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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.

O God, our strength, we take refuge in You. Thank You for watching over us, surrounding us. Surround us on every side with Your might.

Give our lawmakers such vision of the vast sweep of Your purposes that they will be delivered from the bondage of irritating trifles. Keep them from being disturbed by life's little annoyances. Infuse them with such wisdom and serenity that no external forces will disturb the peace they have received from You. Give them an awareness of Your Divine sovereignty, without which no government can long endure.

We pray in Your great 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.

LABOR DEPARTMENT FIDUCIARY RULE

Mr. MCCONNELL. Mr. President, this administration has been on a long regulatory march for years now, and too often its regulations end up hurting the very Americans they purport to help.

Although issued in the name of greater equality, it is actually the well-off and well-connected who are best positioned to deal with these new regulatory schemes. Meanwhile, purported beneficiaries—like working and middle-class Americans—too often end up with higher costs and less access to things they actually need. We have seen it happen with ObamaCare. We have seen it happen to families and businesses that can't get a loan due to Dodd-Frank.

In the case of the so-called fiduciary rule, we are talking about a set of regulations that will reduce access to investment advice for those struggling to save for retirement. I have sincere concerns about what this could mean, not only for the ability of investment advisers to provide quality financial advice but also for the ability of consumers to seek affordable retirement options.

Today the Senate will have a chance to stand up for smaller savers and middle-class families by voting for a disapproval measure before us—a disapproval measure to overturn a set of regulations many believe will make it harder for these families to save for retirement. Some have estimated that investment fees could more than double under this regulation. What this means is that many consumers could risk losing access to quality, low-cost retirement advice, and many financial advisers may not be able to offer sound financial products that provide peace of mind to their clients.

But don't take my word for it; many Kentuckians have voiced their concerns as well. I have received thousands of pieces of correspondence from constituents who fear the potential effects of this regulation. I received one letter from Prospect, from someone with a small, independent insurance marketing company. Obviously, given the historic regulatory burden this rule places on the financial services and insurance industries, particularly on small businesses, he is concerned about the impact of this rule on his small firm, but he also worries about the impact this rule will have on the families he is helping to prepare for retirement. This is what he wrote:

> This rule makes it virtually impossible for . . . independent life insurance agents to provide valuable guidance to middle-class America, and will cause irreparable harm to the citizens the rule was designed to protect.

The regulation could potentially discourage investment advisers from taking on clients with smaller accounts. These smaller accounts represent everyday Americans who are trying to plan for their future and who now could have less access to sound investment advice. The notices are coming from small savers, who are likely to hear something like ''Sorry, but due to new regulations, we will no longer be able to service your account.'' And again, if you make a lot of money, you are likely to do just fine and still have plenty of access to retirement advice, but it is the little guy who is likely to be harmed. That is why, from the moment these regulations were proposed, there were so many bipartisan concerns raised about it.

When this regulation goes into effect, too many Americans may be in danger of not receiving the financial advice they need for their retirement. One report projects the regulation could result in up to $80 billion worth of lost savings every single year.

Local chambers of commerce, small businesses, associations, and organizations joined in a letter voicing their concerns that ''this rule disproportionately disadvantages small businesses and those businesses with assets of less than $50 million, and stifles retirement savings for millions of employees by placing additional burdens on America's leading job creators, small businesses, which will likely substantially reduce retirement savings for many Americans.''

The administration has heard these protests over this regulation, but these

officials don't seem to care about the harm it will cause. According to a report released by the Senate Homeland Security and Governmental Affairs chairman, the administration has ''disregarded . . . concerns and declined to implement recommendations'' from career nonpartisan staff and government officials. Not for the first time, this administration is rolling roughshod right over the concerns of too many Americans, including the people it should be working to protect, such as working families and low-income seniors.

That is why I am proud to support this disapproval resolution to block enforcement of this rule. For several years now, letter after letter from Republicans and Democrats went to the administration and the Department of Labor, urging them to rethink this rule. Unfortunately, you can sign on to all the letters in the world opposing a rule, but it all means nothing if you are not there to oppose a rule when it counts—when it comes time to vote. That time is now.

I urge my colleagues on both sides of the aisle to consider the consequences of this rule on middle-class families and our economy and join me in standing up for the middle class by voting for the resolution of disapproval.

Mr. President, I particularly want to commend the senior Senator from Georgia for taking the lead on the effort to overturn this unfortunate rule. He has been the leader on a variety of different issues that are extremely important to his State and to our country, and I commend him for his work on this matter we will be voting on later today.

RECOGNITION OF THE MINORITY LEADER

The PRESIDING OFFICER. The Democratic leader is recognized.

LABOR DEPARTMENT FIDUCIARY RULE

Mr. REID. Mr. President, this is a new tack here. The Republican leader appears to say—doesn't appear to say; it is what he said—that a rule would require investment advisers to act in the best interests of their investors. Is there something wrong with that? I don't see it. Imagine, Republicans want investment advisers to act in someone else's interests—namely, their own.

The reason this came to be is that investment advisers are more interested in how much they can make rather than the people who are trying to acquire some assets in their retirement age. This is widely accepted as being important. The only people who oppose it are the investment advisers who are putting money in their own pockets instead of those of the people they represent. They have a fiduciary rule which is unwritten—of course, now it will be written—that you should take your clients' interests first, and that is the way doctors have to operate, as well as lawyers and accountants. There is no reason that investment advisers shouldn't also be in a position where they are more concerned about their client rather than themselves.

NOMINATION OF MERRICK GARLAND AND THE SENATE SCHEDULE

Mr. REID. Mr. President, tomorrow is the 100th day that there has been a vacancy in the Supreme Court. To his credit, President Obama didn't rush into nominating someone; he took his time and interviewed scores of candidates recommended to him by his staff and Senators and many people around the country. So 30 days after the vacancy appeared, President Obama came forward with Merrick Garland.

If ever there were a consensus nominee, Merrick Garland is that. The head of the Judiciary Committee at the time, the senior Senator from Utah, said: He is a consensus nomination. Why doesn't the President do that?

When the President does, he is suddenly not interested—''he,'' meaning the senior Senator from Utah.

For 70 days Senate Republicans have refused to do anything to move along Merrick Garland's nomination. They will not look at Garland's questionnaire or study his record. They will not give him a hearing, and they are certainly not going to give him a vote. They are absolutely committed to blocking a vote on this good man. So that is 10 full weeks of Republicans running away from their constitutional duty to provide their advice and consent to President Obama's Supreme Court nomination.

Given Senate Republicans' light work schedule, perhaps it is no surprise that they have not found time to schedule a hearing and a vote on Merrick Garland. They are never here. News outlets are already reporting how little time the Republican Senate will spend in session this year. As one publication, Politico, said a few days ago, ''The chamber is on pace to work the fewest days in 60 years.''

This is what the Senate calendar looks like for 2016, this schedule released by the Republican leader. This is it. If you are wondering about these blocked-out days, that is when we are not in session. That doesn't include the rest of the time around here—or, I should say, barely around here. Mondays—the few Mondays that we are in—basically, nothing happens on Mondays. We get here and vote at 5:30. Fridays, we don't work. As you can see, once in a while they schedule a Friday, but we don't work on Fridays. We are so desperate to get out of here on Thursdays that votes are now scheduled at a quarter to 2—not until 2. We all have caucuses, but we can't wait to jump-start it and get out of here at a quarter until 2.

As I indicated, we see the blacked-out days. These are recess days, days when the full Senate will not be in session and, of course, not working, not voting. To say we have had a lot of recesses lately is kind of an understatement.

For example, the Republican Senate has worked just 27 days since Merrick Garland was nominated. He was nominated March 16. Remember, on Mondays we don't do much around here. Thursday afternoons, we don't. So we work Tuesdays, Wednesdays, and half a day on Thursday. That is quite a schedule. Had the Senate worked on any of these blacked-out days, we could have had a hearing for Merrick Garland, and we could have scheduled a vote. We also could have worked on any number of important issues Republicans have been ignoring.

What about this Zika virus that is such a concern to health officials around the world? In March, we worked a little bit but not much. But at least in those days, perhaps we could have done something to fund Zika but, no, still playing around with that over here. A big cheer went up when a bill was passed, an appropriations bill, and it had in it a provision for Zika. One problem: That legislation will not be approved until the fall or even the winter. Mosquitoes are now breeding. It is getting warmer. It is going to be 90 degrees in Washington, DC, on Friday. But no one on the Republican side seems to be too worried about that.

We could look again at March. We can pick any month you want, but let's try March. What about Flint, MI? Because of some manipulation by the Governor of the State and others, the people of Flint, MI, suddenly were asked to drink water from a new source. They did not know that water was tainted with heavy volumes of lead. What a shame.

I will never forget what I watched on ''PBS NewsHour.'' A mother was there crying, saying: I wanted to have my two children healthy, so they could not drink any soda pop ever. I helped poison my children because they drank the water of Flint, MI.

We could have done something about that in March, April. Look at the months. But we have done nothing. Not a single penny has gone to Flint, MI. They are using bottled water.

The opioid epidemic—there was a big cheer here: We did something on opioids. The problem is that there is no money. As we speak here today, in the hour we will take up here on the floor this morning before we get to the business of the day, in America about 20 people will die from opioid overdoses. We should be doing something about that, but we are not.

The American people have been saying that the Republicans should simply do their jobs, but, as we have seen from the schedule, it is difficult to do your job when you don't bother to show up to work. The theme for this year's Republican Senate should be ''The Republican Senate was not in session.'' That quote is from me. Remember, this is

the lightest Senate work calendar in some six decades. The Republican leader has the Senate on pace for almost no work and for the most days off in 60 years.

Look at the summer vacation. I think we should be able to get in a few days of leisure during the summer vacation. What do you think? Look at it—7 weeks, including the first week in September. Seven consecutive weeks off—the longest summer recess in many decades. The population of the country has increased in 60 years but not the Senate schedule. The problems of the country have increased in 60 years but not the Senate schedule. The Republican leader didn't have to set such a light schedule. There is no archaic Senate rule that requires the world's greatest deliberative body to go dark for an entire summer. This was his choice.

Do we need all this time off in July for the conventions? I don't think so. We have so many Republicans who are saying they are not even going to the convention. They are embarrassed to be there with Trump, I guess. If they are not going to Cleveland, stay here and work.

The Senate Republicans have already wasted the last 70 days doing nothing on Merrick Garland's nomination. These days are lost. We can't go back to them. But what about the rest of the year? We have all this time to give Judge Garland a hearing and a vote, but we can't consider the nomination if we are not here. The Senate should stay in session until our work is completed.

The President said we shouldn't go home on Thursday. We shouldn't go home until we fund Zika. That is a menace the American people are facing, especially American women. We shouldn't leave town unless we fully fund the President's request of $1.9 billion. We should not take this summer off while a vacancy remains on the Supreme Court. The Republican leader should not have this body scheduled to work less than any Senate in the last 60 years while so many issues that are important to the American people go unresolved.

Mr. President, will the Chair announce what the Senate is going to do the rest of the day.

RESERVATION OF LEADER TIME

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

The Senator from Georgia.

DISAPPROVING A RULE SUBMITTED BY THE DEPARTMENT OF LABOR—MOTION TO PROCEED

Mr. ISAKSON. Mr. President, I move to proceed to H.J. Res. 88.

The PRESIDING OFFICER. The clerk will report the motion.

The senior assistant legislative clerk read as follows:

Motion to proceed to Calendar No. 460, H.J. Res. 88, a joint resolution disapproving the rule submitted by the Department of Labor relating to the definition of the term ''Fiduciary.''

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

The motion was agreed to.

DISAPPROVING A RULE SUBMITTED BY THE DEPARTMENT OF LABOR

The PRESIDING OFFICER. The clerk will report the resolution.

The senior assistant legislative clerk read as follows:

A joint resolution (H.J. Res. 88) disapproving the rule submitted by the Department of Labor relating to the definition of the term ''Fiduciary.''

The PRESIDING OFFICER. Pursuant to the provisions of the Congressional Review Act, 5 USC 801, and following, there will be up to 10 hours of debate, equally divided between those favoring and opposing the resolution.

The Senator from Georgia.

Mr. ISAKSON. Mr. President, H.J. Res. 88 is exactly the same as the resolution of disapproval I introduced in the Senate, but it has already passed the House. So today if we could take a vote and pass it, we could send it to the President, hopefully, for his signature or at least for him to express himself one way or another.

There are nine letters in the word ''fiduciary.'' There are 672 pages of definitions describing that one 9-letter word. This is a solution in search of a problem. It is bad for America, bad for our savers, and makes ''too big to fail'' even bigger in America today.

I ask unanimous consent to have printed in the RECORD a letter from 461 people of the United States of America who are opposed to this bill.

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

MAY 23, 2016.

TO THE MEMBERS OF THE UNITED STATES SENATE: The undersigned associations, chambers of commerce, organizations, and small businesses are writing to express our deep concerns regarding the U.S. Department of Labor's (DOL) final rule on the Definition of a Fiduciary. This rule disproportionately disadvantages small businesses and those businesses with assets of less than $50 million, and stifle retirement savings for millions of employees by placing additional burdens on America's leading job creators, small businesses. This will substantially reduce retirement savings for many Americans, and therefore we urge you to support S.J. Res. 33.

On April 6, 2016, the DOL issued a final rulemaking that expands what is considered fiduciary investment advice under the Employee Retirement Income Security Act (ERISA), negatively impacting small business retirement plans and savers with less than $50 million in assets. Through SEP IRAs and SIMPLE IRAs, small business owners and their employees have accumulated approximately $472 billion of retirement savings covering more than 9 million U.S. households. The DOL final rule threatens the continued success of these plans and the ability of small businesses to provide retirement security at a time when millions of Americans have reached or are approaching retirement age. Ultimately, it may even encourage additional saving losses for those who will not be able to access meaningful investment assistance.

First, the final rule makes it harder to provide retirement plans to small businesses or any business that has less than $50 million in assets (small plans). The broadened definition of investment advice includes routine communications where no intention to provide individualized fiduciary advice has been expected, such as ''sales'' communications and certain educational materials. However, despite this broad definition, the proposal carves out large plan advisors from this definition. If a fiduciary has $50 million or more in assets, the advisor to that large plan is exempt from being a fiduciary, while an advisor to a fiduciary with less than $50 million in assets, which primarily constitutes small businesses, is not.

Because an advisor to plans with less than $50 million are not carved out of the rule, the advisor who is trying to market retirement savings option to a small plan is considered to be providing investment advice and must determine how to comply with the rule. Due to these additional burdens advisors to small plans are likely to incur additional costs, which will be passed on to the plan. Further, some advisors to small plans may be incentivized to no longer offer their services to small plans if they determine that the small-scale of such plans means the expense and risk of changing business models and fee structures is not justified.

Second, advisors to small plans must either change their fee arrangement or qualify for a special rule called an ''exemption'' in order to provide services on the same terms as before. The new exemption called the ''Best Interest Contract'' incorporates many new challenging conditions and requirements that would substantially increase costs for advisors that may ultimately get passed down to small plans or small business employees.

Finally, the final rule limits investment education to IRA owners, including small business employees participating in a SEP IRA or SIMPLE IRA plan. While advisors are permitted to provide model asset allocations appropriate for IRA owners, they are not permitted to help identify specific funds or investment options that correlate to the model asset allocations. This restriction will make it more challenging for small business employees, and may ultimately deter them from saving for retirement altogether.

More complex regulations mean more hurdles and compliance costs and a greater likelihood of litigation. Main Street advisors will have to review how they do business and likely will decrease services, increase costs, or both. Under the final rule, small business SEP IRA and SIMPLE IRA arrangement will become more expensive to serve, meaning that small businesses will ultimately lose access to their advisors and disproportionately bear the costs of excessive regulation. Consequently the DOL's fiduciary rule ultimately harms the very small businesses and workers they are intended to protect. We strongly urge the Senate to take action to help preserve retirement savings for Americans.

Mr. ISAKSON. I want to read one paragraph from the letter because it says better than anything I could say what is wrong with the fiduciary rule that is proposed by the Department of Labor.

First, the final rule makes it harder to provide retirement plans to small businesses or

any business that has less than $50 million in assets. . . . The broadened definition of investment advice includes routine communications where no intention to provide individualized fiduciary advice has been expected.

It exempts anybody with over $50 million in assets from being applied to the rule and includes everybody with under $50 million.

The President of the United States has said, as have so many of us on the floor of the Senate, that it is time for us to end too big to fail. Since what happened in 2008 to our people and our economy, we know that businesses get so large, they get unwieldy, and that they get so strong, sometimes the little guy can get crushed. But here is a rule that is proposed to help the little guy, and what does it do? Under the law, it exempts the big guys if they have $50 million or more in assets, but if they have $50 million or less in assets, it imposes 672 pages of new definitions of fiduciary rules.

Again, it is a solution in search of a problem that does not exist.

It also has a broad number of restrictions on IRA investment advice that investment adviser can give to an IRA saver. We know there are a lot of people around this town, in Washington, who want to end the IRAs and put government savings accounts in charge of everybody. This may be a part of that motivation to drive a fiduciary rule that creates more government savings accounts, more government savings programs, and fewer decisions the individual can make. The rule singles out the IRA for these new regulations that did not previously apply to them, and that is another reason this is a problem. In fact, to tell you the honest truth, what this bill does is it promotes less advice or no advice at all to a small saver and free exemption under the law to a big company managing their savings.

We need to get the American people saving money. We need to get them planning for their future. Let's think about this for a second. We have a safety net today in America. We have a safety net of housing. We have a safety net of food stamps. We have rent subsidies. We have SSI disability. We have all kinds of welfare and benefits for people who have fallen through the cracks. Every person who falls through the cracks deserves the help of this country, but every person who can save for their future and avoid becoming dependent on the government is money in the bank for us, and it is money in the bank and freedom for them.

To put more restrictions on a small saver, more restrictions on those who provide business to small savers—all we are doing is causing more people to go on the safety net of American Government benefits and less people to provide for themselves.

If ever there were one reason and one reason alone that we should disapprove this resolution, it is this: Secretary Perez proposed this in 2010 and dropped it because there was so much opposition.

They came back with this new proposal in 2016, and they propounded the rule, and the rule is now before us in this 672 pages. But the Senate can take the initiative today to join the House in rescinding this rule and recalling this rule and not letting it go into effect.

A vote to recall this rule and rescind this rule is a vote for small business, a vote for freedom, a vote for equity, and a vote for the American people. A vote to reinstate or keep this rule instated is a vote against the small guy and for the big corporate financial interests in Washington and New York City. I don't think we want to do that. I think we want Americans saving for themselves—free Americans giving good advice to citizens who invest and seeing to it that every American citizen is planning for their future.

Today I join the 461 folks who signed this letter to the Senate. I join my 41 colleagues in the Senate who joined me in sponsoring the Senate resolution. I join the majority in the House of Representatives who say this rule goes too far. And I plea with each and every Member of the Senate, when they vote today, to vote to rescind the fiduciary rule propounded by the Department of Labor. Let's send it to the President, and let's send him a message. If he wants to end too big to fail, then let's start passing laws that cause too big to fail not to get bigger and instead empower small business, the American people, and the small saver.

I urge my colleagues to vote yes in favor of the resolution of disapproval.

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. MURRAY. 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. MURRAY. Mr. President, after a lifetime of hard work, all seniors should have the chance to live out their golden years on firm financial footing and with peace of mind. A secure retirement is also important to strengthening our Nation's middle class and ensuring that our country works for all Americans and not just the wealthiest few, but for too long the deck has been stacked against people trying to save up for their retirement. That is especially true for far too many people seeking retirement advice. Until now, financial advisers and brokers were under no legal obligation to work in their client's best interest, and without this requirement, some financial advisers have lined their own pockets by steering clients toward complicated investments. Some have recommended that retirees make transactions that come with hidden fees and some advisers get a commission when they sell a financial product, even if it doesn't make sense for the client.

We finally have a new protection that would right that wrong. It is called the fiduciary rule, and it is pretty simple. It says: If you are going to give people advice on their retirement accounts, you should put the client's best interest in front of your own. Unfortunately, we are here because Republicans want to block that new rule from helping families, and that is just wrong. It is not fair to people all over the country who are trying to put money away for retirement.

Let's understand this new important protection and how it will help families. Many Americans are not financially prepared for retirement. Middle-class wages have been stagnant for decades, and it is getting harder and harder for people to make ends meet let alone save for their retirement. In fact, more than half of Americans have less than $10,000 in savings. Households with people between the ages of 55 and 64 only have a little more than $14,000 in their retirement savings account, and that is the group of people closest to retirement.

Today families need every dollar they save for retirement to count. When people seek out retirement investment advice, many financial advisers do the right thing and put their clients first. They hold themselves to a higher standard than what the new law currently requires, but some others do not.

Take the man who worked for 50 years as an electrical engineer for a utility company. His daughter shared his story anonymously, but I think it is an important illustration for anyone who wants to save for their retirement. The man built a retirement nest egg in stocks and savings. When he was 80 years old, he sought out advice from a financial adviser—someone he thought he could trust. That financial adviser recommended he switch his savings to more complicated investment products. Those products came with a commission, so the adviser was paid with each and every transaction. Those transactions ultimately whittled down the retiree's savings by more than two-thirds—two-thirds of his retirement savings. A few years of bad, biased advice from a financial adviser decimated 50 years of savings.

The new fiduciary rule from the Department of Labor would close the loopholes that allow brokers and financial advisers to give their clients biased advice. Advisers will now make a legally binding commitment to the families they work with. Families today have enough to worry about. Questioning the advice they get on their retirement accounts should not have to be one of them.

Unfortunately, instead of standing up for retirement savers across the country, my Republican colleagues are dead set on saving the status quo. Republicans want to roll back this new protection that would help retirees keep more of their retirement savings, and they want to make sure the Department of Labor can never again create a

protection to prevent financial advisers from bilking savers out of their hard-earned money. We know what the Republicans will say to defend this outrageous position, so let me go ahead and address those issues point by point. Contrary to what my Republican colleagues will argue, this is a workable solution. The Department of Labor went to great lengths to create a deliberate process and took the feedback from consumer groups and the financial industry itself to make it easier for them to implement this new rule. Many firms and advisers are already, by the way, putting families first, so we know working in the client's best interest can work. That is No. 1.

No. 2, the Department of Labor absolutely has the authority to create this important protection for families. In 1974, Congress passed the Employee Retirement Income Security Act, and that law gives the Department of Labor clear authority to define a fiduciary as it relates to retirement savings.

Finally, this rule will help savers regardless of how big their retirement savings account is. Some of my Republican colleagues are arguing that financial firms will cut off advice for low- and middle-income savers, but I want to remind my friends across the aisle that many firms have already figured out how to help these so-called small savers, and these firms are doing it while also adhering to the fiduciary standard. Republicans say their opposition to the rule is all about helping small savers, but I guarantee these savings are not small to these families who rely on that money in their retirement. In fact, they have the most to lose through financial advisers' hidden fees and complicated financial products with lower returns.

It is time we protect these so-called small savers from conflicted, biased advice. Over the years, millions of families have worked hard. They put their money away for retirement and have invested their savings to grow their retirement nest eggs. In short, they have tried to do everything right. Unfortunately, some financial advisers have not always done the right thing because they haven't had to, and that needs to change, but the resolution the Republicans are offering today would be a major step backward.

I urge my colleagues to reject this resolution. Instead of attacking a family's best chance of getting guaranteed, unbiased retirement advice, I hope my Republican colleagues will work with Democrats to ensure that more seniors can have a secure retirement, expand their economic security, and help our economy grow from the middle out, not from the top down.

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

The PRESIDING OFFICER. The Senator from Minnesota.

ADAM WALSH REAUTHORIZATION BILL

Ms. KLOBUCHAR. Mr. President, I come to the floor to speak in favor of the Adam Walsh Reauthorization Act, which I am pleased to say passed the Senate yesterday. I thank my colleagues Senator GRASSLEY and Senator SCHUMER for their work on this issue.

I was proud to be a cosponsor of this bipartisan legislation which reauthorizes key provisions of the Adam Walsh Child Protection and Safety Act. This bill was named for Adam Walsh, who was abducted from a Sears department store and murdered when he was just 6 years old. We need to work harder to prevent horrific crimes like this from happening again.

In this regard, Federal support is vital to State and local law enforcement efforts to make sure sex offenders can be tracked and monitored. This legislation creates a safer environment for our children by providing needed resources for those on the frontlines. In particular, this legislation assists State and local law enforcement in improving sex offender registries and information sharing and aids them in locating and apprehending sex offenders. It also authorizes resources for the U.S. Marshals to aid State and local law enforcement.

We know sex offenders are not afraid to move across State lines, and that is why it is critical to provide the resources needed to fight to keep our children safe from criminal predators and other influences that are dangerous to their safety and well-being.

As a former prosecutor, I know the importance of sex offender registries in equipping our law enforcement officers with every tool available to prevent sex crimes.

When I was county attorney for Minnesota's most populous county, I saw firsthand the pain and heartbreak caused by sexual abuse to survivors and their families. During that time, I made aggressive prosecution of those who victimize children a top priority.

I wish I could say the tragedy that befell Adam Walsh was an isolated, one-time incident, but it is still happening across the country. Just earlier this month in St. Paul, MN, a 7-year-old girl was abducted within 1 minute of being out of her father's sight. That girl was luckier than some. Police found her and arrested her alleged abductor within hours of her abduction, but still the scars of the traumatic event will haunt her for the rest of her life.

I am hopeful we can come together to prevent these horrible crimes and ensure that the Adam Walsh Reauthorization Act becomes law. Now that the Senate passed this commonsense legislation on a bipartisan basis, the House should do the same.

EXPORT-IMPORT BANK

Mr. President, I now rise to speak on another topic; that is, my strong support for the Ex-Im Bank—the Export-Import Bank. With the leadership of many in this Chamber, including Senators CANTWELL, HEITKAMP, BROWN, GRAHAM, and many others on both sides of the aisle, we have worked very hard and were able to reauthorize the Ex-Im Bank late last year.

Currently, only two of the five Ex-Im Board seats are filled, and that is not functional. As a result, the Ex-Im Board cannot approve loan guarantees and other financing tools for medium- and long-term transactions valued in excess of $10 million, and the Board cannot put the reforms in place that were an important part of the reauthorization bill. Some of my colleagues who actually voted for this bill—and some who didn't—said it should be reformed and that there should be changes. We put those reforms in place and had it reauthorized. It was the will of the Senate, Congress, and President to get it reauthorized, and it was reauthorized, but it still cannot function for any new transactions of any significant size nor can any of the reforms be put in place. Why? Because of the dysfunctional situation of only having two of the five Board seats filled.

In January, Mark McWatters was nominated to serve on the Ex-Im Board. He is qualified, and by confirming Mr. McWatters, we can give the Ex-Im Bank the quorum it needs to support American businesses that want to sell products overseas.

The Export-Import Bank Reform and Reauthorization Act of 2015, which was included in the Fixing America's Surface Transportation bill, or the FAST Act, included several changes to the existing structure of the Ex-Im Bank, including risk management policies, fraud controls, and ethics reforms, as well as promoting exports for small businesses.

Under these reforms, small business financing would be increased, electronic document systems would be modernized, the Bank's fraud controls would be reviewed, and the risk to taxpayers would be reduced. But without a quorum and Board approval, without having this additional person confirmed—the Republican nominee—the Ex-Im Bank is not able to adopt the accountability measures or update the loan limits so that American businesses have access to the financing they need to compete globally.

The governance measures in the Ex-Im Bank reauthorization strengthen the oversight of the Bank's operations and procedures. They would establish the Office of Ethics, headed by a chief ethics officer who reports directly to the Ex-Im Bank Board. They would also create a chief risk officer and a risk management committee which are designed to oversee the Bank's operations, conduct stress tests of the Bank's portfolio, monitor exposure levels and review Ex-Im Bank's default rate reports. These were all issues that were raised by those who wanted either to get rid of the Bank or greatly change the Bank—right? So we put a number of these reforms in place.

Why didn't we adopt these reforms? Because my colleagues on the other side of the aisle are not allowing a Republican nominee to get on this Board.

That is the definition of dysfunction. These reforms will help the Bank function better and protect taxpayer resources, which is what my colleagues are wanting to do to protect taxpayer resources, but yet we cannot put the reforms in place.

The Ex-Im reauthorization also modified certain loan terms and increased the threshold for midterm and long-term financing and for small business working capital loans and guarantees. The increased financing amounts will help U.S. businesses access international markets.

When our companies are competing against overseas companies for contracts, they need the Ex-Im Bank. In 2015, the Ex-Im Bank provided support for $17 billion in U.S. exports—not million, but $17 billion in U.S. exports. That is a lot of jobs. That means $17 billion of products from our country, made in the United States and made by American workers.

It sounds like a lot. The cap that we have in place now is $135 billion for total outstanding financing. But a recent article in the Financial Times shows that the China Development Bank and the Export-Import Bank of China combined had an estimated $684 billion in total development financing. We are out there at $17 billion with a cap of $135 billion.

We need to make Ex-Im fully functioning so that it can approve all deals just like its counterpart in China, just like our counterparts in other developed nations. We also want to put these important reforms in place that many of our friends on the other side of the aisle want to see in place. If we don't, countries like China are going to eat our lunch.

It is not just China. There are 85 credit export agencies in over 60 other countries, including all major exporting countries. Our companies are competing against foreign businesses that are backed by their own countries' credit export programs and often receive other government subsidies. Why would we want to make it harder for our own companies—American companies—to create jobs right here at home? That is what we are doing.

We, the Congress, and certainly the President realized that we needed to reauthorize the Bank. But now we are not able to function and to put on simply one more Board member, and we don't have a quorum to make decisions. That Board member is a Republican nominee. If we want a level playing field for our businesses, we need to have our Export-Import Bank open and running.

This is about jobs. In 2015, the Ex-Im Bank provided $17 billion in financing that supported 109,000 U.S. jobs. This is despite the fact that the charter lapsed between July and December of last year, meaning that they literally could only do their work for half the year.

We need to make sure that the Ex-Im Bank is able to make small businesses and American businesses grow and reach markets all over the world.

The Ex-Im Bank offers loans, loan guarantees, and export credit insurance. Increased accountability and oversight are needed to make sure these programs are strong.

Since we reauthorized the Ex-Im Bank, 649 transactions worth $1.8 billion have been approved, supporting hundreds of U.S. small businesses. These small business owners, such as the many I have met with in Minnesota, told me that the Ex-Im Bank is essential for their ability to access new and emerging markets all over the world.

Balzer is an example of an agricultural equipment manufacturer with 75 employees and based in Mountain Lake, MN, a town of 2,000 people. They now export 15 percent of the total sales with the help of the Ex-Im Bank. Over the past 5 years Ex-Im financing has supported $1.7 million in exports. But guess what. What if Balzer got bigger and became a medium-size company wanting to do something over $10 million. What if they wanted to do something new and get a new bigger loan, but they can't get it approved because we only have two of the five members on the Ex-Im Bank Board. So we cannot get the new financing approved. Do we think they are doing that in China? Do we think they are doing that in any other developed nation where they say: Well, we are just going to have two of the five people on this Board to do some of the work with some of the smaller companies, which are important, but we are not going to be able to do anything when they are competing for a major contract. That is what we are doing right now.

Take Ralco, a small animal feed manufacturer in Marshall, a town of 13,500. Ralco is a third-generation family business that just celebrated its 45th anniversary. Ralco exports to over 20 countries. Over the last 5 years, Ex-Im has provided financing that supports nearly $11.7 million in exports for Ralco. If that was just in one contract that was over $10 million in new financing, they wouldn't be able to get it approved because of the fact that the Banking Committee and this Congress has decided to stall out and approve the Ex-Im Bank but cut off its ability for any major new financing. That is what is happening right now.

How about Superior Industries in Morris, MN? Superior manufactures bulk-material processing and handling systems. There are 5,000 people in this town, and 500 people in Morris work at that company. That is 10 percent of the population. Ex-Im has provided financing that supports nearly $3.1 million in exports for Superior over the last 5 years.

The list goes on. These are not large corporations. These are family businesses and smaller companies that are essential to the economic well-being of the towns and counties. The Ex-Im Bank helps these small businesses from all over my State compete and export globally. These are success stories, and we need more of them.

These are the stories we are hearing from every State. These are the stories we want to hear—not the stories that we are now hearing about companies that are closing down operations or that are laying off employees because they are not able to access the new financing they need to make major deals. They are going to foreign companies whose countries have the foresight and have their act together in their governments or in their congresses so they don't leave three of five positions open on their financing authority boards.

Ex-Im has many transactions waiting for Board approval. There are about $10 billion of deals waiting in this pipeline. So when my colleagues talk about creating jobs, there are $10 billion in private deals in the pipeline simply waiting to have one Board member confirmed so that we can get this done.

The Ex-Im Bank reauthorization passed with broad bipartisan support. We need to confirm J. Mark McWatters and put in place these important reforms to start approving transactions so our businesses can export to the world.

Usually, people sometimes stall on a confirmation because someone is viewed as too extreme or there is some problem with their record. This is a Republican nominee to fill a Republican slot on the Board. We need to get this done. Our workers, our businesses, and our country are counting on us to get this done.

I ask my colleagues to urge the Banking Committee to get this nominee through or somehow through some other procedural genius way bring this to the floor so that we can get this done.

I yield the floor.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. ALEXANDER. Mr. President, the Congressional Review Act resolution of disapproval is about protecting the right of ordinary Americans to retire. That is what this is about.

We are trying to stop the Labor Department's so-called fiduciary rule, which will restrict access to basic retirement planning advice for all but the wealthiest Americans and will force ordinary Americans to go it alone and to try to make the best guess they can about how to manage their money for retirement. Here is how. The administration's new rule updates the rules and requirements for retirement advisers, now requiring them to act as ''fiduciaries.'' That, like many of the administration's rules, sounds good and sounds helpful, but in practice it is going to cause great harm.

The administration has created new legal liability, and that liability is so risky that advisers will only take on that liability and risk if they are advising individuals with big assets, so that the potential return outweighs the risk. In other words, good retirement advice will be available only to the rich under this rule.

We know this because a similar rule was implemented in the United Kingdom in 2013. The result was that people with smaller savings accounts lost access to retirement advice. Many firms quit providing face-to-face advice for small accounts. A quarter of all small firms were forced to close shop altogether. The United Kingdom's four largest banks have all raised the minimum levels of assets for clients to receive advice—$80,000 at one bank, $160,000 at another, $355,000 at a third, and $800,000 at a fourth—due to the new rules. So to access retirement accounts at the United Kingdom's biggest banks, you have to have at least $80,000 in your account.

So what would that look like here in the United States? Well, 77 percent of 401(k) balances in the United States are below $80,000, the lowest threshold, and 99.2 percent of the 401(k) balances in the United States are below the $800,000 threshold. So if the banks of the United States respond like the United Kingdom's banks did to this rule, we might find that less than 1 percent of Americans will be rich enough to receive retirement advice at one of our Nation's largest banks.

We should call this ''Only the Rich Retire'' rule.

Americans with smaller retirement savings or Americans who are just getting started saving for retirement are at the greatest risk for losing access to affordable retirement advice. Unless you have at least $80,000, you may not be able to get advice. Your small amount may not be worth the liability to the adviser. This will force middle- and low-income Americans to invest on their own without advice. This means they may not save at all or may make poor decisions at critical times like market downturns. Younger Americans, minorities, and women are the most likely to be hurt. Ninety-five percent of Americans between the ages of 25 and 34 with 401(k) plans have balances under $80,000. Seventy-five percent of Black households and 80 percent of Latino households age 25 to 64 have less than $10,000 in retirement savings, compared with 50 percent of White households. The median IRA balance is $25,969 for American women compared to $81,700 for men. Even left-leaning economists estimate that this rule would cost middle-class Americans as much as $80 billion in lost savings.

The late Chet Atkins, the prominent guitarist from Nashville, said: ''In life you have to be mighty careful where you aim because you are likely to get there.'' Well, retirement is all about planning. If you don't know how to plan, it is going to be pretty hard to retire. In Chet Atkins' terms, if you are not able to make a plan, it is hard to retire.

Retirement planning is complicated. Our tax system is a mess. Most working Americans don't have time to learn about all the financial vehicles available for them to save and to understand exactly what steps they must take to have enough money to enjoy life when they end their careers. This rule comes at a time when many Americans are beginning to save money again after surviving the worst recession since the Great Depression and the slowest recovery since the Great Depression. This rule is allegedly to protect individuals from misleading investment advice, but in practice the new rule will make retirement planning unaffordable for lower to middle-income Americans whose accounts are not valuable enough for advisers to take on the new legal liability created by this rule.

One of the most radical and out-of-touch aspects of the Obama administration's agenda has been its labor policies. Take the overtime rule. At colleges, this rule could force students to pay more tuition. One Tennessee college estimates $850 more per student. The President is running around talking about keeping college costs down. Why is it that this administration is coming out with a rule that would raise tuition $850 per student?

At workplaces, this overtime rule could result in workers having their hours and benefits cut, fewer opportunities for advancement, less flexibility, and less control over their work arrangements.

Then there is the joint employer decision. Through this National Labor Relations Board decision, the administration is trying to steal the American dream from owners of the Nation's 780,000 franchise businesses and from millions of contractors by destroying the franchise model that has helped so many Americans go from cashier to business owner.

Then there is ObamaCare. The health care law defines full-time work as only 30 hours. That really sounds more like France than the United States. It has forced employers to cut their workers' hours or reduce hiring altogether in order to escape ObamaCare's mandate and its unaffordable penalties.

Then there are micro-unions. This National Labor Relations Board decision will allow collective bargaining units made up of subsets of employees within the same company. It will divide workplaces. It will make it harder and more expensive for employers to manage their workplace and do business.

The U.S. Chamber of Commerce noted recently:

> ''The overtime regulation joins the recently finalized fiduciary rule which will reduce the ability of small business to provide retirement benefits; the EEOC's proposed revised EEO–1 form that will explode the burden on employers for reporting compensation by micro-demographics; OSHA's just-released injury reporting regulation that will result in sensitive employer data being posted on the Internet for use by unions and trial lawyers; and the Department of Labor's recently issued 'persuader' regulation that is intended to chill the ability of employers to retain competent labor counsel during union organizing campaigns.''

This retirement rule is only the most recent in a series of actions that make it much harder for employers to add jobs and much harder for workers to climb the economic ladder of 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.

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

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

Mr. GRASSLEY. Mr. President, I ask unanimous consent to speak as in morning business for 10 minutes.

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

MOSAIC LIFE CARE INVESTIGATION

Mr. GRASSLEY. Mr. President, I wish to address an important investigation that has produced significant results for low-income people and that the Republican majority in the Senate helped bring about.

In late December 2014, news reports indicated that a nonprofit hospital chain in Missouri and Kansas, Mosaic Life Care, had been aggressively suing low-income patients. These news reports further indicated that many of these patients qualified for financial assistance and were wrongly placed in collection.

Let me be clear. Nonprofit hospitals should not be in the business of aggressively suing their patients. As recipients of a tax-exempt status, these hospitals have a heightened duty to assist patients in qualifying for financial assistance. That means these hospitals must implement a financial-assistance policy where low-income persons receive free- or reduced-cost care. Further, these types of hospitals must assist low-income persons in ensuring that the proper paperwork for government assistance or private insurance is properly filed. In essence, because of the favorable tax treatment these hospitals receive, they have a duty to help our Nation's most vulnerable.

For these reasons, I began my investigation into Mosaic to determine what, if anything, went wrong. On January 16 of last year, I sent a letter to Mosaic to begin my inquiry. Over the past year, my staff has met with Mosaic representatives, exchanged numerous emails, and had many phone calls to get a better idea of the process at issue. It became clear that Mosaic was lacking the right number of personnel to manage financial assistance intake.

Common sense tells me that when anyone visits a hospital, it is often a scary event under any condition. When we go to hospitals, it is generally because something has gone wrong. In that moment of need, we put our lives in the hands of professionals to help us get healthy. In those moments of pain and fear, we put our trust in medical professionals to give us the right care. In other words, we place our trust in the hospital to have hired the right

people. And, as normally happens, after treatment is provided, here comes the bill.

Again, common sense tells me nothing in life is free. Someone, not always the patient, will always have to pay the bill. It is common sense; there is no free lunch. But when it involves low-income persons and a nonprofit charity hospital has provided the treatment, that hospital should provide some type of financial assistance or help to get financial assistance if it is available. That obligation exists simply because of the tax-exempt status.

If you want that status of tax exemption, you are supposed to help those who are less fortunate. So when that bill comes, the hospital must ensure that it has people in place to assist the patient in filing for financial assistance if it is available. If the patient doesn't have any coverage, but his or her income is so low that they qualify for free- or reduced-cost care, the hospital should ensure that patients know help is available.

It is common sense. Employees should explain the process and patients' rights. Tax-exempt hospitals cannot be in business to profit from poor people who may not know what form to file. That is not what Congress intended to happen when we created the tax exemption.

During the course of my investigation into Mosaic, I made clear that they must have adequate personnel. In response to my overtures, Mosaic has hired seven resource advocates to assist with Medicaid, supplemental assistance, and Social Security disability applications. Two additional financial counselors were reassigned to focus solely on assisting patients navigate the financial assistance process. Importantly, Mosaic will hire an additional financial counselor dedicated to its outpatient clinic. Finally, five patient financial service representatives have been assigned with the duty of ensuring the timely processing of financial assistance applications.

These are very important as well as productive steps to take. It just makes sense for a charitable health care institution to help its low-income patients rather than sending debt collectors after them and suing them. It is common sense. You cannot get blood out of a turnip.

Further, during the course of my investigation, I made clear that charging interest on accounts prior to final judgment would further burden the poor. Nonprofits need to take steps to reduce debt burdens, not increase that debt.

In response, Mosaic will no longer charge interest on accounts until a final court judgment. Further, to provide even more opportunity for patients to receive financial assistance, Mosaic has extended its four-statement bill cycle to six. That will allow more opportunities for patients to receive notice of their ability to receive financial assistance. These steps will help patients in the long run.

Again, common sense tells me it is important, and it is important to note that there is a certain amount of self-responsibility to be accepted when someone incurs a bill for services rendered. But that doesn't mean hospitals shouldn't lend a helping hand. Just look at any Medicare and/or health insurance bill that you get. You know then how intimidating that document can be.

The changes I just mentioned are not the end of this, however. I wish to note a much more profound result. I repeatedly urged Mosaic to look at low-income patients already in the collection system or the court system. Over the course of several months, I urged them to consider forgiving their debt when it was obvious that people didn't have the income to pay.

In response, Mosaic instituted a 3-month debt-forgiveness period running from October 1, 2015, to December 31, 2015. Importantly, during this forgiveness period, Mosaic lowered the threshold by which a patient could qualify for financial assistance. When a patient was already in collection or already subject to a court judgment, they could apply for debt forgiveness.

Mosaic recently informed me of the results of their change of policy. The debt forgiveness program resulted in 5,542 financial assistance applications, of which 5,070 were approved. A total of $16.9 million in debt, interest, and legal fees were forgiven. Over 5,000 people no longer have to worry about their debt burden; 5,000 people are free from the vice grip of almost $17 million.

Medical debt is vicious. It is a mental and emotional drain that can bring the strongest among us to our knees. For some patients, they will never be able to pay off their debt.

Mosaic eventually did the right thing. It deserves credit for that. Considering where I started in this investigation, it probably shocks Mosaic that I would compliment them. But I speak from the heart that when they make these changes, they ought to be complimented.

Now, thousands of people have a new lease on life, thanks to Mosaic's meeting nonprofit tax-exempt responsibilities. That is where we are coming from. If it hadn't been for the tax exemption and accepting the responsibilities of tax exemption, there would be no way we could complain about Mosaic.

I wish to point out a lesson to all 535 Members of Congress. That is why oversight is so important. That is why I take my responsibilities as chairman of the Judiciary Committee so seriously. Results matter.

Mr. President, I ask unanimous consent that all time spent in quorum calls be charged equally to both sides during debate in relation to H.J. Res. 88.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. GRASSLEY. I yield the floor.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. BOOKER. Mr. President, I rise today to join my colleagues in supporting the conflict-of-interest rule that was recently finalized by the Department of Labor. This is a fair and balanced rule that protects our Nation's retirees and savers. In fact, it is a rule that makes sure that in the midst of a retirement crisis in this country, where people are having a harder and harder time making sure that after working a lifetime they have the money they need to retire—it is bringing common sense back to that process.

I firmly believe that the conflict-of-interest rule should not be a partisan issue. That is because this rule comes down to those fundamental ideas that really know no party bounds. Again, the idea for me is about honor and common sense.

By honor, I mean the idea that we are a country that believes every American deserves a fair opportunity to succeed. Fairness is at the core of our Nation's ideals—this idea that we are all bound to do what we can to identify and change systems that stack the deck against hard-working families that play by the rules.

This body and its history have done so much to level the playing field and make sure that we have a free market and a fair market. It is because we as a nation value dignity and stand against those who seek to exploit or take advantage of others. In fact, we understand that we have an obligation to our country men and women. We have an obligation to each other to ensure that there is a level playing field that no one can take advantage of or exploit.

We participate in, abide by, and are meant to benefit from this social contract and understand that a social contract and a vibrant economy are not mutually exclusive. Actually, they reinforce one another.

These principles make America exceptional. They empower and embolden our free-market economy. They generate strength and security for more families. They ensure abundance and allow us to strive for ideals of life, liberty, and the ability to pursue happiness. So I believe we are honor bound to uphold these principles, to ensure fairness and opportunity for all. We also must understand that fairness is a key ingredient in broad-based economic growth and strength.

When I talk about common sense, I mean people have a reasonable expectation, in a free market, to be treated fairly and justly, especially in those areas that are most critical to their lives. It is rational, therefore, and just common sense, for us to insist that when we are treated by a doctor, that the doctor is going to place the interest of our health over their own financial interests. It is understandable that when we go to see a doctor, what is paramount is what is in our best interest. It is also understandable that we

have that standard when it comes to the law; and, when we seek legal counsel, we are right to expect our lawyers to act in our best interest. That is the standard for doctors and for lawyers, for our health and well-being and for those legal decisions that will affect our lives profoundly.

When we seek advice on an issue as serious as our health, our livelihoods, and our finances, we expect to be treated with the highest standards of care, and those professionals—those lawyers or doctors—shouldn't in any way be inhibited in their ability to make a livelihood. Indeed, in many cases, they should flourish.

While the vast majority in the financial industry are strong advisers who put the interests of their clients first, the challenge we have right now is that unlike doctors and lawyers, those financial advisers are not required to put the interest of their clients at the high level of a fiduciary standard. As a result of not having that same high standard of care as doctors and lawyers, there are some within that industry who actually take advantage of families trying to plan for their retirement.

A large money market manager recently said: ''As active equity managers we have all been on the hook lately to justify our value proposition. And we should be, since the facts clearly show that as an industry, we have not consistently provided the performance that investors deserve.''

Here are folks who have incredible financial knowledge, sophistication, and acumen talking to everyday Americans and putting forth this idea that they are going to help them retire with security, but they have no obligation to do what is in their best interest, to uphold the highest standard of care. That is problematic, and industry leaders understand that. They understand we cannot allow space for those who might seek to exploit families, struggling to retire, for their own financial interest.

It is this idea that is at the root of the conflict-of-interest rule—the idea that hard-working Americans saving for retirement deserve to be treated with fairness, with honor, and with a mutual obligation Americans should have toward each other, so that if they seek advice from a financial adviser, they deserve to get advice that prioritizes their needs above all others. This is about fairness. This is about common sense.

I was proud to stand with the Secretary of Labor, Secretary Perez, and my colleagues Senator WARREN and Senator MURRAY when this final rule was announced. I am proud that prior to that, the rule went through a very lengthy and diligent process that allowed for robust feedback from all types of stakeholders. Throughout the rulemaking process, the Department of Labor demonstrated patience and inclusiveness of all perspectives, and, most of all, an unyielding commitment to protecting our Nation's workers and retirees—protecting the bedrock of our country and the very idea of the middle class; that if you work hard and play by the rules, you can retire with security and dignity.

The result of all the work of the Department of Labor and their commitment to this ideal is a fair and balanced rule based on the ideas of common sense and honor. The fact is, for so many Americans, it could not come at a more important time. In fact, it could not come at a more urgent time. We have a retirement crisis in our country. So many people are working harder and harder but are finding themselves with more month at the end of their money than money at the end of their month.

Many people are finding it harder and harder to save for retirement. In fact, right now one in three aren't saving for retirement. The Federal Reserve found that a whopping 47 percent of Americans don't have the savings to even cover a $400 emergency expense. Since the financial crisis, retirement readiness for the average American has actually decreased.

Families are seeing greater challenges now in securing their own future. They are seeing greater difficulties securing the American dream of being able to work hard, play by the rules, and retire with dignity and security. I know this personally, and my office does because we hear from constituents all the time about their real stories, not just of the difficulties of planning for retirement but in dealing with a financial industry that often takes advantage of their clients.

Last year I heard from one of my constituents in Lakewood who wrote to tell me about his mother. After losing her husband, she went to seek advice from a financial adviser to help her sort out her finances and plan for her retirement. She put her trust and her livelihood in the hands of this adviser, but the conflicted advice she received ended up costing her tens of thousands of dollars.

Saving for retirement is stressful. At kitchen tables in every town, every city across the country, families are struggling to figure out how best to save for retirement, and here was an adviser who provided conflicted advice, costing my resident in Lakewood tens of thousands of dollars because they trusted and relied on the fact that the advice the financial retirement adviser was giving them was in their best interest. This is wrong, and it is unfair.

Especially for those Americans who don't have much to begin with, the way they manage their retirement savings means so much. Huge gulfs continue to persist in retirement savings between men and women, the poor and the wealthy, and minority families and their White peers. This is a problem for all Americans, from all different backgrounds. It is a crisis in our country.

For so many Americans, in regard to this rule, there is so much at stake. Good advice from a retirement adviser can make a world of difference. In fact, it can be the difference between security and financial crisis. It can be the difference between retiring with ease versus retiring with stress and dependence. That is why the advice of a trusted retirement professional is so important.

There are many good actors in this space who know that increased transparency, increased accountability, and the idea of profitability don't need to be mutually exclusive. In fact, there are people making extraordinary livings in this space by doing the right thing for their clients. Honest, hard-working brokers know that updating the standards expected of retirement advisers is common sense, fair, and it actually helps America as a whole become stronger.

That is why industry leaders are already making changes to prepare for this rule's implementation and why the CEO of a major money management firm recently implored his industry colleagues by saying: Let's not lose sight of why clients engage us in the first place: to help them save the money they need to buy a house, send their kids to college, retire comfortably and meet any other long-term financial goals they have.

This CEO is 100 percent right, and I am happy many companies are beginning to ensure their retirement plans make the most of their employees' savings. According to a recent Wall Street Journal report, the administrative cost of retirement plans fell to their lowest level in a decade in 2015 and with this rule, they will continue to fall.

The needle is moving in the right direction. To attempt to block this rule now would be a step backward, and it would send a message to hard-working Americans and retirees that they simply don't matter enough to this body; that this body cares more about special interests than hard-working families. It cares more about financial advisers on Wall Street and their ability to exploit middle-class Americans than it does those middle-class Americans who believe in the American dream that is being put at risk. To not support this rule would be to roll back what we all know; that we can create a win-win and a fair economy that doesn't exploit people who are vulnerable but uplifts them, where both financial adviser and middle-class retirees can have success. I know men and women in our country—and many who serve here—who know and understand the challenges of planning for retirement.

Look, on the day this rule was announced earlier this year, I understood some people would try to fight this, and I turned to the folks listening and said: Look, this fight is not over. We are going to have to continue. Let us as a nation fight for what is right, not for the special interests of the wealthy few. Let's not allow people to feast upon the retirement savings from the hard work of others, but let's fight to affirm the middle-class dream in America. Let's fight to make sure we are

doing right by folks. Let's create a level playing field.

This is a fight for people like the constituent of mine who not only lost her husband but too much of her savings and now is trying to pick up the pieces. This fight is not over for hard-working families across this country who are diligently saving for retirement and for whom these hidden fees, unfortunately, threaten to undermine decades of hard work. These hidden fees are insidious. These hidden fees allow some advisers to exploit people for their own enrichment. These hidden fees are un-American.

We must continue to make sure those hard-working advisers who provide exemplary levels of service, who prioritize their clients' interests, are the ones being elevated in this fairer system and not being maligned by those few bad actors who feast upon the savings of other people.

This fight has to be about what it means to be an American. That is what this body did when it passed the Employee Retirement Income Security Act 40 years ago. We believed in the idea that America is a place where if you work hard and you play by the rules, you can retire with dignity and don't have to worry that your doctor or your lawyer or your financial adviser will exploit you and thrust you into insecurity or worse.

This is what we must do in this body now. In the spirit of past actions, we must put the interest of our middle-class constituents first, plain and simple. This rule is fair. This rule is balanced. This rule helps our free market economy. This rule ensures that the highest standard will be applied to something as precious and fundamental as our retirement savings. It preserves honor in this business. It preserves honor for America. The needle has already moved forward. We cannot afford to go back.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Republican whip.

NATIONAL DEFENSE AUTHORIZATION BILL

Mr. CORNYN. Mr. President, we will be voting on something known around here as the fiduciary rule, which the Senator from New Jersey just spoke on, and later we will be voting on inspection of catfish.

Now, people might wonder, as significant as those two issues are, why we are not dealing with the Defense authorization bill that Senator MCCAIN has been pressing our Democratic friends to allow us to get started with. For my money, there is simply nothing more important for the Congress to do than to make sure our men and women in uniform have the support and the resources and the training they need in order to fight our Nation's fights and win our Nation's wars. But because of the objection of the Democratic leader yesterday, here we are.

I have to say to my friend, the Senator from New Jersey, talking in support of this fiduciary rule that was created by Dodd-Frank, to me, this just exemplifies this paternalism which has typified this administration when dealing with the economy. They don't actually believe consumers know how to make good choices for themselves, so they are going to force a Federal regulation and rule and a one-size-fits-all standard on the financial services industry.

