate Republicans voted for it. It has now been a full month since that agreement passed in the Senate. Unfortunately, instead of acting on it, House Republicans chose to move to conference with their own underfunded, irresponsible proposal that offers just one-third of what is needed to combat this virus and drains much needed resources from the ongoing Ebola response effort.

With the health and well-being of women and babies on the line, now is not the time for nickel-and-diming. It is not the time for debates about taking from one health care priority to support another. This is the time to act because every infection prevented is a potential tragedy prevented, and there is no good reason why we cannot get a strong emergency funding proposal to the President's desk this week.

Families are looking to Congress for action on Zika. It is well past time that we delivered, and I hope we can get this done without any further delay.

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.

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

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

Mrs. GILLIBRAND. Mr. President, I ask unanimous consent to speak for a few moments before the gavel comes down at 12:30 p.m.

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

GUN VIOLENCE

Mrs. GILLIBRAND. Mr. President, I rise to speak about three amendments to this bill that I think would help keep America safe from gun violence. After so many tragedies, including the mass murder earlier this month in Orlando, this Chamber has had one opportunity after another to do something about the gun violence crisis, and last night was our most recent chance.

The American people are watching us, waiting to see what we will do, wondering if this time, after yet another mass shooting, after yet another hateful, angry person was able to have such easy access to a weapon of war to use it to quickly kill a crowd of innocent people—maybe this time the Senate would act.

But, no, this Chamber did nothing. The Senate didn't pass a single bill, not even a bill to prevent someone on the terror watch list from buying an illegal gun—not one. How many innocent people have to be killed by guns in this country before Congress is actually convinced to act?

The Senate failed the American people last night, and there is no other way to put it. We aren't listening to our constituents who are desperate for Congress to act.

This Chamber hasn't done anything to help keep the American people safe in the aftermath of so much violence. Every time a mass shooting happens somewhere in America—just like the one that occurred in Orlando—we hear the same calls for stronger, better, tougher laws. The American people overwhelmingly support them and nearly every time the gun industry and its powerful lobby do whatever they can do to block these bills to protect their own profits.

It is the same cycle over and over again. Someone with no business handling a powerful deadly weapon of war has easy access to that weapon and then uses it to kill many people—quickly. We have to make it harder for hateful, violent, radicalized people to get their hands on weapons of war. The only way to change this—the only way—is if Congress fulfills its responsibility to protect the American people

and pass new laws that help keep us safe.

I have three amendments, new amendments, that have not been voted on this session. They are three amendments that actually could keep more Americans free of gun violence.

First is a law enforcement bill. It is a bipartisan gun trafficking amendment which would finally make gun trafficking a Federal crime. One would assume that bringing weapons up I–95 and selling them out of the back of a truck to a gang member in New York City would be illegal, that it would be a Federal crime. It is not. It is not a Federal crime to do that.

This bill is called the Hadiya Pendleton and Nyasia Pryear-Yard Gun Trafficking and Crime Prevention Act. It is named after two teenage girls who lost their lives because of gun violence in their neighborhoods. They were playing with friends, minding their own business, and a stray bullet shot them both down. Nyasia was killed in Brooklyn. Hadiya was killed in Chicago. These were two young girls. I met Nyasia's parents. They do not understand why their daughter had to die.

Right now, there is no Federal law preventing someone from loading up a truck in Georgia, driving it up I–95, and reselling those weapons in a parking lot in Brooklyn to a gang member or other dangerous people who aren't eligible to buy guns anywhere else. This amendment would change that. It would give our law enforcement the tools they need to get illegal guns off the street and to prosecute those who are trafficking guns.

The second amendment I would offer would require weapons dealers to keep physical inventories. This is something law enforcement has asked for. Without accurate inventory, it is impossible for law enforcement to know whether illegal gun sales are taking place or even if weapons have been stolen from that store.

There are just a small number—a very small number—of bad gun dealers, but our law enforcement officials have a right to be able to find out who they are, why they are selling these weapons out of the back of their gun sales places and then selling them directly to criminals who drive them up I–95 and sell them to gang members in Brooklyn or the Bronx or in Harlem or in Buffalo.

The third amendment is also a law enforcement amendment, something asked for by law enforcement. It would allow the ATF to ban foreign imports of military-style weapons, which tend to be used in crimes.

Right now, many weapons with military-style features not intended for hunting, including those with high-capacity magazines and laser sights, are being dumped into the U.S. marketplace by foreign arms manufacturers. This amendment would help prevent those dangerous, military-style weapons from flooding our streets and ending up in the hands of criminals.

No one in America should have to go through his or her daily life in fear of an angry, radicalized citizen who can easily buy a weapon of war and use it on innocent Americans. All of these amendments would help law enforcement do their jobs—be able to find criminals who are trafficking weapons, be able to find that small percentage of bad gun dealers and shut them down, and make sure foreign companies aren't flooding our market with illegal military weapons. These three changes would make a difference. They would help our law enforcement community keep our communities safe.

I yield the floor.

RECESS

The PRESIDING OFFICER. Under the previous order, the Senate stands in recess until 2:15 p.m.

Thereupon, the Senate, at 12:34 p.m., recessed until 2:15 p.m. and reassembled when called to order by the Presiding Officer (Mr. PORTMAN).

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

COMMERCE, JUSTICE, SCIENCE, AND RELATED AGENCIES APPROPRIATIONS ACT, 2016

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of H.R. 2578, which the clerk will report.

The senior assistant legislative clerk read as follows:

A bill (H.R. 2578) making appropriations for the Departments of Commerce and Justice, Science, and Related Agencies for the fiscal year ending September 30, 2016, and for other purposes.

Pending:

Shelby/Mikulski amendment No. 4685, in the nature of a substitute.

McConnell (for McCain) amendment No. 4787 (to amendment No. 4685), to amend section 2709 of title 18, United States Code, to clarify that the Government may obtain a specified set of electronic communication transactional records under that section, and to make permanent the authority for individual terrorists to be treated as agents of foreign powers under the Foreign Intelligence Surveillance Act of 1978.

McConnell motion to recommit the bill to the Committee on Appropriations for a period of 14 days.

The PRESIDING OFFICER. The Senator from Utah, the President Pro Tempore.

Mr. HATCH. Mr. President, I ask unanimous consent that I be permitted to complete my remarks.

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

SOCIAL SECURITY TRUSTEES' REPORTS

Mr. HATCH. Mr. President, a few weeks ago I came to the floor to discuss the situation surrounding President Obama's nominees to serve as public trustees on the board of trustees for the various Social Security and Medicare trust funds. At that time, I noted that these nominations had become the center of a political firestorm. Sadly, that firestorm has continued in the weeks since I last spoke about this issue. While I have little desire to delve into what is a manufactured controversy, I do want to take some time to note how some events taking place this week should impact this particular debate.

Tomorrow, the Social Security and Medicare Boards of Trustees will release their annual reports, providing their assessment of the past, present, and projected future financial conditions of the trust funds. For decades, these reports have largely been devoid of politics, which is important because it allows policymakers and the general public to trust the numbers that are reported.

Currently, there are four senior Obama administration officials who serve as trustees on these various Boards. There are also two positions for public trustee—one from each party according to the law—that are currently vacant. While it is not unheard of for the Boards to issue their reports without confirmed public trustees in place, this administration has issued more trustees' reports with vacancies in the public trustee positions than any other administration.

In a recent article in the Huffington Post, Senators WARREN, SCHUMER, and WHITEHOUSE put forth some serious allegations of political tampering with recent Social Security trustees' reports, stemming, according to their arguments, from the supposed undue influence of one particular public trustee. That trustee, Dr. Charles Blahous, has been renominated by President Obama.

Specifically, these Senators alleged in their article that, due solely to the presence of this single public trustee on the Board, nefarious assumptions were somehow inserted into the trustees' report analysis, leading the report to overstate the financial challenges facing Social Security. My good friend, Senator SCHUMER of New York, echoed the very same allegations in a recent Finance Committee markup where we favorably reported President Obama's nominees for public trustee. And, I emphasize, these are President Obama's nominees.

In the words of these prominent and outspoken Senators, the 2014 Social Security trustees' report, ''curiously incorporated a number of assumptions playing up the potential of future insolvency of the program—a key talking point in the right-wing war on Social Security.'' Moreover, according to those Senators, the assumptions ''were so troublesome that the independent Chief Actuary for Social Security took the unprecedented step of writing a public statement of actuarial opinion disagreeing with the report.'' They go on to say that ''after similarly questionable elements appeared in the 2015

report, the Chief Actuary reported this extraordinary public rebuke.''

These assumptions—and Dr. Blahous's very presence on the Board—are, according to my colleagues, part of an effort funded and directed by the infamous Koch brothers to dismantle Social Security and further an anti-government agenda. In fact, their article was ridiculously titled ''The Koch Brothers Are Trying To Handpick Government Officials. We Have To Stop Them.''

These are serious allegations that call into question the integrity of the annual trustees' reports. Yet my colleagues have stated these allegations repeatedly in various forms, from committee hearings, to Twitter feeds, to campaign fundraising materials, all without any apparent regard for these implications. Worst of all, the charges are also patently false, and they cannot be supported by fact, reason, or even common sense.

Setting aside the almost paranoid and conspiratorial tone my colleagues have used when making these claims and even assuming, for the sake of argument, that supposedly questionable assumptions were baked into those trustees' reports, there is simply no remotely possible way that they were used solely because of Dr. Blahous's influence. Given the structure of these Boards, if a single public trustee were able to have such a pernicious influence on assumptions incorporated into reports that warranted some sort of alert from the Chief Actuary, then all of the other trustees—Treasury Secretary Lew, Labor Secretary Perez, Health and Human Services Secretary Burwell, Acting Commissioner of Social Security Colvin, the Democratic Public Trustee Robert Reischauer—and their staffs were either complicit in the perverse distortions or were too incompetent and powerless to detect them. Give me a break.

In other words, although they conveniently overlook these facts, when my colleagues publicly indict the integrity of the Social Security trustees' reports, they are implicitly and necessarily calling into question the competence and efficiency of senior members of President Obama's Cabinet and, really, that of President Obama himself, who renominated Dr. Blahous to serve a second term.

Of course, being honest about the makeup of the Board and the process by which these reports are compiled would make fundraising emails and campaign commercials, not to mention inflammatory entries on a Senator's Twitter feed, far less compelling. Recognizing this, my colleagues have opted to simply imply that Dr. Blahous—only one of the whole number of those on the Board—was solely responsible for allegedly questionable contents of the reports, apparently hoping no one will fact-check their assertions. I have to, as chairman of the Senate Finance Committee, fact-check these not so very honest assertions.

Sadly, no one from the Obama administration has stepped forward to defend the President's nominee and refute these wild claims. More curious, however, is the fact that no one from the administration has publicly come forth to defend themselves from these Senators' charges of apparent incompetence and powerlessness in the face of Dr. Blahous's dastardly influence. I think we need a clearer picture of what went on in the compiling of those reports.

In order to clear the air on this, I sent letters earlier today to the administration officials who sit on the Board to see if they agree with the claim that the reports they all willingly signed included some unwarranted assumptions designed to undermine Social Security and requesting that they provide me with a full briefing on the issue.

Of course, the absurdity of my various colleagues' claims goes beyond their implicit condemnation of members of President Obama's Cabinet because these senior officials were not the only line of defense standing between the report and the alleged conspiracy to take down Social Security.

If these reports included some pernicious assumptions, they not only slipped by the Secretaries of Treasury, Labor, and HHS, and the Acting Social Security Commissioner, they must also have had to slip the notice of 10 members of the 2015 Technical Panel on Assumptions and Methods, which was commissioned by the Social Security Advisory Board and contained many recognized and highly respected experts, including a Nobel Prize-winning economist.

In other words, the pernicious and allegedly billionaire-inspired assumptions that a single public trustee was somehow able to covertly insert into multiple trustees' reports in order to overstate Social Security's financial challenges were so cleverly advanced that they eluded prominent Obama administration officials, their staffs, 10 highly skilled, expert researchers, and the Social Security Advisory Board staff. That is ridiculous. And only the Chief Actuary was able to detect the skullduggery.

That is still not the end of it, however. The nonpartisan Congressional Budget Office, CBO, has also produced forecasts of Social Security's finances, using some assumptions that differ from those used by the trustees for their reports but which identify even greater financial challenges to the Social Security trust funds than those concluded in the recent trustees' reports.

According to Senators WARREN, SCHUMER, and WHITEHOUSE, Dr. Blahous, serving as an agent for the Kochs, was able to skew with nefarious assumptions as part of ''the right-wing war on Social Security'' to play up the potential future insolvency of the program. Even so, he apparently wasn't diabolical enough because he ended up duping the other trustees into assigning lesser financial challenges to Social Security than those seen by the CBO.

Of course, perhaps my colleagues believe that this anti-government conspiracy has somehow infiltrated CBO, as well. If that is the case, perhaps they should come forward and reveal to the public just how deep the rabbit hole goes.

Needless to say, none of this is sensible. It doesn't even pass the laugh test. And Dr. Blahous's influence on the trustees' reports isn't the only thing my colleagues have overstated in their writings, tweets, and campaign materials. They also dramatically overstate the ''rebukes'' issued by the Chief Actuary for the 2014 and 2015 reports. It is actually shameful for my colleagues to do this.

In truth, there actually were no rebukes or disagreements included in the actuary reports. In fact, for both years in question, the Chief Actuary wrote that ''the assumptions used and the resulting actuarial estimates are, individually and in the aggregate, reasonable for the purpose of evaluating the financial and actuarial status of the trust funds, taking into consideration the past experience and future expectations for the population, the economy, and the program.''

There were caveats which largely reflected the Chief Actuary's own opinions but nothing that would call into question the integrity of the reports as my colleagues claim. As I have said in the past, these tactics are, in my view, shameful, and they have little to do with protecting the promise of Social Security. Instead, they are 100 percent political, designed to serve as a proxy for what political operatives hope will be an epic campaign battle over Social Security, something the other side constantly wages falsely. And, as is too often the case, the truth has taken a backseat to campaign talking points and fundraising efforts.

Rather than engage on the substance of their preferred Social Security policies—and those of their presumptive Presidential nominee—my friends have opted to put forward false assertions and allegations that cannot be supported by the facts in order to attack a nominee's integrity and further a twisted story about supposed Republican efforts to ''privatize'' Social Security and ''turn it over to Wall Street.''

It is not hard to see why some of my friends on the other side and their political allies in the activist community want to construct this type of conspiracy with regard to Social Security. After all, in recent years, the only meaningful advancement to prolong the life of any Social Security trust fund took place last year under a Republican-controlled Congress. Last year, Republicans put together a bipartisan package to avert benefit cuts for disability beneficiaries. At best Democrats only reluctantly came on board. That package, which President Obama

signed into law, contained no ''privatization.'' The only thing close to a ''benefit cut'' was a provision on retirement benefits claiming strategies based on provisions put forward in President Obama's budget.

Yet, rather than help avert benefit cuts for disabled American workers and improve the disability insurance program, many of my friends on the other side spent most of their energy last year raising campaign money by scaring Social Security beneficiaries and giving speeches claiming that Republicans wanted to do nothing more than privatize Social Security and turn it over to Wall Street. We have been seeing those kind of tactics in every election for decades. It is shameful. Even with these constant attacks and distortions coming from my friends on the other side throughout 2015, Republicans constructed a package that enacted the most meaningful reforms to Social Security in three decades and averted massive benefit cuts. We did so by dragging most Democrats along kicking and screaming. It is not surprising that my colleagues are feeling the pressure to reassert their claims of ownership of all things Social Security in this election cycle, which they seem to do every election cycle—falsely, by the way. It is shameful.

By the way, in the midst of that 2015 debate, a prominent Democratic Senator gave a speech at the headquarters of a leftwing advocacy group—one that happens to receive funding from a noted leftist billionaire—warning of ''attacks from the far right'' on Social Security and ''backdoor attempts to dismantle and privatize Social Security by discrediting disability insurance.'' Curiously, that same event was attended by the Chief Actuary of Social Security, who was also a speaker at the event, and it was live tweeted by the Social Security Administration. Yet no one from the Republican Party published any inflammatory articles accusing the Chief Actuary of using his title or position in association with a politically partisan event. No one accused him of ''burnishing his credentials'' by speaking at a highly partisan event. Certainly, no one made claims of a vast leftist conspiracy to plant progressive sympathizers in influential positions in order to advance a leftist view on Social Security or to capture the agency.

By contrast, let's consider what that Huffington Post article and three of my Democratic colleagues said about Dr. Charles Blahous. The article claims that he ''burnishes his credentials'' as a public trustee by daring to write articles outside of his role as public trustee that identify and analyze financial challenges facing Social Security and Medicare. Gee, I would think that would be part of his responsibility. The article decries his affiliation with his own workplace, calling it ''a Koch front-group,'' which zealously approves an ''anti-government agenda.''

Essentially, these Senators are saying that if you dare have ideas and thoughts with which they disagree, even if you offer them in reasoned writings and speeches, then you should be censored and deemed unfit to serve in any public capacity.

My friends on the other side of the aisle have unfortunately injected needless politics into Social Security trustee reports and have threatened the integrity of those very reports with their allegations, as well as attacking an individual based on false claims. Unfortunately, it seems that in an election year, Democrats are intent on constructing a ''privatization'' straw man and using it to scare seniors into sending checks and votes to Democrats—something we have become pretty used to, really. That is despicable, to say the least. On the altar of election-year politics, they are apparently more than willing to sacrifice the historic transparency and integrity provided by the trustees' reports. Indeed, they have gone out of their way to claim that the reports are already politically compromised despite having no credible evidence that such is the case—none, zero.

Thanks to a bipartisan desire to have the facts on Social Security's trust funds reported objectively and honestly, we have gone for decades with trustee reports that were largely free of political controversy. Unfortunately, some of my friends in the Senate, spurred on by their activist political operatives, seem no longer to have that political desire. It would truly be sad and not in the interest of current or future Social Security beneficiaries if trustees' reports now become mere political documents. While that is the road my colleagues apparently want to send us down—at least during this election year—I plan to do all I can to ensure that will not become the case.

I am really concerned when I see people of this dimension in the greatest legislative body in the world using the Social Security ploy again in such a despicable way. It is hard for me to understand. I think it is hard for anybody who looks at it carefully to understand.

The PRESIDING OFFICER. The Senator from Maryland is recognized.

Ms. MIKULSKI. Mr. President, I have a question for the distinguished Senator from Utah.

What are the Senator's proposals to stabilize the Social Security trust fund?

Mr. HATCH. I am sorry; I did not hear the question.

Ms. MIKULSKI. Mr. President, the Senator from Utah said that we Democrats have politicized the debate.

Mr. HATCH. I didn't say all of you have.

Ms. MIKULSKI. No, but my friend did say that we have injected politics into the Social Security debate and then went on to talk about how others have written articles. I don't dispute what my friend said. But because he chairs the Finance Committee, I wondered what his five ideas are for the stabilization of the trust fund. Maybe we can find common ground because it is a troubling matter.

Mr. HATCH. Mr. President, I am willing to look at the trustees' reports on this. There are six trustees, including Mr. Blahous, who is the only Republican. I am not even sure if he is a Republican, but I think he is. They all signed off on these reports, and they all indicated we have to be careful about Social Security or we are going to have a rough time keeping it stable.

I don't think anybody in their right mind thinks that we can continue to keep doing what we are doing without finding some way of shoring this up.

Ms. MIKULSKI. Right. As the chair of the committee, my question is this: What are my friend's ideas so we can find common ground?

Mr. HATCH. Mr. President, my ideas are to not put out false information or false language.

Ms. MIKULSKI. OK, that is one we agree on.

Mr. HATCH. I have to say that our ideas are to find every way possible to stabilize the Social Security system.

Ms. MIKULSKI. What is an example of one?

Mr. HATCH. Who knows. All I can say is that we have held hearings on it, and we have had everything from more taxes to pay for it, which isn't very exciting to most people around here, to more government programs to pay for, to any number of other social programs to pay for, and, frankly, none of those have been picked up by either side, to be honest with you.

It is apparent that we are going to have to do something to shore up Social Security in the future, and the question is this: Are we going to just make it a sinkhole where all we do is put more and more money into it or are we going to live with the reality that we are spending ourselves blind in this country? I don't see any desire on the part of my colleagues on the other side to live with that reality right now.

Ms. MIKULSKI. Mr. President, I appreciate the response of the Senator from Utah, for whom I have a great deal of respect, but I want the record to show that the Democrats are not playing some kind of privatization card. The proposal to do that has come from the other party time and again.

Mr. HATCH. Mr. President, will the Senator yield on that?

Ms. MIKULSKI. Mr. President, I believe I have the floor.

The PRESIDING OFFICER. The Senator from Maryland has the floor.

Ms. MIKULSKI. Mr. President, we are not playing a Social Security card. We don't believe you should play with Social Security, and that is why many of us opposed the chained CPI. Everybody knows what chained CPI is. That is Washington talk that would dramatically and irrevocably lower the cost of living that Social Security beneficiaries already get.

If speaking up to protect and make sure senior citizens are getting their

cost of living is playing the Social Security card, deal me in. Talking about Social Security solvency and trying to find common ground and identifying what are the basic proposals that we could at least discuss is not playing a card. I don't believe in playing the card, and I don't believe in playing the game.

Let's not go around implying that Democrats are somehow or another making Social Security a political football. It is a political football, but what I worry about is, in the game of political football on Social Security, who gets kicked around but the seniors. That is who gets kicked around in the game of political football on Social Security.

Yes, the stability of the trust fund is a very real issue, and I note that the ranking member on the Finance Committee is here, and I ask if the Senator wishes to speak.

Mr. HATCH. Mr. President, I would like to respond.

Ms. MIKULSKI. Mr. President, does Senator WYDEN wish to speak at this time?

Mr. WYDEN. Mr. President, I say to my colleague that I just walked in and I am prepared to speak on another subject, whenever it is convenient for my colleague.

The PRESIDING OFFICER. The Senator from Utah.

Ms. MIKULSKI. Mr. President, I haven't yielded the floor yet. I asked because the distinguished Senator from Utah is the chair of the Finance Committee. The ranking member has arrived, and I didn't know if they planned a colloquy. That is why I turned and asked my colleague if he wished to make a comment, but I was not giving up the floor.

The PRESIDING OFFICER. The Senator from Maryland is not permitted to yield, apparently, but is certainly permitted to speak.

Ms. MIKULSKI. Mr. President, I thank the Senator from Ohio, who is the Presiding Officer.

We have been in session for over a half-hour, and I have spoken for only 5 minutes. I just want to reiterate that the solvency of Social Security and its trust fund is indeed of significant national interest. We have had a variety of commissions. We have had a lot of proposals. We have had a lot of meetings. We now need to have the will to act, but the will to act goes in pinpointing solutions and not pointing a finger at someone because of the political party they belong to.

Mr. President, I am now going to yield the floor.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. Mr. President, I was just explaining that we just fixed the disability insurance fund last year. I wish to also point out that the last time I recall anybody talking about the privatization of Social Security was President Clinton. The last time I heard, he was a Democrat.

All I am saying is this: I don't know anybody on our side who is advocating right now that we should privatize Social Security. I think everybody is advocating that we should shore it up and somehow or another strengthen it. I am one of those people. Yet we have a number of Senators here alleging that one of the six trustees—it is so out of line to say that—has all the evidence to sign off on a report that Social Security needs some help, and they are saying that this man, who happens to be the only Republican on the board of trustees, is trying to push a privatization schedule. That is all I am bringing up. I can say that I have heard Democrats talk about privatization as well. It is one of the subjects that I suppose has to come up in conjunction with this: Are we going to save Social Security? Will we do what is necessary here? Are we just going to keep talking about it like we do year after year? Are we going to allow one side to continue to distort what Social Security is all about? And are we going to do it to the detriment of every Republican in this body who feels completely otherwise? That is what I am talking about.

I think most Democrats want to help secure Social Security, as I do, but to use that as a political ploy every time we turn around every 2 years is just plain not right. That is what I am decrying here today. We ought to all look and see what we can do to strengthen Social Security, and we ought to look at every possible way of doing so and choose the best approaches we possibly can. But to have false allegations thrown out there just for political reasons to scare the people out there who are on Social Security, unjustly scare them, I think is despicable, and I think we ought to put a stop to it and quit making Social Security the paddle ball for Democrats in our political process.

I am chairman of the Finance Committee. I have every desire to work with Democrats to resolve all of these issues, and I am open to whatever will help to resolve them. Our senior citizens deserve that type of treatment. I want to make sure we don't just make this a big political issue, as has been done here.

Blahous is a very important person, a strong personality, a strong, highly educated person who has given great service in this area. I just don't think it is proper to make him a symbol in what really is a false set of accusations. I am not going to put up with it, and I don't think anybody else should either. And I don't think my colleagues on the other side, if they really understand the situation, will put up with it either.

We have a body that works together in many good ways. I have total respect for the distinguished Senator from Maryland. She is somebody I do work with, whom I want to work with. She is thoughtful. She has done a great job on her committee—her committees, I should say—and she has a friend in me, and so do the three who have been doing this. They are friends, but they shouldn't be doing that. That is all I am saying.

I yield the floor.

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

AMENDMENT NO. 4787

Mr. WYDEN. Mr. President, I believe the next vote will take place on the amendment offered by the senior Senator from Arizona that would allow for the issuance of what are called national security letters, or NSLs, which are administrative subpoenas, and there will be an additional provision on what is called lone wolf. I am going to direct most of my comments for colleagues on the national security letters because the lone wolf provision was reauthorized for another 4 years as part of the USA FREEDOM Act.

I want colleagues to understand that this tool, which certainly has been debated, while never used—it wouldn't have applied to the Orlando or San Bernardino cases—I want colleagues to understand that it is the law of the land today, and in the USA FREEDOM Act, it was extended for another 4 years.

What I would like to do, though, is focus my remarks on the amendment from the senior Senator from Arizona as it relates to national security letters. In effect, what the senior Senator from Arizona is seeking to do is add back a provision that the administration of George W. Bush—not exactly an administration people would accuse of being soft on terror—the senior Senator from Arizona is seeking to add back this provision that was rejected by the administration of George W. Bush.

Here is how the amendment offered by the senior Senator from Arizona would work. Under his amendment, which we will vote on tomorrow, national security letters, which are called NSLs, could be issued by any FBI field office to demand records from a company without going to a judge or without any other oversight whatsoever. So let's repeat that because what colleagues have wanted to know is exactly what this would cover. The McCain amendment would allow for the government to demand email records, text message logs, Web browsing history, and certain types of other location information without any court oversight whatsoever.

As I have indicated, this had been on the books for a number of years, and the administration of George W. Bush said it was unnecessary—in effect, that it was unnecessarily intrusive.

In addition, since the Bush administration acted, I want to make mention of the fact that in the USA FREEDOM Act, the Congress adopted something I have been working on for a number of years—since really 2013—to, in effect, give the government additional authority in the case of emergencies.

In other words, I have always felt the Fourth Amendment and the warrant process was something that was very

special in our country, but we live, of course, in a very dangerous time. We are all concerned about the security and the safety and the well-being of the people we represent. So I said, in section 102 of the FREEDOM Act, let's make sure the FBI has all the authorities necessary to protect the American people in the instance of an emergency. So the USA FREEDOM Act gave the FBI the authority to demand all the records they deemed necessary and then, in effect, after the fact—after the fact—come back and settle up with the court. So unless you are opposed to court oversight after the fact, unless you are opposed to court oversight altogether, there is no reason to support the amendment offered by the senior Senator from Arizona.

A number of colleagues have also asked about the history of these national security letters. There is a long history of abuse and misuse, a long and very undistinguished record of abusive practices.

The Justice Department inspector general has issued four separate reports over the past few years—four separate reports—documenting a number of serious problems. The inspector general found that data collected pursuant to the national security letters was stored indefinitely and used to gain access to private information in cases that weren't relevant to an FBI investigation, and the national security letters were used to collect tens of thousands of records at a time.

Some have also made mention of the fact that a company that gets one of these national security letters could challenge it in court. That is technically right. Big companies that have the resources can challenge them. The small companies invariably say they can't afford to do that. So, again, no oversight. No oversight—particularly striking given the fact that, as I have noted, in the FREEDOM Act—something I felt very strongly about—we gave the government additional authority in the instance of emergencies.

So we have now, by virtue of the amendment we will vote on tomorrow from my friend and colleague—we certainly have agreed on plenty of issues over the years. This is one where we see it differently. You have something the Bush administration rejected. The administration of George W. Bush—hardly one that we would say is sympathetic to the idea of weakening the government's stance against terror—they thought this was a mistake. They thought the amendment that there will be an effort to add back in was a mistake, and it was taken out. This would not have beefed up the fight against what happened in San Bernardino and Orlando.

The FBI says it would help them with paperwork. I am not going to quibble with that. I have great respect for the FBI. But we are going to abandon court oversight in an area where the inspector general has documented abuses because it is convenient?

Colleagues, I will close with this: It is a dangerous time. If you sit on the Intelligence Committee, as I have for a number of years, you know that is not in question. The American people want policies that promote their security and their liberty. That is what we are aiming for. What is being advanced in this amendment is an idea that really doesn't do either. It doesn't advance the security and well-being of the American people, and it certainly erodes their liberties.

So I hope tomorrow, when we have the vote on this amendment, that colleagues will look at the history. It was rejected by the Bush administration. Now we have emergency authority, I say to my colleagues, for the government to get information when it needs it. After the fact, the government can come back and settle up.

I think this amendment is a very substantial mistake. There has been a long history documented by the inspector general of abuses with these national security letters. I urge my colleagues tomorrow to oppose this amendment.

I yield the floor.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. Mr. President, the White House approved the FBI's request for this fix and sent forward a proposal, and then FBI Director James Comey, who I think is well respected—in fact, probably one of the most respected men in America—summed up the importance of this amendment, the Director of the FBI. No one who I know of has accused the Director of the FBI of trying to adopt some unconstitutional practices or gather power upon himself and his agency. Here is what he said: This amendment ''would be enormously helpful.'' That is despite what the Senator from Oregon says. He said this is essentially ''a typo in the law that was passed a number of years ago that requires us to get records, ordinary transaction records that we can get in most contexts with a non-court order, because it doesn't involve content of any kind, to go to the FISA court to get a court order to get these records. Nobody intended that.'' That is what the Director of the FBI says. That is what the record shows, as is important. As the Director of the FBI says:

> Nobody intended that. Nobody I've heard thinks that's necessary. It would save us a tremendous amount of work hours if we could fix that, without any compromise to anyone's civil liberties or civil rights.

I agree with the Director of the FBI.

This amendment—I am astounded, very frankly, that there is not a unanimous vote on this. It is simple. If the FBI is able to go into your financial written records, if they are able to go into your telephone records, then, pray tell, what is the difference between those and electronic records? It just so happens electronic records are much larger.

So don't take my word for it, I say to my colleagues, but I would listen to the Federal Law Enforcement Officers Association—that renowned ''corrupt'' organization. The Federal Law Enforcement Officers Association—the Nation's largest nonpartisan professional association which represents Federal law enforcement officers from every Federal law enforcement agency, including the FBI—strongly supports this amendment.

They go on to say—again, contrary to what the Senator from Oregon says, the Federal Law Enforcement Officers Association says that this amendment ''would correct an oversight in the law that has impeded the FBI's ability to obtain these records in national security cases on a timely basis.'' They go on to say that ''for over fifteen years—including the eight years after 9/11—the FBI continued to use''—what they are talking about now is they want ''to gather electronic communications transactional records. Significantly, this authority was never used to acquire these records indiscriminantly.'' They go on to say that the amendment ''is necessary to protect America from terrorist threats and transnational criminal organizations.''

This is what those men and women—thousands of them are members of this organization. The list is incredibly long. The Federal law enforcement agencies believe this amendment is necessary to protect them and America from terrorist threats and transnational criminal organizations. It is clear.

Mr. President, I ask unanimous consent that the following letters of support be printed in the RECORD: the Federal Law Enforcement Officers Association letter, the National Fraternal Order of Police letter, and the Federal Bureau of Investigation Agents Association letter.

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

FEDERAL LAW ENFORCEMENT
OFFICERS ASSOCIATION,
Washington, DC, June 10, 2016.

Hon. CHARLES E. GRASSLEY,
Chairman, Judiciary Committee,
U.S. Senate, Washington, DC.
Hon. PATRICK J. LEAHY,
Ranking Member, Judiciary Committee, U.S. Senate, Washington, DC.

DEAR CHAIRMAN GRASSLEY AND RANKING MEMBER LEAHY: The Federal Law Enforcement Officers Association (FLEOA)—the nation's largest non-partisan professional association which represents federal law enforcement officers from every federal law enforcement agency, including the FBI—strongly supports Senator Cornyn's effort to address issues related to Electronic Communication Transactional Records (ECTRs) during the Senate Judiciary Committee's consideration of S. 356, the Electronic Communications Privacy Act Amendments Act of 2015. The amendment, referred to as the ''ECTR Fix,'' would update electronic privacy laws and would help the FBI effectively investigate and thwart terrorist plots.

The ECTR amendment would correct an oversight in the law that has impeded the FBI's ability to obtain these records in national security cases on a timely basis. In Counterterrorism and counterintelligence

investigations, telephone toll records and electronic communications transactional records are key components. It's important to distinguish that these electronic communications are metadata, not content. Section 2709 of Title 18 permits the FBI to collect this data with a national security letter so long as the information is ''relevant to an authorized investigation to protect against international terrorism or clandestine intelligence activities.'' The metadata from these records are critical when the content of terrorist communications are increasingly beyond the reach of lawful process because of the widespread deployment of strong encryption software.

As originally enacted, Section 2709(a) established a duty for wire and electronic service providers to comply with an FBI request for ''subscriber information and toll billing records information, or electronic communications transactional records,'' and subsection (b) provided the means by which the FBI could make such requests. Section 2709(b), however, did not specify the information that the FBI could request. Instead, it referenced ''any such information and records'' as described in subsection (a).

Congress amended Section 2709(b) in 1993 to specify that the ''subscriber information'' that a certification could request consisted of ''name, address, length of service, and toll billing records.'' No changes were made to the authority to obtain electronic communications transactional records. However, while Section 2709(a) still required production of electronic communications transactional records, removal of the phrase ''any such information and records'' left subsection (b) without any specific reference to the electronic communications transactional records referenced in subsection (a). Nonetheless, Congress clearly intended Section 2709 to continue to serve as a means of obtaining electronic communications transactional records, as subsection (a) continued to refer to a duty to produce such records on request, and the title of the provision continued to reference ''transactional records.''

For over fifteen years—including the eight years after 9/11—the FBI continued to use Section 2709 to gather electronic communications transactional records. Significantly, this authority was never used to acquire these records indiscriminately or in bulk. However, the recently-passed USA FREEDOM Act specifically prohibits doing so. In 2009, however, some electronic communications service providers began refusing to comply with these requests, citing the scrivener's error referenced above. The number of providers refusing to do so has increased over the years. In certain cases, the FBI has sought the records using other authorities, but those authorities take significantly more time and resources than using Section 2709.

This section of the bill would amend Section 2709 to reflect the original intent of Congress by clarifying the types of ''telephone toll and transactional records'' that the FBI used it to obtain for many years, while explicitly prohibiting the collection of communications content.

In December 2015, FBI Director James Comey summed up the critical importance of the ETCR amendment when he testified before the Senate Judiciary Committee. He said, clarifying this authority ''would be enormously helpful. There is essentially a typo in the law that was passed a number of years ago that requires us to get records, ordinary transaction records that we can get in most contexts with a non-court order, because it doesn't involve content of any kind, to go to the FISA court to get a court order to get these records. Nobody intended that. Nobody I've heard thinks that that's necessary. It would save us a tremendous amount of work hours if we could fix that, without any compromise to anyone's civil liberties or civil rights.''

The ECTR amendment is necessary to protect America from terrorist threats and transnational criminal organizations. I strongly urge you to consider adopting the ETCR Fix as part of S. 356 the Electronic Communications Privacy Act Amendments Act.

Respectively,

NATHAN R. CATURA,
FLEOA National President.

NATIONAL FRATERNAL
ORDER OF POLICE,
Washington, DC, June 21, 2016.

Hon. MITCH MCCONNELL,
Majority Leader,
U.S. Senate, Washington, DC.
Hon. HARRY M. REID,
Minority Leader,
U.S. Senate, Washington, DC.

DEAR SENATORS MCCONNELL AND REID, I am writing on behalf of the members of the Fraternal Order of Police to advise you of our support for S. Amdt. 4787 which will be offered to amend H.R. 2578, the ''Commerce, Justice, Science, and Related Agencies Appropriations Act, 2016.''

The amendment will provide Federal law enforcement with the tools they need to investigate and prevent terrorist attacks by clarifying Section 2709 of Title 18 with respect to Electronic Communication Transactional Records (ECTRs). Under this statute, Federal law enforcement authorities have been able to request and then collect metadata, not content, from service providers as long as they have a national security letter and the data request is ''relevant to an authorized investigation to protect against international terrorism or clandestine intelligence activities.'' However, despite 15 years of regular cooperation, recent requests made to some service providers have been rejected and these companies have cited ambiguity in the existing statute.

The amendment would make clear Congressional intent that such requests do not allow access to any content but that name, email, Internet Protocol (IP) and physical addresses, telephone me/instrument number, account number, login history, length and type of service as well as the means by which the service is paid for be made available to law enforcement. This meta data can be crucial in counterterrorism and counterintelligence investigations. The FOP believes the amendment merely clarifies the existing statute and does not give law enforcement any new authorities or access to data previously unavailable to them. In fact, the recent resistance to such requests was described to the Committee on the Judiciary as ''essentially a typo'' and the amendment better defines Congressional intent with respect to ''telephone toll and transactional records.''

I urge you and the Members of the United States Senate to support S. Amdt. 4787 to ensure the timeliness and effectiveness of our nation's counterterror and counterintelligence operations. Our nation's security and defense should not be held hostage or investigations jeopardized because of a ''typo.''

Thank you as always for your consideration of the views of the more than 330,000 members of the Fraternal Order of Police. If I can provide any additional information on this or any other issue, please do not hesitate to contact me or Executive Director Jim Pasco in my Washington, D.C. office.

Sincerely,

CHUCK CANTERBURY,
National President.

FEDERAL BUREAU OF INVESTIGATION,
AGENTS ASSOCIATION,
Alexandria, VA, June 8, 2016.

Re: Electronic Communication Transactional Records.

Hon. CHARLES E. GRASSLEY,
Chairman, Senate Committee on the Judiciary, U.S. Senate, Washington, DC.
Hon. PATRICK J. LEAHY,
Ranking Member, Senate Committee on the Judiciary, U.S. Senate, Washington, DC.

DEAR CHAIRMAN GRASSLEY AND RANKING MEMBER LEAHY: On behalf of the FBI Agents Association (''FBIAA''), a voluntary professional association currently representing over 13,000 active duty and retired FBI Special Agents, I write to express our support for addressing issues related to Electronic Communication Transactional Records (''ECTRs'') during the Senate Judiciary Committee's consideration of S. 356, the Electronic Communications Privacy Act Amendments Act of 2015. The relevant amendment, referred to as the ''ECTR Fix,'' would be wholly consistent with the effort to update electronic privacy laws, and would help the FBI more effectively investigate and thwart terrorist plots.

Notwithstanding the well-funded efforts by technology companies and activists to misrepresent the ECTR Fix, the truth is that clarifying the language of §2709 would strike a familiar and effective balance between privacy and security. ECTRs provide information abut the IP addresses, routing, and sessions times for electronic communications, and electronic service providers have complied with FBI requests for ECTRs pursuant to §2709 for years. This cooperation furthered the protection of the public, as ECTRs are used to identify patterns of communications in the course of national security and terrorism investigations. At the same time, access to ECTRs does not represent a threat to the privacy identify patterns of communications in the course of national security and terrorism investigations. At the same time, access to ECTRs does not represent a threat to the privacy of Americans because the FBI can only request ECTRs for a limited scope of investigations, and because ECTRs do not include detailed information about the specific web pages visited by internet users or the content of web pages or electronic communications.

Despite these facts, and as a part of their privacy-focused marketing strategies, technology companies recently began refusing to cooperate with the FBI on ECTR requests, and have pointed to statutory ambiguity as a justification for their actions. This choice has undermined national security and counterterrorism investigations, and necessitates Congressional action.

Given the importance of protecting the public from terrorist threats, we support an amendment to include the ECTR Fix in S. 356, as well as the efforts to address the issue through other legislative vehicles. We hope that Congress will make these reasonable and common-sense changes in a timely manner.

If you have any questions, please contact me at *rtariche@fbiaa.org* or 703–247–2173, or FBIAA General Counsel Dee Martin, *dee.martin@bracewelllaw.com*, and Joshua Zive, *joshua.zive@bracewelllaw.com*.

Sincerely,

REYNALDO TARICHE,
President.

Mr. MCCAIN. I will go on.

The Federal Bureau of Investigation Agents Association says that it is a voluntary professional association currently representing over 13,000 active-duty and retired FBI special agents.

Here are 13,000 FBI agents, active and retired, who believe this amendment is essential for them to be able to do their job and protect America.