I have to say that I don't think it is any coincidence that our economy grew at one half of 1 percent last quarter. That is pathetic economic growth, and it is simply not fast enough for our economy to create jobs in order to allow people to work full time instead of part time and for those who have left the labor force to join the labor force and to provide for their families and pursue their dreams. But it is unfortunately typical of the regulatory approach of the Obama administration, which I think helps strangle the economy and economic recovery.

Economists and many people much more knowledgeable than I have said that after the 2008 fiscal crisis, we should have seen a bounce, a V-shaped bounce. We hit bottom; we should have bounced back up. Unfortunately, we have been at a very flat recovery—if you can call it much of a recovery—since 2008, primarily because people are in doubt whether their plans for small business, medium-sized business, or large business, for that matter, will be put in political peril because of the uncertainty of the regulatory approach of the Obama administration. That is why we need to disapprove this fiduciary rule and to get the government out of the way, particularly when it comes to people who choose their own financial advisers. It is just another example of the wet blanket the regulatory approach of the Obama administration has been on the economy in general—just one small example.

As I said at the outset, we should be talking about the national defense authorization bill, which passed out of the Armed Services Committee with overwhelming bipartisan support. Only three members of the Armed Services Committee voted against it. But rather than be debating that, here we are.

We should be talking about and voting on the Defense authorization bill because of obviously how important it is to our country's safety and security. As I mentioned, it provides our military the funding and authorities they need in order to protect and defend us, and it ensures that our warfighters are equipped for success on the battlefield.

The President's senior adviser, Ms. Valerie Jarrett, claimed recently that President Obama had ended two wars and that this was part of his legacy. I am wondering which wars she was referring to because, frankly, the world is on fire. The Director of National Intelligence, James Clapper, has said that never in his long career—and I think it goes back 50 years or more—in the intelligence community has he seen a more diverse and a more threatening environment. We know we have conventional threats like a newly emboldened Vladimir Putin threatening Europe and the NATO alliance there. Then we have terrorist groups like ISIS, the Islamic State, which has morphed from Al Qaeda—the radical religious ideology which has told them that in the name of their religion, they can murder innocent men, women, and children.

A few weeks ago I had the chance to travel with some of my colleagues from the House side to visit some of our troops stationed in the Middle East. It was obviously an honor to visit with those serving our country so selflessly in remote parts of the world, where they are separated from their families and putting service to country above self. We had a chance to visit the U.S. Navy's Fifth Fleet in Bahrain and the Multinational Force & Observers, the MFO, an international peacekeeping group at the North Camp in the Sinai Peninsula. Quite a few members of the Texas National Guard served there until they ended their tour just recently. In meeting with those folks on the ground and learning more about the situation, one thing is clear: The Middle East continues to be a region racked by instability and violence at every turn.

I have previously spoken about how the imprudent drawdown of U.S. troops in Iraq without getting a status of forces agreement, which would have allowed a larger U.S. presence there, much as we had after the war in Germany, in Japan, and elsewhere, where we frankly have seen thriving economies and stable countries spring up after the wake of terrible wars—unfortunately, President Obama did not see that as a priority. And because of the precipitous drawdown in Iraq, a power vacuum was left.

If there is one thing we should have learned on 9/11, it is that power vacuums are breeding grounds for terrorists, and that is as true today as it was back then.

So now the Islamic State—the latest iteration of Islamic extremism—has carved out a safe haven in Iraq and Syria, virtually wiping off the map the border between those two countries, and it continues to grow in north Africa and the Middle East. The terrorist group's influence in the region couldn't be clearer.

As I mentioned, on the Sinai Peninsula, I had a chance to visit with some of our soldiers about the threats they face from ISIS-affiliated groups every day, including the use of improvised explosive devices by some of the groups who have now pledged allegiance to the Islamic State.

Back in March, it was reported that an ISIS-linked group killed more than a dozen of Egypt's security forces in the Sinai, and unfortunately that carnage continues.

There is no doubt that ISIS is continuing to work against U.S. interests and against our allies, targeting not

only Egyptian forces in this instance but, at times, U.S. forces on the ground as well.

Unfortunately, ISIS has taken advantage of a power vacuum left in Libya after the President led a coalition to topple Libyan strongman Muammar Qadhafi and unfortunately created another power vacuum there which continues to this day. We would have thought we would have learned something from our experience in Iraq, but apparently President Obama did not because he had no real plan for a post-Qadhafi Libya, no plan and no strategy in place on how to move forward afterward. As I said, now Libya is a failed state and a breeding ground for ISIS.

In Tunisia, we actually had the chance to visit with the U.S. Ambassador to Libya. Unfortunately, as the Ambassador and his country team said, we haven't actually been to Libya. They are literally an embassy in exile in Tunisia but doing the best they can to try to figure a way forward in Libya.

One thing we know for sure is that Libya plays host to an increasing number of ISIS fighters. Some even estimate that the ranks of ISIS have doubled in Libya in the past year alone. Left unchecked, this ISIS safe haven in Libya, a country which is obviously strategically located across the Mediterranean from Europe, where it is pretty easy passage up into the EU, movement around the EU and then in countries—38 countries in total have visa waiver agreements with the United States, and people can travel to the United States from those countries without a visa. But this jumping-off point in Libya to Europe and then to other places is a real threat and provides another base from which ISIS can continue to terrorize and target the United States and our friends and partners.

As I mentioned, we were able to travel to Tunisia and visit with the relatively newly democratically elected President there. Tunisia touts itself as one of the rare success stories of the Arab spring—maybe the only success story—but their hold on the country is enormously fragile, primarily because the terrorist threat has killed the tourist activity that has been part of the economic lifeblood of that beautiful country right on the Mediterranean Sea in north Africa. Unfortunately, Tunisia is seeing an influx of its own citizens traveling to Libya to join ISIS, and today Tunisia remains one of the major sources of foreign fighters for this terrorist army.

After its campaign of rape and genocide against the Yazidis, Christians, and Shia Muslims, ISIS continues to expand across north Africa and the Middle East, all the while working against U.S. interests, not only in the region by inciting violence and terrorist attacks but also in Europe and in places like San Bernardino, CA.

Of course, our military serves in dangerous places all over the world, as do other people who bravely serve in a civilian capacity with our intelligence community and others. Today the threats extend all the way from an aggressive Russia, as I mentioned earlier, to NATO's doorstep, to an increasingly belligerent China in the South China Sea—a topic the President, no doubt, is discussing during his visit in Hanoi—and then there are the repeated unchecked provocations of North Korea. These are all areas marked by volatility and unpredictability.

Given these threats, given this danger, given this need, we would think there would be bipartisan support for doing our work here and actually debating and voting on the Defense authorization bill.

The bottom line is that our military men and women must be prepared for all potential contingencies, and the Defense authorization bill is our chance here in Congress to make sure they have the training and equipment to do just that.

It is pretty clear that the administration's disengagement around the world over the last 7 years has not been working, and I have been saying that for some time. But the Defense authorization bill we will move to tomorrow is an opportunity for Congress to provide for our troops to the greatest extent possible and ensure that they are ready to face all of these threats. The Defense authorization bill would authorize resources to fight ISIS and to counter Russian aggression and shore up U.S. and NATO capabilities.

As we begin this debate and discussion, let's keep at the forefront of the conversation the men and women who are out there in harm's way facing these myriad of threats, separated many times from their family and their community and their friends, and let's work in good faith to get this bipartisan bill passed as soon as we can.

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

Mr. WYDEN. Madam President, last month the Department of Labor laid out new safeguards that will help middle-class savers in a rule pertaining to advice given by financial advisers. Today the Senate has taken up a resolution of disapproval that will undo that progress. I urge my colleagues to oppose it. The Senate ought to be doing everything it can to help middle-class workers save for retirement. Instead, this resolution would go in the opposite direction.

Workers from Oregon and across the Nation are facing a savings crisis. Fewer and fewer people have access to the type of simple, reliable pensions that were once commonplace. The ''Leave it to Beaver'' ideal of getting a family-wage job, working your way up in a company, and retiring with a pension and a gold watch is not the prospect in front of many American workers today.

For most Americans, the road to retirement now takes many more twists and turns. The burden of figuring out how to save, which seems to get tougher all the time, often falls directly on the workers themselves. First come the tough questions, and they come right up front: when to start saving, how much to set aside, when to retire, and how much to draw down each month. What happens if you outlive your savings? You have to study the markets, stocks and bonds, mutual funds, exchange-traded funds, index funds. You have to decide what kind of risks you can afford to take on. It is even complicated for employers who have to pick from a long list of different kinds of retirement plans: 401(k)s, SIMPLE IRAs, SEPs, employee stock ownership plans, stock bonus plans—to name just a few.

It should come as no surprise to anybody that Americans frequently turn to financial planners to help figure out these issues. It is my view that the overwhelming majority of these advisers are honest individuals who act in the best interest of their clients, but without modern protections in place, some bad actors, unfortunately, choose to push their clients toward products with higher fees and lower returns. It could mean the loss of tens of thousands of dollars from a retirement account over a lifetime of savings.

To be clear, this is not some kind of esoteric issue that hardly anybody faces. It is a very substantial drain on middle-class savings. One estimate by the Council of Economic Advisers said that conflicts of interest in retirement advice cost Americans $17 billion every single year. That is where the Labor Department's new rule comes in. The rules pertaining to fiduciary investment advisers who act solely in the interest of their clients date back to 1975. Obviously, in the more than 40 years since then, there have been very large changes in the retirement world. Many more 401(k)s, fewer professionally managed pension funds, and many more individuals and employers—especially small employers—lean on advisers for help determining how to invest their funds.

It seems to me the law ought to be modernized to reflect those changes. The new rule seeks to lay out modern safeguards that are going to help protect middle-class savers and small business owners. What it says is that going forward, all retirement savers will be able to get advice that is in their best interest. It is a simple principle. My hope is, policymakers on both sides of the aisle will give it strong support.

It is important to recognize that the Labor Department made a number of changes based on legitimate concerns

that were raised as this rule came together. For example, last summer I wrote a letter to Secretary Perez with a number of my colleagues from the Senate Finance Committee that flagged a number of issues, asking the Secretary to ensure that any final rule would work effectively. As I said—a group of us Democratic members on the Senate Finance Committee—there were a number of issues that we thought needed a bit more work.

I am pleased to see that the Secretary took many of our suggestions. For example, our Senate Finance Committee letter highlighted the importance of a smooth transition to the new rule, and the Secretary actually took steps that included an extended implementation period. Instead of finding fresh approaches to help Americans prepare for retirement, colleagues on the other side have brought forward a resolution of disapproval under the Congressional Review Act that would, in effect, block these new protections. In the 20 years since it became law, there has only been one successful disapproval resolution under the Congressional Review Act. Under no circumstances should this extreme tool be used to make it harder for middle-class Americans to get sound retirement advice.

We have a situation where the rules of the road date back for more than 40 years. The bottom line is that we ought to come together and update those rules so we can protect our small businesses, the middle class, and build a stronger ethic of saving in America. That is what this is all about.

I strongly urge my colleagues to oppose the resolution of disapproval.

With that, I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

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

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

IHS ACCOUNTABILITY ACT

Mr. THUNE. Madam President, if you asked Native Americans in my home State of South Dakota how they felt about the Indian Health Service, you would be hard pressed to find a positive review. Indian Health Service patients in the Great Plains area, which encompasses North Dakota, South Dakota, Nebraska, and Iowa, have been receiving substandard medical care for years. Too often, clean exam rooms appear to be a luxury for South Dakota's Native American patients. Dirty facilities and dirty, unsanitized equipment are common, and patient care is often slipshod at best.

One health service facility was in such disarray that a pregnant mother gave birth on a bathroom floor without a single medical professional nearby, which shockingly wasn't the first time this had happened at this facility. Another patient at the same facility who had suffered a severe head injury was discharged from the hospital mere hours after checking in, only to be called back later the same day once his test results arrived. The patient's condition was so serious that he was immediately flown to another facility for care.

A patient at Pine Ridge Hospital in Pine Ridge, SD, was discharged from the emergency department and died from cardiac arrest 2 hours later. An investigation by the Centers for Medicare and Medicaid Services found that the patient had failed to receive an adequate evaluation before his discharge.

The situation in South Dakota has gotten so bad that there is a real chance the Federal Government will terminate its Medicare provider agreements with—as of yesterday—three Indian Health Service facilities in my State.

Yesterday, my office was notified that yet a third IHS emergency department in the Great Plains area had been found in violation of Medicare's conditions of participation. In other words, these three emergency departments have been delivering such a poor level of care that the government isn't sure it can trust them to care for Medicare patients. The associate regional administrator for the Centers for Medicare and Medicaid Services noted that the problems at this third hospital are ''so serious that they constitute an immediate and serious threat to the health and safety of any individual who comes to your hospital to receive services.'' To describe the level of care at Indian Health Service facilities as substandard is an understatement. The government is failing in its treaty responsibility to our tribes.

I have been working on legislation to increase accountability and improve patient care at the Indian Health Service. Last week, my friend and colleague from Wyoming, who chairs the Indian Affairs Committee here in the Senate, and I introduced our bill, the IHS Accountability Act. Our bill takes a number of important steps to start the process of reforming the Indian Health Service.

First, we create an expedited procedure for firing senior leaders at the agency who aren't doing their jobs. The Indian Health Service has suffered from mismanagement problems for years. To name just one example, the Indian Health Service settled an $80 million lawsuit with unions that came about because IHS could not manage the basic administrative task of dealing with overtime pay. The money that IHS used to settle this lawsuit was, in part, from funds that should have been used for patients. Some $6.2 million alone came from money originally destined for IHS facilities in the Great Plains area.

Unfortunately, the Indian Health Service frequently responded to mismanagement by shifting staff between positions and offices instead of simply firing incompetent staff. We are not going to clean up the agency's problems that way.

If a member of the Indian Health Service's leadership is standing in the way of providing quality care to patients, then that person needs to find another line of work. The bill I drafted with my colleague from Wyoming will help make sure that happens. Our bill also streamlines the hiring process at IHS and ensures that tribes will be consulted when the agency is hiring for important positions. This will help IHS get dedicated, high-quality employees on the job faster.

Our bill also addresses the problem IHS has had in retaining quality employees. A provision in our bill gives the Secretary of the Department of Health and Human Services, which oversees the Indian Health Service, increased flexibility to reward employees for good performance and to set the kinds of salaries that will keep good employees on the job longer.

Finally, our bill directs the Government Accountability Office to review the whistleblower protections that are currently in place at IHS and determine whether we need to add any additional layers of protection.

One of the obstacles to improving care for our tribes has been less-than-honest reporting from the Indian Health Service. Time and again we found that conditions on the ground have not matched up to information reported to Congress.

On December 4, 2015, for example, officials from the Indian Health Service stated that a majority of the concerns at the floundering Rosebud Hospital in Rosebud, SD, had been addressed or abated. Yet mere hours later, I was informed that the Rosebud Hospital emergency department was functioning so poorly that emergency patients would be diverted to other hospitals beginning the next day. As of today, it has been 171 days since that emergency department was placed on diverted status—171 days. Clearly, the issues at Rosebud had not been addressed or abated on December 4.

In 2014, I requested a status update on the Great Plains area from the then-Acting Director of the Indian Health Service. In her response, she stated: ''The Great Plains Area has shown marked improvement in all categories,'' and ''significant improvements in health care delivery and program accountability have also been demonstrated.'' Yet we continue to receive frequent reports of abysmal patient care.

I am pretty sure that sending a man home with bleeding in his brain and having a mother give birth prematurely on a bathroom floor are not signs of significant improvement. Having a realistic picture of what is going on in Indian Health Service facilities is absolutely essential if we hope to start improving the standard of care that our tribes receive, and that is why

whistleblower protections are so important.

Our bill will help make sure that the system protects those who come forward to expose the problems facing patients.

I am proud of the bill that my colleague and I have introduced, and I hope the Senate will take it up in the near future. While this is an important step, it is still just the first step. I will continue to consult with the nine tribes in South Dakota and with others to see what additional steps we need to take to fix the problems at the Indian Health Service once and for all. Our tribes deserve better than what they have been receiving, and I am not going to rest until all of our tribes are getting the quality care they deserve.

AVIATION SAFETY AND SECURITY

Madam President, before I conclude, I wish to take a minute to talk about some aviation security issues that were brought into sharp relief by the recent crash of an Egyptair flight.

Last week, 66 people died when Egyptair flight 804 from Paris, France, to Cairo, Egypt, crashed into the Mediterranean Sea off the Egyptian coast. With investigators still recovering evidence, it is too soon to come to any conclusions as to the cause of this tragic accident, but with the absence of evidence indicating an obvious technical failure, U.S. and Egyptian officials have suggested terrorism as a potential cause of the crash even without a credible claim of responsibility from any group.

Given the global risk environment and previous acts of terror, investigators are focusing their attention on anyone who may have had access to the Egyptair aircraft while it was sitting on the ground, including baggage handlers, caterers, cleaners, and fuel-truck workers.

At the Senate Commerce Committee, we have been very focused on this type of aviation safety and security issue over the last year.

In December of 2015, the committee advanced legislation to address insider threats posed by airport workers and enhanced vetting of airline passengers. As the Senate took up the FAA Reauthorization Act of 2016, we engaged in a constructive and open process to consider amendments. Ultimately, the Senate adopted a number of aviation security amendments, including a security amendment that I cosponsored with Commerce Committee Ranking Member NELSON, Senator AYOTTE, and Senator CANTWELL that would strengthen security at international airports with direct flights into the United States.

The amendment added a security title to the FAA bill that included legislation marked up in the Commerce Committee, as well as other initiatives. Among other things, the amendment requires TSA to conduct a comprehensive risk assessment of all foreign last-point-of-departure airports—foreign airports with direct flights to the United States. The amendment also requires TSA to develop a security coordination enhancement plan with domestic and foreign partners, including foreign governments and airlines, and to conduct a comprehensive assessment of TSA's workforce abroad. It also authorizes TSA to help foreign partners by donating security screening equipment to foreign last-point-of-departure airports and to assist in evaluating foreign countries' air cargo security programs to prevent any shipment of nefarious materials via air cargo. These provisions are similar to those of H.R. 4698, the SAFE GATES Act of 2016, and, together with the other security provisions adopted, take concrete steps to confront the real terrorist threat that we are facing.

I believe these provisions in the FAA reauthorization bill will help make air travel from foreign countries to the United States safer and more secure. The Senate passed this legislation in April, and now it is time for the House of Representatives to act. The House of Representatives should take up our FAA bill without delay so that we can get a final bill with timely security and safety reforms onto the President's desk before the summer State work period.

Every day countless terrorists are plotting their next attack against the United States. There are measures we can take today that will help make Americans safer at home and while traveling from destinations abroad. Several of those measures are included in the FAA bill that we passed with over 90 votes in the U.S. Senate.

I call again on the House of Representatives to take up this bill so that we can continue our work to keep Americans safe.

I yield the floor.

RECESS

Mr. THUNE. Madam President, I ask unanimous consent that the Senate recess until 2:15 p.m. and that the time during the recess be charged to the proponents' side on H.J. Res. 88.

There being no objection, the Senate, at 12:32 p.m., recessed until 2:15 p.m. and reassembled when called to order by the Presiding Officer (Mr. PORTMAN).

DISAPPROVING A RULE SUBMITTED BY THE DEPARTMENT OF LABOR—Continued

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. Mr. President, I rise today in favor of the Congressional Review Act resolution regarding the Department of Labor's new fiduciary rule. This resolution, which provides Congress with an opportunity to express its disapproval with the administration's regulations, is important for a number of reasons.

On the substance, DOL's new rule is extremely problematic. As a number of my colleagues have already attested, the rule, on its face, would unnecessarily impose a new set of regulations under the Employment Retirement Income Security Act, or ERISA, on a greatly expanded number of people.

Under current law, brokers and dealers who provide services to retirement plans are already heavily regulated. They are not automatically considered labor law fiduciaries, and, therefore, they are not subject to the increased liability provided under ERISA. Instead, these service providers are subject to regulations issued by the Securities and Exchange Commission to protect investors from fraud and to ensure transparency.

Under the new DOL rule, virtually any broker who provides investment advice of any kind to individuals regarding their individual retirement accounts, or IRAs, will be considered a pension plan fiduciary, subject to higher standards and greater liability.

As my colleagues have aptly noted, this rule will reduce the availability of investment advice for retirees and make the advice that is available more expensive, which will have a disproportionately negative effect on low- and middle-income retirees. Higher costs and a more burdensome system also mean more expenses for small businesses trying to sponsor retirement plans for their employees.

A 2014 study found that, as a result of these rules, many affected retirees—who, once again, are predominantly middle class or lower-income retirees—will see their lifetime retirement savings drop by between 20 and 40 percent, which will translate into a reduction of between $20 billion and $32 billion in systemwide retirement savings every year.

DOL's own analysis indicates that the rule will have a compliance cost. That is deadweight loss to the system of between $2.4 billion and $5.7 billion over the first 10 years, virtually all of which will be passed onto American retirees. I think it should go without saying that if anyone has an interest in understanding the cost of the DOL's regulations, it is the DOL itself.

All of these problems—and they are real problems—with the DOL's fiduciary rule are within the substance of the rule itself. I wish to take just a few minutes, however, to talk about the process by which the rule came into existence because it is no less problematic.

This regulation is an attempt to rewrite ERISA-prohibited transaction regulations for IRAs that have been in place since 1975. However, the prohibited transaction rules for IRAs are codified in the Internal Revenue Code which, generally speaking, would give Treasury regulatory jurisdiction over the matter.

That was the understanding in 1975 when the current regulations were first established. However, a 1978 Executive order transferred some of the Treasury's jurisdiction over prohibited

transaction rules—rules generally directed at preventing self-dealing and conflicts of interest—to the Department of Labor. In other words, the rule that DOL has rewritten with this new fiduciary regulation predated the Department's grant of jurisdiction.

While this might be a little arcane and in the weeds, this distinction is important, given the reported disputes between agencies on this rule. Indeed, according to a report released by the Senate Committee on Homeland Security and Governmental Affairs, career officials at the SEC and Treasury have expressed concern over DOL's course of action with regard to this rule. They also offered suggestions for improvements, most of which were disregarded by DOL in favor of a quicker resolution to the rulemaking process. Not surprisingly, this report found that political appointees at the White House played an outsized role in the rulemaking process.

Given these procedural concerns, not to mention the substantive concerns with the rule itself, I think that at the very least we should revisit whether DOL should have jurisdiction in this area in the first place. Put simply: IRAs, which are at the heart of these regulations, are creatures of the Tax Code. They should, therefore, be governed by the agencies responsible for overseeing the implementation of the Tax Code and not by officials outside of those agencies who, far more often than not, have agendas that are geared more toward business pension plans and not tax-deferred savings accounts set up at the individual level.

Toward that end, I have drafted legislation that would restore Treasury's rulemaking authority in this area in order to ensure that the proper expertise is brought to bear on these issues and that future rules governing financial advice and marketing are, at the very least, crafted with the broader financial regulatory framework in mind.

As it is, we have a rule that appears to have been drafted by those who lack expertise about the retail investment industry in order to achieve a goal that is, to put it kindly, at odds with the purpose of that industry and the interests of the individual savers who rely on it in order to obtain a secure retirement.

I urge my colleagues to support the resolution before us as it is the best near-term vehicle we have to putting the administration in check with regard to this rule. For the long term, I am hoping we can have a reasonable discussion about DOL's role in regulating IRAs to begin with. Ultimately, if that discussion takes place, I think more and more people will realize that the Labor Department should not be responsible for crafting what is essentially tax policy.

I plan to vote yes on this resolution, and I hope that all of my colleagues will do the same.

With that, 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. BROWN. 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. BROWN. Mr. President, as Senator HATCH has mentioned, in April the Department of Labor just issued its final conflict-of-interest, or fiduciary, rule, putting in place a framework of meaningful protections for Americans saving for retirement. The rule helps families save for retirement at a time when fewer and fewer workers have traditional pensions. Today my Republican colleagues are trying to block this rule.

I join Ranking Member MURRAY of the HELP Committee and Ranking Member WYDEN of the Finance Committee—on which the Presiding Officer and I both sit—to recommend that you vote no on the joint resolution.

It is important to remember why this rule is necessary. Since the enactment of ERISA and the creation of 401(k) plans and individual retirement accounts in the 1970s, there has been a dramatic shift from traditional pension plans run by employers—that is where when you retire, there is a so-called defined benefit where you can count on a certain number of dollars a month for the rest of your life and perhaps for your spouse—to defined contribution plans that workers are left to manage themselves.

Maximizing retirement savings and avoiding high fees and costs are more critical than ever. But most American workers need advice on how to prepare for retirement and navigate these plans, which can be both complicated and, maybe more importantly, risky.

The DOL's rule—the Labor Department's rule—makes sure brokers and advisers act ''in the best interest'' of their customers and minimize the potential for conflicts of interest that could eat away at a saver's nest egg. This doesn't mean that diligent brokers and advisers have not been helping their customers, but the rule creates structural protections to make sure that is always the case.

It is that simple: Customers come first. There is no alternative to that basic principle. Whether you are visiting your doctor or going to a lawyer, your interests come first.

Following the rule proposal in 2015, the DOL reviewed hundreds of comments, held days of hearings, and issued a final rule with extensive changes that address a variety of concerns that many of us have heard. The major changes include extending the implementation period, simplifying disclosure requirements, and clarifying the difference between education and advice. The full list of changes is much longer and resulted in significant improvement. Most of the industry recognizes that and has said so. Thankfully, banks and brokers are already working on implementation. The Department of Labor is committed to helping companies figure out how to make the necessary changes and adapt to the rule.

Industry and some in Congress have called for the SEC to issue its own fiduciary rule before the Labor Department. The Wall Street reform bill required the SEC, the Securities and Exchange Commission, to consider its own rule. I urge them to move forward as well, but there is no reason for the Department of Labor to wait for the sometimes-too-slow SEC.

Congress gave retirement accounts tax-favored status and significant protections under ERISA. The Labor Department's rules build on the statutory framework under ERISA, and now the fiduciary rule reflects the reality of the modern retirement landscape. It is time to move forward to help protect this generation and future generations of American savers.

I urge my colleagues to vote no on the resolution so the implementation of this rule can continue to move forward to protect the interests of millions of hard-working Americans who are saving for retirement.

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

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

Mrs. MURRAY. 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. MURRAY. Mr. President, I ask unanimous consent to speak as in morning business.

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

UNANIMOUS CONSENT REQUEST—H.R. 5243

Mrs. MURRAY. Mr. President, last week the CDC announced it is monitoring nearly 300 pregnant women in the United States and territories for possible Zika infections. That means nearly 300 families across our country are living through a true nightmare for expecting parents. They are waiting for news about whether their newborn will be safe and healthy.

Unfortunately, with almost 1,400 cases of Zika already reported, the number of expecting moms and dads in this awful position is only expected to grow. As a mother, a grandmother, and a United States Senator, I strongly believe it is our responsibility to act as quickly as possible for these families and the families who will unfortunately be impacted by the Zika virus in the weeks and months ahead.

Just to be clear, mosquito season has already started in some parts of our country, and we do not have any time to waste. In fact, we should have been able to act much sooner. President Obama's emergency funding proposal to support the Zika response has been available for everyone to see since February. Similar to many of my colleagues, I was disappointed the Republican leader refused to even consider it

and that instead they came up with one excuse after another to delay, even though public health experts and researchers have made it very clear this is truly an urgent public health crisis.

Some Republicans said Zika wasn't something they were willing to give the administration a penny more for, others said they would think about more money to fight Zika but only in return for partisan spending cuts, and others spent more time thinking about how to get political cover than actually trying to address this problem, but many of us knew how important this was and we didn't give up.

So I am very glad that after a lot of pressure from women, families, Governors, and scientists, and after a lot of pushing Republicans to get serious about dealing with this emergency, many of our Republican colleagues in the Senate finally joined us at the table last week to open a path for an important step forward.

I appreciate the work of Chairman BLUNT, who joined me to get this done, as well as all the Senators on both sides of the aisle who voted for it. While Democrats didn't get the full amount we had hoped for in this compromise, I am glad the Senate was able to pass a $1.1 billion downpayment on the President's proposal as an emergency bill, without offsets.

Our agreement would accelerate the administration's work, and it would allow money to start flowing to address this crisis even as we continue fighting for more as needed. This agreement was supported by every Democrat and a little less than half of the Republicans in the Senate. So the Senate has a strong bipartisan first step ready to go.

Unfortunately, House Republicans went in a very different direction. They released an underfunded, partisan, and, in my opinion, mean-spirited bill that would provide only $622 million—less than one-third of what is needed in this emergency—without any funding for preventive health care, family planning, or outreach even to those who are at risk of getting Zika. They are still insisting that funding for this public health emergency be fully offset, and the administration should somehow siphon money away from their critical Ebola response and other essential activities in order to fund the Zika efforts. House Republicans clearly feel this health care crisis is an appropriate moment to somehow nickel-and-dime and that it is a good opportunity to prioritize Heritage Action over women and families, but if you are 1 of nearly 300 mothers the CDC is monitoring for likely Zika infection or one of the almost 1,400 people infected so far or one of the millions of expecting mothers nationwide, I bet you would like to know your government is doing everything it can now to tackle this virus. So I am continuing to call on Senate Republicans to get our bipartisan Zika agreement to the House as quickly as possible. Senate Republicans have already said they would be willing to do this if we exchange it for Affordable Health Care Act cuts, and I think they should be just as willing to do it for the sake of women and families who are at risk.

This agreement has strong bipartisan support. It can move through the House, and it can get to the President to be signed into law so our researchers, our scientists, and those in the field can get to work. This Republican-controlled Congress has already waited far too long to act on Zika. We should not wait any longer.

Mr. President, I ask unanimous consent that when the Senate receives from the House H.R. 5243, that all after the enacting clause be stricken; that the Blunt-Murray substitute amendment to provide $1.1 billion in funding to enhance the Federal response and preparedness with respect to the Zika virus be agreed to; that there be up to 1 hour of debate, equally divided between the two leaders or their designees; that upon the use or yielding back of time, the bill, as amended, be read a third time, and the Senate vote on passage of the bill, as amended, with no intervening action or debate.

The PRESIDING OFFICER. Is there objection?

The Senate majority whip.

Mr. CORNYN. Mr. President, reserving the right to object.

I wish our Democratic colleagues would spend as much time working with us to try to solve problems as they do engaged in political theater and posturing.

Mrs. MURRAY, the Senator from Washington, has done good work working with the chairman of the Appropriations subcommittee, Senator BLUNT, in coming up with a piece of legislation that funds the Zika response at $1.1 billion. That legislation has already passed the Senate. What remains to be done is the House and the Senate need to come together in a conference committee—which is the typical way where differences of approach are reconciled—to come up with a responsible piece of legislation.

In the meantime, I am glad the President has taken up our suggestion initially that until this can happen, they reprogram money—$589 million—from the Ebola response that had not yet been expended and transfer that to the Zika response. I am confident that money has not been spent yet and plenty is available to deal with it while Congress does its business in an orderly sort of way.

I would have to say to my friend from Washington, my State is going to be directly in the crosshairs because this mosquito is not native to Washington State but it is to the warmer parts of our country—Texas and Louisiana. Thank goodness no one so far has gotten the Zika virus from a mosquito. It is people who have traveled to South America, Puerto Rico, or elsewhere and come back to the United States, but we all agree on a bipartisan basis that this is a very serious matter and we can't waste time. There is $589 million available to deal with it now.

Secondly, we are working—as we typically do—with the House to try to reconcile our differences and to do our work in a responsible sort of way. In the meantime, our Democratic colleagues are blocking legislation, like the Defense authorization bill. They are throwing obstacles in the way of our getting the Senate back to work in every way they possibly can, including this—which, I am sorry to say, is just political theater and posturing.

With that, I object.

The PRESIDING OFFICER. Objection is heard.

The Senator from Washington.

Mrs. MURRAY. Mr. President, let me just say this. This Zika virus is an emergency now, and though my constituents don't live in Texas, we have people in Washington State who have traveled to infected countries, gotten Zika transmitted through mosquito, have come home, and now they need to have tests to determine whether they have been infected. Those tests will not be available until we provide this money. The Ebola response money that was just referred to needs to be there because Ebola is not eradicated and can come back at any minute, and we are doing everything we can as a nation to protect American citizens.

What we are trying to do is move the bipartisan bill that has been approved in the Senate quickly to the House. Yes, it has been attached to an appropriations bill, but for us to sit back and wait until a conference committee is appointed on that and does the long negotiations over the summer into the fall is too late. We can deal with this now. That is what I ask to do today, and we will continue to push until we can assure people in our States across the country that we are doing everything we can as a nation to help protect our citizens from the Zika virus, particularly expectant mothers or possibly expectant mothers and families.

Mr. President, I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

Mr. BOOZMAN. 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. BOOZMAN. Mr. President, I ask unanimous consent to speak as in morning business for up to 10 minutes.

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

USDA CATFISH INSPECTION RULE

Mr. BOOZMAN. Mr. President, I rise today to address the bait-and-switch being pulled on the American people in this Congress regarding catfish inspection. We have all been told by lobbyists for fish importers and the Socialist Republic of Vietnam that the catfish inspection program is ''duplicative and trade distorting,'' but that simply isn't true. This rule is not duplicative, this

rule is not distorting, and the program is working to keep food safe for Americans. There is nothing duplicative about this rule. The FDA no longer inspects any catfish. USDA's Food Safety and Inspection Service is the only agency inspecting catfish. Additionally, the USDA and the FDA operate under a memorandum of understanding to prevent duplication. For decades, USDA and FDA coordinated to prevent duplicative inspections with regard to seafood, beef, pork, and poultry.

The fact is that the FDA did not adequately inspect catfish. The FDA inspected less than 2 percent of catfish, and it lab tested an even smaller percentage. It would not be a stretch to argue that we had very little inspection at all. In contrast, the USDA's Food Safety and Inspection Service inspects all catfish, as they do with other farmed-raised meat.

This rule is not a WTO violation. Equivalent standards are applied to imported and domestic fish.

The USDA has been inspecting beef, pork, and poultry with this system for decades. Is that too much to ask for? Why should American consumers be subjected to harmful contaminants that we can prevent?

Contrary to what you may hear, this program is not costly. I have heard many different numbers thrown around, but the bottom line is that the Congressional Budget Office has determined that this resolution would not save the taxpayer a single penny.

If Congress votes to disapprove the USDA's catfish inspection rule, the food safety of the American people will be significantly undermined. This is a health and safety issue, pure and simple. With only a few weeks of inspection under its belt, the USDA has already denied entry of two shipments of imported catfish because they found crystal violet in one shipment and malachite green in another. Both are dangerous carcinogens.

Earlier today the American Cancer Society said they support keeping farm-raised fish inspection at USDA.

Overturning the USDA's catfish inspection rule would set a bad precedent. Congress has never used the Congressional Review Act to overturn a rule that Congress explicitly directed by law. Additionally, if the rule is overturned, the law requiring USDA catfish inspection would remain in place. USDA simply would not have a rule to implement the law, which would lead to significant trade disruption.

Catfish farming is an important industry to Arkansas. Arkansas producers are proud to supply a safe product for American consumers. The bottom line is that our farmers aren't afraid of competition. They just want the security of knowing the domestic industry and imports are all safe.

Voting to disprove this rule would put consumers at risk. I strongly urge my colleagues who share my concerns about the security of our food system to let this important food safety program continue to operate and continue to keep harmful carcinogens out of the food supply of Americans.

I suggest the absence of a quorum.

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

The senior assistant legislative clerk proceeded to call the roll.

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

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

Mr. ROBERTS. Madam President, I rise in opposition to the resolution of disapproval of the Department of Agriculture's catfish inspection program on several grounds. This has become a rather heated issue. I think there are some issues we need to clear up, especially speaking from the privilege of being the chairman of the Senate Committee on Agriculture.

The amendment seeks to make changes to food safety inspection by eliminating the Department of Agriculture's inspection program of domestic and foreign-raised catfish. This program just started in March. Some of the comments about the expense of this program have been made as if they were on an annual basis. Most of the costs that were cited in the General Accounting Office report did not mention the fact that these were startup costs.

The program was created due to concerns related to food safety. The USDA has a very strong record of requiring meat that is imported to the United States to be processed in foreign facilities that are ''equivalent'' to U.S. meat processing facilities. The Department of Agriculture visits these facilities and conducts audits to ensure that their practices are in line with what we require in the United States. This is done to ensure that food coming into the United States is safe. That product is also inspected once it arrives at U.S. ports of entry.

Simply put, what we have here is a program that requires the same equivalency determination for foreign raised and processed catfish as we require for beef, chicken, lamb, pork, and all the other commodities or all the other animal products that you could imagine.

Just last week I was notified by the Department of Agriculture that their inspections of Vietnamese catfish found illegal drug residues in two shipments destined for the United States. I am sure that others who have spoken to this issue, especially Senator BOOZMAN and Senator COCHRAN, have repeated this. Had this program not been in place, this violation would not have been caught and the product would have been allowed to enter into commerce.

I am very surprised. I know this is an easy issue to bring up with regard to a GAO report for 10 years that said this duplicating what the Food and Drug Administration does. It is, but it is no longer because the Department of Agriculture is taking it over because they have a much more robust program. The Food and Drug Administration really only inspects 2 percent of the catfish. We are talking about a much higher percentage by the Department of Agriculture.

I hope those in the Senate who are trying to remove this important safeguard just 2 months into the program being enforced and on the tails of it paying off and preventing adulterated catfish from entering commerce—I remind my colleagues that this program was authorized in the 2008 and 2014 farm bills. That was delayed for a while. Startup costs started last year. Again, those costs that are mentioned in the General Accounting Office are not pertinent to what is happening today.

I want to say one other thing. Farm bills are developed through 5 years of thoughtful discussions and also negotiations. When a farm bill is passed, any producer of any product, including any animal product, expects—almost as if it is a contract—to be able to depend on it. If you have a burgeoning industry of domestic catfish, you want to make doggone sure that it is safe and that there are no imports that represent a health hazard, and that is exactly what happened in this particular instance. You do not want to open up farm bills willy-nilly on a specific issue that may make a headline or may make a good TV spot—to quote the General Accountability Office—which has not taken into consideration that this is just a startup kind of situation in terms of the money.

It is interesting to me that this was scored at zero. The Congressional Budget Office has scored it at zero. I think I understand all of this talk about wasting money. I don't know anybody in the Congress—House or Senate—who is for wasting money. One person's wasteful spending of money is another person's viable investment. So we have to look pretty close.

I ask that my colleagues vote no on the resolution and to maintain these important food safety protections and the carefully crafted 2014 farm bill. This is not the time to open up the farm bill. We will certainly begin discussions on that in the next year, and we will take up these matters in the following year and go over it with a fine-tooth comb.

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

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

Mr. COCHRAN. Madam President, I strongly urge the Senate to reject the motion to proceed to S.J. Res. 28. This resolution would overturn a catfish inspection rule that is working to protect American consumers. Congress directed the Department of Agriculture

to write this rule in both the 2008 and 2014 farm bills. It did so based on evidence that the inspection regime then in place was inadequate.

Almost all catfish consumed in the United States is raised on farms in controlled environments. The Department of Agriculture, or the USDA, is the most experienced and well-equipped agency to ensure that farm-raised meat products, including catfish, are as safe as possible.

Since assuming responsibility of catfish inspection just a few week ago, the Department of Agriculture has intercepted and impounded two large shipments of foreign catfish contaminated with cancer-causing chemicals banned for use in the United States. Prior to the implementation of the rule, less than 2 in 1,000 catfish products entering the United States was laboratory tested. If it were not for the rule that S.J. Res. 28 seeks to nullify, this dangerous foreign fish would be in the U.S. food supply today.

Sponsors of this resolution have said that the catfish rule is costly. This is not true. The Congressional Budget Office has said that this resolution won't save a dime. Sponsors of this resolution have said that the catfish rule is duplicative. This is untrue. The Food and Drug Administration ceased all catfish inspections on March 1 of this year. The Department of Agriculture is the only agency charged with inspecting catfish. Sponsors of this resolution have said that the catfish rule creates an artificial trade barrier. This is untrue. The Department has stated that the rule is compliant with the World Trade Organization's equivalency standard and would not violate its principles.

Adoption of this resolution would not change the law. It would only call into question and potentially halt the ability of the U.S. Government to carry on important activities authorized by law to keep American consumers safe.

It is clear that the inspection rule is working as intended to protect U.S. consumers. Congress was right in twice mandating these inspections, and reconsidering that decision would be a poor use of the Senate's time.

I hope Senators will reject the motion to proceed to this resolution.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

UNANIMOUS CONSENT REQUEST—H.R. 5243

Mr. NELSON. Madam President, I have been on this floor many times talking about Zika. I think some people believe in the old adage ''out of sight out of mind.'' It is equally as much, if not more, of a crisis—an international crisis—as was the Ebola crisis. Yet do you remember how everyone became so suddenly concerned about Ebola when there were only a couple of cases that showed up in the United States? Remember how we in this body suddenly rushed in and appropriated on an emergency basis several multiples of billions of dollars to address the Ebola crisis? I remember how successful that was even though Ebola is still raging in parts of western Africa. We are continuing to try to help out those African nations so it will not spread across the world and especially to keep it from coming here to our shores.

The same thing is happening with the Zika virus, but people are not recognizing it. That is why this Senator continues to talk about it—because we need the resources necessary to stop the spread of Zika. It is only a matter of time before there is a local transmission in the continental United States. What is a local transmission? Well, we know they put a fancy name on it. It is called vector. What is vector? The vector is a strain of mosquito called the aegypti. And, by the way, it is math. What happens across a lot of the coastal United States and southern United States in June? It gets hot, the rains come, and what comes along with that? Swarms of mosquitoes.

Since this particular strain, the aegypti, is prevalent across the United States, up the west coast, the Pacific coast, up the Atlantic seaboard—much further than what you consider to be southern States—lo and behold, this strain of mosquito carries the Zika virus, and when it sticks its sticker into a human being and starts drawing blood, the virus is transmitted into the blood of the human being. Now you have a human carrier of the Zika virus that can be transmitted through sexual contact. But, lo and behold, if the carrier is a pregnant female, then that Zika virus—and the virus itself sometimes doesn't manifest itself in many ways; it might be like a mild form of the flu. But if it is a pregnant female, then there are some disastrous consequences coming ahead. Those are the horrible pictures we have seen—the microcephaly. The virus gets in and attacks the fetus and does not allow the fetus to develop, particularly with regard to the structure of the head and the brain, and that is what causes these terrible family tragedies.

Last week we voted for $1.1 billion as part of an appropriations bill. We turned down Senator RUBIO's and my proposal of $1.9 billion.

By the way, did you notice a Republican and a Democrat coming together, saying: This is tough in our State. In our State there are well over 120 cases. There are also multiple pregnant women in Florida who are infected.

Nationwide there are 1,200 Americans in 48 States that we know of who have been infected with the virus. We know that in Puerto Rico—the Centers for Disease Control tells us that 25 percent of that island's population of our fellow American citizens is going to be infected. That is in Puerto Rico alone—800,000 people. As a result of that infection in Puerto Rico, we saw the first case of microcephaly linked to the Zika virus reported in Puerto Rico. That was determined because of a miscarriage, and the fetus had all the markings of microcephaly. Prior to that, the CDC had confirmed the first Zika-related death in the United States that had also occurred in Puerto Rico.

While we here in the Senate last week turned down $1.9 billion, which was the administration's request, we appropriated $1.1 billion. But guess what they did down at the other end of the hallway in the U.S. Capitol Building. They did only $622 million. And they want this to go to a conference committee to be worked out over time? Folks, it is late May and summer is upon us. These cases are going to become increasingly apparent.

Now why don't we add Brazil into the mix? It is hot and humid. By the way, there is something happening in a few months in Brazil: People from all over the world are going to Brazil for the Olympics, and right now Brazil has more than 100,000 cases of Zika virus this year alone.

This is a very dangerous emergency, and we are playing around and delaying. Congress has not stepped up and is failing the American people by not treating it as an emergency. It ought to be clear that it is up to us to protect our constituents, to stop the spread of the virus, and to do everything the administration has requested, including replacing the multiple hundreds of millions they raided out of the Ebola fund to try to get a jump-start on this because the Congress was sitting around on its hands, not willing to give the money. They borrowed from the Ebola fund, and we need to replenish that fund. That is a part of the $1.9 billion request.

So, Madam President, I am going to ask unanimous consent that we proceed to a vote on this emergency. We ought to be trying to do the right thing. We ought to give the President and the public health experts the resources they need, that they tell us they have to have to stop the spread of this virus.

Madam President, I ask unanimous consent that when the Senate receives from the House H.R. 5243, that all after the enacting clause be stricken; that the Nelson-Rubio substitute amendment to provide the $1.9 billion in funding to enhance the Federal response and preparedness with respect to the Zika virus be agreed to; that there be up to 1 hour of debate equally divided between the two leaders or their designees; and that upon the use or yielding back of time, the bill, as amended, be read a third time and the Senate vote on passage of the bill, as amended, with no intervening action or debate.

The PRESIDING OFFICER. Is there objection?

The Senator from Wyoming.

Mr. ENZI. Madam President, reserving the right to object, this was debated extensively and considerably for

more than 1 hour, equally divided, just last week, and was resolved by a vote in this body.

I don't think there is anyone in this body who isn't worried about the Zika virus and who doesn't want to do everything that can be done in the quickest way possible. It was determined to be an emergency and was put into the bill that way. There was Senator NELSON's bill for $1.9 billion, but it lacked specificity on how that was to be spent, so the $1.1 billion was the one that got the vote.

I was hoping it would be the Cornyn vote that was passed because it was offset with health prevention money we already have. Those funds can be used for just this kind of need. I don't know why there would be an objection to using that for the Zika virus, but there was. Even so, we resolved it. We resolved it without offsetting it, adding another $1.1 billion to the deficit, and were able to move that project forward. So in light of that, I object.

The PRESIDING OFFICER. Objection is heard.

The Senator from Florida.

Mr. NELSON. Madam President, the Senator from Wyoming knows my affection for him as a friend. The Senator from Wyoming is a great Senator from the State of Wyoming, and Wyoming does not have the threat as the southern States do in the United States as the summer comes upon us.

The Senator has referred to the Cornyn amendment. The Cornyn amendment allowed for $1.1 billion, which was voted down. It was paid for by raiding the Affordable Care Act, and that is just not going to happen.

Whenever an emergency happens, the tradition of the U.S. Congress is, in fact, to provide for that emergency on a basis that you don't have to go and rob some other piece of funding in order to pay for it. When a hurricane hits and if it hits Florida, I certainly hope you all are going to appropriate emergency funds. If there is an earthquake or the eruption of a volcano, fires—whatever the natural or manmade disaster that occurs—that is what a government does. One of the functions of government is to protect the health and welfare of the people, and sometimes that calls for the funding of an emergency.

We don't have a lot of children with microcephaly that have been born from pregnant women here, but that is coming. We have already seen it. Wait until all of the Americans, including in the northern tier of States and the western United States, go to Rio for the Olympics. Wait until there is a further migration out of Puerto Rico, which is causing a brain drain because of the financial condition of that island and which we are not helping them with as we continue to dither about their financial distress. Wait until that migration of American citizens comes more and more from Puerto Rico to the continental United States and brings with them those infected with the Zika virus. All of this is about to happen, and it is about to explode. This Senator suspects that a lot of the people who are objecting to moving on this on an emergency basis are going to rue the day when they see the consequences.

Madam President, I yield the floor.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. ENZI. Madam President, I have a fondness for the Senator from Florida, as well, and recognize that he is further south and that they, perhaps, have more mosquitoes than we do, although even Alaska would have a competition with that.

But we did pass emergency money for this. We did declare it an emergency and pass $1.1 billion. That is $1,100 million to work on this problem.

Before, we had the Ebola problem. That was the crisis of the year, and we allocated money to that. We allocated more money to that than it needed. That is why some of that money was brought over as an emergency into solving the Zika problem.

I have been doing some research as the Budget Chairman, and I found that we have about $6 billion worth of emergencies every year. We ought to budget for what we know is consistent. Unfortunately, I had them look it up, and I found that we actually spend $26 billion in emergencies every year. That ought to be a part of the budget and not just passed on to future generations. They are going to have their own emergencies that they are going to need to solve. Somehow we are going to have to get control of this. I am pleased we have a bipartisan effort going to see if there aren't some solutions that can be built into the budget process. But that is not what I came over here for to begin with.

Madam President, we have the right, when a government rule is finalized, if we don't agree with it, we can get a petition. If we can get enough Senators on a petition, we can get a guaranteed 10 hours of debate and an up-or-down vote on that rule. In America, we are trying to get people to save more for retirement, to invest more—and now this administration makes it harder to do so.

I rise to speak in support of H.J. Res. 88, expressing congressional disapproval of the rule submitted by the Department of Labor with respect to investment advice. How many people do you think are going to be willing to seek investment advice if they have to sign a contract before they can even see if that is the person they want to work with?

It is called the fiduciary and conflict of interest rule. We are all against conflict of interest. There aren't even a lot of people who know how to spell ''fiduciary.'' That is to confuse people about what this is about.

We do have a retirement coverage gap in America. There are tens of millions of Americans who are not prepared for retirement. The regulation put forward by the Obama administration that we are debating today will limit the advice that individuals seeking access to retirement plans can receive. That will increase the size of this retirement gap.

This regulation will significantly impede the ability of low- and middle-income Americans to save for retirement. They will simply not have anyone to answer their questions and provide advice.

For many years, I have heard the goal of this regulation is to force financial advisers to work in the best interest of their clients. I am completely in favor of financial advisers doing so. I have cosponsored legislation requiring that practice in law. I have cosponsored it and tried to pass it. In fact, in my almost 20 years of working on retirement policy in the U.S. Senate, I have never met anyone who doesn't agree that financial advisers should act in the best interests of their customers.

The problem with this rule is, it goes far beyond requiring a best interest standard. It goes so far as to effectively prohibit the means by which low- and middle-income Americans receive retirement advice. A massive regulatory regime has been created by this rule. It will undoubtedly raise the costs in a $24 trillion—or to put it in numbers that are easier to understand, a $24 thousand billion industry. Sure, large companies and retirement savers with large assets will probably be able to deal with the increased costs, but what about the small investors, the small advisers, the people interested in retirement savings, the ones who have modest assets—like most of the cities and towns in Wyoming. This rule will negatively impact the services and choices available to investors. I can't imagine why limiting options, limiting choices, and limiting services is being touted as a victory for anyone.

My home State of Wyoming is hurting. Our energy-based economy is declining significantly, largely due to regulations added by the Obama administration. Now that same administration is issuing a regulation that will hurt the future savings of my constituents.

Wealthy Americans across America will not be affected by this rule. Yes, wealthy Americans will not be affected. They can go about receiving their retirement advice the same way they always have. However, many of my constituents will be affected by this rule. Their retirement savings will suffer. It is as simple as that.

There are approximately 28.8 million small businesses in America. Those businesses create two out of every three new private sector jobs and employ nearly half of America's workforce. I am a former small business owner. I know well what it takes to run a small business. This rule will hurt retirement coverage among small businesses. It will create burdens, limits, and options for small businesses trying to offer retirement plans. In my experience, that will result in one of two

things—either increased costs or no access to retirement advice.

The Obama administration is going to force small businesses to choose between paying increased fees, which could jeopardize the success of the business and therefore the jobs of the employees, or not providing access to retirement savings for their employees, which jeopardizes the lifelong income of those employees. It is a no-win situation for small employers that are trying to take care of their employees and grow their business.

I always say to learn from the mistakes of others as there is not time enough to make them all yourself. This regulation has been tried before. We have precedent to look to when examining the impact this rule will have on our economy. A very similar change was made in the United Kingdom just a few years ago, but this March the United Kingdom released a study which confirmed that there is a very disturbing retirement advice gap for low- and middle-income individuals, the very ones I am talking about that will be affected here in America.

I have read how this administration—as well as some of my friends on the other side of the aisle—has said that rule is different than that issued by the United Kingdom. Here is the thing: it is not all that different. The impact will be the same, and this is what has happened: Wealthy individuals are getting access to retirement advice while middle- and lower income individuals are not. I have not understood, nor will I understand, why this regulation was put forward and finalized.

The Department of Labor itself admitted on February 29 that relatively little is known about how people make planning and financial decisions before and during retirement, but that didn't stop them. The Department of Labor, which is the proponent of this rule, does not know how people make financial and planning decisions before and during retirement. Why would they go ahead with such a disastrous regulation? Why should such a seemingly disastrous regulation be put forward when it is unknown how many people it will affect? Perhaps they should start by finding out how average people make investment and retirement savings decisions.

The regulation we are debating today has been lauded as one that will help low- and middle-income individuals save for retirement. I refute that claim with two main points. First, an analysis of a very similar change to a retirement system has proven that the opposite has occurred. Second, the authors of this regulation know little or nothing about how many people this will impact or even in what ways. People who give investment advice give it just fine right now, but they can see what is coming. That is why they have been to my office and visited with me about what they are going to have to do with the people who come to them for investment advice—or the people they want to provide services to.

There will likely be unintended consequences of this new regulation, and as we have seen those will likely be painful consequences. As I stated in the beginning of my remarks, we have a retirement coverage gap in America. I have been working for almost 20 years in the Senate to help close that gap. All this new regulation will do is limit retirement advice for the people who need it the most. I urge my colleagues to support this resolution of disapproval.

I yield the floor.

The PRESIDING OFFICER. The Senator from Maryland.

Mr. CARDIN. Madam President, I ask unanimous consent to speak as in morning business.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

ZIKA VIRUS

Mr. CARDIN. Madam President, on Monday I hosted a roundtable discussion at the Johns Hopkins School of Medicine in Baltimore to review, with experts from my community, the strategy we need to employ with regard to the Zika virus.

I pointed out at the beginning of that roundtable discussion that the World Health Organization has labeled the Zika virus as a public health urgency of international concern. The World Health Organization has estimated that as many as 4 million will be affected in the Americas. We know the current numbers of reported cases in the United States. As of last week, we had over 1,300 cases in the United States and our territories. Almost all of those that we have in the United States, in the Continental United States, are travel related.

We have 17 confirmed cases in Maryland. Those cases are going to go up dramatically. We know that. As the summer months and the warm, wet weather occurs, with the mosquito population occurring, we know the number of people affected by the Zika virus is going to go up dramatically.