By the way—hello—we just had an attack in Orlando where 49 Americans were slaughtered, and we are arguing whether we should allow the FBI to find out not the information in electronic communications, but just find out about electronic communications. That is what this is about.

I will quote from the 13,000 active-duty and retired FBI special agents:

I write to express our support for addressing issues related to Electronic Communication Transactional Records (''ECTRs''). . . . The relevant amendment, referred to as the ''ECTR Fix,'' would be wholly consistent with the effort to update electronic privacy laws, and would help the FBI more effectively investigate and thwart terrorist plots.

After Orlando, do we want to help the FBI more effectively investigate and thwart terrorist plots or do we want to restrict their ability to do so? Is that what the Senator from Oregon wants? I don't think so.

Notwithstanding the well-funded efforts by technology companies and activists to misrepresent the ECTR Fix, the truth is that clarifying the language [of subsection 2709] would strike a familiar and effective balance between privacy and security. ECTRs provide information about the IP addresses, routing, and sessions times for electronic communications, and electronic service providers have complied with FBI requests . . . for years. . . . Given the importance of protecting the public from terrorist threats, we support an amendment to include the ECTR Fix . . . as well as the efforts to address the issue through other legislative vehicles. We hope that Congress will make these reasonable and common-sense changes in a timely manner.

It is signed by Reynaldo Tariche, the president of the Federal Bureau of Investigation Agents Association.

So we have a choice here. We have a choice here. We have those who are so worried about privacy and those whose job and whose solemn duty is to protect this Nation—Federal law enforcement officers, the FBI, 13,000 of the FBI agents, and then, of course, we have those who are under assault on a daily basis—our police.

This is a letter from the Fraternal Order of Police ''writing on behalf of the members of the Fraternal Order of Police to advise you of our support'' for this amendment which will be offered. ''The amendment will provide Federal law enforcement with the tools they need to investigate and prevent terrorist attacks.'' It isn't any more complicated than that.

My remarks probably will be a little longer.

The Fraternal Order of Police has it right. This will provide an ability to prevent and counter further terrorist attacks.

How many attacks do we need? I would ask my colleagues who are opposed to this simple amendment, how many attacks? Another San Bernardino? Another Orlando? Two or three more attacks before we give the Director of the FBI the tools he says he needs and wants to protect this Nation? That is what this is all about.

The Fraternal Order of Police goes on to say that ''the amendment would make clear Congressional intent that such requests do not allow access to any content but that name, email, Internet Protocol (IP) and physical addresses, telephone/instrument number, account number, login history, length and type of service as well as the means by which the service is paid for be made available to law enforcement.''

The Senator from Oregon, if I got his remarks right, says: Well, there has been corruption of it. There has been abuse. There has been misapplication.

One of our jobs is oversight, if that is happening. But I also would say that is a damning indictment of these men and women who are putting their lives on the line every single day and are begging for this tool to defend this Nation.

The Fraternal Order of Police says:

I urge you and the Members of the United States Senate to support [the amendment] to ensure the timeliness and effectiveness of our nation's counterterror and counterintelligence operations. Our nation's security and defense should not be held hostage or investigations jeopardized because of a ''typo.''

Thank you as always for your consideration of the views of the more than 330,000 members of the Fraternal Order of Police.

These are the views of more than 330,000 members of the Fraternal Order of Police. I think maybe we ought to listen to the will of 330,000 men and women who are out there every day defending this Nation. Maybe we ought to listen to them. Maybe they are the ones whose lives are in danger. They are the ones who are the first targets of the terrorists. Maybe we ought to listen to their views rather than some misguided view that somehow this invades our privacy, to find out simply whether an address has been used and for how long—not content. If content is involved, that requires going to the FISA Court.

Last week the Director of the CIA appeared before a rare open session of the Senate Intelligence Committee to deliver a stern warning to the American people: ISIL has built a global apparatus with the intent to plot and incite attacks against the West. He explained that despite our 2-year air campaign in Iraq and Syria and despite our efforts to build and fight with local forces and despite the best work of our special operators, ISIL and other terrorist groups continue to evolve and plan to kill innocent Americans who reject their hateful ideology.

That is the warning of the Director of the CIA. The CIA's warning obviously comes after the attack. It is remarkable. The CIA's notice about ISIL's continued strength followed years of warnings by the Director of the FBI and others in law enforcement who have explained to policymakers time and time again that the use of advanced technologies by our enemies is making it increasingly difficult for law enforcement to uncover and stop attacks. That is their view.

We give these people the responsibility to defend this Nation, particularly against these attacks, and they are telling us they can't adequately defend against these attacks because of a provision we have that they can't even look at the fact that a site was used.

By the way, if the Senator from Oregon and others believe this is an invasion of privacy, then why don't they propose an amendment that telephone and financial records should also be in that same category? Of course, that has the problem of being consistent.

The law allows the FBI to request telephone billing information, financial transaction records, but terrorists don't radicalize by phone and they don't listen to ISIL propaganda through financial transactions. They radicalize through the Internet. I repeat: They radicalize through the Internet. So if they are radicalizing through the Internet, shouldn't we gain as much possible information as we can by monitoring their use of the Internet?

Reports indicate that in 2013 the Orlando terrorist was removed from a terrorist watch list because there was insufficient information showing he was radicalized and therefore a threat. Perhaps—and I emphasize ''perhaps''—if the FBI had more effective authorities that would allow them to more easily determine Internet activity of those suspected of radicalization, he would have remained, perhaps, on the watch list. Currently, the FBI can only receive electronic transactional records information by going through the FISA Court process, which is a time-intensive court process that often takes over a month. With the thousands of potentially radicalized individuals already in the United States, we need to make it easier, not harder, for the FBI to receive the critical evidence they need so they can focus their investigations.

Let me state again clearly for the benefit of my colleagues what this provision does not do. It does not allow the FBI to see the content of emails or conversations in Internet chat rooms. As I said before, this provision is narrowly drawn and carefully limited.

The administration, Congress, and national security experts from both sides of the aisle have spoken repeatedly about taking on ISIL's Internet radicalism. This provision, according to the Director of the FBI, is a most important tool to give the FBI valuable data points to do just that.

We face a threat from individuals who have been radicalized by the words, actions, and ideology of terrorist groups. These individuals may act alone, without clear direction from terrorist groups, but they fulfill the intent and desire of these groups.

We must ensure that our law enforcement authorities keep pace with the tactics and methods of our adversaries. If our adversaries seek to attack us by inciting lone-wolf violence, we have to

make sure law enforcement has the authorities they need to investigate and, we hope, stop those attacks.

Our intelligence and law enforcement officers are the best in the world, but as terrorist networks grow and metastasize around the world, we ask them to bear an increasingly difficult—some even say impossible—burden. We ask them to uncover threats by individuals who are hidden among millions of law-abiding citizens. We ask them to determine which of us has been inspired by evil to do harm to our fellow citizens, and we ask that they do this difficult task with little or no impact on anyone's privacy. We have to recognize this threat for what it is.

As our enemy evolves, so, too, we must evolve and strengthen our counterterrorism tools and authorities. Let's stop tying the hands of those who wish only to keep us safe and on many occasions are ready to make themselves unsafe in order to protect our fellow citizens.

I guess my colleagues are presented with a choice. As the Senator from Oregon, with great skill and oratorical tools, will talk about rights of privacy, will talk about constitutional protections, all of those things—this is simple. This is a simple amendment. It has nothing to do with going into these sites and finding out information. That requires going to court.

All it does is tell the FBI, whose Director has pled for this capability—does anyone assume the Director of the FBI wants to act in an unconstitutional fashion? Of course not. But you must accept the fact that it is his responsibility to protect the Nation and, therefore, when he asks for the tools to protect this Nation, then maybe we ought to pay attention and give them to him. I know of no one who is an objective observer who believes it would be unconstitutional to adopt this amendment.

I don't know about abuses in the past that the Senator from Oregon says have taken place. I know abuses have taken place in the past on almost any aspect of American life. But I also know that when you have all of our police—330,000 of them, representing them—13,000 in the Federal Bureau of Investigation, Federal law enforcement agencies from all over America—the list is incredibly long—all asking for the ability to defend this Nation, by God, I think we should give it to them.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. WYDEN. Mr. President, the senior Senator from Arizona—whom, as I mentioned, I have worked with often—has said, in effect, if you oppose his amendment, you are interested in privacy.

The reality is, my interest is in privacy and security. I believe it is possible to have both, and I want to explain how that is the case.

Something I worked on for a long time, the USA FREEDOM Act, we included section 102. Section 102 very explicitly said that if the government—if the FBI, in a situation like Orlando or San Bernardino, for example—if the government believed it needed information immediately—immediately—the government could get the information and then go back to the court after the fact. In effect, after the government had been able to get the information of its own volition, settle up immediately so as to protect the American people.

This debate is about are we going to have policies that advance both our security and our liberty. I have felt very strongly—I see my seatmate, the distinguished ranking member of the Appropriations Committee. We sit next to each other on the Intelligence Committee. We talk about these issues very often. As part of the USA FREEDOM Act, I pushed very hard to make sure the government had those emergency authorities.

This is a dangerous time. Nobody disputes that. If you have been on the Intelligence Committee, as Senator MIKULSKI and I have been for so many years, that is not in question. This is a dangerous time.

No. 1, the question is, Are we going to have both security and liberty? In my view, that is where the amendment from the senior Senator from Arizona comes up short.

No. 2, the Senator from Arizona has said the problem he seeks to correct was just a typo, kind of a clerical error—not even close.

The debate back in 1993—we have the record, the House, the Senate, the FBI. It was very carefully crafted in a way to ensure that there would not be abuse in the digital area. When you look at that specifically, that is very clear. This was not a typo. This was carefully crafted—House, Senate, FBI—in 1993.

When my friend from Arizona says it was a typo—not even close. I hope colleagues will avail themselves of our offer to look at the record.

Right now, nobody from the government, the FBI, has said, if it had the power the Senator from Arizona seeks to give the government—nobody in the intelligence field or in the government said it would have prevented Orlando.

The fact is, the government has the authority, the emergency authority, and it was something I pushed very hard for. It was right at the core of my belief that we ought to be pushing for both security and liberty at a dangerous time and that the two are not mutually exclusive. So we added to the USA FREEDOM Act that emergency authority for the government.

It is also true, the administration of George W. Bush specifically rejected the idea the Senator from Arizona is calling for. They specifically said this has created problems. There have been four separate inspector general analyses that support that.

As we continue this discussion, I hope colleagues will see that we ought to keep the focus on both security and liberty. That is why the emergency authorities we got in the USA FREEDOM Act are so important. They are intact. They can be used for any situation—Orlando, San Bernardino, any other—that the government, the FBI, feels the security and safety of the American people are at stake.

With respect to the lone-wolf provision, which I heard my colleague mention, we reauthorized that for 4 years in the USA FREEDOM Act. I supported that as well.

I just hope colleagues will think through the implications of the amendment from the Senator from Arizona because under what he is talking about, a national security letter, what is called an NSL, can be issued by any FBI field office to demand records from a company without going to a judge. To support this, in effect, you basically are saying you don't support oversight, you don't support court oversight, because we have given the court and the government the ability to move quickly.

I hope tomorrow we don't conclude that the FBI ought to be able to demand email records, text message logs, Web-browsing history, and certain types of information without court oversight.

The Senator from Arizona said: Well, you are not going to get all the content of those emails.

That is true, but the fact is, in a lot of instances, when you know who emailed whom, you know a whole lot about that person. If somebody emailed the psychiatrist four times in 48 hours, you know a whole lot about the person. You don't have to see all of the content of the emails.

Colleagues, we will discuss this some more, but I hope Senators will see this is about ensuring there is both security and liberty. The government has not said or intimated that if they had the power the Senator from Arizona seeks to put back—that the Bush administration rejected—the government has not said or intimated this would have prevented the horrific tragedy in Orlando.

I hope my colleagues will oppose the McCain amendment tomorrow.

I yield the floor.

The PRESIDING OFFICER. The Senator from Maryland.

Ms. MIKULSKI. Mr. President, we have heard a spirited debate between two distinguished Senators, two distinguished Americans, who are very passionate about defending America, and I know there will be more debate on this.

The Senator from Arizona and those who cosponsor his amendment want to add more authority to the FBI.

I rise to say that in the next day, when there is an opportunity to offer another amendment, I will be offering another amendment to give the FBI more money to do the job with the authority it does have. Working on a bipartisan basis, the distinguished Senator from Alabama and I tried to produce a very good bill to fund the Justice Department, one of which is the FBI.

We did do a good job, there is no doubt about it, but we operated within the budget caps. Within that, we did the best we could, but there is no doubt that the FBI could use more resources to be able to enhance its counterterrorism efforts and also increase its surveillance by tracking the terrorist threats.

So when the opportunity arises, I will be offering an amendment that gives more money to the FBI, that also gives more money—working with the Senator from Wisconsin, Ms. BALDWIN—to deal with hate crimes, one of the other significant issues here. Also, while we are talking about, again, the more authority issue, this amendment would include a section by Senator LEAHY, the vice chair of the Judiciary Committee, that would have tough penalties for those who knowingly transfer or receive a firearm or know or have reasonable cause to believe it will be used to commit a crime of terrorism, violence, or drug trafficking. It will reduce the threat.

We can debate all we want about more authority for the FBI. I think it is a good debate, the tension between security and civil liberties. The distinguished Presiding Officer is also a member—an active, diligent member—of the Intelligence Committee.

These are not easy issues, but my amendment should be an easy issue. My amendment would add $175 million dedicated to the FBI's counterterrorism efforts that would raise funding for the FBI above what the House suggested. It would strengthen the FBI's counterterrorism workforce. The FBI would be able to restore—remember, not add—restore more than 350 positions, including 225 special agents for critical FBI investigations related to counterterrorism and counterintelligence. It would also give the FBI new tools to be able to go where these bad guys have access to new technology and new ways of avoiding detection.

The number of terrorism threats disrupted by the FBI grew from 214 in fiscal year 2014 to 440 in fiscal year 2015. In one fiscal year, it actually doubled. As the threat goes, the FBI needs increased resources to hire and sustain the agents and intelligence analysts who interrupt these plots.

Again, while we are talking more authority—and that debate will go on—I am saying, if you are going to give them more authority, and whether you are giving them more authority, the FBI is stretched thin.

We did the best we could under the budget caps, but my amendment would be emergency funding. We don't look for offsets in order to take from one important Department of Justice function to give to the FBI or take from other Federal law enforcement to give to the FBI, or take from local law enforcement to give to the FBI. And it would be a tremendous boost.

It would also boost the FBI's surveillance capabilities and add critical personnel, including special agents. Additional funds would be provided for 36 new positions, 18 fully dedicated to tracking terrorist threats, and it would certainly help to gather evidence on high, high priority targets.

Again, while we are working at more authority, please, regardless of where you are on the lone-wolf debate, the Mikulski amendment offers the opportunity to add more funding.

Mr. WYDEN. Will my colleague yield for a question?

Ms. MIKULSKI. Certainly, to the Senator from Oregon.

Mr. WYDEN. I appreciate my colleague yielding, and I am a very, very strong supporter of her amendment because I think the idea of adding more resources is absolutely essential.

As I look at these cases—and she and I have talked about this on the Select Committee on Intelligence—we know that the workforce is aging in the intelligence community. We are going to need more dollars for the personnel we are going to need and certainly a lot of resources in a variety of areas. Is that my colleague's intention, to make sure we get the resources to, in effect, get out in front of these upcoming threats?

Ms. MIKULSKI. The Senator has identified my rationale and its actual underpinnings in a most accurate and precise way.

You see, I am from the school of thought—along with, I know, the ranking member of the Committee on Armed Services, also a member of the Committee on Appropriations—that the defense of the Nation and the protection of its people doesn't rely only on the Department of Defense. There are also other muscular ways of protecting it, some of which are, first of all, response and surveillance and so on in existing, constitutionally allowed authorities and giving more money to the FBI to operate under the law as we have currently defined it.

But you know what, we need to do prevention. Prevention really comes from the kind of intervention that would occur with the State Department—again, a tool of diplomacy. And what they have is a whole effort underway to deal with the recruitment and radicalization of Islamic jihadist terrorists on the Internet. Well, we have to support that. When they were going for more money for defense, we made that argument. But I am not going to relitigate old arguments.

We have before us Orlando. We have before us those who want to curtail the terrorist threat. I want to curtail that terrorist threat. And some of the ways I want to do it are, No. 1, add more money for the FBI; No. 2, join with our colleague from Wisconsin, Senator TAMMY BALDWIN, in adding more money to deal with hate crimes—hate crimes—because often those are the aegis and the incubator and so on of future violence; and the other is to close the loophole to keep guns out of the hands of terrorists, violent criminals, and traffickers that our distinguished ranking member of the Judiciary Committee mentioned.

Mr. WYDEN. If my colleague will continue to yield, just briefly, what my colleague has stated—and I strongly agree with—is that she is trying to assure that the resources are there for the future.

I am not going to drag my colleague into the earlier discussion, but what I am concerned about, and have been, is that the Senator from Arizona is relitigating the past. In effect, when the Bush administration took away the power because it was too intrusive, he wanted to go back to it.

But apropos of my colleague, isn't that the heart of her case—that she is looking to the future—FBI resources, resources to deal with hate crimes, resources to deal with prevention? It seems to me she is trying to lay out a plan for the future.

Ms. MIKULSKI. The Senator from Oregon is absolutely correct. This would be funding that would begin October 1. Given no cute tricks around shutdown and slam-down politics as we go into the fall—that we could actually move our appropriations—this would provide money starting October 1 with these additional resources to help the FBI be more effective than what it is, and also to help our Justice Department be even more effective than what it is in fighting hate crimes.

I will be discussing my amendment in even more detail, but I know there are other colleagues on the floor, and I now yield the floor.

The PRESIDING OFFICER. The Senator from New Jersey.

UNANIMOUS CONSENT REQUEST—S. 2328

Mr. MENENDEZ. Mr. President, I have come to the floor once again, as I have time and again, with a simple message. For Puerto Rico, time is of the essence. For the 3½ million United States citizens who live there, time is of the essence, but getting it right is also of the essence.

There are only 8 business days left until Puerto Rico defaults on approximately $2 billion in debt. Congress needs to act immediately to prevent this fiscal crisis from becoming a full-blown humanitarian catastrophe. And while the House has attempted to address this issue by passing a legislative proposal called PROMESA—''promesa'' in Spanish means ''promise''—it lacks the promise that really would help 3½ million U.S. citizens in Puerto Rico.

There are Members on both sides of the aisle who believe the bill is fundamentally flawed. So instead of simply rubberstamping an inferior solution, the Senate needs to follow the Founding Fathers' intent and thoroughly debate this critical issue, which will have such a profound impact on so many Americans. I would note that calls for a thorough debate on the Senate floor are bipartisan in nature, and I thank my colleague Senator WICKER for joining me in a letter to the leadership asking for a full and open process to consider this bill.

I would remind my colleagues that each one of us was elected to this very

Chamber to debate and enact legislation to improve the lives of Americans. But I fear that, instead of a robust debate and thoughtful consideration of amendments to improve this bill, those who wish to see the House bill signed into law as drafted are going to delay and delay and delay until the last possible minute. Just as they did today, they are going to prevent us from debating this until next week, and then they will tell us it is too late to make any improvements to this bill. As a matter of fact, every article I have read suggests that is exactly the tactic which is being pursued.

I come to the floor because it is not a new or novel tactic to quell dissent with the threat of a deadline, but just because it has been done before doesn't make it right. How can we as Senators shirk our responsibility when the people of Puerto Rico are at the edge of an abyss? They need our help, and they need it today. The bill will affect a generation of Puerto Ricans, and we owe it to them and their brothers and sisters who live in our States—half a million in my State of New Jersey, 5 million throughout the country—to get this right.

Let me once again remind every one of my colleagues how deeply flawed this legislation is. First, the fate of 3½ million American citizens will be determined by 7 unelected, unaccountable members of a so-called oversight board that will act as a virtual oligarchy and impose their unchecked will on the 3½ million U.S. citizens on the island of Puerto Rico.

As the nonpartisan Congressional Budget Office states:

The board would have broad sovereign powers—

Sovereign words have meaning—

to effectively overrule decisions by Puerto Rico's legislature, governor and other public authorities. . . . [It] can effectively nullify any new laws or policies—

Any new law or policy—

adopted by Puerto Rico that did not conform to requirements specified in this bill.

So the elected representatives of the 3½ million U.S. citizens on the island of Puerto Rico just don't get listened to. They can have their decisions overruled by a nonelected board, for which there is no guarantee there will be any representation by those who are elected to recommend to this board anyone to be placed on it.

Even the bill's own author noted in the Interior Committee's report:

The Oversight Board may impose mandatory cuts on Puerto Rico's government and instrumentalities—

Mandatory cuts—

a power far beyond that exercised by the Control Board established for the District of Columbia.

If the board, in its sole discretion—and those words have enormous meaning. If my colleagues take the time to read the bill, as I have twice, fully, from the beginning to the end, 29 times the bill says that the board, in its sole discretion—not the Congress's discretion, not the bankruptcy court, not the Legislature of Puerto Rico, not the Governor of Puerto Rico—no, the board, in its own sole discretion—29 times. If the board uses the superpower this bill allows it to have to close more schools, shutter more hospitals, cut senior citizens' pensions to the bone; if it decides to hold a fire sale and put Puerto Rico's natural wonders on the auction block to the highest bidder; if it puts balanced budgets ahead of the health, safety, and well-being of children and families—similar to how the control board travesty unfolded in Flint, MI—without their voices represented on the control board, there is nothing—nothing—the people of Puerto Rico will be able to do.

Think about this. How many in this legislative body would allow such a board to take control over their State, no matter what their economic woes? The people on the island deserve a transparent oversight board where their voices and concerns are heard, not muted, and where the deals made with creditors are in the best interests of the people, not just hedge funds. The fact that the Puerto Rican people will have absolutely no say over who is appointed or what action they decide to take is blatant—blatant—neocolonialism.

Second, I have said this before and I will say it again: Any solution needs a clear path to restructuring. That is the only reason to do this legislation anyhow—to give Puerto Rico a clear path to restructuring in the bankruptcy court under the edicts of the bankruptcy law. The unelected control board created in this bill will have the authority to decide whether Puerto Rico's debts are worthy of restructuring.

Let's not fool ourselves into believing it is a sure thing that this bill guarantees the island the ability to restructure its debts in the first place. Instead, it would take a supermajority of this 7-member board—a 5-to-2 vote—in order for any of the island's debts to be restructured. What does that mean? It means that three people—a minority of the board—could derail the island's attempts to achieve sustainable debt payments. Without any authority to restructure its debt, all this legislation will do is take away the democratic rights of 3½ million Americans and leave the future to wishful thinking and a prayer the crisis will somehow be resolved.

I am afraid we are opening the floodgates for Puerto Rico to become a laboratory for rightwing economic policies. Puerto Rico deserves much more than to be the unwilling host of untested experiments in austerity.

I am not advocating to completely remove all oversight power. To the contrary, I support helping Puerto Rico make informed, prudent decisions and put it on the path to economic growth and solvency. But despite its name, the oversight Board envisioned by this bill doesn't simply oversee. It directs, and it commands. It doesn't assist; it controls. The Senate has an opportunity to change that situation. We have a chance to improve this bill and strike the right balance.

Now, I would like to have the opportunity—and I welcome others as well—to offer a number of targeted, commonsense amendments to restore a proper balance and ensure the people of Puerto Rico have a say in their future. By the way, since they are going to have to live with the tough consequences that are coming, no matter what, it is always better when stakeholders are engaged in the process and have a say about their future. This tempers the powers of the control board and gives the people of Puerto Rico more of a say in who is on the board. I encourage my colleagues to do the same—to offer amendments they feel will improve the bill. I know, as all of us know, that success is never guaranteed, but at the very least, the people of Puerto Rico deserve a thorough and thoughtful debate on the Senate floor.

I do not take lightly, nor should my colleagues, a decision to infringe upon the democratic rights of the people of Puerto Rico. The 3.5 million American citizens living in Puerto Rico, and 5 million family members living in our States and in our districts—in New Jersey, New York, Florida, Pennsylvania, Ohio, and Connecticut, just to name a few—deserve more than the Senate's holding its nose to approve an inferior solution.

So I hope the majority leader stands true to his word when he said we ''need to open up the legislative process in a way that allows more amendments from both sides''—well, both sides are calling for amendments to this bill—and allows us to call this bill up for debate so we can do what we were elected to do—fix problems and make the lives of the American people better—and do what the Senate, as an institution, should do, particularly as viewed by the Founding Fathers; that is, to take the passions of the moment, to think about it, morally and logically, and at the end of the day hopefully to refine and make proposals much better.

There is no reason that this has to wait until next week, on the verge of the Fourth of July recess. But I will say this. I want to give my colleagues notice now that I am not ready to rush to celebrate independence and create a situation of colonialism for 3.5 million of my fellow citizens. I hope we will get an early opportunity to debate this bill, offer amendments, and we will see how it falls then.

Mr. President, in view of that desire, I ask unanimous consent to lay before the Senate the House message on S. 2328; that the motion to concur with an amendment be considered made and agreed to with no intervening action or debate.

The PRESIDING OFFICER. Is there objection?

The majority whip.

Mr. CORNYN. Mr. President, reserving the right to object, I would say to our friend from New Jersey that it is the plan, publicly announced by the majority leader, to bring this legislation that was passed by the House to the floor of the Senate next week. Obviously, we are working on the CJS appropriations bill, and our deliberation on that has been delayed by a number of the other amendments and other matters that have been voted on this week. But it has always been the intention of the majority leader to allow Senators to offer amendments, unlike, frankly, when Democrats controlled this Chamber. But I do think it is going to require some cooperation and maybe even some consent agreements to agree to amendments that can be resolved in time to meet the July 1 deadline. To me, one of the best arguments in favor of this legislation is that we want to avoid a taxpayer bailout. We want to avoid a taxpayer bailout. This legislation from the House does that. I understand the Senator may have some objections to it and some better ideas in his mind, but we are going to have that opportunity next week.

If we want to see what the effect of leftwing fiscal policy is, what we see is the bankruptcy occurring in Puerto Rico now. I think they need to try something else, some fiscal responsibility and restraint. Frankly, I worry for the rest of the country that if we don't do something to get our own fiscal house in order here in the United States Senate, the rest of the country is going to find itself in dire straits at some point in the not too distant future.

So I would say that we are going to have a chance to have that debate and those votes next week. This is not the time to do it because we have other important work that is pending before the Senate. Nor are the rest of us 99 Senators going to agree to a unanimous consent request to legislation we haven't even read or had time to consider.

So under those circumstances, I would be compelled to object.

The PRESIDING OFFICER. Objection is heard.

The Senator from New Jersey.

Mr. MENENDEZ. Mr. President, I am disappointed but not surprised. I do hope that the remarks of the Senator from Texas that there will be time and opportunity for amendments are real, because every published report I have seen suggests this will be brought up next Thursday on the verge of everybody trying to go on recess. My advocacy or my unanimous consent request wasn't to bring a bill to the floor that isn't already known. That bill has been out there for some time. It is to create the process to debate and begin to amend the bill—the bill passed by the House of Representatives that has been out there for some time now. So I wasn't offering a bill of my own vision. It was to create the process.

Of course, I respect the importance of the present appropriations bill that we are discussing, but the urgency of the time limit as it relates to the default that can take place in July is not as pressing on that appropriations bill as it is for the people of Puerto Rico. So I think there can be a reasonable opportunity to move to PROMESA—a false promise, from my view—and a real opportunity to have a debate on it, and more than debate, amendments—amendments to make it better.

So I hope that is going to happen. But I want to signal now that if we are jammed on Thursday and it is an up-or-down vote—take it or leave it—that I have every intention of doing whatever I can procedurally to make sure we have amendments on this.

As it relates to the question of bankruptcy and bailout, we are not bailing anybody out here. That is why we want Puerto Rico to have access to restructuring. Restructuring is a provision under the bankruptcy code that you take your debts—whether you are an individual, a company, or, in this case, a government—and you go before the bankruptcy court and you say: Here are all of our debts, and here is our income. We want to be able to restructure this in such a way that we can be solvent and at the same time be responsible to those debtors. And they will live with the dictates of the bankruptcy court. But this bill doesn't even guarantee that the bailout my colleague is concerned about doesn't happen, because it guarantees no absolute road to restructuring.

As it relates to leftwing policies, I would just note—as someone who has been an advocate and a voice for the people of Puerto Rico for the 24 years I have been in the Congress, since they have no elected representatives here who have a vote, at the end of the day—that there have been leaders of that government in Puerto Rico, many who have been Republican in nature and others who have been Democrat in nature. The policies that have taken place and that have accrued to this moment are a combination of some bad fiscal policies by leaders on both sides of the aisle but also by policies that treat the 3.5 million U.S. citizens in Puerto Rico inferior to any one of them if they took a flight to any State in the Nation, for which they would have full rights, obligations, and benefits.

So we have been part of creating the process here, and we have been part when we took away section 936, which was an inducement to the private sector to help build jobs and economic opportunities. We just took it away. They had provisions to elements of the bankruptcy code. Somehow, in the middle of the night, that was taken away from them. So we have treated them like a colony, and now we are worried.

As it relates to leftwing policies, let me just say that, if raising incomes of people, if saying to people there should be a minimum wage that can sustain your family and help you realize your hopes and dreams and aspirations, if you are working overtime and you ultimately should have some protections that you should be paid overtime—if those are leftwing fiscal policies, then I think most Americans believe that they should get a living minimum wage to be able to sustain their families, help their children be educated, take care of their health care, and think about their retirement.

So I don't think this is about that at all. If we are going to lose a fight for the people of Puerto Rico, it is going to be because we are going to have a fight at least to have amendments and to consider what that future should be. But we are not going to take it that it is an up-or-down vote on a House-passed bill that has no voice of the Senate, no imprint of the Senate. That is not what I got elected to the Senate for.

With that, I yield the floor.

The PRESIDING OFFICER. The majority whip.

AMENDMENT NO. 4787

Mr. CORNYN. Mr. President, tomorrow we will have a chance to begin to talk about the real cause of what happened that horrible night in Orlando at the Pulse nightclub—that is a homegrown terrorist attack inspired by the poisonous ideology of ISIS, the Islamic State. We will have a chance to revisit the total lack of any coherent plan coming out of the White House to deal with the threat of the Islamic State over in the Middle East and the consequences of failing to deal with that here at home.

The poisonous fruit of that failure and previous ones is already self-evident: the massacre of American soldiers at Fort Hood, TX, in 2009 that took the lives of 13 people and an unborn child; a deadly attack on 2 military facilities in Chattanooga, TN, in 2015 that took the lives of 5 U.S. servicemembers; an attempted attack in Garland, TX, about a year ago that—but for a vigilant police officer was thwarted—could have been disastrous; and then, of course, the shooting in San Bernardino where 14 people were killed. Add to that poisonous fruit of the failure to have a coherent policy to deal with the Islamic State and its poison, the 2013 Boston Marathon bombing, where 3 persons were killed and many more wounded—not by a gun but by pressure cooker bombs made by the terrorists. Most recently, the worst terrorist attack in our country since 9/11 was in Orlando, where a jihadist pledged his allegiance to ISIS and then viciously gunned down 49 people in that Orlando nightclub.

It is telling that the Attorney General sought to withhold from the American people the 911 calls of the Orlando shooter to excise out—to rewrite history—and to diminish the terrorist influences that motivated him in the first place. It is further evidence that the Obama administration fails to see what is plainly right in front of its face when it comes to the threat, and it continues to refuse to deal with it in a

way that would crush ISIS and discourage people from becoming radicalized because they feel like ISIS is winning. If ISIS were crushed and destroyed, which should be our goal, I don't believe we would have radicalized Americans here pledging allegiance to the leader of a crushed or destroyed Islamic State.

So jihadi terrorism on American soil is not just some one-off, freak occurrence. It is now an undeniable pattern. How many ISIS-inspired attacks do we need in this country before we start talking about and taking the threat seriously and begin targeting the evil ideology ISIS is selling?

Typically, in an investigation, law enforcement has to work hours on end to answer the question of who did it. But that is not the case with these examples of Islamic extremism. We know who the enemy is. But the Obama administration has failed to call it for what it is, and the President has failed to offer any strategy to root out and exterminate it. Promises to ''defeat and degrade'' appear just about as hollow as the President's threat of retaliatory action if redlines were crossed with the use of chemical weapons in Syria. When that happened, there were no consequences.

So the result is that ISIS isn't contained, and it is surely not retreating. Don't take my word for it. The Director of the Central Intelligence Agency just last week suggested that ISIS would continue to ''intensify its global terror campaign.'' They are not giving up, and they are not going away. They are doubling down. Like the terrorist in Orlando, ISIS is actively using every tool at its disposal to recruit, train, and radicalize individuals here in America and in other parts of the world.

This terrorist army figured out a long time ago that it could accomplish its objectives of inflicting death and destruction on innocent Americans without even having to send its operatives from the Middle East into the United States. All it had to do was to export, not its soldiers, but its ideology and poisonous ideas to the United States via the Internet with the propaganda that it uses to, again, poison susceptible minds, those who are sympathetic to the cause and willing to swear allegiance to it and carry out the horrific acts like we saw in Orlando.

Over the weekend, the House Homeland Security Committee chairman noted that ISIS and its supporters are posting an estimated 200,000 tweets a day—200,000 separate messages a day on Twitter. How long will it take before the administration recognizes that this propaganda poses a growing national security problem? Once they acknowledge it, how much longer will it take them before they do something about it?

In fact, we heard from FBI Director Comey that there are open investigations on individuals suspected of being radicalized in all 50 States. I don't see the administration doing anything at all to effectively counter this terrorist propaganda popping up all over the Internet, turning some susceptible Americans into cold-blooded jihadist killers. We can fight back by equipping our law enforcement personnel with the tools they need to keep us safe. The fact is, you can't connect the dots unless you can collect the dots, and that means robust intelligence consistent with our Constitution, including the Fourth Amendment.

Too often law enforcement officials have to operate with one hand over their eye or one hand behind their back, however you want to characterize it, because they can't access key information in a timely manner, and because of that they are not able to discern the pendency of an attack or the motivations of somebody who is planning an attack. If they could collect the information, maybe—just maybe—they could then go to the FISA Court and get a search warrant. Maybe—just maybe—they could get a wiretap upon the showing of probable cause in court. Those, of course, are consistent with the Fourth Amendment protections against unreasonable searches and seizures, and the burden should be on law enforcement to produce probable cause evidence in order to justify collection of the content of those communications.

We saw the consequences of our flying blind in Garland, TX, just last year. On the morning of the attempted terrorist attack, the two men who came from Phoenix dressed in body armor with semiautomatic weapons sent more than 100 messages overseas to suspected terrorists, and vice versa, but, unfortunately, FBI Director Comey—at least the last time he testified before the Senate Judiciary Committee—said the FBI still doesn't have access to that information because of encryption. This means our law enforcement authorities could be missing critical information that could uncover future terrorist attacks or identify the network of terrorists here so we can stop them before they kill again.

The Garland case isn't unique. The FBI is regularly slowed down by outdated policies that make their job of protecting the homeland much more difficult—more difficult than it needs to be. We saw that in San Bernardino too. We have to address this gaping hole in our legal authorities and do all we can to give the FBI and our other law enforcement officials the tools they need, and a good place to start would be tomorrow morning by allowing the FBI to use national security letters to obtain key information about what suspected terrorists are doing on the Internet and whom they are communicating with online in counterterrorism investigations. This is not for content, as the Presiding Officer knows. This is information about Internet and email addresses, much as national security letters are currently authorized to collect telephone numbers and financial information. In fact, the FBI Director said the omission of this authority years ago, he believes, was an oversight, but it now provides a gaping vulnerability and has blinded the FBI to information that could well allow them to have detected the intentions earlier of jihadists like the one in Orlando.

I don't know for a fact, but I just wonder if the FBI, back when they were vetting the Orlando shooter on two separate occasions because things he said and did put him on the watch list, if they would have been notified immediately when he purchased his firearms. Well, as we now know, the FBI investigations were inconclusive and he was taken off the watch list. I wonder if the FBI had access to a national security letter that would allow them to gain information about the IP addresses he had been visiting from his Internet service provider, along with email addresses—again, not content because you can't do that without a warrant issued by the FISA Court and a showing of probable cause—and what he might have been viewing, such as YouTube videos of Anwar al-Awlaki, who was responsible for radicalizing MAJ Nidal Hasan at Fort Hood and others, and the information was sufficient enough that the President of the United States authorized the use of a drone in order to kill him on the battlefield so he could not kill other innocent Americans—well, you get my point. We need to make sure the FBI has access to all the information they can legally get their hands on, and a good place to start is voting on the McCain-Burr amendment tomorrow so the FBI can obtain information about what they are doing on the Internet and who they are communicating with, and if it is justified, to be able to then go to court and demonstrate probable cause sufficient to actually then look at content in order to prevent terrorist attacks.

I want to be clear about one thing. The FBI already has the power to review financial records like Western Union transfers and the FBI already has the power to review telephone records. They can access telephone numbers, not the content of the conversation, again, unless there is further authority issued by a court of law, but because of an inadvertent omission in the law, the FBI can't readily access the exact kind of information ISIS is using to recruit and radicalize violent extremists lurking in our midst.

We have seen how difficult it is to identify these people before they kill. Why in the world wouldn't we want to make sure we provide all the information under our constitutional laws that could be available to law enforcement to identify these people before they kill?

I introduced a similar proposal to the McCain-Burr amendment a few weeks ago in the Judiciary Committee that would address this and provide access

to this counterterrorism information. I am glad our colleagues, the senior Senators from Arizona and North Carolina, have now offered this amendment to the underlying legislation.

As the Presiding Officer knows, this provision, or one very similar to it, was contained in the Intelligence reauthorization bill that had the bipartisan support of everybody on the Intelligence Committee, save one.

This is long overdue. It is bipartisan, and I think our failure to act to grant this authority, particularly in the wake of this terrible tragedy in Orlando, would be inexcusable. This is something the FBI Director, appointed by President Obama, has said he needs. He said this is their No. 1 legislative priority. President Obama's administration—beyond just the FBI Director—supports it. What is stopping us from providing this authority?

The truth is, these threats are at our doorstep. ISIS is using every tool it has to spread fear and chaos, and we owe it to those on the frontlines of our counterterrorism efforts to get them what they need in order to more effectively counter these terrorists' efforts. It is our duty to do something about it. Unlike some of the provisions we voted on last night that would do nothing to stop people like the Orlando shooter, this could actually stop them.

I am all ears if there are other ideas when it comes to advancing commonsense proposals to fight terrorism at home and make our communities safer, but this is a good place to start. I hope going forward we can do a better job of providing the FBI and law enforcement officials the resources they need to keep us safe. This is within our grasp, and all we need to do is to take advantage of this opportunity and have a strong bipartisan vote to adopt the McCain-Burr amendment tomorrow morning.

I yield the floor.

Mr. LEAHY. Mr. President, after voting down sensible gun measures earlier this week, Republicans want to change the subject. They want to resort to scare tactics to divert the attention of the American people. Now, they are offering an overbroad proposal that they argue is needed to keep this country safe.

Let's be clear about what we need to stay safe. We need universal background checks for firearms purchases. We need to give the FBI the authority to deny guns to individuals suspected of terrorism. Senate Republicans rejected those sensible measures last night, but we still have the chance to give law enforcement real tools to fight terrorism and violent crime. We should strengthen our laws to make it easier to prosecute firearms traffickers and straw purchasers who put guns in the hands of terrorists and criminals. And we need to fund the FBI and the Justice Department so they have the resources they need to combat acts of terrorism and hate. Those are the elements of the amendment that Senators MIKULSKI, BALDWIN, NELSON, and I have filed—and those are among the actions that Congress could take to protect this country.

Instead Republicans are proposing to reduce independent oversight of FBI surveillance of Americans' Internet activities and make permanent a law that, as of last year, had never been used. And I should note that this is the same law that the Republican leadership in the Senate allowed to expire just last year.

In case there is any confusion, I will state it clearly: The McCain amendment would not have prevented the Orlando attack.

The amendment would eliminate the requirement for a court order when the FBI wants to obtain detailed information about Americans' Internet activities in national security investigations. This could cover Web sites Americans have visited; extensive information on who Americans communicate with through email, chat, and text messages; and where and when Americans log onto the Internet and into social media accounts. Over time, this information would provide highly revealing details about Americans' personal lives. The government should not be able to obtain this information whenever it wants by simply issuing a subpoena.

Senator CORNYN and others have argued forcefully that we cannot prevent people on the terrorist watch list from obtaining firearms without due process and judicial review. They say we need an independent decisionmaker; yet at the same time, they are proposing to remove judicial approval when the FBI wants to find out what Web sites Americans are visiting. The FBI already has authority to obtain this information—if it obtains a court order under section 215 of the USA PATRIOT Act. In an emergency where there is not time to go to court, the USA FREEDOM Act allows the FBI to obtain this information before getting judicial approval, so this amendment is unnecessary.

This amendment is opposed by major technology companies and privacy groups across the political spectrum, from FreedomWorks to Google to the ACLU. I ask unanimous consent that a letter from nearly 40 organizations and companies opposing this proposal be printed in the RECORD at the conclusion of my remarks.

The Judiciary Committee also should study this proposal before it proceeds. The Judiciary Committee has not held a hearing to examine whether this expansion of the NSL statute is necessary or how it would affect Americans' privacy and civil liberties.

Rather than trying to distract us from their opposition to commonsense gun measures, Republicans should support actions that will actually help protect us, like those in the amendment filed by Senator MIKULSKI, Senator BALDWIN, Senator NELSON, and myself. They should support emergency FBI funding. They should support funding for the civil rights division to help protect the LGBT community, the Muslim American community, and the African-American community from hate crimes and discrimination. And they should support my proposal to make it harder for terrorists and criminals to evade background checks by turning to firearms traffickers and straw purchasers. This is a provision that I have developed with Senator COLLINS and that has been strongly supported by law enforcement.

As we saw in San Bernardino, terrorists can acquire assault rifles by simply using a friend to purchase the guns for them; yet prosecuting such individuals for firearms trafficking has proven to be an extremely difficult task. My proposal will fix these laws. It will provide law enforcement the tools it needs to deter and prosecute those who traffic in firearms, and it will help to close another glaring loophole in our gun laws that allows terrorists and criminals to easily acquire powerful firearms.

I urge Senators to oppose the McCain amendment and to support these measures that will actually help keep our country safe.

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

JUNE 6, 2016.

DEAR SENATOR: The undersigned civil society organizations, companies, and trade associations strongly oppose an expansion of the National Security Letter (NSL) statute, such as the one that was reportedly included in the Senate's Intelligence Authorization Act for Fiscal Year 2017 and the one filed by Senator CORNYN as an amendment to the ECPA reform bill. We would oppose any version of these bills that included such a propsal expanding the government's ability to access private data without a court order.

This expansion of the NSL statute has been characterized by some government officials as merely fixing a ''typo'' in the law. In reality, however, it would dramatically expand the ability of the FBI to get sensitive information about users' online activities without court oversight. The provision would expand the categories of records, known as Electronic Communication Transactional Records (ECTRs), that the FBI can obtain using administrative subpoenas called NSLs, which do not require probable cause. Under these proposals, ECTRs would include a host of online information, such as IP addresses, routing and transmission information, session data, and more.

The new categories of information that could be collected using an NSL—and thus without any oversight from a judge—would paint an incredibly intimate picture of an individual's life. For example, ECTRs could include a person's browsing history, email metadata, location information, and the exact date and time a person signs in or out of a particular online account. This information could reveal details about a person's political affiliation, medical conditions, religion, substance abuse history, sexual orientation, and, in spite of the exclusion of cell tower information in the Cornyn amendment, even his or her movements throughout the day.

The civil liberties and human rights concerns associated with such an expansion are compounded by the government's history of

abusing NSL authorities. In the past ten years, the FBI has issued over 300,000 NSLs, a vast majority of which included gag orders that prevented companies from disclosing that they received a request for information. An audit by the Office of the Inspector General (IG) at the Department of Justice in 2007 found that the FBI illegally used NSLs to collect information that was not permitted by the NSL statutes. In addition, the IG found that data collected pursuant to NSLs was stored indefinitely, used to gain access to private information in cases that were not relevant to an FBI investigation, and that NSLs were used to conduct bulk collection of tens of thousands of records at a time.

Given the sensitive nature of the information that could be swept up under the proposed expansion, and the documented past abuses of the underlying NSL statute, we urge the Senate to remove this provision from the Intelligence Authorization bill and oppose efforts to include such language in the ECPA reform bill, which has never included the proposed NSL expansion.

Sincerely,

Access Now, Advocacy for Principled Action in Government, American Association of Law Libraries, American Civil Liberties Union, American Library Association, American-Arab Anti-Discrimination Committee, Amnesty International USA, Association of Research Libraries, Brennan Center for Justice, Center for Democracy & Technology, Center for Financial Privacy and Human Rights, CompTIA, Computer & Communications Industry Association, Constitutional Alliance, Demand Progress, Electronic Frontier Foundation, Engine.

Facebook, Fight for the Future, Foursquare, Free Press Action Fund, FreedomWorks, Google, Government Accountability Project, Human Rights Watch, Institute for Policy Innovation, Internet Infrastructure Coalition/I2Coalition, National Association of Criminal Defense Lawyers, New America's Open Technology Institute, OpenTheGovernment.org, R Street, Reform Government Surveillance, Restore the Fourth, Tech Freedom, The Constitution Project, World Privacy Forum, Yahoo.

The PRESIDING OFFICER. The Senator from Maryland.

MASS SHOOTING IN ORLANDO

Mr. CARDIN. Mr. President, I take this time to continue the discussion as to the tragedy that occurred on June 12 in Orlando, FL. The shooting occurred at a popular LGBT club, Pulse. The club owner, Barbara Poma, lost her brother to the AIDS epidemic. The club was named to remember a pulse that faded from this world far too early. Pulse was not just a place to socialize, it was a refuge and a place of acceptance and solidarity where members of the Orlando LGBT community could be themselves without judgment.

The fact that an attacker would target this venue, especially during Gay Pride Month, is a horrific tragedy and a senseless loss of human life. My deepest sympathies are with those killed and injured in this terrorist attack, along with their families and loved ones. My thanks go out to the first responders who saved lives in the midst of such danger.

This attack, and others like it in recent years, tears at our hearts and leaves us angry, frustrated, and confused. We, as a nation, must resolve to stop those who wish to do harm to Americans from committing and encouraging acts of terror.

The Orlando shooter apparently subscribed to an extreme system of beliefs that led him to carry out this heinous attack. No religion condones or encourages such violence and killing. We must reject any ideology that leaves room for discrimination and dehumanization to a point where someone can commit these types of acts. No one should ever fear for their life simply for being themselves or expressing who they are as an individual. America's values of tolerance, compassion, freedom, and love for thy neighbor must win out over hate, intolerance, homophobia, and xenophobia.

The time for talk is over. We, as a nation, as a community, and as an American family, must take actions to change minds, hearts, and, finally, change policies. The attack in Orlando was a terror attack and a hate crime. We can stop others and save lives by taking immediate action.

I was disappointed we missed opportunities to do that yesterday with sensible gun safety amendments. I cosponsored the Murphy amendment, which would have created a system of universal background checks for individuals trying to buy a gun. The amendment would have ensured that all individuals who should be prohibited from buying a firearm are listed in the National Instant Criminal Background Check System and would require a background check for every firearm sale. We know there are loopholes today. Why do we allow those loopholes to continue? It should not matter whether you buy a gun at a local gun store or at a gun show or on the Internet, you should have to pass a background check so we can make sure guns are kept out of the hands of people who should never have one. This amendment would have helped keep guns out of the hands of convicted felons, domestic abusers, and the seriously mentally ill, who have no business buying a gun.

Studies have shown that nearly half of all current gun sales are made by private sellers who are exempt from conducting background checks.

It makes no sense that felons, fugitives, and others who are legally prohibited from having a gun can easily use a loophole to buy a gun.

Once again, the use of a universal background check will have no impact on the legitimate needs of people who are entitled to have a weapon, but universal background checks could and would help us keep our communities safe by helping us keep weapons out of the hands of criminals and those who have serious mental illness and domestic abusers. We need to stop their ability to easily be able to obtain a weapon.

Universal background checks are strongly supported by the American people. Most background checks can be completed very quickly and do not inconvenience a purchaser at all.

To my colleagues who have reservations about this legislation, let me cite the Heller decision. In June 2008 the Supreme Court decided the case of District of Columbia v. Heller. The Court held that the Second Amendment protects an individual's right to bear arms rather than a collective right to possess a firearm. The Court also held that the Second Amendment right is not unlimited, and it is not a right to keep and carry any weapon whatsoever in any manner and for any purpose.

Justice Scalia wrote for the Court in that case:

> Nothing in our opinion should be taken to cast doubt on the longstanding prohibitions on the possession of firearms by felons and the mentally ill, or laws forbidding the carrying of firearms in sensitive places such as schools and government buildings, or laws imposing conditions and qualifications on the commercial sale of firearms.

That was Justice Scalia for the Court.

Justice Scalia recognized Congress's right to make sure those who are not qualified to own a firearm do not get that firearm. We have an obligation to make sure that background checks are effective so as to keep out of the hands of criminals and those who have serious mental illness the opportunity to easily be able to obtain a firearm.

The legislation pending before us in the Senate is fully consistent with the Heller decision. That amendment would have been fully consistent with the Heller decision and Justice Scalia's opinion.

I know we can protect innocent Americans while still protecting the constitutional rights of legitimate hunters and existing gun owners. We should take that action on behalf of the American people.

There was a second amendment I cosponsored that unfortunately was rejected yesterday—the Feinstein amendment—that would close the terror gap. If you are not safe enough to fly on an airplane, you shouldn't be able to buy a gun. The Feinstein amendment would give the Attorney General the authority to block the sale of guns to known or suspected terrorists if the Attorney General has reason to believe the weapons would be used in connection with terrorism. The amendment would have ensured that anyone who had been subject to a Federal terrorism investigation in the past 5 years would have been automatically flagged with the existing background check system for further review by the Department of Justice.

Note that under this amendment, being included on a terrorist watch list is not by itself a sufficient justification to deny a person the right to buy a firearm. The Attorney General may deny that weapon transfer only if she determines that the purchaser represents a threat to public safety based on a reasonable suspicion that the purchaser is engaged or has engaged in conduct related to terrorism. So there is a standard there.

A recent GAO report concluded that approximately 90 percent of individuals who were known or suspected terrorists were able to pass background gun checks. This amendment would have closed this loophole and would have reduced the risk of a terrorist being able to legally acquire a firearm.

Under current law, individuals who are known or suspected terrorists and do not fall into one of the nine prohibited purchaser categories can legally purchase a weapon. While the FBI is notified when individuals on the terrorist watch list apply for a background check through the National Instant Criminal Background Check System, it does not have the authority to block the sale.

The Feinstein amendment contains remedial procedures so that individuals get the reason for denial, the right to correct the record, and the right to bring action to challenge the denial. In other words, there is due process in the Feinstein amendment.

So I was disappointed that the two amendment chances we had yesterday were not approved by the Senate. I think both would have helped in making our communities safer.

Congress has an obligation to act. As I have indicated before, we need to act. Inaction is not an option. The President of the United States has already acted to the extent he is permitted using his Executive authority. Many of our States have acted as well, including my own State of Maryland, but we need a national law that applies to all 50 States to stop criminals, terrorists, domestic abusers, and others who should not get their hands on a gun from simply driving to a nearby State with less restrictive gun laws and being able to legally acquire a weapon.

I encourage my colleagues to continue to work on compromise legislation on the issue of universal background checks and terror watch lists. Congress should also act to ban assault-type weapons, which have no legitimate civilian use, and we should ban the sale of high-capacity magazines which only increase the level of carnage in a mass shooting.

The time for action is now. We cannot wait.

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

The PRESIDING OFFICER. The Senator from West Virginia.

MINERS PROTECTION ACT

Mrs. CAPITO. Mr. President, I rise today to express the urgent need to take up and pass a piece of legislation which has great meaning for me and my fellow West Virginians and which is important to our Nation's coal-mining community, and that is the Miners Protection Act.

Seventy years ago, in 1946, President Harry Truman secured an agreement committing the Federal Government to protect lifetime health and pension benefits for our Nation's miners. These men and women earned this care through their tireless and often very dangerous work to produce the coal that has powered our Nation and spurred economic growth for years.

Over the course of seven decades, Congress has kept their promise. In 1992, a bipartisan effort in Congress led by my predecessor, Senator Rockefeller, resulted in the passage of the Coal Act to address the health care needs of orphaned coal miners. Those are miners whose companies are no longer in existence.

In 2006, I voted for legislation that built upon the Coal Act and continued the bipartisan congressional tradition, fulfilling our promise to coal miners and their families and retirees and protecting their promised health care benefits.

In 2012, the bankruptcy of Patriot Coal placed the health care of more than 12,000 retirees and dependents at risk. A temporary solution, which has been going on for a couple of years, has preserved health care for these individuals, but that short-term solution is nearing an end.

Additional coal industry bankruptcies—and I feel like we hear about one a week, and they are major—have threatened health care benefits for more families.

If we don't act now, health care for more than 21,000 miners and families will be lost by the end of this year—just 6 months from now.

West Virginians really know what mining has meant to our State and to our Nation, and our miners have depended on these benefits. Every day I am reminded of this.

Char from Bob White, WV—and Bob White is the name of the little town he lives in—recently wrote to me:

> We are desperate. Our benefits are about to lapse unless we get this legislation passed. It cannot be ignored again. Many retired miners cannot afford to pay for their medications if we lose our health care.

Kenneth, who lives in Mullens, WV, said:

> It seems more and more that the attack on coal is no longer an industry attack but one that is personal on individuals.

He went on to ask this question: ''What about folks like me that worked hard their entire life?''

Recognizing the significance of this problem, I joined with Congressman DAVID MCKINLEY to introduce legislation in 2013 that addressed both the retiree health care and the looming insolvency of the mine workers' multiemployer pension bill.

Last year, Senator MANCHIN and I introduced the Miners Protection Act, a very similar bill. This bill demands immediate action. We need to follow through with our commitment to all the hard-working West Virginians and other coal miners across this country. In addition to addressing the health care needs of retirees through the same mechanisms supported by Congress in 1993 and 2006, the Miners Protection Act will ensure the solvency of the multiemployer pension plan that provides benefits to almost 90,000 retirees and surviving spouses. More than 27,000 of those—nearly one-third—live in my home State of West Virginia. The Miners Protection Act uses unobligated funds authorized by the 2006 AML reauthorization bill to support existing mine-working health and pension programs.

Let's be clear. Mining retirees do not receive lavish benefits. The average pension payment is only $560 per month. But these funds are vital to our retirees who live on very small fixed incomes. They are a key part of a local economy in West Virginia and other States where these retirees live.

If we fail to act, the pension plan will become insolvent, imposing projected liabilities of over $4 billion on the PBGC, known as the Pension Benefit Guaranty Corporation. If we pass the Miners Protection Act, the pension plan will remain in good standing, benefiting taxpayers, beneficiaries, and coal communities.

In May, the trustees of the UMWA Health and Retirement Funds announced that contributions to the pension fund have dropped by nearly two-thirds from last year's level. This just shows you how devastated our coal communities are.

The continued regulatory assault on the coal industry has hastened this decline and threatened the retirement security of our miners. In 2001, the EPA finalized the mercury and air toxins rule for coal plants. Since that time, our Nation has lost more than 40,000 coal jobs, and 1,000 of those workers are West Virginians. Our State's unemployment is among the highest in the country for this very reason. The impact of other EPA proposals, like the Clean Power Plan, which has been stayed by the Supreme Court, and the stream protection rule that is currently being finalized, would make the situation even worse in our coal communities.

As I have said many times before, the negative regulatory impact on coal extends far beyond the tens of thousands of families who are most directly affected. A loss of coal severance tax revenue has triggered drastic budget problems for our State, which we just got a 1-year solution for, and a lot of our local governments are having to lay off county workers and school workers and schoolteachers.

The severe impact on the health care pensions of our miners is another consequence of the administration's War on Coal.

Given that Federal policies have played a major role in causing this problem, it is appropriate for the Federal Government to fulfill its commitment to retiring miners who will lose their promised benefits unless we act.

The Miners Protection Act is critically important to so many people in my State and across this country. We need to keep the promise of lifetime health care for those retired coal miners whose companies have gone through bankruptcy, and we need to

make sure our retirees receive the pension benefits they have worked so hard for.

The Miners Protection Act is a truly bipartisan effort. It is supported by Democrats and Republicans and Independents in the Senate. There are 72 cosponsors on the House bill, including 39 Republicans and 33 Democrats.

West Virginians understand that this need not be a political football. As Thomas from Shady Spring, WV, put it, ''This issue is not partisan; this is an easy fix to funding promised pensions.''

It is important this bill be enacted this year before the temporary solution expires and ends the health care benefits for so many retirees and before the continued downturn takes an even greater toll on the pension fund.

I will continue to work with my colleagues in the West Virginia delegation, including Senator MANCHIN, Congressman MCKINLEY, Congressman MOONEY, and Congressman JENKINS, and all of the other cosponsors of this legislation, to see it become law before it is too late.

Thank you, Mr. President.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

Mr. MANCHIN. Mr. President, first of all, I thank my colleague, Senator CAPITO. We come from the same State, and we have known each other for a long time, and we basically represent the same people, who have given so much to this country. I want to thank her. This is truly bipartisan, and that is how it should be in this body. When you have something causing the people in your State and in the country to be hurting, you don't worry about the politics. Democrat or Republican, you reach across the aisle and do the right thing.

I thank her so much. Everything she said is absolutely correct. This thing goes clear back to 1946 under President Harry Truman. At that point in time, John L. Lewis basically was going on strike for the MWA. Every miner back in the 1940s belonged to the United Mine Workers. This Miners Protection Act basically fulfills the promise that a President of the United States made by Executive order. And what we have asked for now is to fix this.

We have a pathway forward. Democrats and Republicans on both sides of the aisle, as Senator CAPITO has said, have stepped forward, and I am so appreciative of that. If we don't do something quickly—by the end of this year—they will lose their health care, and in another year or two they are going to lose their pensions.

We are mostly talking about widows. Most of their husbands have passed away from black lung disease or other causes. These are widows who don't have much to begin with. These are stipends that assist with their medical and health care.

This is something that should have been done a long time ago, but we are taking it right down to the end of the wire. That is what we are concerned about.

We have asked everybody to look at the bill. We have found pay-fors.

Here is a really good pay-for. The 1974 fund was solid until the collapse of 2008. The collapse didn't happen because the MWA did something wrong with the miners' pensions. It happened because of Wall Street. Guess what. We have a $5 billion fine on Goldman Sachs. We said: Let's take $3.5 billion of it. That is what caused the problem; that is a pay-for. We are also using abandoned mine land money excess—not any of the mitigation we are responsible for.

Senator CAPITO has laid this out to the point, and we have worked together. Both of our staffs have worked closely together on this. This is the way things should have been done.

We hope that all of our colleagues on both sides of the aisle will encourage the leadership to take a position on this and put it up for a vote. We think it will pass. We know that it will pass if it gets its day in court. This is the body that will make it happen. I think on the House side they will do the same thing.

With that, I thank Senator CAPITO again for the hard work she has done. It is a pleasure working with her, and we will show that bipartisanship is alive and well in West Virginia and should be alive and well in the United States of America.

I suggest the absence of a quorum.

The PRESIDING OFFICER (Ms. AYOTTE). The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

ENDING U.S. AID FOR PALESTINIAN ACTS OF TERRORISM

Mr. COATS. Madam President, terrorist violence against civilians in Israel has been accelerating in recent years amounting to what is now called the silent intifada, the term meaning ''violent uprising.'' Perhaps it is called silent because we are not paying enough attention to the atrocities that are currently taking place in Israel.

The first intifada lasted from December 1987 to 1993, the second, from 2000 to 2005. This third uprising, the so-called silent intifada, began in Jerusalem in 2014. Last year, the latest intifada was characterized with a new name, ''knife intifada.'' Earlier, we witnessed media accounts of Palestinian terrorists slaughtering Israelis and others, including American citizens, by blowing up restaurants or schoolbuses or using automatic weapons. Breaking news on CNN or FOX, or whatever we were watching, showed us the scenes of body parts, pools of blood in the streets, ambulances, with sirens screaming, rushing to the nearest hospital or aid station with mutilated and badly injured victims of these attacks. Lately, though, the weapons of choice seem to be increasingly the knife. Apparently, in some ways, the Palestinians think the direct face-to-face bloody slaughter of a teenager or a grandmother by a knife-wielding thug makes it even more personal and horrifying. Americans may know, through recent media reports, about this wave of violence injecting new poison into the region, but I think what most don't know is that American taxpayers are supporting this with their tax dollars. Let me repeat that.

While we may be aware of some of what is going on in Israel through this knife intifada, through the continued horrors and the murders that are taking place, what Americans don't seem to know—in fact, what many of us have now learned—is that their tax dollars are supporting this effort. Since 1998, the Palestinian Authority has been encouraging such attacks by honoring and supporting Palestinian terrorists serving criminal sentences in Israeli prisons and rewarding the families of those who were martyred by their own violent acts.

Since then, the system of payments has been formalized and expanded by President Abbas in Presidential directives. Palestinian terrorist prisoners are regarded by the Palestinian Authority as patriotic martyrs, fighters, heroes, and actually as employees of the Government of the Palestinian Authority. While in prison for their crimes, they and their families are paid premium salaries and given extra benefits as rewards for their service—their service being a criminal act, an assault, and even a murder. It is interesting that they use that word. Under release from custody, the terrorists then become civil service employees. Shockingly, monthly salaries for both incarcerated and released prisoners are on a sliding scale, depending on the severity of the crime and the length of the prison sentence. Thus, the more heinous the crime, carrying a longer sentence, enables the criminal or his family to receive a much higher premium salary. For example, a prisoner with a 5-year sentence or his family receives about $500 a month; whereas, a more serious criminal serving a 25-year sentence will receive $2,500 a month—six times the average income of the average Palestinian worker. Where else in the world does a prisoner receive such benefits that actually increase with the severity and violence of the crime?

In May 2014, Palestinian President Mahmoud Abbas issued a Presidential

decree that moved this payment system from the PA, Palestinian Authority, to the PLO, the Palestine Liberation Organization. The openly acknowledged reason for this shift was to sidestep the increasingly critical scrutiny of this payment system by foreign governments—including the United States—which are contributing much of the money that is keeping the Palestinian Authority afloat.

In 2014, I, along with Senators GRAHAM and KIRK, cosponsored an amendment to the fiscal year 2015 appropriations bill providing for the reduction of budgetary support for the PA by an amount the Secretary of State determines is equivalent to the amount expended by the PA as payments for acts of terrorism by individuals who are imprisoned after being fairly tried and convicted for acts of terrorism and by individuals who died committing acts of terrorism during the previous calendar year. That is something Senator KIRK, Senator GRAHAM, and I worked on to try to address this issue. Subsequent annual appropriations legislation continues now to include this provision. Once that prohibition was enacted and became law, PA President Abbas formally ended the program and transferred that support function to the PLO, by transferring to the PLO the exact amount that had been budgeted by the Palestinian Authority accounts for this prisoner support purpose; in other words, nothing but a shell game. Oh, we are getting a lot of criticism about providing support to these so-called martyrs, these criminals who have been convicted in Israeli courts. We are getting criticized for doing that—actually, people are telling us it is an incentive to do this. The sickness of this is that families benefit by having one member of their family actually go out and commit a crime, including a murder, getting sentenced to prison for a number of years, and then the family or the criminal is being rewarded for that very act.

So when criticism came and the language we passed in the Congress which enforced this came, Abbas simply pulled out a shell game and said: I will just shift the money and the authority over here, designating that the cutoff of aid by the United States and other countries now was going to a different authority. Now, the relationship between the two organizations, while complex, is also very intertwined. While the PLO claims it is an independent body, the PA receives its legitimacy and mandate from the PLO in agreements with Israel. In effect, the PA is subordinate to the PLO.

I am speaking on the Senate floor because I have become increasingly concerned that this payment issue is not receiving the public attention and criticism it deserves. People think, well, we have solved the problem through the language which we passed a couple of years ago but are now discovering that a shell game was simply in play and that money is simply fungible and then shifted over to another function under the PA called the PLO that is then now distributing the money to the families.

It appears some pro-Israel organizations may be hesitant to bring more pressure on the financially weak, dependent PA, believing it would deprive Abbas of what little remains of his authority and status as a negotiating partner, thus making a negotiated settlement with Israel less likely. It also appears that some Israeli officials have been reluctant to support the cutoff of aid to the PA, presumably to preserve the PA's stability as a West Bank security provider.

Our administration—the U.S. administration—is similarly not eager to enforce this issue. The Department of State's Bureau of Counterterrorism said in a report last month that this payment system was ''an effort to reintegrate released prisoners into society and prevent recruitment by hostile political factions.'' There is nothing in the PA Presidential directives establishing this system that justifies such an absurdly positive view of its purposes. The U.S. Government should not see this payment program in such a positive light at all, nor does the Palestinian Authority deserve immunity because of its fragility. These payments provide rewards and motivations for brutal terrorists, plain and simple. To provide U.S. taxpayer money to Abbas and his government so they can treat terrorists as heroes or glorious martyrs is morally unacceptable. To tolerate such an outrage because of concern for Abbas's political future or preserving the PA's security role for Israel amounts to self-imposed extortion. If the PA's fragile financial condition requires U.S. assistance, then it is their policy—not ours—that must change.

Let me be more specific as to why we need to take immediate action to stop the use of U.S. taxpayer dollars to reward the PLO for its barbaric acts. Since 2014, there have been at least 45 terrorist attacks in Israel killing 585 people, including Americans. Just this past March, Taylor Force, a U.S. Army veteran of Iraq and Afghanistan, was stabbed to death by a Palestinian terrorist in Jaffa. Taylor was a graduate of the U.S. military academy, and as a former U.S. military officer, he was buried with full honors. His attacker was killed by the Israeli police. This terrorist then received the honors of his own community and a burial ceremony that glorified him as a martyr, the highest religious achievement in Islam. The official Palestinian Authority spokesman said the celebration funeral was ''a national wedding befitting of martyrs''—a reference to the Islamic belief that a martyr marries 72 dark-eyed virgins in paradise.

The family who presumably paid for this celebration received substantial rewards from the Palestinian Government and will now receive a permanent monthly stipend. Some of that money is paid into the U.S. Treasury by American taxpayers and is given as assistance to the Palestinian Authority, which is then shell moved over to the PLO and then provided as a reward for killing an American soldier.

I, for one—and I am sure I am speaking for the American taxpayer—am not interested in paying for a martyr's funeral or his so-called wedding. I am also not interested in paying for what amounts to civil servant salaries for the two terrorists who shot four Israelis to death this past June in Tel Aviv or the two Palestinian boys who attacked customers in a supermarket in February or the 16-year-old terrorist who stabbed an Israeli mother of six to death in her own kitchen last January.

I could go on and on about these atrocities and murders, and to think that American taxpayer dollars are paying the families and criminals of those who committed the crimes, with our tax dollars.

As I said earlier, we need an immediate response to this outrage, and I am ready to lead the effort. First, I intend to work with my colleagues, particularly Senator GRAHAM and Senator KIRK, who are on the relevant committees and had joined me years ago to try to put a stop to this. I want to work with them to end American financial support for incarcerated terrorists or the families of these so-called martyrs who have earned that status by the brutal slaying of Jewish citizens, including some Americans. We will identify the amount of money that flows from the PA to the PLO for this purpose and cut U.S. assistance by at least that amount. If that partial cutoff of U.S. aid is not sufficient to motivate the PA to end this immoral system of payments to terrorists, I propose a complete suspension of any financial assistance to the Palestinian Authority until their policy has changed.

I am aware that suspending assistance to the Palestinians will have other consequences that we and Israel will have to address, but I believe the pressure that we and other like-minded governments could and should apply in this manner will bring President Abbas and other Palestinian officials to their senses. Whether or not this will occur, the moral imperative is clear: Payments that reward and encourage terrorism must stop. We have a moral obligation to do all that we can, as soon as we can, to stop financing the murder of innocent Israelis and Israel's friends and supporters.

With that, I yield the floor.

I suggest the absence of a quorum.

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

The legislative clerk proceeded to call the roll.

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

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

FOR-PROFIT COLLEGES

Mr. DURBIN. Mr. President, I have taken the floor many times to call to

the attention of the Senate abuses by for-profit colleges, an industry that enrolls 10 percent of all college students, receives 20 percent of all Federal aid to education, and accounts for 40 percent of all student loan defaults. That is 10 percent of the students and 40 percent of the student loan defaults. I have spoken about specific companies involved in this industry—for-profit colleges and universities—including Corinthian, the University of Phoenix, DeVry, ITT Tech, Westwood, and Ashford. It is a long list. I have spoken about Congress's responsibility and the responsibility of the Department of Education to reform higher education laws and be aggressive in overseeing these companies. Fortunately, things are starting to change at the Department of Education.

Today, I wish to speak about the accreditors and one in particular—the Accrediting Council for Independent Colleges and Schools, or ACICS.

Accreditors are, according to the Department of Education, responsible for ensuring that education provided by institutions meet acceptable levels of quality. In that role, they are, frankly, the gatekeepers of Federal dollars that flow to these colleges and universities. Without accreditation, the schools can't receive the money through the students for Pell grants and Federal loans. But, by law, the Department of Education decides which accrediting agencies are ''reliable authorities as to the quality of education or training provided by the institutions of higher education and the higher education programs they accredit.''

In order to be a gatekeeper of Federal educational student aid funds like loans and grants, these accrediting agencies must be approved by the Department of Education. The Department performs periodic reviews of federally recognized accrediting agencies to ensure that they are still ''reliable authorities.''

Here is where ACICS comes in. This outfit is currently undergoing one of those regular reviews by the Department and the Department's advisory board. It is a group called NACIQI, the National Advisory Committee on Institutional Quality and Integrity and they will hold a hearing on ACICS this Thursday. Last week, in the first part of this review process, the Department of Education staff made its initial recommendation to NACIQI to revoke the recognition of ACICS, an accrediting agency responsible for about 25 percent of all for-profit colleges and universities.

This is the right decision. I commend the Department. I hope that NACIQI and ultimately the Secretary of Education, Mr. King, will follow the recommendation.

Last week, I joined Senators BLUMENTHAL, MURRAY, BROWN, and WARREN in writing to NACIQI to express support for their recommendation. For too long, this accrediting agency has acted as a rubberstamp for some of the worst for-profit colleges in America. Let's take one example to start with: Corinthian. Some will remember this company. It lied to the Federal Government and to the students who went to school there about its job placement rates. Listen to this. They used a scheme where they paid employers to hire recent graduates of Corinthian in temporary jobs so that Corinthian could report to the Federal Government that their graduates got employment. They were caught. The fraud was systemic at Corinthian and ultimately resulted in its bankruptcy. They were defrauding the government and, even worse, they were defrauding these students and their parents.

I wrote to the Department of Education asking them to look into these allegations of fraud about Corinthian in December of 2013. That same day I wrote to Dr. Albert Gray. He was the CEO of ACICS, which was the agency which accredited Corinthian. That was the agency that said to the Federal Government: This is a real college; you should let Federal funds flow to this college.

So I wrote to Dr. Gray and I said: What are you doing as an accrediting agency to hold Corinthian accountable and to ensure that they do not continue their fraudulent practices?

I received a response from Dr. Gray. His letter said the allegations were ''a source of great concern'' and that the council that he administered would review information submitted by Corinthian and ''make a determination of what actions to take regarding additional inquiries, compliance hearings or more serious sanctions.''

This so-called review of Corinthian by ACICS continued for more than a year, even as States like California, Massachusetts, and Wisconsin and Federal agencies such as the Consumer Financial Protection Bureau filed suit against Corinthian for their corrupt practices. Meanwhile, their accrediting agency was ''really looking into this''—really looking hard.

As the evidence of Corinthian's fraud and abuse mounted, ACICS—this accrediting agency—continued its wishy-washy ''monitoring'' that never led to anything. In fact, up until the date that Corinthian Colleges declared bankruptcy in May of 2015, they were still fully accredited by this ACICS accrediting agency. That is disgraceful.

But it wasn't disgraceful to ACICS. In response to an effort by Senator CHRIS MURPHY of Connecticut in a 2015 Senate HELP Committee hearing to get Dr. Gray to admit that ACICS made a mistake by continuing to accredit Corinthian, Dr. Gray said:

> I will be the first to admit that accreditors like any other organization make mistakes. Corinthian was not one of those mistakes.

Incredible—here is a group that has defrauded students, defrauded the Federal Government, is being sued by at least three States and other Federal agencies, had declared bankruptcy, and the accrediting agency was still standing firmly behind it. Is this an organization that we can truly trust as taxpayers to be a reliable authority as to the quality of education? This is the gatekeeper—this agency, this accrediting agency—the gatekeeper for millions and sometimes billions of dollars to flow out of the Treasury from taxpayers through students and their families to lots of CEOs at for-profit colleges that are doing quite well, thank you. History tells us we can't trust ACICS.

Corinthian isn't the only embarrassment on the ACICS resume. According to the Center for American Progress, more than half of the $5.7 billion in Federal student aid awarded to ACICS-accredited schools in the past 3 years went to institutions facing State and Federal investigations or lawsuits. Twenty percent of the students at these for-profit schools accredited by this discredited agency defaulted on their Federal student loans. Does this sound like an organization that is a reliable authority when it comes to quality education schools provide?

In my home State of Illinois, Attorney General Lisa Madigan, who has been a real leader on this subject, settled a lawsuit last year against the notorious Westwood College. Westwood's practices were not all that different from Corinthian—lying to students about job prospects.

I remember meeting a young girl in Chicago. She had been smitten by all of these criminal investigation shows on television. So she signed up at Westwood, and she signed up to take courses in criminal justice. It took her 5 years to finish, to get her so-called degree from Westwood College in Chicago. Do you know what she found afterwards? Not a single law enforcement agency would even recognize her diploma. She spent 5 years and, even worse, she went deeply in debt—almost $90,000 in debt—for a worthless diploma from Westwood College. She moved back into her parents' home, living in the basement, and her dad came out of retirement to try to earn some money to help pay off the student loans at this worthless Westwood school.

Guess who accredited Westwood College. ACICS, the same agency. In fact, in the course of their investigation, the attorney general's office found that ACICS was not annually verifying even a sample of job placements reported by Westwood and other institutions they accredited.

There are so many other examples of negligence by this accrediting agency. That is why 13 State attorneys general, including Lisa Madigan of Illinois, have written to the Department of Education asking them to revoke ACICS' recognition.

Mr. President, I ask unanimous consent that the letter from the attorneys general be printed in the RECORD.

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

THE COMMONWEALTH OF MASSACHUSETTS, OFFICE OF THE ATTORNEY GENERAL,

April 8, 2016.

Re Opposing the Application for Renewal of Recognition of the Accrediting Council for Independent Colleges and Schools (ACICS).

Hon. JOHN KING,

Department of Education, Washington, DC.

JENNIFER HONG,

Executive Director/Designated Federal Official, National Advisory Committee on Institutional Quality and Integrity, U.S. Department of Education, Washington, DC.

DEAR SECRETARY KING AND MS. HONG: We write in response to the notice of intent to accept written comments on the application for renewal of accrediting agencies, specifically, the Accrediting Council for Independent Colleges and Schools (ACICS), as published in the Federal Register on March 18, 2016. We have carefully reviewed the Criteria for the Recognition of Accrediting Agencies, including §§ 602.16(a)(1)(i), 602.19(a) & (b), and 602.20(a), that are of particular importance to our consumers. We believe that stronger oversight by accrediting agencies is necessary to protect vulnerable students from predatory schools, ensure accountability to taxpayers, and level the playing field for career schools that are delivering quality, affordable programs. Given ACICS' failure to ensure program quality at the institutions it accredits, we oppose renewal of recognition and urge the Department to revoke its status as a recognized accreditor.

Because the Department of Education does not directly assess the quality of institutions of higher education, students depend on accreditors to ensure that schools provide an education that fleets at least minimum standards of quality. Accreditors, more than any other party charged with .he supervision of higher education, are responsible for protecting students from profit-seeking institutions offering training of no educational value. Today, when millions of students are defaulting on the student loans they incurred to attend subpar for-profit schools, it is clear that certain accreditors are failing to do the job.

Even in the crowded field of accrediting failures, ACICS deserves special opprobrium. According to a recent analysis by ProPublica, only 35% of students enrolled at ACICS accredited schools graduate from their programs, ''the lowest rate for any accreditor.'' Of students who actually did graduate, more than one in five defaulted on their student loans within the first three years after graduation. A full 60% had not yet paid down a single dollar of the principal balance on their loans.

As consumer advocates in our respective states, our offices have investigated many ACICS accredited schools based on complaints from students, and found a fundamental lack of substantive oversight for student outcomes by the accreditor. Lapses that we have encountered include a failure to take action when improper job placement statistics are reported, inadequate job placement verification processes, and a lack of transparency and cooperation with investigations into student outcomes.

ACICS' most spectacular failure was its decision to extend accreditation to several dozen schools operated by Corinthian Colleges. Corinthian's practice of offering extremely expensive degrees of little value to low-income students has been the target of more than twenty state and federal law enforcement agencies. Yet ACICS continued to provide accreditation to Corinthian's schools until the day Corinthian declared bankruptcy. The U.S. taxpayer provided approximately $3.5 billion to Corinthian, made possible by ACICS's accreditation.

ACICS has failed repeatedly to take action in response to public enforcement actions by state and federal law enforcement. In the Illinois Attorney General's investigation and subsequent litigation with Westwood College, the office found that ACICS was not annually verifying even a sample of job placements reported by the institutions it accredits. When asked by the attorney general's office, ACICS would not commit to formally outline their verification process in an affidavit. This type of obfuscation hinders regulatory cooperation between the ''triad'' that oversees higher education in the United States, the federal government, the states, and accreditors.

There are other examples of ACICS' failure to identify compliance problems and enforce its accreditation standards. In 2015, Education Management Company (EDMC), with campuses accredited by ACICS including The Art Institute and Brown Mackie College, settled with thirty-nine State Attorneys General and agreed to forgive $102.8 million in outstanding loan debt. ITT Tech has been sued by the Consumer Financial Protection Bureau, and Attorneys General of Massachusetts and New Mexico and is under investigation by 19 other states. Daymar College employed dozens of unqualified faculty as determined by the Kentucky Council on Postsecondary Education and the Kentucky Attorney General, yet ACICS took no action to rebuke the school or require remedies for students. Daymar subsequently settled with the Attorney General and agreed to provide $11 million in debt relief and pay $1.2 million in student redress. National College of Kentucky, Inc. was fined $147,000 by a Kentucky Court for failing to fully respond to a subpoena from the Kentucky Attorney General. National College of Kentucky later admitted in litigation with the Kentucky Attorney General that it advertised false job placement rates yet ACICS has taken no action against the school.

Career Education Corporation, whose Sanford Brown schools are ACICS-accredited, settled with the New York Attorney General's Office in 2013 for $10.25 million based on findings that CEC fabricated job placement rates. ACICS failed to identify the placement rate inaccuracies and, when CEC's misconduct came to light, failed to terminate or suspend accreditation to any Sanford Brown Schools. In fact, ACICS did not even request that CEC recalculate inaccurate placement rates for several of the affected cohorts.

It should be noted that ACICS has representatives of these problem schools on its board and committees, raising serious questions about potential conflicts of interests and therefore ACICS's ability to impartially evaluate those and other schools. For example, ITT, Corinthian Colleges, and National College all had representatives on the ACICS Board of Directors/Commissioners during the pendency of these enforcement actions or the events leading thereto.

ACICS's accreditation failures are both systemic and extreme. Its decisions to accredit low-quality for-profit schools have ruined the lives of hundreds of thousands of vulnerable students whom it was charged to protect. It has enabled a great fraud upon our students and taxpayers. ACICS has proven that it is not willing or capable of playing the essential gate-keeping role required of accreditors. It accordingly should no longer be allowed to do so.

The state attorneys general appreciate this opportunity to comment and we urge the Department to exercise its appropriate discretion in refusing to renew recognition.

Sincerely,

Maura Healey, Massachusetts Attorney General; Brian E. Frosh, Maryland Attorney General; Thomas J. Miller, Attorney General of Iowa; Lisa Madigan, Illinois Attorney General; Andy Beshear, Kentucky Attorney General; Karl A. Racine, District of Columbia Attorney General; Janet Mills, Maine Attorney General; Stephen H. Levins, Executive Director, Hawaii Office of Consumer Protection; Lori Swanson, Minnesota Attorney General; Ellen F. Rosenblum, Oregon Attorney General; Eric T. Schneiderman, New York Attorney General; Hector Balderas, New Mexico Attorney General; Bob Ferguson, Washington Attorney General.

Mr. DURBIN. Mr. President, ACICS has shown time and again that it is not a reliable authority when it comes to the quality of an education. It is not a responsible steward of taxpayers' dollars.

Follow the money in this case. Think of schools like Corinthian that took billions of dollars out of the Federal Treasury through loans that are assigned to students and paid into Corinthian so they can maintain their operations and pay handsome salaries to their CEO. Now they go bankrupt, and at that point the students of Corinthian have a choice. They can keep their worthless semester hours from Corinthian and keep their debt or they can walk away from both. Well, many of them choose to walk away. When they walk away, they have wasted years of their lives, but even more important, taxpayers have just taken a beating.

These are corrupt capitalist ventures that rely, for 85 to 95 percent of their revenue, directly on the Federal Government. These are not free market entities. These are not private corporations. It is crony capitalism at its worst.

So, today, I want to commend the Department of Education for making its recommendations to NACIQI to withdraw ACICS' federal approval. I hope this is the beginning of the end for this awful organization that has been complicit in defrauding students and the fleecing of taxpayers by major for-profit education companies for way too long.