This is the challenge. We know it is transmitted primarily through mosquito bites, through mosquitoes. For example, we know that in Puerto Rico, it is going to be very active. We also know in the United States the mosquito population could very well act as a major transmitter of the Zika virus, but the Zika virus is also transmitted through sexual intercourse. Therefore, people who have the Zika virus and who may not know they have the Zika virus—because many individuals who are infected don't know they have the virus—this could become a major problem in the United States.

What is at stake? We do know the Zika virus is directly linked to the birth defect microcephaly. That is a tragic circumstance affecting fetuses that could present a lifetime challenge for the child who is born with microcephaly. We know it from the small skull. What I learned at this roundtable discussion is that the complications from microcephaly include lifetime disabilities. The brain is much smaller. It is not capable. In many cases, it leads to blindness and death. It is not unusual to have not only the human cost involved in this birth defect, but the actual lifetime cost is estimated as high as $10 million for each child born with microcephaly. This is a huge challenge to our country with the spread of the Zika virus.

There are also other conditions that have been associated with the Zika virus, including Guillain-Barre syndrome. That is a nervous condition, a nerve damage condition that can lead to death.

What is the answer? In this roundtable discussion, we had the public health officers from Baltimore City, Anne Arundel County, Howard Country, and Frederick County. We had experts dealing with mosquito control. We had experts who were dealing with the development of vaccines and treatments. We had a robust discussion as to what can be done.

First and foremost, there was strong understanding that public awareness is going to be critically important to dealing with the Zika virus. The public needs to know. If you are pregnant or intend to start a family, you need to know the risk factors.

It would be nice if you could have a test done to know whether you have the Zika virus, but the problem is the current state of development for the tests has produced two tests that the FDA has made available upon an emergency basis. One looks at the person's immune system that shows certain signs that person has the Zika virus. As I said before, it is not clear whether you will have any symptoms, even though you may have the virus. This one test looks at your immune system and is not 100 percent reliable by any stretch of the imagination, but it at least gives some indication. In many cases, you have to take the test more than once.

There is another test that can be given that if you actually have the virus in your system, it will show that, but there is a problem. The virus does not stay long in your system, but you still have the impact of the virus. So that could come back negative, but you still have the effects of the Zika virus.

Also, we are not sure as to how long the Zika virus can be transmitted through sexual contact. That issue is still being studied. So it is very possible that a person may have been infected by the Zika virus, does not realize they have been infected, and several months later, through sexual intercourse, transmits the Zika virus to his or her partner.

So these are all areas we want the public to know more about, and we are developing more and more scientific information on tests that can help us identify those who have the Zika virus, and hopefully we will develop some

way of dealing with those who are infected.

Obviously, we want people who want to start a family to recognize they should try to avoid areas where there is a large vulnerability to the Zika virus. That will be particularly important this summer.

Lastly, we want to develop a vaccine. I must tell you that I was very encouraged by the individuals involved in actual vaccine development who were at the roundtable discussion I had—I was encouraged about the fact that later this summer they will start clinical trials on vaccines that they hope will produce a way to immunize a population from being subject to the Zika virus.

That is very exciting, but before we get too excited, I was sobered by the discussion in which I was told that the first rounds of these vaccines are going to be rather difficult, that you may have to take it several times, that it may be of a very short duration, and that it will take more time before we can develop the types of vaccines that are efficient and where it will be perhaps once in a lifetime that you would need to take them to protect you from the Zika virus indefinitely.

And this is also the challenge: The experts who were there on Monday said this is not just a one-time-only situation; we can expect that the Zika virus will be with us in the future.

So let me give you some of the takeaways from this discussion that took place at Johns Hopkins Hospital, and Dr. Wen, who is the health commissioner for Baltimore City, made this point when we were talking about the money. I went through the $1.9 billion the administration has requested. I went through the different agencies, both domestic and international, that would benefit from that $1.9 billion. I then compared it to the $1.1 billion which has been acted on by the Senate and showed the differences.

For example, if my math is correct, NIH would receive $77 million less under the $1.1 billion than the $1.9 billion. We had people from NIH at that roundtable talking about the research being done right now to develop medicines and treatments that we hope will minimize the risk of a birth defect for those who have been affected. No, we don't know how to cure it. We don't have a treatment that can cure the Zika virus, but we are hopeful that we will be able to develop the medical protocols to minimize for those who are infected the risk of having a child with a birth defect or developing the neurological damage. We certainly don't want to slow that down, and so what I take away from that discussion is that we want to make sure they have all the tools they need in order to deal with this crisis.

Dr. Wen pointed out that if you take a look at some of the action in the House of Representatives where they are taking additional monies away from the funds that go to our local health departments, that is counterproductive. Dr. Wen pointed out that the money she receives from the public health emergency preparedness funding has been cut—cut—in order to pay for the Zika funds. Well, it is the emergency preparedness funds that are used by our local health departments to reach out and deal with the vulnerable populations, to make sure they understand the risk factors and do what they can to prevent the risk factors.

I must also tell you that I was talking to our representative from Maryland at the Department of Agriculture, which does mosquito control. Several people talked to me about mosquito control. One of the things you want to do is have a comprehensive plan to eradicate mosquitoes during the season. That is very effective. The problem is that these budgets are capped. They do not have the resources to do what they need to do. And they were telling me that we were better prepared a couple of years ago than we are today in dealing with mosquito control. So we need to coordinate that effort and do a better job on mosquito control. We can't take money away from these programs.

Mr. President, they made this point very clearly: The crisis is now. It is here. It is here in America today, and it is going to get worse every month. We know that. We need to act now on the funding in an emergency supplemental appropriations bill that can get to the President's desk today, not in an appropriations bill that has to go through the process, and that usually takes until the fall before we can make those funds available.

I want to just go over a point that was made to me by one of the individuals who was at this roundtable and who is an expert on cost issues. He was explaining the mathematics to me. Dr. Bruce Lee, a Johns Hopkins University associate professor of international health, modeled the cost issues. He used the most conservative estimates and said that our delay in dealing with the Zika virus will add an additional $2 billion in cost. As I said, for every child born with a birth defect, we estimate the cost to be about $10 million. If we can avoid 100 of these children born with a birth defect, that is $1 billion. The first issue, of course, is the human cost of the Zika virus and the impact it has on families and on those who are directly affected.

This, as Dr. Lee said, is an investment. The money we are making available is an investment. What do we need to do? We need to make sure money is available for mosquito control. That is one way we can stop the spread of the Zika virus. We have to make sure money is available for our local health departments because they are reaching out to pregnant women.

Dr. Wen made a very important point to me: In many cases, we are dealing with low-income families. They do not have air-conditioners. In some cases, they do not even have screens. And they are going to be more susceptible to the Zika virus because of mosquitoes. So they have to reach out and do the things local health departments can do. And the Baltimore City Health Department has a leader on all of this, but they need their resources. So we need to make certain we fund our local health departments. We certainly can't cut the funds being made available.

We are also proud of the work done at NIH and the Centers for Disease Control. We have to make sure they have the funds they need so they can develop the ways we can test to make sure we know who has the Zika virus and hopefully develop protocols for people who have the virus and develop a vaccine as quickly as possible that is efficient and can be widely used to prevent the Zika virus from moving forward.

All that is possible. I left the discussion in Baltimore with hope. There is a way of dealing with it, but we have to express the urgency this crisis demands. And, yes, we need to be an international leader. Part of this is U.S. leadership globally. This is not the last crisis we are going to have. U.S. leadership helped avoid a worse international crisis than we saw with Ebola. As a result, we have now developed health capacities in many countries around the world to deal with the next pandemic. We know there will be another episode in the future. We need to prepare today for this.

There is no more fundamental responsibility of the government than to keep our people safe. We have the opportunity to respond in the right way to the Zika virus, but it requires Congress to provide the tools so that the experts in this area can do their work and develop the medical protocols that deal with this, get the information out to the public so they can protect themselves in the best way possible using pesticides, using insect repellants, using common sense, and not traveling to areas that are high-risk areas, particularly if they are pregnant or intending to start a family. They can take the right precautions, and we can develop a vaccine that will protect people not only in this country but globally from this health care crisis. I am convinced we can get it done. Let's start today by passing the funding necessary so our agencies can do the work.

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

The PRESIDING OFFICER. The Senator from Nebraska.

Mrs. FISCHER. Mr. President, I rise today to discuss the Department of Labor's fiduciary rule.

Over the past year Nebraska's small business owners, retirees, insurance and financial professionals, and individuals in a wide range of other industries have expressed their concerns regarding this fiduciary rule. Unfortunately, the negative feedback I hear has only grown since the final version of this rule was published last month.

This dense and complicated rule would change the definition of a fiduciary and what constitutes investment advice. In short, the rule could make it more difficult for many individuals to open and to maintain IRAs. It could also lead to fewer companies offering 401(k) plans for their employees.

If the rule is implemented, lower income savers may face a disadvantage compared to wealthier consumers with higher account balances. It is often convenient for regulators in Washington to claim they are protecting the middle class, but that is the very segment which stands to lose the most from this new rule. Wealthier consumers and larger businesses often have the resources to comply with costly regulations, but small businesses are already struggling to stay afloat. This rule could further hamper their operations by pricing them out of the market.

Because of these and other concerns, I joined my colleagues to cosponsor the Senate version of the joint resolution of disapproval of this rule. An identical resolution passed the House on April 28 by a wide margin, and later today the Senate will vote to pass the House resolution and send it to President Obama's desk.

Congress has already offered responsible solutions to the problems this rule is trying to address. For example, I am a cosponsor of legislation introduced by Senator MARK KIRK, the Strengthening Access to Valuable Education and Retirement Support—or SAVERS—Act, as well as legislation introduced by Senator ISAKSON, the Affordable Retirement Advice Protection Act. Both of these bills would protect Americans who are saving for retirement without forcing them into the fixed-fee arrangements the fiduciary rule would, in many circumstances, mandate. These arrangements could create new roadblocks, making it harder—it will make it harder for consumers to receive financial advice.

Nebraskans depend on this financial guidance to plan their futures and also to provide for their families. Washington bureaucrats should not be dictating whom you can hire and what investments you can make. It is time to draw the line and to stop this injection of government into the free market.

I am proud to fight on behalf of Nebraskans and their families for their freedom to make the best financial decisions for their own future, and I urge my colleagues to vote with me in support of this resolution of disapproval.

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

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

ZIKA VIRUS

Mr. RUBIO. Mr. President, a poll last month found that 4 in 10 Americans had heard little or nothing about the Zika virus, and many others were unaware that it was a risk to the United States. The likely reason for this is that the virus isn't yet being transmitted locally here in the United States.

But for all of us in Congress, this is not an excuse for inaction. Our job is to anticipate threats, not just to respond to them. We have all the information we need to know that the Zika virus is bad and is potentially about to get worse.

In fact, I believe it won't be long before virtually all of our people have heard of this virus, are concerned about it, and want to know why their leaders aren't doing more to fight it. They want to know what we are doing now. Sadly, the answer is not enough. Even though the problem has been steadily getting worse, Congress has refused to treat it with the urgency I believe it deserves.

There was a time when Zika was considered a foreign virus, but that is no longer the case. As of today, there are now 544 cases in the mainland United States, with more being confirmed almost daily. All of those so far are travel related, but there are also 832 cases locally transmitted in American territories, mostly in Puerto Rico. If the problem is there, it won't be long before it is here on the mainland.

Just this week, the National Institute of Allergy and Infectious Diseases, which is the government's top authority on these issues, warned that mosquitoes carrying Zika will begin infecting Americans in the next ''month or so.'' Once those mosquitoes are here, they are going to reproduce. As soon as we have one case of Zika transmitted locally by a mosquito, there will be others that will follow shortly thereafter.

Just a few days ago, the Centers for Disease Control announced that 157 pregnant women in the United States and another 122 in U.S. territories have shown signs of infection from the Zika virus. This should be another wake-up call for the Congress. Knowing that there are at least 279 pregnant women in the United States with likely Zika virus infections means we also potentially have at least 279 unborn children at risk of microcephaly, and we should be doing all we can to save these human beings.

So we have a limited amount of time to brace ourselves and get a headstart on confronting this threat. Keep in mind that there is not yet a vaccine for Zika. There is no cure for the conditions and for the birth defects it causes. So for all of us as Americans but especially for all of us as elected leaders, it is long past due to take this virus seriously, because the virus is not just serious; this virus is deadly serious, and so far the Congress is failing this test.

I am proud of the work done here in the Senate to pass a funding measure. It may not have been as much as we may ultimately need, but at least at $1.1 billion, a significant amount of money is going to go toward fighting this threat.

To date, in the House, the story is different. Last week, the House passed a $622 million package. This is about a third of what was originally requested. The funds were secured by redirecting money approved to respond to the Ebola outbreak in 2014. I want to be wrong about this, but I fear that $622 million is simply not going to be enough to deal with this problem if it heads in the direction that the doctors and the experts are telling us it is headed.

So I come here on the floor of the Senate today to urge our colleagues in the House and its leadership to realize that this threat is knocking on our door and the opportunity to get out ahead of this problem is quickly slipping away. Within a month, we are likely to have a very different situation on our hands with regards to Zika. Not only have we delayed action for far too long already, but we are not expecting any action this week before Congress goes into recess next week. In other words, it is likely Congress will let at least—at least—another 2 weeks go by on this issue without any action.

So I urge the American people to make next week a tough one on those who are home from Congress who have refused to take meaningful action to confront Zika because they need to hear from you.

To any Members of Congress who don't receive pressure at home next week, you should know that you soon enough will. While only a portion of our constituents are currently concerned about Zika, that will change the moment the first case locally transmitted by a mosquito is confirmed in the mainland United States. Then we are going to have to answer to those who want to know why we didn't act, and, quite frankly, we are not going to have a satisfying answer. Waiting to act until we have a panic on our hands is not leadership.

So I encourage the House to act on the scale the American people need it to act, and I urge Congress to send a bill to the President as soon as possible regarding this matter. I hope we will properly fund this fight so we can win it.

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

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

Mr. MCCONNELL. Mr. President, I ask unanimous consent that at 4:45 p.m., all time be expired on H.J. Res. 88.

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

Mr. MCCONNELL. For the information of all of our colleagues, we expect two votes at 4:45 this afternoon. The first vote will be on the passage of H.J. Res. 88, and the second vote will be on the motion to proceed to S.J. Res. 28.

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

The PRESIDING OFFICER (Ms. AYOTTE). Without objection, it is so ordered.

Mrs. MURRAY. Madam President, today Americans have enough to worry about. Questioning the advice they get for their retirement savings accounts should not have to be one of them.

We finally have a new protection on the books that would help protect seniors' retirement savings from biased retirement advice. It is called the fiduciary rule, and it is pretty simple. It says if financial advisers are giving people advice on their retirement accounts, they should put their clients' best interests ahead of their own. But with the resolution that is before us, Republicans want to prevent that rule from ever helping people to save up for retirement. Instead, they are dead set on saving the status quo that has allowed financial advisers to line their own pockets at the expense of people trying to save for their retirement. After a lifetime of hard work, all seniors should have the chance to live out their golden years on firm financial footing and with peace of mind.

Once again, I urge my colleagues to vote no.

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

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

Under the previous order, all time has expired on H.J. Res. 88.

The joint resolution was ordered to a third reading and was read the third time.

The PRESIDING OFFICER. The joint resolution having been read the third time, the question is, Shall the joint resolution pass?

Mr. RUBIO. Madam President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The senior assistant legislative clerk called the roll.

Mr. CORNYN. The following Senator is necessarily absent: the Senator from Texas (Mr. CRUZ).

Mr. DURBIN. I announce that the Senator from Delaware (Mr. CARPER) and the Senator from Vermont (Mr. SANDERS) are necessarily absent.

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

The result was announced—yeas 56, nays 41, as follows:

[Rollcall Vote No. 84 Leg.]

YEAS—56

Alexander	Fischer	Paul
Ayotte	Flake	Perdue
Barrasso	Gardner	Portman
Blunt	Graham	Risch
Boozman	Grassley	Roberts
Burr	Hatch	Rounds
Capito	Heitkamp	Rubio
Cassidy	Heller	Sasse
Coats	Hoeven	Scott
Cochran	Inhofe	Sessions
Collins	Isakson	Shelby
Corker	Johnson	Sullivan
Cornyn	Kirk	Tester
Cotton	Lankford	Thune
Crapo	Lee	Tillis
Daines	McCain	Toomey
Donnelly	McConnell	Vitter
Enzi	Moran	Wicker
Ernst	Murkowski	

NAYS—41

Baldwin	Heinrich	Nelson
Bennet	Hirono	Peters
Blumenthal	Kaine	Reed
Booker	King	Reid
Boxer	Klobuchar	Schatz
Brown	Leahy	Schumer
Cantwell	Manchin	Shaheen
Cardin	Markey	Stabenow
Casey	McCaskill	Udall
Coons	Menendez	Warner
Durbin	Merkley	Warren
Feinstein	Mikulski	Whitehouse
Franken	Murphy	Wyden
Gillibrand	Murray	

NOT VOTING—3

Carper	Cruz	Sanders

The joint resolution (H.J. Res. 88) was passed.

The PRESIDING OFFICER. The Senator from Arizona.

PROVIDING FOR CONGRESSIONAL DISAPPROVAL OF A RULE SUBMITTED BY THE SECRETARY OF AGRICULTURE—MOTION TO PROCEED

Mr. MCCAIN. Madam President, I move to proceed to S.J. Res. 28.

The PRESIDING OFFICER. The clerk will report the motion.

The senior assistant legislative clerk read as follows:

Motion to proceed to Calendar No. 479, S.J. Res. 28, providing for congressional disapproval under chapter 8 of title 5, United States Code, of the rule submitted by the Secretary of Agriculture relating to inspection of fish of the order Siluriformes.

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

Mr. MCCAIN. Madam President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The senior assistant legislative clerk called the roll.

Mr. CORNYN. The following Senator is necessarily absent: the Senator from Texas (Mr. CRUZ).

Mr. DURBIN. I announce that the Senator from Delaware (Mr. CARPER) and the Senator from Vermont (Mr. SANDERS) are necessarily absent.

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

The result was announced—yeas 57, nays 40, as follows:

[Rollcall Vote No. 85 Leg.]

YEAS—57

Alexander	Flake	Menendez
Ayotte	Franken	Murray
Baldwin	Gardner	Nelson
Bennet	Grassley	Peters
Blumenthal	Hatch	Reed
Booker	Heinrich	Reid
Burr	Heller	Risch
Cantwell	Hirono	Rubio
Cardin	Isakson	Sasse
Casey	Johnson	Schumer
Coats	Kaine	Shaheen
Coons	King	Sullivan
Corker	Kirk	Tillis
Cornyn	Klobuchar	Toomey
Crapo	Lankford	Udall
Daines	Lee	Warner
Enzi	Markey	Warren
Ernst	McCain	Whitehouse
Feinstein	McCaskill	Wyden

NAYS—40

Barrasso	Graham	Portman
Blunt	Heitkamp	Roberts
Boozman	Hoeven	Rounds
Boxer	Inhofe	Schatz
Brown	Leahy	Scott
Capito	Manchin	Sessions
Cassidy	McConnell	Shelby
Cochran	Merkley	Stabenow
Collins	Mikulski	Tester
Cotton	Moran	Thune
Donnelly	Murkowski	Vitter
Durbin	Murphy	Wicker
Fischer	Paul	
Gillibrand	Perdue	

NOT VOTING—3

Carper	Cruz	Sanders

The motion was agreed to.

PROVIDING FOR CONGRESSIONAL DISAPPROVAL OF A RULE SUBMITTED BY THE SECRETARY OF AGRICULTURE

The PRESIDING OFFICER. The clerk will report the joint resolution.

The senior assistant legislative clerk read as follows:

A joint resolution (S.J. Res. 28) providing for congressional disapproval under chapter 8 of title 5, United States Code, of the rule submitted by the Secretary of Agriculture relating to inspection of fish of the order Siluriformes.

The PRESIDING OFFICER (Mr. GARDNER). Pursuant to the provisions of the Congressional Review Act, 5 USC 801, and following, there will be up to 10 hours of debate, equally divided between those favoring and opposing the resolution.

The Senator from Arizona.

Mr. MCCAIN. Mr. President, I thank my colleagues for their vote to move to this resolution. I think we can count this, frankly, as a victory for the American taxpayer rather than certain special interests.

I would like to begin by making clear in the RECORD the groups that are supporting this resolution: the National Retail Federation, the Food Marketing Institute, Taxpayers for Protection Alliance, National Taxpayers Union, Taxpayers for Common Sense, the Heritage

Foundation, FreedomWorks, Small Business & Entrepreneurship Council, Citizens Against Government Waste, Center for Individual Freedom, Independent Women's Voice, R Street Institute, Campaign for Liberty, the Retail Industry Leaders Association, the American Frozen Food Institute, and the list goes on and on and on.

Ten times—ten times—the Government Accountability Office has said the same thing over and over, and that is that this program is duplicative and it is unnecessary. It is unfortunate we are spending tens of millions of dollars every year on a program that is duplicative and unnecessary.

I ask unanimous consent to have printed in the RECORD a Wall Street Journal editorial entitled ''Ending the Catfish Fight.''

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

[From the Wall Street Journal, May 24, 2016]

ENDING THE CATFISH FIGHT

THE SENATE CAN ROLL BACK A PROTECTIONIST BARRIER TO FREER TRADE WITH ASIA

President Obama is in Vietnam and Japan this week, where he'll probably be getting an earful about America's rising antitrade sentiment and the threat that poses to the Trans-Pacific Partnership trade deal. So here's hoping the U.S. Senate can provide at least some leadership by ending the protectionist treatment of one of Vietnam's most valuable exports: catfish.

Vietnamese exporters have competed with U.S. catfish farmers from the Mississippi Delta since the 1990s. Trouble began in 2002, when Mississippi Republican Thad Cochran and other Southern lawmakers barred foreigners from calling their product ''catfish'' because technically it's pangasius, also called basa or swai, an Asian cousin with similar taste, texture and whiskers.

This didn't stop Americans from buying the tasty, cheaper imports, and neither did a round of spurious antidumping tariffs imposed on the Vietnamese fish in 2003.

So Mr. Cochran went further, using the 2008 farm bill to transfer oversight of catfish to the Department of Agriculture from the Food and Drug Administration, even though the meat and poultry experts at the USDA regulate no other fish. This required classifying pangasius as catfish after all, and claiming that there was a public-health risk where none existed. The true motive was to impose high new compliance costs on Vietnamese exporters, who might then be priced out of the U.S. market.

The Government Accountability Office has slammed the new inspection regime 10 times, estimating its cost at $30 million to start and $14 million annually to operate, as compared with $700,000 a year for the original program. Repeal would ''save taxpayers millions of dollars annually without affecting the safety of catfish intended for human consumption,'' says the GAO. It would also let Americans keep buying the fish they prefer, while eliminating the likelihood that Vietnam and others will sue at the World Trade Organization and retaliate against U.S. exports of beef, soybeans and other products.

Yet multiple bipartisan efforts at repeal have failed, so the wasteful program took effect in March, beginning an 18–month phase-in period. Exporters in Vietnam are already feeling squeezed, and our sources say that Vietnam's top leader planned to raise the issue with Mr. Obama in Hanoi, echoing years of complaints from lower-level officials.

The good news is that more than 30 Senators from both parties introduced a measure Monday to repeal the program in a straight up-or-down vote under the Congressional Review Act. That may be easier than attaching it to larger bills, as in the past, that Mr. Cochran and his allies could block. A vote could come before Mr. Obama leaves Asia. Repeal would boost U.S. credibility in a region that needs trade leadership.

Mr. MCCAIN. Mr. President, quoting from that article:

President Obama is in Vietnam and Japan this week, where he'll probably be getting an earful about America's rising antitrade sentiment and the threat that poses to the Trans-Pacific Partnership trade deal. So here's hoping the U.S. Senate can provide at least some leadership by ending the protectionist treatment of one of Vietnam's most valuable exports: catfish.

This is from the Wall Street Journal. Most of us—at least on this side of the aisle—have a great deal of respect for the opinions that are on the editorial page of the Wall Street Journal.

The article goes on to say:

Vietnamese exporters have competed with U.S. catfish farmers from the Mississippi delta since the 1990s. Trouble began in 2002, when Mississippi Republican Thad Cochran and other southern lawmakers barred foreigners from calling their product ''catfish'' because technically it's pangasius, also called basa or swai, an Asian cousin with similar taste, texture and whiskers. This didn't stop Americans from buying the tasty, cheaper imports, and neither did a round of spurious antidumping tariffs imposed on the Vietnamese fish in 2003.

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The Government Accountability Office has slammed the new inspection regime 10 times, estimating its cost at $30 million to start and $14 million annually to operate, as compared with $700,000 a year for the original program. Repeal would ''save taxpayers millions of dollars annually without affecting the safety of catfish intended for human consumption,'' says the GAO. It would also let Americans keep buying the fish they prefer, while eliminating the likelihood that Vietnam and others will sue at the World Trade Organization and retaliate against U.S. exports of beef, soybeans, and other products.

Yet multiple bipartisan efforts at repeal have failed, so the wasteful program took effect in March, beginning an 18-month phase-in period. Exporters in Vietnam are already feeling the squeeze and our sources say that Vietnam's top leader planned to raise the issue with Mr. Obama in Hanoi.

The good news is that more than 30 Senators from both parties introduced a measure Monday to repeal the program in a straight up-or-down vote under the Congressional Review Act. That may be easier than attaching it to larger bills, as in the past, that Mr. Cochran and his allies could block. A vote could come before Mr. Obama leaves Asia. Repeal would boost U.S. credibility in a region that needs trade leadership.

It is pretty clear that we have the highest regard for the Government Accountability Office. Now, sometimes we don't always agree, but this is why 10 times the Government Accountability Office has found this program duplicative and a waste of tax dollars. This is why the Citizens Against Government Waste, the Taxpayers for Common Sense, the National Taxpayers Union, Heritage Foundation, FreedomWorks, and the Center for Individual Freedom—literally every watchdog organization in this town and in America—support this resolution.

The disapproval resolution is the means to stop this wasteful rule because all efforts to work within the normal procedures have been blocked. Whether it be the farm bill or TPA, efforts for the Senate to debate this issue have been shut off. The sole time the Senate voted on this program, it voted overwhelmingly to eliminate the program.

I think at least on this side of the aisle there is an organization we are pretty respectful of, and it is the Heritage Foundation.

Mr. President, I ask unanimous consent to have printed in the RECORD a statement from Heritage Action for America, which weighs in regularly, as we know, on this issue.

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

[From Heritage Action for America, May 24, 2016]

''YES'' ON CRA TO BLOCK THE CATFISH PROGRAM (S.J. RES. 28)

(By Dan Holler)

On Tuesday, the Senate is expected to vote on S.J. Res. 28, a resolution offered by Sen. John McCain under the Congressional Review Act (CRA) that would block the U.S. Department of Agriculture's (USDA's) catfish inspection rule.

For over a century, the Food and Drug Administration (FDA) has been responsible for inspecting and regulating the nation's food supply, including both domestic and imported seafood. That was, however, until the 2008 Farm Bill carved out catfish to instead be regulated by the USDA. As a result, facilities that process seafood will now have to comply with both USDA (for catfish) and FDA (for all other seafood) regulations. These overlapping, duplicative, and possibly conflicting regulatory regimes will cost taxpayers an unnecessary $140 million.

There is no policy justification for carving out catfish from the broader seafood regulatory structure. To wit, the Government Accountability Office (GAO), a non-partisan group generally reserved and measured in its conclusions, entitled its report on the program: ''Responsibility for Inspecting Catfish Should Not Be Assigned to USDA.'' GAO has elsewhere concluded (as part of it's ''High Risk'' of waste series) that the catfish program results in duplication and wasted spending while in no way enhancing food safety.

The duplicative regulatory requirements also have trade implications, as foreign exporters selling catfish would also have to abide by both the FDA and USDA's regulatory structures, and specifically would require imports alone to abide by a new ''equivalency'' test that would effectively block out foreign catfish for years. This could harm consumers by limiting competition and choice in the catfish market. In

fact, this appears to be precisely the motivation: To use a non-tariff trade barrier to burden foreign competitors in an attempt to help domestic providers corner the market. As the New York Times reported, Vietnam has taken particular offense to the new rule, and rightly so:

''Vietnam, a large exporter of catfish and one of the nations in the trade talks, says it is nothing more than a trade barrier in disguise.

'And it's not even a good disguise; it's clearly a thinly veiled attempt designed to keep out fish from countries like Vietnam,' said Le Chi Dzung, who heads the economics section at the Vietnamese Embassy in Washington.''

While this $140 million program may appear small relative to the overall budget picture, it nevertheless looms large as a poster child of government cronyism, with special interests benefiting at the expense of everyone else. It is difficult to state it better than former FDA seafood inspection chief, Bryon Truglio, who stated:

''[A] group of lobbyists and a trade association representing elements of the American catfish producers . . . has bullied Congress into moving catfish regulation to the USDA, making it harder for their foreign competitors to enter the US market. This move is a win for US catfish producers, but ultimately, a loss for American taxpayers and consumers.''

Fortunately, Congress may actually have the chance to block the catfish rule this year. The Obama Administration acknowledges the duplication inherent in the USDA's catfish inspection program, and proposed eliminating it in a recent budget. Despite having advanced the rule—apparently agreeing (for once) it must abide by clear congressional statute and intent—Obama Administration opposes the rule. By sending the President this CRA for him to sign, Congress will allow this duplicative and wasteful catfish inspection rule to be blocked consistent with the rule of law.

Heritage Action supports S.J. Res. 28 and will include it as a key vote on our legislative scorecard.

Mr. MCCAIN. Mr. President, quoting from the statement of Heritage Action for America, they say:

There is no policy justification for carving out catfish from the broader seafood regulatory structure.

The statement goes on to say:

While this $140 million program may appear small relative to the overall budget picture, it nevertheless looms large as a poster child of government cronyism, with special interests benefiting at the expense of everyone else. It is difficult to state it better than former FDA seafood inspection chief Bryon Truglio, who stated: ''[A] group of lobbyists and a trade association representing elements of the American catfish producers . . . has bullied Congress into moving catfish regulation to the USDA, making it harder for their foreign competitors to enter the U.S. market. This move is a win for U.S. catfish producers, but ultimately, a loss for American taxpayers and consumers.''

Fortunately, Congress may actually have the chance to block the catfish rule this year. The Obama administration acknowledges the duplication inherent in the USDA's catfish inspection program, and proposed eliminating it in a recent budget. By sending the President this CRA for him to sign, Congress will allow this duplicative and wasteful catfish inspection rule to be blocked consistent with the rule of law.

That is from the Heritage Foundation.

Now, this is FreedomWorks:

As one of our over 5.7 million FreedomWorks activists nationwide, I urge you to contact your Senators and ask them to vote YES on S.J. Res. 28, a resolution that would repeal the U.S. Department of Agriculture's catfish inspection rule.

The FreedomWorks statement goes on to say:

The program was developed to assess the risks associated with catfish consumption.

And it goes on as to how they want it overruled.

Also, I have a statement from the Taxpayers Protection Union, the Campaign for Liberty, the Center for Individual Freedom, Independent Women's Forum, the National Taxpayers Union, R Street Institute, Taxpayers for Common Sense, and the list goes on and on.

Mr. President, I ask unanimous consent to have printed in the RECORD a letter to Senator AYOTTE which is signed by David Williams, president, Taxpayers Protection Alliance; Norm Singleton, president, Campaign For Liberty; Jeff Mazzella, president, Center for Individual Freedom; Tom Schatz, president, Council for Citizens Against Government Waste; Sabrina Schaffer, executive director, Independent Women's Forum; Heather R. Higgins, president and CEO, Independent Women's Voice; Brandon Arnold, executive vice president, National Taxpayers Union; Andrew Moylan, executive director, R Street Institute; Karen Kerrigan, president and CEO, Small Business & Entrepreneurship Council; and Steve Ellis, vice president, Taxpayers for Common Sense.

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

MAY 23, 2016.

Hon. KELLY AYOTTE,
Russell Senate Office Building,
Washington, DC.

DEAR SENATOR AYOTTE, As organizations that represent millions of taxpayers across the country, we write to support your efforts to repeal the United States Department of Agriculture (USDA) catfish inspection program. We are pleased to see you and your cosponsors, Sens. John McCain (R–Ariz.) and Jeanne Shaheen (D–N.H.), using the Congressional Review Act to repeal one of the most demonstrably wasteful and duplicative programs ever enacted.

The unnecessary and duplicative bureaucracy created by this program has now been targeted by the Government Accountability Office (GAO) a record ten times: February 2011, March 2011, May 2012, February 2013, April 2013, April 2014, December 2014, February 2015, April 2015, and April 2016.

The USDA spent $19.9 million to develop and study the catfish inspection program, then told GAO it would cost the federal government an additional ''$14 million annually'' to run the program. This after GAO found the Food and Drug Administration (FDA) currently spends ''less than $700,000 annually to inspect catfish.'' If the cost of other, similar regulatory programs is any guide, the USDA program will cost far more than the estimated $14 million.

The GAO also notes that it not only wastes taxpayer dollars and duplicates work already being done by the FDA, it actually weakens, rather than strengthens, our food safety systems:

''. . . the agency's proposed catfish inspection program further fragments the federal oversight system for food safety without demonstrating that there is a problem with catfish or a need for a new federal program.''

Eliminating wasteful federal spending and burdensome regulation is a very difficult task, especially when proceeding one program at a time. But the value to taxpayers of doing so is undeniable. Thus, as you gather support for S.J. Res 28, please know we strongly support this effort to close the book on this now infamous and embarrassing example of government waste.

The USDA catfish work is an embarrassing waste of tax dollars and so overtly duplicative a program it belongs in the annals of Washington waste history.

Sincerely,

David Williams, President, Taxpayers Protection Alliance; Norm Singleton, President, Campaign for Liberty; Jeff Mazzella, President, Center for Individual Freedom; Tom Schatz, President, Council for Citizens Against Government Waste; Sabrina Schaffer, Executive Director, Independent Women's Forum; Heather R. Higgins, President & CEO, Independent Women's Voice; Brandon Arnold, Executive Vice President, National Taxpayers Union; Andrew Moylan, Executive Director & Senior Fellow, R Street Institute; Karen Kerrigan, President & CEO, Small Business & Entrepreneurship Council; Steve Ellis, Vice President, Taxpayers for Common Sense.

Mr. MCCAIN. In other words, literally every watchdog organization has supported what we are trying to do here.

Here is one from the National Retail Federation. Mr. President, I ask unanimous consent that this letter be printed in the RECORD.

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

MAY 23, 2016.

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

DEAR SENATORS MCCONNELL AND REID: We understand the Senate may soon consider a resolution of disapproval of the United States Department of Agriculture (''USDA'') catfish inspection program. We support this resolution and write to explain the negative impacts this program will have if fully implemented by the USDA Food Safety and Inspection Service (''FSIS'').

The USDA program was created in 2008 and shifts food safety regulatory authority over certain domestic and imported seafood from the Food and Drug Administration (''FDA'') to FSIS. The program applies to imported pangasius, a mild white fish that is today the sixth most popular seafood item in the United States. FSIS issued a final rule in December 2015, and a resolution of disapproval was filed in the Senate soon thereafter.

The USDA program is of great concern to our member companies. The shift of food safety oversight from FDA to FSIS for this specific product establishes a nontariff trade barrier against imported pangasius. Exporting countries will have to obtain an ''equivalency'' determination from FSIS if they wish to preserve their producers'' ability to export to the United States. Because the FSIS equivalency process routinely takes five years and sometimes over a decade to complete, this will create for those producers an insurmountable barrier to the U.S. market.

Thus in a single stroke more than a fifth of the ''value white fish'' supply in the United States—about 250 million pounds a year—

will disappear. This reduction in supply will cause a dramatic increase in prices for our companies and our customers who rely on an affordable product for fish sticks in the freezer aisle and popular fish and chips menu items in restaurants. In addition, we are aware of persistent calls for expansion of the program to even more popular tilapia and shrimp. Such calls suggest that the existing USDA program is just the beginning.

Nor is the program justified on a food safety basis. USDA concedes that not a single case of Salmonella has been attributed to pangasius (or, for that matter, to domestic catfish) since establishment of the current FDA seafood regulatory approach in 1998. The Government Accountability Office has concluded that the USDA program will harm Federal food safety oversight by fracturing seafood regulation between two different regulatory agencies. For that and other reasons, GAO on ten different occasions has identified the program as a waste of tens of millions of taxpayer dollars and has urged the Congress to eliminate it.

The United States must have a rigorous, effective food safety system. That system, however, should not prevent retailers and restaurants from sourcing the seafood that meets the demand of middle class American families for affordable, accessible protein. We urge you to support the resolution of disapproval of the USDA catfish inspection program, under the Congressional Review Act.

Sincerely,

JENNIFER HATCHER,
Senior Vice President, Food Marketing Institute.
DAVID FRENCH,
Senior Vice President, National Retail Federation.
JENNIFER SAFAVIAN,
Executive Vice President, Retail Industry Leaders Association.

Mr. MCCAIN. Mr. President, the National Restaurant Association strongly supports what we are trying to do, and the list goes on and on.

I know there are my colleagues who want to speak on this issue, but this is more than a vote on catfish, I would say to my colleagues. What this is all about is government overriding the taxpayers of America, which is why we are seeing so many of these watchdog organizations supporting what we are trying to do.

Some of us, including this Member, have been surprised—been surprised by the American people's votes recently for both parties, both for Mr. Trump, who has never stood for public office before and has based his campaign, to a large degree, on campaigning against Washington, DC, and those of us who serve here, and of course on the other side is Senator SANDERS, a Member of this body, but clearly one who is running his campaign against the status quo. So we have been surprised to see this uprising of the American voter, and I don't believe there is a Member of this body on either side of the aisle who would have predicted 6 months ago that we would be where we are today.

This kind of program is exactly what our hard-working citizenry who work hard and pay their taxes—they don't get it. They don't get it, when the GAO 10 times—10 times—said that this program is wasteful and duplicative, and tens of millions of dollars are being wasted on behalf of one industry, and that is the catfish industry—and it has been done by powerful appropriators, powerful members of the Appropriations Committee. There was never a debate. There was never a bill before this body. There was never amendments proposed. It was put in a large omnibus appropriations bill and kept there.

So sometimes we wonder why the American people have had it, why they are fed up. This is the best example I can come up with recently, $30 million per year being wasted on a duplicative—10 times—10 times that the GAO has said it is not only unneeded but unnecessary: a special catfish office, $14 million a year.

I don't know how many low-income taxpayers make $14 million, but I know this; that when I go back to Arizona and tell my constituents that we have a program GAO 10 times has said is totally unnecessary and duplicative and the government is spending $14 million of their tax dollars on it, they don't get it. They don't get it.

Then, after they don't get it for a while, they say: We have had it. They say: We have had it. We have had it with programs that nobody ever debated, nobody ever discussed. There was never a vote. It has been in existence since 2012, but it began in 2002.

So this is why Americans are fed up. This is why our hard-working citizenry does not understand why we would ever have such a program that wastes $12 million per year and, I believe, was $30 million to set up. That is chickenfeed to us. It is in the margins. To them, it is something. It means, to them, that we are not taking care of them. It means we are taking care of a powerful interest called the catfish industry, which happens to be in a number of Southern States.

There was a large number of Republican votes against this proposal—as I recall, a majority of Republican votes, Republicans who say: We are watchdogs of the Treasury. We don't waste money the way the Democrats do. But on the resolution just taken, if it had been only up to Republican Members, we wouldn't be debating this right now. Isn't that a little embarrassing? Isn't that a little embarrassing that a majority of Members on this side would not even vote to at least debate this?

All I can say is I have been fighting this issue for about 12 or 13 years. We finally now have a chance to get rid of it. Does it make the debt and the deficit any less? Is it a huge undertaking that somehow is going to save the taxpayers billions of dollars? I will tell you what. If we keep this program in, with a majority vote of the United States Senate, I tell my colleagues on this side of the aisle: Just don't go back and say you are a fiscal conservative. Say you take care of the fat catfish industry. Maybe some people like that. But don't go back and call yourself a fiscal conservative.

I know others want to speak. They are going to raise problems; that there could be contamination, there could be all these kinds of things, that it is the end of Western civilization as we know it, it is going to be worse than Ebola; that it means we don't trust the Food and Drug Administration, the people who are supposed to be inspecting all seafood—and if that is true of catfish, don't we have to worry about all the other seafood that the Food and Drug Administration inspects? Of course not.

So we are going to hear that it is the end of Western civilization, that there has been some pollution detected, et cetera. All we have to do is have the Food and Drug Administration do their job and inspect all seafood, just as they do today, including catfish. We don't have to have a new $30 million bureaucracy set up at a cost of $14 million per year.

I have a lot more to say, but the hour grows late. I just hope we will show the American taxpayer that we are at least willing, in a small way, to eliminate some government duplication and waste. I say that there is a lot of symbolic aspects of this vote that far exceed $14 million per year. It is now going to be a vote on how we do business in the United States Senate. If we don't succeed in eliminating this program, I then think we would be embarrassed.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. FLAKE. Mr. President, I ask unanimous consent to speak as in morning business and have my time charged for the proponents of the bill.

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

Mr. FLAKE. Mr. President, I agree completely with my fellow Senator from Arizona on this catfish issue. We have a lot of fiscal challenges ahead. If we hope to tackle the immense fiscal challenges ahead, we have to vote right on issues like this. Where there is duplication and waste going on, we have to tackle it. So I commend those who are sponsoring this initiative.

TRIBUTE TO MATTHEW SPECHT

Mr. President, I rise to recognize Matthew Specht as the longest serving member of my staff. He has dedicated the past 15 years of his life in service to the people of Arizona.

In that time, Matt has established himself as both a top-tier political strategist and one of my most trusted advisers. He has done so without fanfare and without self-promotion. That kind of modesty is refreshing in this line of work. So I obviously had to write this speech about him without telling him about it.

I first met Matt back in the year 2000, when he volunteered for my first campaign. Now, at that time, the main area of advertising for us was the 4-by-8 big signs that we put by the side of the road. Trying to get them to stay by the side of the road was difficult. Arizona is dry, the ground is hard, and we

had to get big post pounders and pound big stakes, big posts in the ground. Matt was out there with the post pounder, lifted a little too high over the post, and it came down on his head, creating a large wound that bled profusely. Another campaign staffer ran over to help him and immediately fainted at the sight of blood. So there we had two campaign workers on the side of the road. It looked like a crime scene, when it was just a campaign activity, but Matt gratefully recovered—a few stitches and he was back on the job.

After helping me win that race, Matt came to Washington as my first legislative correspondent and systems administrator. Now, if you want to test someone under pressure, put them in charge of troubleshooting BlackBerrys in the early time of BlackBerrys. It was a tough thing, but Matt handled it like a pro. To his relief and our great benefit, he was soon promoted to press secretary.

It was in communications that Matt really came into his own. In the early days of the fight against congressional earmarks, Matt's foresight and creativity played a big role in raising awareness in the media. You can thank or blame Matt for many of the gut-wrenching bad puns that were part of my ''Egregious Earmark of the Week'' series. Of course, I claim all the good puns as mine and all the bad ones were his, but he knows that is not the case.

Let me just say, as a press secretary, if you can handle doing a segment on the ''Daily Show,'' you can handle just about anything, and Matt did it well.

He would eventually rise to the top of my staff, serving as chief of staff during my final years in the House and through my election to the Senate.

When I took this seat in the Senate, Matt—who never intended to stay in Washington for more than a couple years—returned home to Arizona after 10 years in Washington.

Being director of my State office in Arizona is no easy task. There are countless veterans issues, loads of immigration casework, endless border issues, and a myriad of public lands disputes, but Matt has handled it all in stride.

Truly a man of few words, Matt has long been a steady and calming leader on my staff. He is well known on my staff for his amazing quick wit as well. His pranks have become the stuff of legend among my staff. Fortunately, for Matt, none of the pranks are appropriate to detail in a setting like this. Suffice it to say that birthdays in my office are celebrated with a mixture of fear and trepidation.

Matt is truly a staffer's staffer, it goes without saying, but his calm, steady leadership, his wealth of knowledge, his informed, dispassionate advice, and his sense of humor will be dearly missed as he moves to the private sector.

The only consolation with Matt leaving is that he will have more time to spend with his beloved cats. He is a proud cat guy, something I will never understand. I am glad I will still be able to call on Matt for his wise counsel.

Thank you, Matt, for your 15 years of honorable service. You will be missed.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. WICKER. Mr. President, I rise in opposition to S.J. Res. 28, and I have to comment on a number of allegations made by my friend from Arizona and by other people who support the resolution.

I have in my hand a statement from the Budget Committee that is required for resolutions of this sort.

Mr. President, I ask unanimous consent that this statement be printed in the RECORD.

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

FROM BUDGET COMMITTEE: CONGRESSIONAL REVIEW ACT ON MANDATORY SILURIFORMES (CATFISH) INSPECTION

S.J. Res. 28, A joint resolution providing for congressional disapproval under chapter 8 of title 5, United States Code, of the rule submitted by the Secretary of Agriculture relating to inspection of fish of the order Siluriformes (Senator McCain).

The Republican staff of the Senate Budget Committee concludes that S.J. Res. 28 (Senator John McCain, R–AZ), a joint resolution providing for congressional disapproval of a rule submitted by the Department of Agriculture relating to mandatory Siluriformes (catfish) inspection, is not subject to a budgetary point of order.

S.J. Res. 28 disapproves of the rule submitted by the Department of Agriculture on ''Mandatory Inspection of Fish of the Order Siluriformes and Products Derived From Such Fish'' that was published in the Federal Register on December 2, 2015. The rule implements Siluriformes inspection under the jurisdiction of the Agriculture Department's Food Safety and Inspection Service (FSIS). Enactment of the resolution means such rule shall have no force or effect and may not be reissued in substantially the same form.

This memo is for informational purposes only. The Congressional Review Act, which provides for expedited consideration of a resolution of disapproval in the Senate, waives all points of order against such a resolution, which includes any potential budget points of order (5 U.S.C. 802(d)(1)).

POINTS OF ORDER

Under the Congressional Review Act, budget points of order are waived against resolutions of disapproval. Based on staff analysis of the direct spending estimate provided by the Congressional Budget Office (CBO), S.J. Res. 28 would not trigger any budget points of order. A revenue estimate is not available at this time.

COST

CBO has determined that S.J. Res. 28 would not have any impact on direct spending, but has not produced a complete estimate of the budgetary effects of this resolution at this time.

PROCEDURAL STATUS

The Senate is expected to consider S.J. Res. 28 this week, possibly as early as Tuesday, May 24, 2016.

Mr. WICKER. From the Budget Committee, with regard to S.J. Res. 28, we get down to the place where it says ''COST,'' and it says that ''CBO has determined that S.J. Res. 28 would not have any impact on direct spending. . . . ''

So I would submit to my colleagues that they can say as many times as they want to, they can say until they are blue in the face that this program at USDA is costly and we are saving money, but it doesn't square with the information we have from the Budget Committee, quoting CBO that says you don't save any money by passing S.J. Res. 28. There may be other reasons, but certainly it doesn't save money, according to the Budget Committee information, which I have now entered into the RECORD.

Why do we inspect catfish at all? We inspect it for the consumer. We want to make sure that at restaurants, in grocery stores, and in our homes, we are not consuming contaminated and adulterated product. Every bit of domestically raised, American farm-raised catfish is inspected by USDA. It is inspected just as other farm-raised meats are inspected by the USDA.

Until this new procedure went into effect in April, FDA inspected imported catfish. So you had the strange situation of 100 percent of farm-raised American catfish being inspected by USDA, but our foreign competitors—Vietnam sending in catfish and FDA inspecting only 2 percent of that. Only 2 percent of imported Vietnamese catfish was inspected by the U.S. Government until this new inspection procedure went into effect April 15. Since it has gone into effect, 100 percent of imported catfish has been inspected, just like 100 percent of American-raised catfish. Isn't that fair? If we are going to inspect all American-produced catfish, isn't it fair to inspect our competitors'?

What has USDA found? This is what my colleagues seem to be missing. In the short time USDA has been inspecting 100 percent of Vietnamese catfish, they have found contaminated substances that would have been consumed by Americans at restaurants and in homes, catfish purchased in supermarkets. On May 12, USDA found crystal violet. Crystal violet causes bladder cancer. Because USDA inspected the catfish coming in from Vietnam, American consumers were protected from this cancer-causing substance. I think we ought to be grateful for the new law because it protected us from crystal violet, which causes bladder cancer.

A week later, on May 19, the USDA—once again inspecting, as they have been required to do under the last two farm bills—found malachite green in Vietnamese catfish. Malachite green causes thyroid cancer, it causes liver cancer, and it causes mammary gland cancer.

I would say to my colleagues who are so pleased we might go back to the old regime, shouldn't we be proud of USDA for protecting Americans from cancer-

causing substances—bladder cancer, thyroid cancer, liver cancer, mammary gland cancer? I take this seriously. I think Americans take this seriously.

Since we find that this Vietnamese catfish comes in in contaminated form, aren't we glad we are inspecting more than 2 percent of it? No one contends that I am wrong on this. FDA only inspected 2 percent. Now we are inspecting the vast majority, if not all of it.

Again, my friends can say this is a duplicative program, but it simply is not a duplicative program. FDA formerly did the inspections. They ceased inspecting at the end of February of this year and USDA took it over. That is not duplicative. According to the last two farm bills, FDA quit; USDA picked it up. Where is the duplication there?

We are told that the rule is a violation of trade policy, a WTO violation. In fact, USDA has pointed out that equivalent standards are applied both to imported and domestic fish. There is no different treatment. If we are going to look at all American catfish, we need to look at all Vietnamese catfish. For the life of me, I cannot understand why we would want to do otherwise, particularly when you have crystal violet and malachite green coming in.

Also, my friends on the other side of this issue say over and over again that this is costly. As a matter of fact, USDA—which will implement the program, is prepared to implement the program—says it will cost $1.1 million annually to implement this new inspection program. That is a reasonable amount, and it is far different from the figures that other agencies that are not going to actually be doing this are talking about. USDA is going to do it, and they said we can do it for $1.1 million a year. That is not costly.

Once again, I would go back to what the Budget Committee said. There are no savings. There is no difference in direct spending if we pass this rule or not. But there is a great deal of protection from not only crystal violet, not only from malachite, but from enrofloxacin and fluoroquinolone. A 2009 draft version of the catfish inspection rule said the rule would yield ''a reduction of roughly 175,000 lifetime cancers.'' They are talking about saving Americans from contracting cancer, to the tune of 175,000 Americans, a reduction of 91.8 million exposures to antimicrobials and 23.2 million heavy metal exposures. So we are not talking about something theoretical. We are not talking about something that has to do with trade or good government. We are talking about adulterated, contaminated catfish coming in and threatening the consuming public.

Now that we have an inspection procedure that is working, we are told that somehow it is good government to go back to the old way of only looking at 2 percent of this suspect product coming in. I would hope that, upon reflection, my colleagues would conclude that the farm bill was right in 2008, that the farm bill was right in 2012, and that the Ag Department was correct to follow the congressional dictates.

This is not an example of an agency—as we have seen so many times in the Obama administration, this is not an example of the agency coming up with something they would like to do. They were following a House and Senate directive based on legislation passed here, passed down at the other end of the building, and signed by the President on two occasions. This is not USDA overreach; this is USDA doing what has been required under law.

Let's prevent cancer-causing substances from coming into the United States, let's vote no on this rule, and let's keep this new program, which is already working to protect the consuming public from very harsh chemicals that cause cancer.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

If no one yields time, the time will be charged equally to each side.

The PRESIDING OFFICER. The Senator from New Hampshire.

Ms. AYOTTE. Mr. President, I rise today in support of what, frankly, is an egregious example of why folks get very frustrated with Washington and what happens here; that is, what has been described as one of Washington's most wasteful programs—the duplicative USDA catfish inspection program, which was slipped in the farm bill in 2008.

All other fish species are inspected not by USDA but are inspected in this country by the FDA. Yet, added to the 2008 farm bill was a provision to create a special office within the USDA for the one species of catfish. We know they are bottom dwellers, but this was something that was done to protect domestic catfish producers, and it was something that is wasting taxpayer dollars.

There have been 10 GAO reports, each finding that this inspection regime—set up especially for catfish but no other species—is duplicative and is a waste of taxpayer dollars.

The good-government groups, such as Citizens Against Government Waste, Taxpayers for Common Sense, the National Taxpayers Union, and many of the other groups that my colleague Senator MCCAIN cited on the floor that are supporting the resolution to disapprove this duplicative rule, have called this program one of the most demonstrably wasteful and duplicative programs ever created. Boy, in Washington, that says a lot, to call something one of the most demonstrably wasteful and duplicative programs ever created. These groups have written that the GAO also notes that it not only wastes taxpayer dollars and duplicates work already done by the FDA, but it actually weakens rather than strengthens our food safety systems.

The agency's proposed catfish inspection program further fragments Federal oversight over our system for food safety without demonstrating that there is a problem with catfish or a need for a new Federal program.

With all respect, I heard my colleague from Mississippi on the floor citing the most recent findings by the newly stood up USDA office for the inspection of catfish talking about harmful contaminants in catfish that the USDA intercepted. There are some facts that are conveniently missing from this argument. First of all, when the FDA was inspecting catfish—like they inspect all other fish in the country—at times, they were also able to intercept contaminants found not only in catfish but in other fish species. So the notion that the FDA couldn't find these very same contaminants—well, guess what, folks, they did, just as they do every day when they are looking at ensuring that all of our fish species are appropriate for our public health and for us to consume.

One of the interesting things about it is that not only would the FDA find this in the catfish coming from overseas, but they have actually intercepted contaminants in the domestic catfish supply at times as well. I think that is important for people to understand.

This notion that somehow we need to set up a special program within the USDA for just catfish because that is the only way we can find contaminants and protect the public health—apparently the FDA is able to do it for every other fish species, was able to do it before 2008, and yet we now have a separate office for the catfish, and the GAO found that it cost us nearly $20 million extra to set up this special office to inspect catfish for the one species.