I encourage the Department to continue to remain steadfast in its current position and to ensure that the students and institutions that ACICS currently accredits are well informed that this process is under way.

Finally, I will say that ridding our higher education system of ACICS is a good first step, but more needs to be done to reform it. In the coming weeks, I will be introducing an accreditation reform bill with several of my colleagues, and I hope this issue will be front and center during the Senate's consideration of a Higher Education Act reauthorization in the next Congress.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Rhode Island.

CLIMATE CHANGE

Mr. WHITEHOUSE. Mr. President, I am here for the 141st time to urge my colleagues to wake up, in this case more specifically to the political influence, particularly the dark money, that perpetuates the climate blockade in Congress.

In 1831, Alexis de Tocqueville traveled to the United States to write his famous ''Democracy in America.'' De Touqueville described our American style of government as ''quite exceptional.'' He wrote about it with affection and with fascination. He may have been the first American exceptionalist.

As the son and grandson of Foreign Service officers, I can personally attest to the importance of America as a paragon of government across the globe, as an aspirational model of self-governance, and as a country that others count on that comes to help, not to loot or conquer.

The roots of our American exceptionalism are found in the three simple words that introduce our Constitution: ''We the People.'' The notion that the government belongs to the people seems unremarkable now, but in its day, it was literally revolutionary.

Today, this proposition is under threat from few very well-heeled special interests and their shadowy front groups, all powered up by the Supreme Court's disastrous 5-to-4 Citizens United decision. In that decision, the Court's conservative bloc overturned long-standing laws of Congress, rejected the common sense of the American people, and gave wildly outsized influence over our elections to a little stable of Big Money interests, creating what one newspaper in Kentucky has aptly called a ''tsunami of slime.''

The evidence is in. The evidence is found in our elections, where the tsunami of outside cash has wiped out previous campaign spending records and created whole new campaign spending categories that never existed before, like dark money. And the evidence is found in this Chamber, where before Citizens United we had a thriving bipartisan debate on climate change. Now we have exactly the silence the polluters want from the Republican side. It wasn't very long after de Tocqueville published his famous book on American democracy that the physicist John Tyndall wrote about excess heat trapped by the buildup of certain gases in the atmosphere. He wrote:

> [T]o account for different amounts of heat being preserved to the earth at different times, a slight change in [the atmosphere's] variable constituents would suffice for this. Such changes in fact may have produced all the mutations of climate which the researches of geologists reveal.

Those ''variable constituents'' to which Tyndall referred included carbon dioxide, methane, and water vapor; he was writing about what we now call the greenhouse effect. We have understood this greenhouse effect for a century and a half. Abraham Lincoln was President when this was published. It is nothing new or controversial in real science, as I think every single one of our major State universities would attest, and it is starting to have a pretty pronounced effect.

NOAA just reported that the Earth passed what they call ''another unfortunate milestone.'' Carbon dioxide concentrations passed 400 ppm at the South Pole last month. That was a first in 4 million years. NOAA also announced that the globally averaged temperature over land and ocean surfaces for May 2016 was the highest for any May in the NOAA global temperature record. This marks the 13th consecutive such month, breaking its monthly global temperature record—the longest streak in NOAA's 137 years of keeping records.

We understand what is going on. So why is Congress stuck, asleep at the wheel? Why? Because since the Supreme Court's decision in Citizens United, the big fossil fuel polluters and their network of front groups—a well-documented crowd now in academic literature and in journalism—have poured money and threats into our politics. Just one group, the Koch brothers-backed front group Americans for Prosperity, openly proclaimed that if Republicans support a carbon tax or climate regulations, they would ''be at a severe disadvantage in the Republican nomination process.'' It would mean their ''political peril.''

The threat is plain. It is funded by the very deep pockets and the highly motivated schemes of the fossil fuel industry, enabled by Citizens United, and much of it is largely hidden from public disclosure. Candidates get it; it is the public that doesn't see what is going on behind the scenes.

Every election since Citizens United has broken spending records, and this year is on track to do it again. Super PACs, anonymous so-called social welfare 501(c)(4) groups, and other outside groups have so far spent nearly $400 million in this election, and we are still nearly 5 months from election day. Politico has reported that donations to super PACs are expected to exceed $1 billion this election cycle. Gee, for $1 billion, what could they possibly want?

We know where this money will go. It will fund an onslaught of the ugly, noxious, negative campaign ads that Americans hate. They hate the negative messages smearing the ad's targets. But they also hate another message. They hate the message that this smear was paid for by some shadowy group that they know perfectly well has no role in their State or in their life and that they usually have never heard of but has suddenly commandeered their TV screen to deliver the smear attack. That secondary payload, which has delivered negative ad after negative ad, is piling up, and its message to the American viewer is clear: This has gotten weird. This has gotten out of hand, and you don't count.

Not surprisingly, Americans are becoming more and more disillusioned with our politics. According to a Bloomberg poll, 72 percent of Americans report being fed up with politics and politicians, and 59 percent feel the ''political system is broken.'' According to a recent Rasmussen poll, three-quarters of voters believe the wealthiest individuals and companies have too much influence over elections, and 8 in 10 agree that wealthy special interest groups have too much power and influence. They are not wrong. That Citizens United decision has even helped make Americans feel by a ratio of 9 to 1 that an ordinary American will not get a fair shot against a corporation in the U.S. Supreme Court.

It is a dirty circle. The strength of America lies in its people. Stoking distrust and contempt for our political system breeds cynicism, and that cynicism gives special interests more influence in their age-old battle to loot the public. That failure also jeopardizes the exceptionalism that has made America an example for good throughout the world—fat chance that we are an example for good on climate change when the fossil fuel industry has done what it has with its campaign spending.

It is a mess, and to clean it up a group of us have assembled a ''we the people'' suite of legislation. The ''we the people'' legislation is a collection of straightforward reforms designed to loosen the grip of big money on our elections, reduce the influence that wealthy special interests have over our government—often behind the scenes—and return America's democracy to its true owners, the American people.

How do we do this? Well, first, we bring transparency back to our elections with an updated DISCLOSE Act, a bill I have introduced in the last three Congresses. DISCLOSE would require every organization spending money in elections, including super PACs and tax-exempt 501(c)(4) groups, to promptly disclose donors who give $10,000 or more during an election cycle and to get the spending information online within 24 hours. It would prevent super PACs from acting as de facto extensions of a candidate's campaign, and it would reform the Federal Election Commission to break the partisan deadlock that cripples enforcement of existing campaign finance laws.

Second, we undo the Court's dreadful Citizens United decision. Citizens United was wrong in treating corporations as if they were people. It was wrong that corporate money will not corrupt. It was wrong not seeing that whatever special interests are allowed to do politically, they can threaten and promise to do, and those threats and promises are corrupting. Finally, it overlooked that a small class of special interests can actually make a bundle buying influence.

The fossil fuel industry, for instance, even when it spends $750 million in one

election, is still making a bundle protecting the massive subsidies that support fossil fuel in this country. According to the IMF, that number is about $700 billion every year in effective subsidies.

So ''we the people'' includes Senator UDALL's constitutional amendment to give Congress the power to once again pass commonsense measures regulating presently unlimited corporate cash in our elections. Finally, ''we the people'' includes proposals championed by Senators BENNET and BALDWIN to stop the spinning, revolving door that so often makes officials beholden to corporate special interests.

It was not long after Alexis de Tocqueville described our unique American democracy and it was about the same time John Tyndall described the basic science of the greenhouse effect that President Lincoln reminded a war-weary nation of the point of all that bloodshed—that ''government of the people, by the people, and for the people shall not perish from the earth.''

Allowing special interests to secretly buy elections and influence government officials gives away an American patrimony that was dearly bought. Make no mistake, without Citizens United, and without the maligned and dishonorable use of its weaponry by the fossil fuel industry, we would have had by now a bipartisan solution to climate change. A faction on the Court that unleashed that new political weaponry, an industry that took shameful and remorseless advantage of it, and a party that has willingly subordinated itself to that influence to keep the money flowing all share the blame for where we are today.

We need to clean this up. The polluters don't just pollute our planet; they are polluting our very democracy.

I yield the floor.

The PRESIDING OFFICER. The Senator from Alaska.

ECONOMIC GROWTH

Mr. SULLIVAN. Mr. President, for months now I have been coming to the floor to talk about an issue that I know the American people want us to talk about, and that is the economy and the importance of growing our economy. I am highlighting what unfortunately has been a very anemic record of economic growth over the last 10 years, highlighting what is called the gross domestic product for the United States. I have been doing that because certainly the Obama administration doesn't want to do that. When we look at these numbers, we know that these are some of the weakest economic numbers, certainly in the last 7 years—some of the weakest economic numbers in U.S. history. The media doesn't want to talk about it, so I believe it is important that we come and have a debate on the economy because the American people want us to talk about this.

I want to remind my colleagues that the gross domestic product—what we have here on this chart—is really a marker of the health of our economy. It is a marker of progress, a marker of the American dream. Right now we have a sick economy by any measure.

Last quarter the U.S. economy grew at 0.8 percent GDP growth—barely grew.

To put that in perspective, what has made our country great year after year, decade after decade, has been an economic growth rate of about 3.7 percent, almost 4 percent.

If you look at this chart, it has many different administrations. This red line is the 3-percent GDP marker, which is considered OK, not great. Usually, most administrations are above that.

Year after year, decade after decade—Democratic administration, Republican administration—what has made the country great is economic growth. If you look at the Obama years right here, it never even hit 3 percent GDP growth. That is why they don't want to talk about it. When the President does talk about it, he doesn't remind Americans that this is the slowest, weakest recovery in over 70 years, but when he does talk about it, he still points fingers at those who came before him.

After nearly 7½ years, two terms, this economy is his. He owns it, and he should take responsibility for it.

As Michael Boskin, the well-respected Stanford economics professor, put it: ''Mr. Obama will likely go down as having the worst economic-growth record of any president since the trough of the Great Depression in 1933.''

Whether the President owns up to it, there is no doubt—just look at the charts. These are their numbers, by the way. These are the Obama administration numbers. There is no doubt we have experienced a lost decade of growth that is harming not only the economic security of our country and the national security of our country but—most importantly—American families who are experiencing this. The great engine of our economic growth, driven by the American worker, the most productive worker in world history, is now idle because we cannot grow our economy.

We had more evidence of this last month with the abysmal May jobs report. Again, nobody talked about it. The media didn't talk about it. Certainly, the White House didn't talk about it, but we should be talking about it, what happened in May. The report showed, in May, employers throughout the entire United States added 38,000 jobs. That is in an $18 trillion economy that employs 126 million Americans—38,000 jobs is nothing and everybody knows it.

As a matter of fact, today, Fed Chairman Janet Yellen talked about what a dismal report that was in May. In fact, that is the lowest monthly gain since 2010 in terms of jobs, and 2016 has seen the worst employment start since 2009, since the beginning of the Obama administration.

All of this is very bad news for the country, the economy, American families, and American workers. Every economist, including the Fed Chairman today, every pundit, even politicians who understand this issue, know this is a big problem. Yet the President and Members of his administration refuse to level with the American people about what is going on. You didn't hear anyone talking about the jobs report. In fact, right now they are calling our economy the strongest in the world. They are touting the fact that despite this economic jobs report, the unemployment rate actually ticked down. It went down from 5.1 percent to 4.7 percent. They are kind of bragging about that. That is normally good news. The unemployment rate going from 5.1 to 4.7 percent, they are talking that up.

What is going on? What is the real story behind these numbers? Because the people who know these numbers know what is going on. I thought I would try to explain a little bit about why this administration is not leveling with the American people at all. First, having the strongest economy in the world right now is nothing to brag about. The President used to brag about how we were growing more than Europe. That was last quarter. We are not growing more than Europe now. The EU grew at about a 2-percent GDP growth last quarter. As I said, we grew at about 0.8 percent, so even that comparison is not working.

An economist recently stated that bragging about having a strong economy right now globally is ''like having the best-looking horse in the glue factory.'' There is not a lot to brag about there.

Really, the only comparison that matters when the administration tries a spin, ''Hey, we are doing better than Japan or better than Brazil''—the only comparison that matters is this one: How are we doing relative to American history? That is all that really matters, not the spin of how we are doing relative to another country. This is what matters. Again, by any measure, we have been performing very poorly for the last 10 years.

Second, let's unpack the unemployment numbers. The 4.7-percent unemployment rate sounds pretty good, but what the President knows and what his administration knows but will not tell the American people, is that rate from the jobs report last year had numbers behind it that were very worrisome. If we only created 38,000 jobs, then how does the unemployment rate go down from 5.1 percent to 4.7 percent?

This is how. The standard measure of unemployment in this country, the unemployment rate, includes only people who are actively looking for work. That is a term called the labor force participation rate. So if the labor force participation rate goes down, then the unemployment rate will also go down, even if we have a weak economy.

So what happened in May? Why did the unemployment rate tick down to

4.7 percent? That is normally good news. Well, we know it is not because of robust job growth because there were only 38,000 jobs created. Nobody thinks that is robust.

What happened in May—and the White House isn't talking about it—the unemployment rate went down because almost 700,000 American workers quit working, quit looking for a job. Think about that. In 1 month, 664,000 Americans—in 1 month, almost 700,000 Americans who had been looking for work got discouraged. They said there is nothing out there. This economy is so weak so I am quitting even looking for a job. That is why the unemployment rate went down—not a strong economy, not strong growth—discouraged American workers saying: I am done. I am not even going to look anymore. Of course, that is nothing to celebrate, 700,000 Americans completely discouraged who said: I have had enough, I am not even going to try. Think about the families. Think about the workers who made that decision.

Unfortunately, this is one of the dismal, economic legacies of the Obama years. Year after year, as exhibited by this chart, millions of Americans have simply left the workforce. They just quit. This is a chart of the labor force participation rate at the beginning of the Obama administration and now.

Year after year, you can see more Americans say: I have had it. I give up. The economy is too weak. I am quitting, quitting even looking. Again, they are not counted in the unemployment rate.

The labor force participation rate is a rather ungainly term, but what it really measures is the hope of the American worker and his or her family. So we should call it the American worker hope index. Here is the hope index for the American worker.

As you can see by the chart, it has been crashing under this President with his economic policies year after year. Hope has been declining for American workers ever since the President got into office. In fact, it has not been this low since the economic malaise years of President Jimmy Carter.

If you see the right hand here, 62 percent—the Carter malaise years—Reagan, Clinton, Bush, and then the Obama administration years, back almost on par with the Carter years. That is not a strong legacy.

The last time we had an American worker hope index this low was in 1978, the height of the Carter stagflation, when so many Americans were discouraged from even trying to work. That is the legacy we have right now.

The most recent job numbers that came out in May was the day the President gave a speech to a bunch of high school students. To the children, the high school kids, the President painted a rosy picture of the economy. He told them the economy was strong and that he had cut the unemployment rate in half. We know that is not a fully accurate statement. If we had the same labor force participation rate today that we had at the beginning of the Obama administration, our unemployment rate would actually be 9.7 percent, almost unchanged from the beginning of 2009 when it was 10.1 percent.

So the bottom line, the main reason—indeed, almost the sole reason the official unemployment rate has been, ''cut in half,'' as the President said, is because millions and millions of Americans have left the workforce because the hope of the American worker has crashed, and it has now reached the same low levels it did during the Carter years.

The President did also tell these high school students that to create a better, stronger economy, we have to be honest about what our real economic challenges are.

Here, I agree with him. Let's start with an honest assessment made recently by former President Clinton. This is what he said about the Obama economy: ''Millions and millions and millions and millions of people look at the pretty picture of America [Obama] painted and they cannot find themselves in it to save their lives.''

That was former Democratic President Bill Clinton talking about the loss of hope over the last 8 years. President Clinton recently said:

> But the problem is, 80 percent of the American people are still living on what they were living on the day before the [2008 financial] crash. And about half the American people, after you adjust for inflation, are living on what they were living on the last day I—

Meaning President Clinton—

> was president 15 years ago. So that's what's the matter.

That is President Clinton. He is talking honestly about this economy. That is what honesty looks like. Family incomes have declined during the Obama years, wages have been stagnant, and the economic hope of the American worker has crashed to levels not seen since Jimmy Carter.

I close with a few words for the American people as we get to the final months of the Obama administration.

The President is going to make the claim—and some of his supporters and maybe even Secretary Clinton are going to make the claim—that the unemployment rate during the Obama years went from 10.1 percent to 4.7 percent. They are going to talk about this. They are going to make people believe that somehow this is a great accomplishment.

While technically true, what the President is not going to do, what Secretary Clinton is not going to do, is unpack the numbers to actually tell the whole truth because that unemployment rate decline is due primarily to the fact that so many American workers have simply quit looking for work. That is the full truth.

So when you hear this great number—10.1 percent unemployment all the way down to 4.7 percent—the real number is 9.7 percent. The real number is in this index. The real number is that the American workers' hope over the last 8 years has crashed.

So when the President and the White House continue to tell us that everything is fine, that jobs are plentiful, that the unemployment rate has been slashed in half, that our economy is strong relative to other countries, it is very important to look at what they are really saying. We shouldn't believe that. And the vast majority of Americans don't believe it because they are hurting. They are hurting because this economy is hurting. Millions of Americans want to work but can't find a job. Millions of Americans have quit looking for a job. And, as the President says, we need to recognize that fact and to be honest about it. Only then can we do what is one of the most important jobs this Senate can do, which is grow our economy again and create real job opportunities for the millions of American workers who want to work but have been so discouraged they have left the workforce.

Mr. President, I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

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

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

UNANIMOUS CONSENT AGREEMENT—EXECUTIVE CALENDAR

Mr. MCCONNELL. Mr. President, I ask unanimous consent that at a time to be determined by the majority leader, in consultation with the Democratic leader, the Senate proceed to executive session to consider individually either of the following nominations: Calendar Nos. 357 and 358; that there be 30 minutes for debate only on each nomination, equally divided in the usual form; that upon the use or yielding back of time on the respective nominations, the Senate proceed to vote without intervening action or debate on the nomination.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

MORNING BUSINESS

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

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

70TH ANNIVERSARY OF THE FULBRIGHT PROGRAM

Mr. LEAHY. Mr. President, I am pleased to join my friend from Arkansas, Mr. BOOZMAN, in cosponsoring a resolution recognizing the 70th Anniversary of the Fulbright Program on August 1, 2016.

Seventy years ago, Senator William Fulbright established this program for the ''promotion of international goodwill through the exchange of students in the fields of education, culture and science.'' The Fulbright Program receives funding each year with strong bipartisan support from Congress and is also supported by 50 binational commissions worldwide.

Since its establishment, the Fulbright Program has become the United States' flagship educational exchange program. There have been more than 370,000 participants from around the world and all 50 States since the program was established. Fulbright alumni include 33 heads of state, 54 Nobel laureates, and 82 Pulitzer Prize winners.

The Institute for International Education has administered the Fulbright Program since 1946 and has worked closely with the Department of State to ensure that the Fulbright Program is one of the most prestigious and effective international exchange programs in the world.

The Fulbright Program makes a significant contribution to the exchange of ideas, knowledge, and understanding between Americans and people worldwide. It awards 8,000 grants annually, including to 1,600 U.S. students, 4,000 foreign students, 1,200 U.S. scholars, and 900 visiting scholars, in addition to several hundred teachers and professionals.

Increasingly, it seems as if the world is being torn apart by intolerance, hatred, violence, and isolationism. I am convinced that academic and cultural exchange programs, like Fulbright, are more relevant today than ever because they provide a strong antidote to these trends. Exchanges between individuals from around the world who share ideas and work together on issues and problems confronting the world can build relationships that endure for a lifetime.

I congratulate the Fulbright Program, the alumni, and all who have supported the program for 70 years of promoting international goodwill, and I thank Senator BOOZMAN for this resolution.

TRIBUTE TO DR. WILLIAM GLEN HOWLAND

Mr. LEAHY. Mr. President, after 17 years spent protecting Lake Champlain, Dr. William Glen Howland—Bill, to most of us—will retire this month as the director of the Lake Champlain Basin Program. We should all thank him and recognize his contributions to the conservation and restoration of Vermont's jewel, Lake Champlain, credit him for his many contributions to scientific research, and thank him for his commitment to the local community in which he lives and works.

Under Bill's steady and thoughtful guidance, the Lake Champlain Basin Program, LCBP, has flourished in its mission to coordinate and fund work by Vermont, New York, and Quebec to protect Lake Champlain's water quality, fisheries, wetlands, wildlife, recreation, and cultural resources. At the Gordon Center House on Vermont's Grand Isle, Bill has assembled and guided a team of exceptional scientists and dedicated public servants. Bill has led the Lake Champlain Basin Program to become nationally and internationally recognized in the fields of ecosystem monitoring, prevention of the spread of invasive species, water pollution control, cultural heritage resource interpretation and protection, and public education. It is a model to which other watershed and basin programs aspire.

I have often looked to Bill for his expert advice in developing and implementing Federal legislation and programs. Bill worked with me on the Daniel Patrick Moynihan Lake Champlain Basin Program Act of 2002, the Champlain Valley National Heritage Partnership Act adopted in 2006, and the Lake Champlain Ecosystem Restoration Authority, which was adopted as part of the Water Resources Development Act. Bill has testified more than once before Senate committees about the importance of environmental conservation programs and projects in the Lake Champlain and Great Lakes regions.

I have been impressed by Bill's ability to bring all types of partners to the table, including local citizens, recreation organizations, heritage organizations, county planning offices, the Governors of Vermont and New York, Federal agencies, and even the Premier of Quebec. Bill's greatest skill may be diplomacy, considering he has confirmed trilateral Memoranda of Understanding with New York, Vermont, and Quebec in 2000, 2003, and 2010, has helped to guide two International Joint Commission inquiries, and has contributed to international trans-boundary conservation work through LAKENET, UNESCO HELP, and NANBO international lake summits. Remarkably, year after year, he has been able to achieve consensus on the allocation of millions of dollars in Lake Champlain funds among multiple Federal agencies, Vermont, New York, many private organizations, and countless partners on the ground.

Bill's dedication to protecting Lake Champlain and the environment extends well beyond his tenure as director of the LCBP. During his many years as a faculty member and as a member of the research staff at Middlebury College, the University of Vermont, and McGill University, Bill has advanced the field of geography, particularly biophysical remote sensing and terrain modeling of northern ecosystems, which are critical tools as we track global climate change. He has been a role model and adviser to many young scientists, helping to shape their studies and their careers. He also served as the executive director of the Green Mountain Audubon Society for 5 years, before taking the reins at the LCBP.

Like so many great Vermonters, Bill's service to his local and regional community has been remarkable. Many of Bill's neighbors owe their health and well-being to his decades of service as an advanced emergency medical technician on the Richmond and Grand Isle rescue squads. Bill has been an active board member of the Lake Champlain Committee and served on the Burlington Barge Canal Superfund panel, receiving a U.S. EPA Environmental Merit Award in 1997.

Director Howland has my sincere gratitude for his years of dedicated service to his local community, to the Lake Champlain Basin, and all of Vermont, as well as to U.S. national and international conservation efforts and scientific research. I expect and hope that he will stay active on all of these fronts. Bill has much more to contribute. I wish him well in his retirement, and I hope that he and his wife, Betsy, will now get a chance to relax on the shores of Lake Champlain at their home in Isle La Motte.

TRIBUTE TO POLLY NICHOL

Mr. LEAHY. Mr. President, I want to take a moment to recognize the achievements and contributions of a remarkable advocate and a celebrated leader in my home State of Vermont.

Later this month, Polly Nichol will retire from her position as director of housing of the Vermont Housing and Conservation Board. For more than 35 years, Polly's career in affordable housing and community development has stood as the gold standard of excellence to those in her field. Her effective leadership across Vermont has inspired countless new collaborations, new housing opportunities for our most vulnerable, and the preservation of historic structures that make up Vermont's unique character. It is not an exaggeration to say that the quality of life for many in the Green Mountains is greater as a result of Polly Nichol's legacy.

Polly joined the Vermont Housing and Conservation Board in 1988 as its first director of housing. There, she became known for establishing creative partnerships to bring together developers, preservationists, and advocates alike. This work was grounded in her prior experience at the local community action agency, where she led the establishment of two neighborhood reinvestment groups in nearby Barre and Randolph. These groups are now part of NeighborWorks America, a program I have long supported for its investments in rural communities across the country.

Polly's career in advocacy and leadership has been vast and multifaceted. In Vermont, the challenge of securing safe, affordable housing is far too familiar for many. Overcoming this challenge requires a strong network of advocates and experts ready and willing

to collaborate. During her tenure at the Vermont Housing and Conservation Board, Polly has channeled the organization's mission to improve the capacity of surrounding nonprofits dedicated to housing and conservation. Today Vermont's landscape of nonprofit developers and preservationists is uniquely integrated, much thanks to Polly's early efforts to instill value in the belief that building homes includes building community.

Polly's vision has also had a direct impact on thousands of Vermonters in nearly every corner of the state. Her leadership has contributed to the success of the Vermont Housing and Conservation Board as it has invested in and developed more than 12,000 homes and apartments. More than 1,300 homes with much-needed services and supports have also been developed for our most vulnerable friends and neighbors. Throughout, the organization has also enabled more than 1,000 individuals to become homeowners, further enabling them to become integrated within their local communities.

Polly's leadership and advocacy may also be witnessed in the other voluntary roles she has held throughout the last four decades. She is an active member of the city of Montpelier's Housing Task Force, the Vermont Affordable Housing Coalition, and is well known for her role as a founding board member of the Vermont Community Loan Fund. Her reach also extends to other important causes, including a most recent appointment to serve as the vice president of the board of Vermont Works for Women, an organization that supports disadvantaged women and those who pursue nontraditional careers.

We have also been fortunate to have Polly as a delegate to our region and national affordable housing communities, including the New England Housing Network and the Housing Assistance Council. In 1994, Polly received the Skip Jason Community Service Award from the Housing Assistance Council after being nominated by a host of Vermonters. As a leading national advocate for rural housing policy in the country, this award recognizes those whose efforts have improved the housing conditions of the rural poor in their communities and whose work ''in the trenches'' often goes unrecognized in their communities. Since then Polly's leadership, has continued, as she has served as both president and chair of the board of the Housing Assistance Council.

Polly has been well known to friends and colleagues as much for her gentle humor as her uncompromising dedication to preserve the unique beauty and quality of life found at home in Vermont. Her work will leave a lasting impression on those of us who have been fortunate enough to learn from and work alongside her. As she transitions to retirement, I do hope she finds opportunity to revel in her accomplishments both near and far.

HOLY AND GREAT COUNCIL OF THE ORTHODOX CHRISTIAN CHURCHES

Ms. MIKULSKI. Mr. President, today I wish to recognize the historic events taking place in Crete, Greece. Ecumenical Patriarch Bartholomew of Constantinople has called the first Holy and Great Council of the various Christian Orthodox churches around the world since 787 CE.

The Holy and Great Council is the first meeting of its kind in over a millennium. The 14 Orthodox Christian Churches together have over 300 million followers around the world, including over a million Americans. These churches are self-governing but united by common dogma, faith, liturgy, and moral conviction, with the Ecumenical Patriarch serving as the ''first among equals.''

This meeting began on Sunday, June 19 and will continue through June 26. Three hundred and fifty leaders are attending this meeting where they will promote unity among the world's Orthodox believers. They will discuss key issues facing Orthodox Christians, including the church's mission in today's world, the Orthodox diaspora, and the relationship of Christian Orthodoxy with the rest of the Christian world.

The Patriarch has a record of reaching out and working for peace and reconciliation among all faiths and has fostered dialogue among Christians, Jews, and Muslims. His All-Holiness has received awards from the United Nations, the United States, and other nations for providing moral leadership throughout modern history's greatest tests. His efforts to convene this Holy and Great Council is a testament to his continued leadership at a time when it is greatly needed. After the September 11, 2001, attacks, the Patriarch organized a gathering of religious leaders, including Muslim imams, to condemn the attacks as an anti-religious act. He was also the first Ecumenical Patriarch to attend the inauguration of a pope.

With so much suffering taking place around the world, we need people to come together, like they are in this historic meeting, to work together to advance our shared values. I commend and thank Ecumenical Patriarch Bartholomew for convening this Holy and Great Council of the Orthodox Christian Churches in Crete, Greece.

Mr. MENENDEZ. Mr. President, once again, Greece, the home of democracy, the home of the fundamental principle of religious freedom that democracy has come to represent here in America, is making history, this time on the Island of Crete where Ecumenical Patriarch Bartholomew of Constantinople is leading a meeting of Orthodox Christian Churches, the Holy and Great Council, that occurs only once in a millennium. In fact, it has not happened since 787 CE, but it is happening now.

The 3 million Orthodox Christians across America, from all 14 national jurisdictions around the world with the largest number affiliated with the Greek Orthodox Church—the Church of the convener of the Council—Ecumenical Patriarch Bartholomew, are following this historic gathering with great anticipation.

It is the charge of the Holy and Great Council to deal with internal church matters, but Orthodox Christians are also deeply concerned with the opportunity this historic event presents for a wider ranging conversation about not only process within the confines of religion, but the prospects for peace and prosperity it represents for all members of the church and for all people around the world.

Orthodox Christians in America come from all walks of life and represent all opinions and points of view. They include personalities well-known to all of us in this Chamber and beyond: ABC journalist and host of ''Good Morning America,'' George Stephanopoulos; Huffington Post creator Arianna Huffington; and sportscaster Bob Costas. In the political world, they include former Governor of Massachusetts and Democratic nominee for President Mike Dukakis; Hillary Clinton's campaign chairman and former chief of staff to President Bill Clinton, John Podesta; and current Members of Congress—Representative DINA TITUS of Nevada and NIKI TSONGAS of Massachusetts, as well as Congressmen JOHN SARBANES of Maryland and GUS BILIRAKIS of Florida.

These are all respected, talented, accomplished Orthodox Christians whose faith and opinions are represented at the historic convocation of the Holy and Great Council. They are among the more than 1 million Greek Orthodox Americans who are led by their spiritual head, Archbishop Demetrios, who presides over seven metropolitans with regional jurisdictions that serve on the local Holy Synod. The archbishop and his predecessors have played a prominent role in American life, culture, and history that has been part of the fabric of this Nation. We all remember the famous civil rights march in Selma, AL, led by Dr. Martin Luther King, Jr., but we may not remember that at the march was also the late Archbishop Lakovos, marching shoulder-to-shoulder with Dr. King.

Greek Americans, hailing from 500 churches across this Nation, including many in my home State of New Jersey, believe deeply that this Holy and Great Council is a fateful gathering that can have a dramatic impact on their religion and civilization for 1,000 more years, that the council's deliberations will hold great meaning and great promise for a better life for all of us, for peace on this planet, and for the greater good of generations to come. They know and we in this Chamber know that the importance of Orthodox Christians will be measured not by the history made in Crete at this meeting, but the history Orthodox Christians around the world have already made.

I join all of my colleagues in hoping for a successful and productive once in

a millennium session of the Holy and Great Council. I join with all of my Orthodox Christian friends in New Jersey and around the world in celebrating this historic meeting.

TRIBUTE TO DR. BEVERLY ''JO'' HARRIS

Mrs. CAPITO. Mr. President, today I wish to recognize and commend the outstanding career of Dr. Beverly ''Jo'' Harris, one of the State of West Virginia's most respected educators, on the occasion of her retirement. During her tenure as the first president of BridgeValley Community and Technical College, Dr. Harris has shown tremendous passion and dedication to her students, colleagues, and her community. Her commitment to education has been an inspiration to many citizens of our State.

Dr. Harris obtained her undergraduate degree from Concord College and a master's degree from Marshall University. She then received a doctoral degree in educational administration from West Virginia University. Dr. Harris began her career in education at a proprietary school in Morgantown before being hired by West Virginia Institute of Technology in 1975 as an instructor in the school's newly created associate degree business program. She has continued to work in the same building in Montgomery throughout many changes to both the school and her role.

Under Dr. Harris's leadership, the school, formerly known as Bridgemont Community and Technical College, was nationally recognized as the fourth fastest growing small public 2-year college of 2010, was a finalist for the 2011 Aspen Prize for Community College Excellence, and selected as one of 2013's Top 50 Community Colleges in America according to ''Washington Monthly.'' Her efforts were later recognized when she received the WVCCA Leadership Award, the WVBEA Business Teacher of the Year award, and she was jointly named Upper Kanawha Valley Citizen of the Year, along with her husband, Carl.

In addition to her official role as president, Dr. Harris has also served on the boards of the SMART 529 College Savings Program, WV Workforce Development Council, New River Gorge Regional Development Authority, the Upper Kanawha Valley Economic Development Corporation, Region 4 Planning and Development Council, South Charleston Rotary, and the Fayette County and South Charleston chambers of commerce.

I have had the pleasure of working with Jo throughout my time representing the state of West Virginia in Congress. I am proud to call her my friend and trusted colleague whose counsel will be missed. I am thankful for Dr. Harris's dedication to West Virginia's higher education system and the many students she taught and mentored. Today, I ask my colleagues to join me in honoring Dr. Beverly ''Jo'' Harris for her service.

ADDITIONAL STATEMENTS

75TH ANNIVERSARY OF MOUNTAIN VIEW ELECTRIC ASSOCIATION

● Mr. GARDNER. Mr. President, today I wish to honor Mountain View Electric Association's 75th anniversary. On December 6, 1940, Mountain View Electric's 249 original members filed for incorporation of the cooperative. Since then, the company has provided power to Arapahoe, Crowley, Douglas, Elbert, El Paso, Lincoln, Pueblo, and Washington counties in Colorado. Its territory covers 5,000 square miles, powering homes, schools, churches, small businesses, and hospitals.

For more than seven decades, Mountain View Electric has been an important source of electricity for many of Colorado's rural counties. In particular, the company has worked diligently to help the residents who lost their homes in the Black Forest Fire in 2013. In the wake of this devastation, Mountain View Electric worked to quickly restore service to the area, at no additional cost to the property owners.

Rural electric cooperatives play an important role in communities around the United States, serving an estimated 42 million Americans. This business structure connects consumers directly to the operations of the company, keeping electricity prices affordable. Electric cooperatives also contribute to development and growth across the country's rural areas.

I commend Mountain View Electric for its decades of service to rural Colorado. Congratulations again on this significant anniversary.●

TRICENTENNIAL OF GEORGETOWN, MAINE

● Mr. KING. Mr. President, today I wish to recognize the town of Georgetown, ME, which is celebrating its 300th anniversary this month. This small, coastal town, with just over 1,000 inhabitants, has a long and proud history dating back to the 18th century, and I am pleased to join them in celebrating their tricentennial and honoring the town's cherished place in the State of Maine.

Nestled among one of the many inlets of Maine's rugged coastline near the mouth of the Kennebec River, Georgetown has a long and storied past dating back to the end of the 17th century. During the King Philip's and King William's wars in the late 1600s, the Kennebec River Valley was a wartorn and volatile area, but a small settlement emerged after the conflicts. In 1716, the town of Georgetown-on-Arrowsic was incorporated and has remained an iconic landmark on the Maine coast ever since.

Today Georgetown is known for its picturesque landscape and quaint, smalltown feel. It is home to boat builders, fishermen, retirees, summer residents, and artists alike. Summer visitors can enjoy the town's famous Reid State Park, historic lighthouses, and the many land preserves protected through the community's dedication to preservation and environmental sustainability. Even when the winter comes and the summer residents leave, a cohesive and engaged year-round population remains. The town and its citizens represent the best of Maine's historic coastal villages: a close-knit and hard-working community surrounded by striking natural beauty.

Led by its dedicated tricentennial committee, Georgetown will commemorate its 300th anniversary with an all-day celebration on June 23. Scheduled events include the burying of a time capsule, a town parade, and presentation of special tricentennial products from local businesses and organizations. These events mark the culmination of over a year of collaboration between local government, nonprofits, and local businesses who have worked together to create a truly amazing celebration fitting of this tremendous milestone.

I commend all that the people of Georgetown have done to make their town such a special place to live and visit. Their shared love for their hometown and commitment to its success has made Georgetown one of Maine's greatest communities. I am proud to recognize this historic milestone and wish the town many more years of success.●

TRIBUTE TO CHARLES L. RICE

● Ms. MIKULSKI. Mr. President, I wish to recognize a great American who has honorably served our country as president of the Uniformed Services University of the Health Sciences, USU, in Bethesda, MD, on the campus of the Walter Reed National Military Medical Center.

Dr. Rice began his service at USU in 2005. During the past 11 years as president of the University, he also served for 6 months as Acting Assistant Secretary of Defense for Health Affairs, March to August 2010.

During his tenure, Dr. Rice has worked to improve the USU's curriculum, research portfolio, external relationships, board, and physical plant. The results of these efforts are exhibited by the recent full accreditation of the School of Medicine and the Graduate School of Nursing. Dr. Rice recognizes the institution's unique military and public health care missions and has worked to ensure that lessons learned in a decade of conflict were incorporated into the curriculum and the fabric of the institution, along with the Department's fundamental humanitarian mission. These important lessons include advances in trauma care, developing strong leadership skills among Military Health System officers, and increasing diversity in the

medical corps of the three military services.

Dr. Rice has collaborated closely with the leadership of the Walter Reed National Military Medical Center and the leadership throughout the Military Health System. He has reached out to provide more support to the national network of Military Treatment Facilities to forge a ''unity of effort.'' Dr. Rice has also worked with the National Institutes of Health and other Federal agencies to advance education, research, and health care for our Nation's military beneficiaries and civilian communities.

As president, Dr. Rice founded the Post Graduate Dental College and created several new graduate degree programs, including public health educational activities. Through these efforts, Dr. Rice has helped USU to become a multidimensional health sciences university dedicated to advancing the mission of the Military Health System.

Prior to USU, Dr. Rice had a distinguished career in academic medicine and public service. He served as vice chancellor for Health Affairs and vice dean of the College of Medicine, University of Illinois at Chicago. Previously, he was professor and chairman of surgery at University of Texas Southwestern. Dr. Rice also was a Robert Woods Johnson Fellow for former majority leader Senator Tom Daschle from 1991 to 1992.

Dr. Rice was professor and vice chairman, University of Washington Department of Surgery. Before that, he was director of the intensive care unit at Michael Reese Hospital and Medical Center in Chicago. Prior to Michael Reese Hospital, Dr. Rice was assistant professor of surgery at the Pritzker School of Medicine, University of Chicago. Dr. Rice has had extensive training with the U.S. Navy Medical Corps in Bethesda and in San Diego.

Dr. Rice has deep experience with the Nation's civilian academic health community and the Military Health System. He has brought this knowledge to benefit the USU, and he leaves it a better place. I wish to commend Dr. Rice for his service to the Uniformed Services University and to the Nation.●

TRIBUTE TO RYAN DONNELLY

● Mr. THUNE. Mr. President, today I recognize Ryan Donnelly, an intern in my Washington, DC, office for all of the hard work he has done for me, my staff, and the State of South Dakota.

Ryan is a graduate of South Dakota State University in Brookings, SD, having earned a degree in agricultural business. This fall, Ryan will attend the University of South Dakota to pursue a master's degree in business administration. Ryan is a dedicated worker who has been committed to getting the most out of his experience.

I extend my sincere thanks and appreciation to Ryan Donnelly for all of the fine work he has done and wish him continued success in the years to come.●

TRIBUTE TO LANE HASKELL

● Mr. THUNE. Mr. President, today I recognize Lane Haskell, an intern in my Rapid City, SD, office for all of the hard work he has done for me, my staff, and the State of South Dakota.

Lane is a graduate of St. Thomas More High School in Rapid City, SD. Currently, Lane is attending the University of Notre Dame where he is majoring in Spanish and political science. Lane is a dedicated worker who has been committed to getting the most out of his experience.

I extend my sincere thanks and appreciation to Lane Haskell for all of the fine work he has done and wish him continued success in the years to come.●

TRIBUTE TO GRAYSON KIELHOLD

● Mr. THUNE. Mr. President, today I recognize Grayson Kielhold, an intern in my Washington, DC, office for all of the hard work he has done for me, my staff, and the State of South Dakota.

Grayson is a graduate of O'Gorman High School in Sioux Falls, SD. Currently, Grayson is attending the University of Nebraska-Lincoln where he is majoring in marketing. Grayson is a dedicated worker who has been committed to getting the most out of his experience.

I extend my sincere thanks and appreciation to Grayson Kielhold for all of the fine work he has done and wish him continued success in the years to come.●

TRIBUTE TO STERLING NIELSEN

● Mr. THUNE. Mr. President, today I recognize Sterling Nielsen, an intern in my Washington, DC, office for all of the hard work he has done for me, my staff, and the State of South Dakota.

Sterling is a graduate of St. Olaf College in Northfield, MN, having earned a degree in economics. Currently, Sterling is attending the University of South Dakota School of Law. Sterling is a dedicated worker who has been committed to getting the most out of his experience.

I extend my sincere thanks and appreciation to Sterling Nielsen for all of the fine work he has done and wish him continued success in the years to come.●

TRIBUTE TO BEN ROGERS

● Mr. THUNE. Mr. President, today I recognize Ben Rogers, an intern in my Washington, DC, office for all of the hard work he has done for me, my staff, and the State of South Dakota.