In fact, my colleague from Mississippi serves on the Budget Committee, as I do, and he mentioned on the floor the fact that the CBO said that there will not be additional spending on this program. One thing that is important for people to understand—and those of us who serve on the Budget Committee understand this—is that the Budget Committee said that there is no additional mandatory spending. That means mandatory spending that has already been set aside in the budget. We separate spending in the Federal Government—mandatory versus discretionary spending. Guess what? Yes, there isn't mandatory spending on this, but, conveniently, what has been left out is that there is absolutely discretionary spending on this program.

In fact, GAO has found that it not only cost $20 million to set up this new inspection regime, but they have estimated that it costs $14 million a year in discretionary spending to run this new inspection regime for catfish.

I just want to make sure that people understand, for the record, that this budget opinion that is being cited is really meaningless because it is saying there is no mandatory spending. Well, guess what? I could come to the floor on almost any kind of domestic spending, whether it is on an issue of DOD,

a weapons system, or anything we are talking about here, and tell you that there is no mandatory spending on this, and the Budget Committee would issue the same opinion.

What really matters is this: Are we spending any taxpayer dollars? The answer at the end of the day is absolutely, because the dollars that go to the USDA or the FDA are actually discretionary spending.

I hope my colleagues who are listening to this understand that this budget opinion really means nothing. We are still spending taxpayer dollars that matter to you and me, and we could spend these millions of dollars much more effectively elsewhere than on a duplicative program for catfish.

In fact, former FDA Safety Chief David Acheson commented that this duplicative program is ''everything that's wrong about the food-safety system. . . . It's food politics. It's not public health.'' For all the claims that have been made on this floor about somehow needing to set up a separate inspection regime for catfish, the USDA itself said: ''The true effectiveness of FSIS inspection for reducing catfish-associated human illnesses is unknown.'' This is the USDA itself: ''unknown.'' ''Also, the rate at which FSIS inspection will achieve its ultimate reductions is unknown. . . . There is substantial uncertainty regarding the actual effectiveness of an FSIS''—meaning the USDA inspection regime—''catfish inspection program.''

That is not very promising. We already had an inspection regime in place, as we do for every other fish species under the FDA, and that costs us roughly $700,000 a year, according to the GAO reports, and now, under what we have done with the duplicative inspection regime with the USDA, it costs roughly $20 million to build a new inspection regime with new infrastructure in a different agency, and then roughly $14 million, according to the GAO. We just asked them again if they could confirm the numbers that are being cited of it only costing $1.5 million. No, they can't confirm those numbers. There were 10 GAO reports defining duplicative and wasteful spending, yet here we are.

I was really shocked by the vote on the Senate floor. I was very shocked that my colleagues would have 10 GAO reports in front of them that say this is a duplicative and wasteful program, and we already have every other fish species inspected by the FDA. Yet we are going to set up a separate office for catfish. Almost every good government group that focuses on addressing wasteful spending in Washington has called this duplicative program egregious and really cited this as an example of what is wrong when we are worried about taxpayer dollars and what happens in Washington.

I hope, as I look at the votes on the Senate floor, that as we proceed to this measure, my colleagues will look at these GAO reports, listen to these good government organizations that have basically said that this program is really a waste of taxpayer dollars, and that they will support the resolution to disapprove this duplicative inspection program.

Before 2008, the FDA was inspecting catfish, and they were doing their job just like they do with every other fish species. They can continue to do that rather than have an entire separate program just to inspect one fish species under the USDA. By the way, the focus of the USDA is actually on meat and poultry. They don't regulate any other fish. They don't have fish experts like the FDA, and that is one of the reasons it costs so much more to set up this new program.

There is a lot of talk about why people are frustrated with Washington; right? They are very frustrated. They want to make sure their taxpayer dollars are spent wisely. My constituents complain to me about wasteful spending and duplicative programs. Yet here we have such an obvious example. As I look at what we have pending on the Senate floor—if we don't pass this resolution of disapproval for this duplicative program after so many groups have said that they have looked at this and concluded that it is wasteful and duplicative—and 10 years of GAO reports saying the same thing, that we don't need a separate inspection regime for catfish, I don't know how we are ever going to address $19 trillion in debt. I don't know how we are ever going to take on the big burning issues that the American people want us to address.

I know a lot of bad things have been said about Congress. I personally think we might be called bottom dwellers if we don't pass this legislation. I am hoping that as we look at the duplicative program of catfish inspections, we will understand that one fish species does not deserve a separate office just to look at the catfish, that the FDA can handle this inspection as it does for every other fish species, that we could save millions of taxpayer dollars by doing this, and that we can let the American people know that we get it and we want to wisely spend their money wisely, we want to eliminate wasteful spending, we want to get our fiscal house in order, and we want good government. We don't want protectionist government that is just trying to protect one industry, crony capitalism, and all the bad things. What we want is common sense.

I hope my colleagues will join me. I thank Senator MCCAIN and Senator SHAHEEN for their efforts in helping us bring this important resolution for disapproval forward, and I hope we can take a small step forward in this body for good government, eliminating wasteful spending, eliminating duplicative programs, and tell the American people: We are not bottom dwellers. We really get it, and we want to make sure we do the right thing by them.

I thank the Presiding Officer.

The PRESIDING OFFICER. The Senator from New Jersey.

PUERTO RICO

Mr. MENENDEZ. Mr. President, I rise to speak about the ongoing crisis affecting the 3.5 million citizens who call Puerto Rico their home and to comment on the legislation that is pending in the House of Representatives.

We are facing a critical moment in the history of Puerto Rico. The island is sinking under a mountain of debt. I said it before, but it bears repeating. Just servicing the government's $72 billion debt swallows 36 percent of all of the island's revenue. That means that for every dollar Puerto Rico takes in, they immediately send over one-third to bondholders. This is not sustainable for any government, especially one that has been mired in a decade-long recession. Congress is faced with an immediate and serious choice. Indeed, the decisions we make in the next month will have profound consequences on the people of Puerto Rico for over a generation, and the stakes are high. We simply have to get it right.

I said from the beginning that any fix needs to provide a clear path to restructuring with an oversight board that represents the people of Puerto Rico and their democratic rights. If we truly want to help the economic situation on the island, we also need to provide parity for health care funds and worker tax credits that all 3.5 million American citizens living in Puerto Rico have access to once they move to the American mainland.

I must say I have been encouraged by Speaker RYAN and Chairman BISHOP's acknowledgement that Congress needs to act to prevent this fiscal crisis from becoming a full-blown humanitarian catastrophe, but, unfortunately, the legislation that is being marked up tomorrow falls far short on several fronts. Instead of offering a clear path to restructuring, the legislation creates a number of obstacles that could derail the island's attempt to achieve sustainable debt payments. Most strikingly, it requires a 5-to-2 supermajority vote by the control board to access this necessary restructuring authority—an authority that Puerto Rico had years ago and somehow—in the dark of night, in some legislation several years ago—was eliminated. Nobody seems to understand why. But it had the authority to restructure its debt. Now, restructuring its debt isn't a bailout because no one gives them money. They ultimately have to restructure the debt they have.

While most reasonable people agree it is absolutely vital for Puerto Rico to be able to restructure its debt, this authority can be blocked by a simple minority on the board. That is right. A simple minority on the board could block the pathway to restructure. Without the authority to restructure its debt, this legislation does virtually nothing to help Puerto Rico dig out of the hole they are in.

Exacerbating this concern is the composition and scope of power endowed to the control board. The fact that the people of Puerto Rico will have absolutely no say over who is appointed or what action they decide to take is blatant neocolonialism. It is OK to say to Puerto Ricans: Yes, please, wear the uniform of the United States, as they have done in World War II, Korea, and Vietnam. If you went with me to the Mall, you would see a disproportionate number of names of Puerto Ricans who gave their lives on behalf of the United States. Recently, the Speaker awarded the Congressional Gold Medal to the Borinqueneers, the 65th Infantry Division, which was one of the most decorated in U.S. military history. Yes, it is OK. Please put on the uniform of the United States and go fight for your country. Die for America. But it is not OK for you to have a voice in your future. It is not OK for you to have self-governance.

If that control board—with no Puerto Rican representation—uses its superpowers under the bill as drafted and decides to close more schools and hospitals than have been closed, cut pensions to the bone, sell Puerto Rico's natural assets without any say by the elected representatives of the 3.5 million U.S. citizens in Puerto Rico, I am sure some would suggest we look the other way and say Puerto Ricans are worth less than any other U.S. citizen.

While there is some fancy language to pretend that the President will get to pick the board members, this is all a figleaf to hide the real levers of power. The board will be composed of four Republican appointees and three Democratic appointees, and in addition to being the gatekeeper to restructuring, it will have the power to veto laws and regulations, override budgets, determine the level of debt payments, and make in essence what is the governing body of any State, any municipality, or of the people Puerto Rico totally obsolete. They will decide—unelected, they will decide. To me, it is simply wrong and un-American to take away the basic democratic rights of the people of Puerto Rico.

The bill even puts speculating hedge funds above pensioners, including language to ensure that in any restructuring deal, the people who worked their entire lives—their entire lives—to help the island are put at the back of the line behind Wall Street.

I remind my colleagues that each and every Puerto Rican is an American citizen, many of whom have fought and died, as I said, for our country in every war over the past century. They deserve the same rights and respect as citizens in New Jersey or Wisconsin or Utah or any other State in the Nation. If they can do this in Puerto Rico, why not see any other State that sees a crisis have it become a reality as well.

Finally, the proposed legislation sensibly cuts minimum wage rules and new overtime protections that would apply to workers in Puerto Rico. At a time when cities and States across the Nation are moving toward increasing the minimum wage, I cannot fathom why anyone would support decreasing it for Puerto Rico. With the poverty rate of approximately 45 percent, lowering people's wages is not a progrowth strategy, as some have called it. It is a pro-migration strategy. We already see an incredible migration from Puerto Rico to places in the United States—most particularly Florida, New Jersey, New York, and other places in the country. Why? Because as an American citizen they have every right to reside anywhere in the United States. They also have a right to receive any right or privilege that any citizen has in the United States. So there is a brain drain leaving Puerto Rico coming to the mainland, which only exacerbates the problem in Puerto Rico. These unrelated riders are counterproductive and will only drive more Puerto Ricans to migrate to the mainland, where they will not have to work for subminimum wages.

I am afraid this bill provides little more than a bandaid on a bullet hole with regard to Puerto Rico's unsustainable debt. Mark my words, if we don't seize this opportunity to address the crisis in a meaningful way and in the right way, we will be back here a year from now, but we will be picking up the pieces because there will not be much left. So while it is absolutely clear that we need to act and act decisively and expediently to help our fellow citizens in Puerto Rico, just as important, we also need to get it right.

Working together and helping each other in a time of need is what this country is all about. When a hurricane hits the gulf coast or a tornado ravages the Midwest, I don't ask how many of my constituents in New Jersey were affected. Rather, I stand with my fellow Americans and fight to provide relief regardless of what State or territory they are from. That is why we call this country the United States of America.

Let's continue to honor that timeless American tradition. Let's honor our country's motto of ''e pluribus unum,'' out of many, one. Let us provide our fellow Americans in Puerto Rico with the tools they need to help themselves. It is not a bailout. We are not going to give them any money. They are going to have to restructure and figure out themselves how they will get out of the mess, without taking away their self-governance. You can't preach democracy and human rights and then deny it to the American citizens of Puerto Rico.

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

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

MORNING BUSINESS

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

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

TRIBUTE TO LYUSHUN SHEN

Mr. REID. Mr. President, in the coming weeks, Representative Lyushun Shen from the Taipei Economic and Cultural Representative Office will be leaving his post and returning to Taiwan. Having worked with Representative Shen during his tenure in Washington DC, I would like to express my gratitude to him for his service.

As West Africa battled the ravages of Ebola and the world united to help address the epidemic in 2014, Representative Shen and the Taiwanese rose to the occasion. On behalf of the Taiwanese, Representative Shen pledged $1 million to the Centers for Disease Control and Prevention to help the U.S. combat the Ebola virus and stabilize the region. This act of generosity came at a critical time and further demonstrated Taiwan's solidarity with the United States.

During his post in Washington, Representative Shen made important contributions to the Global Cooperation and Training Framework, GCTF. Representative Shen is a valued friend of the United States, and I thank him for his work and wish him well in all his future endeavors.

DEPARTMENT OF LABOR FIDUCIARY RULE

Mr. DURBIN. Mr. President, retirement savings are crucial for our economic security, but too many Americans have little to no retirement savings because of low wages and the need to provide for their families.

Those who have been able to save for retirement are often confused by the unknowns of retirement planning and investing and depend on financial advisers to provide advice that is in their best interest.

However, loopholes in the retirement advice rules have allowed some advisers to recommend products that put profits ahead of their clients' best interest, hurting workers and their families, and jeopardizing our economic security.

The Department of Labor set out to update these decades-old rules to address conflicts of interest and require that financial advisers put their clients first, which is just plain common sense. Unfortunately, my Republican colleagues have voted to roll back this important consumer protection and voted

to block the Department's fiduciary rule, an effort I did not and would not support.

While most advisers operate under a best interest standard, some advisers steered their customers into investments that award big commissions and incentives to the adviser but are not in the best interest of the customer.

No one knows this better than the Toffels of Lindenhurst, IL.

Merlin Toffel was a Navy veteran and an electrician, and his wife, Elaine, was an accountant. After more than 40 years of work, they had built up an impressive nest egg, but when Merlin was diagnosed with Alzheimer's and could no longer manage their finances, Elaine sought investment advice from an investment broker at their local retail bank.

The broker told her to liquidate their retirement account and sold them variable annuities to the tune of $650,000. Elaine trusted his advice because she thought that it was in her best interest. She later found out that those annuities charged fees in excess of $26,000 a year, and if she needed to access the money right away for an emergency, she would be charged a surrender charge of more than $45,000.

In the end, the Toffels lost more than $50,000 because of the broker's conflicted advice. Unfortunately, they are not alone. This is unconscionable and should not be allowed.

The fiduciary rule will require advisers to disclose their fees and ensure access to quality financial advice, restore confidence to savers, and protect them from receiving conflicted advice, which has the potential to erode billions from retirement accounts of hard-working Americans.

The bottom line is that we need to support policies that safeguard worker retirement savings and help them prepare for retirement, and the fiduciary rule does just that.

It saddens me that my Republican colleagues have acted to undermine American workers and families by blocking this rule. Thankfully, their efforts here today will not prevail because the President will veto this attempt to dismantle this important rule.

REMEMBERING BOB BENNETT

Mr. LEAHY. Mr. President, all of us mourn the passing of a distinguished former Member of this body, Senator Bob Bennett of Utah, who died of an illness on May 4.

I doubt that there were any in the Senate who did not truly like and admire Bob Bennett. His gentle spirit, his kindness, his civility, and his empathy for others were reflected in his work here for the people of Utah and for the Nation. Marcelle and I are fortunate to have called Bob and Joyce Bennett our friends while we served together.

Senator Bennett and I were poles apart on many issues that came before the Senate, but, as with many others in this body, we were able to work together in good faith to find ways forward through many issues, knowing how important it was to our constituents, to the country, and to the Senate for us to do that. He followed the tradition of other highly respected Senators when I joined this body: He always kept his word.

At the very end of his life, as he lay in a hospital bed in Salt Lake City, we now have heard from his family of yet another sign of his decency and humanity, as he specially sought out Muslim members of the hospital staff to thank them and to personally apologize to them for what they have heard of the divisive and hateful messages and the pandering to fear that has spilled out from the current Presidential campaign. He wanted them to know that he and most Americans welcome them, appreciate them, and recognize the pain that these invectives have caused and continue to cause.

Reading and hearing his son's description of his dad's outreach in his final days touched me deeply, as I am sure is the case for all of us here and for all Americans of goodwill everywhere. All of us can learn from his poignant gestures, and we can resolve to deepen our own commitment to the eternal values—and the American values—that motivated him. What a powerful lesson he leaves for us all.

I ask unanimous consent that an article from the Salt Lake City Deseret News about this remarkable and telling episode from the final days of Senator Bennett's life be printed in the RECORD.

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

[From The Deseret News, May 19, 2016]

FORMER UTAH SEN. BOB BENNETT'S APOLOGY TO MUSLIMS RECEIVING ATTENTION FROM NEWS OUTLETS WORLDWIDE

(By Scott Stevens)

Weeks after former Utah Sen. Bob Bennett's death, several national news media outlets have published stories praising the Utah politician for comments he made regarding Muslims and their acceptance in America shortly before his death on May 4, 2016.

In the weeks following former Utah Sen. Bob Bennett's death, several national news media outlets published stories praising the Utah politician for comments he made about Muslims and their acceptance in America, shortly before his death.

In late April the Deseret News reported about Bennett's battle with pancreatic cancer and a stroke. He told the Deseret News ''I want to go to every Muslim and say thank you for being in our country . . .,'' and, like many other politicians, Bennett expressed his distaste in the tone and tenor of the Republican presidential race as he remarked ''I want to apologize on behalf of the Republican Party for Donald Trump.''

The Daily Beast picked up on the Deseret News' interview with the Bennetts a few weeks after the former senator's death and followed up with their own interview with Bennett's family. ''He would go to people with the hijab (on) and tell them he was glad they were in America, and they were welcome here,'' Bennett's wife Joyce told The Daily Beast. ''He wanted to apologize on behalf of the Republican Party.''

Quartz followed suit, citing the Deseret News and Daily Beast interviews with the Bennetts, and adding that Bennett's thoughts on the treatment of Muslims seemed to be frequently on his mind in the weeks and months leading up to his death.

NBC News echoed the report that in Bennett's last days he approached Muslims to offer his well-wishes to them—even going as far as to ask his son, Jim, if there were any Muslims in the same hospital as him so he could thank them for their residence in the United States.

An active member of The Church of Jesus Christ of Latter-day Saints, Bennett's faith was also at the forefront of his thoughts as cancer and a stroke left him partially paralyzed. Bennett ''recognized parallel between the Mormon experience and the Muslim experience,'' The Week reported, and he ''wanted to see these people treated with kindness and not ostracized.''

RECOGNIZING KING ARTHUR FLOUR

Mr. LEAHY. Mr. President, on May 19, 2016, hundreds of guests flooded the Senate's Kennedy Caucus Room for the eleventh annual Taste of Vermont, an event that brings together over 60 businesses that showcase the best Vermont has to offer. From microbreweries to distilleries, farms to creameries, bake shops to chocolatiers, these business represent the best of Vermont's many unique, homegrown products. All of these businesses deserve acknowledgment for their contributions to our great State and for putting Vermont's business-friendly environment on the map. I want to take a minute to shine the spotlight on one company in particular.

On the eve of this year's Taste of Vermont, the Employee Stock Ownership Plan, ESOP, Association named King Arthur Flour the 2016 Company of the Year. Founded in 1790, King Arthur Flour epitomizes Vermont values. A business leader within the community, the company is focused on providing quality products to its loyal customers. After relocating to Norwich, VT, in 1984, owners Frank and Brinna Sands sold their company to their employees. They became 100 percent employee-owned in 2004 and have helped numerous other Vermont companies transition to ESOP status, including Heritage Aviation, the most recent Vermont-based company to join the ESOP ranks.

King Arthur Flour has long been dedicated to bettering itself and its community, a laudable and often uncommon commitment from businesses. Currently in the midst of a large expansion of their facilities and programming, King Arthur Flour has adapted to meet the needs of their customers and introduced award-winning gluten-free baking mixes in 2010. The life skills bread baking program recently taught its 120,000th student, and classes from the baking education center have reached over 4,600 bakers.

In King Arthur Flour, I see a commitment to being on the cutting edge of new ideas and developments, while

remaining true to what their customers deserve. Congratulations to King Arthur Flour for this outstanding achievement and to everyone who was involved.

VOTE EXPLANATION

Mr. MENENDEZ. Mr. President, I was unavoidably detained for rollcall vote No. 83 on passage of S. 2613. Had I been present, I would have voted yea.

ARMS SALES NOTIFICATION

Mr. CORKER. Mr. President, section 36(b) of the Arms Export Control Act requires that Congress receive prior notification of certain proposed arms sales as defined by that statute. Upon such notification, the Congress has 30 calendar days during which the sale may be reviewed. The provision stipulates that, in the Senate, the notification of proposed sales shall be sent to the chairman of the Senate Foreign Relations Committee.

In keeping with the committee's intention to see that relevant information is available to the full Senate, I ask unanimous consent to have printed in the RECORD the notifications which have been received. If the cover letter references a classified annex, then such annex is available to all Senators in the office of the Foreign Relations Committee, room SD–423.

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

DEFENSE SECURITY COOPERATION AGENCY,
Arlington, VA.

Hon. BOB CORKER,
Chairman, Committee on Foreign Relations, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: Pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended, we are forwarding herewith Transmittal No. 16–24, concerning the Department of the Air Force's proposed Letter(s) of Offer and Acceptance to the Government of Oman for defense articles and services estimated to cost $260 million. After this letter is delivered to your office, we plan to issue a news release to notify the public of this proposed sale.

Sincerely,

J.W. RIXEY,
Vice Admiral, USN, Director.

Enclosures.

TRANSMITTAL NO. 16–24

Notice of Proposed Issuance of Letter of Offer Pursuant to Section 36(b)(1) of the Arms Export Control Act, as amended

(i) Prospective Purchaser: Government of Oman.

(ii) Total Estimated Value:

Major Defense Equipment* $0 million.

Other $260 million.

Total $260 million.

(iii) Description and Quantity or Quantities of Articles or Services under Consideration for Purchase:

Non-MDE: Follow-on support for Oman's existing F–16 fleet that includes support equipment, communications equipment, personnel training, spare and repair parts, publications, Electronic Combat International Security Assistance Program (ECISAP), Contractor Engineer Technical Services (CETS), Technical Coordination Group (TCG), International Engine Management Program (IEMP), Precision Measurement Equipment Laboratory (PMEL) calibration and technical orders. The estimated value of this possible sale is $260 million.

(iv) Military Department: USAF (QAO).

(v) Prior Related Cases, if any: MU–D–SDC–$693,191,686–5 June 2002; MU–D–QAJ–$186,003,411–22 September 2009; MU–D–SAB–$1,418,883,494–2 December 2011.

(vi) Sales Commission, Fee, etc., Paid, Offered, or Agreed to be Paid: None.

(vii) Sensitivity of Technology Contained in the Defense Article or Defense Services Proposed to be Sold: See Attached Annex.

(viii) Date Report Delivered to Congress: May 24, 2016.

*As defined in Section 47(6) of the Arms Export Control Act.

POLICY JUSTIFICATION

Oman—Continuation of Logistics Support Services and Equipment

The Government of Oman requests follow-on support for its existing F–16 fleet that includes support equipment, communications equipment, personnel training, spare and repair parts, publications, Electronic Combat International Security Assistance Program (ECISAP), Contractor Engineer Technical Services (CETS), Technical Coordination Group (TCG), International Engine Management Program (IEMP), Precision Measurement Equipment Laboratory (PMEL) calibration and technical orders. The estimated value of this possible sale is $260 million.

The proposed sale of support services will enable the Royal Air Force of Oman to ensure the reliability and performance of its F–16 aircraft. Oman will have no difficulty absorbing this support into its armed forces.

This proposed sale contributes to the foreign policy and national security of the United States by helping to improve the security of a friendly country which has been, and continues to be, an important force for political stability and economic progress in the Middle East.

The proposed sale allows the U.S. military to support the Royal Air Force of Oman, further strengthen the U.S.–Omani military-to-military relationship, and ensure continued interoperability of forces and opportunities for bilateral training and exercises with Oman's military forces.

The proposed sale of this equipment and support will not alter the basic military balance in the region.

The prime contractors for this sale are: Lockheed Martin Aero, Fort Worth, TX; ITT (EXCELIS-Harris), Fort Wayne, IN; BAE Systems, Austin, TX; Honeywell, Clearwater, FL; Northrop Grumman, Linthicum Heights, MD; Marvin Engineering, Inglewood, CA; Lockheed Martin Missile and Fire Control, Orlando, FL; Goodrich Corp, Westford, MA. There are no known offset agreements proposed in connection with this potential sale.

Implementation of this proposed sale does not require the assignment of any additional U.S. Government or contractor representatives to Oman.

There will be no adverse impact on U.S. defense readiness as a result of this proposed sale.

All defense articles and services have been approved for release to the Government of Oman.

TRANSMITTAL NO. 16–24

Notice of Proposed Issuance of Letter of Offer Pursuant to Section 36(b)(1) of the Arms Export Control Act, as amended

Annex Item No. vii

(vii) Sensitivity of Technology:

1. This case involves the sustainment of sensitive technology previously released to Oman in the sales of their F–16C/D aircraft. The F–16C/D Block 50/52 weapon system is UNCLASSIFIED, except as noted below. The aircraft uses the F–16 airframe and features advanced avionics and systems including the Pratt and Whitney F–100–PW–229 or the General Electric F–110–GE–129 engine, AN/APG–68V(9) radar, digital flight control system, external electronic warfare equipment, Advanced Identification Friend or Foe (AIFF), Link–16 datalink, and software computer programs.

2. Sensitive or classified (up to SECRET) elements of the proposed F–16C/D include hardware, accessories, components, and associated software: AN/APG–68V(9) Radar, Have Quick I/II Radios, AN/APX–113 A1FF with Mode IV capability, AN/ALE–47 Countermeasures (Chaff and Flare) set, LINK–16 Advanced Data Link Group A provisions only, Embedded Global Positioning System/Inertial Navigation System, Joint Helmet-Mounted Cueing System (JHMCS), ALQ–211(V)4 Advanced Integrated Defensive Electronic Warfare Suite (AIDEWS) without Digital Radio Frequency Memory, AN/ALQ–211(V)4 Countermeasures Set, Modular Mission Computer, Have Glass I/II without infrared top coat, and Digital Flight Control System. Additional sensitive areas include operating manuals and maintenance technical orders containing performance information, operating and test procedures, and other information related to support operations and repair. The hardware, software, and data identified are classified to protect vulnerabilities, design, and performance parameters and other similar critical information.

3. Software, hardware, and other data, which is classified or sensitive, is reviewed prior to release to protect system vulnerabilities, design data, and performance parameters. Some end-item hardware, software, and other data identified above are classified at the CONFIDENTIAL and SECRET level. Potential compromise of these systems is controlled through management of the basic software programs of highly sensitive systems and software-controlled weapon system on a case-by-case basis.

4. Oman is both willing and able to protect U.S. classified military information. Oman's physical and document security standards are equivalent to U.S. standards.

5. This sale is necessary in furtherance of the U.S. foreign policy and national security objectives outlined in the Policy Justification. Moreover, the benefits to be derived from this sale outweigh the potential damage that could result if the sensitive technology were revealed to unauthorized persons.

6. All defense articles and services listed in this transmittal have been authorized for release and export to the Government of Oman.

DEFENSE SECURITY COOPERATION AGENCY,
Arlington, VA.

Hon. BOB CORKER,
Chairman, Committee on Foreign Relations, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: Pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended, we are forwarding herewith Transmittal No. 16–20, concerning the Department of the Army's proposed Letter(s) of Offer and Acceptance to Qatar for defense articles and services estimated to cost $20 million. After this letter is delivered to your office, we plan to issue a news release to notify the public of this proposed sale.

Sincerely,

J.W. RIXEY,
Vice Admiral, USN, Director.

Enclosures.

TRANSMITTAL NO. 16–20

Notice of Proposed Issuance of Letter of Offer Pursuant to Section 36(b)(1) of the Arms Export Control Act, as amended

(i) Prospective Purchaser: Government of Qatar.

(ii) Total Estimated Value:

Major Defense Equipment* $15 million.

Other $5 million.

Total $20 million.

(iii) Description and Quantity or Quantities of Articles or Services under Consideration for Purchase:

Major Defense Equipment (MDE):

Fifty (50) Javelin Guided Missiles (Category I) with Containers.

Ten (10) Command Launch Units (CLUs) with Integrated Day/Thermal Sights (Category III Sensitive) with Containers.

Non-MDE: Ten (10) Javelin Missile Simulation Rounds, one (1) Enhanced Basic Skills Trainer (EPBST), and twelve (12) Batteries, Non-Rechargeable, six (6) Batteries, Storage, Rechargeable, Battery Discharger, Battery Charger for #9, and ten (10) Battery Coolant Units. Also included in this possible sale are U.S. Government Technical Information and Assistance and Life Cycle Contractor support (LCCS) for twenty-four (24) months or until funds are exhausted. This support provides for personnel, services, materials, facilities, equipment, maintenance, supply support, Integrated Support Plan, product assurance, and configuration management. The estimated cost is $20 million.

(iv) Military Department: U.S. Army.

(v) Prior Related Cases, if any: QA–B–UAR–$113,894,777–11 SEP 14.

(vi) Sales Commission, Fee, etc., Paid, Offered, or Agreed to be Paid: None.

(vii) Sensitivity of Technology Contained in the Defense Article or Defense Services Proposed to be Sold: See Attached Annex.

(viii) Date Report Delivered to Congress: May 24, 2016.

* As defined in Section 47(6) of the Arms Export Control Act.

POLICY JUSTIFICATION

Qatar-Javelin Guided Missiles

The Government of Qatar has requested a possible sale of fifty (50) Javelin Guided Missiles (Category I), and ten (10) Command Launch Units (CLUs) with Integrated Day/Thermal Sight (Category III Sensitive) with Container. Also included in this possible sale are: ten (10) Javelin Missile Simulation Rounds, one (1) Enhanced Basic Skills Trainer (EPBST), and twelve (12) Battery, Non-Rechargeable, six (6) Battery, Storage, Rechargeable, Battery Discharger, Battery Charger for #9, and ten (10) Battery Coolant Units. Also included in this possible sale are U.S. Government Technical Information and Assistance and Life Cycle Contractor support (LCCS) for twenty-four (24) months or until funds are exhausted. This support provides for personnel, services, materials, facilities, equipment, maintenance, supply support, Integrated Support Plan, product assurance, and configuration management. The total estimated value of Major Defense Equipment is $15 million. The overall total estimated value is $20 million.

This proposed sale contributes to the foreign policy and national security of the United States by helping to improve the security of a regional partner. Qatar is an important force for political stability and economic progress in the Persian Gulf region. This proposed sale strengthens U.S. efforts to promote regional stability by enhancing the defense to a key U.S. ally.

The proposed sale will improve Qatar's capability to meet current and future threats and provide greater security for its critical oil and natural gas infrastructure. Qatar will use the enhanced capability to strengthen its homeland defense. Qatar will have no difficulty absorbing these missiles into its armed forces.

The proposed sale will not alter the basic military balance in the region.

The principal contractor will be Lockheed Martin, Troy, AL. There are no known offset agreements proposed in connection with this potential sale.

Implementation of this proposed sale will require multiple trips by U.S. Government and contractor representatives to travel to Qatar for up to twenty-four (24) months for equipment de-processing, fielding, system checkout, training, and technical logistics support.

There will be no adverse impact on U.S. defense readiness as a result of this proposed sale.

TRANSMITTAL NO. 16–20

Notice of Proposed Issuance of Letter of Offer Pursuant to Section 36(b)(1) of the Arms Export Control Act, as amended

Annex Item No. vii

(vii) Sensitivity of Technology:

1. The Javelin Weapon System is a medium-range, man-portable, shoulder-launched, fire-and-forget, anti-tank system for infantry, scouts, and combat engineers. It may also be mounted on a variety of platforms including vehicles, aircraft and watercraft. The system weighs 49.5 pounds and has a maximum range in excess of 2,500 meters. The system is highly lethal against tanks and other systems with conventional and reactive armors. The system possesses a secondary capability against bunkers.

2. Javelin's key technical feature is the use of fire-and-forget technology which allows the gunner to fire and immediately relocate or take cover. Additional special features are the top attack and/or direct fire modes, an advanced tandem warhead and imaging infrared seeker, target lock-on before launch, and soft launch from enclosures or covered fighting positions. The Javelin missile also has a minimum smoke motor thus decreasing its detection on the battlefield.

3. The Javelin Weapon System comprises two major tactical components, which are a reusable Command Launch Unit (CLU) and a round contained in a disposable launch tube assembly. The CLU incorporates an integrated day-night sight that provides a target engagement capability in adverse weather and countermeasure environments. The CLU may also be used in a stand-alone mode for battlefield surveillance and target detection. The CLU's thermal sight is a second generation Forward-Looking Infrared (FLIR) sensor. To facilitate initial loading and subsequent updating of software, all on-board missile software is uploaded via the CLU after mating and prior to launch.

4. The missile is autonomously guided to the target using an imaging infrared seeker and adaptive correlation tracking algorithms. This allows the gunner to take cover or reload and engage another target after firing a missile. The missile has an advanced tandem warhead and can be used in either the top attack or direct fire modes (for targets undercover). An onboard flight computer guides the missile to the selected target.

5. The Javelin Missile System hardware and the documentation are UNCLASSIFIED. The missile software which resides in the CLU is considered SENSITIVE. The sensitivity is primarily in the software programs which instruct the system how to operate in the presence of countermeasures. The overall hardware is also considered SENSITIVE in that the infrared wavelengths could be useful in attempted countermeasure development. The benefits to be derived from the sale, as outlined in the Policy Justification of the notification, outweigh the potential damage that could result if sensitive technology was revealed to unauthorized persons.

6. If a technologically advanced adversary were to obtain knowledge of the specific hardware or software elements, the information could be used to develop countermeasures that might reduce weapon system effectiveness or be used in the development of a system with similar or advanced capabilities.

7. All defense articles and services listed in this transmittal have been authorized for release and export to the Government of Qatar.

DEFENSE SECURITY COOPERATION AGENCY,
Arlington, VA.

Hon. BOB CORKER,
Chairman, Committee on Foreign Relations, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: Pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended, we are forwarding herewith Transmittal No. 16–16, concerning the Department of the Navy's proposed Letter(s) of Offer and Acceptance to the Government of Kuwait for defense articles and services estimated to cost $420 million. After this letter is delivered to your office, we plan to issue a news release to notify the public of this proposed sale.

Sincerely,

J.W. RIXEY,
Vice Admiral, USN, Director.

Enclosures.

TRANSMITTAL NO. 16–16

Notice of Proposed Issuance of Letter of Offer Pursuant to Section 36(b)(1) of the Arms Export Control Act, as amended

(i) Prospective Purchaser: Government of Kuwait

(ii) Total Estimated Value:

Major Defense Equipment* $0 million.

Other $420 million.

Total $420 million.

(iii) Description and Quantity or Quantities of Articles or Services under Consideration for Purchase:

Non-Major Defense Equipment (MDE): This request includes the following Non-MDE: continuation of contractor engineering technical services, contractor maintenance services, Hush House (an enclosed, noise-suppressed aircraft jet engine testing facility) support services, and Liaison Office Support for the Government of Kuwait F/A–18 C/D program. This will include F/A–18 avionics software upgrades, engine component improvements, ground support equipment, engine and aircraft spares and repair parts, publications and technical documentation, Engineering Change Proposals (ECP), U.S. Government and contractor programmatic, financial, and logistics support. Also included are: maintenance and engineering support, F404 engine and engine test cell support, and Liaison Office support for five (5) Kuwait Liaison Offices. There is no MDE associated with this possible sale. The total overall estimated cost is $420 million.

(iv) Military Department: U.S. Navy (GHI, GHJ).

(v) Prior Related Cases, if any: FMS Cases: GGZ–$134,425,825–16 JUN 14 GGW–$177,181,190–25 DEC 13.

(vi) Sales Commission, Fee. etc., Paid. Offered, or Agreed to be Paid: None.

(vii) Sensitivity of Technology Contained in the Defense Article or Defense Services Proposed to be Sold: None.

(viii) Date Report Delivered to Congress: May 24, 2016.

*As defined in Section 47(6) of the Arms Export Control Act.

POLICY JUSTIFICATION

The Government of Kuwait–F/A–18 C/D Services and Support

The Government of Kuwait has requested a possible sale of the following Non-Major Defense Equipment (MDE): continuation of contractor engineering technical services, contractor maintenance services, Hugh House support services, and Liaison Office Support for the Government of Kuwait F/A–18 C/D program. This will include F/A–18 avionics software upgrades, engine component improvements, ground support equipment, engine and aircraft spares and repair parts, publications and technical documentation, Engineering Change Proposals (ECP), U.S. Government and contractor programmatic, financial, and logistics support. Also included are: maintenance and engineering support, F404 engine and engine test cell support, and Liaison Office support for five (5) Kuwait Liaison Offices. There is no MDE associated with this possible sale. The total overall estimated value is $420 million.

The proposed sale of support services will enable the Kuwait Air Force to ensure the reliability and performance of its F/A–18 C/D aircraft. Kuwait will have no difficulty absorbing this support into its armed forces.

This proposed sale will contribute to the foreign policy and national security of the United States by helping to improve the security of a friendly country that has been, and continues to be, an important force for political stability and economic progress in the Middle East. Kuwait plays a large role in U.S. efforts to advance stability in the Middle East, providing basing, access, and transit for U.S. forces in the region.

The proposed sale of support and services will not alter the basic military balance in the region.

The principal contractors will be Kay and Associates Incorporated in Buffalo Grove, Illinois; The Boeing Company in St. Louis, Missouri; Industrial Acoustics Corporation in Winchester, England; General Electric in Lynn, Massachusetts; and Sigmatech in Huntsville, Alabama. There are no known offset agreements proposed in connection with this potential sale.

Implementation of this proposed sale will require two-hundred and seventy-five (275) contractor representatives to travel to Kuwait for a period of three (3) years to provide support.

There will be no adverse impact on U.S. defense readiness as a result of this proposed sale.

EVERY STUDENT SUCCEEDS ACT

Mr. ALEXANDER. Mr. President, I ask unanimous consent to have printed in the RECORD a copy of my opening statement last week to the HELP Committee regarding oversight of the Every Student Succeeds Act.

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

OVERSIGHT OF THE EVERY STUDENT SUCCEEDS ACT

Mr. ALEXANDER. I'm delighted to have the witnesses here. This is an extraordinary group of individuals with broad prospective of children and elementary and secondary education. And we welcome your comments on how to implement the new reauthorization of the Elementary and Secondary Education Act.

This is our third of six hearings to discuss the implementation of the Every Student Succeeds Act, which the President signed in December.

It's the second opportunity for this committee to hear from the states, school districts, teachers, principals, and others that helped us pass this overwhelmingly bipartisan law and are today working together to implement it in a way that is consistent with congressional intent.

I want to focus my remarks on the administration's proposed ''Supplement Not Supplant'' regulation.

This is the very first opportunity the administration has to write regulations on our new law. And in my view, they earned an 'F.'

The reason for that is that the regulation violates the law as implemented since 1970, and seeks to do it in a way that is specifically prohibited in the new law.

In writing the new law last year, Congress debated and ultimately chose to leave unchanged a provision in the law referred to as ''comparability.'' That's section 1605.

This provision says: school districts have to provide at least comparable services with state and local funding to Title I schools and non-Title I schools.

But—the law plainly states that school districts shall not include teacher pay when they measure spending for purposes of comparability. That's been the law since 1970. We didn't change it last year.

There's an entirely separate provision, known as ''Supplement Not Supplant'' that's intended to keep local school districts from using federal Title I dollars as a replacement for state and local dollars in low-income schools.

What the department's proposed ''Supplement Not Supplant'' regulation attempts to do is to change ''comparability'' by writing a new regulation governing ''Supplement Not Supplant.''

In other words, their proposal would force school districts to include teacher salaries in how they measure state and local spending, and would require that state and local spending in each Title I school be at least equal to the average spent in non-Title I schools.

The effect of this would be to violate the law as implemented since 1970, section 1605.

So, the administration may get an ''A'' for cleverness, but an ''F'' for following the law, in my opinion.

The negotiated rulemaking committee couldn't agree on the proposal. At least one member, Tony Evers, a witness today, said that ''Congressional intent isn't necessarily being followed here.''

Last week, the nonpartisan Congressional Research Service said the same thing.

CRS issued a report that said quote, ''the Department's interpretation appears to go beyond what would be required under a plain language reading of the statute.''

CRS found that the proposed [supplement, not supplant regulations ''appear to directly conflict'' with statutory language that ''seems to place clear limits on [the Department's] authority'' and ''thus raises significant doubts about [the Department's] legal basis for proposed regulations.''

Today, I am looking forward to hearing from witnesses whether what I have been hearing from principals, teachers, and education leaders across the country is true. Here's what I've been hearing:

1. That the department's proposed regulation could turn upside down the funding formulas of almost all the state and local school systems across the country.

Most states and local districts allocate K–12 finding to schools based on staffing ratios.

This often results in different amounts going to different schools in the same district because teacher salaries vary from school-to-school for reasons having nothing to do with a school's participation in Title I.

Instead, salaries vary because of teacher experience, merit pay, or the subject or grade level they teach.

2. I've been hearing that proposed regulation could effectively require wholesale transfers of teachers and the breaking of collective bargaining agreements.

3. I've been hearing that school districts won't receive enough funds to comply with the proposed regulation.

4. That students could be forced to change schools.

5. That the proposed regulation could increase the segregation of low-income and high-income students.

6. That it could require states and local school districts to move back to the burdensome practice of detailing every individual cost on which they spend money to provide a basic education program to all students, which is exactly what we were trying to free states and districts from, when we passed the law.

According to the Council of Great City Schools, the proposed regulation would cost $3.9 billion a year, just for their 69 urban school systems to eliminate the differences in spending between schools.

What the department has done for the first time is to try to put together two major provisions of the law that have always been separate.

On comparability, (which is the first one):

Members of this committee discussed and debated changing this provision at great length over the past 6 years. We discussed it at great length over the last six years.

Senator Bennet of Colorado has lots of experience with this, had one proposal. I had another.

We ultimately decided not to make any changes in comparability.

Instead, we included more transparency, in the form of public reporting, on the amount districts are spending on each student, including teacher salaries, so that parents and teachers know how much money is being spent and can make their own decisions about what to do, rather than the federal government mandating it be used in comparability calculations.

Then on the second provision in the law, on ''Supplement Not Supplant'':

We addressed this provision and made changes with an effort to simplify the law, and not make it more complicated.

By no stretch of the imagination did we intend, does any of the language in the law say, that ''Supplement Not Supplant'' would be used to modify the ''comparability'' provision.

In fact, we specifically prohibited that. We prohibited expressly:

The Secretary from requiring local school districts to identify individual costs or services as supplemental

We Prohibited the Secretary from prescribing any specific methodology that local school districts use to distribute state and local funds

Most importantly, we prohibited the Secretary from requiring a state, local school district, or school to equalize spending.

The proposed regulation is nothing less than a brazen effort to deliberately ignore a law that passed the Senate 85 to 12, passed the House 359–64, and was signed by the president.

No one has to guess what the law says. As the Congressional Research Service says—we can just read its plain language.

And if the administration can't follow language on this, it raises grave questions about what we might expect from future regulations.

ADDITIONAL STATEMENTS

REMEMBERING JOE PRESTON JOSLIN, JR.

● Mr. BOOZMAN. Mr. President, today I wish to remember the life of Joe Preston Joslin, Jr., who passed away on May 14, 2016, after living an extraordinary life of service.

Joe Joslin was born in Dallas, TX, on September 26, 1947. He served in the 11th Armored Cavalry Regiment as a track mechanic and forward observer in Vietnam. After the war, he lived in Dallas and Austin until 1995, when he and his his wife of 30 years, Sharon, moved to Mountain View, AR. For the last 13 years, they lived in Leslie, AR, where Joe left a lasting mark on the community.

This January, after nearly 50 years, Joe was finally given the recognition he deserved. He received the Bronze Star with Valor for putting the lives of his fellow soldiers before his own and dismounting his armored vehicle to help those in need. This, along with the Army Medal of Commendation, accompany his many distinguished medals while serving in the U.S. Army.

Like many veterans, his selfless acts have gone far past the battlefield. Joe dedicated his life to helping his fellow veterans. He served as a past commander of American Legion Post 131 and American Legion District 2. He also served as commander of Veterans of Foreign Wars Post 12127, and in October of 2015, he retired after serving as the Searcy County veteran service officer for 3 years.

Joe enjoyed sharing his passion for the community with others. He had a soft spot for animals and shared his love of dogs with other members of the Searcy County Humane Society.

A true family man and dear friend, Joe leaves behind many loved ones, including his wife, Sharon; his mother, Helen Loftin; five children; nine grandchildren; and five great-grandchildren. I want to offer my prayers and sincere condolences to his loved ones on their loss. Joe was a true American hero. I would like to take this opportunity to recognize him and join with his family and friends in showing gratitude for his life and legacy.●

TRIBUTE TO COLONEL ROBERT ERICKSON

● Mr. DAINES. Mr. President:

Whereas, Colonel Erickson served in the United States Air Force for twenty-five years and is retiring from his current position as the Air National Guard Advisor to the Commander, Headquarters Air Education and Training Command, Joint Base San Antonio—Randolph, Texas; and,

Whereas, he is husband to Colonel Megan Erickson and father to Margaret Jean and John William; and,

Whereas, he ascended Montana mountain peaks in his youth with his cousin Steve Daines, current United States Senator for Montana; and,

Whereas, Colonel Erickson graduated from the United States Air Force Academy in 1991 as a Cadet Wing Commander and with a Bachelor of Science degree in Political Science with a minor in Russian Language; and,

Whereas, Colonel Erickson has logged more than 3,100 flight hours since he first earned his wings in April 1993 and has subsequently served in various flying assignments, including instructor pilot and flight commander; and,

Whereas, his call sign was Leif, in honor of his Norwegian grandfather Harold Erickson;

Whereas, from July 1999 to July 2002 he served as Assistant Director of Operations and Flight Commander, Instructor Pilot and Evaluation Pilot in the 12th and 44th Fighter Squadrons out of Kadena Air Base, Japan; and,

Whereas, upon Colonel Erickson's return from Japan in 2002, he joined the Oregon Air National Guard at Kingsley Field, Klamath Falls, Oregon. During his time there, he served as an Instructor Pilot, Evaluation Pilot, Assistant Weapons Officer, Chief of Academics, Chief of Scheduling, Chief of Standardization and Evaluation, Director of Operations, and Squadron Commander of the 114th Fighter Squadron; and,

Whereas, Colonel Erickson summited Mount Rainier with three combat injured veterans in 2009—Ryan Job, former Navy SEAL; Chad Jukes, Army reservist; and Jose Martinez, former Marine; and,

Whereas, in March 2011 Colonel Erickson was selected as the Director of Operations (A3) for the Oregon Air National Guard and served in that position for six months. In September 2011, he then served for the next three years as the Air National Guard Advisor to the Director of Intelligence, Operations and Nuclear Integration at Air Education and Training Command in Joint Base San Antonio—Randolph, Texas; and,

Whereas, his incredible hard work, leadership and dedication to the Air Force has earned him sixteen major awards and decorations, some of which are the Air Force Commendation Medal with oak leaf cluster, Air Force Outstanding Unit Award with four oak leaf clusters, Armed Forces Expeditionary Medal, Global War on Terrorism Service Medal and Air Force Longevity Service with four oak leaf clusters.

Now, Therefore, be it Resolved, this twenty-sixth day of May, in the year of our Lord two thousand sixteen, and of the Independence of the United States of America the two hundred and fortieth, we honor Colonel Robert Erickson.●

RECOGNIZING THE NATIONAL ROOFING CONTRACTORS ASSOCIATION

● Mr. KIRK. Mr. President, I would like to honor the National Roofing Contractors Association, NRCA, headquartered in Rosemont, IL, and support recognizing the week of June 5–11, 2016, as National Roofing Week.

NRCA's 3,800 members, located across all 50 States, play a key role in the installation and maintenance of roofing systems. In rain, snow, or wind, the roof is the first line of defense against natural elements for any home or business. However, until a roof falls into disrepair, its importance is often overlooked.

National Roofing Week is a valuable reminder of the significance that quality roofing has on our communities and honors the thousands of contractors in the roofing industry across the United States. The NRCA's vast network of roofing contractors and industry-related members handle a majority of new construction and replacement roof systems on commercial and residential structures across the United States. However, the organization's activities extend beyond its construction duties.

National Roofing Week offers an opportunity to distinguish the thousands of NRCA members and their commitment to supporting their local communities. I commend the NRCA for their efforts and ask all my colleagues to join me in acknowledging their contributions to our communities during National Roofing Week.●

100TH ANNIVERSARY OF THE MICHIGAN MILK PRODUCERS ASSOCIATION

● Mr. PETERS. Mr. President, today I wish to recognize the Michigan Milk Producers Association on the occasion of its 100th anniversary. Over a century ago, on May 23, 1916, some 400 dairy farmers from across southern Michigan met in East Lansing at the Michigan Agricultural College, spurred into action by their peers from Livingston County, who had just a month before raised a critical issue: the establishment of a fair price for their product. The result of their meeting was Michigan Milk Producers Association, MMPA.

In the early 1900s, Michigan dairy farmers faced a variety of pressures, including the increasing costs of land, labor, and feed, which threatened the livelihood of many producers. Without a unified voice, farmers were confronted with growing difficulties in negotiating prices for their products which would cover their production costs. For many, the severity of these challenges was leading to the real possibility of the collapse of Michigan's dairy farm industry.

Engaging in a cooperative endeavor, dairy farmers from Michigan sought to speak with one voice in their mission to secure a fair price for their products. As an organization for dairy farmers, open only to dairy farmers, MMPA immediately embarked on finding a resolution to this existential crisis. Within its first 5 months, MMPA membership swelled from just under 200 to nearly 1,000 milk producers from almost every county in southern Michigan. Within a year, MMPA successfully ensured a cost for milk that would support the livelihood of its members. With this vital goal met, MMPA stretched its efforts to include increasing the quality of its members' products, an effort that was vital to counter prevailing public opinion. By joining together, Michigan dairy farmers were also well positioned to work with the Federal Food and Drug Administration in its efforts to accommodate producers' price demands.

As with all Americans, MMPA faced considerable hardship during the Great Depression. An overproduction of milk

coupled with decreasing urban density, MMPA labored to formulate solutions for their crisis and create new innovations in the marketing of milk. Thanks to its efforts, many of MMPA's members were able to survive the Great Depression.

From its early challenges, MMPA and its members have persevered. Today MMPA is a respected and recognized advocate for dairy farmers, representing 2,100 members across 1,400 farms from Michigan, Indiana, Ohio, and Wisconsin. It is the eleventh largest dairy cooperative in the United States, and its members market 4 billion pounds of milk annually.

Again, I am pleased to rise today to ask my colleagues to join me in recognizing such an auspicious milestone for the Michigan Milk Producers Association. On its 100th anniversary, MMPA and its members have much to celebrate, and I wish them continuing success and prosperity in the years ahead.●

MESSAGES FROM THE HOUSE

At 10:03 a.m., a message from the House of Representatives, delivered by Mr. Novotny, one of its reading clerks, announced that the House has passed the following bill, without amendment:

S. 184. An act to amend the Indian Child Protection and Family Violence Prevention Act to require background checks before foster care placements are ordered in tribal court proceedings, and for other purposes.

ENROLLED BILL SIGNED

The message further announced that the Speaker has signed the following enrolled bill:

H.R. 2814. An act to name the Department of Veterans Affairs community-based outpatient clinic in Sevierville, Tennessee, the Dannie A. Carr Veterans Outpatient Clinic.

The enrolled bill was subsequently signed by the President pro tempore (Mr. HATCH).

At 2:19 p.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 433. An act to designate the facility of the United States Postal Service located at 523 East Railroad Street in Knox, Pennsylvania, as the ''Specialist Ross A. McGinnis Memorial Post Office''.

H.R. 496. An act to establish the Alabama Hills National Scenic Area in the State of California, and for other purposes.

H.R. 960. An act designate the Department of Veterans Affairs community-based outpatient clinic in Newark, Ohio, as the Daniel L. Kinnard VA Clinic.

H.R. 1762. An act to name the Department of Veterans Affairs community-based outpatient clinic in The Dalles, Oregon, as the ''Loren R. Kaufman VA Clinic''.

H.R. 2121. An act to amend the S.A.F.E. Mortgage Licensing Act of 2008 to provide a temporary license for loan originators transitioning between employers, and for other purposes.

H.R. 2460. An act to amend title 38, United States Code, to improve the provision of adult day health care services for veterans.

H.R. 2589. An act to amend the Communications Act of 1934 to require the Federal Communications Commission to publish on its Internet website the text of any item that is adopted by vote of the Commission not later than 24 hours after receipt of dissenting statements from all Commissioners wishing to submit such a statement with respect to such item.

H.R. 3218. An act designate the facility of the United States Postal Service located at 1221 State Street, Suite 12, Santa Barbara, California, as the ''Special Warfare Operator Master Chief Petty Officer (SEAL) Louis 'Lou' J. Langlais Post Office Building''.

H.R. 3715. An act to amend title 38, United States Code, to direct the Secretary of Veterans Affairs to permit interments, funerals, memorial services, and ceremonies of deceased veterans at national cemeteries and State cemeteries receiving grants from the Department of Veterans Affairs during certain weekends.

H.R. 3931. An act to designate the facility of the United States Postal Service located at 620 Central Avenue Suite 1A in Hot Springs National Park, Arkansas, as the ''Chief Petty Officer Adam Brown United States Post Office''.

H.R. 3953. An act to designate the facility of the United States Postal Service located at 4122 Madison Street, Elfers, Florida, as the ''Private First Class Felton Roger Fussell Memorial Post Office''.

H.R. 3956. An act to direct the Secretary of Veterans Affairs to develop and implement a plan to hire directors of the medical centers of the Department of Veterans Affairs, and for other purposes.

H.R. 3969. An act to designate the Department of Veterans Affairs community-based outpatient clinic in Laughlin, Nevada, as the ''Master Chief Petty Officer Jesse Dean VA Clinic''.

H.R. 3989. An act to amend title 38, United States Code, to improve the process for determining the eligibility of caregivers of veterans to certain benefits administered by the Secretary of Veterans Affairs, and for other purposes.

H.R. 3998. An act to direct the Federal Communications Commission to conduct a study on network resiliency during times of emergency, and for other purposes.

H.R. 4139. An act to amend the Sarbanes-Oxley Act of 2002 to provide a temporary exemption for low-revenue issuers from certain auditor attestation requirements.

H.R. 4167. An act to amend the Communications Act of 1934 to require multi-line telephone systems to have a configuration that permits users to directly initiate a call to 9–1–1 without dialing any additional digit, code, prefix, or post-fix, and for other purposes.

H.R. 4425. An act to designate the facility of the United States Postal Service located at 110 East Powerhouse Road in Collegeville, Minnesota, as the ''Eugene J. McCarthy Post Office''.

H.R. 4465. An act to decrease the deficit by consolidating and selling Federal buildings and other civilian real property, and for other purposes.

H.R. 4487. An act to reduce costs of Federal real estate, improve building security, and for other purposes.

H.R. 4747. An act to designate the facility of the United States Postal Service located at 6691 Church Street in Riverdale, Georgia, as the ''Major Gregory E. Barney Post Office Building''.

H.R. 4761. An act to designate the facility of the United States Postal Service located at 61 South Baldwin Avenue in Sierra Madre, California, as the ''Louis Van Iersel Post Office''.

H.R. 4877. An act to designate the facility of the United States Postal Service located at 3130 Grants Lake Boulevard in Sugar Land, Texas, as the ''LCpl Garrett W. Gamble, USMC Post Office Building''.

H.R. 4975. An act to designate the facility of the United States Postal Service located at 5720 South 142nd Street in Omaha, Nebraska, as the ''Petty Officer 1st Class Caleb A. Nelson Post Office Building''.

H.R. 4987. An act to designate the facility of the United States Postal Service located at 3957 2nd Avenue in Laurel Hill, Florida, as the ''Sergeant First Class William 'Kelly' Lacey Post Office''.

H.R. 5229. An act to direct the Secretary of Veterans Affairs to carry out a study to evaluate the effectiveness of programs, especially in regards to women veterans and minority veterans, in transitioning to civilian life, and for other purposes.

At 5:41 p.m., a message from the House of Representatives, delivered by Mr. Novotny, one of its reading clerks, announced that the House agrees to the amendment of the Senate to the bill (H.R. 2576) to modernize the Toxic Substances Control Act and for other purposes, with an amendment, in which it requests the concurrence of the Senate.

MEASURES REFERRED

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

H.R. 433. An act to designate the facility of the United States Postal Service located at 523 East Railroad Street in Knox, Pennsylvania, as the ''Specialist Ross A. McGinnis Memorial Post Office''; to the Committee on Homeland Security and Governmental Affairs.

H.R. 496. An act to establish the Alabama Hills National Scenic Area in the State of California, and for other purposes; to the Committee on Energy and Natural Resources.

H.R. 960. An act to designate the Department of Veterans Affairs community-based outpatient clinic in Newark, Ohio, as the Daniel L. Kinnard VA Clinic; to the Committee on Veterans' Affairs.

H.R. 1762. An act to name the Department of Veterans Affairs community-based outpatient clinic in The Dalles, Oregon, as the ''Loren R. Kaufman VA Clinic''; to the Committee on Veterans' Affairs.

H.R. 2121. An act to amend the S.A.F.E. Mortgage Licensing Act of 2008 to provide a temporary license for loan originators transitioning between employers, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

H.R. 2460. An act to amend title 38, United States Code, to improve the provision of adult day health care services for veterans; to the Committee on Veterans' Affairs.

H.R. 2589. An act to amend the Communications Act of 1934 to require the Federal Communications Commission to publish on its Internet website the text of any item that is adopted by vote of the Commission not later than 24 hours after receipt of dissenting statements from all Commissioners wishing to submit such a statement with respect to such item; to the Committee on Commerce, Science, and Transportation.

H.R. 3218. An act to designate the facility of the United States Postal Service located at 1221 State Street, Suite 12, Santa Barbara, California, as the ''Special Warfare Operator Master Chief Petty Officer (SEAL) Louis

'Lou' J. Langlais Post Office Building''; to the Committee on Homeland Security and Governmental Affairs.

H.R. 3715. An act to amend title 38, United States Code, to direct the Secretary of Veterans Affairs to permit interments, funerals, memorial services, and ceremonies of deceased veterans at national cemeteries and State cemeteries receiving grants from the Department of Veterans Affairs during certain weekends; to the Committee on Veterans' Affairs.

H.R. 3931. An act to designate the facility of the United States Postal Service located at 620 Central Avenue Suite 1A in Hot Springs National Park, Arkansas, as the ''Chief Petty Officer Adam Brown United States Post Office''; to the Committee on Homeland Security and Governmental Affairs.

H.R. 3953. An act to designate the facility of the United States Postal Service located at 4122 Madison Street, Elfers, Florida, as the ''Private First Class Felton Roger Fussell Memorial Post Office''; to the Committee on Homeland Security and Governmental Affairs.

H.R. 3956. An act to direct the Secretary of Veterans Affairs to develop and implement a plan to hire directors of the medical centers of the Department of Veterans Affairs, and for other purposes; to the Committee on Veterans' Affairs.

H.R. 3969. An act to designate the Department of Veterans Affairs community-based outpatient clinic in Laughlin, Nevada, as the ''Master Chief Petty Officer Jesse Dean VA Clinic''; to the Committee on Veterans' Affairs.

H.R. 3989. An act to amend title 38, United States Code, to improve the process for determining the eligibility of caregivers of veterans to certain benefits administered by the Secretary of Veterans Affairs; to the Committee on Veterans' Affairs.

H.R. 3998. An act to direct the Federal Communications Commission to conduct a study on network resiliency during times of emergency, and for other purposes; to the Committee on Commerce, Science, and Transportation.

H.R. 4139. An act to amend the Sarbanes-Oxley Act of 2002 to provide a temporary exemption for low-revenue issuers from certain auditor attestation requirements; to the Committee on Banking, Housing, and Urban Affairs.

H.R. 4167. An act to amend the Communications Act of 1934 to require multi-line telephone systems to have a configuration that permits users to directly initiate a call to 9–1-1 without dialing any additional digit, code, prefix, or post-fix, and for other purposes; to the Committee on Commerce, Science, and Transportation.

H.R. 4425. An act to designate the facility of the United States Postal Service located at 110 East Powerhouse Road in Collegeville, Minnesota, as the ''Eugene J. McCarthy Post Office''; to the Committee on Homeland Security and Governmental Affairs.

H.R. 4747. An act to designate the facility of the United States Postal Service located at 6691 Church Street in Riverdale, Georgia, as the ''Major Gregory E. Barney Post Office Building''; to the Committee on Homeland Security and Governmental Affairs.

H.R. 4761. An act to designate the facility of the United States Postal Service located at 61 South Baldwin Avenue in Sierra Madre, California, as the ''Louis Van Iersel Post Office''; to the Committee on Homeland Security and Governmental Affairs.

H.R. 4877. An act to designate the facility of the United States Postal Service located at 3130 Grants Lake Boulevard in Sugar Land, Texas, as the ''LCpl Garrett W. Gamble, USMC Post Office Building''; to the Committee on Homeland Security and Governmental Affairs.

H.R. 4975. An act to designate the facility of the United States Postal Service located at 5720 South 142nd Street in Omaha, Nebraska, as the ''Petty Officer 1st Class Caleb A. Nelson Post Office Building''; to the Committee on Homeland Security and Governmental Affairs.

H.R. 4987. An act to designate the facility of the United States Postal Service located at 3957 2nd Avenue in Laurel Hill, Florida, as the ''Sergeant First Class William 'Kelly' Lacey Post Office''; to the Committee on Homeland Security and Governmental Affairs.

H.R. 5229. An act to direct the Secretary of Veterans Affairs to carry out a study to evaluate the effectiveness of programs, especially in regards to women veterans and minority veterans, in transitioning to civilian life, and for other purposes; to the Committee on Veterans' Affairs.

EXECUTIVE AND OTHER COMMUNICATIONS

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

EC–5544. A communication from the Acting Director of the Legislative Affairs Division, Natural Resources Conservation Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Environmental Quality Incentives Program (EQIP)'' (RIN0578–AA62) received in the Office of the President of the Senate on May 18, 2016; to the Committee on Agriculture, Nutrition, and Forestry.

EC–5545. A communication from the Director of the Regulatory Review Group, Commodity Credit Corporation, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Margin Protection Program for Dairy'' (RIN0560–AI36) received in the Office of the President of the Senate on May 18, 2016; to the Committee on Agriculture, Nutrition, and Forestry.

EC–5546. A communication from the Director of the Issuances Staff, Food Safety and Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Classes of Poultry'' (RIN0583–AD60) received in the Office of the President of the Senate on May 18, 2016; to the Committee on Agriculture, Nutrition, and Forestry.

EC–5547. A communication from the Board Chairman and Chief Executive Officer, Farm Credit Administration, transmitting, pursuant to law, the report of a rule entitled ''Regulatory Capital Rules: Regulatory Capital, Implementation of Tier 1/Tier 2 Framework'' (RIN3052–AC81) received in the Office of the President pro tempore of the Senate; to the Committee on Agriculture, Nutrition, and Forestry.

EC–5548. A communication from the Secretary of Defense, transmitting a report on the approved retirement of Lieutenant General William H. Etter, Air National Guard of the United States, and his advancement to the grade of lieutenant general on the retired list; to the Committee on Armed Services.

EC–5549. A communication from the Secretary of Commerce, transmitting, pursuant to law, a report relative to the continuation of a national emergency declared in Executive Order 13222 with respect to the lapse of the Export Administration Act of 1979; to the Committee on Banking, Housing, and Urban Affairs.

EC–5550. A communication from the Secretary of the Treasury, transmitting, pursuant to law, a six-month periodic report on the national emergency that was declared in Executive Order 13712 of November 22, 2015, with respect to Burundi; to the Committee on Banking, Housing, and Urban Affairs.

EC–5551. A communication from the Assistant Director for Regulatory Affairs, Office of Foreign Assets Control, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Burmese Sanctions Regulations'' (31 CFR Part 537) received in the Office of the President of the Senate on May 18, 2016; to the Committee on Banking, Housing, and Urban Affairs.

EC–5552. A communication from the Assistant General Counsel for Legislation, Regulation and Energy Efficiency, Office of Energy Efficiency and Renewable Energy, Department of Energy, transmitting, pursuant to law, the report of a rule entitled ''Energy Conservation Program: Test Procedure for Battery Chargers'' ((RIN1904–AD45) (Docket No. EERE–2014–BT–TP–0044)) received during adjournment of the Senate in the Office of the President of the Senate on May 20, 2016; to the Committee on Energy and Natural Resources.

EC–5553. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Federal Implementation Plan for True Minor Sources in Indian Country in the Oil and Natural Gas Production and Natural Gas Processing Segments of the Oil and Natural Gas Sector; Amendments to the Federal Minor New Source Review Program in Indian Country to Address Requirements for True Minor Sources in the Oil and Natural Gas Sector'' (FRL No. 9946–56–OAR) received during adjournment of the Senate in the Office of the President of the Senate on May 20, 2016; to the Committee on Environment and Public Works.

EC–5554. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Implementation Plans; Connecticut; Infrastructure Requirements for Lead, Ozone, Nitrogen Dioxide, Sulfur Dioxide, and Fine Particulate Matter'' (FRL No. 9940–14–Region 1) received during adjournment of the Senate in the Office of the President of the Senate on May 20, 2016; to the Committee on Environment and Public Works.

EC–5555. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Air Quality Plan Approval; South Carolina; Infrastructure Requirements for the 2010 Sulfur Dioxide National Ambient Air Quality Standard'' (FRL No. 9946–82–Region 4) received during adjournment of the Senate in the Office of the President of the Senate on May 20, 2016; to the Committee on Environment and Public Works.

EC–5556. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Air Plan Disapprovals; MS; Prong 4–2008 Ozone, 2010 NO2, SO2, and 2012 PM2.5'' (FRL No. 9946–77–Region 4) received during adjournment of the Senate in the Office of the President of the Senate on May 20, 2016; to the Committee on Environment and Public Works.

EC–5557. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Air Plan Approval; North Carolina; Regional Haze'' (FRL No. 9946–76–Region 4) received during adjournment of the Senate in the Office of the President of the Senate

on May 20, 2016; to the Committee on Environment and Public Works.

EC–5558. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Air Plan Approval; New Hampshire; Ozone Maintenance Plan'' (FRL No. 9946–69–Region 1) received during adjournment of the Senate in the Office of the President of the Senate on May 20, 2016; to the Committee on Environment and Public Works.

EC–5559. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Air Plan Approval; Connecticut; Sulfur Content of Fuel Oil Burned in Stationary Sources'' (FRL No. 9939–63–Region 1) received during adjournment of the Senate in the Office of the President of the Senate on May 20, 2016; to the Committee on Environment and Public Works.

EC–5560. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Oil and Natural Gas Sector: Emission Standards for New, Reconstructed, and Modified Sources'' (FRL No. 9944–75–OAR) received during adjournment of the Senate in the Office of the President of the Senate on May 20, 2016; to the Committee on Environment and Public Works.

EC–5561. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Beginning of Construction for Sections 45 and 48'' (Notice 2016–31) received during adjournment of the Senate in the Office of the President of the Senate on May 20, 2016; to the Committee on Finance.

EC–5562. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Applicable Federal Rates—June 2016'' (Rev. Rul. 2016–13) received during adjournment of the Senate in the Office of the President of the Senate on May 20, 2016; to the Committee on Finance.

EC–5563. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Removal of Allocation Rule for Disbursements from Designated Roth Accounts to Multiple Destinations'' ((RIN1545–BK08) (TD 9769)) received during adjournment of the Senate in the Office of the President of the Senate on May 20, 2016; to the Committee on Finance.

EC–5564. A communication from the Regulations Coordinator, Centers for Medicare and Medicaid Services, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled ''Medicare Program; Obtaining Final Medicare Secondary Payer Conditional Payment Amounts via Web Portal'' (RIN0938–AR90) received in the Office of the President of the Senate on May 19, 2016; to the Committee on Finance.

EC–5565. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to section 36(c) of the Arms Export Control Act (DDTC 15–121); to the Committee on Foreign Relations.

EC–5566. A communication from the Regulations Coordinator, Centers for Medicare and Medicaid Services, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled ''Nondiscrimination in Health Programs and Activities'' (RIN0945–AA02) received in the Office of the President of the Senate on May 19, 2016; to the Committee on Health, Education, Labor, and Pensions.

EC–5567. A communication from the Director of Regulations and Policy Management Staff, Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled ''Requirements for the Submission of Data Needed to Calculate User Fees for Domestic Manufacturers and Importers of Cigars and Pipe Tobacco'' ((RIN0910–AG81) (Docket No. FDA–2012–N–0920)) received in the Office of the President of the Senate on May 17, 2016; to the Committee on Health, Education, Labor, and Pensions.

EC–5568. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 21–379, ''DMPED Procurement Clarification Temporary Amendment Act of 2016''; to the Committee on Homeland Security and Governmental Affairs.

EC–5569. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 21–380, ''Higher Education Licensure Commission Clarification Temporary Amendment Act of 2016''; to the Committee on Homeland Security and Governmental Affairs.

EC–5570. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 21–381, ''Business Improvement Districts Sunset Repeal Temporary Amendment Act of 2016''; to the Committee on Homeland Security and Governmental Affairs.

EC–5571. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 21–382, ''Civic Associations Public Space Permit Fee Waiver Temporary Amendment Act of 2016''; to the Committee on Homeland Security and Governmental Affairs.

EC–5572. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 21–383, ''Tax Sale Resource Center Clarifying Temporary Amendment Act of 2016''; to the Committee on Homeland Security and Governmental Affairs.

EC–5573. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 21–384, ''Revised Synthetics Abatement and Full Enforcement Drug Control Temporary Amendment Act of 2016''; to the Committee on Homeland Security and Governmental Affairs.

EC–5574. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 21–385, ''Caregiver Advise, Record, and Enable Amendment Act of 2016''; to the Committee on Homeland Security and Governmental Affairs.

EC–5575. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 21–386, ''Tree Canopy Protection Amendment Act of 2016''; to the Committee on Homeland Security and Governmental Affairs.

EC–5576. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 21–387, ''Closing of a Public Alley in Square 342, S.O. 14–21629, Act of 2016''; to the Committee on Homeland Security and Governmental Affairs.

EC–5577. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 21–388, ''Made in DC Program Establishment Act of 2016''; to the Committee on Homeland Security and Governmental Affairs.

EC–5578. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 21–389, ''Closing of a Public Alley in Square 697, S.O. 15–26230, Act of 2016''; to the Committee on Homeland Security and Governmental Affairs.

EC–5579. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 21–390, ''Notary Public Fee Enhancement Amendment Act of 2016''; to the Committee on Homeland Security and Governmental Affairs.

EC–5580. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 21–391, ''Marijuana Possession Decriminalization Clarification Amendment Act of 2016''; to the Committee on Homeland Security and Governmental Affairs.

EC–5581. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 21–393, ''Home Purchase Assistance Program Amendment Act of 2016''; to the Committee on Homeland Security and Governmental Affairs.

EC–5582. A communication from the Director of the Office of Regulatory Affairs and Collaborative Action, Bureau of Indian Affairs, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled ''Title Evidence for Trust Land Acquisitions'' (RIN1076–AF28) received in the Office of the President of the Senate on May 19, 2016; to the Committee on Indian Affairs.

EC–5583. A communication from the Assistant Attorney General, Office of Legislative Affairs, Department of Justice, transmitting, pursuant to law, a report relative to the Department's activities under the Civil Rights of Institutionalized Persons Act during fiscal year 2015; to the Committee on the Judiciary.

EC–5584. A communication from the Assistant Attorney General, Office of Legislative Affairs, Department of Justice, transmitting, pursuant to law, the second semi-annual report of fiscal year 2015 of the Department of Justice's Office of Privacy and Civil Liberties activities; to the Committee on the Judiciary.

EC–5585. A communication from the Deputy General Counsel, Office of Grants Management, Small Business Administration, transmitting, pursuant to law, the report of a rule entitled ''Surety Bond Guarantee Program; Miscellaneous Amendments'' (RIN3245–AG70) received in the Office of the President of the Senate on May 18, 2016; to the Committee on Small Business and Entrepreneurship.

EC–5586. A communication from the Attorney-Advisor, Office of the Secretary, Department of Transportation, transmitting, pursuant to law, the report relative to a vacancy for the position of Assistant Secretary for Aviation and International Affairs, received in the office of the President of the Senate on May 18, 2016; to the Committee on Commerce, Science, and Transportation.

EC–5587. A communication from the Deputy Assistant Administrator for Regulatory Programs, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries Off West Coast States; Comprehensive Ecosystem-Based Amendment 1; Amendments to the Fishery Management Plans for Coastal Pelagic Species, Pacific Coast Groundfish, U.S. West Coast Highly Migratory Species, and Pacific Coast Salmon'' (RIN0648–BF15) received in the Office of the President of the Senate on May 19, 2016;

to the Committee on Commerce, Science, and Transportation.

EC–5588. A communication from the Acting Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Economic Exclusive Zone Off Alaska; Deep-Water Species Fishery by Vessels Using Trawl Gear in the Gulf of Alaska'' (RIN0648–XE604) received in the Office of the President of the Senate on May 19, 2016; to the Committee on Commerce, Science, and Transportation.

EC–5589. A communication from the Deputy Assistant Administrator for Regulatory Programs, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Northeastern United States; Atlantic Sea Scallop Fishery; Framework Adjustment 27'' (RIN0648–BF59) received in the Office of the President of the Senate on May 19, 2016; to the Committee on Commerce, Science, and Transportation.

EC–5590. A communication from the Deputy Assistant Administrator for Regulatory Programs, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Magnuson-Stevens Fishery Conservation and Management Act Provisions; Fisheries of the Northeastern United States; Northeast Groundfish Fishery; Framework Adjustment 55'' (RIN0648–BF62) received in the Office of the President of the Senate on May 19, 2016; to the Committee on Commerce, Science, and Transportation.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. VITTER, from the Committee on Small Business and Entrepreneurship, with an amendment in the nature of a substitute:

S. 2812. A bill to amend the Small Business Act to reauthorize and improve the Small Business Innovation Research Program and the Small Business Technology Transfer Program, and for other purposes.

S. 2831. A bill to amend the Small Business Investment Act of 1958 to provide priority for applicants for a license to operate as a small business investment company that are located in a disaster area.

By Mr. VITTER, from the Committee on Small Business and Entrepreneurship, with amendments:

S. 2838. A bill to improve the HUBZone program.

By Mr. VITTER, from the Committee on Small Business and Entrepreneurship, without amendment:

S. 2846. A bill to amend the Small Business Act to expand intellectual property education and training for small businesses, and for other purposes.

S. 2847. A bill to require greater transparency for Federal regulatory decisions that impact small businesses.

By Mr. VITTER, from the Committee on Small Business and Entrepreneurship, with amendments:

S. 2850. A bill to amend the Small Business Act to provide for expanded participation in the microloan program, and for other purposes.

EXECUTIVE REPORTS OF COMMITTEE

The following executive reports of nominations were submitted:

By Mr. MCCAIN for the Committee on Armed Services.

Marine Corps nominations beginning with Col. Scott F. Benedict and ending with Col. Matthew G. Trollinger, which nominations were received by the Senate and appeared in the Congressional Record on February 22, 2016.

Army nomination of Brig. Gen. Linda L. Singh, to be Major General.

Navy nomination of Capt. Jon C. Kreitz, to be Rear Admiral (lower half).

Air Force nomination of Maj. Gen. Maryanne Miller, to be Lieutenant General.

Air Force nomination of Maj. Gen. Kenneth S. Wilsbach, to be Lieutenant General.

Air Force nomination of Lt. Gen. Charles Q. Brown, Jr., to be Lieutenant General.

Army nomination of Maj. Gen. Darryl A. Williams, to be Lieutenant General.

Army nomination of Maj. Gen. Michael D. Lundy, to be Lieutenant General.

Army nomination of Maj. Gen. Jeffrey S. Buchanan, to be Lieutenant General.

Army nomination of Col. Cindy R. Jebb, to be Brigadier General.

Air Force nomination of Col. Sidney N. Martin, to be Brigadier General.

Navy nomination of Vice Adm. William F. Moran, to be Admiral.

Navy nomination of Rear Adm. (lh) Robert P. Burke, to be Vice Admiral.

Navy nomination of Rear Adm. Thomas J. Moore, to be Vice Admiral.

Navy nomination of Vice Adm. Jan E. Tighe, to be Vice Admiral.

Army nominations beginning with Brig. Gen. David G. Bassett and ending with Brig. Gen. Eric J. Wesley, which nominations were received by the Senate and appeared in the Congressional Record on May 18, 2016. (minus 1 nominee: Brig. Gen. Robert P. Walters, Jr.)

Navy nomination of Adm. Michelle J. Howard, to be Admiral.

Mr. MCCAIN. Mr. President, for the Committee on Armed Services I report favorably the following nomination lists which were printed in the RECORDS on the dates indicated, and ask unanimous consent, to save the expense of reprinting on the Executive Calendar that these nominations lie at the Secretary's desk for the information of Senators.

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

Air Force nomination of Christopher R. McNulty, to be Colonel.

Air Force nominations beginning with Zachary P. Augustine and ending with Brian A. Young, which nominations were received by the Senate and appeared in the Congressional Record on May 18, 2016.

Air Force nominations beginning with William J. Fecke and ending with Janet K. Urbanski, which nominations were received by the Senate and appeared in the Congressional Record on May 18, 2016.

Air Force nominations beginning with Michael Christopher Ahl and ending with Lisa Marie Wotkowicz, which nominations were received by the Senate and appeared in the Congressional Record on May 18, 2016.

Air Force nominations beginning with Timothy James Anderson and ending with Justin L. Wolthuizen, which nominations were received by the Senate and appeared in the Congressional Record on May 18, 2016.

Air Force nominations beginning with Victoria D. Ables and ending with Matthew G. Zinn, which nominations were received by the Senate and appeared in the Congressional Record on May 18, 2016.

Army nomination of Fany L. Rivera, to be Major.

Army nomination of Todd E. Schroeder, to be Colonel.

Army nomination of Monica J. Milton, to be Major.

Army nominations beginning with Michelle M. Agpalza and ending with D012971, which nominations were received by the Senate and appeared in the Congressional Record on April 28, 2016.

Army nominations beginning with Jacob I. Abrami and ending with G010400, which nominations were received by the Senate and appeared in the Congressional Record on April 28, 2016.

Army nominations beginning with Richard R. Aaron and ending with D012923, which nominations were received by the Senate and appeared in the Congressional Record on April 28, 2016.

Army nomination of Carl J. Wojtaszek, to be Lieutenant Colonel.

Army nomination of G010339, to be Lieutenant Colonel.

Army nomination of Michael A. Izzo, to be Colonel.

Army nomination of Joshua R. Pounders, to be Major.

Army nomination of Ernest C. Lee, Jr., to be Colonel.

Army nominations beginning with Terrance W. Adams and ending with Cynthia M. Zapotoczny, which nominations were received by the Senate and appeared in the Congressional Record on May 11, 2016.

Army nominations beginning with Jennifer L. Adamsbuckhouse and ending with Melvin W. Zimmer, Jr., which nominations were received by the Senate and appeared in the Congressional Record on May 11, 2016.

Army nominations beginning with Jeffrey A. Abele and ending with James M. Zieba, which nominations were received by the Senate and appeared in the Congressional Record on May 11, 2016.

Army nomination of Kathryn A. Katz, to be Major.

Army nomination of Bryan P. Hendren, to be Major.

Army nomination of Weston C. Goring, to be Major.

Army nomination of Srilalitha Donepudi, to be Major.

Army nomination of Daniel P. Fisher, to be Lieutenant Colonel.

Army nomination of Darin J. Blatt, to be Colonel.

Army nomination of Zoltan L. Krompecher, to be Colonel.

Army nomination of John D. Wingeart, to be Lieutenant Colonel.

Army nomination of Janelle V. Kutter, to be Lieutenant Colonel.

Army nomination of Kevin T. Reeves, to be Lieutenant Colonel.

Army nomination of Ankita B. Patel, to be Major.

Army nomination of Marshall H. Smith, to be Colonel.

Marine Corps nomination of David M. Sousa, to be Lieutenant Colonel.

Marine Corps nominations beginning with Jeffrey J. Abramaitys and ending with Erich H. Wagner, which nominations were received by the Senate and appeared in the Congressional Record on January 28, 2016.

Marine Corps nominations beginning with Richard T. Anderson and ending with Seth E. Yost, which nominations were received by the Senate and appeared in the Congressional Record on January 28, 2016.

Marine Corps nominations beginning with Victor M. Abelson and ending with Matthew P. Zummo, which nominations were received by the Senate and appeared in the Congressional Record on February 1, 2016.

Navy nomination of Jason A. Grant, to be Commander.

Navy nomination of Darren J. Donley, to be Captain.

Navy nomination of Marc D. Boran, to be Captain.

Navy nomination of Scott P. Smith, to be Captain.

Navy nominations beginning with Joseph F. Abrutz III and ending with Michael P. Wolchko, which nominations were received by the Senate and appeared in the Congressional Record on April 28, 2016.

Navy nomination of David H. McAlister, to be Captain.

Navy nomination of Devin D. Burns, to be Lieutenant Commander.

(Nominations without an asterisk were reported with the recommendation that they be confirmed.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

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

By Mr. MANCHIN (for himself, Ms. KLOBUCHAR, Mrs. SHAHEEN, Mr. KING, Ms. HEITKAMP, Ms. BALDWIN, Mr. NELSON, Ms. WARREN, Mr. SCHATZ, and Mr. HEINRICH):

S. 2977. A bill to amend the Internal Revenue Code of 1986 to establish an excise tax on the production and importation of opioid pain relievers, and for other purposes; to the Committee on Finance.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

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

By Mr. BLUNT (for himself, Mr. BARRASSO, Mr. BOOZMAN, Mrs. CAPITO, Mr. COATS, Mr. COCHRAN, Mr. COTTON, Mr. CRUZ, Mr. ENZI, Mr. HATCH, Mr. HOEVEN, Mr. INHOFE, Mr. LANKFORD, Mr. LEE, Mr. MANCHIN, Mr. MCCONNELL, Mr. PAUL, Mr. ROBERTS, Mr. ROUNDS, Mr. RUBIO, Mr. SCOTT, Mr. SESSIONS, Mr. THUNE, Mr. VITTER, and Mr. WICKER):

S. Res. 472. A resolution expressing the sense of the Senate that a carbon tax would be detrimental to the economy of the United States; to the Committee on Finance.

By Mr. CARDIN (for himself, Ms. COLLINS, Mr. LEAHY, Ms. AYOTTE, Mr. WYDEN, and Mr. PETERS):

S. Res. 473. A resolution expressing appreciation of the goals of American Craft Beer Week and commending the small and independent craft brewers of the United States; considered and agreed to.

By Mr. GARDNER:

S. Con. Res. 40. A concurrent resolution expressing the sense of Congress that the Federal excise tax on heavy-duty trucks should not be increased; to the Committee on Finance.

ADDITIONAL COSPONSORS

S. 299

At the request of Mr. FLAKE, the name of the Senator from West Virginia (Mr. MANCHIN) was added as a cosponsor of S. 299, a bill to allow travel between the United States and Cuba.

S. 386

At the request of Mr. THUNE, the name of the Senator from South Dakota (Mr. ROUNDS) was added as a cosponsor of S. 386, a bill to limit the authority of States to tax certain income of employees for employment duties performed in other States.

S. 857

At the request of Ms. STABENOW, the name of the Senator from North Carolina (Mr. BURR) was added as a cosponsor of S. 857, a bill to amend title XVIII of the Social Security Act to provide for coverage under the Medicare program of an initial comprehensive care plan for Medicare beneficiaries newly diagnosed with Alzheimer's disease and related dementias, and for other purposes.

S. 979

At the request of Mr. NELSON, the name of the Senator from Pennsylvania (Mr. CASEY) was added as a cosponsor of S. 979, a bill to amend title 10, United States Code, to repeal the requirement for reduction of survivor annuities under the Survivor Benefit Plan by veterans' dependency and indemnity compensation, and for other purposes.

S. 1374

At the request of Mr. DURBIN, the name of the Senator from Nevada (Mr. REID) was added as a cosponsor of S. 1374, a bill to amend the Higher Education Act of 1965 to establish fair and consistent eligibility requirements for graduate medical schools operating outside the United States and Canada.

S. 1631

At the request of Mrs. BOXER, her name was added as a cosponsor of S. 1631, a bill to amend the Employee Retirement Income Security Act of 1974 and the Internal Revenue Code of 1986 to modify certain provisions relating to multiemployer pensions, and for other purposes.

S. 1838

At the request of Mr. LEAHY, the name of the Senator from Oregon (Mr. MERKLEY) was added as a cosponsor of S. 1838, a bill to amend the Federal Election Campaign Act of 1971 to clarify the treatment of coordinated expenditures as contributions to candidates, and for other purposes.

S. 2151

At the request of Mr. THUNE, the name of the Senator from Alaska (Mr. SULLIVAN) was added as a cosponsor of S. 2151, a bill to amend the Public Health Service Act to provide liability protections for volunteer practitioners at health centers under section 330 of such Act.

S. 2210

At the request of Mr. BLUMENTHAL, the name of the Senator from Pennsylvania (Mr. CASEY) was added as a cosponsor of S. 2210, a bill to require the Secretary of Veterans Affairs to carry out a program to establish peer specialists in patient aligned care teams at medical centers of the Department of Veterans Affairs, and for other purposes.

S. 2238

At the request of Mr. MERKLEY, the name of the Senator from Hawaii (Mr. SCHATZ) was added as a cosponsor of S. 2238, a bill to prohibit drilling in the outer Continental Shelf, to prohibit coal leases on Federal land, and for other purposes.

S. 2292

At the request of Mr. TESTER, the names of the Senator from South Dakota (Mr. THUNE) and the Senator from Georgia (Mr. ISAKSON) were added as cosponsors of S. 2292, a bill to reform laws relating to small public housing agencies, and for other purposes.

S. 2373

At the request of Ms. CANTWELL, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. 2373, a bill to amend title XVIII of the Social Security Act to provide for Medicare coverage of certain lymphedema compression treatment items as items of durable medical equipment.

S. 2457

At the request of Mr. WARNER, the name of the Senator from Maine (Mr. KING) was added as a cosponsor of S. 2457, a bill to amend the Internal Revenue Code of 1986 to extend the exclusion for employer-provided education assistance to employer payments of student loans.

S. 2464

At the request of Mr. PAUL, the name of the Senator from Georgia (Mr. PERDUE) was added as a cosponsor of S. 2464, a bill to implement equal protection under the 14th Amendment to the Constitution of the United States for the right to life of each born and preborn human person.

S. 2531

At the request of Mr. KIRK, the name of the Senator from Iowa (Mrs. ERNST) was added as a cosponsor of S. 2531, a bill to authorize State and local governments to divest from entities that engage in commerce-related or investment-related boycott, divestment, or sanctions activities targeting Israel, and for other purposes.

S. 2540

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

S. 2588

At the request of Mr. CARDIN, the name of the Senator from New York (Mrs. GILLIBRAND) was added as a cosponsor of S. 2588, a bill to provide grants to eligible entities to reduce lead in drinking water.

S. 2595

At the request of Mr. CRAPO, the name of the Senator from Missouri (Mr. BLUNT) 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. 2779

At the request of Mr. COONS, the name of the Senator from Maine (Mr. KING) was added as a cosponsor of S. 2779, a bill to reauthorize the Hollings Manufacturing Extension Partnership, and for other purposes.

S. 2800

At the request of Mr. COONS, the name of the Senator from Connecticut (Mr. BLUMENTHAL) was added as a cosponsor of S. 2800, a bill to amend the Internal Revenue Code of 1986 and the Higher Education Act of 1965 to provide an exclusion from income for student loan forgiveness for students who have died or become disabled.

S. 2815

At the request of Mr. CASEY, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of S. 2815, a bill to establish the United States Semiquincentennial Commission, and for other purposes.

S. 2849

At the request of Mr. SASSE, the names of the Senator from Iowa (Mrs. ERNST), the Senator from West Virginia (Mrs. CAPITO) and the Senator from Georgia (Mr. PERDUE) were added as cosponsors of S. 2849, a bill to ensure the Government Accountability Office has adequate access to information.

S. 2873

At the request of Mr. HATCH, the name of the Senator from New Mexico (Mr. HEINRICH) 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. 2877

At the request of Mrs. CAPITO, the name of the Senator from Colorado (Mr. GARDNER) was added as a cosponsor of S. 2877, a bill to amend title 32, United States Code, to specify the availability of certain funds provided by the Department of Defense to States for drug interdiction and counter-drug activities.

S. 2904

At the request of Mr. WHITEHOUSE, the name of the Senator from Oregon (Mr. MERKLEY) was added as a cosponsor of S. 2904, a bill to amend title II of the Social Security Act to eliminate the five month waiting period for disability insurance benefits under such title for individuals with amyotrophic lateral sclerosis.

S. 2932

At the request of Mr. CASEY, the names of the Senator from Illinois (Mr. KIRK) and the Senator from Montana (Mr. TESTER) were added as cosponsors of S. 2932, a bill to amend the Controlled Substances Act with respect to the provision of emergency medical services.

S. 2953

At the request of Mr. BARRASSO, the name of the Senator from South Dakota (Mr. ROUNDS) was added as a cosponsor of S. 2953, a bill to promote patient-centered care and accountability at the Indian Health Service, and for other purposes.

S. 2965

At the request of Mr. PORTMAN, the name of the Senator from Ohio (Mr. BROWN) was added as a cosponsor of S. 2965, a bill to designate the facility of the United States Postal Service located at 229 West Main Cross Street in Findlay, Ohio, as the ''Michael Garver Oxley Memorial Post Office Building'' .

S. 2971

At the request of Mr. PORTMAN, the name of the Senator from New Jersey (Mr. BOOKER) was added as a cosponsor of S. 2971, a bill to authorize the National Urban Search and Rescue Response System.

S.J. RES. 28

At the request of Mrs. SHAHEEN, the names of the Senator from New Jersey (Mr. BOOKER), the Senator from Washington (Ms. CANTWELL), the Senator from Pennsylvania (Mr. CASEY), the Senator from California (Mrs. FEINSTEIN), the Senator from Minnesota (Mr. FRANKEN), the Senator from Massachusetts (Mr. MARKEY), the Senator from Florida (Mr. NELSON), the Senator from Rhode Island (Mr. REED), the Senator from Virginia (Mr. WARNER), the Senator from Massachusetts (Ms. WARREN), the Senator from Rhode Island (Mr. WHITEHOUSE), the Senator from Oregon (Mr. WYDEN), the Senator from Virginia (Mr. KAINE), the Senator from New Jersey (Mr. MENENDEZ) and the Senator from Maine (Mr. KING) were added as cosponsors of S.J. Res. 28, a joint resolution providing for congressional disapproval under chapter 8 of title 5, United States Code, of the rule submitted by the Secretary of Agriculture relating to inspection of fish of the order Siluriformes.

S. CON. RES. 36

At the request of Mr. NELSON, the name of the Senator from New York (Mrs. GILLIBRAND) was added as a cosponsor of S. Con. Res. 36, a concurrent resolution expressing support of the goal of ensuring that all Holocaust victims live with dignity, comfort, and security in their remaining years, and urging the Federal Republic of Germany to reaffirm its commitment to that goal through a financial commitment to comprehensively address the unique health and welfare needs of vulnerable Holocaust victims, including home care and other medically prescribed needs.

S. CON. RES. 39

At the request of Mr. RUBIO, the names of the Senator from Idaho (Mr. RISCH) and the Senator from Maryland (Ms. MIKULSKI) were added as cosponsors of S. Con. Res. 39, a concurrent resolution honoring the members of the United States Air Force who were casualties of the June 25, 1996, terrorist bombing of the United States Sector Khobar Towers military housing complex on Dhahran Air Base.

S. RES. 199

At the request of Mr. NELSON, the name of the Senator from Illinois (Mr. KIRK) was added as a cosponsor of S. Res. 199, a resolution expressing the sense of the Senate regarding establishing a National Strategic Agenda.

S. RES. 459

At the request of Mrs. FEINSTEIN, the names of the Senator from New Hampshire (Mrs. SHAHEEN) and the Senator from South Dakota (Mr. ROUNDS) were added as cosponsors of S. Res. 459, a resolution recognizing the importance of cancer research and the vital contributions of scientists, clinicians, cancer survivors, and other patient advocates across the United States who are dedicated to finding a cure for cancer, and designating May 2016, as ''National Cancer Research Month''.

S. RES. 465

At the request of Mr. HEINRICH, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of S. Res. 465, a resolution supporting the United States solar energy industry in its effort to bring low-cost, clean, 21st-century solar technology into homes and businesses across the United States.

S. RES. 466

At the request of Mr. GRASSLEY, the names of the Senator from Washington (Mrs. MURRAY), the Senator from Louisiana (Mr. VITTER), the Senator from Wyoming (Mr. ENZI), the Senator from Colorado (Mr. BENNET) and the Senator from Oklahoma (Mr. LANKFORD) were added as cosponsors of S. Res. 466, a resolution recognizing National Foster Care Month as an opportunity to raise awareness about the challenges of children in the foster-care system, and encouraging Congress to implement policy to improve the lives of children in the foster-care system.

AMENDMENT NO. 4067

At the request of Mr. WARNER, the name of the Senator from North Carolina (Mr. BURR) was added as a cosponsor of amendment No. 4067 intended to be proposed to S. 2943, an original bill to authorize appropriations for fiscal year 2017 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 472—EXPRESSING THE SENSE OF THE SENATE THAT A CARBON TAX WOULD BE DETRIMENTAL TO THE ECONOMY OF THE UNITED STATES

Mr. BLUNT (for himself, Mr. BARRASSO, Mr. BOOZMAN, Mrs. CAPITO, Mr. COATS, Mr. COCHRAN, Mr. COTTON, Mr. CRUZ, Mr. ENZI, Mr. HATCH, Mr. HOEVEN, Mr. INHOFE, Mr. LANKFORD, Mr. LEE, Mr. MANCHIN, Mr. MCCONNELL, Mr. PAUL, Mr. ROBERTS, Mr. ROUNDS, Mr. RUBIO, Mr. SCOTT, Mr. SESSIONS, Mr. THUNE, Mr. VITTER, and Mr. WICKER) submitted the following resolution; which was referred to the Committee on Finance:

S. RES. 472

Whereas a carbon tax is a Federal tax on carbon released from fossil fuels;

Whereas a carbon tax would increase energy prices, including the price of gasoline, electricity, natural gas, and home heating oil;

Whereas a carbon tax would cause families and consumers to pay more for essential items such as food, gasoline, and electricity;

Whereas a carbon tax would cause the greatest hardship for the poor, the elderly, and individuals living on fixed incomes;

Whereas a carbon tax would lead to more jobs and businesses moving overseas;

Whereas a carbon tax would lead to less economic growth;

Whereas families in the United States would be harmed the most from a carbon tax;

Whereas, according to the Energy Information Administration, fossil fuels have made up not less than 80 percent of the total energy consumption of the United States since 1990;

Whereas a carbon tax would increase the cost of every good that is manufactured in the United States;

Whereas a carbon tax would impose disproportionate burdens on certain industries, jobs, States, and geographic regions and would further restrict the global competitiveness of the United States;

Whereas the ingenuity of the United States has led to innovations in energy exploration and development and has increased production of domestic energy resources on private and State-owned land, which has created significant job growth and private capital investment;

Whereas the energy policy of the United States should encourage continued private sector innovation and development and not increase the existing tax burden on manufacturers;

Whereas the production of the energy resources of the United States increases the ability of the United States to maintain a competitive advantage in the global economy;

Whereas a carbon tax would reduce the global competitiveness of the United States and would encourage development abroad in countries that do not impose that exorbitant tax burden; and

Whereas Congress and the President should focus on pro-growth solutions that encourage increased development of domestic resources: Now, therefore, be it

Resolved, That it is the sense of the Senate that a carbon tax—

(1) would be detrimental to families and businesses in the United States; and

(2) is not in the best interest of the United States.

SENATE RESOLUTION 473—EXPRESSING APPRECIATION OF THE GOALS OF AMERICAN CRAFT BEER WEEK AND COMMENDING THE SMALL AND INDEPENDENT CRAFT BREWERS OF THE UNITED STATES

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

S. RES. 473

Whereas American Craft Beer Week is celebrated annually in breweries, brew pubs, restaurants, and beer stores by craft brewers, home brewers, and beer enthusiasts nationwide;

Whereas, in 2016, American Craft Beer Week is celebrated from May 16 to May 22;

Whereas craft brewers are a vibrant affirmation and expression of the entrepreneurial traditions of the United States—

(1) operating as community-based small businesses and cooperatives;

(2) providing employment for more than 120,000 full- and part-time workers;

(3) generating annually more than $3,000,000,000 in wages and benefits; and

(4) often leading the redevelopment of economically distressed areas;

Whereas the United States has craft brewers in every State and more than 4,400 craft breweries nationwide, each producing fewer than 6,000,000 barrels of beer annually;

Whereas, in 2015, 620 new breweries opened in the United States, creating jobs and improving economic conditions in communities across the United States;

Whereas, in 2015, craft breweries in the United States sustainably produced more than 24,500,000 barrels of beer, which is 2,800,000 more barrels than craft breweries produced in 2014;

Whereas the craft brewers of the United States now export more than 446,000 barrels of beer and are establishing new markets abroad, which creates more domestic jobs to meet the growing international demand for craft beer from the United States;

Whereas the craft brewers of the United States support United States agriculture by purchasing barley, malt, and hops that are grown, processed, and distributed in the United States;

Whereas the craft brewers of the United States produce more than 100 distinct styles of flavorful beers, including many sought-after new and unique styles ranging from amber lagers to American IPAs that—

(1) contribute to a favorable balance of trade by reducing the dependence of the United States on imported beers;

(2) support exports from the United States; and

(3) promote tourism in the United States;

Whereas craft beers from the United States consistently win international quality and taste awards;

Whereas the craft brewers of the United States strive to educate the people of the United States who are of legal drinking age about the differences in beer flavor, aroma, color, alcohol content, body, and other complex variables, the gastronomic qualities of beer, beer history, and historical brewing traditions dating back to colonial times and earlier;

Whereas the craft brewers of the United States champion the message of responsible enjoyment to their customers and work within their communities and the industry to prevent alcohol abuse and underage drinking;

Whereas the craft brewers of the United States are frequently involved in local communities through philanthropy, volunteerism, and sponsorship opportunities, including parent-teacher associations, Junior Reserve Officers' Training Corps (commonly known as ''JROTC''), hospitals for children, chambers of commerce, humane societies, rescue squads, athletic teams, and disease research;

Whereas the craft brewers of the United States are fully vested in the future success, health, welfare, and vitality of their communities, as local employers that—

(1) provide a diverse array of quality local jobs that will not be outsourced;

(2) contribute to the local tax base; and

(3) keep money in the United States by reinvesting in their businesses; and

Whereas increased Federal, State, and local support of craft brewing is important to fostering the continued growth of an industry of the United States that creates jobs, greatly benefits local economies, and brings international accolades to small businesses in the United States: Now, therefore, be it

Resolved, That the Senate—

(1) appreciates the goals of American Craft Beer Week, established by the Brewers Association, which represents the small craft brewers of the United States;

(2) recognizes the significant contributions of the craft brewers of the United States to the economy and to the communities in which the craft brewers are located; and

(3) commends the craft brewers of the United States for providing jobs, supporting United States agriculture, improving the balance of trade, and educating the people of the United States and beer lovers around the world about the history and culture of beer while promoting the legal and responsible consumption of beer.

SENATE CONCURRENT RESOLUTION 40—EXPRESSING THE SENSE OF CONGRESS THAT THE FEDERAL EXCISE TAX ON HEAVY-DUTY TRUCKS SHOULD NOT BE INCREASED

Mr. GARDNER submitted the following concurrent resolution; which was referred to the Committee on Finance:

S. CON. RES. 40

Whereas there is a 12 percent Federal excise tax on new tractor trailer trucks and certain other heavy-duty trucks;

Whereas the 12 percent Federal excise tax is the highest percentage rate of any Federal ad valorem excise tax;

Whereas the Federal excise tax was first levied by Congress in 1917 to help finance the involvement of the United States in World War I;

Whereas, in 2015, the average manufacturer suggested retail price for a heavy-duty truck was more than $178,000;

Whereas the 12 percent Federal excise tax adds, on average, an additional $21,360 to the cost of a heavy-duty truck;

Whereas the average in-use, heavy-duty truck is 9.3 years old, close to the historical all-time high;

Whereas the Federal excise tax, by significantly increasing the cost of new heavy-duty trucks, keeps older, less environmentally clean, and less fuel efficient heavy-duty trucks in service for longer periods of time;

Whereas the model year 2002–2010 tailpipe emissions rules of the Environmental Protection Agency (in this preamble referred to as the ''EPA'') account for $20,000 of the average price of a new heavy-duty truck;

Whereas, according to the 2011 EPA and National Highway Traffic Safety Administration Regulatory Impact Analysis entitled ''Final Rulemaking to Establish Greenhouse Gas Emissions Standards and Fuel Efficiency Standards for Medium- and Heavy-Duty Engines and Vehicles'', model year 2014–2018 EPA-Department of Transportation fuel economy rules will add approximately $8,000 to the price of a new heavy-duty truck;

Whereas the $28,000 average per truck cost of these regulatory mandates results, on average, in an additional $3,360 in Federal excise taxes;

Whereas achieving the goal of deploying cleaner, more fuel efficient heavy-duty trucks, given the $30,000 average per truck regulatory cost, would be slowed even further if the Federal excise tax were increased;

Whereas achieving the goal of deploying heavy-duty trucks with the latest safety

technologies, such as lane departure warning systems, electronic stability control, and automatic braking for reduced stopping distance, would be slowed if the Federal excise tax were increased;

Whereas all of the heavy-duty trucks sold in the United States are manufactured in North America; and

Whereas more than 8,000,000 people in the United States are employed in the United States trucking industry: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That—

(1) the Federal excise tax under section 4051 of the Internal Revenue Code of 1986 on new tractor trailer trucks and certain other heavy-duty trucks inhibits the sale of the cleanest, safest, and most fuel efficient heavy-duty trucks and trailers;

(2) the Federal excise tax on new tractor trailer trucks and certain other heavy-duty trucks adds uncertainty and volatility to the Highway Trust Fund due to the cyclical nature of heavy-duty truck and trailer sales;

(3) the Federal excise tax on new truck tractors, heavy-duty trucks, and certain truck trailers should not be increased; and

(4) Congress should carefully review the detrimental impacts of the Federal excise tax when considering future transportation policy.

AMENDMENTS SUBMITTED AND PROPOSED

SA 4082. Ms. AYOTTE submitted an amendment intended to be proposed by her to the bill S. 2943, to authorize appropriations for fiscal year 2017 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table.

SA 4083. Ms. AYOTTE submitted an amendment intended to be proposed by her to the bill S. 2943, supra; which was ordered to lie on the table.

SA 4084. Ms. AYOTTE submitted an amendment intended to be proposed by her to the bill S. 2943, supra; which was ordered to lie on the table.

SA 4085. Mr. LANKFORD (for himself, Mr. KIRK, and Mr. INHOFE) submitted an amendment intended to be proposed by him to the bill S. 2943, supra; which was ordered to lie on the table.

SA 4086. Ms. MURKOWSKI submitted an amendment intended to be proposed by her to the bill S. 2943, supra; which was ordered to lie on the table.

SA 4087. Ms. KLOBUCHAR (for herself, Mr. TILLIS, Mrs. GILLIBRAND, and Mr. ROUNDS) submitted an amendment intended to be proposed by her to the bill S. 2943, supra; which was ordered to lie on the table.

SA 4088. Mrs. BOXER submitted an amendment intended to be proposed by her to the bill S. 2943, supra; which was ordered to lie on the table.

SA 4089. Mrs. BOXER submitted an amendment intended to be proposed by her to the bill S. 2943, supra; which was ordered to lie on the table.

SA 4090. Mr. BURR (for himself and Mrs. BOXER) submitted an amendment intended to be proposed by him to the bill S. 2943, supra; which was ordered to lie on the table.

SA 4091. Mr. SCHATZ submitted an amendment intended to be proposed by him to the bill S. 2943, supra; which was ordered to lie on the table.

SA 4092. Mr. SCHATZ submitted an amendment intended to be proposed by him to the bill S. 2943, supra; which was ordered to lie on the table.

SA 4093. Mr. SCHATZ submitted an amendment intended to be proposed by him to the bill S. 2943, supra; which was ordered to lie on the table.

SA 4094. Mr. INHOFE (for himself and Mr. MARKEY) submitted an amendment intended to be proposed by him to the bill S. 2943, supra; which was ordered to lie on the table.

SA 4095. Mrs. ERNST submitted an amendment intended to be proposed by her to the bill S. 2943, supra; which was ordered to lie on the table.

SA 4096. Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill S. 2943, supra; which was ordered to lie on the table.

SA 4097. Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill S. 2943, supra; which was ordered to lie on the table.

SA 4098. Mr. MORAN (for himself and Mr. INHOFE) submitted an amendment intended to be proposed by him to the bill S. 2943, supra; which was ordered to lie on the table.

SA 4099. Mrs. ERNST submitted an amendment intended to be proposed by her to the bill S. 2943, supra; which was ordered to lie on the table.

SA 4100. Mrs. ERNST submitted an amendment intended to be proposed by her to the bill S. 2943, supra; which was ordered to lie on the table.

SA 4101. Mrs. FISCHER submitted an amendment intended to be proposed by her to the bill S. 2943, supra; which was ordered to lie on the table.

SA 4102. Mr. PERDUE (for himself and Mr. ISAKSON) submitted an amendment intended to be proposed by him to the bill S. 2943, supra; which was ordered to lie on the table.

SA 4103. Mr. PERDUE (for himself and Mr. ISAKSON) submitted an amendment intended to be proposed by him to the bill S. 2943, supra; which was ordered to lie on the table.

SA 4104. Mr. PERDUE submitted an amendment intended to be proposed by him to the bill S. 2943, supra; which was ordered to lie on the table.

SA 4105. Mr. PERDUE submitted an amendment intended to be proposed by him to the bill S. 2943, supra; which was ordered to lie on the table.

SA 4106. Mr. PERDUE submitted an amendment intended to be proposed by him to the bill S. 2943, supra; which was ordered to lie on the table.

SA 4107. Mr. PERDUE submitted an amendment intended to be proposed by him to the bill S. 2943, supra; which was ordered to lie on the table.

SA 4108. Mr. PERDUE submitted an amendment intended to be proposed by him to the bill S. 2943, supra; which was ordered to lie on the table.

SA 4109. Mr. PERDUE submitted an amendment intended to be proposed by him to the bill S. 2943, supra; which was ordered to lie on the table.

SA 4110. Mr. PERDUE submitted an amendment intended to be proposed by him to the bill S. 2943, supra; which was ordered to lie on the table.

SA 4111. Mrs. ERNST (for herself and Mrs. BOXER) submitted an amendment intended to be proposed by her to the bill S. 2943, supra; which was ordered to lie on the table.

SA 4112. Mrs. GILLIBRAND submitted an amendment intended to be proposed by her to the bill S. 2943, supra; which was ordered to lie on the table.

SA 4113. Ms. KLOBUCHAR submitted an amendment intended to be proposed by her to the bill S. 2943, supra; which was ordered to lie on the table.

SA 4114. Mr. PETERS submitted an amendment intended to be proposed by him to the bill S. 2943, supra; which was ordered to lie on the table.

SA 4115. Mrs. GILLIBRAND (for herself and Mrs. ERNST) submitted an amendment intended to be proposed by her to the bill S. 2943, supra; which was ordered to lie on the table.

SA 4116. Mr. BOOKER submitted an amendment intended to be proposed by him to the bill S. 2943, supra; which was ordered to lie on the table.

SA 4117. Mrs. ERNST (for herself and Mrs. BOXER) submitted an amendment intended to be proposed by her to the bill S. 2943, supra; which was ordered to lie on the table.

SA 4118. Mr. PERDUE submitted an amendment intended to be proposed by him to the bill S. 2943, supra; which was ordered to lie on the table.