Ben is a graduate of O'Gorman High School in Sioux Falls, SD. Currently, Ben is attending Creighton University where he is majoring in economics and political science. Ben is a dedicated worker who has been committed to getting the most out of his experience.

I extend my sincere thanks and appreciation to Ben Rogers for all of the fine work he has done and wish him continued success in the years to come.●

RECOGNIZING BOBBY JOHNSON EQUIPMENT COMPANY, INC.

● Mr. VITTER. Mr. President, small businesses and entrepreneurs are known for their toughness and can-do attitude, understanding full well the importance of quality equipment and services to get jobs done right the first time. For their commitment to providing north Louisiana and the surrounding Ark-La-Tex region with the heavy machinery to keep the region moving, this week I am glad to announce Bobby Johnson Equipment Company, Inc., of Oil City, LA, as Small Business of the Week.

In 1973, Bobby Johnson opened his namesake equipment company in Oil City, LA, with the goal of serving the tristate Ark-La-Tex region with quality heavy equipment products and services. With a staff boasting over 100 combined years of engine and mechanical experience, Bobby Johnson Equipment quickly grew in sales and customer satisfaction. As a family-owned and operated truck dealer, Mr. Johnson and his employees work directly with Ark-La-Tex companies to provide heavy duty trucks, truck parts, trailers, and equipment.

Today Bobby Johnson Equipment Company has become one of north Louisiana's largest suppliers of new and used parts and services, servicing the transportation, construction, and oil and natural gas industries. Conveniently located in Louisiana's northwest region, Bobby Johnson Equipment Company provides services to folks in and around Little Rock, AR, Tulsa, OK, Jackson, MS, and Dallas, Fort Worth, and Houston, TX, in addition to their far-reaching online sales operation.

Congratulations again to Bobby Johnson Equipment Company, Inc., for being selected as Small Business of the Week, and I look forward to your continued growth and success.●

RECOGNIZING H2O, INC.

● Mr. VITTER. Mr. President, Louisiana is blessed to have an abundance of natural resources, and as a result, many folks work in the energy industry. In terms of creating jobs and supplying oil and gas, offshore drilling in the Gulf of Mexico provides a lot for families and businesses across the State, as well as the Nation. For those working on the offshore rigs, safety is always a priority. As we approach the sixth anniversary of the Deepwater Horizon oil spill that took the lives of 11 men and devastated our coasts, we must absolutely make sure the workers

out there are taken care of. One important aspect is ensuring they have reliable clean drinking water and sewage systems. This week, I would like to recognize H2O, Inc., from Lafayette, LA, as Small Business of the Week, for supporting Louisiana's offshore and marine industries by providing them with crucial water treatment solutions.

One of the key issues facing the crews on offshore oil rigs is access to clean and safe potable water, and in 1980, H2O used their southwest Louisiana ties to provide desalination units to the offshore and gas market. H2O grew considerably when it started producing marine and offshore potable water, sewage, and electrochlorination systems for companies all around the world. With this new range of products, H2O was able to provide more job opportunities and currently has many employees on staff. In 2013, H2O acquired Owens Manufacturing and Specialty Company, which allowed them to venture into the offshore wastewater treatment market. Just last fall, H2O brought in PEPCON systems in order to strengthen their electrochlorination services. Today H2O is known as the region's leading water system equipment provider and even holds patents.

Congratulations again to H2O for being selected as Small Business of the Week, and thank you for your commitment to providing clean water treatment solutions to folks in the Gulf of Mexico and around the world.●

RECOGNIZING JESCO

● Mr. VITTER. Mr. President, it is no secret that, among the many pressing issues facing our Nation, updating our Nation's crumbling infrastructure is one of the most important. Roads and bridges are quite literally the foundation of our daily lives, and those of us in Louisiana certainly recognize the importance of upgrading and maintaining our highways and levees. One small business based out of Jennings, LA, has been working to improve our State's infrastructure, and I would like to recognize JESCO as Small Business of the Week for their important progress supporting some of Louisiana's biggest infrastructure and environmental projects.

In 1994, a group of Louisiana-based professional engineers and scientists established JESCO to provide engineering, construction, disaster preparation and response, and environmental services to local and State governments along the Gulf Coast, as well as Federal agencies. Lead by Ms. Alvinette Teal, an experienced geologist and graduate of Louisiana State University, JESCO is a federally certified, woman-owned small business.

Over the last 22 years, JESCO has worked on some of Louisiana's vitally important water infrastructure projects, including necessary coastal restoration efforts. Louisiana's coastline play an important role in protecting our coastal communities from natural disasters, and coastal restoration is among our State's highest priorities. The engineers and scientists at JESCO have also worked on projects testing the salinity for levee construction materials, which in Louisiana is vital to building levees that will protect families, businesses, and homes during a storm. Additionally, JESCO has been contracted for soil and ground water remediation efforts in Breaux Bridge, LA, and hurricane and disaster management for Hurricane Ike.

Small businesses like JECSO are leading the way to improve our infrastructure and better protect our families, homes, and businesses. Congratulations to JESCO of Jennings, LA, for being selected as this week's Small Business of the Week, and I look forward to your continued growth and success.●

MESSAGES FROM THE PRESIDENT

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

PRESIDENTIAL MESSAGES

REPORT ON THE CONTINUATION OF THE NATIONAL EMERGENCY THAT WAS ORIGINALLY DECLARED IN EXECUTIVE ORDER 13466 OF JUNE 26, 2008, WITH RESPECT TO NORTH KOREA—PM 52

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

To the Congress of the United States:

Section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)) provides for the automatic termination of a national emergency unless, within 90 days prior to the anniversary date of its declaration, the President publishes in the *Federal Register* and transmits to the Congress a notice stating that the emergency is to continue in effect beyond the anniversary date. In accordance with this provision, I have sent to the *Federal Register* for publication the enclosed notice stating that the national emergency with respect to North Korea that was declared in Executive Order 13466 of June 26, 2008, expanded in scope in Executive Order 13551 of August 30, 2010, addressed further in Executive Order 13570 of April 18, 2011, further expanded in scope in Executive Order 13687 of January 2, 2015, and under which additional steps were taken in Executive Order 13722 of March 15, 2016, is to continue in effect beyond June 26, 2016.

The existence and risk of proliferation of weapons-usable fissile material on the Korean Peninsula; the actions and policies of the Government of North Korea that destabilize the Korean Peninsula and imperil U.S. Armed Forces, allies, and trading partners in the region, including its pursuit of nuclear and missile programs; and other provocative, destabilizing, and repressive actions and policies of the Government of North Korea, continue to constitute an unusual and extraordinary threat to the national security, foreign policy, and economy of the United States. For this reason, I have determined that it is necessary to continue the national emergency with respect to North Korea.

BARACK OBAMA.
THE WHITE HOUSE, *June 21, 2016.*

REPORT ON THE CONTINUATION OF THE NATIONAL EMERGENCY THAT WAS ORIGINALLY DECLARED IN EXECUTIVE ORDER 13219 OF JUNE 26, 2001, WITH RESPECT TO THE WESTERN BALKANS—PM 53

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

To the Congress of the United States:

Section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)) provides for the automatic termination of a national emergency unless, within 90 days prior to the anniversary date of its declaration, the President publishes in the *Federal Register* and transmits to the Congress a notice stating that the emergency is to continue in effect beyond the anniversary date. In accordance with this provision, I have sent to the *Federal Register* for publication the enclosed notice stating that the national emergency with respect to the Western Balkans that was declared in Executive Order 13219 of June 26, 2001, is to continue in effect beyond June 26, 2016.

The threat constituted by the actions of persons engaged in, or assisting, sponsoring, or supporting (i) extremist violence in the Republic of Macedonia and elsewhere in the Western Balkans region, or (ii) acts obstructing implementation of the Dayton Accords in Bosnia and Herzegovina or United Nations Security Council Resolution 1244 of June 10, 1999, in Kosovo, has not been resolved. In addition, Executive Order 13219 was amended by Executive Order 13304 of May 28, 2003, to take additional steps with respect to acts obstructing implementation of the Ohrid Framework Agreement of 2001 relating to Macedonia.

Because the acts of extremist violence and obstructionist activity outlined in these Executive Orders are hostile to U.S. interests and continue to pose an unusual and extraordinary threat to the national security and foreign policy of the United States, I have

determined that it is necessary to continue the national emergency declared with respect to the Western Balkans.

BARACK OBAMA.

THE WHITE HOUSE, *June 21, 2016*.

PRIVILEGED NOMINATIONS REFERRED TO COMMITTEE

On request by Senator HATCH, under the authority of S. Res. 116, 112th Congress, the following nominations were referred to the Committee on Finance:

Robert D. Reischauer, of Maryland, to be a Member of the Board of Trustees of the Federal Supplementary Medical Insurance Trust Fund for a term of four years. (Reappointment)

Robert D. Reischauer, of Maryland, to be a Member of the Board of Trustees of the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund for a term of four years. (Reappointment)

Robert D. Reischauer, of Maryland, to be a Member of the Board of Trustees of the Federal Hospital Insurance Trust Fund for a term of four years. (Reappointment)

The following requests for referral were submitted on Monday, June 20, 2016.

On request by Senator SCHUMER, Senator WHITEHOUSE, and Senator WARREN, under the authority of S. Res. 116, 112th Congress, the following nominations were referred to the Committee on Finance:

Charles P. Blahous, III, of Maryland, to be a Member of the Board of Trustees of the Federal Supplementary Medical Insurance Trust Fund for a term of four years. (Reappointment)

Charles P. Blahous, III, of Maryland, to be a Member of the Board of Trustees of the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund for a term of four years. (Reappointment)

Charles P. Blahous, III, of Maryland, to be a Member of the Board of Trustees of the Federal Hospital Insurance Trust Fund for a term of four years. (Reappointment)

REPORTS OF COMMITTEES

The following reports of committees were submitted:

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

S. 2816. A bill to reauthorize the diesel emissions reduction program (Rept. No. 114–284).

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 Ms. WARREN (for herself and Mr. DAINES):

S. 3078. A bill to increase portability of and access to retirement savings, and for other purposes; to the Committee on Finance.

By Mr. TESTER:

S. 3079. A bill to improve the management of the Federal coal leasing program; to the Committee on Energy and Natural Resources.

By Mrs. FEINSTEIN:

S. 3080. A bill to direct the Secretary of the Interior to convey certain public lands in San Bernardino County, California, to the San Bernardino Valley Water Conservation District, and to accept in return certain exchanged non-public lands, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. CASSIDY (for himself, Mr. KIRK, Ms. KLOBUCHAR, and Mr. JOHNSON):

S. 3081. A bill to amend title 38, United States Code, to provide certain employees of members of Congress with access to case-tracking information of the Department of Veterans Affairs; to the Committee on Veterans' Affairs.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

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

By Mr. BOOZMAN (for himself and Mr. LEAHY):

S. Res. 504. A resolution recognizing the 70th anniversary of the Fulbright Program; to the Committee on Foreign Relations.

By Mr. CORKER (for himself, Mr. CARDIN, and Mr. COTTON):

S. Res. 505. A resolution expressing the sense of the Senate regarding compliance enforcement of Russian violations of the Open Skies Treaty; to the Committee on Foreign Relations.

By Mr. CORKER (for himself and Mr. CARDIN):

S. Res. 506. A resolution expressing the sense of the Senate in support of the North Atlantic Treaty Organization and the NATO summit to be held in Warsaw, Poland from July 8–9, 2016, and in support of committing NATO to a security posture capable of deterring threats to the Alliance; to the Committee on Foreign Relations.

By Mr. BURR (for himself and Mr. TESTER):

S. Res. 507. A resolution designating July 8, 2016, as Collector Car Appreciation Day and recognizing that the collection and restoration of historic and classic cars is an important part of preserving the technological achievements and cultural heritage of the United States; considered and agreed to.

ADDITIONAL COSPONSORS

S. 122

At the request of Mr. MCCAIN, the name of the Senator from Oregon (Mr. MERKLEY) was added as a cosponsor of S. 122, a bill to amend the Federal Food, Drug, and Cosmetic Act to allow for the personal importation of safe and affordable drugs from approved pharmacies in Canada.

S. 391

At the request of Mr. PAUL, the name of the Senator from Oklahoma (Mr. LANKFORD) was added as a cosponsor of S. 391, a bill to preserve and protect the free choice of individual employees to form, join, or assist labor organizations, or to refrain from such activities.

S. 488

At the request of Mr. SCHUMER, the name of the Senator from Delaware (Mr. COONS) was added as a cosponsor of S. 488, a bill to amend title XVIII of the Social Security Act to allow physician assistants, nurse practitioners, and clinical nurse specialists to supervise cardiac, intensive cardiac, and pulmonary rehabilitation programs.

S. 590

At the request of Mrs. MCCASKILL, the name of the Senator from Maryland (Ms. MIKULSKI) was added as a cosponsor of S. 590, a bill to amend the Higher Education Act of 1965 and the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act to combat campus sexual violence, and for other purposes.

S. 1555

At the request of Ms. HIRONO, the names of the Senator from West Virginia (Mrs. CAPITO), the Senator from Rhode Island (Mr. REED), the Senator from Montana (Mr. DAINES) and the Senator from Kansas (Mr. MORAN) were added as cosponsors of S. 1555, a bill to award a Congressional Gold Medal, collectively, to the Filipino veterans of World War II, in recognition of the dedicated service of the veterans during World War II.

S. 1735

At the request of Mr. NELSON, the name of the Senator from Rhode Island (Mr. REED) was added as a cosponsor of S. 1735, a bill to modernize the Undetectable Firearms Act of 1988.

S. 1766

At the request of Mr. SCHATZ, the name of the Senator from Pennsylvania (Mr. CASEY) was added as a cosponsor of S. 1766, a bill to direct the Secretary of Defense to review the discharge characterization of former members of the Armed Forces who were discharged by reason of the sexual orientation of the member, and for other purposes.

S. 2067

At the request of Mr. WICKER, the name of the Senator from Missouri (Mr. BLUNT) was added as a cosponsor of S. 2067, a bill to establish EUREKA Prize Competitions to accelerate discovery and development of disease-modifying, preventive, or curative treatments for Alzheimer's disease and related dementia, to encourage efforts to enhance detection and diagnosis of such diseases, or to enhance the quality and efficiency of care of individuals with such diseases.

S. 2230

At the request of Mr. CRUZ, the name of the Senator from Georgia (Mr. PERDUE) was added as a cosponsor of S. 2230, a bill to require the Secretary of State to submit a report to Congress on the designation of the Muslim Brotherhood as a foreign terrorist organization, and for other purposes.

S. 2424

At the request of Mrs. GILLIBRAND, the name of the Senator from Connecticut (Mr. BLUMENTHAL) 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. 2595

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

S. 2622

At the request of Mrs. GILLIBRAND, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 2622, a bill to authorize the Secretary of the Interior to conduct a special resource study of Fort Ontario in the State of New York.

S. 2680

At the request of Mr. ALEXANDER, the names of the Senator from Colorado (Mr. GARDNER) and the Senator from Delaware (Mr. COONS) 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. 2854

At the request of Mr. BURR, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 2854, a bill to reauthorize the Emmett Till Unsolved Civil Rights Crime Act of 2007.

S. 2873

At the request of Mr. HATCH, the name of the Senator from Washington (Ms. CANTWELL) was added as a cosponsor of S. 2873, a bill to require studies and reports examining the use of, and opportunities to use, technology-enabled collaborative learning and capacity building models to improve programs of the Department of Health and Human Services, and for other purposes.

S. 2890

At the request of Ms. AYOTTE, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S. 2890, a bill to require the Secretary of the Treasury to mint coins in recognition of Christa McAuliffe.

S. 2895

At the request of Mr. CORNYN, the name of the Senator from Oklahoma (Mr. INHOFE) was added as a cosponsor of S. 2895, a bill to extend the civil statute of limitations for victims of Federal sex offenses.

S. 2921

At the request of Mr. ISAKSON, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 2921, a bill to amend title 38, United States Code, to improve the accountability of employees of the Department of Veterans Affairs, to improve health care and benefits for veterans, and for other purposes.

S. 3023

At the request of Mrs. MCCASKILL, the name of the Senator from North Carolina (Mr. BURR) was added as a cosponsor of S. 3023, a bill to provide for the reconsideration of claims for disability compensation for veterans who were the subjects of experiments by the Department of Defense during World War II that were conducted to assess the effects of mustard gas or lewisite on people, and for other purposes.

S. 3032

At the request of Mr. ISAKSON, the name of the Senator from New Jersey (Mr. MENENDEZ) was added as a cosponsor of S. 3032, a bill to provide for an increase, effective December 1, 2016, in the rates of compensation for veterans with service-connected disabilities and the rates of dependency and indemnity compensation for the survivors of certain disabled veterans, and for other purposes.

At the request of Mr. MCCAIN, his name was added as a cosponsor of S. 3032, supra.

S. 3056

At the request of Mr. LEAHY, the names of the Senator from Maine (Ms. COLLINS) and the Senator from Missouri (Mrs. MCCASKILL) 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. 3060

At the request of Mr. GRASSLEY, the name of the Senator from Alaska (Ms. MURKOWSKI) was added as a cosponsor of S. 3060, a bill to provide an exception from certain group health plan requirements for qualified small employer health reimbursement arrangements.

S. CON. RES. 35

At the request of Mr. RUBIO, the name of the Senator from Georgia (Mr. PERDUE) was added as a cosponsor of S. Con. Res. 35, a concurrent resolution expressing the sense of Congress that the United States should continue to exercise its veto in the United Nations Security Council on resolutions regarding the Israeli-Palestinian peace process.

S. CON. RES. 38

At the request of Mr. RUBIO, the name of the Senator from Georgia (Mr. PERDUE) was added as a cosponsor of S. Con. Res. 38, a concurrent resolution reaffirming the Taiwan Relations Act and the Six Assurances as cornerstones of United States-Taiwan relations.

S. RES. 432

At the request of Mr. CARDIN, the name of the Senator from Vermont (Mr. SANDERS) was added as a cosponsor of S. Res. 432, a resolution supporting respect for human rights and encouraging inclusive governance in Ethiopia.

S. RES. 482

At the request of Mr. RUBIO, the name of the Senator from Georgia (Mr. PERDUE) was added as a cosponsor of S. Res. 482, a resolution urging the European Union to designate Hizballah in its entirety as a terrorist organization and to increase pressure on the organization and its members to the fullest extent possible.

At the request of Mrs. SHAHEEN, the name of the Senator from Pennsylvania (Mr. CASEY) was added as a cosponsor of S. Res. 482, supra.

S. RES. 503

At the request of Mr. CARDIN, the names of the Senator from Rhode Island (Mr. WHITEHOUSE), the Senator from Delaware (Mr. CARPER), the Senator from Florida (Mr. RUBIO) and the Senator from California (Mrs. BOXER) were added as cosponsors of S. Res. 503, a resolution recognizing June 20, 2016, as ''World Refugee Day'' .

AMENDMENT NO. 4689

At the request of Ms. MIKULSKI, the names of the Senator from Maryland (Mr. CARDIN), the Senator from North Dakota (Ms. HEITKAMP), the Senator from Montana (Mr. TESTER) and the Senator from California (Mrs. FEINSTEIN) were added as cosponsors of amendment No. 4689 intended to be proposed to H.R. 2578, a bill making appropriations for the Departments of Commerce and Justice, Science, and Related Agencies for the fiscal year ending September 30, 2016, and for other purposes.

AMENDMENT NO. 4732

At the request of Mr. INHOFE, the name of the Senator from Alabama (Mr. SESSIONS) was added as a cosponsor of amendment No. 4732 intended to be proposed to H.R. 2578, a bill making appropriations for the Departments of Commerce and Justice, Science, and Related Agencies for the fiscal year ending September 30, 2016, and for other purposes.

AMENDMENT NO. 4762

At the request of Mr. MERKLEY, the names of the Senator from Hawaii (Ms. HIRONO), the Senator from New York (Mrs. GILLIBRAND), the Senator from Washington (Ms. CANTWELL), the Senator from North Dakota (Ms. HEITKAMP), the Senator from Maryland (Mr. CARDIN), the Senator from Massachusetts (Ms. WARREN) and the Senator from California (Mrs. FEINSTEIN) were added as cosponsors of amendment No. 4762 intended to be proposed to H.R. 2578, a bill making appropriations for the Departments of Commerce and Justice, Science, and Related Agencies for the fiscal year ending September 30, 2016, and for other purposes.

AMENDMENT NO. 4783

At the request of Mrs. BOXER, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of amendment No. 4783 intended to be proposed to H.R. 2578, a bill making appropriations for the Departments of Commerce and Justice, Science, and Related Agencies for the fiscal year ending September 30, 2016, and for other purposes.

AMENDMENT NO. 4787

At the request of Mr. MCCAIN, the names of the Senator from South Carolina (Mr. GRAHAM), the Senator from Idaho (Mr. RISCH), the Senator from Iowa (Mrs. ERNST), the Senator from Oklahoma (Mr. INHOFE) and the Senator from South Dakota (Mr. ROUNDS) were added as cosponsors of amendment No. 4787 proposed to H.R. 2578, a bill making appropriations for the Departments of Commerce and Justice,

Science, and Related Agencies for the fiscal year ending September 30, 2016, and for other purposes.

At the request of Mr. CORNYN, the names of the Senator from North Carolina (Mr. TILLIS), the Senator from Louisiana (Mr. VITTER), the Senator from Florida (Mr. RUBIO), the Senator from Kansas (Mr. ROBERTS), the Senator from Illinois (Mr. KIRK) and the Senator from Indiana (Mr. COATS) were added as cosponsors of amendment No. 4787 proposed to H.R. 2578, supra.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Ms. WARREN (for herself and Mr. DAINES):

S. 3078. A bill to increase portability of and access to retirement savings, and for other purposes; to the Committee on Finance.

Mr. DAINES. Mr. President, today Senator WARREN and I have joined together to introduce the Retirement Savings Lost and Found Act. This important piece of legislation is critical to addressing key issues that exist in the regulatory framework for retirement plans.

Montanans are conservative folks who know the value of a hard-earned dollar. With the poor economic recovery and slow wage growth, working Montanans cannot afford to have money withheld from their paychecks and placed into retirement accounts, only to lose track of those accounts or have their retirement plans decline over time due to limitations placed on investment options. Now more than ever, our country needs the best laws to usher everyday Americans into a sound retirement.

Working Americans are losing hard-earned dollars up until the time when they need it most—their retirement. When an employee leaves a job, it is often hard for them to keep track of their retirement accounts during these transitional times. Our bill is a commonsense approach that will empower individuals to take control of their retirement futures. The Retirement Savings Lost and Found Act will allow Montanans to be that much more prepared to spend their golden years well with friends and family by providing a means to locate lost retirement accounts and allow better investment options to ensure those investments grow rather than erode over time.

I appreciate the work of Senator WARREN on completion of this important bill. Together, we can help individuals make the most of their retirement options by providing sound policy that has the potential to save billions over the years for those among us who need it most.

By Mrs. FEINSTEIN:

S. 3080. A bill to direct the Secretary of the Interior to convey certain public lands in San Bernardino County, California, to the San Bernardino Valley Water Conservation District, and to accept in return certain exchanged nonpublic lands, and for other purposes; to the Committee on Energy and Natural Resources.

Mrs. FEINSTEIN. Mr. President, I am pleased to introduce the Santa Ana River Wash Plan Land Exchange Act. This legislation directs the transfer of land between the San Bernardino Valley Water Conservation District, the District, and the Bureau of Land Management in San Bernardino, California, BLM.

The bill is the culmination of years of collaboration between numerous federal and state agencies, private industry and municipalities representing mining, flood control, water supply and wildlife conservation, among other interests.

Included among the supporters of this land exchange are: County of San Bernardino; City of Redlands; City of Highland; San Bernardino Water Conservation District; San Bernardino Valley Municipal Water District; East Valley Water District; Endangered Habitats League; CEMEX Construction Materials Pacific; Robertson's Ready Mix; and Inland Action.

In 1993, representatives from this diverse group formed the ''Wash Committee'' to address mining issues in the upper Santa Ana River wash area.

The role of the Committee subsequently expanded in 1997 to consider the broad range of land uses in the area, including natural resource conservation.

The Wash Committee developed a strategy that focused on ''best uses'' for more comprehensive planning and not focusing on private property boundaries that would segment the area. The result is a project expected to produce a Land Management and Habitat Conservation Plan covering 4,500 acres.

The land exchange takes place in a designated region within the Santa Ana Wash, at the junction of the Santa Ana River and Mill Creek.

Currently, land within the Santa Ana Wash is owned by both the District and BLM.

The land parcels owned by the District are currently used for recharging the local groundwater aquifer through the use of more than 77 basins, and also provide rare Riversidian sage scrub habitat for a number of State and federally listed species. In addition, under this plan, new land would be set aside for conservation purposes near land already managed by BLM.

The exchange of land between the District and BLM will connect a current patchwork of separately owned land parcels into a consolidated open space for conservation purposes and will optimize mining efficiency and water conservation efforts.

The land transfer resulting from this legislation will lead to more protection efforts for habitat, improved connectivity in the wildlife corridor, expanded groundwater recharge for water supply, and the future establishment of public access and trails.

Additionally, the legislation will allow the continued use of land and mineral resources while maintaining the biological and hydrological resources of the area in an environmentally sensitive manner.

I want to applaud diverse members of the Wash Committee that worked together, including the Cities of Highland and Redlands, East Valley Water District, the County of San Bernardino, Robertson's Ready Mix, CEMEX, the San Bernardino Valley Municipal Water District, and the San Bernardino Valley Water Conservation District, along with the Federal, State and local stakeholders for their continued work on the Wash Plan.

This group has demonstrated that while it takes significant time, funding and cooperation, it is possible to simultaneously protect the environment and support local jobs, business and community interests.

I would also like to thank my colleagues, Representatives PETE AGUILAR and PAUL COOK, for introducing similar legislation in the House.

I look forward to working with my colleagues to pass the Santa Ana River Wash Plan Land Exchange Act.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 504—RECOGNIZING THE 70TH ANNIVERSARY OF THE FULBRIGHT PROGRAM

Mr. BOOZMAN (for himself and Mr. LEAHY) submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 504

Whereas August 1, 2016, marks the 70th anniversary of President Harry S. Truman signing into law the Act of August 1, 1946 (60 Stat. 754, chapter 723) (commonly known as the ''Fulbright Act of 1946'');

Whereas the Fulbright Program was established by Senator James William Fulbright of Arkansas for the ''promotion of international good will through the exchange of students in the fields of education, culture, and science'';

Whereas the Fulbright Program is sponsored by the Bureau of Educational and Cultural Affairs of the Department of State;

Whereas the Fulbright Program provides approximately 8,000 grants annually and, as of 2016, operates in more than 160 countries, including 50 that have established cost-sharing binational commissions;

Whereas approximately 1,300 institutions of higher education in the United States, both public and private, host students at home and send scholars abroad;

Whereas current Fulbright students and scholars hail from all 50 States and 2 United States territories, and approximately a quarter are from minority or underrepresented populations;

Whereas more than 370,000 individuals from across the globe have benefitted from this unique opportunity;

Whereas alumni of the Fulbright Program include 54 Nobel Prize laureates, 82 recipients of the Pulitzer Prize, 33 heads of state, 16 Presidential Medal of Freedom recipients, 8 members of the United States Congress, and a former Secretary-General of the United Nations;

Whereas, on April 21, 2016, an American Elm was planted on the grounds of the United States Capitol in recognition of the 70th anniversary of the Fulbright Program; and

Whereas the Fulbright Program promotes United States higher education abroad and remains a valuable diplomatic tool: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes the 70th anniversary of the Fulbright Program;

(2) encourages the President and the Secretary of State to work with the Bureau of Educational and Cultural Affairs of the Department of State to support the work of the Fulbright Program;

(3) congratulates all past and present recipients of Fulbright awards; and

(4) calls on students, scholars, and professionals around the world to seek out opportunities to engage with each other and promote international good will.

Mr. BOOZMAN. Mr. President, today, along with Senator LEAHY, I submit a resolution recognizing the 70th Anniversary of the Fulbright Program.

On August 1, 1946, President Harry S. Truman signed into law legislation authored by Senator James William Fulbright of Arkansas, creating a program that used the proceeds from selling surplus war property to fund international exchanges between the United States and other countries. Senator Fulbright's program has gone on to become the largest education exchange program in history, and still works to ''promote peace and mutual understanding'' around the world. Counted among its more than 370,000 alumni are 82 Pulitzer Prize recipients, 54 Nobel Prize laureates, and 33 heads of states.

In the aftermath of World War II, Senator Fulbright understood that individual exchanges and person to person interactions are the best way to build a deep abiding understanding of other cultures and to promote peace. Today, as violence and intolerance grow across the globe, I believe the Fulbright program remains a beacon of hope for a better future. The academic and cultural opportunities provided to participants in the program ensure that ''international good will through the exchange of students in the fields of education, culture, and science'' continues to grow when it is so sorely needed.

I believe that you change the world through personal relationships, and am very proud as an Arkansan and an American of the success of the Fulbright exchange. I would like to thank the Fulbright Program, the staff at the Institute of International Education who administer the program, the Fulbright Association, and the Bureau of Educational and Cultural Affairs at the State Department for their incredible work over the last 70 years.

SENATE RESOLUTION 505—EXPRESSING THE SENSE OF THE SENATE REGARDING COMPLIANCE ENFORCEMENT OF RUSSIAN VIOLATIONS OF THE OPEN SKIES TREATY

Mr. CORKER (for himself, Mr. CARDIN, and Mr. COTTON) submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 505

Whereas the Treaty on Open Skies, done at Helsinki March 24, 1992, and entered into force January 1, 2002 (in this resolution referred to as the ''Open Skies Treaty''), which established a regime for unarmed aerial observation flights over the entire territory of its participants, is one of the most wide-ranging international efforts to date to promote openness and transparency of military forces and activities;

Whereas the United States Government has declared that strengthening and maintaining European security is a top priority for the United States, that the Open Skies Treaty is a key element of the Euro-Atlantic security architecture, and that arms control is a key part of that effort because robust multilateral conventional arms control arrangements contribute to a more stable and secure European continent;

Whereas, according to Secretary of State James Baker, addressing the Open Skies Conference in 1990, the end of the Cold War gave the Open Skies Treaty new importance as a stabilizing factor in East-West relations, openness and transparency in military matters offered ''the most direct path to greater predictability and reduced risk of inadvertent war,'' and Open Skies Treaty was thus ''potentially the most ambitious measure to build confidence ever undertaken'';

Whereas, according to the President's letter of submittal for the Open Skies Treaty provided to Congress by the Secretary of State on August 12, 1992, it is the purpose of the Open Skies Treaty to promote openness and transparency of military forces and activities and to enhance mutual understanding and confidence by giving States Party a direct role in gathering information about military forces and activities of concern to them;

Whereas, according to the Report on Adherence to and Compliance with Arms Control, Nonproliferation, and Disarmament Agreements and Commitments published by the Department of State on April 11, 2016 (in this resolution referred to as the ''2016 Compliance Report''), the Russian Federation ''continues not to meet its obligations [under the Open Skies Treaty] to allow effective observation of its entire territory, raising serious compliance concerns'';

Whereas, according to the 2016 Compliance Report, Russian conduct giving rise to compliance concerns has continued since the Open Skies Treaty entered into force in 2002 and worsened in 2010, 2014, and 2015; and

Whereas, according to the 2016 Compliance Report, ongoing efforts by the United States and other States Party to the Open Skies Treaty to address these concerns through dialogue with the Russian Federation ''have not resolved any of the compliance concerns.'': Now, therefore, be it

Resolved, That it is the sense of the Senate that—

(1) restrictions upon the ability of Open Skies Treaty aircraft to overfly all portions of the territory of a State Party impede openness and transparency of military forces and activities and undermine mutual understanding and confidence, especially when coupled with an ongoing refusal to address compliance concerns raised by other States Party subject to such restrictions;

(2) it is essential to the accomplishment of the purpose of the Open Skies Treaty that Open Skies Treaty aircraft be able to observe the entire territory of a State Party in a timely and reciprocal manner as provided for under the Open Skies Treaty;

(3) the Russian Federation's restrictions upon the ability of Open Skies Treaty aircraft to overfly all portions of the territory of the Russian Federation constitute violations of the Open Skies Treaty; and

(4) for so long as the Russian Federation remains in noncompliance with the Open Skies Treaty, the United States should take such measures as are necessary to bring about the Russian Federation's return to full compliance with its treaty obligations, including, as appropriate, through the imposition of restrictions upon Russian overflights of the United States.

SENATE RESOLUTION 506—EXPRESSING THE SENSE OF THE SENATE IN SUPPORT OF THE NORTH ATLANTIC TREATY ORGANIZATION AND THE NATO SUMMIT TO BE HELD IN WARSAW, POLAND FROM JULY 8–9, 2016, AND IN SUPPORT OF COMMITTING NATO TO A SECURITY POSTURE CAPABLE OF DETERRING THREATS TO THE ALLIANCE

Mr. CORKER (for himself and Mr. CARDIN) submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 506

Whereas the North Atlantic Treaty, signed April 4, 1949, in Washington, District of Columbia, which created the North Atlantic Treaty Organization (''NATO''), proclaims: ''[Members] are determined to safeguard the freedom, common heritage and civilisation of their peoples, founded on the principles of democracy, individual liberty and the rule of law. They seek to promote stability and well-being in the North Atlantic area. They are resolved to unite their efforts for collective defence and for the preservation of peace and security.'';

Whereas NATO has been the backbone of the European security architecture for 67 years, evolving to meet the changing transatlantic geopolitical and security environment;

Whereas NATO continues its mission in Afghanistan following the September 11, 2001, attacks on the United States;

Whereas, at the NATO Wales Summit in September 2014, NATO reaffirmed the Alliance's role in transatlantic security and its ability to respond to emerging security threats and challenges;

Whereas Alliance members at the NATO Wales Summit defined the new security paradigm when they stated, ''Russia's aggressive actions against Ukraine have fundamentally challenged our vision of a Europe whole, free, and at peace. Growing instability in our southern neighborhood, from the Middle East to North Africa, as well as transnational and multi-dimensional threats, are also challenging our security. These can all have long-term consequences for peace and security in the Euro-Atlantic region and stability across the globe.'';

Whereas, at the 2014 NATO Wales Summit, Alliance members addressed this changed security environment by committing to enhancing readiness and collective defense; increasing defense spending and boosting military capabilities; and improving NATO support for partner countries through the Defense Capacity Building Initiative;

Whereas, although Article 14 of the Wales Declaration calls on all members of the alliance to spend a minimum of 2 percent of their Gross Domestic Product (GDP) on defense within a decade, currently only five members are achieving that target;

Whereas, after the 2014 Wales Summit, the Russian military invaded Ukraine, adding Crimea to the list of areas illegally controlled by Moscow, including Georgia's Abkhazia and South Ossetia regions;

Whereas Russian-backed separatists in Eastern Ukraine continue to destabilize the region with support from the Government of the Russian Federation;

Whereas the Government of the Russian Federation continues to undertake provocative, unprofessional, and dangerous actions towards NATO air and naval forces and continues to exercise hybrid warfare capabilities against member and nonmember states along its western borders;

Whereas Poland and the Baltic States of Estonia, Latvia, and Lithuania are on the frontlines of renewed Russian aggression and hybrid warfare, including disinformation campaigns, cyber threats, and snap military exercises along the Alliance's eastern flank;

Whereas President Barack Obama proposed a quadrupling of the European Reassurance Initiative in fiscal year 2017 to $3,400,000,000 in order to enhance the United States commitment to NATO, to support Europe's defense, and to deter further Russian aggression;

Whereas the cornerstone of NATO's collective defense initiative is the Readiness Action Plan, intended to enable a continuous NATO military presence on the Alliance's periphery, especially its easternmost states, which includes enhanced troop rotations, military exercises, and the establishment of a Very High Readiness Task Force;

Whereas, in follow-up to commitments made at the NATO Wales Summit, NATO and the Government of Georgia agreed on a ''Substantial Package'' of cooperation and defense reform initiatives to strengthen Georgia's resilience and self-defense capabilities and develop closer security cooperation and interoperability with NATO members, including through the establishment of the Joint Training and Evaluation Center, which was inaugurated in 2015;

Whereas the threat of transnational terrorism has resulted in attacks in Turkey, France, Belgium, and the United States, and the Islamic State of Iraq and the Levant (ISIL) continues to pose a real and evolving threat to member states, other countries in Europe, and the broader international community;

Whereas the migration crisis from the Syrian civil war, the conflict in Afghanistan, and economic and humanitarian crises in Africa have placed a great strain on member states;

Whereas the NATO summit in Warsaw, Poland, is an opportunity to enhance and more deeply entrench those principles and build on our collective security, which continue to bind the Alliance together and guide our efforts today; and

Whereas, on May 19, 2016, Foreign Ministers of NATO member states signed an Accession Protocol to officially endorse and legally move forward Montenegro's membership in the Alliance, which, consistent with NATO's ''Open Door policy'', would indeed further the principles of the North Atlantic Treaty and contribute to the security of the North Atlantic area: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes the service of the brave men and women who have served to safeguard the freedom and security of the United States and the whole of the transatlantic alliance;

(2) encourages Alliance members at the NATO Warsaw Summit to promote unity and solidarity, and to ensure a robust security posture capable of deterring any potential adversary, in the face of the complex and changing security environment confronting the Alliance on its eastern, northern, and southern fronts;

(3) urges all NATO members to invest at least two percent of GDP in defense spending and carry an equitable burden in supporting the resource requirements and defense capabilities of the Alliance;

(4) reaffirms its commitment to NATO's collective security as guaranteed by Article 5 of the North Atlantic Treaty;

(5) recognizes Georgia's troop contributions to missions abroad, its robust defense spending, and its ongoing efforts to strengthen its democratic and military institutions for NATO accession; and

(6) recognizes the ongoing work of NATO's Resolute Support Mission in Afghanistan, with 12,000 troops advising and assisting Afghanistan's security ministries, and army and police commands across the country.

SENATE RESOLUTION 507—DESIGNATING JULY 8, 2016, AS COLLECTOR CAR APPRECIATION DAY AND RECOGNIZING THAT THE COLLECTION AND RESTORATION OF HISTORIC AND CLASSIC CARS IS AN IMPORTANT PART OF PRESERVING THE TECHNOLOGICAL ACHIEVEMENTS AND CULTURAL HERITAGE OF THE UNITED STATES

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

S. RES. 507

Whereas many people in the United States maintain classic automobiles as a pastime and do so with great passion and as a means of individual expression;

Whereas the Senate recognizes the effect that the more than 100-year history of the automobile has had on the economic progress of the United States and supports wholeheartedly all activities involved in the restoration and exhibition of classic automobiles;

Whereas the collection, restoration, and preservation of automobiles is an activity shared across generations and across all segments of society;

Whereas thousands of local car clubs and related businesses have been instrumental in preserving a historic part of the heritage of the United States by encouraging the restoration and exhibition of such vintage works of art;

Whereas automotive restoration provides well-paying, high-skilled jobs for people in all 50 States; and

Whereas automobiles have provided the inspiration for music, photography, cinema, fashion, and other artistic pursuits that have become part of the popular culture of the United States: Now, therefore, be it

Resolved, That the Senate—

(1) designates July 8, 2016, as ''Collector Car Appreciation Day'';

(2) recognizes that the collection and restoration of historic and classic cars is an important part of preserving the technological achievements and cultural heritage of the United States; and

(3) encourages the people of the United States to engage in events and commemorations of Collector Car Appreciation Day that create opportunities for collector car owners to educate young people about the importance of preserving the cultural heritage of the United States, including through the collection and restoration of collector cars.

AMENDMENTS SUBMITTED AND PROPOSED

SA 4791. Mr. COATS submitted an amendment intended to be proposed to amendment SA 4685 proposed by Mr. SHELBY (for himself and Ms. MIKULSKI) to the bill H.R. 2578, making appropriations for the Departments of Commerce and Justice, Science, and Related Agencies for the fiscal year ending September 30, 2016, and for other purposes; which was ordered to lie on the table.

SA 4792. Mrs. FEINSTEIN submitted an amendment intended to be proposed to amendment SA 4685 proposed by Mr. SHELBY (for himself and Ms. MIKULSKI) to the bill H.R. 2578, supra; which was ordered to lie on the table.

SA 4793. Mr. REED (for himself and Mr. WHITEHOUSE) submitted an amendment intended to be proposed to amendment SA 4685 proposed by Mr. SHELBY (for himself and Ms. MIKULSKI) to the bill H.R. 2578, supra; which was ordered to lie on the table.

SA 4794. Mr. REED (for himself and Mr. WHITEHOUSE) submitted an amendment intended to be proposed to amendment SA 4685 proposed by Mr. SHELBY (for himself and Ms. MIKULSKI) to the bill H.R. 2578, supra; which was ordered to lie on the table.

SA 4795. Ms. HEITKAMP submitted an amendment intended to be proposed to amendment SA 4685 proposed by Mr. SHELBY (for himself and Ms. MIKULSKI) to the bill H.R. 2578, supra; which was ordered to lie on the table.