SA 4119. Mr. ROBERTS submitted an amendment intended to be proposed by him to the bill S. 2943, supra; which was ordered to lie on the table.

SA 4120. Mr. GRASSLEY submitted an amendment intended to be proposed by him to the bill S. 2943, supra; which was ordered to lie on the table.

SA 4121. Ms. KLOBUCHAR (for herself and Mr. TILLIS) submitted an amendment intended to be proposed by her to the bill S. 2943, supra; which was ordered to lie on the table.

SA 4122. Mr. BLUMENTHAL submitted an amendment intended to be proposed by him to the bill S. 2943, supra; which was ordered to lie on the table.

SA 4123. Mr. BLUMENTHAL submitted an amendment intended to be proposed by him to the bill S. 2943, supra; which was ordered to lie on the table.

SA 4124. Mr. BLUMENTHAL submitted an amendment intended to be proposed by him to the bill S. 2943, supra; which was ordered to lie on the table.

SA 4125. Mr. BLUMENTHAL submitted an amendment intended to be proposed by him to the bill S. 2943, supra; which was ordered to lie on the table.

SA 4126. Mr. BLUMENTHAL submitted an amendment intended to be proposed by him to the bill S. 2943, supra; which was ordered to lie on the table.

SA 4127. Mr. RUBIO submitted an amendment intended to be proposed by him to the bill S. 2943, supra; which was ordered to lie on the table.

SA 4128. Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill S. 2943, supra; which was ordered to lie on the table.

SA 4129. Mr. GARDNER submitted an amendment intended to be proposed by him to the bill S. 2943, supra; which was ordered to lie on the table.

SA 4130. Mr. GARDNER submitted an amendment intended to be proposed by him to the bill S. 2943, supra; which was ordered to lie on the table.

SA 4131. Mr. GARDNER (for himself and Mr. BENNET) submitted an amendment intended to be proposed by him to the bill S. 2943, supra; which was ordered to lie on the table.

SA 4132. Mr. GARDNER submitted an amendment intended to be proposed by him to the bill S. 2943, supra; which was ordered to lie on the table.

SA 4133. Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill S. 2943, supra; which was ordered to lie on the table.

SA 4134. Mr. HOEVEN submitted an amendment intended to be proposed by him to the bill S. 2943, supra; which was ordered to lie on the table.

SA 4135. Mr. HOEVEN submitted an amendment intended to be proposed by him to the bill S. 2943, supra; which was ordered to lie on the table.

SA 4136. Mr. HOEVEN (for himself, Mr. TESTER, Mr. DAINES, and Ms. HEITKAMP) submitted an amendment intended to be proposed by him to the bill S. 2943, supra; which was ordered to lie on the table.

SA 4137. Mr. HOEVEN submitted an amendment intended to be proposed by him to the bill S. 2943, supra; which was ordered to lie on the table.

SA 4138. Mr. PETERS (for himself, Mr. DAINES, Mr. TILLIS, and Mrs. GILLIBRAND) submitted an amendment intended to be proposed by him to the bill S. 2943, supra; which was ordered to lie on the table.

SA 4139. Mr. MARKEY submitted an amendment intended to be proposed by him to the bill S. 2943, supra; which was ordered to lie on the table.

SA 4140. Mr. DAINES (for himself, Mrs. ERNST, Mr. CRUZ, Mr. MORAN, Mr. KIRK, Mr. INHOFE, Mr. GARDNER, Mr. ROBERTS, and Mr. SCOTT) submitted an amendment intended to be proposed by him to the bill S. 2943, supra; which was ordered to lie on the table.

SA 4141. Mr. CORKER submitted an amendment intended to be proposed by him to the bill S. 2943, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 4082. Ms. AYOTTE submitted an amendment intended to be proposed by her to the bill S. 2943, to authorize appropriations for fiscal year 2017 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle I of title X, add the following:

SEC. 1097. ENHANCED PENALTIES.

Section 401(b)(1) of the Controlled Substances Act (21 U.S.C. 841(b)(1)) is amended—

(1) in subparagraph (A)(vi)—

(A) by striking ''400 grams'' and inserting ''20 grams''; and

(B) by striking ''100 grams'' and inserting ''5 grams''; and

(2) in subparagraph (B)(vi)—

(A) by striking ''40 grams'' and inserting ''2 grams''; and

(B) by striking ''10 grams'' and inserting ''0.5 grams''.

SEC. 1098. GAO REPORT ON FENTANYL SUPPLY CHAINS.

Not later than 270 days after the date of enactment of this Act, the Comptroller General of the United States shall submit to Congress a report on fentanyl supply chains, focusing on Federal efforts to—

(1) identify and track precursor chemicals of fentanyl; and

(2) assess where and how illicit fentanyl is produced, trafficked, and consumed.

SA 4083. Ms. AYOTTE submitted an amendment intended to be proposed by her to the bill S. 2943, to authorize appropriations for fiscal year 2017 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle I of title X, add the following:

SEC. 1097. ENHANCED PENALTIES.

Section 401(b)(1) of the Controlled Substances Act (21 U.S.C. 841(b)(1)) is amended—

(1) in subparagraph (A)(vi)—

(A) by striking ''400 grams'' and inserting ''20 grams''; and

(B) by striking ''100 grams'' and inserting ''5 grams''; and

(2) in subparagraph (B)(vi)—

(A) by striking ''40 grams'' and inserting ''2 grams''; and

(B) by striking ''10 grams'' and inserting ''0.5 grams''.

SA 4084. Ms. AYOTTE submitted an amendment intended to be proposed by her to the bill S. 2943, to authorize appropriations for fiscal year 2017 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle I of title X, add the following:

SEC. 1097. GAO REPORT ON FENTANYL SUPPLY CHAINS.

Not later than 270 days after the date of enactment of this Act, the Comptroller General of the United States shall submit to Congress a report on fentanyl supply chains, focusing on Federal efforts to—

(1) identify and track precursor chemicals of fentanyl; and

(2) assess where and how illicit fentanyl is produced, trafficked, and consumed.

SA 4085. Mr. LANKFORD (for himself, Mr. KIRK, and Mr. INHOFE) submitted an amendment intended to be proposed by him to the bill S. 2943, to authorize appropriations for fiscal year 2017 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle D of title X, add the following:

SEC. 1031. REDUCTION IN ASSISTANCE FOR FOREIGN COUNTRIES LOSING CONTROL OF TRANSFEREES FROM UNITED STATES NAVAL STATION, GUANTANAMO BAY, CUBA, DURING FISCAL YEAR 2017.

(a) REDUCTION IN ASSISTANCE.—Notwithstanding any other provision of this Act, the amount of assistance provided during fiscal year 2017 to a foreign country to which an individual detained at Guantanamo is transferred or released during the period beginning on October 1, 2016, and ending on September 30, 2017, shall be—

(1) the aggregate amount otherwise available for United States assistance for such country during fiscal year 2017; minus

(2) $10,000,000 or an amount equal to 10 percent of the amount described in paragraph (1), whichever is less, for each individual so transferred or released who, during such period—

(A) escapes from confinement by the country or otherwise ceases to be under the custody or control of the country; or

(B) reengages in international terrorism.

(b) DEFINITIONS.—In this section:

(1) The term ''individual detained at Guantanamo'' means any individual located at United States Naval Station, Guantanamo Bay, Cuba, as of October 1, 2009, who—

(A) is not a citizen of the United States or a member of the Armed Forces of the United States; and

(B) is—

(i) in the custody or under the control of the Department of Defense; or

(ii) otherwise under detention at United States Naval Station, Guantanamo Bay, Cuba.

(2) The term ''international terrorism''—

(A) has the meaning given the term in section 2331 of title 18, United States Code; and

(B) does not include any act of war (as defined in that section).

SA 4086. Ms. MURKOWSKI submitted an amendment intended to be proposed by her to the bill S. 2943, to authorize appropriations for fiscal year 2017 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title XXVIII, add the following:

SEC. 2826. LEASE, JOINT BASE ELMENDORF-RICHARDSON, ALASKA.

(a) LEASES AUTHORIZED.—

(1) LEASE TO MUNICIPALITY OF ANCHORAGE.—The Secretary of the Air Force may lease to the Municipality of Anchorage, Alaska, certain real property, to include improvements thereon, at Joint Base Elmendorf-Richardson (''JBER''), Alaska, as more particularly described in subsection (b) for the purpose of permitting the Municipality to use the leased property for recreational purposes.

(2) LEASE TO MOUNTAIN VIEW LIONS CLUB.—The Secretary of the Air Force may lease to the Mountain View Lions Club certain real property, to include improvements thereon, at JBER, as more particularly described in subsection (b) for the purpose of the installation, operation, maintenance, protection, repair and removal of recreational equipment.

(b) DESCRIPTION OF PROPERTY.—

(1) The real property to be leased under subsection (a)(1) consists of the real property described in Department of the Air Force Lease No. DACA85-1-99-14.

(2) The real property to be leased under subsection (a)(2) consists of real property described in Department of the Air Force Lease No. DACA85-1-97-36.

(c) TERM AND CONDITIONS OF LEASES.—

(1) TERM OF LEASES.—The term of the leases authorized under subsection (a) shall not exceed 25 years.

(2) OTHER TERMS AND CONDITIONS.—Except as otherwise provided in this section—

(A) the remaining terms and conditions of the lease under subsection (a)(1) shall consist of the same terms and conditions described in Department of the Air Force Lease No. DACA85-1-99-14; and

(B) the remaining terms and conditions of the lease under subsection (a)(2) shall consist of the same terms and conditions described in Department of the Air Force Lease No. DACA85-1-97-36.

(d) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the leases under this section as the Secretary considers appropriate to protect the interests of the United States.

SA 4087. Ms. KLOBUCHAR (for herself, Mr. TILLIS, Mrs. GILLIBRAND, and Mr. ROUNDS) submitted an amendment intended to be proposed by her to the bill S. 2943, to authorize appropriations for fiscal year 2017 for military activities of the Department of Defense, for military construction, and for defense

activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle I of title X, add the following:

SEC. 1097. ESTABLISHMENT OF CENTER OF EXCELLENCE IN PREVENTION, DIAGNOSIS, MITIGATION, TREATMENT, AND REHABILITATION OF HEALTH CONDITIONS RELATING TO EXPOSURE TO BURN PITS AND OTHER ENVIRONMENTAL EXPOSURES.

(a) IN GENERAL.—Subchapter II of chapter 73 of title 38, United States Code, is amended by adding at the end the following new section:

''§ 7330B. Center of excellence in prevention, diagnosis, mitigation, treatment, and rehabilitation of health conditions relating to exposure to burn pits and other environmental exposures

''(a) ESTABLISHMENT.—(1) The Secretary shall establish within the Department a center of excellence in the prevention, diagnosis, mitigation, treatment, and rehabilitation of health conditions relating to exposure to burn pits and other environmental exposures to carry out the responsibilities specified in subsection (d).

''(2) The Secretary shall establish the center of excellence under paragraph (1) through the use of—

''(A) the directives and policies of the Department in effect as of the date of the enactment of this section;

''(B) the recommendations of the Comptroller General of the United States and Inspector General of the Department in effect as of such date; and

''(C) guidance issued by the Secretary of Defense under section 313 of the National Defense Authorization Act for Fiscal Year 2013 (Public Law 112–239; 10 U.S.C. 1074 note).

''(b) SELECTION OF SITE.—In selecting the site for the center of excellence established under subsection (a), the Secretary shall consider entities that—

''(1) are equipped with the specialized equipment needed to study, diagnose, and treat health conditions relating to exposure to burn pits and other environmental exposures;

''(2) have a track record of publishing information relating to post-deployment health exposures among veterans who served in the Armed Forces in support of Operation Iraqi Freedom and Operation Enduring Freedom;

''(3) have developed animal models and in vitro models of dust immunology and lung injury consistent with the injuries of members of the Armed Forces who served in support of Operation Iraqi Freedom and Operation Enduring Freedom; and

''(4) have expertise in allergy and immunology, pulmonary diseases, and industrial and management engineering.

''(c) COLLABORATION.—The Secretary shall ensure that the center of excellence collaborates, to the maximum extent practicable, with the Secretary of Defense, institutions of higher education, and other appropriate public and private entities (including international entities) to carry out the responsibilities specified in subsection (d).

''(d) RESPONSIBILITIES.—The center of excellence shall have the following responsibilities:

''(1) To provide for the development, testing, and dissemination within the Department of best practices for the treatment of health conditions relating to exposure to burn pits and other environmental exposures.

''(2) To provide guidance for the health systems of the Department and the Department of Defense in determining the personnel required to provide quality health care for members of the Armed Forces and veterans with health conditions relating to exposure to burn pits and other environmental exposures.

''(3) To establish, implement, and oversee a comprehensive program to train health professionals of the Department and the Department of Defense in the treatment of health conditions relating to exposure to burn pits and other environmental exposures.

''(4) To facilitate advancements in the study of the short-term and long-term effects of exposure to burn pits and other environmental exposures.

''(5) To disseminate within medical facilities of the Department best practices for training health professionals with respect to health conditions relating to exposure to burn pits and other environmental exposures.

''(6) To conduct basic science and translational research on health conditions relating to exposure to burn pits and other environmental exposures for the purposes of understanding the etiology of such conditions and developing preventive interventions and new treatments.

''(7) To provide medical treatment to all veterans identified as part of the open burn pit registry established under section 201 of the Dignified Burial and Other Veterans' Benefits Improvement Act of 2012 (Public Law 112–260; 38 U.S.C. 527 note).

''(e) USE OF BURN PITS REGISTRY DATA.—In carrying out its responsibilities under subsection (d), the center shall have access to and make use of the data accumulated by the burn pits registry established under section 201 of the Dignified Burial and Other Veterans' Benefits Improvement Act of 2012 (Public Law 112–260; 38 U.S.C. 527 note).

''(f) DEFINITIONS.—In this section:

''(1) The term 'burn pit' means an area of land located in Afghanistan or Iraq that—

''(A) is designated by the Secretary of Defense to be used for disposing solid waste by burning in the outdoor air; and

''(B) does not contain a commercially manufactured incinerator or other equipment specifically designed and manufactured for the burning of solid waste.

''(2) The term 'other environmental exposures' means exposure to environmental hazards, including burn pits, dust or sand, hazardous materials, and waste at any site in Afghanistan or Iraq that emits smoke containing pollutants present in the environment or smoke from fires or explosions.

''(g) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $30,000,000 for each of the first five fiscal years beginning after the date of the enactment of this section.''.

(b) USE OF FUNDS.—In carrying out section 7330B of title 38, United States Code, as added by subsection (a), the Secretary of Veterans Affairs may use amounts appropriated or otherwise made available to the Department of Veterans Affairs for any other purpose.

(c) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 73 of such title is amended by inserting after the item relating to section 7330A the following new item:

''7330B. Center of excellence in prevention, diagnosis, mitigation, treatment, and rehabilitation of health conditions relating to exposure to burn pits and other environmental exposures.''.

SA 4088. Mrs. BOXER submitted an amendment intended to be proposed by her to the bill S. 2943, to authorize appropriations for fiscal year 2017 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle B of title V, add the following:

SEC. 526. PILOT PROGRAM ON DIRECT EMPLOYMENT FOR MEMBERS OF THE NATIONAL GUARD AND RESERVES.

(a) PILOT PROGRAM AUTHORIZED.—The Secretary of Defense may conduct a pilot program to assess the feasibility and advisability for providing job placement assistance and related employment services directly to members of the National Guard and the Reserves as a means of enhancing the efforts of the Department of Defense to assist such members in obtaining employment.

(b) ADMINISTRATION.—

(1) DISCHARGE THROUGH ADJUTANTS GENERAL.—The pilot program shall be conducted through the adjutants general of the States under section 314 of title 32, United States Code.

(2) OUTREACH.—In conducting the pilot program, the adjutants general shall take appropriate actions to facilitate participation in the pilot program by members of the National Guard and the Reserves, including through outreach to unit commanders.

(c) COST-SHARING REQUIREMENT.—As a condition on the provision of funds under this section to a State to support the conduct of the pilot program in the State, the State shall contribute an amount, derived from non-Federal sources, equal to at least 30 percent of the funds provided by the Secretary to conduct the pilot program in the State.

(d) ASSISTANCE AND SERVICES.—In conducting the pilot program, the Secretary shall—

(1) identify unemployed and underemployed members of the National Guard and the Reserves; and

(2) provide job placement assistance and related employment services to members so identified who participate in the pilot program on an individualized basis, including assistance and services in connection with resume writing, interview preparation, job placement, post-employment follow-up, and such other employment-related matters as the Secretary considers appropriate for purposes of the pilot program.

(e) EVALUATION.—The Secretary shall develop outcome measurements to evaluate the success of the pilot program.

(f) REPORTING REQUIREMENTS.—

(1) REPORT REQUIRED.—Not later than January 31, 2022, the Secretary shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report describing the results of the pilot program. The Secretary shall prepare the report in coordination with the Chief of the National Guard Bureau.

(2) ELEMENTS OF REPORT.—The report under paragraph (1) shall include the following:

(A) A description and assessment of the effectiveness and achievements of the pilot program, including the number of members of the National Guard and the Reserves assisted under the pilot program who obtained employment and the cost-per-placement of such members.

(B) An assessment of the impact of the pilot program, and any increase in employment levels among members of the National Guard and the Reserves as a result of the pilot program, on the readiness of members of the reserve components of the Armed Forces.

(C) Such recommendations for improvement or extension of the pilot program as the Secretary considers appropriate.

(D) Any other matters the Secretary considers appropriate.

(g) DURATION OF AUTHORITY.—

(1) IN GENERAL.—Except as provided in paragraph (2), the authority to conduct the pilot program expires September 30, 2020.

(2) EXTENSION.—Upon the expiration of the authority under paragraph (1), the Secretary may extend the pilot program for not more than two additional fiscal years.

SA 4089. Mrs. BOXER submitted an amendment intended to be proposed by her to the bill S. 2943, to authorize appropriations for fiscal year 2017 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle G of title XII, add the following:

SEC. 1266. ENHANCEMENT OF EFFORTS FOR THE RECRUITMENT AND ADVANCEMENT OF WOMEN IN THE SECURITY SECTOR AS PART OF DEFENSE INSTITUTION BUILDING PROGRAMS AND ACTIVITIES OF THE DEPARTMENT OF DEFENSE.

In carrying out programs and activities for defense institution building of foreign countries under the security cooperation programs and activities of the Department of Defense, the Secretary of Defense shall, in coordination with the Secretary of State, include policies to strengthen and facilitate the efforts of countries participating in such defense institution building programs and activities to recruit, retain, professionalize, and advance women in their security sectors.

SA 4090. Mr. BURR (for himself and Mrs. BOXER) submitted an amendment intended to be proposed by him to the bill S. 2943, to authorize appropriations for fiscal year 2017 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

After section 578, insert the following:

SEC. 578A. CRIMINAL BACKGROUND CHECKS OF EMPLOYEES OF THE MILITARY CHILD CARE SYSTEM AND PROVIDERS OF CHILD CARE SERVICES AND YOUTH PROGRAM SERVICES FOR MILITARY DEPENDENTS.

(a) EMPLOYEES OF MILITARY CHILD CARE SYSTEM.—Section 1792 of title 10, United States Code, is amended—

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

(2) by inserting after subsection (c) the following new subsection (d):

''(d) CRIMINAL BACKGROUND CHECK.—The criminal background check of child care employees under this section that is required pursuant to section 231 of the Crime Control Act of 1990 (42 U.S.C. 13041) shall be conducted pursuant to regulations prescribed by the Secretary of Defense in accordance with the provisions of section 658H of the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858f).''.

(b) PROVIDERS OF CHILD CARE SERVICES AND YOUTH PROGRAM SERVICES.—Section 1798 of such title is amended—

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

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

''(c) CRIMINAL BACKGROUND CHECK.—A provider of child care services or youth program services may not provide such services under this section unless such provider complies with the requirements for criminal background checks under section 658H of the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858f) for the State in which such services are provided.''.

SA 4091. Mr. SCHATZ submitted an amendment intended to be proposed by him to the bill S. 2943, to authorize appropriations for fiscal year 2017 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle A of title XXVIII, add the following:

SEC. 2804. REVITALIZATION OF JUNGLE OPERATIONS TRAINING RANGES.

(a) AUTHORITY.—For the revitalization of jungle operations training ranges under the jurisdiction of the Secretary of the Army, the Secretary may obligate and expend—

(1) from appropriations available to the Secretary for operation and maintenance, amounts necessary to carry out an unspecified minor military construction project costing not more than $6,780,000, notwithstanding section 2805(c) of title 10, United States Code; or

(2) from appropriations available to the Secretary for military construction not otherwise authorized by law, amounts necessary to carry out an unspecified minor military construction project costing not more than $6,780,000.

(b) NOTIFICATION REQUIREMENT.—When a decision is made to carry out an unspecified minor military construction project to which subsection (a) is applicable, the Secretary shall notify in writing the congressional defense committees of that decision, of the justification for the project, and of the estimated cost of the project in accordance with section 2805(b) of title 10, United States Code.

(c) SUNSET.—The authority to carry out a project under subsection (a) shall expire at the close of September 30, 2018.

SA 4092. Mr. SCHATZ submitted an amendment intended to be proposed by him to the bill S. 2943, to authorize appropriations for fiscal year 2017 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle B of title III, add the following:

SEC. 314. AUTHORITY TO USE OPERATION AND MAINTENANCE FUNDING TO CONVERT REAL PROPERTY FACILITIES, SYSTEMS, AND COMPONENTS TO NEW FUNCTIONAL PURPOSES WITHOUT INCREASING EXTERNAL DIMENSIONS.

Section 2811(e) of title 10, United States Code, is amended—

(1) by striking ''means a project to restore'' and inserting the following: ''means a project—

''(1) to restore'';

(2) by striking the period at the end and inserting ''; or''; and

(3) by adding at the end the following new paragraph:

''(2) to convert a real property facility, system, or component to a new functional purpose without increasing its external dimensions.''.

SA 4093. Mr. SCHATZ submitted an amendment intended to be proposed by him to the bill S. 2943, to authorize appropriations for fiscal year 2017 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle F of title XII, add the following:

SEC. 1247. COMPTROLLER GENERAL OF THE UNITED STATES REPORT ON UNITED STATES INTERESTS IN THE FREELY ASSOCIATED STATES.

(a) REPORT REQUIRED.—Not later than December 1, 2017, the Comptroller General of the United States shall submit to the congressional defense committees a report setting forth the results of a study, conducted by the Comptroller General for purposes of the report, on United States security and foreign policy interests in the Freely Associated States of the Republic of Palau, the Republic of the Marshall Islands, and the Federated States of Micronesia.

(b) ELEMENTS.—The study required pursuant to subsection (a) shall address the following:

(1) The role of the Compacts of Free Association in promoting United States defense and foreign policy interests, and the status of the obligations of the United States and the Freely Associated States under the Compacts of Free Association.

(2) The economic assistance practices of the People's Republic of China in the Freely Associated States, and the implications of such practices for United States defense and foreign policy interests in the Freely Associated States and the Pacific region.

(3) The economic assistance practices of other countries in the Freely Associated States, as determined by the Comptroller General, and the implications of such practices for United States defense and foreign policy interests in the Freely Associated States and the Pacific region.

(4) Any other matters the Comptroller General considers appropriate.

SA 4094. Mr. INHOFE (for himself and Mr. MARKEY) submitted an amendment intended to be proposed by him to the bill S. 2943, to authorize appropriations for fiscal year 2017 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle B of title II, add the following:

SEC. 221. MICRO-PURCHASE THRESHOLD FOR UNIVERSITIES, INDEPENDENT RESEARCH INSTITUTES, AND NONPROFIT RESEARCH ORGANIZATIONS.

Section 1902 of title 41, United States Code, is amended—

(1) in subsection (a), as amended by section 215(b)—

(A) by inserting ''(1)'' before ''Except as provided'';

(B) by inserting ''and paragraph (2)'' after ''section 2338 of title 10''; and

(C) by adding at the end the following new paragraph:

''(2) For purposes of this section, the micro-purchase threshold for procurement activities administered under sections 6303 through 6305 of title 31, United States Code, by institutions of higher education (as defined in section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a)), or related or affiliated nonprofit entities, or by nonprofit research organizations or independent research institutes is—

''(A) $10,000; or

''(B) such higher threshold as determined appropriate by the head of the relevant executive agency and consistent with clean audit findings under chapter 75 of title 31, United States Code, internal institutional risk assessment, or State law.''; and

(2) in subsections (d) and (e), by striking ''not greater than $3,000'' and inserting ''with a price not greater than the micro-purchase threshold''.

SA 4095. Mrs. ERNST submitted an amendment intended to be proposed by her to the bill S. 2943, to authorize appropriations for fiscal year 2017 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle I of title X, add the following:

SEC. 1097. PROJECT MANAGEMENT.

(a) DEPUTY DIRECTOR FOR MANAGEMENT.—

(1) ADDITIONAL FUNCTIONS.—Section 503 of title 31, United States Code, is amended by adding at the end the following:

''(c) PROGRAM AND PROJECT MANAGEMENT.—

''(1) REQUIREMENT.—Subject to the direction and approval of the Director, the Deputy Director for Management or a designee shall—

''(A) adopt governmentwide standards, policies, and guidelines for program and project management for executive agencies;

''(B) oversee implementation of program and project management for the standards, policies, and guidelines established under subparagraph (A);

''(C) chair the Program Management Policy Council established under section 1126(b);

''(D) establish standards and policies for executive agencies, consistent with widely accepted standards for program and project management planning and delivery;

''(E) engage with the private sector to identify best practices in program and project management that would improve Federal program and project management;

''(F) conduct portfolio reviews to address programs identified as high risk by the Government Accountability Office;

''(G) not less than annually, conduct portfolio reviews of agency programs in coordination with Project Management Improvement Officers designated under section 1126(a)(1) to assess the quality and effectiveness of program management; and

''(H) establish a 5-year strategic plan for program and project management.

''(2) APPLICATION TO DEPARTMENT OF DEFENSE.—Paragraph (1) shall not apply to the Department of Defense to the extent that the provisions of that paragraph are substantially similar to or duplicative of the provisions of chapter 87 of title 10.''.

(2) DEADLINE FOR STANDARDS, POLICIES, AND GUIDELINES.—Not later than 1 year after the date of enactment of this Act, the Deputy Director for Management of the Office of Management and Budget shall issue the standards, policies, and guidelines required under section 503(c) of title 31, United States Code, as added by paragraph (1).

(3) REGULATIONS.—Not later than 90 days after the date on which the standards, policies, and guidelines are issued under paragraph (2), the Deputy Director for Management of the Office of Management and Budget, in consultation with the Program Management Policy Council established under section 1126(b) of title 31, United States Code, as added by subsection (b)(1), and the Director of the Office of Management and Budget, shall issue any regulations as are necessary to implement the requirements of section 503(c) of title 31, United States Code, as added by paragraph (1).

(b) PROGRAM MANAGEMENT IMPROVEMENT OFFICERS AND PROGRAM MANAGEMENT POLICY COUNCIL.—

(1) AMENDMENT.—Chapter 11 of title 31, United States Code, is amended by adding at the end the following:

''§ 1126. Program Management Improvement Officers and Program Management Policy Council

''(a) PROGRAM MANAGEMENT IMPROVEMENT OFFICERS.—

''(1) DESIGNATION.—The head of each agency described in section 901(b) shall designate a senior executive of the agency as the Program Management Improvement Officer of the agency.

''(2) FUNCTIONS.—The Program Management Improvement Officer of an agency designated under paragraph (1) shall—

''(A) implement program management policies established by the agency under section 503(c); and

''(B) develop a strategy for enhancing the role of program managers within the agency that includes the following:

''(i) Enhanced training and educational opportunities for program managers that shall include—

''(I) training in the relevant competencies encompassed with program and project manager within the private sector for program managers; and

''(II) training that emphasizes cost containment for large projects and programs.

''(ii) Mentoring of current and future program managers by experienced senior executives and program managers within the agency.

''(iii) Improved career paths and career opportunities for program managers.

''(iv) A plan to encourage the recruitment and retention of highly qualified individuals to serve as program managers.

''(v) Improved means of collecting and disseminating best practices and lessons learned to enhance program management across the agency.

''(vi) Common templates and tools to support improved data gathering and analysis for program management and oversight purposes.

''(3) APPLICATION TO DEPARTMENT OF DEFENSE.—This subsection shall not apply to the Department of Defense to the extent that the provisions of this subsection are substantially similar to or duplicative of the provisions of chapter 87 of title 10.

''(b) PROGRAM MANAGEMENT POLICY COUNCIL.—

''(1) ESTABLISHMENT.—There is established in the Office of Management and Budget a council to be known as the 'Program Management Policy Council' (in this subsection referred to as the 'Council').

''(2) PURPOSE AND FUNCTIONS.—The Council shall act as the principal interagency forum for improving agency practices related to program and project management. The Council shall—

''(A) advise and assist the Deputy Director for Management of the Office of Management and Budget;

''(B) review programs identified as high risk by the General Accountability Office and make recommendations for actions to be taken by the Deputy Director for Management of the Office of Management and Budget or a designee;

''(C) discuss topics of importance to the workforce, including—

''(i) career development and workforce development needs;

''(ii) policy to support continuous improvement in program and project management; and

''(iii) major challenges across agencies in managing programs;

''(D) advise on the development and applicability of standards governmentwide for program management transparency; and

''(E) review the information published on the website of the Office of Management and Budget pursuant to section 1122.

''(3) MEMBERSHIP.—

''(A) COMPOSITION.—The Council shall be composed of the following members:

''(i) Five members from the Office of Management and Budget as follows:

''(I) The Deputy Director for Management.

''(II) The Administrator of the Office of Electronic Government.

''(III) The Administrator of Federal Procurement Policy.

''(IV) The Controller of the Office of Federal Financial Management.

''(V) The Director of the Office of Performance and Personnel Management.

''(ii) The Program Management Improvement Officer from each agency described in section 901(b).

''(iii) Other individuals as determined appropriate by the Chairperson.

''(B) CHAIRPERSON AND VICE CHAIRPERSON.—

''(i) IN GENERAL.—The Deputy Director for Management of the Office of Management and Budget shall be the Chairperson of the Council. A Vice Chairperson shall be elected by the members and shall serve a term of not more than 1 year.

''(ii) DUTIES.—The Chairperson shall preside at the meetings of the Council, determine the agenda of the Council, direct the work of the Council, and establish and direct subgroups of the Council as appropriate.

''(4) MEETINGS.—The Council shall meet not less than twice per fiscal year and may meet at the call of the Chairperson or a majority of the members of the Council.

''(5) SUPPORT.—The head of each agency with a Project Management Improvement Officer serving on the Council shall provide administrative support to the Council, as appropriate, at the request of the Chairperson.

''(6) COMMITTEE DURATION.—Section 14(a)(2) of the Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the Council.''.

(2) REPORT REQUIRED.—Not later than 1 year after the date of enactment of this Act, the Director of the Office of Management and Budget, in consultation with each Program Management Improvement Officer designated under section 1126(a)(1) of title 31, United States Code, shall submit to Congress a report containing the strategy developed under section 1126(a)(2)(B) of such title, as added by paragraph (1).

(c) PROGRAM AND PROJECT MANAGEMENT PERSONNEL STANDARDS.—

(1) DEFINITION.—In this subsection, the term ''agency'' means each agency described in section 901(b) of title 31, United States Code.

(2) REGULATIONS REQUIRED.—Not later than 180 days after the date on which the standards, policies, and guidelines are issued

under section 503(c) of title 31, United States Code, as added by subsection (a)(1), the Director of the Office of Personnel Management, in consultation with the Director of the Office of Management and Budget, shall issue regulations that—

(A) identify key skills and competencies needed for a program and project manager in an agency;

(B) establish a new job series, or update and improve an existing job series, for program and project management within an agency; and

(C) establish a new career path for program and project managers within an agency.

(d) GAO REPORT ON EFFECTIVENESS OF POLICIES ON PROGRAM AND PROJECT MANAGEMENT.—Not later than 3 years after the date of enactment of this Act, the Government Accountability Office shall issue, in conjunction with the High Risk list of the Government Accountability Office, a report examining the effectiveness of the following on improving Federal program and project management:

(1) The standards, policies, and guidelines for program and project management issued under section 503(c) of title 31, United States Code, as added by subsection (a)(1).

(2) The 5-year strategic plan established under section 503(c)(1)(H) of title 31, United States Code, as added by subsection (a)(1).

(3) Program Management Improvement Officers designated under section 1126(a)(1) of title 31, United States Code, as added by subsection (b)(1).

(4) The Program Management Policy Council established under section 1126(b)(1) of title 31, United States Code, as added by subsection (b)(1).

SA 4096. Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill S. 2943, to authorize appropriations for fiscal year 2017 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

After section 502, insert the following:

SEC. 502A. REDUCTION IN NUMBER OF GENERAL AND FLAG OFFICERS.

(a) PLAN FOR ACHIEVEMENT OF REDUCTION.—

(1) IN GENERAL.—Commencing not later than 120 days after the date of the enactment of this Act, the Secretary of Defense shall implement a plan to reduce the number of general and flag officers authorized by sections 525 and 526 of title 10, United States Code, by a number that is not less than 25 percent of the aggregate authorized baseline number of general and flag officers specified in paragraph (2).

(2) BASELINE.—The aggregate authorized baseline number of general and flag officers specified in this paragraph is the aggregate number of general and flag offices authorized by sections 525 and 526 of title 10, United States Code, as of December 31, 2015, and without regard to either of the following:

(A) A reduction in the authorized number of general and flag officer billets by reason of an amendment or repeal made by section 502.

(B) A reduction in the number of general and flag officer billets in connection with the consolidation of the medical departments of the Army, Navy, and Air Force into the Defense Health Agency pursuant to section 721.

(3) ELEMENTS.—The plan under this subsection shall achieve the following:

(A) The total aggregate strength of officers in the grade of general or admiral may not exceed the number equal to the number of officers serving in the positions as follows:

(i) Chairman of the Joint Chiefs of Staff.

(ii) Vice Chairman of the Joint Chiefs of Staff.

(iii) Commander of each unified or specified combatant command.

(iv) Commander, United States Forces Korea.

(v) An additional officer serving in a position designated pursuant to section 526(b) of title 10, United States Code.

(vi) Chief of Staff of the Army.

(vii) Chief of Naval Operations.

(viii) Chief of Staff of the Air Force.

(ix) Commandant of the Marine Corps.

(x) Chief of the National Guard Bureau.

(xi) Three positions in each of the Army, the Navy, and the Air Force designated by the Secretary for purposes of this subsection.

(B) The total aggregate strength of officers in the grade of lieutenant general or vice admiral may not exceed a number equal to 25 percent of the aggregate number of officers serving in the grade of brigadier general or rear admiral (lower half).

(C) The total aggregate strength of officers in the grade of brigadier general or rear admiral (lower half) may not exceed the number equal to 50 percent of the aggregate authorized baseline number of general and flag officers specified in paragraph (2).

(4) TIME FOR COMPLETION.—The plan shall be implemented so as to achieve the requirements in paragraph (3) by not later than December 31, 2017.

(5) ORDERLY TRANSITION.—

(A) IN GENERAL.—In order to provide an orderly transition for personnel in billets to be eliminated pursuant to the plan, each general or flag officer who has not completed 24 months in a billet to be eliminated pursuant to the plan as of December 31, 2017, may remain in such billet until the last day of the month that is 24 months after the month in which such officer assumed the duties of such billet.

(B) REPORT TO CONGRESS ON COVERED OFFICERS.—The Secretary shall include in the annual report required by section 526(j) of title 10, United States Code, in 2017 a description of the billets in which an officer will remain pursuant to subparagraph (A), including the latest date on which the officer may remain in such billet pursuant to that subparagraph.

(C) NOTICE TO CONGRESS ON DETACHMENT OF COVERED OFFICERS.—The Secretary shall submit to the Committees on Armed Services of the Senate and the House of Representatives a notice on the date on which each officer covered by subparagraph (A) is detached from such officer's billet pursuant to that subparagraph.

(6) REPORTS ON PROGRESS IN IMPLEMENTATION.—The Secretary shall include with the budget for the Department of Defense for each of fiscal year 2018 and 2019, as submitted to Congress pursuant to section 1105 of title 31, United States Code, a report describing and assessing the progress of the Department in implementing the plan and in achieving the requirements of paragraph (3).

(b) REDUCTIONS.—

(1) IN GENERAL.—In order to achieve the requirements of the plan required by subsection (a), effective 30 days after the commencement of the implementation of the plan, the Secretary of Defense shall include with each nomination of an officer to a grade above colonel or captain (in the case of the Navy) that is forwarded by the President to the Senate for appointment, by and with the advice and consent of the Senate, a certification to the Committee on Armed Services of the Senate that the appointment of the officer to the grade concerned will not result in either of the following:

(A) An aggregate number of general and flag officers in excess of the reduced aggregate number of general and flag officers required by subsection (a)(1).

(B) A number of general and flag officers in excess of the limitations on numbers in grade specified in subparagraphs (A), (B), and (C) of subsection (a)(3).

(2) IMPLEMENTATION.—Not later than 120 days after the date of the enactment of this Act, the Secretary shall revise applicable guidance of the Department of Defense on general and flag officer authorizations in order to ensure that—

(A) the achievement of the reductions required by subsection (a) in incorporated into the planning for the execution of promotions by the military departments and for the joint pool;

(B) to the extent practicable, the resulting grades for general and flag officer billets are uniformly applied to billets of similar duties and responsibilities across the military departments and the joint pool; and

(C) planning achieves a reduction in the headquarters functions and administrative and support activities and staffs of the Department of Defense and the military departments as identified pursuant to the review required by subsection (c).

(c) COMPREHENSIVE REVIEW OF HEADQUARTERS STAFF AND ADMINISTRATIVE AND SUPPORT ACTIVITIES.—

(1) IN GENERAL.—The Secretary of Defense shall conduct a comprehensive review of the headquarters functions and administrative and support activities and staffs of the Department of Defense and the military departments in light of the reductions required by subsection (a), including executive assistants, aides-de-camp, enlisted aides, and similar support authorized for billets that will be eliminated pursuant to that plan required by that subsection.

(2) ELEMENTS.—The review required by paragraph (1) shall determine the following:

(A) The validated direct support staff requirements for each general and flag officer billet that will remain after the reduction pursuant to subsection (a).

(B) The extent, if any, to which the direct support staff requirements of the general and flag officer billet covered by subparagraph (A) may be consolidated with geographically co-located authorized general and flag officer billets to achieve efficiencies and personnel cost savings.

(C) The requirements and justification, if any, for each general and flag officer billet covered by subparagraph (A) to be authorized any of the following:

(i) To have an assigned personal protective detail.

(ii) To be assigned personnel on a permanent and dedicated support basis as follows:

(I) An aide to provide access to continuous and secure communications.

(II) An executive assistant.

(III) An aide-de-camp.

(IV) An enlisted aide,

(iii) To be a required-use user of military aircraft.

(iv) To be provided domicile-to-work transportation.

(v) To use armored or specialized motor vehicle support in the performance of official duties.

(vi) To control for the officer's official use any aircraft, boat, or similar military conveyance.

(vii) To be required to occupy Government quarters.

(D) The extent, if any, to which each billet covered by subparagraph (A) qualifies for joint duty credit.

(E) A frequency for the regular review of each billet covered by subparagraph (A) for the matters specified in subparagraphs (A) through (D), including such a review each time an officer detaches from such billet.

(F) To the extent that the reductions required by subsection (a) are likely to result in reductions in headquarters functions and administrative and support activities and staffs as described in paragraph (1), mechanisms to accomplish reductions in such staffs in a manner that, to the extent practicable, avoids adverse professional and personnel consequences for the personnel of such staffs.

(G) The extent, if any, to which reductions in military and civilian end-strength associated with general or flag officer billets could be used to create, build, or fill shortages in force structure for operational units.

(3) CONSULTATION.—The Secretary shall, to the extent practicable and as the Secretary considers appropriate, conduct the review required by paragraph (1) in consultation with the Joint Chiefs of Staff and experts on matters covered by the review who are independent of the Department of Defense.

(4) REPORT.—Not later than March 1, 2017, the Secretary shall submit to the congressional defense committees a report setting forth the results of the review required by paragraph (1).

SA 4097. Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill S. 2943, to authorize appropriations for fiscal year 2017 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle I of title X, add the following:

SEC. 1097. INCLUSION OF RESERVE SERVICE ON ACTIVE DUTY FOR PREPLANNED MISSIONS AS SERVICE THAT QUALIFIES AS ACTIVE DUTY FOR POST-9/11 EDUCATIONAL ASSISTANCE.

Section 3301(1)(B) of title 38, United States Code, is amended by striking ''or 12304'' and inserting ''12304, or 12304b''.

SA 4098. Mr. MORAN (for himself and Mr. INHOFE) submitted an amendment intended to be proposed by him to the bill S. 2943, to authorize appropriations for fiscal year 2017 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle H of title XII, add the following:

SEC. 1277. LIMITATION ON AVAILABILITY OF FUNDS TO IMPLEMENT THE ARMS TRADE TREATY.

(a) LIMITATION.—

(1) IN GENERAL.—None of the funds authorized to be appropriated by this Act or otherwise made available for fiscal year 2017 for the Department of Defense may be obligated or expended to sustain a domestic prosecution based on any charge related to the Arms Trade Treaty, to make assessed payments for the Treaty's Conference of States Parties or to meet in any other way expenses sustained by the Treaty Secretariat, to make voluntary contributions to any international organization or foreign nation for any purpose related to attendance at the Conference, or to implement the Treaty until the Senate approves a resolution advising and consenting to ratification of the Treaty and there is enacted legislation implementing the Treaty.

(2) EXCEPTIONS.—The limitation in paragraph (1) shall not apply to a United States delegation attending the Treaty's Conference of State Parties, subsidiary bodies, or extraordinary meetings, or to the payment, to entities other than the Treaty Secretariat, of an attendance fee towards the cost of preparing and holding the Conference of State Parties, or subsidiary body meeting as applicable.

(b) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to preclude the Department of Defense from assisting foreign countries in bringing their laws, regulations, and practices related to export control up to United States standards.

SA 4099. Mrs. ERNST submitted an amendment intended to be proposed by her to the bill S. 2943, to authorize appropriations for fiscal year 2017 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title XVI, add the following:

Subtitle G—Modernization of Intelligence Functions of the Armed Forces

SEC. 1681. SHORT TITLE.

This subtitle may be cited as the ''Military Intelligence Modernization Act of 2016''.

SEC. 1682. MODERNIZATION OF THE MILITARY INTELLIGENCE FORCE STRUCTURE OF THE ARMY.

(a) ASSIGNMENT OF MILITARY INTELLIGENCE UNITS TO ARMY COMPONENT COMMANDS.—Not later than one year after the date of the enactment of this Act, the Secretary of the Army shall assign a theater level military intelligence unit to each of the component commands of the Army, except the Army North Command, Army Special Operations Command, Military Surface Deployment and Distribution Command, and the Army Space and Missile Defense Command/Army Forces Strategic Command.

(b) ANNUAL REPORT ON MILITARY INTELLIGENCE REQUIREMENTS ASSIGNED TO RESERVE COMPONENTS.—Not less frequently than once each year, the Secretary of the Army shall submit to the congressional defense committees a report on enduring military intelligence requirements which have been assigned to a reserve component of the Army that were previously assigned to the regular Army.

(c) FUNDING FOR THE FOUNDRY INTELLIGENCE TRAINING PROGRAM OF THE ARMY.—

(1) PROHIBITION ON USE OF FUNDS FOR OPERATIONAL MISSIONS.—No amount appropriated or otherwise made available to or for the Foundry Intelligence Training Program of the Army may be used for any operational mission or assignment of the Armed Forces.

(2) PROHIBITION ON USE OF FUNDS FOR CERTAIN TRAINING.—No amount appropriated or otherwise made available to or for the Foundry Intelligence Training Program of the Army may be used for the following:

(A) Non-military intelligence related training activities.

(B) Training for members of the Army without a military intelligence military occupational specialty (MOS).

(3) TRANSFER OF ACCOUNT.—The Army Foundry Intelligence Training Program account is hereby transferred to the Army Training and Doctrine Command.

SEC. 1683. TERMINATION OF ARMY RESERVE MILITARY INTELLIGENCE READINESS COMMAND.

The Secretary of the Army shall take such actions as may be necessary to wind down and terminate the Army Reserve Military Intelligence Readiness Command before the date that is one year after the date of the enactment of this Act.

SEC. 1684. MATTERS CONCERNING MILITARY INTELLIGENCE PERSONNEL OF THE ARMY.

(a) ESTABLISHMENT OF REGIONAL QUALIFICATION IDENTIFIERS OR REQUIREMENTS.—Not later than one year after the date of the enactment of this Act, the Secretary of the Army shall establish a regional qualification identifier or requirement for military intelligence officers and noncommissioned officers which includes consideration of the following:

(1) Overseas assignments.

(2) Language proficiency.

(3) Such advanced educational degrees as the Secretary considers relevant.

(b) ALIGNMENT OF MILITARY INTELLIGENCE OCCUPATIONAL SPECIALTY ENTRANCE REQUIREMENTS.—Not later than one year after the date of the enactment of this Act, the Secretary of the Army shall align the Army Human Intelligence Collector military occupational specialty (35M) entrance requirements with the entrance requirements of the Army Counterintelligence Agent military occupational specialty (35L).

SEC. 1685. DEPARTMENT OF DEFENSE-WIDE REQUIREMENTS CONCERNING MILITARY INTELLIGENCE.

Not later than one year after the date of the enactment of this Act, the head of each military department shall assign an officer with a military occupational specialty relating to military intelligence to serve as the senior intelligence officer and advisor for such department.

SA 4100. Mrs. ERNST submitted an amendment intended to be proposed by her to the bill S. 2943, to authorize appropriations for fiscal year 2017 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

Strike section 549 and insert the following:

SEC. 549. CAREER MILITARY JUSTICE LITIGATION TRACK FOR JUDGE ADVOCATES.

(a) CAREER LITIGATION TRACK REQUIRED.—

(1) IN GENERAL.—The Secretary of each military department shall establish a career military justice litigation track for judge advocates in the Armed Forces under the jurisdiction of the Secretary.

(2) CONSULTATION.—The Secretary of the Army and the Secretary of the Air Force shall establish the litigation track required by this section in consultation with the Judge Advocate General of the Army and the Judge Advocate General of the Air Force, respectively. The Secretary of the Navy shall establish the litigation track in consultation with the Judge Advocate General of the Navy and the Staff Judge Advocate to the Commandant of the Marine Corps.

(b) ELEMENTS.—Each career litigation track under this section shall provide for the following:

(1) Assignment and advancement of qualified judge advocates in and through assignments and billets relating to the practice of military justice under chapter 47 of title 10, United States Code (the Uniform Code of Military Justice).

(2) Establishing for each Armed Force the assignments and billets covered by paragraph (1), which shall include trial counsel, defense counsel, military trial judge, military appellate judge, academic instructor, all positions within criminal law offices or divisions of such Armed Force, Special Victims Prosecutor, Victims' Legal Counsel, Special Victims' Counsel, and such other positions as the Secretary of the military department concerned shall specify.

(3) For judge advocates participating in such litigation track, mechanisms as follows:

(A) To prohibit a judge advocate from more than a total of four years of duty or assignments outside such litigation track

(B) To prohibit any adverse assessment of a judge advocate so participating by reason of such participation in the promotion of officers through grade O–6 (or such higher grade as the Secretary of the military department concerned shall specify for purposes of such litigation track).

(4) Such additional requirements and qualifications for the litigation track as the Secretary of the military department concerned considers appropriate, including requirements and qualifications that take into account the unique personnel needs and requirement of an Armed Force.

(c) IMPLEMENTATION DEADLINE.—Each Secretary of a military department shall implement the career litigation track required by this section for the Armed Forces under the jurisdiction of such Secretary by not later than 18 months after the date of the enactment of this Act.

(d) REPORT.—Not later than one year after the date of the enactment of this Act, each Secretary of a military department shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the progress of such Secretary in implementing the career litigation track required under this section for the Armed Forces under the jurisdiction of such Secretary.

SA 4101. Mrs. FISCHER submitted an amendment intended to be proposed by her to the bill S. 2943, to authorize appropriations for fiscal year 2017 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

On page 423, strike lines 16 and 17 and insert the following:

(a) IN GENERAL.—Except as provided in subsection (c), not later than 90 days after submitting the report required by subsection (d), or one year after the date of the enactment of this Act, whichever occurs first, the Secretary of Defense

On page 425, strike lines 10 through 18 and insert the following:

(5) The Secretary shall ensure that any covered beneficiary who may be affected by modifications, reductions, or eliminations implemented under this section will be able to receive through the purchased care component of the TRICARE program any medical services that will not be available to such covered beneficiary at a military treatment facility as a result of such modifications, reductions, or eliminations.

(c) EXCEPTION.—The Secretary is not required to implement measures under subsection (a) with respect to overseas military health care facilities in a country if the Secretary determines that medical services in addition to the medical services described in subsection (b)(2) are necessary to ensure that covered beneficiaries located in that country have access to a similar level of care available to covered beneficiaries located in the United States.

(d) REPORT ON MODIFICATIONS.—

(1) IN GENERAL.—Not later than 270 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the modifications to medical services, military treatment facilities, and personnel in the military health system to be implemented pursuant to subsection (a).

(2) ELEMENTS.—The report required by paragraph (1) shall include, at a minimum, the following:

(A) A description of the medical services and associated personnel capacities necessary for the military medical force readiness of the Department of Defense.

(B) A comprehensive plan to modify the personnel and infrastructure of the military health system to exclusively provide medical services necessary for the military medical force readiness of the Department of Defense, including the following:

(i) A description of the planned changes or reductions in medical services provided by the military health system.

(ii) A description of the planned changes or reductions in staffing of military personnel, civilian personnel, and contractor personnel within the military health system.

(iii) A description of the personnel management authorities through which changes or reductions described in clauses (i) and (ii) will be made.

(iv) A description of the planned changes to the infrastructure of the military health system.

(v) An estimated timeline for completion of the changes or reductions described in clauses (i), (ii), and (iv) and other key milestones for implementation of such changes or reductions.

(e) COMPTROLLER GENERAL REPORT.—

On page 428, between lines 15 and 16, insert the following:

(3) The terms ''covered beneficiary'' and ''TRICARE program'' have the meanings given those terms in section 1072 of title 10, United States Code.

SA 4102. Mr. PERDUE (for himself and Mr. ISAKSON) submitted an amendment intended to be proposed by him to the bill S. 2943, to authorize appropriations for fiscal year 2017 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle D of title I, add the following:

SEC. 147. SUPPORT FOR E–8C JSTARS FLEET.

The Secretary of Defense shall continue to provide support for the existing E–8C JSTARS fleet in the form of supply parts, operational aircrew, maintenance, and combat training instructors to ensure overseas combat capability and presence until a rapid acquisition plan is in effect for the Joint Surveillance Target Attack Radar System (JSTARS) recapitalization program.

SA 4103. Mr. PERDUE (for himself and Mr. ISAKSON) submitted an amendment intended to be proposed by him to the bill S. 2943, to authorize appropriations for fiscal year 2017 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle D of title I, add the following:

SEC. 147. FUNDING OF JOINT SURVEILLANCE TARGET ATTACK RADAR SYSTEM (JSTARS) RECAPITALIZATION PROGRAM AS A RAPID ACQUISITION PROGRAM.

The Secretary of Defense shall fund the Joint Surveillance Target Attack Radar System (JSTARS) recapitalization program in fiscal year 2017 as a rapid acquisition program in order to achieve Initial Operating Capability (IOC) by not later than 2023 and Full Operating Capability (FOC) by not later than 2027.

SA 4104. Mr. PERDUE submitted an amendment intended to be proposed by him to the bill S. 2943, to authorize appropriations for fiscal year 2017 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle B of title X, add the following:

SEC. 1008. REPORT ON EFFORTS OF THE UNITED STATES SOUTHERN COMMAND TO DETECT AND MONITOR DRUG TRAFFICKING.

The Secretary of Defense shall submit to Congress a report setting forth a description and assessment of the effectiveness of the efforts of the United States Southern Command to limit threats to the national security of the United States by detecting and monitoring drug trafficking, including, in particular, trafficking of heroin and fentanyl.

SA 4105. Mr. PERDUE submitted an amendment intended to be proposed by him to the bill S. 2943, to authorize appropriations for fiscal year 2017 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle D of title XII, add the following:

SEC. 1227. EXTENSION OF REPORTS ON USE OF CERTAIN IRANIAN SEAPORTS BY FOREIGN VESSELS AND USE OF FOREIGN AIRPORTS BY SANCTIONED IRANIAN AIR CARRIERS.

Section 1252(a) of the National Defense Authorization Act for Fiscal Year 2013 (Public Law 112–239; 126 Stat. 2017; 22 U.S.C. 8808(a)) is amended in the matter preceding paragraph (1) by striking ''2016'' and inserting ''2019''.

SA 4106. Mr. PERDUE submitted an amendment intended to be proposed by him to the bill S. 2943, to authorize appropriations for fiscal year 2017 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal

year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle D of title XII, add the following:

SEC. 1227. REPORTS ON USE BY THE GOVERNMENT OF IRAN OF COMMERCIAL AIRCRAFT AND RELATED SERVICES FOR ILLICIT MILITARY OR OTHER ACTIVITIES.

(a) REPORTS.—Not later than 180 days after the date of the enactment of this Act, and every 180 days thereafter, the President, in coordination with the Secretary of Defense and the Secretary of State, shall submit to the appropriate committees of Congress a report on the use by the Government of Iran of commercial aircraft and related services for illicit military or other activities during the five-year period ending on the date of such report.

(b) ELEMENTS.—Each report under subsection (a) shall include, for the period covered by such report, the following:

(1) A description of the extent to which the Government of Iran has used commercial aircraft or related services to transport illicit cargo to or from Iran, including military goods, weapons, military personnel, military-related electronic parts and mechanical equipment, and rocket or missile components.

(2) A description of the extent to which the commercial aviation sector of Iran has provided financial, material, and technological support to the Islamic Revolutionary Guard Corps (IRGC).

(3) An identification of the foreign governments and persons that facilitated the activities described pursuant to paragraph (1), including by permitting the use of airports, services, or other resources for such activities.

(c) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this section, the term ''appropriate committees of Congress'' means—

(1) the Committee on Armed Services, the Committee on Foreign Relations, and the Committee on Appropriations of the Senate; and

(2) the Committee on Armed Services, the Committee on Foreign Affairs, and the Committee on Appropriations of the House of Representatives.

SA 4107. Mr. PERDUE submitted an amendment intended to be proposed by him to the bill S. 2943, to authorize appropriations for fiscal year 2017 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle D of title XII, add the following:

SEC. 1227. DEPARTMENT OF DEFENSE REPORT ON COOPERATION BETWEEN IRAN AND THE RUSSIAN FEDERATION.

(a) REPORT REQUIRED.—The Secretary of Defense and the Secretary of State shall jointly submit to Congress a report on cooperation between Iran and the Russian Federation and how and to what extent such cooperation affects United States national security and strategic interests.

(b) MATTERS TO BE INCLUDED.—The report required by subsection (a) shall include the following elements:

(1) A description of how and to what extent the Governments of Iran and the Russian Federation cooperate on matters relating to Iran's space program, including how and to what extent such cooperation strengthens Iran's ballistic missile program.

(2) A description of how and to what extent Iran's interests and actions and the Russian Federation's interests and actions overlap with respect to Latin America.

(3) A description and analysis of the intelligence-sharing center established by Iran, the Russian Federation, and Syria in Baghdad, Iraq and whether such center is being used for purposes other than the purposes of the joint mission of such countries in Syria.

(4) A description and analysis of—

(A) naval cooperation between Iran and the Russian Federation, including joint naval exercises between the two countries; and

(B) the implications of—

(i) an increased Russian Federation naval presence in the Eastern Mediterranean; and

(ii) an Iranian naval presence in the Persian Gulf.

(5) A description of the increased cooperation between Iran and the Russian Federation since the start of the current conflict in Syria.

(6) A description of the steps Iran has taken to adopt the Russian Federation model of hybrid warfare against potential targets such as Gulf Cooperation Council states with sizeable Shiite populations.

(7) An assessment of the extent of Russian Federation cooperation with Hezbollah in Syria, Lebanon, and Iraq, including cooperation with respect to training and equipping and joint operations.

(8) A description of the weapons that have been provided by the Russian Federation to Iran that have violated relevant United Nations Security Council resolutions imposing an arms embargo on Iran.

(c) SUBMISSION PERIOD.—The report required by subsection (a) shall be submitted not later than 120 days after the date of the enactment of this Act, and annually thereafter, for such period of time as the Joint Comprehensive Plan of Action remains in effect.

(d) FORM.—The report required by subsection (a) shall be submitted in unclassified form, but may contain a classified annex.

(e) JOINT COMPREHENSIVE PLAN OF ACTION DEFINED.—In this section , the term ''Joint Comprehensive Plan of Action'' means the Joint Comprehensive Plan of Action signed at Vienna on July 14, 2015, by Iran and by France, Germany, the Russian Federation, the People's Republic of China, the United Kingdom, and the United States.

SA 4108. Mr. PERDUE submitted an amendment intended to be proposed by him to the bill S. 2943, to authorize appropriations for fiscal year 2017 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle D of title XII, add the following:

SEC. 1227. SEMIANNUAL REPORT ON IRAN AND NORTH KOREA NUCLEAR AND BALLISTIC MISSILE COOPERATION.

(a) FINDINGS.—Congress makes the following findings:

(1) Iran developed a close working relationship with North Korea on many ballistic missile programs, dating back to an acquisition of Scud missiles from North Korea in the mid-1980s.

(2) By the mid-1980s North Korea reverse-engineered Scud B missiles originally received from Egypt, and developed the 500-kilometer range Scud C missile in 1991, and sold both the Scud B and Scud C, as well as missile production technology, to Iran.

(3) In 1992, then-Director of the Central Intelligence Robert Gates, in testimony to Congress, identified Iran as a recipient of North Korean Scud missiles.

(4) In 1993, then-Director of Central Intelligence James Woolsey provided more detail, stating that North Korea had sold Iran extended range Scud C missiles and agreed to sell other forms of missile technology.

(5) Annual threat assessments from the intelligence community during the 1990s showed that North Korea's ongoing export of ballistic missiles provided a qualitative increase in capabilities to countries such as Iran.

(6) The same threat assessments noted that Iran was using North Korean ballistic missile goods and services to achieve its goal of self-sufficiency in the production of medium-range ballistic missiles.

(7) The intelligence community assessed in the 1990s that Iran's acquisition of missile systems or key missile-related components could improve Iran's ability to produce an intercontinental ballistic missile (ICBM).

(8) Throughout the 2000s, the intelligence community continued to assess that North Korean cooperation with Iran's ballistic missile program was ongoing and significant.

(9) In 2007 a failed missile test in Syria caused the death of Syrian, Iranian, and North Korean experts.

(10) North Korea built the nuclear reactor in Syria that was bombed in 2007. Syria failed to report the construction of the reactor to the International Atomic Energy Agency (IAEA), which was Syria's obligation under its safeguards agreement with the agency.

(11) Official sources confirm that Iran and North Korea have engaged in various forms of clandestine nuclear cooperation.

(12) North Korea and Iran obtained designs and materials related to uranium enrichment from a clandestine procurement network run by Abdul Qadeer Khan.

(13) In the early 2000s, North Korea exported, with the assistance of Abdul Qadeer Khan, uranium hexafluoride (UF6) gas to Libya, which was intended to be used in Libya's clandestine nuclear weapons program.

(14) On January 6, 2016, North Korea conducted its fourth nuclear weapons test.

(15) Iranian officials reportedly traveled to North Korea to witness its three previous nuclear tests in 2006, 2009, and 2013.

(16) Before North Korea's 2013 test, a senior American official was quoted as saying ''it's very possible that North Koreans are testing for two countries''.

(17) In September 2012, Iran and North Korea signed an agreement for technological and scientific cooperation.

(18) In an April 2015 interview with CNN, Secretary of Defense Ashton Carter said that North Korea and Iran ''could be'' cooperating to develop a nuclear weapon.

(19) On February 9, 2016, Director of National Intelligence Jim Clapper provided written testimony to Congress that stated that Pyongyang's ''export of ballistic missiles and associated materials to several countries, including Iran and Syria, and its assistance to Syria's construction of a nuclear reactor . . . illustrate its willingness to proliferate dangerous technologies''.

(20) A 2016 Congressional Research Service report confirmed that ''ballistic missile technology cooperation between the two [Iran and North Korea] is significant and meaningful''.

(21) Admiral Bill Gortney, Commander of United States Northern Command, testified to Congress on April 14, 2016, that ''Iran's continuing pursuit of long-range missile capabilities and ballistic missile and space

launch programs, in defiance of United Nations Security Council resolutions, remains a serious concern''.

(22) Iran has engaged in nuclear technology cooperation with North Korea.

(23) It has been suspected for over a decade that Iran and North Korea are working together on nuclear weapons development.

(24) Since the Intelligence Authorization Act for Fiscal Year 2013 (Public Law 112–277) repealed requirements for the intelligence community to provide unclassified annual report to Congress on the ''Acquisition of Technology Relating to Weapons of Mass Destruction and Advanced Conventional Munitions'', the number of unclassified reports to Congress on nuclear-weapons issues decreased considerably.

(25) North Korea's cooperation with Iran on nuclear weapon development is widely suspected, but has yet to be detailed by the President to Congress.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the ballistic missile programs of Iran and North Korea represent a serious threat to allies of the United States in the Middle East, Europe, and Asia, members of the Armed Forces deployed in those regions, and ultimately the United States;

(2) further cooperation between Iran and North Korea on nuclear weapons or ballistic missile technology is not in the security interests of the United States or our allies;

(3) the testing and production by Iran of ballistic missiles capable of carrying a nuclear device is a clear violation of United Nations Security Council Resolution 2231 (2015), which was unanimously adopted by the United Nations Security Council and supported by the international community; and

(4) Iran is using its space launch program to develop the capabilities necessary to deploy an intercontinental ballistic missile that could threaten the United States, and the Director of National Intelligence has assessed that Iran would use ballistic missiles as its ''preferred method of delivering nuclear weapons''.

(c) REPORT.—

(1) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, and every 180 days thereafter, the President, in coordination with the Secretary of Defense, the Secretary of State, and the heads of other relevant agencies, shall submit to the appropriate committees of Congress a report on nuclear and ballistic missile cooperation between the Government of Iran and the Government of the Democratic People's Republic of North Korea, including the identity of Iranian and North Korean persons that have knowingly engaged in or directed the provision of material support or the exchange of information between the Government of Iran and the Government of the Democratic People's Republic of North Korea on their respective nuclear programs.

(2) FORM.—The report required under paragraph (1) shall be submitted in unclassified form, but may contain a classified annex.

(3) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this subsection, the term ''appropriate committees of Congress'' means—

(A) the Committee on Foreign Relations, the Committee on Armed Services, and the Select Committee on Intelligence of the Senate; and

(B) the Committee on Foreign Affairs, the Committee on Armed Services, and the Permanent Select Committee on Intelligence of the House of Representatives.

SA 4109. Mr. PERDUE submitted an amendment intended to be proposed by him to the bill S. 2943, to authorize appropriations for fiscal year 2017 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle A of title X, add the following:

SEC. 1004. COMPTROLLER GENERAL OF THE UNITED STATES REPORT ON MECHANISMS TO ELIMINATE EXCESSIVE AND UNNECESSARY END-OF-FISCAL YEAR SPENDING.

Not later than 180 days after the date of the enactment of this Act, the Comptroller General of the United States shall submit to the congressional defense committees a report setting forth recommendations for mechanisms to reduce or eliminate excessive spending by the Department of Defense in September as a means of ensuring that future fiscal year appropriations are not reduced for lack of use of current budgetary resources. The recommendations shall include recommendations on the following:

(1) Mechanisms to enhance flexibility in spending by the Chiefs of Staff of the Armed Forces, and by tactical units of the Armed Forces, with respect to end-of-fiscal-year obligations.

(2) Mechanisms to encourage long-term savings and more efficient spending practices.

(3) Such other mechanisms as the Comptroller General considers appropriate.

SA 4110. Mr. PERDUE submitted an amendment intended to be proposed by him to the bill S. 2943, to authorize appropriations for fiscal year 2017 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle E of title III, add the following:

SEC. 341. LIMITATION ON FUNDS FOR DEFENSE CONTRACT MANAGEMENT AGENCY.

(a) PROHIBITION.—Of the funds authorized to be appropriated by this Act or otherwise made available for fiscal year 2017 for operation and maintenance for the Defense Contract Management Agency, $10,000,000 may not be obligated or expended until a period of 30 days has elapsed following the date on which the Director of the Defense Contract Management Agency submits to the congressional defense committees a report on the Defense Contract Management Agency's plan to foster the adoption, implementation, and verification of the Department of Defense's revised Item Unique Identification policy across the Department and the defense industrial base.

(b) REPORT.—Not later than 90 days after the date of the enactment of this Act, the Director of the Defense Contract Management Agency shall submit to the congressional defense committees a report that provides a detailed plan on the Agency's new policies, procedures, staff training, and equipment—

(1) to ensure contract compliance with the Item Unique Identification policy for all items that require unique item level traceability at any time in their lifecycle;

(2) to support counterfeit material risk reduction; and

(3) to provide for systematic assessment and accuracy of item unique identification marks as set forth by Department of Defense Instruction 8320.04.

SA 4111. Mrs. ERNST (for herself and Mrs. BOXER) submitted an amendment intended to be proposed by her to the bill S. 2943, to authorize appropriations for fiscal year 2017 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title XII, add the following:

SEC. 1224. TEMPORARY EMERGENCY AUTHORIZATION OF DEFENSE ARTICLES, DEFENSE SERVICES, AND RELATED TRAINING DIRECTLY TO THE KURDISTAN REGIONAL GOVERNMENT.

(a) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the Islamic State of Iraq and the Levant (ISIL) poses an acute threat to the people and territorial integrity of Iraq, including the Iraqi Kurdistan Region, and the security and stability of the Middle East and the world;

(2) defeating the Islamic State of Iraq and the Levant is critical to maintaining a unified Iraq in which all faiths, sects, and ethnicities are afforded equal protection and full integration into the Government and society of Iraq; and

(3) any outstanding issues between the Government of Iraq and the Kurdistan Regional Government should be resolved by the two parties expeditiously.

(b) STATEMENT OF POLICY.—It is the policy of the United States to promote a stable and unified Iraq, including by directly providing the Kurdistan Regional Government military and security forces associated with the Government of Iraq with defense articles, defense services, and related training, on an emergency and temporary basis, to more effectively partner with the United States and other international coalition members to defeat the Islamic State of Iraq and the Levant (ISIL).

(c) AUTHORIZATION.—

(1) MILITARY ASSISTANCE.—The President, in consultation with the Government of Iraq, is authorized to provide defense articles, defense services, and related training directly to Kurdistan Regional Government military and security forces associated with the Government of Iraq for the purpose of supporting international coalition efforts against the Islamic State of Iraq and the Levant (ISIL) and any successor group or associated forces.

(2) DEFENSE EXPORTS.—The President is authorized to issue licenses authorizing United States exporters to export defense articles, defense services, and related training directly to the Kurdistan Regional Government military and security forces described in paragraph (1). For purposes of processing applications for such export licenses, the President is authorized to accept End Use Certificates approved by the Kurdistan Regional Government.

(3) TYPES OF ASSISTANCE.—Assistance authorized under paragraph (1) and exports authorized under paragraph (2) may include anti-tank and anti-armor weapons, armored vehicles, long-range artillery, crew-served weapons and ammunition, secure command and communications equipment, body armor, helmets, logistics equipment, excess defense articles and other military assistance that the President determines to be appropriate.

(d) RELATIONSHIP TO EXISTING AUTHORITIES.—

(1) RELATIONSHIP TO EXISTING AUTHORITIES.—Assistance authorized under subsection (c)(1) and licenses for exports authorized under subsection (c)(2) shall be provided pursuant to the applicable provisions of the Arms Export Control Act (22 U.S.C. 2751 et seq.) and the Foreign Assistance Act of 1961 (22 U.S.C. 2151 et seq.), notwithstanding any requirement in such applicable provisions of law that a recipient of assistance of the type authorized under subsection (c)(1) shall be a country or international organization. In addition, any requirement in such provisions of law applicable to such countries or international organizations concerning the provision of end use retransfers and other assurance required for transfers of such assistance should be secured from the Kurdistan Regional Government.

(2) CONSTRUCTION AS PRECEDENT.—Nothing in this section shall be construed as establishing a precedent for the future provision of assistance described in subsection (c) to organizations other than a country or international organization.

(e) REPORTS.—

(1) INITIAL REPORT.—Not later than 45 days after the date of the enactment of this Act, the President shall submit to the appropriate congressional committees a report that includes the following:

(A) A timeline for the provision of defense articles, defense services, and related training under the authority of subsections (c)(1) and (c)(2).

(B) A description of mechanisms and procedures for end-use monitoring of such defense articles, defense services, and related training.

(C) How such defense articles, defense services, and related training would contribute to the foreign policy and national security of the United States, as well as impact security in the region.

(2) UPDATES.—Not later than 180 days after the submittal of the report required by paragraph (1), and every 180 days thereafter through the termination pursuant to subsection (h) of the authority in subsection (c), the President shall submit to the appropriate congressional committees a report updating the previous report submitted under this subsection. In addition to any matters so updated, each report shall include a description of any delays, and the circumstances surrounding such delays, in the delivery of defense articles, defense services, and related training to the Kurdistan Regional Government pursuant to the authority in subsections (c)(1) and (c)(2).

(3) FORM.—Any report under this subsection shall be submitted in unclassified form, but may include a classified annex.

(4) DEFINITION.—In this subsection, the term ''appropriate congressional committees'' means—

(A) the Committee on Foreign Relations, the Committee on Appropriations, the Committee on Armed Services, and the Select Committee on Intelligence of the Senate; and

(B) the Committee on Foreign Affairs, the Committee on Appropriations, the Committee on Armed Services, and the Permanent Select Committee on Intelligence of the House of Representatives.

(f) NOTIFICATION.—The President should provide notification to the Government of Iraq, when practicable, not later than 15 days before providing defense articles, defense services, or related training to the Kurdistan Regional Government under the authority of subsection (c)(1) or (c)(2).

(g) ADDITIONAL DEFINITIONS.—In this section, the terms ''defense article'', ''defense service'', and ''training'' have the meanings given those terms in section 47 of the Arms Export Control Act (22 U.S.C. 2794).

(h) TERMINATION.—The authority to provide defense articles, defense services, and related training under subsection (c)(1) and the authority to issue licenses for exports authorized under subsection (c)(2) shall terminate on the date that is three years after the date of the enactment of this Act.

SA 4112. Mrs. GILLIBRAND submitted an amendment intended to be proposed by her to the bill S. 2943, to authorize appropriations for fiscal year 2017 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of part II of subtitle D of title V, add the following:

SEC. 554. MEDICAL EXAMINATION BEFORE ADMINISTRATIVE SEPARATION FOR MEMBERS WITH POST-TRAUMATIC STRESS DISORDER OR TRAUMATIC BRAIN INJURY IN CONNECTION WITH SEXUAL ASSAULT.

Section 1177(a)(1) of title 10, United States Code, is amended—

(1) by inserting '', or sexually assaulted,'' after ''deployed overseas in support of a contingency operation''; and

(2) by inserting ''or based on such sexual assault,'' after ''while deployed,''.

SA 4113. Ms. KLOBUCHAR submitted an amendment intended to be proposed by her to the bill S. 2943, to authorize appropriations for fiscal year 2017 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle I of title X, add the following:

SEC. 1097. ELIMINATION OF REQUIREMENT THAT CERTAIN SERVICE IN THE ARMED FORCES BE CONSECUTIVE FOR PURPOSES OF ELIGIBILITY FOR VETERANS HIRING PREFERENCES.

Section 2108(1) of title 5, United States Code, is amended by striking ''180 consecutive days'' each place it appears and inserting ''180 cumulative days''.

SA 4114. Mr. PETERS submitted an amendment intended to be proposed by him to the bill S. 2943, to authorize appropriations for fiscal year 2017 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle I of title X, add the following:

SEC. 1097. ELIGIBILITY FOR AIRPORT DEVELOPMENT GRANTS OF AIRPORTS THAT ENTER INTO CERTAIN LEASES WITH COMPONENTS OF THE ARMED FORCES.

Section 47107 of title 49, United States Code, amended by adding at the end the following:

''(t) AIRPORTS THAT ENTER INTO CERTAIN LEASES WITH THE ARMED FORCES.—The Secretary of Transportation may not disapprove a project grant application under this subchapter for an airport development project at an airport solely because the airport renews a lease for the use, at a nominal rate, of airport property by a regular or reserve component of the Armed Forces, including the National Guard, without regard to whether that component operates aircraft at the airport.''.

SA 4115. Mrs. GILLIBRAND (for herself and Mrs. ERNST) submitted an amendment intended to be proposed by her to the bill S. 2943, to authorize appropriations for fiscal year 2017 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of section 549, add the following:

(e) COAST GUARD.—

(1) IN GENERAL.—The Secretary of Homeland Security shall carry out a pilot program under subsection (a) with respect to commissioned officers of the Coast Guard designated for special duty (law).

(2) REFERENCES.—Any reference in this section to the Secretary of a miliary department shall be deemed to refer also to the Secretary of Homeland Security with respect to the Coast Guard when it is not operating as a service in the Navy, and any reference to judge advocates shall be deemed to refer also to commissioned officers of the Coast Guard designated for special duty (law).

(3) REPORT.—The report under subsection (d) shall also include the information required under that subsection with respect to the pilot program carried out under this subsection. The Secretary of Defense shall coordinate with the Secretary of Homeland Security for purposes of the inclusion in the report under subsection (d) of information with respect to the pilot program carried out under this subsection.

SA 4116. Mr. BOOKER submitted an amendment intended to be proposed by him to the bill S. 2943, to authorize appropriations for fiscal year 2017 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in title V, add the following:

SEC. ____. REPORT ON DEMOGRAPHICS AND OUTCOMES OF THE JUNIOR RESERVE OFFICERS' TRAINING CORPS PROGRAMS.

(a) REPORT REQUIRED.—Not later than one year after the date of the enactment of this Act, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the demographics and outcomes of the Junior Reserve Officers' Training Corps programs under chapter 102 of title 10, United States Code.

(b) ELEMENTS.—The report required by subsection (a) shall include information on the cadets enrolled in Junior Reserve Officers' Training Corps programs during the five-year period ending on the date of the report, as follows:

(1) Race.

(2) Gender.

(3) Ethnicity

(4) Post-Junior Reserve Officers' Training Corps military service.

(5) Appointment to military service academies.

(6) Receipt of scholarships to Senior Reserve Officers' Training Corps programs.

(7) Acceptance to two-year and four year institutions of higher education.

SA 4117. Mrs. ERNST (for herself and Mrs. BOXER) submitted an amendment intended to be proposed by her to the bill S. 2943, to authorize appropriations for fiscal year 2017 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title XII, add the following:

SEC. 1224. TEMPORARY EMERGENCY AUTHORIZATION OF PROVISION OF NON-LETHAL DEFENSE ARTICLES, DEFENSE SERVICES, AND RELATED TRAINING DIRECTLY TO THE KURDISTAN REGIONAL GOVERNMENT.

(a) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the Islamic State of Iraq and the Levant (ISIL) poses an acute threat to the people and territorial integrity of Iraq, including the Iraqi Kurdistan Region, and the security and stability of the Middle East and the world;

(2) defeating the Islamic State of Iraq and the Levant is critical to maintaining a unified Iraq in which all faiths, sects, and ethnicities are afforded equal protection and full integration into the Government and society of Iraq; and

(3) any outstanding issues between the Government of Iraq and the Kurdistan Regional Government should be resolved by the two parties expeditiously.

(b) STATEMENT OF POLICY.—It is the policy of the United States to promote a stable and unified Iraq, including by directly providing the Kurdistan Regional Government military and security forces associated with the Government of Iraq with non-lethal defense articles, defense services, and related training, on an emergency and temporary basis, to more effectively partner with the United States and other international coalition members to defeat the Islamic State of Iraq and the Levant (ISIL).

(c) AUTHORIZATION.—

(1) ASSISTANCE.—The President, in consultation with the Government of Iraq, is authorized to provide non-lethal defense articles, non-lethal defense services, and related training directly to Kurdistan Regional Government military and security forces associated with the Government of Iraq for the purpose of supporting international coalition efforts against the Islamic State of Iraq and the Levant (ISIL) and any successor group or associated forces.

(2) DEFENSE EXPORTS.—The President is authorized to issue licenses authorizing United States exporters to export non-lethal defense articles, non-lethal defense services, and related training directly to the Kurdistan Regional Government military and security forces described in paragraph (1). For purposes of processing applications for such export licenses, the President is authorized to accept End Use Certificates approved by the Kurdistan Regional Government.

(3) TYPES OF ASSISTANCE.—Assistance authorized under paragraph (1) and exports authorized under paragraph (2) may include medical supplies and equipment, medical logistical support (including aerial medical evacuation support), secure command and communications equipment, force protection equipment, body armor, helmets, logistics equipment, other non-lethal excess defense articles and non-lethal defense service, and other military assistance that the President considers appropriate for purposes of this section.

(d) CONSTRUCTION AS PRECEDENT.—Nothing in this section shall be construed as establishing a precedent for the future provision of assistance described in subsection (c) to organizations other than a country or international organization.

(e) REPORTS.—

(1) INITIAL REPORT.—Not later than 45 days after the date of the enactment of this Act, the President shall submit to the appropriate committees of Congress a report that includes the following:

(A) A timeline for the provision of non-lethal defense articles, non-lethal defense services, and related training under the authority of subsections (c)(1) and (c)(2).

(B) A description of mechanisms and procedures for end-use monitoring of such non-lethal defense articles, non-lethal defense services, and related training.

(C) How such non-lethal defense articles, non-lethal defense services, and related training would contribute to the foreign policy and national security of the United States, as well as impact security in the region.

(2) UPDATES.—Not later than 180 days after the submittal of the report required by paragraph (1), and every 180 days thereafter through the termination pursuant to subsection (i) of the authority in subsection (d), the President shall submit to the appropriate congressional committees a report updating the previous report submitted under this subsection. In addition to any matters so updated, each report shall include a description of any delays, and the circumstances surrounding such delays, in the delivery of non-lethal defense articles, non-lethal defense services, and related training to the Kurdistan Regional Government pursuant to the authority in subsections (c)(1) and (c)(2).

(3) FORM.—Any report under this subsection shall be submitted in unclassified form, but may include a classified annex.

(f) NOTIFICATION.—The President should provide notification to the Government of Iraq, when practicable, not later than 15 days before providing non-lethal defense articles, non-lethal defense services, or related training to the Kurdistan Regional Government under the authority of subsection (c)(1) or (c)(2).

(g) DEFINITIONS.—In this section:

(1) The term ''appropriate committees of Congress'' means—

(A) the Committee on Foreign Relations, the Committee on Appropriations, the Committee on Armed Services, and the Select Committee on Intelligence of the Senate; and

(B) the Committee on Foreign Affairs, the Committee on Appropriations, the Committee on Armed Services, and the Permanent Select Committee on Intelligence of the House of Representatives.

(2) The term ''training'' has the meaning given that terms in section 47 of the Arms Export Control Act (22 U.S.C. 2794).

(h) TERMINATION.—The authority to provide non-lethal defense articles, non-lethal defense services, and related training under subsection (c)(1) and the authority to issue licenses for exports authorized under subsection (c)(2) shall terminate on the date that is three years after the date of the enactment of this Act.

SA 4118. Mr. PERDUE submitted an amendment intended to be proposed by him to the bill S. 2943, to authorize appropriations for fiscal year 2017 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

After section 1028, insert the following:

SEC. 1028A. DECLASSIFICATION OF INFORMATION ON PAST TERRORIST ACTIVITIES OF DETAINEES TRANSFERRED FROM UNITED STATES NAVAL STATION, GUANTANAMO BAY, CUBA.

(a) IN GENERAL.—Not later than 120 days after the date of the enactment of this Act, the Director of National Intelligence shall, consistent with the protection of intelligence sources and methods—

(1) complete a declassification review of intelligence reports prepared by the National Counterterrorism Center prior to Periodic Review Board sessions or detainee transfers on the past terrorist activities of individuals detained at United States Naval Station, Guantanamo Bay, Cuba, who were transferred or released from United States Naval Station, Guantanamo Bay;

(2) make available to the public any information declassified as a result of the declassification review; and

(3) submit to the appropriate committees of Congress a report setting forth—

(A) the results of the declassification review; and

(B) if any information covered by the declassification review was not declassified pursuant to the review, a justification for the determination not to declassify such information.

(b) PAST TERRORIST ACTIVITIES.—For purposes of this section, the past terrorist activities of an individual, if any, shall include the terrorist activities conducted by the individual before the transfer of the individual to the detention facility at United States Naval Station, Guantanamo Bay, including the following:

(1) The terrorist organization, if any, with which affiliated.

(2) The terrorist training, if any, received.

(3) The role, if any, played in past terrorist attacks against the interests or allies of the United States.

(4) The direct responsibility, if any, for the death of citizens of the United States or members of the Armed Forces.

(5) Any admission of any matter specified in paragraphs (1) through (4).

(c) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this section, the term ''appropriate committees of Congress'' means—

(1) the Committee on Armed Services, the Committee on Foreign Relations, the Committee on Appropriations, and the Select Committee on Intelligence of the Senate; and

(2) the Committee on Armed Services, the Committee on Foreign Affairs, the Committee on Appropriations, and the Permanent Select Committee on Intelligence of the House of Representatives.

SA 4119. Mr. ROBERTS submitted an amendment intended to be proposed by him to the bill S. 2943, to authorize appropriations for fiscal year 2017 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

After section 1022, insert the following:

SEC. 1022A. PROHIBITION ON REPROGRAMMING REQUESTS FOR FUNDS FOR TRANSFER OR RELEASE, OR CONSTRUCTION FOR TRANSFER OR RELEASE, OF INDIVIDUALS DETAINED AT UNITED STATES NAVAL STATION, GUANTANAMO BAY, CUBA.

While the prohibitions in sections 1031 and 1032 of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114–92; 129 Stat. 968) are in effect, the Department of Defense may not submit to Congress a reprogramming request for funds to carry out any action prohibited by either such section.

SA 4120. Mr. GRASSLEY submitted an amendment intended to be proposed by him to the bill S. 2943, to authorize appropriations for fiscal year 2017 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle I of title X, add the following:

SEC. 1097. LIMITATION ON TREATMENT BY SECRETARY OF VETERANS AFFAIRS OF CERTAIN INDIVIDUALS AS ADJUDICATED AS A MENTAL DEFECTIVE.

(a) IN GENERAL.—Chapter 55 of title 38, United States Code, is amended by inserting after section 5501 the following new section:

''§ 5501A. Limitation on treatment by Secretary of certain individuals as adjudicated as a mental defective

''In any case arising out of the administration by the Secretary of any law administered by the Secretary, the Secretary shall not treat an individual as adjudicated as a mental defective for purposes of subsection (d)(4) or (g)(4) of section 922 of title 18 without the order or finding of a judge, magistrate, or other judicial authority of competent jurisdiction that such person is a danger to himself or herself or others.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 55 of such title is amended by inserting after the item relating to section 5501 the following new item:

''5501A. Limitation on treatment by Secretary of certain individuals as adjudicated as a mental defective.''.

SA 4121. Ms. KLOBUCHAR (for herself and Mr. TILLIS) submitted an amendment intended to be proposed by her to the bill S. 2943, to authorize appropriations for fiscal year 2017 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle I of title X, add the following:

SEC. 1097. IMPROVEMENT OF HEALTH CARE SERVICES PROVIDED TO NEWBORN CHILDREN BY DEPARTMENT OF VETERANS AFFAIRS.

Section 1786 of title 38, United States Code, is amended—

(1) in subsection (a), in the matter preceding paragraph (1), by striking ''seven days'' and inserting ''14 days''; and

(2) by adding at the end the following new subsection:

''(c) ANNUAL REPORT.—Not later than 31 days after the end of each fiscal year, the Secretary shall submit to the Committee on Veterans' Affairs of the Senate and the Committee on Veterans' Affairs of the House of Representatives a report on the health care services provided under subsection (a) during such fiscal year, including the number of newborn children who received such services during such fiscal year.''.

SA 4122. Mr. BLUMENTHAL submitted an amendment intended to be proposed by him to the bill S. 2943, to authorize appropriations for fiscal year 2017 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle E of title V, add the following:

SEC. 565. MANDATORY PARTICIPATION IN ACCESSING HIGHER EDUCATION ELEMENT OF TRANSITION ASSISTANCE PROGRAM FOR MEMBERS OF THE ARMED FORCES INTENDING TO USE VETERANS EDUCATION BENEFITS AFTER MILITARY SERVICE.

(a) IN GENERAL.—Each member of the Armed Forces who notifies the Secretary having jurisdiction over such member of an intention to use educational benefits available through the Department of Veterans Affairs (including educational benefits under chapter 30 or 33 of title 38, United States Code) after discharge, separation, or release from the Armed Forces shall be required to participate in the Accessing Higher Education element of the Transition Assistance Program (TAP) of the Department of Defense.

(b) TIMING OF PARTICIPATION.—A member required to participate in the Accessing Higher Education element of the Transition Assistance Program pursuant to subsection (a) shall complete participation in the element not later than one year before the scheduled date of the member's discharge, separation, or release from the Armed Forces.

(c) NOTIFICATION PROCEDURES.—Members shall make notifications for purposes of subsection (a) in accordance with such procedures as each Secretary of a military department, and the Secretary of Homeland Security with respect to the Coast Guard, shall establish for such purposes.

SA 4123. Mr. BLUMENTHAL submitted an amendment intended to be proposed by him to the bill S. 2943, to authorize appropriations for fiscal year 2017 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title VII, add the following:

SEC. 764. STUDY ON EFFECTS OF CONCUSSIONS IN SPORTS AND TRAINING ACTIVITIES AT UNITED STATES SERVICE ACADEMIES.

(a) STUDY.—The Secretary of Defense shall conduct a study on the effects of concussions in sports and training activities, including hockey, football, lacrosse, soccer, boxing, and martial arts, at the United States service academies.

(b) CONTENTS.—In conducting the study under subsection (a), the Secretary shall examine, at a minimum, the following:

(1) Current efforts by the Department of Defense to investigate the link between repetitive brain trauma and concussions and sports and training activities at the United States service academies.

(2) If any investigations by the Department at the United States service academies have led to findings that link repetitive brain trauma and concussions.

(3) A determination as to whether policies have been put into place to prevent and limit concussions at the United States service academies in sports and training activities, including hockey, football, lacrosse, soccer, boxing, and martial arts.

(c) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the results of the study conducted under subsection (a).

(d) UNITED STATES SERVICE ACADEMIES DEFINED.—In this section, the term ''United States service academies'' means the United States Military Academy, the United States Air Force Academy, the United States Naval Academy, the United States Coast Guard Academy, and the United States Merchant Marine Academy.

SA 4124. Mr. BLUMENTHAL submitted an amendment intended to be proposed by him to the bill S. 2943, to authorize appropriations for fiscal year 2017 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

After section 536, insert the following:

SEC. 536A. REPEAL OF STATUTE OF LIMITATIONS ON CLAIMS BEFORE DISCHARGE REVIEW BOARDS.

Section 1553(a) of title 10, United States Code, is amended by striking the second sentence.

SA 4125. Mr. BLUMENTHAL submitted an amendment intended to be proposed by him to the bill S. 2943, to authorize appropriations for fiscal year 2017 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

On page 870, between lines 19 and 20, insert the following:

(G) How the current military selective service process impacts citizens across the demographic spectrum, including by socioeconomic status and race, and whether the process needs to be improved to equitably impact all citizens.

SA 4126. Mr. BLUMENTHAL submitted an amendment intended to be proposed by him to the bill S. 2943, to authorize appropriations for fiscal year 2017 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title VII, add the following:

SEC. 764. ASSESSMENT OF ABILITY OF DEPARTMENT OF DEFENSE TO USE MODELING AND SIMULATION CAPABILITIES TO ADDRESS MEDICAL TRAINING REQUIREMENTS.

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall seek to enter into an agreement with the National Academies of Sciences, Engineering, and Medicine under which the National Academies assess the ability of the Department of Defense to use modeling and simulation capabilities to address medical training requirements of the Department.

(b) ALTERNATE ORGANIZATION.—

(1) IN GENERAL.—If the Secretary is unable to enter into an agreement described in subsection (a) with the National Academies of Sciences, Engineering, and Medicine on terms acceptable to the Secretary, the Secretary shall seek to enter into such an agreement with another appropriate organization that—

(A) is not part of the Federal Government;

(B) operates as a not-for-profit entity; and

(C) has expertise and objectivity comparable to that of the National Academies of Sciences, Engineering, and Medicine.

(2) TREATMENT.—If the Secretary enters into an agreement with another organization as described in paragraph (1), any reference in this section to the National Academies of Sciences, Engineering, and Medicine shall be treated as a reference to the other organization.

(c) ELEMENTS.—In conducting the assessment under subsection (a), the National Academies of Sciences, Engineering, and Medicine shall—

(1) assess—

(A) the modeling and simulation technology available to the Federal Government and the private sector;

(B) research and development programs that the Department may be able to undertake to enhance the modeling and simulation technology available to the Department;

(C) programs to transition modeling and simulation technology into operational use by the Department; and

(D) the advantages and disadvantages of using modeling and simulation as compared to live animal training, including fiscal and educational advantages and disadvantages; and

(2) make recommendations to the Secretary on—

(A) improvements to policies and programs of the Department to increase the use of modeling and simulation technology;

(B) research and development priorities of the Department that will enhance modeling and simulation capabilities; and

(C) the development of specific technical metrics to compare modeling and simulation to live animal training.

SA 4127. Mr. RUBIO submitted an amendment intended to be proposed by him to the bill S. 2943, to authorize appropriations for fiscal year 2017 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle H of title XII, add the following:

SEC. 1277. REPORT ON MAINTENANCE BY ISRAEL OF A ROBUST INDEPENDENT CAPABILITY TO REMOVE EXISTENTIAL SECURITY THREATS.

(a) FINDINGS.—Congress makes the following findings:

(1) The United States-Israel Enhanced Security Cooperation Act of 2012 (22 U.S.C. 8601 et seq.) established the policy of the United States to support the inherent right of Israel to self-defense.

(2) The United States-Israel Enhanced Security Cooperation Act of 2012 expresses the sense of Congress that the Government of the United States should transfer to the Government of Israel defense articles and defense services.

(3) The inherent right of Israel to self-defense necessarily includes the ability to defend against threats to its security and defend its vital national interests.

(b) SENSE OF CONGRESS.—It is the sense of Congress that air refueling tankers and advanced bunker-buster munitions should immediately be transferred to Israel to ensure our democratic ally has an independent capability to remove any existential threat posed by the Iranian nuclear program and defend its vital national interests.

(c) REPORT.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, and every 180 days thereafter for a period not to exceed four years, the President shall submit to the specified congressional committees a report that—

(A) identifies all long range defensive capabilities and platforms that would contribute significantly to the maintenance by Israel of a robust independent capability to remove existential security threats, including nuclear and ballistic missile facilities in Iran, and defend its vital national interests;

(B) assesses the availability for sale or transfer of items necessary for Israel to maintain the capability described in subparagraph (A), including the legal authorities available for making such transfers; and

(C) describes the steps the President is taking to immediately transfer the items described in subparagraph (B) for Israel to maintain the capability described in subparagraph (A).

(2) FORM.—The report required by paragraph (1) shall be submitted in unclassified form, but may contain a classified annex if necessary.

(3) DEFINITION.—In this subsection, the term ''specified congressional committees'' means—

(A) the congressional defense committees; and

(B) the Committee on Foreign Relations of the Senate and the Committee of Foreign Affairs of the House of Representatives.

SA 4128. Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill S. 2943, to authorize appropriations for fiscal year 2017 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle E of title V, add the following:

SEC. 565. REPORTS ON READY, RELEVANT LEARNING INITIATIVE OF THE NAVY.

(a) IN GENERAL.—Not later than September 1, 2016, and March 1 of each of 2017, 2018, and 2019, the Secretary of the Navy shall submit to the congressional defense committees a report on the Ready, Relevant Learning (RRL) initiative of the Navy.

(b) ELEMENTS.—Each report under subsection (a) shall include the following:

(1) An assessment of the performance of the Ready, Relevant Learning initiative during the preceding 12 months under the metrics developed to evaluate the initiative.

(2) A description of current lessons learned through the transition to the Ready, Relevant Learning initiative.

(3) A description of the actions relating to the transition to the Ready, Relevant Learning initiative completed in the last fiscal year ending before the year in which such report is submitted, and anticipated in the fiscal year in which such report is submitted and each of the next five fiscal years, as follows:

(A) Ratings analysis and content reengineering, by rating or course of instruction.

(B) Decision points of Navy leadership relating to transitions to the initiative, by rating, from the pre-initiative model to the initiative model.

(C) Reductions in Individuals Account by end strength and funding.

(D) Reductions in A-school and C-school billets.

(E) Funding realignments from the military personnel, Navy (MPN) account to the operation and maintenance, Navy (OMN) account in connection.

SA 4129. Mr. GARDNER submitted an amendment intended to be proposed by him to the bill S. 2943, to authorize appropriations for fiscal year 2017 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle I of title X, add the following:

SEC. 1097. SENSE OF CONGRESS ON CHEYENNE MOUNTAIN AIR FORCE STATION.

It is the sense of Congress that—

(1) Cheyenne Mountain Air Force Station (CMAFS) is an indispensable national security asset that is vital to the defense of North America;

(2) CMAFS, which celebrated its 50th anniversary on April 15, 2016, remains one of the greatest engineering marvels of our time, an American cultural icon, and relevant both now and in the future;

(3) CMAFS is an Electromagnetic Pulse-Hardened facility and operates as the alternate command center for the NORAD and United States Northern Command (NORTHCOM);

(4) since the establishment of the North American Defense Command (NORAD) in 1958, the U.S. and Canada have jointly invested in significant and irreplaceable infrastructure and capabilities to support NORAD in executing its assigned missions, including irreplaceable investment in CMAFS;

(5) CMAFS facilitates integration and operational synergy with NORAD for defense of the homeland, and the significant fixed and unique infrastructure at this location enables daily and contingency operations execution of NORTHCOM's missions;

(6) NORAD and NORTHCOM rely heavily on various communications and data feeds that go through CMAFS, which enable NORAD and NORTHCOM to continue to operate throughout a conflict or other national crisis; and

(7) portions of the Integrated Tactical Warning / Attack Assessment (ITW/AA) system that reside in CMAFS receive, process, and provide national leadership with information on air, missile, and space threats,

which is a critical component of the Nuclear Command and Control System, and is required to provide unambiguous, timely, accurate, and continuous tactical warning and attack assessment information to senior leaders of the United States and Canada throughout conflict or national crisis.

SA 4130. Mr. GARDNER submitted an amendment intended to be proposed by him to the bill S. 2943, to authorize appropriations for fiscal year 2017 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title XVI, add the following:

SEC. 1641. COMPTROLLER GENERAL OF THE UNITED STATES REPORT ON DEPARTMENT OF DEFENSE CRITICAL TELECOMMUNICATIONS EQUIPMENT OR SERVICES OBTAINED FROM SUPPLIERS CLOSELY LINKED TO A LEADING CYBER-THREAT ACTOR.

(a) REPORT REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Comptroller General of the United States shall submit to the congressional defense committees a report on any critical telecommunications equipment, technologies, or services obtained or used by the Department of Defense or its contractors or subcontrators that is—

(1) manufactured by a foreign supplier, or a contractor or subcontractor of such supplier, that is closely linked to a leading cyber-threat actor; or

(2) from an entity that incorporates or utilizes information technology manufactured by a foreign supplier, or a contractor or subcontractor of such supplier, that is closely linked to a leading cyber-threat actor.

(b) FORM.—The report shall be submitted in unclassified form, but may include a classified annex.

(c) DEFINITIONS.—In this section:

(1) The term ''leading cyber-threat actor'' means a country identified as a leading threat actor in cyberspace in the report entitled ''Worldwide Threat Assessment of the US Intelligence Community'', dated February 9, 2016, and includes the People's Republic of China, the Islamic Republic of Iran, the Democratic People's Republic of Korea, and the Russian Federation.

(2) The term ''closely linked'', with respect to a foreign supplier, contractor, or subcontrator and a leading cyber-threat actor, means the foreign supplier, contractor, or subcontractor—

(A) has ties to the military forces of such actor;

(B) has ties to the intelligence services of such actor;

(C) is the beneficiary of significant low interest or no-interest loans, loan forgiveness, or other support of such actor; or

(D) is incorporated or headquartered in the territory of such actor.

SA 4131. Mr. GARDNER (for himself and Mr. BENNET) submitted an amendment intended to be proposed by him to the bill S. 2943, to authorize appropriations for fiscal year 2017 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle I of title X, add the following:

SEC. 1097. MODIFICATION OF LAND CONVEYANCE, ROCKY MOUNTAIN ARSENAL NATIONAL WILDLIFE REFUGE.

Section 5(d)(1) of the Rocky Mountain Arsenal National Wildlife Refuge Act of 1992 (16 U.S.C. 668dd note; Public Law 102–402) is amended by adding at the end the following new subparagraph:

''(C)(i) Notwithstanding clause (i) of subparagraph (A), the restriction attached to any deed to any real property designated for disposal under this section that prohibits the use of the property for residential or industrial purposes may be modified or removed if it is determined, through a risk assessment performed pursuant to the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.), that the property is protective for the proposed use.

''(ii) The Secretary of the Army shall not be responsible or liable for any of the following:

''(I) The cost of any risk assessment described in clause (i) or any actions taken in response to such risk assessment.

''(II) Any damages attributable to the use of property for residential or industrial purposes as the result of the modification or removal of a deed restriction pursuant to clause (i), or the costs of any actions taken in response to such damages.''.

SA 4132. Mr. GARDNER submitted an amendment intended to be proposed by him to the bill S. 2943, to authorize appropriations for fiscal year 2017 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle E of title XVI, add the following:

SEC. 1667. SENSE OF CONGRESS ON THE BALLISTIC MISSILE THREAT OF NORTH KOREA AND THE DEPLOYMENT OF TERMINAL HIGH ALTITUDE AREA DEFENSE IN SOUTH KOREA.

It is the sense of Congress—

(1) that the short-range, medium-range, and long-range ballistic missile programs of the Democratic People's Republic of Korea (DPRK) represent an imminent and growing threat to the Republic of Korea (ROK), Japan, and the United States homeland;

(2) that, according to open sources, the Democratic People's Republic of Korea currently fields an estimated 700 short-range ballistic missiles, 200 Nodong medium-range ballistic missiles, and 100 Musudan intermediate-range ballistic missiles;

(3) that, in February 2016, the United States and Republic of Korea officially began formal consultations regarding the deployment of the Terminal High Altitude Area Defense (THAAD) missile defense system to the Republic of Korea;

(4) that the Terminal High Altitude Area Defense missile defense system would effectively complement and significantly strengthen the existing missile defense capabilities of the United States on the Korean Peninsula;

(5) that the Terminal High Altitude Area Defense missile defense system is a limited defensive system that does not represent a threat to any of the neighbors of the Republic of Korea;

(6) to welcome deployment consultation talks between United States and the Republic of Korea on the Terminal High Altitude Area Defense missile defense system and to consider the deployment of that system as a sovereign choice of the Republic of Korean Government and a bilateral decision of the alliance between the United States and the Republic of Korea to protect the citizens of the Republic of Korea against the growing ballistic missile threat from the Democratic People's Republic of Korea and provide further protection to United States Armed Forces currently deployed to the Korean Peninsula; and

(7) to welcome joint missile defenses exercises between the United States, the Republic of Korea, and Japan against the ballistic missile threat from the Democratic People's Republic of Korea and encourage further trilateral defense cooperation between the United States, the Republic of Korea, and Japan.

SA 4133. Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill S. 2943, to authorize appropriations for fiscal year 2017 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

After section 502, insert the following:

SEC. 502A. REDUCTION IN NUMBER OF GENERAL AND FLAG OFFICERS.

(a) PLAN FOR ACHIEVEMENT OF REDUCTION.—Commencing not later than 120 days after the date of the enactment of this Act, the Secretary of Defense shall implement a plan to reduce the number of general and flag officers authorized by sections 525 and 526 of title 10, United States Code, in order to comply with sections 501 and 502 of this Act.

(b) TIME FOR COMPLETION.—The plan shall be implemented so as to comply with the requirements in sections 501 and 502 of this Act by not later than December 31, 2017.

(c) ORDERLY TRANSITION.—

(1) IN GENERAL.—In order to provide an orderly transition for personnel in billets to be eliminated pursuant to the plan, each general or flag officer who has not completed 24 months in a billet to be eliminated pursuant to the plan as of December 31, 2017, may remain in such billet until the last day of the month that is 24 months after the month in which such officer assumed the duties of such billet.

(2) REPORT TO CONGRESS ON COVERED OFFICERS.—The Secretary shall include in the annual report required by section 526(j) of title 10, United States Code, in 2017 a description of the billets in which an officer will remain pursuant to paragraph (1), including the latest date on which the officer may remain in such billet pursuant to that paragraph.

(3) NOTICE TO CONGRESS ON DETACHMENT OF COVERED OFFICERS.—The Secretary shall submit to the Committees on Armed Services of the Senate and the House of Representatives a notice on the date on which each officer covered by paragraph (1) is detached from such officer's billet pursuant to that paragraph.

(d) REPORTS ON PROGRESS IN IMPLEMENTATION.—The Secretary shall include with the budget for the Department of Defense for each of fiscal year 2018 and 2019, as submitted to Congress pursuant to section 1105 of title 31, United States Code, a report describing and assessing the progress of the Department in implementing the plan and in achieving compliance with the requirements of sections 501 and 502 of this Act.

SA 4134. Mr. HOEVEN submitted an amendment intended to be proposed by

him to the bill S. 2943, to authorize appropriations for fiscal year 2017 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle F of title X, add the following:

SEC. 1059. AUTHORITY OF THE AIR FORCE TO CONTRACT FOR TRAINING OF AIR FORCE PERSONNEL IN PILOTING AND MAINTAINING REMOTELY PILOTED AIRCRAFT.

(a) AUTHORITY.—The Secretary of the Air Force may enter into contracts with qualified entities to provide training for Air Force personnel in piloting and maintaining remotely piloted aircraft.

(b) REPORT.—Not later than 90 days after the date of the enactment of this Act, the Secretary shall submit to the congressional defense committees a report setting forth the following:

(1) The number and scope of any current contracts entered into pursuant to subsection (a).

(2) A justification for the determination of the Secretary to enter or not enter, as the case may be, into contracts authorized by subsection (a), including, if the Secretary has not entered into such contracts—

(A) whether the number of remotely piloted aircraft pilots and maintenance crews of the Air Force is sufficient to meet the stated goal of 60 combat lines using such aircraft without such contracts; and

(B) a description of any legal or financial impediments to the utility of such contracts.

SA 4135. Mr. HOEVEN submitted an amendment intended to be proposed by him to the bill S. 2943, to authorize appropriations for fiscal year 2017 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle I of title X, add the following:

SEC. 1097. REPORT ON THE INTEGRATION OF DEPARTMENT OF DEFENSE UNMANNED AIRCRAFT INTO THE NATIONAL AIRSPACE SYSTEM.

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense, in coordination with the Administrator of the Federal Aviation Administration, shall submit to Congress a report on how the Department of Defense will ensure the safe integration of its unmanned aircraft with any civilian unmanned aircraft system traffic management system that may be part of the national airspace system after such date of enactment.

(b) ELEMENTS.—The report required by subsection (a) shall include the following:

(1) An assessment of—

(A) the potential for civilian unmanned aircraft traffic below 400 feet above sea level to affect the safety of military training routes, special use airspace, and airport terminal operating areas;

(B) the potential for civilian unmanned aircraft traffic above 400 feet above sea level, whether operating legally or illegally, to affect military training routes and special use airspace; and

(C) the technology the Department of Defense employs to provide unmanned aircraft operators with airspace situational awareness and the degree to which that technology could enable the Department of Defense to comply with current and expected future safety requirements in the United States national airspace system.

(2) A description of—

(A) the cases in which unmanned aircraft of the Department of Defense may need to be interoperable with any civilian unmanned aircraft system traffic management system that may be part of the national airspace system after the date of the enactment of this Act; and

(B) the efforts of the Department of Defense efforts to coordinate with the Federal Aviation Administration and the National Aeronautics and Space Administration on—

(i) research, development, testing, and evaluation of concepts, technologies, and systems required to ensure that unmanned aircraft systems of the Department of Defense meet civilian technical and safety standards; and

(ii) the development of technology and standards for any civilian unmanned aircraft system traffic management system that may be part of the national airspace system after such date of enactment.

(3) A strategy for ensuring that the unmanned aircraft of the Department of Defense are interoperable with any civilian unmanned aircraft system traffic management system that may be part of the national airspace system after such date of enactment.

(c) DEFINITIONS.—In this section, the terms ''unmanned aircraft'' and ''unmanned aircraft system'' have the meanings given those terms in section 331 of the FAA Modernization and Reform Act of 2012 (Public Law 112–95; 49 U.S.C. 40101 note).

SA 4136. Mr. HOEVEN (for himself, Mr. TESTER, Mr. DAINES, and Ms. HEITKAMP) submitted an amendment intended to be proposed by him to the bill S. 2943, to authorize appropriations for fiscal year 2017 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle D of title XVI, add the following:

SEC. 1655. IDENTIFICATION AND CORRECTION OF CAPABILITIES SHORTFALLS WITH RESPECT TO ENSURING THE SECURITY OF UNITED STATES INTERCONTINENTAL BALLISTIC MISSILE SITES.

(a) IDENTIFICATION OF CAPABILITIES SHORTFALLS.—Not later than 15 days after the date of the enactment of this Act, the Commander of the United States Strategic Command shall submit to the congressional defense committees a classified report that includes the following:

(1) A description of extant and potential threats to the security of United States intercontinental ballistic missile sites.

(2) A list of requirements for capabilities to ensure the security of all United States intercontinental ballistic missile sites.

(3) A description of capabilities shortfalls within the forces assigned, allocated, or otherwise provided to the United States Strategic Command as of the date of the report to ensure the security of all United States intercontinental ballistic missile sites.

(4) An assessment of the severity of risk associated with any shortfalls identified under paragraph (3).

(b) CORRECTION OF CAPABILITIES SHORTFALLS.—

(1) IN GENERAL.—Not later than 45 days after the date of the enactment of this Act, the Secretary of Defense shall—

(A) take action to mitigate any capabilities shortfalls identified in the report required by subsection (a);

(B) begin a process, pursuant to section 1535 of title 31, United States Code, to procure HH–60 helicopters for which contracts can be entered into by fiscal year 2018; and

(C) obtain a certification from the Commander of the United States Strategic Command that the action described in subparagraph (A) will effectively mitigate any capabilities shortfalls identified in the report required by subsection (a) until the helicopters described in subparagraph (B) can be procured and fielded.

(2) REPORT REQUIRED.—

(A) IN GENERAL.—Not later than 60 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report on the actions taken pursuant to paragraph (1).

(B) FORM OF REPORT.—The report required by subparagraph (A) shall be submitted in unclassified form, but may include a classified annex.

SA 4137. Mr. HOEVEN submitted an amendment intended to be proposed by him to the bill S. 2943, to authorize appropriations for fiscal year 2017 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle B of title II, add the following:

SEC. 221. ENHANCEMENT OF SITUATIONAL AWARENESS IN THE ARCTIC USING RQ–4 GLOBAL HAWK AIRCRAFT.