SA 4796. Mr. PORTMAN (for himself and Mr. BROWN) submitted an amendment intended to be proposed to amendment SA 4685 proposed by Mr. SHELBY (for himself and Ms. MIKULSKI) to the bill H.R. 2578, supra; which was ordered to lie on the table.

SA 4797. Mr. THUNE submitted an amendment intended to be proposed to amendment SA 4685 proposed by Mr. SHELBY (for himself and Ms. MIKULSKI) to the bill H.R. 2578, supra; which was ordered to lie on the table.

SA 4798. Mr. PORTMAN submitted an amendment intended to be proposed to amendment SA 4685 proposed by Mr. SHELBY (for himself and Ms. MIKULSKI) to the bill H.R. 2578, supra; which was ordered to lie on the table.

SA 4799. Mr. BARRASSO submitted an amendment intended to be proposed to amendment SA 4685 proposed by Mr. SHELBY (for himself and Ms. MIKULSKI) to the bill H.R. 2578, supra; which was ordered to lie on the table.

SA 4800. Mr. COTTON submitted an amendment intended to be proposed to amendment SA 4685 proposed by Mr. SHELBY (for himself and Ms. MIKULSKI) to the bill H.R. 2578, supra; which was ordered to lie on the table.

SA 4801. Mr. COTTON submitted an amendment intended to be proposed to amendment SA 4685 proposed by Mr. SHELBY (for himself and Ms. MIKULSKI) to the bill H.R. 2578, supra; which was ordered to lie on the table.

SA 4802. Mr. COTTON submitted an amendment intended to be proposed to amendment SA 4685 proposed by Mr. SHELBY (for himself and Ms. MIKULSKI) to the bill H.R. 2578, supra; which was ordered to lie on the table.

SA 4803. Mr. FLAKE submitted an amendment intended to be proposed to amendment

SA 4685 proposed by Mr. SHELBY (for himself and Ms. MIKULSKI) to the bill H.R. 2578, supra; which was ordered to lie on the table.

SA 4804. Mr. COTTON submitted an amendment intended to be proposed to amendment SA 4685 proposed by Mr. SHELBY (for himself and Ms. MIKULSKI) to the bill H.R. 2578, supra; which was ordered to lie on the table.

SA 4805. Mr. FLAKE submitted an amendment intended to be proposed by him to the bill H.R. 2578, supra; which was ordered to lie on the table.

SA 4806. Mr. FLAKE submitted an amendment intended to be proposed by him to the bill H.R. 2578, supra; which was ordered to lie on the table.

SA 4807. Mr. FLAKE submitted an amendment intended to be proposed by him to the bill H.R. 2578, supra; which was ordered to lie on the table.

SA 4808. Mr. FLAKE submitted an amendment intended to be proposed by him to the bill H.R. 2578, supra; which was ordered to lie on the table.

SA 4809. Mr. FLAKE submitted an amendment intended to be proposed by him to the bill H.R. 2578, supra; which was ordered to lie on the table.

SA 4810. Mr. FLAKE submitted an amendment intended to be proposed by him to the bill H.R. 2578, supra; which was ordered to lie on the table.

SA 4811. Mr. FLAKE submitted an amendment intended to be proposed to amendment SA 4685 proposed by Mr. SHELBY (for himself and Ms. MIKULSKI) to the bill H.R. 2578, supra; which was ordered to lie on the table.

SA 4812. Mr. FLAKE submitted an amendment intended to be proposed to amendment SA 4685 proposed by Mr. SHELBY (for himself and Ms. MIKULSKI) to the bill H.R. 2578, supra; which was ordered to lie on the table.

SA 4813. Mr. FLAKE submitted an amendment intended to be proposed to amendment SA 4685 proposed by Mr. SHELBY (for himself and Ms. MIKULSKI) to the bill H.R. 2578, supra; which was ordered to lie on the table.

SA 4814. Ms. COLLINS (for herself, Ms. HEITKAMP, Ms. AYOTTE, Mr. HEINRICH, Mr. FLAKE, Mr. KAINE, Mr. GRAHAM, Mr. KING, Mr. NELSON, Mr. MANCHIN, and Ms. BALDWIN) submitted an amendment intended to be proposed to amendment SA 4685 proposed by Mr. SHELBY (for himself and Ms. MIKULSKI) to the bill H.R. 2578, supra; which was ordered to lie on the table.

SA 4815. Mr. REID submitted an amendment intended to be proposed to amendment SA 4685 proposed by Mr. SHELBY (for himself and Ms. MIKULSKI) to the bill H.R. 2578, supra; which was ordered to lie on the table.

SA 4816. Mr. REID submitted an amendment intended to be proposed to amendment SA 4815 submitted by Mr. REID and intended to be proposed to the amendment SA 4685 proposed by Mr. SHELBY (for himself and Ms. MIKULSKI) to the bill H.R. 2578, supra; which was ordered to lie on the table.

SA 4817. Mr. REID submitted an amendment intended to be proposed to amendment SA 4685 proposed by Mr. SHELBY (for himself and Ms. MIKULSKI) to the bill H.R. 2578, supra; which was ordered to lie on the table.

SA 4818. Mr. REID submitted an amendment intended to be proposed to amendment SA 4817 submitted by Mr. REID and intended to be proposed to the amendment SA 4685 proposed by Mr. SHELBY (for himself and Ms. MIKULSKI) to the bill H.R. 2578, supra; which was ordered to lie on the table.

SA 4819. Mr. REID submitted an amendment intended to be proposed to amendment SA 4685 proposed by Mr. SHELBY (for himself and Ms. MIKULSKI) to the bill H.R. 2578, supra; which was ordered to lie on the table.

SA 4820. Mr. REID submitted an amendment intended to be proposed to amendment SA 4819 submitted by Mr. REID and intended to be proposed to the amendment SA 4685 proposed by Mr. SHELBY (for himself and Ms. MIKULSKI) to the bill H.R. 2578, supra; which was ordered to lie on the table.

SA 4821. Mr. REID submitted an amendment intended to be proposed to amendment SA 4685 proposed by Mr. SHELBY (for himself and Ms. MIKULSKI) to the bill H.R. 2578, supra; which was ordered to lie on the table.

SA 4822. Mr. REID submitted an amendment intended to be proposed to amendment SA 4821 submitted by Mr. REID and intended to be proposed to the amendment SA 4685 proposed by Mr. SHELBY (for himself and Ms. MIKULSKI) to the bill H.R. 2578, supra; which was ordered to lie on the table.

SA 4823. Mr. REID submitted an amendment intended to be proposed to amendment SA 4685 proposed by Mr. SHELBY (for himself and Ms. MIKULSKI) to the bill H.R. 2578, supra; which was ordered to lie on the table.

SA 4824. Mr. REID submitted an amendment intended to be proposed to amendment SA 4823 submitted by Mr. REID and intended to be proposed to the amendment SA 4685 proposed by Mr. SHELBY (for himself and Ms. MIKULSKI) to the bill H.R. 2578, supra; which was ordered to lie on the table.

SA 4825. Mr. REID submitted an amendment intended to be proposed to amendment SA 4685 proposed by Mr. SHELBY (for himself and Ms. MIKULSKI) to the bill H.R. 2578, supra; which was ordered to lie on the table.

SA 4826. Mr. REID submitted an amendment intended to be proposed to amendment SA 4825 submitted by Mr. REID and intended to be proposed to the amendment SA 4685 proposed by Mr. SHELBY (for himself and Ms. MIKULSKI) to the bill H.R. 2578, supra; which was ordered to lie on the table.

SA 4827. Mr. WARNER submitted an amendment intended to be proposed to amendment SA 4685 proposed by Mr. SHELBY (for himself and Ms. MIKULSKI) to the bill H.R. 2578, supra; which was ordered to lie on the table.

SA 4828. Mr. WARNER submitted an amendment intended to be proposed to amendment SA 4685 proposed by Mr. SHELBY (for himself and Ms. MIKULSKI) to the bill H.R. 2578, supra; which was ordered to lie on the table.

SA 4829. Mr. MENENDEZ submitted an amendment intended to be proposed to amendment SA 4685 proposed by Mr. SHELBY (for himself and Ms. MIKULSKI) to the bill H.R. 2578, supra; which was ordered to lie on the table.

SA 4830. Mr. MENENDEZ submitted an amendment intended to be proposed to amendment SA 4685 proposed by Mr. SHELBY (for himself and Ms. MIKULSKI) to the bill H.R. 2578, supra; which was ordered to lie on the table.

SA 4831. Mr. MENENDEZ submitted an amendment intended to be proposed to amendment SA 4685 proposed by Mr. SHELBY (for himself and Ms. MIKULSKI) to the bill H.R. 2578, supra; which was ordered to lie on the table.

SA 4832. Mr. MENENDEZ (for himself, Mr. BLUMENTHAL, Mr. MURPHY, and Mr. CARDIN) submitted an amendment intended to be proposed to amendment SA 4685 proposed by Mr. SHELBY (for himself and Ms. MIKULSKI) to the bill H.R. 2578, supra; which was ordered to lie on the table.

SA 4833. Mr. KIRK submitted an amendment intended to be proposed to amendment SA 4685 proposed by Mr. SHELBY (for himself and Ms. MIKULSKI) to the bill H.R. 2578, supra; which was ordered to lie on the table.

SA 4834. Mr. HATCH submitted an amendment intended to be proposed to amendment SA 4688 submitted by Mr. WYDEN and intended to be proposed to the bill H.R. 2578, supra; which was ordered to lie on the table.

SA 4835. Mr. HATCH submitted an amendment intended to be proposed to amendment SA 4685 proposed by Mr. SHELBY (for himself and Ms. MIKULSKI) to the bill H.R. 2578, supra; which was ordered to lie on the table.

SA 4836. Mr. CRUZ submitted an amendment intended to be proposed to amendment SA 4685 proposed by Mr. SHELBY (for himself and Ms. MIKULSKI) to the bill H.R. 2578, supra; which was ordered to lie on the table.

SA 4837. Mr. SASSE submitted an amendment intended to be proposed to amendment SA 4685 proposed by Mr. SHELBY (for himself and Ms. MIKULSKI) to the bill H.R. 2578, supra; which was ordered to lie on the table.

SA 4838. Mr. SASSE submitted an amendment intended to be proposed to amendment SA 4685 proposed by Mr. SHELBY (for himself and Ms. MIKULSKI) to the bill H.R. 2578, supra; which was ordered to lie on the table.

SA 4839. Mr. SASSE submitted an amendment intended to be proposed to amendment SA 4685 proposed by Mr. SHELBY (for himself and Ms. MIKULSKI) to the bill H.R. 2578, supra; which was ordered to lie on the table.

SA 4840. Mr. SASSE submitted an amendment intended to be proposed to amendment SA 4685 proposed by Mr. SHELBY (for himself and Ms. MIKULSKI) to the bill H.R. 2578, supra; which was ordered to lie on the table.

SA 4841. Mr. PORTMAN (for himself and Mr. BROWN) submitted an amendment intended to be proposed to amendment SA 4685 proposed by Mr. SHELBY (for himself and Ms. MIKULSKI) to the bill H.R. 2578, supra; which was ordered to lie on the table.

SA 4842. Mr. CORNYN (for himself and Mr. UDALL) submitted an amendment intended to be proposed to amendment SA 4685 proposed by Mr. SHELBY (for himself and Ms. MIKULSKI) to the bill H.R. 2578, supra; which was ordered to lie on the table.

SA 4843. Mr. SASSE (for himself and Mr. FRANKEN) submitted an amendment intended to be proposed by him to the bill H.R. 2578, supra; which was ordered to lie on the table.

SA 4844. Mrs. BOXER (for herself, Ms. CANTWELL, Mrs. MURRAY, and Mr. WYDEN) submitted an amendment intended to be proposed to amendment SA 4685 proposed by Mr. SHELBY (for himself and Ms. MIKULSKI) to the bill H.R. 2578, supra; which was ordered to lie on the table.

SA 4845. Mr. SASSE submitted an amendment intended to be proposed by him to the bill H.R. 2578, supra; which was ordered to lie on the table.

SA 4846. Mrs. BOXER (for herself, Mrs. MURRAY, and Mr. WYDEN) submitted an amendment intended to be proposed to amendment SA 4685 proposed by Mr. SHELBY (for himself and Ms. MIKULSKI) to the bill H.R. 2578, supra; which was ordered to lie on the table.

SA 4847. Mr. BROWN (for himself and Mr. PORTMAN) submitted an amendment intended to be proposed to amendment SA 4685 proposed by Mr. SHELBY (for himself and Ms. MIKULSKI) to the bill H.R. 2578, supra; which was ordered to lie on the table.

SA 4848. Ms. MIKULSKI (for herself, Mr. LEAHY, Ms. BALDWIN, Mr. NELSON, Ms. HIRONO, Mr. DURBIN, and Mr. BROWN) submitted an amendment intended to be proposed to amendment SA 4685 proposed by Mr. SHELBY (for himself and Ms. MIKULSKI) to the bill H.R. 2578, supra; which was ordered to lie on the table.

SA 4849. Mr. BURR (for himself and Ms. CANTWELL) submitted an amendment intended to be proposed to amendment SA 4685 proposed by Mr. SHELBY (for himself and Ms. MIKULSKI) to the bill H.R. 2578, supra; which was ordered to lie on the table.

SA 4850. Mr. SASSE submitted an amendment intended to be proposed to amendment SA 4685 proposed by Mr. SHELBY (for himself and Ms. MIKULSKI) to the bill H.R. 2578, supra; which was ordered to lie on the table.

SA 4851. Mr. SASSE submitted an amendment intended to be proposed to amendment

SA 4685 proposed by Mr. SHELBY (for himself and Ms. MIKULSKI) to the bill H.R. 2578, supra; which was ordered to lie on the table.

SA 4852. Mr. MCCONNELL (for Mrs. ERNST) proposed an amendment to the bill H.R. 1777, to amend the Act of August 25, 1958, commonly known as the ''Former Presidents Act of 1958'', with respect to the monetary allowance payable to a former President, and for other purposes.

SA 4853. Mr. MCCONNELL (for Mr. THUNE) proposed an amendment to the bill S. 2736, to improve access to durable medical equipment for Medicare beneficiaries under the Medicare program, and for other purposes.

TEXT OF AMENDMENTS

SA 4791. Mr. COATS submitted an amendment intended to be proposed to amendment SA 4685 proposed by Mr. SHELBY (for himself and Ms. MIKULSKI) to the bill H.R. 2578, making appropriations for the Departments of Commerce and Justice, Science, and Related Agencies for the fiscal year ending September 30, 2016, and for other purposes; which was ordered to lie on the table; as follows:

On page 80, between lines 17 and 18, insert the following:

SEC. 301. Funds appropriated or made available under the heading ''NATIONAL SCIENCE FOUNDATION'' under the heading ''SCIENCE'' under this title to award research grants may be made available to increase the transparency, to the maximum extent practicable, of any grant application submitted by a recipient of such grant, provided that doing so does not compromise intellectual property, competitive advantage, or the privacy of such recipients or other individuals associated with the grant.

SA 4792. Mrs. FEINSTEIN submitted an amendment intended to be proposed to amendment SA 4685 proposed by Mr. SHELBY (for himself and Ms. MIKULSKI) to the bill H.R. 2578, making appropriations for the Departments of Commerce and Justice, Science, and Related Agencies for the fiscal year ending September 30, 2016, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____. (a) Not later than 90 days after the date of the enactment of this Act, the Administrator of the National Oceanic and Atmospheric Administration shall submit to the Committee on Appropriations of the Senate and the Committee on Appropriations of the House of Representatives a fully documented report that includes the following:

(1) A list of the specific actions the Administrator will implement through 2021 to promote the recovery of the Sacramento River winter-run Chinook salmon and the basis for such actions.

(2) An evaluation of the causes of salmon mortality rates in 2014 and 2015 in the Sacramento River and a description of activities to be carried out to address such mortality.

(3) An evaluation of the reliability of data from rotary-screw traps and other facilities at Red Bluff Diversion Dam used to evaluate the year-class strength of Sacramento River winter-run Chinook salmon and an assessment of the potential benefits of increasing data collection further upstream on the Sacramento River and during high flow events.

(b) Not later than 180 days after the date of the enactment of this Act, the Administrator of the National Oceanic and Atmospheric Administration shall submit to the Committee on Appropriations of the Senate, the Committee on Appropriations of the House of Representatives, and the Commissioner of the Bureau of Reclamation a fully documented plan to carry out the actions and activities described in subsection (a).

SA 4793. Mr. REED (for himself and Mr. WHITEHOUSE) submitted an amendment intended to be proposed to amendment SA 4685 proposed by Mr. SHELBY (for himself and Ms. MIKULSKI) to the bill H.R. 2578, making appropriations for the Departments of Commerce and Justice, Science, and Related Agencies for the fiscal year ending September 30, 2016, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____. ADDITION OF RHODE ISLAND TO THE MID-ATLANTIC FISHERY MANAGEMENT COUNCIL.

Section 302(a)(1)(B) of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1852(a)(1)(B)) is amended—

(1) by inserting ''Rhode Island,'' after ''States of'';

(2) by inserting ''Rhode Island,'' after ''except North Carolina,'';

(3) by striking ''21'' and inserting ''23''; and

(4) by striking ''13'' and inserting ''14''.

SA 4794. Mr. REED (for himself and Mr. WHITEHOUSE) submitted an amendment intended to be proposed to amendment SA 4685 proposed by Mr. SHELBY (for himself and Ms. MIKULSKI) to the bill H.R. 2578, making appropriations for the Departments of Commerce and Justice, Science, and Related Agencies for the fiscal year ending September 30, 2016, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____. None of the funds in this Act shall be provided to the Mid-Atlantic Fishery Management Council to prepare a fishery management plan or amendment or to take other action that does not include the full participation, including in votes of the Council, of the principal official with marine fishery management responsibility (or a designee) for the State of Rhode Island and one additional representative designated by the Secretary of Commerce from among at least three qualified individuals recommended by Governor of the State of Rhode Island.

SA 4795. Ms. HEITKAMP submitted an amendment intended to be proposed to amendment SA 4685 proposed by Mr. SHELBY (for himself and Ms. MIKULSKI) to the bill H.R. 2578, making appropriations for the Departments of Commerce and Justice, Science, and Related Agencies for the fiscal year ending September 30, 2016, and for other purposes; which was ordered to lie on the table; as follows:

On page 5, line 13, insert '': *Provided*, That of the grants awarded through such section 27, funds shall be awarded to university incubators eligible to participate in the Experimental Program to Stimulate Competitive Research of the National Science Foundation'' after ''27''.

SA 4796. Mr. PORTMAN (for himself and Mr. BROWN) submitted an amendment intended to be proposed to amendment SA 4685 proposed by Mr. SHELBY (for himself and Ms. MIKULSKI) to the bill H.R. 2578, making appropriations for the Departments of Commerce and Justice, Science, and Related Agencies for the fiscal year ending September 30, 2016, and for other purposes; which was ordered to lie on the table; as follows:

On page 80, between lines 17 and 18, insert the following:

GENERAL PROVISIONS

SEC. 301. (a) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) conducting deep space exploration requires radioisotope power systems, such as thermoelectric and Stirling generators and converters;

(2) establishing continuity in the production of the material needed to power such radioisotope power systems is paramount to the success of future deep space missions; and

(3) Federal agencies supporting the National Aeronautics and Space Administration through the production of the material described in paragraph (2) should do so in a cost effective manner so as not to impose excessive reimbursement requirements on the Administration.

(b) ANALYSIS OF REQUIREMENTS AND RISKS.—The Director of the Office of Science and Technology Policy and the Administrator of the National Aeronautics and Space Administration, in consultation with the heads of other Federal agencies, shall conduct an analysis of—

(1) the requirements of the National Aeronautics and Space Administration for radioisotope power system material that is needed to carry out planned, high priority robotic missions in the solar system and other surface exploration activities beyond low-Earth orbit; and

(2) the risks to missions of the Administration in meeting those requirements, or any additional requirements, due to a lack of adequate radioisotope power system material.

(c) CONTENTS OF ANALYSIS.—The analysis conducted under subsection (b) shall—

(1) detail the current projected mission requirements and associated timeframes for radioisotope power systems and radioisotope power system material;

(2) explain the assumptions used to determine the requirements of the National Aeronautics and Space Administration for the material, including—

(A) the planned use of advanced thermal conversion technology, such as advanced thermocouples and Stirling generators and converters; and

(B) the risks and implications of, and contingencies for, any delays or unanticipated technical challenges affecting or related to the mission plans of the Administration for the anticipated use of advanced thermal conversion technology;

(3) assess the risk to the programs of the Administration of any potential delays in achieving the schedule and milestones for planned domestic production of radioisotope power system material;

(4) outline a process for meeting any additional Administration requirements for the material;

(5) estimate the incremental costs required to increase the amount of material produced each year, if such an increase is needed to support additional Administration requirements for the material;

(6) detail how the Administration and other Federal agencies will manage, operate, and fund production facilities and the design

and development of all radioisotope power systems used by the Administration and other Federal agencies as necessary;

(7) specify the steps the Administrator will take, in consultation with the Secretary of Energy, to preserve the infrastructure and workforce necessary for production of radioisotope power systems and ensure that Administration reimbursements to the Department of Energy associated with such preservation are equitable and justified;

(8) identify the steps the Administrator will take to preserve taxpayer investment to date in Advanced Stirling Convertor technology; and

(9) detail how the Administrator has implemented or rejected the recommendations of the National Research Council in the 2009 report titled ''Radioisotope Power Systems: An Imperative for Maintaining U.S. Leadership in Space Exploration''.

(d) TRANSMITTAL.—Not later than 180 days after the date of the enactment of this Act, the Administrator of the National Aeronautics and Space Administration shall transmit the results of the analysis conducted under subsection (b) to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Science, Space, and Technology of the House of Representatives.

SA 4797. Mr. THUNE submitted an amendment intended to be proposed to amendment SA 4685 proposed by Mr. SHELBY (for himself and Ms. MIKULSKI) to the bill H.R. 2578, making appropriations for the Departments of Commerce and Justice, Science, and Related Agencies for the fiscal year ending September 30, 2016, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____. (a) The Administrator of the National Oceanic and Atmospheric Administration shall ensure that the Administration responds in a timely manner to a request from Congress or the Congressional Budget Office, including a response to questions for the record, a letter from a Member of Congress, a request for technical assistance, or views on legislation.

(b) The Administrator of the National Oceanic and Atmospheric Administration shall submit to Congress an annual report on the requests for information submitted to the Administration during the previous year and the timeliness of responses to such requests. Each such report shall include—

(1) the number of such requests made by members of Congress or the Congressional Budget Office and the response time for each such request; and

(2) the number of such requests made under section 552 of title 5 (commonly referred to as the ''Freedom of Information Act'') and the response time for each such request.

SA 4798. Mr. PORTMAN submitted an amendment intended to be proposed to amendment SA 4685 proposed by Mr. SHELBY (for himself and Ms. MIKULSKI) to the bill H.R. 2578, making appropriations for the Departments of Commerce and Justice, Science, and Related Agencies for the fiscal year ending September 30, 2016, and for other purposes; which was ordered to lie on the table; as follows:

On page 68, between lines 20 and 21, insert the following:

SEC. 218. (a) IN GENERAL.—

None of the funds made available in this Act may be used by the Tax Division of the Department of Justice to investigate, litigate, or pursue any other tax enforcement action against any person found to be delinquent in paying a tax on any amount income which would be includible in gross income by reasons of the discharge (in whole or in part) of any loan described in the subsection (b) if such discharge was —

(1) pursuant to subsection (a) or (d) of section 437 of the Higher Education Act of 1965 or the parallel benefit under part D of title IV of such Act (relating to the repayment of loan liability),

(2) pursuant to section 464(c)(1)(F) of such Act, or

(3) otherwise discharged on account of the death or total and permanent disability of the student.

(b) LOANS DESCRIBED.—A loan is described in this subsection if such loan is—

(1) a student loan (as defined in section 108(f)(2) of the Internal Revenue Code of 1986), or

(2) a private education loan (as defined in section 140(7) of the Consumer Credit Protection Act (15 U.S.C. 1650(7))).

SA 4799. Mr. BARRASSO submitted an amendment intended to be proposed to amendment SA 4685 proposed by Mr. SHELBY (for himself and Ms. MIKULSKI) to the bill H.R. 2578, making appropriations for the Departments of Commerce and Justice, Science, and Related Agencies for the fiscal year ending September 30, 2016, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. No funds made available by this Act may be expended from the amounts appropriated under section 1304 of title 31, United States Code, to pay final judgments, awards, compromise settlements, or interest or costs specified in the judgments or otherwise authorized by law if such payment is otherwise provided for, including expenditures that Congress has otherwise limited or restricted.

SA 4800. Mr. COTTON submitted an amendment intended to be proposed to amendment SA 4685 proposed by Mr. SHELBY (for himself and Ms. MIKULSKI) to the bill H.R. 2578, making appropriations for the Departments of Commerce and Justice, Science, and Related Agencies for the fiscal year ending September 30, 2016, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____. REPEAL OF SUNSET OF TITLE VII OF THE FOREIGN INTELLIGENCE SURVEILLANCE ACT OF 1978.

(a) REPEAL.—Section 403 of the FISA Amendments Act of 2008 (Public Law 110–261; 122 Stat. 2474) is amended by striking subsection (b).

(b) CONFORMING AMENDMENT.—Section 404 of the FISA Amendments Act of 2008 (Public Law 110–261; 50 U.S.C. 1801 note) is amended by striking subsection (b).

SA 4801. Mr. COTTON submitted an amendment intended to be proposed to amendment SA 4685 proposed by Mr. SHELBY (for himself and Ms. MIKULSKI) to the bill H.R. 2578, making appropriations for the Departments of Commerce and Justice, Science, and Related Agencies for the fiscal year ending September 30, 2016, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____. AUTHORITY FOR ROVING SURVEILLANCE UNDER THE FOREIGN INTELLIGENCE SURVEILLANCE ACT OF 1978.

Section 102(b)(1) of the USA PATRIOT Improvement and Reauthorization Act of 2005 (Public Law 109–177; 50 U.S.C. 1805 note, 50 U.S.C. 1861 note, and 50 U.S.C. 1862 note) is amended by striking ''and section 105(c)(2) read as they'' and inserting ''reads as it''.

SA 4802. Mr. COTTON submitted an amendment intended to be proposed to amendment SA 4685 proposed by Mr. SHELBY (for himself and Ms. MIKULSKI) to the bill H.R. 2578, making appropriations for the Departments of Commerce and Justice, Science, and Related Agencies for the fiscal year ending September 30, 2016, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____. ACCESS TO CERTAIN BUSINESS RECORDS COLLECTED UNDER THE FOREIGN INTELLIGENCE SURVEILLANCE ACT OF 1978 PRIOR TO NOVEMBER 29, 2015.

(a) IN GENERAL.—Notwithstanding any other provision of law, the Director of the National Security Agency shall have access to all business records collected under section 501 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1861) prior to November 29, 2015, in the same manner and for the same purposes that the Director had access to such records prior to such date.

(b) REQUIREMENT TO MAINTAIN BUSINESS RECORDS.—Notwithstanding any other provision of law, the Director of the National Security Agency shall maintain each business record referred to in subsection (a) for the 5-year period beginning on the date that such record was acquired under section 501 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1861).

(c) EFFECTIVE PERIOD.—The authority for access to business records under subsection (a) shall be in effect during the 5-year period beginning on the date of the enactment of this Act.

SA 4803. Mr. FLAKE submitted an amendment intended to be proposed to amendment SA 4685 proposed by Mr. SHELBY (for himself and Ms. MIKULSKI) to the bill H.R. 2578, making appropriations for the Departments of Commerce and Justice, Science, and Related Agencies for the fiscal year ending September 30, 2016, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 11, strike line 9 and all that follows through ''$119,000,000'' on page 12, line 8, and insert the following

For necessary expenses of the National Institute of Standards and Technology (NIST), $680,000,000, to remain available until expended, of which not to exceed $9,000,000 may be transferred to the ''Working Capital Fund'': *Provided*, That not to exceed $5,000 shall be for official reception and representation expenses: *Provided further*, That NIST may provide local transportation for summer undergraduate research fellowship program participants.

INDUSTRIAL TECHNOLOGY SERVICES

For necessary expenses for industrial technology services, $135,000,000, to remain available until expended, of which $130,000,000 shall be for the Hollings Manufacturing Extension Partnership, and of which $5,000,000 shall be for the National Network for Manufacturing Innovation.

CONSTRUCTION OF RESEARCH FACILITIES

For construction of new research facilities, including architectural and engineering design, and for renovation and maintenance of existing facilities, not otherwise provided for the National Institute of Standards and Technology, as authorized by sections 13 through 15 of the National Institute of Standards and Technology Act (15 U.S.C. 278c–278e), $50,000,000

SA 4804. Mr. COTTON submitted an amendment intended to be proposed to amendment SA 4685 proposed by Mr. SHELBY (for himself and Ms. MIKULSKI) to the bill H.R. 2578, making appropriations for the Departments of Commerce and Justice, Science, and Related Agencies for the fiscal year ending September 30, 2016, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. PERMANENT AUTHORITY FOR INDIVIDUAL TERRORIST TO BE TREATED AS AGENTS OF FOREIGN POWERS UNDER THE FOREIGN INTELLIGENCE SURVEILLANCE ACT OF 1978.

Section 6001 of the Intelligence Reform and Terrorism Prevention Act of 2004 (50 U.S.C. 1801 note) is amended by striking subsection (b).

SA 4805. Mr. FLAKE submitted an amendment intended to be proposed by him to the bill H.R. 2578, making appropriations for the Departments of Commerce and Justice, Science, and Related Agencies for the fiscal year ending September 30, 2016, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. None of the funds made available to the Department of Justice under this Act may be used in the seizure of funds through civil or criminal forfeiture based on a violation of paragraph (1) or (3) of section 5324(a) of title 31, United States Code, unless the seizure satisfies the requirements described in conditions set forth in the Department of Justice Policy Directive 15–3 (March 31, 2015).

SA 4806. Mr. FLAKE submitted an amendment intended to be proposed by him to the bill H.R. 2578, making appropriations for the Departments of Commerce and Justice, Science, and Related Agencies for the fiscal year ending September 30, 2016, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. None of the funds made available to the Department of Justice under this Act may be used for litigation defending the legality of any final rule based on the proposed rule of the Federal Communications Commission entitled ''Protecting the Privacy of Customers of Broadband and Other Telecommunications Services'' (81 Fed. Reg. 23359 (April 20, 2016)) or for assisting in such litigation in any other way.

SA 4807. Mr. FLAKE submitted an amendment intended to be proposed by him to the bill H.R. 2578, making appropriations for the Departments of Commerce and Justice, Science, and Related Agencies for the fiscal year ending September 30, 2016, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. None of the funds made available under this Act may be used by the Department of Justice to seek enforcement of any forfeiture obtained by consent decree pursuant to any final rule based on the proposed rule of the Federal Communications Commission entitled ''Protecting the Privacy of Customers of Broadband and Other Telecommunications Services'' (81 Fed. Reg. 23359 (April 20, 2016)).

SA 4808. Mr. FLAKE submitted an amendment intended to be proposed by him to the bill H.R. 2578, making appropriations for the Departments of Commerce and Justice, Science, and Related Agencies for the fiscal year ending September 30, 2016, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in title V, insert the following:

SEC. 5_____. STUDY ON DRUG TRAFFICKING.

Not later than 1 year after the date of enactment of this Act, the Comptroller General of the United States shall conduct a study and submit a report to Congress on the impact that the trafficking of narcotics, specifically opioids and methamphetamine, through States that border Mexico has on substance abuse of narcotics by the residents of such States.

SA 4809. Mr. FLAKE submitted an amendment intended to be proposed by him to the bill H.R. 2578, making appropriations for the Departments of Commerce and Justice, Science, and Related Agencies for the fiscal year ending September 30, 2016, and for other purposes; which was ordered to lie on the table; as follows:

On page 158, line 12, strike ''$68,000,000'' and insert ''$62,500,000''.

On page 159, line 3, strike ''$5,000,000'' and insert ''$10,500,000''.

SA 4810. Mr. FLAKE submitted an amendment intended to be proposed by him to the bill H.R. 2578, making appropriations for the Departments of Commerce and Justice, Science, and Related Agencies for the fiscal year ending September 30, 2016, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. OPERATION STREAMLINE.

(a) FINDINGS.—Congress finds the following:

(1) The Border Patrol's Yuma Sector has long grappled with the crossing of undocumented aliens and has seen illegal traffic decline precipitously from the early 2000s to the present.

(2) A combination of increased manpower, technology implementation, and the delivery of appropriate consequences have resulted in gains in border security in the Yuma Sector.

(3) A key to the success in the Yuma Sector has been the implementation of Operation Streamline, a program established in 2005 that was described by former Department of Homeland Security Secretary Janet Napolitano as ''a DHS partnership with the Department of Justice, . . . a geographically focused operation that aims to increase the consequences for illegally crossing the border by criminally prosecuting illegal border-crossers.''.

(4) The Yuma County Sheriff's Office, which is known for its ''zero-tolerance'' approach, cites 100 percent prosecution of illegal border crossers as a shared goal of a partnership including Federal, State, and local law enforcement agencies.

(5) Among the various consequences delivered to illegal crossers by the Department of Homeland Security, Operation Streamline is associated with a recidivism rate that is well below average and has seen a steady decrease in recidivism in recent years.

(6) The United States Attorney's Office for the District of Arizona will reportedly no longer be prosecuting those apprehended crossing the border illegally for the first time.

(7) According to the Sheriff of Yuma County, Operation Streamline ''had a deterrent effect in Yuma County, which gained a reputation as an area to avoid crossing into because if caught, you were assured to go to court and possibly face penalties'', but now the program ''has been severely diluted.''.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that—

(1) gains made in border security in the Yuma Sector and positive trends in recidivism rates are of critical importance to those living and working in the border region and to the Nation as a whole;

(2) refusing to prosecute first time illegal border crossers under Operation Streamline will jeopardize border security gains;

(3) the border security steps that have led to some measure of improvement on the border, such as the historical implementation of Operation Streamline, should be preserved; and

(4) the Executive Branch should immediately remove any issued or related prohibition, policy, guidance, or direction to cease prosecuting first time illegal border crossers under Operation Streamline.

SA 4811. Mr. FLAKE submitted an amendment intended to be proposed to amendment SA 4685 proposed by Mr. SHELBY (for himself and Ms. MIKULSKI) to the bill H.R. 2578, making appropriations for the Departments of Commerce and Justice, Science, and Related Agencies for the fiscal year ending September 30, 2016, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. None of the funds appropriated or otherwise made available under this Act may be used to purchase information from the National Technical Information Service.

SA 4812. Mr. FLAKE submitted an amendment intended to be proposed to amendment SA 4685 proposed by Mr. SHELBY (for himself and Ms. MIKULSKI) to the bill H.R. 2578, making appropriations for the Departments of Commerce and Justice, Science, and Related Agencies for the fiscal year ending September 30, 2016, and for other purposes;

which was ordered to lie on the table; as follows:

On page 70, line 1, strike ''$5,395,000,000'' and all that follows through ''That the formulation'' and insert ''$5,375,000,000, to remain available until September 30, 2018; *Provided*, That the amount available under this paragraph for the Near-Earth Object program may not exceed $40,000,000; *Provided further*, That the formulation''.

SA 4813. Mr. FLAKE submitted an amendment intended to be proposed to amendment SA 4685 proposed by Mr. SHELBY (for himself and Ms. MIKULSKI) to the bill H.R. 2578, making appropriations for the Departments of Commerce and Justice, Science, and Related Agencies for the fiscal year ending September 30, 2016, and for other purposes; which was ordered to lie on the table; as follows:

On page 80, between lines 17 and 18, insert the following:

GENERAL PROVISION

SEC. 301. The unclassified version of any study conducted using funds appropriated or otherwise made available by this title shall include the following:

(1) The name of each Agency that provided funds for the conduct of the study.

(2) The project or award number of the study.

(3) An estimate of the total cost of the study.

SA 4814. Ms. COLLINS (for herself, Ms. HEITKAMP, Ms. AYOTTE, Mr. HEINRICH, Mr. FLAKE, Mr. KAINE, Mr. GRAHAM, Mr. KING, Mr. NELSON, Mr. MANCHIN, and Ms. BALDWIN) submitted an amendment intended to be proposed to amendment SA 4685 proposed by Mr. SHELBY (for himself and Ms. MIKULSKI) to the bill H.R. 2578, making appropriations for the Departments of Commerce and Justice, Science, and Related Agencies for the fiscal year ending September 30, 2016, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. DISCRETIONARY AUTHORITY TO DENY TRANSFERS OF FIREARMS OR EXPLOSIVES TO TERRORISTS.

(a) AUTHORITY.—

(1) IN GENERAL.—On and after the date of enactment of this Act, in accordance with the procedures under this section, and without regard to section 842, 843, section 922(g) or (n), or section 923 of title 18, United States Code, the Attorney General may deny the transfer of a firearm, not later than 3 business days after a licensee under chapter 44 of title 18, United States Code, contacts the national instant criminal background check system established under section 103 of Public Law 103–159 (18 U.S.C. 922 note), deny the transfer of an explosive, or deny the issuance of a Federal firearms or explosives license or permit, if either of the following are met:

(A) NO FLY LIST.—The Attorney General determines that transferee or applicant—

(i) based on the totality of the circumstances, represents a threat to public safety based on a reasonable suspicion that the transferee or applicant is engaged, or has been engaged, in conduct constituting, in preparation of, in aid of, or related to terrorism, or providing material support or resources therefor; and

(ii) based on credible information, poses—

(I) a threat of committing an act of international terrorism or domestic terrorism with respect to an aircraft (including a threat of piracy, or a threat to airline, passenger, or civil aviation security);

(II) a threat of committing an act of domestic terrorism with respect to the homeland;

(III) a threat of committing an act of international terrorism against any United States Government facility abroad and associated or supporting personnel, including United States embassies, consulates and missions, military installations, United States ships, United States aircraft, or other auxiliary craft owned or leased by the United States Government; or

(IV) a threat of engaging in or conducting a violent act of terrorism and who is operationally capable of doing so.

(B) SELECTEE LIST.—The Attorney General determines that transferee or applicant meets the standard for inclusion on the Selectee List, which is the subset list of the Terrorist Screening Database, maintained by the Terrorist Screening Center of the Federal Bureau of Investigation, of individuals who are selected for enhanced security screening when attempting to board a United States commercial aircraft or fly into, out of, or over United States airspace, based on the standard to be on such Selectee List on June 16, 2016.

(2) NICS.—Solely for purposes of sections 922(t) (1), (2), (5), and (6) of title 18, United States Code, and section 103(g) of Public Law 103–159 (18 U.S.C. 922 note), a denial by the Attorney General under paragraph (1) shall be treated as equivalent to a determination that receipt of a firearm would violate subsection (g) or (n) of section 922 of title 18, United States Code. During the 3-business-day period beginning when a licensee under chapter 44 of title 18, United States Code, contacts the national instant criminal background check system established under section 103 of Public Law 103–159 (18 U.S.C. 922 note), and notwithstanding section 922(t)(2) of title 18, United States Code, the Attorney General may delay assigning a unique identification number to a transfer of a firearm in order to determine whether the transferee or applicant meets the requirements under paragraph (1).

(b) NOTIFICATION OF PROSPECTIVE FIREARM TRANSFERS TO KNOWN OR SUSPECTED TERRORIST.—The Attorney General and Federal, State, and local law enforcement shall be immediately notified, as appropriate, of any request to transfer a firearm or explosive to a person who is, or with in the previous 5 years was, identified in the Terrorist Screening Database maintained by the Terrorist Screening Center of the Federal Bureau of Investigation.

(c) PETITION FOR REVIEW.—

(1) IN GENERAL.—An individual who is a citizen or lawful permanent resident of the United States who seeks to challenge a denial by the Attorney General under subsection (a)(1) may file a petition for review and any claims related to that petition in the United States Court of Appeals for the District of Columbia Circuit or in the court of appeals of the United States for the judicial circuit in which the individual resides.

(2) DEADLINES FOR FILING.—

(A) IN GENERAL.—Except as provided in subparagraph (B), a petition for review under paragraph (1), and any claims related to that petition, shall be filed not later than 60 days after the petitioner receives actual notice of the denial by the Attorney General.

(B) EXCEPTION.—The court of appeals in which a petition for review is to be filed under paragraph (1) may allow the petition to be filed after the deadline specified in subparagraph (A) only if there are reasonable grounds for not filing by that deadline.

(3) AUTHORITY OF COURTS OF APPEALS.—The court of appeals in which a petition for review is filed under paragraph (1)—

(A) shall have—

(i) jurisdiction to decide all relevant questions of law and fact; and

(ii) exclusive jurisdiction to affirm, amend, modify, or set aside any part of the denial of the Attorney General that is the subject of the petition for review; and

(B) may order the Attorney General to conduct further proceedings.

(4) EXCLUSIVE JURISDICTION.—

(A) IN GENERAL.—No district court of the United States shall have jurisdiction to consider any claim related to or arising out of facts and circumstances that could have been included in a petition filed under paragraph (1), including any constitutional claim.

(B) LAWFULNESS AND CONSTITUTIONALITY.—No district court of the United States or court of appeals of the United States shall have jurisdiction to consider the lawfulness or constitutionality of this section except pursuant to a petition for review under section.

(C) NONCITIZENS.—No district court of the United States or court of appeals of the United States shall have jurisdiction to hear any claim by an individual who is not a citizen or lawful permanent resident of the United States related to or arising out a denial by the Attorney General under subsection (a)(1).

(d) REQUIREMENT FOR AN ADMINISTRATIVE RECORD AND PROCEDURES FOR JUDICIAL REVIEW.—Notwithstanding any other provision of law, the following procedures shall apply with respect to a petition for review filed in a court of appeals under subsection (c):

(1) The United States shall file with the court an administrative record, which shall consist of—

(A) the information the Attorney General relied upon in denying the transfer or application;

(B) any information the petitioner has submitted pursuant to any administrative process;

(C) any information determined relevant by the United States; and

(D) any information that is exculpatory.

(2)(A) The petitioner may file with the court any information determined relevant by the petitioner.

(B) With leave of the court, the United States may supplement the administrative record with additional information.

(3) All information in the administrative record that is not classified and is not otherwise privileged or subject to statutory protections shall be provided to the petitioner.

(4) No discovery shall be permitted, unless the court shall determine extraordinary circumstances requires discovery in the interests of justice.

(5) Sensitive security information contained in the administrative record may only be provided pursuant to a protective order.

(6)(A) The administrative record may include classified information, which the United States shall submit to the court in camera and ex parte.

(B) The United States shall notify the petitioner if the administrative record filed under paragraph (1) contains classified information.

(C) The court may enter an order, after notice and a hearing, allowing disclosure to the petitioner, counsel for the petitioner, or both, of—

(i) an unclassified summary of some or all classified information in the administrative record;

(ii) a statement admitting relevant facts that some or all classified information in the administrative record would tend to prove;

(iii) some or all classified information, if counsel for the petitioner possess the appropriate security clearance; or

(iv) any combination thereof.

(D)(i) If the court enters an order under subparagraph (C) providing for the disclosure of classified information and the United States files with the court an affidavit of the Attorney General objecting to the disclosure, the court shall order that the classified information not be disclosed.

(ii) If classified information is not disclosed under clause (i), the court shall enter such an order as the interests of justice require, which may include an order quashing the denial by the Attorney General under subsection (a)(1).

(iii) An order under subparagraph (C) or clause (ii) of this subparagraph shall be subject to review pursuant to section 1254 of title 28, United States Code.

(iv) An order under clause (ii) shall be administratively stayed for 7 days.

(v) The functions and duties of the Attorney General under this subparagraph—

(I) may be exercised by the Deputy Attorney General, the Associate Attorney General, or by an Assistant Attorney General designated by the Attorney General for such purpose; and

(II) may not be delegated to any other official.

(E) Any information disclosed under subparagraph (C) shall be subject to an appropriate protective order.

(7) Any classified information, sensitive security information, law enforcement sensitive information, or information that is otherwise privileged or subject to statutory protections, that is part of the administrative record, or cited by the court or the parties, shall be treated by the court and the parties consistent with the provisions of this subsection, and shall be sealed and preserved in the records of the court to be made available in the event of further proceedings. In no event shall such information be released as part of the public record.

(8) The court shall award reasonable attorney fees to a petitioner who is a prevailing party in an action under this section.

(9) After the expiration of the time to seek further review, or the conclusion of further proceedings, the court shall return the administrative record, including any and all copies, to the United States. All privileged information or other information in the possession of counsel for the petitioner that was provided by the United States under a protective order shall be returned to the United States, or the counsel for the petitioner shall certify its destruction, including any and all copies.

(e) SCOPE OF REVIEW.—The court of appeals shall quash any denial by the Attorney General under subsection (a)(1), unless the United States demonstrates, on a de novo review of fact and law—

(1) that—

(A) based on the totality of the circumstances, the transferee or applicant represents a threat to public safety based on a reasonable suspicion that the transferee or applicant is engaged, or has been engaged, in conduct constituting, in preparation of, in aid of, or related to terrorism, or providing material support or resources therefor; and

(B) based on credible information, the transferee or applicant poses—

(i) a threat of committing an act of international terrorism or domestic terrorism with respect to an aircraft (including a threat of piracy, or a threat to airline, passenger, or civil aviation security);

(ii) a threat of committing an act of domestic terrorism with respect to the homeland;

(iii) a threat of committing an act of international terrorism against any United States Government facility abroad and associated or supporting personnel, including United States embassies, consulates and missions, military installations, United States ships, United States aircraft, or other auxiliary craft owned or leased by the United States Government; or

(iv) a threat of engaging in or conducting a violent act of terrorism and who is operationally capable of doing so; or

(2) that the standard has been met for including the transferee or applicant on the Selectee List, which is the subset list of the Terrorist Screening Database, maintained by the Terrorist Screening Center of the Federal Bureau of Investigation, of individuals who are selected for enhanced security screening when attempting to board a United States commercial aircraft or fly into, out of, or over United States airspace, based on the standard to be on such Selectee List on June 16, 2016.

(f) EFFECT OF QUASHING.—If the court of appeals quashes a denial by the Attorney General under subsection (e), notwithstanding any other provision of law, the Attorney General shall—

(1) for a denial of the transfer of a firearm, cause a unique identifier to issue pursuant to section 922(t)(2) of title 18, United States Code, not later than 3 days after the issuance of the order under subsection (e); and

(2) for a denial of a license or permit, expeditiously issue a license or permit under chapter 40 or 44 of title 18, United States Code, as applicable.

(g) SUPREME COURT REVIEW.—A decision by a court of appeals under this section may be reviewed by the Supreme Court under section 1254 of title 28, United States Code.

(h) EXCLUSIVE REMEDY.—The judicial review under a petition for review filed under subsection (c) shall be the sole and exclusive remedy for a claim by an individual who challenges a denial under subsection (a)(1).

(i) EXPEDITED CONSIDERATION.—

(1) COURTS.—Not later than 14 days after the date on which a petition is filed challenging a denial under subsection (a)(1), a court of appeals shall determine whether to quash the denial, unless the petitioner consents to a longer period.

(2) OF QUASHING.—If the court of appeals quashes a denial by the Attorney General under subsection (e), a petitioner may submit the order quashing the denial to the Department of Homeland Security for expedited review, as appropriate.

(j) TRANSPARENCY.—Not later than 60 days after the date of the enactment of this Act, and quarterly thereafter—

(1) the Attorney General shall submit to the Committee on the Judiciary and the Select Committee on Intelligence of the Senate and the Committee on the Judiciary and the Permanent Select Committee on Intelligence of the House of Representatives a report providing—

(A) the number of persons denied a firearm transfer or a license or permit under subsection (a)(1) during the reporting period;

(B) the number of petitions for review filed under subsection (d); and

(C) the number of instances in which a court of appeals quashed a denial by the Attorney General under subsection (e); and

(2) the Secretary of Homeland Security shall submit to the Committee on Homeland Security and Governmental Affairs and the Select Committee on Intelligence of the Senate and the Homeland Security Committee the Permanent Select Committee on Intelligence of the House of Representatives a report providing—

(A) the number individuals—

(i) with respect to whom a court of appeals quashed a denial by the Attorney General under subsection (e); and

(ii) who submitted the order quashing the denial to the Department of Homeland Security under subsection (i)(2); and

(B) a description of the actions taken and final determinations made by the Department of Homeland Security with regard to submissions described in subparagraph (A)(ii) respecting the status of individuals on the No Fly List or Selectee List, including the length of time taken to reach a final determination.

(k) DEFINITIONS.—In this section:

(1) CLASSIFIED INFORMATION.—The term ''classified information'' has the meaning given that term in section 1(a) of the Classified Information Procedures Act (18 U.S.C. App.).

(2) DOMESTIC TERRORISM.—The term ''domestic terrorism'' has the meaning given that term in section 2331(5) of title 18, United States Code.

(3) INTERNATIONAL TERRORISM.—The term ''international terrorism'' has the meaning given that term in section 2331(1) of title 18, United States Code.

(4) MILITARY INSTALLATION.—The term ''military installation'' has the meaning given that term in section 2801(c)(4) of title 10, United States Code.

(5) NATIONAL SECURITY.—The term ''national security'' has the meaning given that term in section 219 of the Immigration and Nationality Act (8 U.S.C. 1189).

(6) SENSITIVE SECURITY INFORMATION.—The term ''sensitive security information'' has the meaning given that term by sections 114(r) and 40119 of title 49, United States Code, and the regulations and orders issued pursuant to those sections.

(l) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to authorize the Attorney General to modify the length of period before a firearm may be transferred under section 922(t) of title 18, United States Code.

SA 4815. Mr. REID submitted an amendment intended to be proposed to amendment SA 4685 proposed by Mr. SHELBY (for himself and Ms. MIKULSKI) to the bill H.R. 2578, making appropriations for the Departments of Commerce and Justice, Science, and Related Agencies for the fiscal year ending September 30, 2016, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

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

SA 4816. Mr. REID submitted an amendment intended to be proposed to amendment SA 4815 submitted by Mr. REID and intended to be proposed to the amendment SA 4685 proposed by Mr. SHELBY (for himself and Ms. MIKULSKI) to the bill H.R. 2578, making appropriations for the Departments of Commerce and Justice, Science, and Related Agencies for the fiscal year ending September 30, 2016, and for other purposes; which was ordered to lie on the table; as follows:

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

SA 4817. Mr. REID submitted an amendment intended to be proposed to

amendment SA 4685 proposed by Mr. SHELBY (for himself and Ms. MIKULSKI) to the bill H.R. 2578, making appropriations for the Departments of Commerce and Justice, Science, and Related Agencies for the fiscal year ending September 30, 2016, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:
The provisions in this Act shall go into effect 3 days after enactment.

SA 4818. Mr. REID submitted an amendment intended to be proposed to amendment SA 4817 submitted by Mr. REID and intended to be proposed to the amendment SA 4685 proposed by Mr. SHELBY (for himself and Ms. MIKULSKI) to the bill H.R. 2578, making appropriations for the Departments of Commerce and Justice, Science, and Related Agencies for the fiscal year ending September 30, 2016, and for other purposes; which was ordered to lie on the table; as follows:

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

SA 4819. Mr. REID submitted an amendment intended to be proposed to amendment SA 4685 proposed by Mr. SHELBY (for himself and Ms. MIKULSKI) to the bill H.R. 2578, making appropriations for the Departments of Commerce and Justice, Science, and Related Agencies for the fiscal year ending September 30, 2016, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:
The provisions in this Act shall go into effect 5 days after enactment.

SA 4820. Mr. REID submitted an amendment intended to be proposed to amendment SA 4819 submitted by Mr. REID and intended to be proposed to the amendment SA 4685 proposed by Mr. SHELBY (for himself and Ms. MIKULSKI) to the bill H.R. 2578, making appropriations for the Departments of Commerce and Justice, Science, and Related Agencies for the fiscal year ending September 30, 2016, and for other purposes; which was ordered to lie on the table; as follows:

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

SA 4821. Mr. REID submitted an amendment intended to be proposed to amendment SA 4685 proposed by Mr. SHELBY (for himself and Ms. MIKULSKI) to the bill H.R. 2578, making appropriations for the Departments of Commerce and Justice, Science, and Related Agencies for the fiscal year ending September 30, 2016, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:
The provisions in this Act shall go into effect 7 days after enactment.

SA 4822. Mr. REID submitted an amendment intended to be proposed to amendment SA 4821 submitted by Mr. REID and intended to be proposed to the amendment SA 4685 proposed by Mr. SHELBY (for himself and Ms. MIKULSKI) to the bill H.R. 2578, making appropriations for the Departments of Commerce and Justice, Science, and Related Agencies for the fiscal year ending September 30, 2016, and for other purposes; which was ordered to lie on the table; as follows:

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

SA 4823. Mr. REID submitted an amendment intended to be proposed to amendment SA 4685 proposed by Mr. SHELBY (for himself and Ms. MIKULSKI) to the bill H.R. 2578, making appropriations for the Departments of Commerce and Justice, Science, and Related Agencies for the fiscal year ending September 30, 2016, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:
The provisions in this Act shall go into effect 9 days after enactment.

SA 4824. Mr. REID submitted an amendment intended to be proposed to amendment SA 4823 submitted by Mr. REID and intended to be proposed to the amendment SA 4685 proposed by Mr. SHELBY (for himself and Ms. MIKULSKI) to the bill H.R. 2578, making appropriations for the Departments of Commerce and Justice, Science, and Related Agencies for the fiscal year ending September 30, 2016, and for other purposes; which was ordered to lie on the table; as follows:

On page 1, line 1, strike ''9'' and insert ''10''.

SA 4825. Mr. REID submitted an amendment intended to be proposed to amendment SA 4685 proposed by Mr. SHELBY (for himself and Ms. MIKULSKI) to the bill H.R. 2578, making appropriations for the Departments of Commerce and Justice, Science, and Related Agencies for the fiscal year ending September 30, 2016, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:
The provisions in this Act shall go into effect 11 days after enactment.

SA 4826. Mr. REID submitted an amendment intended to be proposed to amendment SA 4825 submitted by Mr. REID and intended to be proposed to the amendment SA 4685 proposed by Mr. SHELBY (for himself and Ms. MIKULSKI) to the bill H.R. 2578, making appropriations for the Departments of Commerce and Justice, Science, and Related Agencies for the fiscal year ending September 30, 2016, and for other purposes; which was ordered to lie on the table; as follows:

On page 1, line 1, strike ''11'' and insert ''12''.

SA 4827. Mr. WARNER submitted an amendment intended to be proposed to amendment SA 4685 proposed by Mr. SHELBY (for himself and Ms. MIKULSKI) to the bill H.R. 2578, making appropriations for the Departments of Commerce and Justice, Science, and Related Agencies for the fiscal year ending September 30, 2016, and for other purposes; which was ordered to lie on the table; as follows:

On page 71, line 3, insert before the period the following: ''; *Provided*, That $10,000,000 shall be for research by the National Aeronautics and Space Administration, in collaboration with the Unmanned Aircraft Systems Center of Excellence of the Federal Aviation Administration, at the six test sites of the Federal Aviation Administration on the use of unmanned aircraft systems (UAS) for a broad range of public safety purposes over land and maritime environments''.

SA 4828. Mr. WARNER submitted an amendment intended to be proposed to amendment SA 4685 proposed by Mr. SHELBY (for himself and Ms. MIKULSKI) to the bill H.R. 2578, making appropriations for the Departments of Commerce and Justice, Science, and Related Agencies for the fiscal year ending September 30, 2016, and for other purposes; which was ordered to lie on the table; as follows:

On page 71, line 3, insert before the period the following: ''; *Provided*, That $25,000,000 shall be for the Advanced Composites Partnership within the Advanced Air Vehicles program''.

SA 4829. Mr. MENENDEZ submitted an amendment intended to be proposed to amendment SA 4685 proposed by Mr. SHELBY (for himself and Ms. MIKULSKI) to the bill H.R. 2578, making appropriations for the Departments of Commerce and Justice, Science, and Related Agencies for the fiscal year ending September 30, 2016, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in title II, insert the following:

SEC. 2____. (a) In this section—

(1) the term ''eligible nonprofit organization'' means a nonprofit organization that has experience providing rapid telephone and cellular alert calls on behalf of Federal, State, and local law enforcement agencies to find missing children and elderly adults; and

(2) the term ''rapid telephone and cellular alert call system'' means an automated system with the ability to place at least 1,000 telephone and cellular calls in 60 seconds to a specific geographic area determined by law enforcement—

(A) based on the last known whereabouts of a missing individual; or

(B) based on other evidence and determined by such law enforcement agency to be necessary to the search for the missing individual.

(b) The Attorney General may use unobligated balances made available to the Department of Justice under this title to make grants to eligible nonprofit organizations to assist Federal, State, tribal, and local law enforcement agencies in the rapid recovery of missing children, elderly individuals, and disabled individuals through the use of a rapid telephone and cellular alert call system. Such grants shall be used to—

(1) provide services to Federal, State, tribal, and local law enforcement agencies, in response to a request from such agencies, to promote the rapid recovery of a missing child, an elderly individual, or a disabled individual by utilizing rapid telephone and cellular alert calls;

(2) maintain and expand technologies and techniques to ensure the highest level of performance of such services;

(3) provide both centralized and on-site training and distribute information to Federal, State, tribal, and local law enforcement agency officials about missing children, elderly individuals, and disabled individuals and use of a rapid telephone and cellular alert call system;

(4) provide services to Federal, State, tribal, and local Child Abduction Response Teams;

(5) assist Federal, State, tribal, and local law enforcement agencies to combat human trafficking through the use of rapid telephone and cellular alert calls;

(6) share appropriate information on cases with the National Center for Missing and Exploited Children, the AMBER Alert, Silver Alert, and Blue Alert programs, and appropriate Federal, State, tribal, and local law enforcement agencies; and

(7) assist appropriate organizations, including Federal, State, tribal, and local law enforcement agencies, with education and prevention programs related to missing children, elderly individuals, and disabled individuals.

SA 4830. Mr. MENENDEZ submitted an amendment intended to be proposed to amendment SA 4685 proposed by Mr. SHELBY (for himself and Ms. MIKULSKI) to the bill H.R. 2578, making appropriations for the Departments of Commerce and Justice, Science, and Related Agencies for the fiscal year ending September 30, 2016, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. (a) The matter under the heading ''SALARIES AND EXPENSES'' under the heading ''BUREAU OF ALCOHOL, TOBACCO, FIREARMS AND EXPLOSIVES'' under title II of division B of the Consolidated and Further Continuing Appropriations Act, 2012 (18 U.S.C. 923 note; Public Law 112–55; 125 Stat. 609) is amended by striking the sixth proviso.

(b) The sixth proviso under the heading ''SALARIES AND EXPENSES'' under the heading ''BUREAU OF ALCOHOL, TOBACCO, FIREARMS AND EXPLOSIVES'' under title II of division B of the Consolidated Appropriations Act, 2010 (18 U.S.C. 923 note; Public Law 111–117; 123 Stat. 3128) is amended by striking ''beginning in fiscal year 2010 and thereafter'', and inserting ''in fiscal year 2010''.

(c) The sixth proviso under the heading ''SALARIES AND EXPENSES'' under the heading ''BUREAU OF ALCOHOL, TOBACCO, FIREARMS AND EXPLOSIVES'' under title II of division B of the Omnibus Appropriations Act, 2009 (18 U.S.C. 923 note; Public Law 111–8; 123 Stat. 575) is amended by striking ''beginning in fiscal year 2009 and thereafter'', and inserting ''in fiscal year 2009''.

(d) The sixth proviso under the heading ''SALARIES AND EXPENSES'' under the heading ''BUREAU OF ALCOHOL, TOBACCO, FIREARMS AND EXPLOSIVES'' under title II of division B of the Consolidated Appropriations Act, 2008 (18 U.S.C. 923 note; Public Law 110–161; 121 Stat. 1903) is amended by striking ''beginning in fiscal year 2009 and thereafter'', and inserting ''in fiscal year 2009''.

(e) The sixth proviso under the heading ''SALARIES AND EXPENSES'' under the heading ''BUREAU OF ALCOHOL, TOBACCO, FIREARMS AND EXPLOSIVES'' under title I of the Science, State, Justice, Commerce, and Related Agencies Appropriations Act, 2006 (18 U.S.C. 923 note; Public Law 109–108; 119 Stat. 2295) is amended—

(1) by striking ''or any other'';

(2) by striking ''with respect to any fiscal year''; and

(3) by striking '', and all such data shall be immune from legal process'' and all that follows through ''a review of such an action or proceeding''.

(f) The sixth proviso under the heading ''SALARIES AND EXPENSES'' under the heading ''BUREAU OF ALCOHOL, TOBACCO, FIREARMS AND EXPLOSIVES'' under title I of division B of the Consolidated Appropriations Act, 2005 (18 U.S.C. 923 note; Public Law 108–447; 118 Stat 2859) is amended—

(1) by striking ''or any other''; and

(2) by striking ''with respect to any fiscal year''.

(g) The sixth proviso under the heading ''SALARIES AND EXPENSES'' under the heading ''BUREAU OF ALCOHOL, TOBACCO, FIREARMS AND EXPLOSIVES'' under title I of division B of the Consolidated Appropriations Act, 2004 (Public Law 108–199; 118 Stat. 53) is amended by inserting after ''1998'' the following: '', and before October 1, 2004''.

(h) No Federal department or agency or State, local, or tribal government shall knowingly and publically disclose covered firearms information that will—

(1) compromise the identity of any undercover law enforcement officer or confidential informant;

(2) interfere with any case under investigation; or

(3) include the name, address, or any other uniquely identifying information of the lawful purchaser of any firearm.

(i) Nothing in this section may be construed to limit the disclosure for use in, or the use, reliance on, disclosure, admissibility, or permissibility of using, covered firearms information in any action or proceeding that is—

(1) commenced by the Bureau of Alcohol, Tobacco, Firearms, and Explosives to enforce the provisions of chapter 44 of title 18, United States Code;

(2) instituted by a government agency and relating to a license or similar authorization; or

(3) a review of an action or proceeding described in paragraph (1) or (2).

(j) For purposes of this section—

(1) the term ''covered firearms information'' means any information—

(A) contained in the Firearms Trace System database maintained by the National Trace Center of the Bureau of Alcohol, Tobacco, Firearms, and Explosives;

(B) required to be kept by a licensee under section 923(g) of title 18, United States Code; or

(C) required to be reported under paragraph (3) or (7) of section 923(g) of title 18, United States Code;

(2) the term ''firearm'' has the meaning given that term in section 921 of title 18, United States Code; and

(3) the term ''licensee'' means a person licensed under chapter 44 of title 18, United States Code.

SA 4831. Mr. MENENDEZ submitted an amendment intended to be proposed to amendment SA 4685 proposed by Mr. SHELBY (for himself and Ms. MIKULSKI) to the bill H.R. 2578, making appropriations for the Departments of Commerce and Justice, Science, and Related Agencies for the fiscal year ending September 30, 2016, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in title II, insert the following:

SEC. 2____. (a) In this section—

(1) the term ''eligible entity'' means—

(A) a partnership between a State educational agency and 1 or more local educational agencies (as those terms are defined in section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801)) of the State;

(B) a local educational agency;

(C) a nonprofit organization; or

(D) a consortium of elementary schools or secondary schools (as those terms are defined in section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801)) collaborating with an entity described in subparagraph (A), (B), or (C);

(2) the term ''Internet safety education program'' means an age-appropriate, research-based program that—

(A) encourages safe, ethical, and responsible use of the Internet;

(B) promotes an informed, critical understanding of the Internet; and

(C) educates children and communities about how to prevent or respond to problems or dangers related to the Internet or new media;

(3) the term ''new media''—

(A) means emerging digital, computerized, or networked information and communication technologies that often have interactive capabilities; and

(B) includes e-mail, instant messaging, text messaging, websites, blogs, interactive gaming, social media, cell phones, and mobile devices; and

(4) the term ''nonprofit organization'' means an organization that is—

(A) described in section 501(c) of the Internal Revenue Code of 1986; and

(B) exempt from tax under section 501(a) of that Code.

(b) The Attorney General may use unobligated balances made available to the Department of Justice under this title to make grants to eligible entities to carry out an Internet safety education program and other activities relating to Internet safety, including to—

(1) identify, develop, and implement Internet safety education programs, including educational technology, multimedia and interactive applications, online resources, and lesson plans;

(2) provide professional training to elementary and secondary school teachers, administrators, and other staff on Internet safety and new media literacy;

(3) develop online-risk prevention programs for children;

(4) train and support peer-driven Internet safety education initiatives;

(5) coordinate and fund research initiatives that investigate online risks to children and Internet safety education;

(6) develop and implement public education campaigns to promote awareness of online risks to children and Internet safety education;

(7) educate parents about teaching their children how to use the Internet and new media safely, responsibly, and ethically and help parents identify and protect their children from risks relating to use of the Internet and new media; or

(8) carry out any other activity approved by the Attorney General.

SA 4832. Mr. MENENDEZ (for himself, Mr. BLUMENTHAL, Mr. MURPHY, and Mr. CARDIN) submitted an amendment intended to be proposed to amendment SA 4685 proposed by Mr. SHELBY (for himself and Ms. MIKULSKI) to the bill H.R. 2578, making appropriations for the Departments of Commerce and Justice, Science, and Related Agencies for the fiscal year ending September 30, 2016, and for other purposes; which was ordered to lie on the table; as follows:

On page 107, between lines 9 and 10, insert the following:

TITLE VI—LARGE CAPACITY AMMUNITION FEEDING DEVICE ACT

SEC. 601. SHORT TITLE.

This title may be cited as the ''Large Capacity Ammunition Feeding Device Act of 2016''.

SEC. 602. DEFINITIONS.

Section 921(a) of title 18, United States Code, is amended by inserting after paragraph (29) the following:

''(30) The term 'large capacity ammunition feeding device'—

''(A) means a magazine, belt, drum, feed strip, helical feeding device, or similar device, including any such device joined or coupled with another in any manner, that has an overall capacity of, or that can be readily restored, changed, or converted to accept, more than 10 rounds of ammunition; and

''(B) does not include an attached tubular device designed to accept, and capable of operating only with, .22 caliber rimfire ammunition.

''(31) The term 'qualified law enforcement officer' has the meaning given the term in section 926B.''.

SEC. 603. RESTRICTIONS ON LARGE CAPACITY AMMUNITION FEEDING DEVICES.

(a) IN GENERAL.—Section 922 of title 18, United States Code, is amended by inserting after subsection (u) the following:

''(v)(1) It shall be unlawful for a person to import, sell, manufacture, transfer, or possess, in or affecting interstate or foreign commerce, a large capacity ammunition feeding device.

''(2) Paragraph (1) shall not apply to the possession of any large capacity ammunition feeding device otherwise lawfully possessed on or before the date of enactment of the Large Capacity Ammunition Feeding Device Act of 2016.

''(3) Paragraph (1) shall not apply to—

''(A) the importation for, manufacture for, sale to, transfer to, or possession by the United States or a department or agency of the United States or a State or a department, agency, or political subdivision of a State, or a sale or transfer to or possession by a qualified law enforcement officer employed by the United States or a department or agency of the United States or a State or a department, agency, or political subdivision of a State for purposes of law enforcement (whether on or off-duty), or a sale or transfer to or possession by a campus law enforcement officer for purposes of law enforcement (whether on or off-duty);

''(B) the importation for, or sale or transfer to a licensee under title I of the Atomic Energy Act of 1954 for purposes of establishing and maintaining an on-site physical protection system and security organization required by Federal law, or possession by an employee or contractor of such licensee on-site for such purposes or off-site for purposes of licensee-authorized training or transportation of nuclear materials;

''(C) the possession, by an individual who is retired in good standing from service with a law enforcement agency and is not otherwise prohibited from receiving ammunition, of a large capacity ammunition feeding device—

''(i) sold or transferred to the individual by the agency upon such retirement; or

''(ii) that the individual purchased, or otherwise obtained, for official use before such retirement; or

''(D) the importation, sale, manufacture, transfer, or possession of any large capacity ammunition feeding device by a licensed manufacturer or licensed importer for the purposes of testing or experimentation authorized by the Attorney General.

''(4) For purposes of paragraph (3)(A), the term 'campus law enforcement officer' means an individual who is—

''(A) employed by a private institution of higher education that is eligible for funding under title IV of the Higher Education Act of 1965 (20 U.S.C. 1070 et seq.);

''(B) responsible for the prevention or investigation of crime involving injury to persons or property, including apprehension or detention of persons for such crimes;

''(C) authorized by Federal, State, or local law to carry a firearm, execute search warrants, and make arrests; and

''(D) recognized, commissioned, or certified by a government entity as a law enforcement officer.''.

(b) IDENTIFICATION MARKINGS FOR LARGE CAPACITY AMMUNITION FEEDING DEVICES.—Section 923(i) of title 18, United States Code, is amended by adding at the end the following: ''A large capacity ammunition feeding device manufactured after the date of enactment of the Large Capacity Ammunition Feeding Device Act of 2016 shall be identified by a serial number and the date on which the device was manufactured or made, legibly and conspicuously engraved or cast on the device, and such other identification as the Attorney General shall by regulations prescribe.''.

(c) SEIZURE AND FORFEITURE OF LARGE CAPACITY AMMUNITION FEEDING DEVICES.—Section 924(d) of title 18, United States Code, is amended—

(1) in paragraph (1)—

(A) by inserting ''or large capacity ammunition feeding device'' after ''firearm or ammunition'' each place the term appears;

(B) by inserting ''or large capacity ammunition feeding device'' after ''firearms or ammunition'' each place the term appears; and

(C) by striking ''or (k)'' and inserting ''(k), or (v)'';

(2) in paragraph (2)(C), by inserting ''or large capacity ammunition feeding devices'' after ''firearms or quantities of ammunition''; and

(3) in paragraph (3)(E), by inserting ''922(v),'' after ''922(n),''.

SEC. 604. PENALTIES.

Section 924(a)(1)(B) of title 18, United States Code, is amended by striking ''or (q)'' and inserting ''(q), or (v)''.

SEC. 605. USE OF BYRNE GRANTS FOR BUY-BACK PROGRAMS FOR LARGE CAPACITY AMMUNITION FEEDING DEVICES.

Section 501(a)(1) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3751(a)(1)) is amended by adding at the end the following:

''(H) Compensation for surrendered large capacity ammunition feeding devices, as that term is defined in section 921 of title 18, United States Code, under buy-back programs for large capacity ammunition feeding devices.''.

SEC. 606. SEVERABILITY.

If any provision of this title, an amendment made by this title, or the application of such provision or amendment to any person or circumstance is held to be unconstitutional, the remainder of this title, the amendments made by this title, and the application of such provision or amendment to any person or circumstance shall not be affected thereby.

SA 4833. Mr. KIRK submitted an amendment intended to be proposed to amendment SA 4685 proposed by Mr. SHELBY (for himself and Ms. MIKULSKI) to the bill H.R. 2578, making appropriations for the Departments of Commerce and Justice, Science, and Related Agencies for the fiscal year ending September 30, 2016, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in title V, insert the following:

SEC. 5___. CRIMINAL STREET GANG RICO PROSECUTION ACT.

Section 1961 of title 18, United States Code, is amended—

(1) in the matter preceding paragraph (1), by inserting ''(a)'' before ''As used'';

(2) in paragraph (4), by inserting ''any criminal street gang,'' after ''other legal entity,'';

(3) in paragraph (9), by striking ''and'' at the end;

(4) in paragraph (10), by striking the period at the end and inserting a semicolon; and

(5) by inserting after paragraph (10) the following:

''(11) 'criminal street gang'—

''(A) means any organization, association, or group of 3 or more individuals associated in fact, whether formal or informal, that engages in criminal gang activity; and

''(B) does not include 3 or more individuals, associated in fact, whether formal or informal, who are not engaged in criminal gang activity; and

''(12) 'criminal gang activity' means the commission, attempted commission, conspiracy to commit, or solicitation, coercion, or intimidation of another person to commit a racketeering activity.''; and

(6) by adding at the end the following:

''(b) For purposes of this chapter, the existence of a criminal street gang may be established by 1 or more identifying characteristics, including—

''(1) evidence of a common name or common identifying signs, symbols, tattoos, graffiti, attire, aliases, nicknames, or social media posts; and

''(2) other distinguishing characteristics, including, common activities, rules, codes, customs, or behaviors.''.

SA 4834. Mr. HATCH submitted an amendment intended to be proposed to amendment SA 4688 submitted by Mr. WYDEN and intended to be proposed to the bill H.R. 2578, making appropriations for the Departments of Commerce and Justice, Science, and Related Agencies for the fiscal year ending September 30, 2016, and for other purposes; which was ordered to lie on the table; as follows:

At the end, insert the following: ''This section shall not apply to a corporation, association, educational institution or institution of learning, or society that is exempt from the discrimination provisions of title VII of the Civil Rights Act of 1964 (42 U.S.C. 2000e et seq.) pursuant to section 702(a) or 703(e)(2) of such Act (42 U.S.C. 2000e–1(a), 2000e–2(e)(2)).''.

SA 4835. Mr. HATCH submitted an amendment intended to be proposed to amendment SA 4685 proposed by Mr. SHELBY (for himself and Ms. MIKULSKI) to the bill H.R. 2578, making appropriations for the Departments of Commerce and Justice, Science, and Related Agencies for the fiscal year ending September 30, 2016, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title V, insert the following:

SEC. _____. CIVIL RIGHTS PROTECTIONS AND EXEMPTIONS.

Any agency or office of any branch of the Federal Government receiving funds under

this Act shall, with respect to any religious corporation, religious association, religious educational institution, or religious society that is a recipient of or offeror for a Federal Government contract, subcontract, grant, purchase order, or cooperative agreement, provide protections and exemptions consistent with sections 702(a) and 703(e)(2) of the Civil Rights Act of 1964 (42 U.S.C. 2000e–1(a) and 42 U.S.C. 2000e–2(e)(2)) and section 103(d) of the Americans with Disabilities Act of 1990 (42 U.S.C. 12113(d)).

SA 4836. Mr. CRUZ submitted an amendment intended to be proposed to amendment SA 4685 proposed by Mr. SHELBY (for himself and Ms. MIKULSKI) to the bill H.R. 2578, making appropriations for the Departments of Commerce and Justice, Science, and Related Agencies for the fiscal year ending September 30, 2016, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. Notwithstanding any other provision of law, none of the funds appropriated or otherwise made available by this Act may be used by the Department of Justice to settle, with payments out of amounts appropriated under section 1304 of title 31, United States Code, any lawsuit brought by a health plan or health insurance issuer related to section 1342 of the Patient Protection and Affordable Care Act (42 U.S.C. 18062) or any other provision of such Act (Public Law 111–148).

SA 4837. Mr. SASSE submitted an amendment intended to be proposed to amendment SA 4685 proposed by Mr. SHELBY (for himself and Ms. MIKULSKI) to the bill H.R. 2578, making appropriations for the Departments of Commerce and Justice, Science, and Related Agencies for the fiscal year ending September 30, 2016, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in title II, insert the following:

SEC. _____. Notwithstanding any other provision of law, none of the funds appropriated or otherwise made available by this Act may be used by the Department of Justice to make payments out of amounts appropriated under section 1304 of title 31, United States Code, with respect to any lawsuit related to section 1341, 1342, or 1343 of the Patient Protection and Affordable Care Act (42 U.S.C. 18061, 18062, 18063). The Department of Justice shall pay any amounts owed as a result of any such lawsuit with funds appropriated under the heading of this title ''SALARIES AND EXPENSES'' under the heading of this title ''GENERAL ADMINISTRATION'' for human resources purposes.

SA 4838. Mr. SASSE submitted an amendment intended to be proposed to amendment SA 4685 proposed by Mr. SHELBY (for himself and Ms. MIKULSKI) to the bill H.R. 2578, making appropriations for the Departments of Commerce and Justice, Science, and Related Agencies for the fiscal year ending September 30, 2016, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. None of the funds made available by this Act may be used by a Department of Justice lawyer to lie to, willfully deceive, or intentionally misrepresent facts before any Federal judge.

SA 4839. Mr. SASSE submitted an amendment intended to be proposed to amendment SA 4685 proposed by Mr. SHELBY (for himself and Ms. MIKULSKI) to the bill H.R. 2578, making appropriations for the Departments of Commerce and Justice, Science, and Related Agencies for the fiscal year ending September 30, 2016, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. (a) Congress finds the following:

(1) On May 19, 2016, United States district court judge Andrew Hanen issued an order finding that Department of Justice lawyers made a number of intentionally false statements to defend the Accountability Immigration Executive Action of the President.

(2) Judge Hanen stated the lawyers lied to the court 3 distinct times:

(A) LIE #1.—On December 19, 2014, Department of Justice lawyers asked to push a hearing back to January, assuring the court that no applications to the Deferred Action for Childhood Arrivals program (in this section referred to as ''DACA'') program would be approved. (''This was not a curve ball thrown by the Government; this was a spitball which neither the Plaintiff States nor the Court would learn of until March 3, 2015.''. Texas v. United States, Civil No. B–14–254, 2016 WL 3211803, at *5 (S.D. Tex. May 19, 2016).)

(B) LIE #2.—In January 2015, Department of Justice lawyers told the court no applications for DACA would be accepted until February 18, 2015, and no action would be taken on them until March 4—meanwhile 100,000 applications had already been approved.

(C) LIE #3.—On February 23, 2015, a week after an injunction was issued, Department of Justice lawyers filed a brief stating that DACA applications were set to begin on March 3, despite the fact that the Department of Homeland Security started processing them in late November 2014. (''Yet counsel, who knew of the DHS activity, were not only silent, but their motion was certainly calculated to give the impression that nothing was happening or had happened pursuant to the 2014 DHS Directive—when, in fact, by that time over 100,000 applications had already been granted.'' Id. at *7.)

(3) Judge Hanen drew the following conclusions:

(A) ''[T]he Justice Department lawyers knew the true facts and misrepresented those facts to the citizens of the 26 Plaintiff States, their lawyers and this Court on multiple occasions. . . . Such conduct is certainly not worthy of any department whose name includes the word 'Justice.' ''. Id. at *3.

(B) ''The United States Department of Justice . . . has now admitted making statements that clearly did not match the facts. It has admitted that the lawyers who made these statements had knowledge of the truth when they made these misstatements.''. Id. at *1.

(C) ''These misrepresentations will be discussed in more detail below; but suffice it to say the Government's attorneys effectively misled the Plaintiff States into foregoing a request for a temporary restraining order or an earlier injunction hearing. Further, these misrepresentations may have caused more damage in the intervening time period and may cause additional damage in the future. Counsel's misrepresentations also misdirected the Court as to the timeline involved in the implementation of the 2014 DHS Directive, which included the amendments to the Deferred Action for Childhood Arrivals ('DACA')program.''. Id. at *2.

(D) ''The Government's attorneys knew since late-November of 2014 that the DHS was issuing three-year deferrals under the 2014 DHS Directive. Whether it was one person or one hundred thousand persons, the magnitude does not change a lawyer's ethical obligations. The duties of a Government lawyer, and in fact of any lawyer, are threefold: (1) tell the truth; (2) do not mislead the Court; and (3) do not allow the Court to be misled. The Government's lawyers failed on all three fronts. The actions of the DHS should have been brought to the attention of the opposing counsel and the Court as early as December 19, 2014. The failure of counsel to do that constituted more than mere inadvertent omissions—it was intentionally deceptive. There is no de minimis rule that applies to a lawyer's ethical obligation to tell the truth.''. Id. at *7 (citation omitted).

(E) ''The failure of counsel to inform the counsel for the Plaintiff States and the Court of the DHS activity—activity the Justice Department admittedly knew about—was clearly unethical and clearly misled both counsel for the Plaintiff States and the Court.''. Id. at *9.

(F) ''This Court finds that the misrepresentations detailed above: (1) were false; (2) were made in bad faith; and (3) misled both the Court and the Plaintiff States.''. Id. at *10.

(G) ''In fact, it is hard to imagine a more serious, more calculated plan of unethical conduct.''. Id. at *11.

(b) It is the sense of Congress that the conduct of the Department of Justice lawyers is unbecoming of representatives of the highest-ranking law enforcement officer in the United States.

SA 4840. Mr. SASSE submitted an amendment intended to be proposed to amendment SA 4685 proposed by Mr. SHELBY (for himself and Ms. MIKULSKI) to the bill H.R. 2578, making appropriations for the Departments of Commerce and Justice, Science, and Related Agencies for the fiscal year ending September 30, 2016, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in title V, insert the following:

SEC. 5___. None of the funds appropriated or otherwise made available under this Act may be used by an officer or employee of a department or agency funded under this Act 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.

SA 4841. Mr. PORTMAN (for himself and Mr. BROWN) submitted an amendment intended to be proposed to amendment SA 4685 proposed by Mr. SHELBY (for himself and Ms. MIKULSKI) to the bill H.R. 2578, making appropriations for the Departments of Commerce and Justice, Science, and Related Agencies for the fiscal year ending September 30, 2016, and for other purposes; which was ordered to lie on the table; as follows:

On page 80, between lines 17 and 18, insert the following:

GENERAL PROVISIONS

SEC. 301. (a) SENSE OF CONGRESS.—It is the sense of Congress that conducting deep space exploration requires radioisotope power systems, such as thermoelectric and Stirling generators and converters.

(b) ANALYSIS OF REQUIREMENTS AND RISKS.—The Director of the Office of Science and Technology Policy and the Administrator of the National Aeronautics and Space Administration, in consultation with the heads of other Federal agencies, shall conduct an analysis of—

(1) the requirements of the National Aeronautics and Space Administration for radioisotope power system material that is needed to carry out planned, high priority robotic missions in the solar system and other surface exploration activities beyond low-Earth orbit; and

(2) the risks to missions of the Administration in meeting those requirements, or any additional requirements, due to a lack of adequate radioisotope power system material.

SA 4842. Mr. CORNYN (for himself and Mr. UDALL) submitted an amendment intended to be proposed to amendment SA 4685 proposed by Mr. SHELBY (for himself and Ms. MIKULSKI) to the bill H.R. 2578, making appropriations for the Departments of Commerce and Justice, Science, and Related Agencies for the fiscal year ending September 30, 2016, and for other purposes; which was ordered to lie on the table; as follows:

On page 68, between lines 20 and 21, insert the following:

SEC. 218. (a) With respect to funds appropriated under this title under the heading ''STATE AND LOCAL LAW ENFORCEMENT ASSISTANCE'' the Attorney General shall award grants, not exceed an aggregate amount of $4,000,000, to county, municipal, or tribal governments in States along the Southwest border of the United States, for costs, or reimbursement of costs, associated with the transportation and processing of unidentified alien remains that have been transferred to an official medical examiner's office or an area university with the capacity to analyze human remains using forensic best practices where such expenses may contribute to the collection and analysis of information pertaining to missing and unidentified persons.

(b) The restriction under section 1001(c) of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3793(c)) shall not apply to amounts made available under subsection (a): *Provided*, that the Attorney General shall otherwise award amounts made available under subsection (a) in a manner and form consistent with amounts made available under paragraph (1) under the heading ''STATE AND LOCAL LAW ENFORCEMENT ASSISTANCE''.

SA 4843. Mr. SASSE (for himself and Mr. FRANKEN) submitted an amendment intended to be proposed by him to the bill H.R. 2578, making appropriations for the Departments of Commerce and Justice, Science, and Related Agencies for the fiscal year ending September 30, 2016, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____. None of the funds appropriated or otherwise made available by this Act may be obligated or expended to implement any change relating to the status of the People's Republic of China under section 771(18) of the Tariff Act of 1930 (19 U.S.C. 1677(18)).

SA 4844. Mrs. BOXER (for herself, Ms. CANTWELL, Mrs. MURRAY, and Mr. WYDEN) submitted an amendment intended to be proposed to amendment SA 4685 proposed by Mr. SHELBY (for himself and Ms. MIKULSKI) to the bill H.R. 2578, making appropriations for the Departments of Commerce and Justice, Science, and Related Agencies for the fiscal year ending September 30, 2016, and for other purposes; which was ordered to lie on the table; as follows:

On page 16, line 3, strike ''$65,000,000,'' and insert ''$80,000,000,''.

SA 4845. Mr. SASSE submitted an amendment intended to be proposed by him to the bill H.R. 2578, making appropriations for the Departments of Commerce and Justice, Science, and Related Agencies for the fiscal year ending September 30, 2016, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____. None of the funds appropriated in this Act may be used by the Department of Justice to enforce any contraceptive mandate under title XXVII of the Public Health Service Act (42 U.S.C. 300gg et seq.) or the Patient Protection and Affordable Care Act (Public Law 111–148).

SA 4846. Mrs. BOXER (for herself, Mrs. MURRAY, and Mr. WYDEN) submitted an amendment intended to be proposed to amendment SA 4685 proposed by Mr. SHELBY (for himself and Ms. MIKULSKI) to the bill H.R. 2578, making appropriations for the Departments of Commerce and Justice, Science, and Related Agencies for the fiscal year ending September 30, 2016, and for other purposes; which was ordered to lie on the table; as follows:

On page 16, line 3, strike ''$65,000,000,'' and insert ''$80,000,000, of which $15,000,000 is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 901(b)(2)(A)(i)),''.

SA 4847. Mr. BROWN (for himself and Mr. PORTMAN) submitted an amendment intended to be proposed to amendment SA 4685 proposed by Mr. SHELBY (for himself and Ms. MIKULSKI) to the bill H.R. 2578, making appropriations for the Departments of Commerce and Justice, Science, and Related Agencies for the fiscal year ending September 30, 2016, and for other purposes; which was ordered to lie on the table; as follows:

On page 80, between lines 17 and 18, insert the following:

GENERAL PROVISION

SEC. 301. It is the sense of Congress that the National Aeronautics and Space Administration should not continue to implement the consolidation of procurement and human resource services, as recommended by the Technical Capabilities Assessment Team, until the Comptroller General of the United States completes—

(1) an analysis of the business case resulting in the relocation of procurement services under the consolidation; and

(2) an assessment whether the relocation of procurement services would enable the Field Centers of the Administration to leverage for research full-time employees who would revert to the Centers under the consolidation.

SA 4848. Ms. MIKULSKI (for herself, Mr. LEAHY, Ms. BALDWIN, Mr. NELSON, Ms. HIRONO, Mr. DURBIN, and Mr. BROWN) submitted an amendment intended to be proposed to amendment SA 4685 proposed by Mr. SHELBY (for himself and Ms. MIKULSKI) to the bill H.R. 2578, making appropriations for the Departments of Commerce and Justice, Science, and Related Agencies for the fiscal year ending September 30, 2016, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title II, add the following:

SEC. 2___. ADDITIONAL RESOURCES AND FIREARMS TRAFFICKING.

(a) ADEQUATE RESOURCES FOR FEDERAL BUREAU OF INVESTIGATION.—In addition to the amounts provided under the heading ''SALARIES AND EXPENSES'' under the heading ''FEDERAL BUREAU OF INVESTIGATION'' under this title, $175,000,000 for personnel, training, and equipment needed to counter both foreign and domestic terrorism, including lone wolf actors: *Provided*, That such amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 901(b)(2)(A)(i)).

(b) ADEQUATE RESOURCES FOR VALOR.—In addition to the amounts provided under the heading ''STATE AND LOCAL LAW ENFORCEMENT ASSISTANCE'' under the heading ''OFFICE OF JUSTICE PROGRAMS'' under this title, $15,000,000 for an Officer Robert Wilson III memorial initiative on Preventing Violence Against Law Enforcement Officer Resilience and Survivability (VALOR): *Provided*, That such amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 901(b)(2)(A)(i)).

(c) ADEQUATE RESOURCES FOR CIVIL RIGHTS DIVISION.—In addition to the amounts provided under the heading ''SALARIES AND EXPENSES, GENERAL LEGAL ACTIVITIES'' under the heading ''LEGAL ACTIVITIES'' under this title, $30,000,000 for the Civil Rights Division of the Department of Justice: *Provided*, That such amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 901(b)(2)(A)(i)).

(d) ADEQUATE RESOURCES FOR COMMUNITY RELATIONS SERVICE.—In addition to the amounts provided under the heading ''SALARIES AND EXPENSES, COMMUNITY RELATIONS SERVICE'' under the heading ''LEGAL ACTIVITIES'' under this title, $11,000,000 for the Community Relations Service of the Department of Justice for personnel and training to respond to hate crimes: *Provided*, That such amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 901(b)(2)(A)(i)).

(e) STRENGTHENING FIREARMS TRAFFICKING INVESTIGATIONS AND PROSECUTIONS.—Section 924 of title 18, United States Code, is amended by striking subsection (h) and inserting the following:

''(h) Whoever knowingly transfers or receives a firearm, knowing or having reasonable cause to believe that such firearm will be used to commit a Federal crime of terrorism (as defined in section 2332b(g)(5)), a crime of violence (as defined in subsection (c)(3)), or a drug trafficking crime (as defined in subsection (c)(2)) shall be imprisoned not more than 15 years, fined in accordance with this title, or both.''.

SA 4849. Mr. BURR (for himself and Ms. CANTWELL) submitted an amendment intended to be proposed to amendment SA 4685 proposed by Mr. SHELBY (for himself and Ms. MIKULSKI) to the bill H.R. 2578, making appropriations for the Departments of Commerce and Justice, Science, and Related Agencies for the fiscal year ending September 30, 2016, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. STUDY ON GAPS IN NEXRAD COVERAGE AND REQUIREMENT FOR PLAN TO ADDRESS SUCH GAPS.

(a) STUDY ON GAPS IN NEXRAD COVERAGE.—

(1) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Commerce shall complete a study on gaps in the coverage of the Next Generation Weather Radar of the National Weather Service (referred to in this section as ''NEXRAD'').

(2) ELEMENTS.—In conducting the study required under paragraph (1), the Secretary shall—

(A) identify areas in the United States with limited or no NEXRAD coverage below 6,000 feet above ground level of the surrounding terrain;

(B) for the areas identified under subparagraph (A)—

(i) identify the key weather effects for which prediction would improve with improved radar detection;

(ii) identify additional sources of observations for high impact weather that were available and operational for such areas on the day before the date of the enactment of this Act, including Terminal Doppler Weather Radar (commonly known as ''TDWR''), air surveillance radars of the Federal Aviation Administration, and cooperative network observers; and

(iii) assess the feasibility and advisability of efforts to integrate and upgrade Federal radar capabilities that are not owned or controlled by the National Oceanic and Atmospheric Administration, including radar capabilities of the Federal Aviation Administration and the Department of Defense;

(C) assess the feasibility and advisability of incorporating State-operated and other non-Federal radars into the operations of the National Weather Service;

(D) identify options to improve radar coverage in the areas identified under subparagraph (A); and

(E) estimate the cost of, and develop a timeline for, carrying out each of the options identified under subparagraph (D).

(3) REPORT.—Upon the completion of the study required under paragraph (1), the Secretary shall submit a report to the Committee on Commerce, Science, and Transportation of the Senate, the Committee on Appropriations of the Senate, the Committee on Science, Space, and Technology of the House of Representatives, and the Committee on Appropriations of the House of Representatives that includes the findings of the Secretary with respect to the study.

(b) PLAN TO IMPROVE RADAR COVERAGE.—Not later than 30 days after the completion of the study under subsection (a)(1), the Secretary of Commerce shall submit a plan to the congressional committees referred to in subsection (a)(3) for improving radar coverage in the areas identified under subsection (a)(2)(A) by integrating and upgrading, to the extent practicable, additional observation solutions to improve hazardous weather detection and forecasting.

(c) REQUIREMENT FOR THIRD-PARTY REVIEWS REGARDING PLAN TO IMPROVE RADAR COVERAGE.—The Secretary of Commerce shall seek third-party reviews on scientific methodology relating to, and the feasibility and advisability of, implementing the plan submitted under subsection (b), including the extent to which warning and forecast services of the National Weather Service would be improved by additional NEXRAD coverage.

SA 4850. Mr. SASSE submitted an amendment intended to be proposed to amendment SA 4685 proposed by Mr. SHELBY (for himself and Ms. MIKULSKI) to the bill H.R. 2578, making appropriations for the Departments of Commerce and Justice, Science, and Related Agencies for the fiscal year ending September 30, 2016, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place , insert the following:

SEC. ___. None of the funds appropriated or otherwise made available to the Department of Justice under this Act may be used by the Department of Justice to defend the constitutionality of the Bureau of Consumer Financial Protection.

SA 4851. Mr. SASSE submitted an amendment intended to be proposed to amendment SA 4685 proposed by Mr. SHELBY (for himself and Ms. MIKULSKI) to the bill H.R. 2578, making appropriations for the Departments of Commerce and Justice, Science, and Related Agencies for the fiscal year ending September 30, 2016, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. None of the funds appropriated in this Act may be used by the Department of Justice to enforce the contraceptive, abortifacient, and sterilization coverage mandates under title XXVII of the Public Health Service Act (42 U.S.C. 300gg et seq.).

SA 4852. Mr. MCCONNELL (for Mrs. ERNST) proposed an amendment to the bill H.R. 1777, to amend the Act of August 25, 1958, commonly known as the ''Former Presidents Act of 1958'', with respect to the monetary allowance payable to a former President, and for other purposes; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Presidential Allowance Modernization Act of 2016''.

SEC. 2. AMENDMENTS.

(a) FORMER PRESIDENTS.—The first section of the Act entitled ''An Act to provide retirement, clerical assistants, and free mailing privileges to former Presidents of the United States, and for other purposes'', approved August 25, 1958 (commonly known as the ''Former Presidents Act of 1958'') (3 U.S.C. 102 note), is amended by striking the matter preceding subsection (e) and inserting the following:

''(a) IN GENERAL.—Each former President shall be entitled for the remainder of his or her life to receive from the United States—

''(1) an annuity at the rate of $200,000 per year, subject to subsection (c); and

''(2) a monetary allowance at the rate of $200,000 per year, subject to subsections (c) and (d).

''(b) DURATION; FREQUENCY.—

''(1) IN GENERAL.—The annuity and allowance under subsection (a) shall each—

''(A) commence on the day after the date on which an individual becomes a former President;

''(B) terminate on the date on which the former President dies; and

''(C) be payable by the Secretary of the Treasury on a monthly basis.

''(2) APPOINTIVE OR ELECTIVE POSITIONS.—The annuity and allowance under subsection (a) shall not be payable for any period during which a former President holds an appointive or elective position in or under the Federal Government to which is attached a rate of pay other than a nominal rate.

''(c) COST-OF-LIVING INCREASES.—Effective December 1 of each year, each annuity and allowance under subsection (a) that commenced before that date shall be increased by the same percentage by which benefit amounts under title II of the Social Security Act (42 U.S.C. 401 et seq.) are increased, effective as of that date, as a result of a determination under section 215(i) of that Act (42 U.S.C. 415(i)).

''(d) LIMITATION ON MONETARY ALLOWANCE.—

''(1) IN GENERAL.—Notwithstanding any other provision of this section, the monetary allowance payable under subsection (a)(2) to a former President for any 12-month period—

''(A) except as provided in subparagraph (B), may not exceed the amount by which—

''(i) the monetary allowance that (but for this subsection) would otherwise be so payable for such 12-month period, exceeds (if at all)

''(ii) the applicable reduction amount for such 12-month period; and

''(B) shall not be less than the amount determined under paragraph (4).

''(2) DEFINITION.—

''(A) IN GENERAL.—For purposes of paragraph (1), the term 'applicable reduction amount' means, with respect to any former President and in connection with any 12-month period, the amount by which—

''(i) the sum of—

''(I) the adjusted gross income (as defined in section 62 of the Internal Revenue Code of 1986) of the former President for the most recent taxable year for which a tax return is available; and

''(II) any interest excluded from the gross income of the former President under section 103 of such Code for such taxable year, exceeds (if at all)

''(ii) $400,000, subject to subparagraph (C).

''(B) JOINT RETURNS.—In the case of a joint return, subclauses (I) and (II) of subparagraph (A)(i) shall be applied by taking into account both the amounts properly allocable to the former President and the amounts properly allocable to the spouse of the former President.

''(C) COST-OF-LIVING INCREASES.—The dollar amount specified in subparagraph (A)(ii) shall be adjusted at the same time that, and by the same percentage by which, the monetary allowance of the former President is increased under subsection (c) (disregarding this subsection).

''(3) DISCLOSURE REQUIREMENT.—

''(A) DEFINITIONS.—In this paragraph—

''(i) the terms 'return' and 'return information' have the meanings given those terms in section 6103(b) of the Internal Revenue Code of 1986; and

''(ii) the term 'Secretary' means the Secretary of the Treasury or the Secretary of the Treasury's delegate.

''(B) REQUIREMENT.—A former President may not receive a monetary allowance under subsection (a)(2) unless the former President discloses to the Secretary, upon the request of the Secretary, any return or return information of the former President or spouse of the former President that the Secretary determines is necessary for purposes of calculating the applicable reduction amount under paragraph (2) of this subsection.

''(C) CONFIDENTIALITY.—Except as provided in section 6103 of the Internal Revenue Code of 1986 and notwithstanding any other provision of law, the Secretary may not, with respect to a return or return information disclosed to the Secretary under subparagraph (B)—

''(i) disclose the return or return information to any entity or person; or

''(ii) use the return or return information for any purpose other than to calculate the applicable reduction amount under paragraph (2).

''(4) INCREASED COSTS DUE TO SECURITY NEEDS.—With respect to the monetary allowance that would be payable to a former President under subsection (a)(2) for any 12-month period but for the limitation under paragraph (1), the Administrator of General Services, in coordination with the Director of the United States Secret Service, shall determine the amount of the allowance that is needed to pay the increased cost of doing business that is attributable to the security needs of the former President.''.

(b) SURVIVING SPOUSES OF FORMER PRESIDENTS.—

(1) INCREASE IN AMOUNT OF MONETARY ALLOWANCE.—Subsection (e) of the first section of the Former Presidents Act of 1958 is amended—

(A) in the first sentence, by striking ''$20,000 per annum,'' and inserting ''$100,000 per year (subject to paragraph (4)),''; and

(B) in the second sentence—

(i) in paragraph (2), by striking ''and'' at the end;

(ii) in paragraph (3)—

(I) by striking ''or the government of the District of Columbia''; and

(II) by striking the period and inserting ''; and''; and

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

''(4) shall, after its commencement date, be increased at the same time that, and by the same percentage by which, annuities of former Presidents are increased under subsection (c).''.

(2) COVERAGE OF WIDOWER OF A FORMER PRESIDENT.—Subsection (e) of the first section of the Former Presidents Act of 1958, as amended by paragraph (1), is amended—

(A) by striking ''widow'' each place it appears and inserting ''widow or widower''; and

(B) by striking ''she'' and inserting ''she or he''.

(c) SUBSECTION HEADINGS.—The first section of the Former Presidents Act of 1958 is amended—

(1) in subsection (e), by inserting after the subsection enumerator the following: ''WIDOWS AND WIDOWERS.—'';

(2) in subsection (f), by inserting after the subsection enumerator the following: ''DEFINITION.—''; and

(3) in subsection (g), by inserting after the subsection enumerator the following: ''AUTHORIZATION OF APPROPRIATIONS.—''.

SEC. 3. RULE OF CONSTRUCTION.

Nothing in this Act or an amendment made by this Act shall be construed to affect—

(1) any provision of law relating to the security or protection of a former President or a member of the family of a former President; or

(2) funding, under the Former Presidents Act of 1958 or any other law, to carry out any provision of law described in paragraph (1).

SEC. 4. TRANSITION RULES.

(a) FORMER PRESIDENTS.—In the case of any individual who is a former President on the date of enactment of this Act, the amendment made by section 2(a) shall be applied as if the commencement date referred in subsection (b)(1)(A) of the first section of the Former Presidents Act of 1958, as amended by section 2(a), coincided with such date of enactment.

(b) WIDOWS.—In the case of any individual who is the widow of a former President on the date of enactment of this Act, the amendments made by section 2(b)(1) shall be applied as if the commencement date referred to in subsection (e)(1) of the first section of the Former Presidents Act of 1958, as amended by section 2(b)(1), coincided with such date of enactment.

SEC. 5. APPLICABILITY.

For a former President receiving a monetary allowance under the Former Presidents Act of 1958 on the day before the date of enactment of this Act, the limitation under subsection (d)(1) of the first section of that Act, as amended by section 2(a), shall apply to the monetary allowance of the former President, except to the extent that the application of the limitation would prevent the former President from being able to pay the cost of a lease or other contract that is in effect on the day before the date of enactment of this Act and under which the former President makes payments using the monetary allowance, as determined by the Administrator of General Services.

SA 4853. Mr. MCCONNELL (for Mr. THUNE) proposed an amendment to the bill S. 2736, to improve access to durable medical equipment for Medicare beneficiaries under the Medicare program, and for other purposes; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Patient Access to Durable Medical Equipment Act of 2016''.

SEC. 2. EXTENSION OF THE TRANSITION TO NEW PAYMENT RATES FOR DURABLE MEDICAL EQUIPMENT UNDER THE MEDICARE PROGRAM.

The Secretary of Health and Human Services shall extend the transition period described in clause (i) of section 414.210(g)(9) of title 42, Code of Federal Regulations, from June 30, 2016, to June 30, 2017 (with the full implementation described in clause (ii) of such section applying to items and services furnished with dates of service on or after July 1, 2017).

SEC. 3. FLOOR ON BID CEILING FOR COMPETITIVE ACQUISITION FOR DURABLE MEDICAL EQUIPMENT UNDER THE MEDICARE PROGRAM.

Section 1847(b)(5) of the Social Security Act (42 U.S.C. 1395w–3(b)(5)) is amended—

(1) in subparagraph (A)—

(A) by inserting '', subject to subparagraph (E),'' after ''subsection (a)(2)''; and

(B) by inserting '', subject to subparagraph (E),'' after ''Based on such bids''; and

(2) by adding at the end the following new subparagraph:

''(E) FLOOR ON BID CEILING FOR DURABLE MEDICAL EQUIPMENT.—

''(i) IN GENERAL.—The ceiling for a bid submitted for applicable covered items may not be less than the fee schedule amount that would otherwise be determined under section 1834(a), section 1834(h), or section 1842(s) for such items furnished on July 1, 2016 (determined as if section 2 of the Patient Access to Durable Medical Equipment Act of 2016 had not been enacted).

''(ii) APPLICABLE COVERED ITEMS DEFINED.—For purposes of this subparagraph, the term 'applicable covered items' means competitively priced items and services described in subsection (a)(2) that are furnished with respect to rounds of competition that begin on or after January 1, 2017.''.

SEC. 4. REQUIREMENTS IN DETERMINING ADJUSTMENTS USING INFORMATION FROM COMPETITIVE BIDDING PROGRAMS.

(a) IN GENERAL.—Section 1834(a)(1)(G) of the Social Security Act (42 U.S.C. 1395m(a)(1)(G)) is amended by adding at the end the following new sentence: ''In the case of items and services furnished on or after January 1, 2019, in making any adjustments under clause (ii) or (iii) of subparagraph (F), under subsection (h)(1)(H)(ii), or under section 1842(s)(3)(B), the Secretary shall—

''(i) solicit and take into account stakeholder input; and

''(ii) take into account the highest amount bid by a winning supplier in a competitive acquisition area and a comparison of each of the following with respect to non-competitive acquisition areas and competitive acquisition areas:

''(I) The average travel distance and cost associated with furnishing items and services in the area.

''(II) Any barriers to access for items and services in the area.

''(III) The average delivery time in furnishing items and services in the area.

''(IV) The average volume of items and services furnished by suppliers in the area.

''(V) The number of suppliers in the area.''.

(b) CONFORMING AMENDMENTS.—(1) Section 1834(h)(1)(H)(ii) of the Social Security Act (42 U.S.C. 1395m(h)(1)(H)(ii)) is amended by striking ''the Secretary'' and inserting ''subject to subsection (a)(1)(G), the Secretary''.

(2) Section 1842(s)(3)(B) of the Social Security Act (42 U.S.C. 1395m(s)(3)(B)) is amended by striking ''the Secretary'' and inserting ''subject to section 1834(a)(1)(G), the Secretary''.

SEC. 5. REPORTS ON THE RESULTS OF THE MONITORING OF ACCESS OF MEDICARE BENEFICIARIES TO DURABLE MEDICAL EQUIPMENT AND OF HEALTH OUTCOMES.

Not later than October 1, 2016, January 1, 2017, April 1, 2017, and July 1, 2017, the Secretary of Health and Human Services shall publish on the Internet website of the Centers for Medicare & Medicaid Services the results of the monitoring of access of Medicare beneficiaries to durable medical equipment and of health outcomes, as described on page 66228 in the final rule published by the Center for Medicare & Medicaid Services on November 6, 2014, and entitled ''Medicare Program; End-Stage Renal Disease Prospective Payment System, Quality Incentive Program, and Durable Medical Equipment, Prosthetics, Orthotics, and Supplies'' (79 Fed. Reg. 66120-66265).

SEC. 6. REVISION OF EFFECTIVE DATE OF PROVISION LIMITING FEDERAL MEDICAID REIMBURSEMENT TO STATES FOR DURABLE MEDICAL EQUIPMENT (DME) TO MEDICARE PAYMENT RATES.

(a) IN GENERAL.—Section 1903(i)(27) of the Social Security Act (42 U.S.C. 1396b(i)(27)) is

amended by striking ''January 1, 2019'' and inserting ''October 1, 2018''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect as if included in the enactment of section 503 of division O of Public Law 114–113.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mrs. FISCHER. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on June 21, 2016, at 9:30 a.m.

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

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mrs. FISCHER. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on June 21, 2016, at 10 a.m., to conduct a hearing entitled ''The Semiannual Monetary Policy Report to the Congress.''

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

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mrs. FISCHER. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet during the session of the Senate on June 21, 2016, at 9:30 a.m., in room SR–253 of the Russell Senate Office Building to conduct a Subcommittee hearing entitled ''FirstNet Oversight: An Update on the Status of the Public Safety Broadband Network.''

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

COMMITTEE ON FOREIGN RELATIONS

Mrs. FISCHER. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on June 21, 2016, at 2:30 p.m.

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

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mrs. FISCHER. 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 June 21, 2016, at 2:30 p.m., in room SH–216 of the Hart Senate Office Building to conduct a hearing entitled ''Small Business Retirement Pooling: Examining Open Multiple Employer Plans.''

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

COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

Mrs. FISCHER. 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 June 21, 2016, at 10 a.m., to conduct a hearing entitled ''The Ideology of ISIS.''

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

COMMITTEE ON THE JUDICIARY

Mrs. FISCHER. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate on June 21, 2016, at 9:30 a.m., in room SD–226 of the Dirksen Senate Office Building, to conduct a hearing entitled ''Nominations.''

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

COMMITTEE ON VETERANS' AFFAIRS

Mrs. FISCHER. Mr. President, I ask unanimous consent that the Committee on Veterans' Affairs be authorized to meet during the session of the Senate on June 21, 2016, at 2:30 p.m., in room SR–418 of the Russell Senate Office Building.

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

SELECT COMMITTEE ON INTELLIGENCE

Mrs. FISCHER. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on June 21, 2016, at 2:30 p.m., in room SH–219 of the Hart Senate Office Building.

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

SUBCOMMITTEE ON ANTITRUST, COMPETITION POLICY, AND CONSUMER RIGHTS

Mrs. FISCHER. Mr. President, I ask unanimous consent that the Committee on the Judiciary, Subcommittee on Antitrust, Competition Policy, and Consumer Rights be authorized to meet during the session of the Senate on June 21, 2016, at 2 p.m., in room SD–226 of the Dirksen Senate Office Building, to conduct a hearing entitled ''The CREATES Act: Ending Regulatory Abuse, Protecting Consumers, and Ensuring Drug Price Competition.''

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

SUBCOMMITTEE ON PUBLIC LANDS, FORESTS, AND MINING

Mrs. FISCHER. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources' Subcommittee on Public Lands, Forests, and Mining be authorized to meet during the session of the Senate on June 21, 2016, at 2:30 p.m., in room SD–366 of the Dirksen Senate Office Building.

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

COLLECTOR CAR APPRECIATION DAY

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of S. Res. 507, submitted earlier today.

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

The senior assistant legislative clerk read as follows:

A resolution (S. Res. 507) designating July 8, 2016, as Collector Car Appreciation Day and recognizing that the collection and restoration of historic and classic cars is an important part of preserving the technological achievements and cultural heritage of the United States.

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

Mr. MCCONNELL. I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motions to reconsider be considered made and laid upon the table with no intervening action or debate.

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

The resolution (S. Res. 507) was agreed to.

The preamble was agreed to.

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

PRESIDENTIAL ALLOWANCE MODERNIZATION ACT

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs be discharged from further consideration of H.R. 1777 and the Senate proceed to its immediate consideration.

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

The clerk will report the bill by title.

The senior assistant legislative clerk read as follows:

A bill (H.R. 1777) to amend the Act of August 25, 1958, commonly known as the ''Former Presidents Act of 1958,'' with respect to the monetary allowance payable to a former President, and for other purposes.

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

Mr. MCCONNELL. I ask unanimous consent that the Ernst substitute 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.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The amendment (No. 4852) was agreed to, as follows:

(Purpose: In the nature of a substitute)

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Presidential Allowance Modernization Act of 2016''.

SEC. 2. AMENDMENTS.

(a) FORMER PRESIDENTS.—The first section of the Act entitled ''An Act to provide retirement, clerical assistants, and free mailing privileges to former Presidents of the United States, and for other purposes'', approved August 25, 1958 (commonly known as the ''Former Presidents Act of 1958'') (3 U.S.C. 102 note), is amended by striking the matter preceding subsection (e) and inserting the following:

''(a) IN GENERAL.—Each former President shall be entitled for the remainder of his or her life to receive from the United States—

''(1) an annuity at the rate of $200,000 per year, subject to subsection (c); and

''(2) a monetary allowance at the rate of $200,000 per year, subject to subsections (c) and (d).

''(b) DURATION; FREQUENCY.—

''(1) IN GENERAL.—The annuity and allowance under subsection (a) shall each—

''(A) commence on the day after the date on which an individual becomes a former President;

''(B) terminate on the date on which the former President dies; and

''(C) be payable by the Secretary of the Treasury on a monthly basis.

''(2) APPOINTIVE OR ELECTIVE POSITIONS.—The annuity and allowance under subsection (a) shall not be payable for any period during which a former President holds an appointive or elective position in or under the Federal Government to which is attached a rate of pay other than a nominal rate.

''(c) COST-OF-LIVING INCREASES.—Effective December 1 of each year, each annuity and allowance under subsection (a) that commenced before that date shall be increased by the same percentage by which benefit amounts under title II of the Social Security Act (42 U.S.C. 401 et seq.) are increased, effective as of that date, as a result of a determination under section 215(i) of that Act (42 U.S.C. 415(i)).

''(d) LIMITATION ON MONETARY ALLOWANCE.—

''(1) IN GENERAL.—Notwithstanding any other provision of this section, the monetary allowance payable under subsection (a)(2) to a former President for any 12-month period—

''(A) except as provided in subparagraph (B), may not exceed the amount by which—

''(i) the monetary allowance that (but for this subsection) would otherwise be so payable for such 12-month period, exceeds (if at all)

''(ii) the applicable reduction amount for such 12-month period; and

''(B) shall not be less than the amount determined under paragraph (4).

''(2) DEFINITION.—

''(A) IN GENERAL.—For purposes of paragraph (1), the term 'applicable reduction amount' means, with respect to any former President and in connection with any 12-month period, the amount by which—

''(i) the sum of—

''(I) the adjusted gross income (as defined in section 62 of the Internal Revenue Code of 1986) of the former President for the most recent taxable year for which a tax return is available; and

''(II) any interest excluded from the gross income of the former President under section 103 of such Code for such taxable year, exceeds (if at all)

''(ii) $400,000, subject to subparagraph (C).

''(B) JOINT RETURNS.—In the case of a joint return, subclauses (I) and (II) of subparagraph (A)(i) shall be applied by taking into account both the amounts properly allocable to the former President and the amounts properly allocable to the spouse of the former President.

''(C) COST-OF-LIVING INCREASES.—The dollar amount specified in subparagraph (A)(ii) shall be adjusted at the same time that, and by the same percentage by which, the monetary allowance of the former President is increased under subsection (c) (disregarding this subsection).

''(3) DISCLOSURE REQUIREMENT.—

''(A) DEFINITIONS.—In this paragraph—

''(i) the terms 'return' and 'return information' have the meanings given those terms in section 6103(b) of the Internal Revenue Code of 1986; and

''(ii) the term 'Secretary' means the Secretary of the Treasury or the Secretary of the Treasury's delegate.

''(B) REQUIREMENT.—A former President may not receive a monetary allowance under subsection (a)(2) unless the former President discloses to the Secretary, upon the request of the Secretary, any return or return information of the former President or spouse of the former President that the Secretary determines is necessary for purposes of calculating the applicable reduction amount under paragraph (2) of this subsection.

''(C) CONFIDENTIALITY.—Except as provided in section 6103 of the Internal Revenue Code of 1986 and notwithstanding any other provision of law, the Secretary may not, with respect to a return or return information disclosed to the Secretary under subparagraph (B)—

''(i) disclose the return or return information to any entity or person; or

''(ii) use the return or return information for any purpose other than to calculate the applicable reduction amount under paragraph (2).

''(4) INCREASED COSTS DUE TO SECURITY NEEDS.—With respect to the monetary allowance that would be payable to a former President under subsection (a)(2) for any 12-month period but for the limitation under paragraph (1), the Administrator of General Services, in coordination with the Director of the United States Secret Service, shall determine the amount of the allowance that is needed to pay the increased cost of doing business that is attributable to the security needs of the former President.''.

(b) SURVIVING SPOUSES OF FORMER PRESIDENTS.—

(1) INCREASE IN AMOUNT OF MONETARY ALLOWANCE.—Subsection (e) of the first section of the Former Presidents Act of 1958 is amended—

(A) in the first sentence, by striking ''$20,000 per annum,'' and inserting ''$100,000 per year (subject to paragraph (4)),''; and

(B) in the second sentence—

(i) in paragraph (2), by striking ''and'' at the end;

(ii) in paragraph (3)—

(I) by striking ''or the government of the District of Columbia''; and

(II) by striking the period and inserting ''; and''; and

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

''(4) shall, after its commencement date, be increased at the same time that, and by the same percentage by which, annuities of former Presidents are increased under subsection (c).''.

(2) COVERAGE OF WIDOWER OF A FORMER PRESIDENT.—Subsection (e) of the first section of the Former Presidents Act of 1958, as amended by paragraph (1), is amended—

(A) by striking ''widow'' each place it appears and inserting ''widow or widower''; and

(B) by striking ''she'' and inserting ''she or he''.

(c) SUBSECTION HEADINGS.—The first section of the Former Presidents Act of 1958 is amended—

(1) in subsection (e), by inserting after the subsection enumerator the following: ''WIDOWS AND WIDOWERS.—'';

(2) in subsection (f), by inserting after the subsection enumerator the following: ''DEFINITION.—''; and

(3) in subsection (g), by inserting after the subsection enumerator the following: ''AUTHORIZATION OF APPROPRIATIONS.—''.

SEC. 3. RULE OF CONSTRUCTION.

Nothing in this Act or an amendment made by this Act shall be construed to affect—

(1) any provision of law relating to the security or protection of a former President or a member of the family of a former President; or

(2) funding, under the Former Presidents Act of 1958 or any other law, to carry out any provision of law described in paragraph (1).

SEC. 4. TRANSITION RULES.

(a) FORMER PRESIDENTS.—In the case of any individual who is a former President on the date of enactment of this Act, the amendment made by section 2(a) shall be applied as if the commencement date referred in subsection (b)(1)(A) of the first section of the Former Presidents Act of 1958, as amended by section 2(a), coincided with such date of enactment.

(b) WIDOWS.—In the case of any individual who is the widow of a former President on the date of enactment of this Act, the amendments made by section 2(b)(1) shall be applied as if the commencement date referred to in subsection (e)(1) of the first section of the Former Presidents Act of 1958, as amended by section 2(b)(1), coincided with such date of enactment.

SEC. 5. APPLICABILITY.

For a former President receiving a monetary allowance under the Former Presidents Act of 1958 on the day before the date of enactment of this Act, the limitation under subsection (d)(1) of the first section of that Act, as amended by section 2(a), shall apply to the monetary allowance of the former President, except to the extent that the application of the limitation would prevent the former President from being able to pay the cost of a lease or other contract that is in effect on the day before the date of enactment of this Act and under which the former President makes payments using the monetary allowance, as determined by the Administrator of General Services.

The amendment was ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time.

The bill (H.R. 1777), as amended, was passed.

PATIENT ACCESS TO DURABLE MEDICAL EQUIPMENT ACT OF 2016

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Finance Committee be discharged from further consideration of and the Senate proceed to the immediate consideration of S. 2736.

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. 2736) to improve access to durable medical equipment for Medicare beneficiaries under the Medicare program, and for other purposes.

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

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Thune amendment be agreed to, and that the bill, as amended, be considered to be read a third time.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The amendment (No. 4853) was agreed to, as follows:

(Purpose: In the nature of a substitute)

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Patient Access to Durable Medical Equipment Act of 2016''.

SEC. 2. EXTENSION OF THE TRANSITION TO NEW PAYMENT RATES FOR DURABLE MEDICAL EQUIPMENT UNDER THE MEDICARE PROGRAM.

The Secretary of Health and Human Services shall extend the transition period described in clause (i) of section 414.210(g)(9) of

title 42, Code of Federal Regulations, from June 30, 2016, to June 30, 2017 (with the full implementation described in clause (ii) of such section applying to items and services furnished with dates of service on or after July 1, 2017).

SEC. 3. FLOOR ON BID CEILING FOR COMPETITIVE ACQUISITION FOR DURABLE MEDICAL EQUIPMENT UNDER THE MEDICARE PROGRAM.

Section 1847(b)(5) of the Social Security Act (42 U.S.C. 1395w–3(b)(5)) is amended—

(1) in subparagraph (A)—

(A) by inserting '', subject to subparagraph (E),'' after ''subsection (a)(2)''; and

(B) by inserting '', subject to subparagraph (E),'' after ''Based on such bids''; and

(2) by adding at the end the following new subparagraph:

''(E) FLOOR ON BID CEILING FOR DURABLE MEDICAL EQUIPMENT.—

''(i) IN GENERAL.—The ceiling for a bid submitted for applicable covered items may not be less than the fee schedule amount that would otherwise be determined under section 1834(a), section 1834(h), or section 1842(s) for such items furnished on July 1, 2016 (determined as if section 2 of the Patient Access to Durable Medical Equipment Act of 2016 had not been enacted).

''(ii) APPLICABLE COVERED ITEMS DEFINED.—For purposes of this subparagraph, the term 'applicable covered items' means competitively priced items and services described in subsection (a)(2) that are furnished with respect to rounds of competition that begin on or after January 1, 2017.''.

SEC. 4. REQUIREMENTS IN DETERMINING ADJUSTMENTS USING INFORMATION FROM COMPETITIVE BIDDING PROGRAMS.

(a) IN GENERAL.—Section 1834(a)(1)(G) of the Social Security Act (42 U.S.C. 1395m(a)(1)(G)) is amended by adding at the end the following new sentence: ''In the case of items and services furnished on or after January 1, 2019, in making any adjustments under clause (ii) or (iii) of subparagraph (F), under subsection (h)(1)(H)(ii), or under section 1842(s)(3)(B), the Secretary shall—

''(i) solicit and take into account stakeholder input; and

''(ii) take into account the highest amount bid by a winning supplier in a competitive acquisition area and a comparison of each of the following with respect to non-competitive acquisition areas and competitive acquisition areas:

''(I) The average travel distance and cost associated with furnishing items and services in the area.

''(II) Any barriers to access for items and services in the area.

''(III) The average delivery time in furnishing items and services in the area.

''(IV) The average volume of items and services furnished by suppliers in the area.

''(V) The number of suppliers in the area.''.

(b) CONFORMING AMENDMENTS.—(1) Section 1834(h)(1)(H)(ii) of the Social Security Act (42 U.S.C. 1395m(h)(1)(H)(ii)) is amended by striking ''the Secretary'' and inserting ''subject to subsection (a)(1)(G), the Secretary''.

(2) Section 1842(s)(3)(B) of the Social Security Act (42 U.S.C. 1395m(s)(3)(B)) is amended by striking ''the Secretary'' and inserting ''subject to section 1834(a)(1)(G), the Secretary''.

SEC. 5. REPORTS ON THE RESULTS OF THE MONITORING OF ACCESS OF MEDICARE BENEFICIARIES TO DURABLE MEDICAL EQUIPMENT AND OF HEALTH OUTCOMES.

Not later than October 1, 2016, January 1, 2017, April 1, 2017, and July 1, 2017, the Secretary of Health and Human Services shall publish on the Internet website of the Centers for Medicare & Medicaid Services the results of the monitoring of access of Medicare beneficiaries to durable medical equipment and of health outcomes, as described on page 66228 in the final rule published by the Center for Medicare & Medicaid Services on November 6, 2014, and entitled ''Medicare Program; End-Stage Renal Disease Prospective Payment System, Quality Incentive Program, and Durable Medical Equipment, Prosthetics, Orthotics, and Supplies'' (79 Fed. Reg. 66120-66265).

SEC. 6. REVISION OF EFFECTIVE DATE OF PROVISION LIMITING FEDERAL MEDICAID REIMBURSEMENT TO STATES FOR DURABLE MEDICAL EQUIPMENT (DME) TO MEDICARE PAYMENT RATES.

(a) IN GENERAL.—Section 1903(i)(27) of the Social Security Act (42 U.S.C. 1396b(i)(27)) is amended by striking ''January 1, 2019'' and inserting ''October 1, 2018''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect as if included in the enactment of section 503 of division O of Public Law 114–113.

The bill was ordered to be engrossed for a third reading and was read the third time.

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

The PRESIDING OFFICER. Is there further debate?

If not, the bill having been read the third time, the question is, Shall it pass?

The bill (S. 2736), as amended, was passed.

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

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

ORDER FOR PRINTING—S. 2943

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the engrossed version of S. 2943 be printed as passed.

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

(The bill, S. 2943, as passed by the Senate, is printed in the RECORD of Wednesday, June 15, 2016.)

ORDERS FOR WEDNESDAY, JUNE 22, 2016

Mr. MCCONNELL. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 9:30 a.m., Wednesday, June 22; 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. 2578, with the time until the cloture vote equally divided between the managers or their designees.

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

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

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

There being no objection, the Senate, at 6:46 p.m., adjourned until Wednesday, June 22, 2016, at 9:30 a.m.