(a) REPORT ON USE TO ENHANCE SITUATIONAL AWARENESS.—Not later than 90 days after the date of the enactment of this Act, the Secretary of the Air Force shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the use of RQ–4 Global Hawk aircraft to increase situational awareness in the Arctic.

(b) ELEMENTS.—The report required by subsection (a) shall include the following:

(1) A description of the ability of the Air Force to fulfill the intelligence, surveillance, and reconnaissance requirements of the combatant commands in the Arctic

(2) An assessment of the ability of RQ–4 Global Hawk aircraft to provide capabilities necessary to meet the requirements described in paragraph (1).

(3) An assessment whether the capabilities of RQ–4 Global Hawk aircraft identified pursuant to paragraph (2) could be employed in the Arctic while the RQ–4 Global Hawk aircraft is being flown for training purposes.

(4) A description of any efforts to enable the RQ–4 Global Hawk aircraft to conduct missions in the Arctic within existing satellite communications capacity.

SA 4138. Mr. PETERS (for himself, Mr. DAINES, Mr. TILLIS, and Mrs. GILLIBRAND) submitted an amendment intended to be proposed by him to the bill S. 2943, to authorize appropriations for fiscal year 2017 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel

strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

After section 536, insert the following:

SEC. 536A. TREATMENT BY DISCHARGE REVIEW BOARDS OF CLAIMS ASSERTING POST-TRAUMATIC STRESS DISORDER OR TRAUMATIC BRAIN INJURY IN CONNECTION WITH COMBAT OR SEXUAL TRAUMA AS A BASIS FOR REVIEW OF DISCHARGE.

Section 1553(d) of title 10, United States Code, is amended by adding at the end the following new paragraph:

''(3)(A) In addition to the requirements of paragraph (1) and (2), in the case of a former member described in subparagraph (B), the Board shall—

''(i) review medical evidence of the Secretary of Veterans Affairs or a civilian health care provider that is presented by the former member; and

''(ii) review the case with liberal consideration to the former member that post-traumatic stress disorder or traumatic brain injury potentially contributed to the circumstances resulting in the discharge of a lesser characterization.

''(B) A former member described in this subparagraph is a former member described in paragraph (1) or a former member whose application for relief is based in whole or in part on matters relating to post-traumatic stress disorder or traumatic brain injury as supporting rationale, or as justification for priority consideration, whose post-traumatic stress disorder or traumatic brain injury is related to combat or military sexual trauma, as determined by the Secretary concerned.''.

SA 4139. Mr. MARKEY submitted an amendment intended to be proposed by him to the bill S. 2943, to authorize appropriations for fiscal year 2017 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

Strike section 1665.

SA 4140. Mr. DAINES (for himself, Mrs. ERNST, Mr. CRUZ, Mr. MORAN, Mr. KIRK, Mr. INHOFE, Mr. GARDNER, Mr. ROBERTS, and Mr. SCOTT) submitted an amendment intended to be proposed by him to the bill S. 2943, to authorize appropriations for fiscal year 2017 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle D of title X, add the following:

SEC. 1031. SENSE OF SENATE ON TRANSFER TO UNITED STATES NAVAL STATION, GUANTANAMO BAY, CUBA, OF INDIVIDUALS CAPTURED BY THE UNITED STATES FOR SUPPORTING THE ISLAMIC STATE OF IRAQ AND THE LEVANT.

It is the sense of the Senate that—

(1) the Islamic State of Iraq and the Levant (ISIL) has declared war on the United States;

(2) the United States Armed Forces are currently engaged in combat operations against ISIL;

(3) in conducting combat operations against ISIL, the United States has captured and detained individuals associated with ISIL and will likely capture and hold additional ISIL detainees;

(4) following the horrific terrorist attacks on September 11, 2001, the United States determined that it would detain at United States Naval Station, Guantanamo Bay, Cuba, individuals who had engaged in, aided, or abetted, or conspired to commit, acts of international terrorism, or acts in preparation therefor, that have caused, threaten to cause, or have as their aim to cause, injury to or adverse effects on the United States, its citizens, national security, foreign policy, or economy;

(5) members of ISIL captured by the United States during combat operations against ISIL meet such criteria for continued detention at United States Naval Station, Guantanamo Bay; and

(6) all individuals captured by the United States during combat operations against ISIL that meet such criteria by their affiliation with ISIL must be detained outside the United States and its territories and should be transferred to United States Naval Station, Guantanamo Bay.

SA 4141. Mr. CORKER submitted an amendment intended to be proposed by him to the bill S. 2943, to authorize appropriations for fiscal year 2017 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of the bill, add the following:

DIVISION F—DEPARTMENT OF STATE AUTHORIZATIONS

SEC. 6001. SHORT TITLE.

This division may be cited as the ''Department of State Authorization Act, Fiscal Year 2017''.

SEC. 6002. DEFINITIONS.

In this division:

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term ''appropriate congressional committees'' means—

(A) the Committee on Foreign Relations of the Senate;

(B) the Committee on Appropriations of the Senate;

(C) the Committee on Foreign Affairs of the House of Representatives; and

(D) the Committee on Appropriations of the House of Representatives.

(2) CAPITAL MASTER PLAN.—The term ''Capital Master Plan'' means the capital construction project at the United Nations Headquarters in New York City for which funding was approved by the United Nations General Assembly on December 22, 2006 (A/RES/61/251).

(3) CONSULAR AFFAIRS.—The term ''Consular Affairs'' means the Bureau of Consular Affairs of the Department of State.

(4) DEPARTMENT.—Unless otherwise specified, the term ''Department'' means the Department of State.

(5) FOREIGN SERVICE.—The term ''Foreign Service'' has the meaning given the term in section 102 of the Foreign Service Act of 1980 (22 U.S.C. 3902).

(6) GLOBAL AFFAIRS BUREAUS.—The term ''global affairs bureaus'' means the following bureaus of the Department:

(A) Bureaus reporting to the Under Secretary for Economic Growth, Energy, and the Environment.

(B) Bureaus reporting to the Under Secretary for Arms Control and International Security.

(C) Bureaus reporting to the Under Secretary for Public Diplomacy and Public Affairs.

(D) Bureaus reporting to the Under Secretary for Civilian Security, Democracy, and Human Rights.

(E) The Bureau of International Organization Affairs.

(7) GLOBAL AFFAIRS POSITION.—The term ''global affairs position'' means any position funded with amounts appropriated to the Department under the heading ''Diplomatic Policy and Support''.

(8) INSPECTOR GENERAL.—Unless otherwise specified, the term ''Inspector General'' means the Office of Inspector General of the Department of State.

(9) PEACEKEEPING ABUSE COUNTRY OF CONCERN.—The term ''peacekeeping abuse country of concern'' means a country so designated by the Secretary pursuant to section 6102(a).

(10) PEACEKEEPING CREDITS.—The term ''peacekeeping credits'' means the amounts by which United States assessed peacekeeping contributions exceed actual expenditures, apportioned to the United States, of peacekeeping operations by the United Nations during a United Nations peacekeeping fiscal year.

(11) SECRETARY.—Unless otherwise specified, the term ''Secretary'' means the Secretary of State.

(12) STRATEGIC HERITAGE PLAN.—The term ''Strategic Heritage Plan'' means the capital construction project at the United Nations' Palais des Nations building complex in Geneva, Switzerland, as discussed in the Secretary–General's ''Second annual progress report on the strategic heritage plan of the United Nations Office at Geneva'' (A/70/394), which was published on September 25, 2015.

TITLE LXXI—INTERNATIONAL ORGANIZATIONS

SEC. 6101. OVERSIGHT OF AND ACCOUNTABILITY FOR PEACEKEEPER ABUSES.

(a) STRATEGY TO ENSURE REFORM AND ACCOUNTABILITY.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall submit, in unclassified form, to the appropriate congressional committees—

(1) a United States strategy for combating sexual exploitation and abuse in United Nations peacekeeping operations; and

(2) an implementation plan for achieving the objectives set forth in the strategy described in paragraph (1).

(b) ELEMENTS.—The strategy required under subsection (a) shall include the following elements and objectives:

(1) The United States shall use its vote and influence at the United Nations to seek—

(A) the establishment of onsite courts-martial, as appropriate, for the prosecution of crimes committed by peacekeeping personnel, which is consistent with each peacekeeping mission's status of forces agreement with its host country;

(B) the creation of a United Nations Security Council ombudsman office that—

(i) is authorized to conduct ongoing oversight of peacekeeping operations;

(ii) reports directly to the Security Council on—

(I) offenses committed by peacekeeping personnel or United Nations civilian staff or volunteers; and

(II) the actions taken in response to such offenses; and

(iii) provides reports to the Security Council on the conduct of personnel in each peacekeeping operation not less frequently than annually and before the expiration or renewal of the mandate of any such peacekeeping operation;

(C) guidance from the United Nations on the establishment of a standing claims commission for each peacekeeping operation—

(i) to address any grievances by a host country's civilian population against United Nations personnel in cases of alleged abuses by peacekeeping personnel; and

(ii) to provide means for the government of the country of which culpable United Nations peacekeeping or civilian personnel are nationals to compensate the victims of such crimes;

(D) the adoption of a United Nations policy that—

(i) establishes benchmarks for the identification of sexual exploitation or abuse; and

(ii) ensures proper training of peacekeeping personnel (including officers and senior civilian personnel) in recognizing and avoiding such offenses;

(E) the adoption of a United Nations policy that bars troop- or police-contributing countries that fail to fulfill their obligation to ensure good order and discipline among their troops from providing any further troops for peace operations or restricts peacekeeper reimbursements to such countries until training, institutional reform, and oversight mechanisms have been put in place that are adequate to prevent such problems from reoccurring; and

(F) appropriate risk reduction policies, including refusal by the United Nations to deploy uniformed personnel from any troop- or police-contributing country that does not adequately—

(i) investigate allegations of sexual exploitation or abuse involving nationals of such country; and

(ii) ensure justice for the personnel determined to be responsible for such sexual exploitation or abuse.

(2) The United States shall deny further United States peacekeeper training or related assistance, except for training specifically designed to reduce the incidence of sexual exploitation or abuse, or to assist in its identification or prosecution, to any troop- or police-contributing country that does not—

(A) implement and maintain effective measures to improve such country's ability to monitor for sexual exploitation and abuse offenses committed by peacekeeping personnel who are nationals of such country;

(B) adequately respond to allegations of such offenses by carrying out effective disciplinary action against the personnel determined to be responsible for such offenses; and

(C) provide detailed reporting to the ombudsman described in paragraph (1)(B) (or other appropriate United Nations official) that describes the offenses committed by its nationals and its responses to such offenses.

(3) The United States shall develop support mechanisms to assist troop- or police-contributing countries—

(A) to improve their capacity to investigate allegations of sexual exploitation and abuse offenses committed by their nationals while participating in a United Nations peacekeeping operation; and

(B) to appropriately hold accountable any individual who commits an act of sexual exploitation or abuse.

(4) In coordination with the ombudsman described in paragraph (1)(B) (or other appropriate United Nations official), the Secretary shall identify, in the Department's annual country reports on human rights practices, the countries of origin of any peacekeeping personnel or units that—

(A) are characterized by patterns of sexual exploitation or abuse; or

(B) have failed to institute appropriate institutional and procedural reforms after being made aware of any such patterns.

(c) OPTIONAL DNA SAMPLING.—The United States may encourage a troop- or police-contributing country—

(1) to develop its own system to obtain and maintain DNA samples, consistent with the laws of such country, from each national of such country who is a member of a United Nations military contingent or formed police unit; and

(2) to make the DNA samples referred to in paragraph (1) available to such country's investigators if there is a credible allegation of sexual exploitation or abuse involving nationals described in paragraph (1).

(d) SENSE OF CONGRESS.—It is the sense of Congress that none of the DNA samples contained in the Armed Forces Repository of Specimen Samples for the Identification of Remains should be shared with the United Nations, a United Nations specialized agency, or a United Nations affiliated organization.

SEC. 6102. DESIGNATION AND REPORTING.

(a) DESIGNATION OF COUNTRIES WITH RECORDS OF PEACEKEEPING ABUSE.—If credible information indicates that personnel from any United Nations peacekeeping troop- or police-contributing country have engaged in sexual exploitation or abuse and credible allegations of such misconduct indicate a pattern of sexual exploitation or abuse, the Secretary shall—

(1) designate the country in question as a ''peacekeeping abuse country of concern''; and

(2) promptly notify the country in question of its designation under this subsection.

(b) DURATION.—A designation under subsection (a)(1) shall remain in effect until the Secretary determines that—

(1) the pattern of sexual exploitation or abuse that led to such designation has ceased; and

(2) the country in question has taken appropriate steps—

(A) to prevent acts of sexual exploitation or abuse in the future; and

(B) to bring to justice the perpetrators of any such sexual exploitation or abuse.

(c) PUBLIC LIST.—The Secretary shall maintain a publicly-accessible list of all countries that are designated as a peacekeeping abuse country of concern.

(d) INFORMATION.—The Secretary shall promptly inform the appropriate congressional committees whenever the Secretary—

(1) designates a country as a peacekeeping abuse country of concern; or

(2) determines that a country no longer qualifies as a peacekeeping abuse country of concern as a result of meeting the criteria set forth in subsection (b).

(e) CREDIBLE INFORMATION.—In assessing whether credible information indicates a pattern of sexual exploitation or abuse, the Secretary should consider all credible information, including—

(1) the contents of the annual United Nations Secretary General's Bulletin entitled ''Special measures for protection from sexual exploitation and sexual abuse'';

(2) classified and unclassified information residing in Federal Government databases or other relevant records;

(3) open-source records, including media accounts and information available on the Internet;

(4) information available from international organizations, foreign governments, and civil society organizations; and

(5) information obtained directly from victims or their advocates.

SEC. 6103. WITHHOLDING OF ASSISTANCE.

(a) STATEMENT OF UNITED STATES POLICY.—It is the policy of the United States that assistance to security forces should not be provided to any unit of the security forces of a foreign country that has engaged in a gross violation of human rights or in acts of sexual exploitation or abuse, including while serving in a United Nations peacekeeping operation.

(b) CLARIFICATION.—A gross violation of human rights referred to in section 620M of the Foreign Assistance Act of 1961 (22 U.S.C. 2378d) shall include any gross violation of human rights committed by a unit serving in a United Nations peacekeeping operation.

(c) WITHHOLDING OF ASSISTANCE.—The Secretary is authorized—

(1) to withhold any or all of the assistance to security forces described in subsection (d) from any unit of the security forces of a foreign country for which the Secretary has determined that credible information exists that the unit has engaged in acts of sexual exploitation or abuse, including while serving on a United Nations peacekeeping operation; and

(2) to continue to withhold such assistance until effective steps have been taken—

(A) to investigate, identify, and punish such exploitation or abuse; and

(B) to prevent similar incidents from occurring in the future.

(d) ASSISTANCE SPECIFIED.—The assistance to security forces described in this subsection is the assistance authorized under—

(1) sections 481, 516, 524, and 541 of the Foreign Assistance Act of 1961 (22 U.S.C. 2291, 2321j, 2344, and 2347);

(2) chapter 6 of part II of the Foreign Assistance Act of 1961 (22 U.S.C. 2348 et seq.); and

(3) section 23 of the Arms Export Control Act (22 U.S.C. 2763).

(e) ALLOCATION OF WITHHELD FUNDS.—If funding is withheld under subsection (c) or a country has been designated as a ''peacekeeping abuse country of concern'' under section 6102(a)(1), the President may make such funds available to assist the foreign government to strengthen civilian and military mechanisms of accountability to bring the responsible members of the security forces to justice and to prevent future incidents provided that a notification is submitted to Congress in accordance with the procedures applicable to reprogramming notifications under section 34 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2706).

(f) NOTIFICATION.—If the Secretary withholds assistance to security forces from a unit of the security forces of a foreign country pursuant to subsection (c), the Secretary shall—

(1) promptly notify the government of such country that such unit is ineligible for certain military assistance from the United States; and

(2) provide written notification of such withholding to the appropriate congressional committees not later than 10 days after the Secretary has determined to withhold such assistance or sales from such unit.

SEC. 6104. REPORT ON FEDERAL GOVERNMENT CONTRIBUTIONS TO THE UNITED NATIONS.

(a) IN GENERAL.—Section 4(c)(1) of the United Nations Participation Act of 1945 (22 U.S.C. 287b(c)) is amended—

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

''(A) A description of all assistance from the United States to the United Nations to support peacekeeping operations that—

''(i) was provided during the previous calendar year;

''(ii) is expected to be provided during the current fiscal year; or

''(iii) is included in the annual budget request to Congress for the budget year.'';

(2) by amending subparagraph (D) to read as follows:

''(D) For assessed or voluntary contributions described in subparagraph (B)(iii) or (C)(iii) that exceed $100,000 in value, including in-kind contributions—

''(i) the total amount or estimated value of all such contributions to the United Nations and to each of its affiliated agencies and related bodies;

''(ii) the nature and estimated total value of all in-kind contributions in support of United Nations peacekeeping operations and other international peacekeeping operations, including—

''(I) logistics;

''(II) airlift;

''(III) arms and materiel;

''(IV) nonmilitary technology and equipment;

''(V) personnel; and

''(VI) training;

''(iii) the approximate percentage of all such contributions to the United Nations and to each such agency or body when compared with all contributions to the United Nations and to each such agency or body from any source; and

''(iv) for each such United States Government contribution to the United Nations and to each such agency or body—

''(I) the amount or value of the contribution;

''(II) a description of the contribution, including whether it is an assessed or voluntary contribution;

''(III) the purpose of the contribution;

''(IV) the department or agency of the United States Government responsible for the contribution; and

''(V) the United Nations or United Nations affiliated agency or related body that received the contribution.''; and

(3) by adding at the end the following:

''(E) The report required under this subsection shall be submitted in unclassified form, but may include a classified annex.''.

(b) PUBLIC AVAILABILITY OF INFORMATION.—Not later than 14 days after submitting each report under section 4(c) of the United Nations Participation Act of 1945 (22 U.S.C. 287b(c)), the Director of the Office of Management and Budget shall post a text-based, searchable version of any unclassified information described in paragraph (1)(D) of such section on a publicly available website.

SEC. 6105. REIMBURSEMENT OR APPLICATION OF CREDITS.

Notwithstanding any other provision of law, the President shall direct the United States Permanent Representative to the United Nations to use the voice, vote, and influence of the United States at the United Nations to seek and timely obtain a commitment from the United Nations to make available to the United States any peacekeeping credits that are generated from a closed peacekeeping operation.

SEC. 6106. REIMBURSEMENT OF CONTRIBUTING COUNTRIES.

It is the policy of the United States that—

(1) the present formula for determining the troop reimbursement rate paid to troop- and police-contributing countries for United Nations peacekeeping should be clearly explained and made available to the public on the United Nations Department of Peacekeeping Operations website;

(2) regular audits of the nationally-determined pay and benefits given to personnel from troop- and police-contributing countries participating in United Nations peacekeeping operations should be conducted to help inform the reimbursement rate; and

(3) the survey mechanism developed by the United Nations Secretary-General's Senior Advisory Group on Peacekeeping Operations for collecting troop- and police-contributing country data on common and extraordinary expenses associated with deploying personnel to peacekeeping missions should be coordinated with the audits described in paragraph (2) to ensure proper oversight and accountability.

SEC. 6107. UNITED NATIONS PEACEKEEPING ASSESSMENT FORMULA.

(a) INDEPENDENT ASSESSMENT.—Not later than 1 year after the date of the enactment of this Act, the Comptroller General of the United States shall—

(1) conduct a study of the formula and methods by which the United Nations assesses member states for financial support to peacekeeping operations to determine an appropriate standard by which the United Nations should assess such member states in proportion to their capacity to contribute financially to such operations; and

(2) submit the results of the study conducted under paragraph (1) to the appropriate congressional committees.

(b) ELEMENTS.—The study required under subsection (a) shall include—

(1) an explanation and analysis of the formula and methods used by the United Nations to determine the peacekeeping assessments for each member state, including—

(A) whether it is appropriate to use per capita gross domestic product as the method of calculation for determining a member country's capacity to contribute;

(B) whether, and to what degree, member countries should qualify for discounts through the United Nations regular budget, the peacekeeping budget, or both; and

(C) a survey and analysis of various methods of calculating capacity to contribute including—

(i) the relative share of quota subscription and voting shares at international financial institutions such as the World Bank Group and the International Monetary Fund;

(ii) the size and nature of the country's reserves, including the size and composition of its other external assets; and

(iii) whether the country runs large and prolonged current account surpluses; and

(2) recommendations, based on the analysis conducted under paragraph (1), for improving the formula used by the United Nations to determine the peacekeeping assessments for each member state to better reflect each state's capacity to contribute and appropriate burden-sharing among member states.

SEC. 6108. STRATEGIC HERITAGE PLAN.

(a) REPORT.—Not later than 1 year after the date of the enactment of this Act, and every 2 years thereafter until the Strategic Heritage Plan is complete, the Comptroller General of the United States shall submit a report to the appropriate congressional committees on the Strategic Heritage Plan that includes—

(1) an update on the status of the project's budget and schedule, including any changes to scope, total project cost, or schedule;

(2) an update on financing plans for the project, including the amount contributed by each member state; and

(3) an assessment of the United Nations' management of the project, including whether lessons learned during the implementation of the Capital Master Plan are used to develop documented guidance for the Strategic Heritage Plan.

(b) AUTHORIZATION.—Not later than 30 days before the adoption of a budget for the Strategic Heritage Plan by the United Nations General Assembly, the Secretary shall certify to the appropriate congressional committees whether—

(1) the United Nations has updated its policies and procedures for capital projects to incorporate lessons learned from the Capital Master Plan;

(2) the Department—

(A) has conducted a cost-benefit analysis of the United Nations financing options for the Strategic Heritage Plan, including the possibility of special assessments on member states and a long-term loan from the Government of Switzerland; and

(B) has determined which option is most financially advantageous for the United States; and

(3) the United Nations has reviewed viable options for securing alternative financing to offset the total project cost.

SEC. 6109. WHISTLEBLOWER PROTECTIONS.

(a) CERTIFICATION OF WHISTLEBLOWER PROTECTIONS.—Not more than 85 percent of the annual contributions by the United States to the United Nations (including contributions to the Department of Peacekeeping Operations) for any United Nations agency, or for the Organization of American States, may be obligated for such organization, department, or agency until the Secretary certifies to the appropriate congressional committees that the organization, department, or agency receiving such contributions is—

(1) posting on a publicly available website, consistent with applicable privacy regulations and due process, regular financial and programmatic audits of such organization, department, or agency;

(2) providing the United States Government with necessary access to the financial and performance audits described in paragraph (1); and

(3) effectively implementing and enforcing policies and procedures that reflect best practices for the protection of whistleblowers from retaliation, including—

(A) protection against retaliation for internal and lawful public disclosures;

(B) the establishment of appropriate legal burdens of proof in disciplinary or other actions taken against employees and the maintenance of due process protections for such employees;

(C) the establishment of clear statutes of limitation for reporting retaliation against whistleblowers;

(D) appropriate access to independent adjudicative bodies, including external arbitration; and

(E) prompt disciplinary action, as appropriate, against any officials who have engaged in retaliation against whistleblowers.

(b) RELEASE OF WITHHELD CONTRIBUTIONS.—The Secretary may obligate the remaining 15 percent of the applicable United States contributions to an organization, department, or agency subject to the certification requirement described in subsection (a) after the Secretary submits such certification to the appropriate congressional committees.

(c) WAIVER.—

(1) IN GENERAL.—The Secretary may waive the requirements under subsection (a) with respect to a particular agency, organization, or department, if the Secretary determines and reports to the appropriate congressional committees that such a waiver is necessary for the particular agency, organization, or department to avert or respond to a humanitarian crisis.

(2) RENEWAL.—A waiver under paragraph (1) may be renewed if the Secretary determines and reports to the appropriate congressional committees that such waiver remains necessary for that particular agency, organization, or department to avert or respond to a humanitarian crisis.

SEC. 6110. UNITED NATIONS HUMAN RIGHTS COUNCIL.

(a) FUNDING PROHIBITION.—No funding from the United States Government may be made available to support the United Nations Human Rights Council until after the Secretary certifies to the appropriate congressional committees that—

(1) participation in the United Nations Human Rights Council is in the national interest of the United States; and

(2) the United Nations Humans Rights Council is taking steps to remove ''Human rights situation in Palestine and other occupied Arab territories'' and any other specific item targeted at Israel as permanent items on the United Nations Human Rights Council's agenda.

(b) REQUIREMENT.—The certification under subsection (a) shall include—

(1) an explanation of the reasoning behind the certification; and

(2) the steps that have been taken to remove ''Human rights situation in Palestine and other occupied Arab territories'' and any other specific item targeted at Israel as permanent agenda items.

(c) ADDITIONAL INFORMATION.—Not later than 90 days after the date of the enactment of this Act, and annually thereafter, the Secretary shall submit a report to the appropriate congressional committees that describes—

(1) the resolutions that were considered in the United Nations Human Rights Council during the previous 12 months; and

(2) steps that have been taken during that 12-month period to remove ''Human rights situation in Palestine and other occupied Arab territories'' and any other specific item targeted at Israel as permanent agenda items for the United Nations Human Rights Council.

(d) WAIVER.—The Secretary may waive the restrictions imposed under subsection (a), on an annual basis, if the Secretary—

(1) determines that such a waiver is in the foreign policy or national security interests of the United States; and

(2) submits a written explanation to the appropriate congressional committees of the reasoning behind such determination.

(e) TERMINATION.—The funding limitation under subsection (a) shall terminate after the Secretary certifies pursuant to that subsection that ''Human rights situation in Palestine and other occupied Arab territories'' and any other specific item targeted at Israel have been removed as permanent items on the United Nations Human Rights Council's agenda.

SEC. 6111. COMPARATIVE REPORT ON PEACEKEEPING OPERATIONS.

Not later than 1 year after the date of the enactment of this Act, the Comptroller General of the United States shall submit a report to the appropriate congressional committees on the costs, strengths, and limitations of United States and United Nations peacekeeping operations, which shall include—

(1) a comparison of the costs of current United Nations peacekeeping missions and the estimated cost of comparable United States peacekeeping operations; and

(2) an analysis of the strengths and limitations of—

(A) a peacekeeping operation led by the United States; and

(B) a peacekeeping operation led by the United Nations.

SEC. 6112. ADDRESSING MISCONDUCT IN UNITED NATIONS PEACEKEEPING MISSIONS.

(a) REFORMS.—The President shall direct the United States Permanent Representative to the United Nations to use the voice, vote, and influence of the United States at the United Nations—

(1) to seek to alter the model memorandum of understanding for troop-contributing countries participating in United Nations peacekeeping missions to strengthen accountability measures related to the investigation, prosecution, and discipline of their troops in cases of misconduct;

(2) to seek to ensure that for each United Nations peacekeeping mission mandate renewal that is approved and for any new peacekeeping mission, the memorandum of understanding with the troop-contributing countries contains strong provisions that ensure an investigation and response to allegations of sexual exploitation and abuse offenses and the execution of swift and effective disciplinary action against personnel found to have committed the offenses is taken; and

(3) to seek to require the immediate repatriation of a particular military unit or formed police unit of a troop- or police-contributing country in a United Nations peacekeeping operation when there is credible information of widespread or systemic sexual exploitation or abuse by that unit and to prevent the deployment of that particular unit in a peacekeeping capacity until demonstrable progress has been made to prevent similar offenses from occurring in the future, to strengthen command and control, and to investigate and hold accountable those found guilty of sexual exploitation or abuse.

(b) REPORT.—

(1) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the Secretary of State shall submit to Congress a report with recommendations for changing the model memorandum of understanding for troop-contributing countries participating in United Nations peacekeeping missions that strengthen accountability measures and prevent sexual exploitation and abuse by United Nations personnel.

(2) ELEMENTS.—The report required under paragraph (1) shall include the following elements:

(A) A plan to ensure the recommendations described in such paragraph are incorporated into the model memorandum of understanding.

(B) Specific recommendation on ways to track the progress and process by which a troop-contributing country investigates, prosecutes, and holds personnel accountable for misconduct.

SEC. 6113. WHISTLEBLOWER PROTECTIONS FOR UNITED NATIONS PERSONNEL.

The President shall direct the United States Permanent Representative to the United Nations to use the voice, vote, and influence of the United States at the United Nations—

(1) to call for the removal of any official at the United Nations whom the Department of State determines has failed to uphold the highest standards of ethics and integrity established by the United Nations, and whose conduct, with respect to preventing sexual exploitation and abuse by United Nations peacekeepers, has resulted in the erosion of public confidence in the United Nations;

(2) to ensure that effective whistleblower protections are extended to United Nations peacekeepers, United Nations police officers, United Nations staff, contractors, and victims of misconduct involving United Nations personnel; and

(3) to ensure that the United Nations establishes and implements effective protection measures for whistleblowers who report significant allegations of wrongdoing by United Nations officials.

TITLE LXXII—PERSONNEL AND ORGANIZATIONAL ISSUES

SEC. 6201. MARKET DATA FOR COST-OF-LIVING ADJUSTMENTS.

(a) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall submit a report to the appropriate congressional committees that examines the feasibility and cost effectiveness of using private sector market data to determine cost of living adjustments for foreign service officers and Federal Government civilians who are stationed abroad.

(b) CONTENT.—The report required under subsection (a) shall include—

(1) a list of at least 4 private sector providers of international cost-of-living data that the Secretary determines are qualified to provide such data;

(2) a list of cities in which the Department maintains diplomatic posts for which private sector cost-of-living data is not available;

(3) a comparison of—

(A) the cost of purchasing cost-of-living data from each provider listed in paragraph (1); and

(B) the cost (including Department labor costs) of producing such rates internally; and

(4) for countries in which the Department provides a cost-of-living allowance greater than zero and the World Bank estimates that the national price level of the country is less than the national price level of the United States, a comparison of cost-of-living allowances, excluding housing costs, of the private sector providers referred to in paragraph (1) to rates constructed by the Department's Office of Allowances.

(c) WAIVER.—If the Secretary determines that compliance with subsection (b)(4) at a particular location is cost-prohibitive, the Secretary may waive the requirement under subsection (b)(4) for that location if the Secretary submits written notice and an explanation of the reasons for the waiver to the appropriate congressional committees.

SEC. 6202. OVERSEAS HOUSING.

(a) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Comptroller General of the United States shall submit a report to the appropriate congressional committees that analyzes and compares—

(1) overseas housing policies and rates for civilians, as set by the Department; and

(2) overseas housing policies and rates for military personnel, as set by the Department of Defense.

(b) CONTENT.—The report required under subsection (a) shall include—

(1) a comparison of overseas housing policies, pertaining to the size and quality of government-provided housing and the rates for individually leased housing, for Federal Government civilians and military personnel;

(2) a comparison of rates for individually leased overseas housing for civilians and military personnel by comparable rank and family size;

(3) an analysis of any factors specific to the civilian population or military population that warrant separate housing policies and rates;

(4) a recommendation on the feasibility and cost-effectiveness of consolidating civilian and military policies and rates for individually-leased housing into a single approach for all United States personnel who are stationed overseas; and

(5) additional policy recommendations based on the Comptroller General's analysis.

SEC. 6203. LOCALLY-EMPLOYED STAFF WAGES.

(a) MARKET-RESPONSIVE STAFF WAGES.—Not later than 180 days after the date of enactment of this Act, and periodically thereafter, the Secretary shall establish and implement a prevailing wage rates goal for positions in the local compensation plan, as described in section 408 of the Foreign Service Act of 1980 (22 U.S.C. 3968), at each diplomatic post that—

(1) is based on the specific recruiting and retention needs of the post and local labor market conditions, as determined annually; and

(2) is not less than the 50th percentile of the prevailing wage for comparable employment in the labor market surrounding the post.

(b) EXCEPTION.—The prevailing wage rate goal established under subsection (a) may differ from the requirements under such subsection if required by law in the locality of employment.

(c) RECORDKEEPING REQUIREMENT.—The analytical assumptions underlying the calculation of wage levels at each diplomatic post under subsection (a), and the data upon which such calculation is based—

(1) shall be filed electronically and retained for not less than 5 years; and

(2) shall be made available to the appropriate congressional committees upon request.

SEC. 6204. EXPANSION OF CIVIL SERVICE OPPORTUNITIES.

It is the sense of Congress that the Department should—

(1) expand the Overseas Development Program from 20 positions to not fewer than 40 positions within 1 year after the date of the enactment of this Act;

(2) analyze the costs and benefits of expanding the Overseas Development Program; and

(3) expand the Overseas Development Program to more than 40 positions if the benefits identified in paragraph (2) outweigh the costs identified in such paragraph.

SEC. 6205. PROMOTION TO THE SENIOR FOREIGN SERVICE.

Section 601(c) of the Foreign Service Act of 1980 (22 U.S.C. 4001(c)) is amended by adding at the end the following:

''(6)(A) The promotion of any individual joining the Service on or after January 1, 2017, to the Senior Foreign Service shall be contingent upon the individual completing at least 1 tour in—

''(i) a global affairs bureau; or

''(ii) a global affairs position.

''(B) In this paragraph:

''(i) The term 'global affairs bureaus' means the following bureaus of the Department:

''(I) Bureaus reporting to the Under Secretary for Economic Growth, Energy, and Environment.

''(II) Bureaus reporting to the Under Secretary for Arms Control and International Security.

''(III) Bureaus reporting to the Under Secretary for Public Diplomacy and Public Affairs.

''(IV) Bureaus reporting to the Under Secretary for Civilian, Security, Democracy, and Human Rights.

''(V) The Bureau of International Organization Affairs.

''(ii) The term 'global affairs position' means any position funded with amounts appropriated to the Department of State under the heading 'Diplomatic Policy and Support'.

''(C) The requirements under subparagraph (A) shall not apply if the Secretary of State certifies that the individual proposed for promotion to the Senior Foreign Service—

''(i) has met all other requirements applicable to such promotion; and

''(ii) was unable to complete a tour in a global affairs bureau or global affairs position because there was not a reasonable opportunity for the individual to be assigned to such a posting.''.

SEC. 6206. LATERAL ENTRY INTO THE FOREIGN SERVICE.

(a) POLICY OF THE UNITED STATES.—It is the policy of the United States to maximize the ability of the Foreign Service to draw upon the talents of the American people to most effectively promote the foreign policy interests of the United States.

(b) FINDING.—Congress finds that—

(1) the Foreign Service practice of grooming generalists for careers in the Foreign Service, starting with junior level directed assignments, is effective for most officers; and

(2) the practice described in paragraph (1) precludes the recruitment of many patriotic, highly-skilled, talented, and experienced mid-career professionals who wish to join public service and contribute to the work of the Foreign Service, but are not in a position to restart their careers as entry-level government employees.

(c) SENSE OF CONGRESS.—It is the sense of Congress that the Foreign Service should permit mid-career entry into the Foreign Service for qualified individuals who are willing to bring their outstanding talents and experiences to the work of the Foreign Service.

(d) PILOT PROGRAM.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall establish a 3-year pilot program for lateral entry into the Foreign Service that—

(1) targets mid-career individuals from the civil service and private sector who have skills and experience that would be extremely valuable to the Foreign Service;

(2) is in full comportment with current Foreign Service intake procedures, including the requirement to pass the Foreign Service exam;

(3) offers participants in the pilot program placement in the Foreign Service at a grade level higher than FS–4 if such placement is warranted by their education and qualifying experience;

(4) requires only 1 directed assignment in a position appropriate to the pilot program participant's grade level;

(5) includes, as part of the required initial training, a class or module that specifically prepares participants in the pilot program for life in the Foreign Service, including conveying to them essential elements of the practical knowledge that is normally acquired during a Foreign Service officer's initial assignments; and

(6) includes an annual assessment of the progress of the pilot program by a review board consisting of Department officials with appropriate expertise, including employees of the Foreign Service, in order to evaluate the pilot program's success and direction in advancing the policy set forth in subsection (a) in light of the findings set forth in subsection (b).

(e) ANNUAL REPORTING.—Not later than 1 year after the date of the enactment of this Act, and annually thereafter for the duration of the pilot program, the Secretary shall submit a report to the appropriate congressional committees that describes—

(1) the cumulative number of accepted and unaccepted applicants to the pilot program established under subsection (d);

(2) the cumulative number of pilot program participants placed into each Foreign Service cone;

(3) the grade level at which each pilot program participant entered the Foreign Service;

(4) information about the first assignment to which each pilot program participant was directed;

(5) the structure and operation of the pilot program, including—

(A) the operation of the pilot program to date; and

(B) any observations and lessons learned about the pilot program that the Secretary considers relevant.

(f) LONGITUDINAL DATA.—The Secretary shall—

(1) collect and maintain data on the career progression of each pilot program participant for the length of the participant's Foreign Service career; and

(2) make the data described in paragraph (1) available to the appropriate congressional committees upon request.

SEC. 6207. REEMPLOYMENT OF ANNUITANTS.

(a) WAIVER OF ANNUITY LIMITATIONS.—Section 824(g) of the Foreign Service Act of 1980 (22 U.S.C. 4064(g)) is amended—

(1) in paragraph (1)(B), by striking ''to facilitate the'' and all that follows through ''Afghanistan,'';

(2) by striking paragraph (2); and

(3) by redesignating paragraph (3) as paragraph (2).

(b) REPEAL OF SUNSET PROVISION.—Section 61(a) of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2733(a)) is amended to read as follows:

''(a) AUTHORITY.—The Secretary of State may waive the application of section 8344 or 8468 of title 5, United States Code, on a case-by-case basis, for employment of an annuitant in a position in the Department of State for which there is exceptional difficulty in recruiting or retaining a qualified employee, or when a temporary emergency hiring need exists.''.

SEC. 6208. CODIFICATION OF ENHANCED CONSULAR IMMUNITIES.

Section 4 of the Diplomatic Relations Act (22 U.S.C. 254c) is amended—

(1) by striking ''The President'' and inserting the following:

''(a) IN GENERAL.—The President''; and

(2) by adding at the end the following:

''(b) CONSULAR IMMUNITY.—

''(1) IN GENERAL.—The Secretary of State, with the concurrence of the Attorney General, may, on the basis of reciprocity and under such terms and conditions as the Secretary may determine, specify privileges and immunities for a consular post, the members of a consular post, and their families which result in more favorable or less favorable treatment than is provided in the Vienna Convention.

''(2) CONSULTATION.—Before exercising the authority under paragraph (1), the Secretary shall consult with the appropriate congressional committees on the circumstances that may warrant the need for privileges and immunities providing more favorable or less favorable treatment than is provided in the Vienna Convention.''.

SEC. 6209. ACCOUNTABILITY REVIEW BOARD RECOMMENDATIONS RELATED TO UNSATISFACTORY LEADERSHIP.

Section 304(c) of the Diplomatic Security Act (22 U.S.C. 4834(c)) is amended—

(1) by redesignating paragraphs (1), (2), and (3) as subparagraphs (A), (B), and (C), respectively;

(2) by striking ''Whenever'' and inserting the following:

''(1) BREACH OF DUTY.—Whenever'';

(3) by striking ''In determining'' and inserting the following:

''(2) FACTORS.—In determining''; and

(4) by adding at the end the following:

''(3) UNSATISFACTORY LEADERSHIP.—

''(A) GROUNDS FOR DISCIPLINARY ACTION.—Unsatisfactory leadership by a senior official with respect to a security incident involving loss of life, serious injury or significant destruction of property at or related to a United States Government mission abroad may be grounds for disciplinary action.

''(B) RECOMMENDATION.—If a Board finds reasonable cause to believe that a senior official provided unsatisfactory leadership (as described in subparagraph (A)), the Board may recommend disciplinary action subject to the procedures set forth in paragraphs (1) and (2).''.

SEC. 6210. PERSONAL SERVICES CONTRACTORS.

(a) IN GENERAL.—Subject to subsections (b) and (c), the Secretary may establish a pilot

program (referred to in this section as the ''Program'') for hiring United States citizens or aliens as personal services contractors. Personal services contractors hired under this section may provide services in the United States and outside of the United States to respond to new or emerging needs or to augment existing services.

(b) CONDITIONS.—The Secretary may hire personal services contractors under the Program if—

(1) the Secretary determines that existing personnel resources are insufficient;

(2) the period in which services are provided by a personal services contractor under the Program, including options, does not exceed 2 years, unless the Secretary determines that exceptional circumstances justify an extension of up to 1 additional year;

(3) not more than 200 United States citizens or aliens are employed as personal services contractors under the Program at any time; and

(4) the Program is only used to obtain specialized skills or experience or to respond to urgent needs.

(c) STATUS OF PERSONAL SERVICE CONTRACTORS.—

(1) NOT A GOVERNMENT EMPLOYEE.—Subject to paragraph (2), an individual hired as a personal services contractor under the Program shall not, by virtue of such hiring, be considered to be an employee of the United States Government for purposes of any law administered by the Office of Personnel Management.

(2) APPLICABLE LAW.—An individual hired as a personal services contractor pursuant to this section shall be covered, in the same manner as a similarly-situated employee, by—

(A) the Ethics in Government Act of 1978 (5 U.S.C. App.);

(B) chapter 73 of title 5, United States Code;

(C) sections 201, 203, 205, 207, 208, and 209 of title 18, United States Code;

(D) section 1346 and chapter 171 of title 28, United States Code; and

(E) chapter 21 of title 41, United States Code.

(3) SAVINGS PROVISION.—Except as provided in paragraphs (1) and (2), nothing in this section may be construed to affect the determination of whether an individual hired as a personal services contractor under the Program is an employee of the United States Government for purposes of any Federal law.

(d) TERMINATION OF AUTHORITY.—

(1) IN GENERAL.—The authority to award personal services contracts under the Program shall terminate on September 30, 2019.

(2) EFFECT ON EXISTING CONTRACTS.—A contract entered into before the termination date set forth in paragraph (1) may remain in effect until the date on which it is scheduled to expire under the terms of the contract.

SEC. 6211. TECHNICAL AMENDMENT TO FEDERAL WORKFORCE FLEXIBILITY ACT.

Chapter 57 of title 5, United States Code, is amended—

(1) in section 5753(a)(2)(A), by inserting '', excluding members of the Foreign Service other than chiefs of mission and ambassadors at large'' before the semicolon at the end; and

(2) in section 5754(a)(2)(A), by inserting '', excluding members of the Foreign Service other than chiefs of mission and ambassadors at large'' before the semicolon at the end.

SEC. 6212. TRAINING SUPPORT SERVICES.

Section 704(a)(4)(B) of the Foreign Service Act of 1980 (22 U.S.C. 4024(a)(4)(B)) is amended by striking ''language instructors, linguists, and other academic and training specialists'' and inserting ''education and training specialists, including language instructors and linguists, and other specialists who perform work directly relating to the design, delivery, oversight, or coordination of training delivered by the institution''.

SEC. 6213. LIMITED APPOINTMENTS IN THE FOREIGN SERVICE.

Section 309 of the Foreign Service Act (22 U.S.C. 3949), is amended—

(1) in subsection (a) by striking ''subsection (b)'' and inserting ''subsections (b) and (c)'';

(2) in subsection (b)—

(A) in paragraph (3)—

(i) by striking ''if continued service'' and inserting the following: ''if—

''(A) continued service''; and

(B) by adding at the end the following: ''or

''(B) the individual is serving in the uniformed services (as defined in section 4303 of title 38, United States Code) and the limited appointment expires in the course of such service'';

(C) in paragraph (4), by striking ''and'' at the end;

(D) in paragraph (5), by striking the period at the end and inserting a semicolon; and

(E) by adding at the end the following:

''(6) in exceptional circumstances if the Secretary determines the needs of the Service require the extension of—

''(A) a limited noncareer appointment for a period not to exceed 1 year; or

''(B) a limited appointment of a career candidate for the minimum time needed to resolve a grievance, claim, investigation, or complaint not otherwise provided for in this section.''; and

(3) by adding at the end the following:

''(c)(1) Noncareer employees who have served for 5 consecutive years under a limited appointment may be reappointed to a subsequent noncareer limited appointment if there is at least a 1-year break in service before such new appointment.

''(2) The Secretary may waive the 1-year break requirement under paragraph (1) in cases of special need.''.

SEC. 6214. HOME LEAVE AMENDMENT.

(a) LENGTH OF CONTINUOUS SERVICE ABROAD.—Section 903(a) of the Foreign Service Act of 1980 (22 U.S.C. 4083) is amended by inserting ''(or after a shorter period of such service if the member's assignment is terminated for the convenience of the Service)'' after ''12 months of continuous service abroad''.

(b) REPORT.—Not later than 90 days after the date of the enactment of this Act, the Secretary shall submit a report to the appropriate congressional committees that recounts the number of instances during the 3-year period ending on such date of enactment that the Foreign Service permitted home leave for a member after fewer than 12 months of continuous service abroad.

SEC. 6215. FOREIGN SERVICE WORKFORCE STUDY.

Not later than 180 days after the date of the enactment of this Act, the Secretary shall submit a report to the appropriate congressional committees that contains the results of a study on workforce issues and challenges to career opportunities pertaining to tandem couples in the Foreign Service.

SEC. 6216. REPORT ON DIVERSITY RECRUITMENT, EMPLOYMENT, RETENTION, AND PROMOTION.

(a) IN GENERAL.—The Secretary should provide oversight to the employment, retention, and promotion of underrepresented groups.

(b) ADDITIONAL RECRUITMENT AND OUTREACH REQUIRED.—The Department should conduct recruitment activities that—

(1) develop and implement effective mechanisms to ensure that the Department is able effectively to recruit and retain highly qualified candidates from minority-serving institutions; and

(2) improve and expand recruitment and outreach programs at minority-serving institutions.

(c) REPORT.—Not later than 180 days after the date of the enactment of this Act, and quadrennially thereafter, the Secretary of State shall submit a comprehensive report to Congress that describes the efforts, consistent with existing law, including procedures, effects, and results of the Department since the period covered by the prior such report, to promote equal opportunity and inclusion for all American employees in direct hire and personal service contractors status, particularly employees of the Foreign Service, to include equal opportunity for all races, ethnicities, ages, genders, and service-disabled veterans, with a focus on traditionally underrepresented minority groups.

SEC. 6217. FOREIGN RELATIONS EXCHANGE PROGRAMS.

(a) EXCHANGES AUTHORIZED.—Title I of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2651a et seq.) is amended by adding at the end the following:

''SEC. 63. FOREIGN RELATIONS EXCHANGE PROGRAMS.

''(a) AUTHORITY.—The Secretary may establish exchange programs under which officers or employees of the Department of State, including individuals appointed under title 5, United States Code, and members of the Foreign Service (as defined in section 103 of the Foreign Service Act of 1980 (22 U.S.C. 3903)), may be assigned, for not more than one year, to a position with any foreign government or international entity that permits an employee to be assigned to a position with the Department of State.

''(b) SALARY AND BENEFITS.—

''(1) MEMBERS OF FOREIGN SERVICE.—During a period in which a member of the Foreign Service is participating in an exchange program authorized pursuant to subsection (a), the member shall be entitled to the salary and benefits to which the member would receive but for the assignment under this section.

''(2) NON-FOREIGN SERVICE EMPLOYEES OF DEPARTMENT.—An employee of the Department of State other than a member of the Foreign Service participating in an exchange program authorized pursuant to subsection (a) shall be treated in all respects as if detailed to an international organization pursuant to section 3343(c) of title 5, United States Code.

''(3) FOREIGN PARTICIPANTS.—The salary and benefits of an employee of a foreign government or international entity participating in a program established under this section shall be paid by such government or entity during the period in which such employee is participating in the program, and shall not be reimbursed by the Department of State.

''(c) NON-RECIPROCAL ASSIGNMENT.—The Secretary may authorize a non-reciprocal assignment of personnel pursuant to this section, with or without reimbursement from the foreign government or international entity for all or part of the salary and other expenses payable during the assignment, if it is in the interests of the United States.

''(d) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to—

''(1) authorize the appointment as an officer or employee of the United States of—

''(A) an individual whose allegiance is to any country, government, or foreign or international entity other than to the United States of America; or

''(B) an individual who has not met the requirements of sections 3331, 3332, 3333, and 7311 of title 5, United States Code, or any

other provision of law concerning eligibility for appointment as, and continuation of employment as, an officer or employee of the United States.''.

TITLE LXXIII—CONSULAR AUTHORITIES

SEC. 6301. INFORMATION ON PASSPORTS, EXPEDITED PASSPORTS, AND VISAS ISSUED BY CONSULAR AFFAIRS.

The President's annual budget submitted under section 1105(a) of title 31, United States Code, shall identify—

(1) the number of passports, expedited passports, and visas issued by Consular Affairs during the 3 most recent fiscal years; and

(2) the number of passports, expedited passports, and visas that Consular Affairs estimates, for purposes of such annual budget, will be issued during the next fiscal year.

SEC. 6302. PROTECTIONS FOR FOREIGN EMPLOYEES OF DIPLOMATIC MISSIONS AND INTERNATIONAL ORGANIZATIONS.

Section 203(a)(2) of the William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008 (8 U.S.C. 1375c(a)(2)) is amended—

(1) by striking ''Notwithstanding'' and inserting the following:

''(A) IN GENERAL.—Notwithstanding''; and

(2) by adding at the end of the following:

''(B) CREDIBLE EVIDENCE OF ABUSE OR EXPLOITATION.—For purposes of subparagraph (A), credible evidence that 1 or more employees of a mission or international organization have abused or exploited 1 or more nonimmigrants holding an A–3 visa or a G–5 visa should be deemed to exist if—

''(i) a final court judgment, including a default judgment, has been issued against a current or former employee of such mission or organization, and the time period for appeal of such judgment has expired;

''(ii) a nonimmigrant visa has been issued pursuant to section 101(a)(15)(T) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(T)) to the victim of such abuse or exploitation; or

''(iii) the Secretary has requested that a country waive diplomatic immunity for a diplomat or a family member of a diplomat to permit criminal prosecution of the diplomat or family member for the abuse or exploitation.

''(C) TRAFFICKING IN PERSONS REPORT.—If credible evidence is deemed to exist pursuant to subparagraph (B) for a case of trafficking in persons involving the holder of an A–3 visa or a G–5 visa, the Secretary shall include a concise summary of such case in the next annual report submitted under section 110(b) of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7107(b)).

''(D) PAYMENT OF JUDGMENT.—If a holder of an A–3 visa or a G–5 visa has obtained a final court judgment finding such holder was a victim of abuse or exploitation by an employee of a diplomatic mission or international organization, the Secretary should assist such victim in obtaining payment on such judgment, including by encouraging the country that sent the employee to such mission or organization to provide compensation directly to such victim.''.

SEC. 6303. BORDER CROSSING FEE FOR MINORS.

Section 410(a)(1)(A) of title IV of the Department of State and Related Agencies Appropriations Act, 1999 (division A of Public Law 105–277) is amended by striking ''a fee of $13'' and inserting ''a fee equal to one-half of the fee that would otherwise apply for processing a machine readable combined border crossing identification card and nonimmigrant visa''.

SEC. 6304. SIGNED PHOTOGRAPH REQUIREMENT FOR VISA APPLICATIONS.

Section 221(b) of the Immigration and Nationality Act (8 U.S.C. 1201(b)) is amended by striking ''his application, and shall furnish copies of his photograph signed by him'' and inserting ''his or her application, and shall furnish copies of his or her photograph''.

SEC. 6305. ELECTRONIC TRANSMISSION OF DOMESTIC VIOLENCE INFORMATION TO VISA APPLICANTS.

Section 833(a)(5)(A) of the Violence Against Women and Department of Justice Reauthorization Act of 2005 (8 U.S.C. 1375a(a)(5)(A)) is amended by adding at the end the following:

''(vi) Subject to such regulations as the Secretary of State may prescribe, mailings under this subparagraph may be transmitted by electronic means.''.

SEC. 6306. AMERASIAN IMMIGRATION.

(a) REPEAL.—Section 584 of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1988 (8 U.S.C. 1101 note) is repealed effective September 30, 2017.

(b) EFFECT ON PENDING VISA APPLICATIONS.—

(1) ADJUDICATION.—An application for a visa under the provision of law repealed by subsection (a) that was properly submitted before October 1, 2017, by an alien described in subsection (b)(1)(A) of such provision of law or an accompanying spouse or child may be adjudicated in accordance with the terms of such provision of law.

(2) ADMISSION.—If an application described in paragraph (1) is approved, the applicant may be admitted to the United States during the 1-year period beginning on the date on which such application was approved.

SEC. 6307. TECHNICAL AMENDMENT TO THE IMMIGRATION AND NATIONALITY ACT.

Section 212(a)(3)(G) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(3)(G)) is amended by striking ''in violation of section 2442 of title 18, United States Code'' and inserting ''(as described in section 2442(a) of title 18, United States Code)''.

TITLE LXXIV—MISCELLANEOUS PROVISIONS

SEC. 6401. REPORTS ON EMBASSY CONSTRUCTION AND SECURITY UPGRADE PROJECTS.

(a) INITIAL REPORT.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall submit a comprehensive report to the appropriate congressional committees regarding all embassy construction projects and major embassy security upgrade projects completed during the 10-year period ending on the date of the enactment of this Act, including, for each such project—

(1) the initial cost estimate;

(2) the amount actually expended on the project;

(3) any additional time required to complete the project beyond the initial timeline; and

(4) any cost overruns incurred by the project.

(b) SEMI-ANNUAL REPORTS.—Not later than 180 days after the submission of the report required under subsection (a), and semi-annually thereafter, the Secretary shall submit a comprehensive report to the appropriate congressional committees on the status of all ongoing and recently completed embassy construction projects and major embassy security upgrade projects, including, for each project—

(1) the initial cost estimate;

(2) the amount expended on the project to date;

(3) the projected timeline for completing the project; and

(4) any cost overruns incurred by the project.

SEC. 6402. UNITED STATES HUMAN RIGHTS DIALOGUE REVIEW.

(a) IN GENERAL.—Not later than 1 year after the date of the enactment of this Act, the Secretary, in consultation with other appropriate departments and agencies, shall—

(1) conduct a review of all human rights dialogues; and

(2) submit a report to the appropriate congressional committees containing the findings of the review conducted under paragraph (1).

(b) CONTENTS.—The report submitted under subsection (a)(2) shall include—

(1) a list of all human rights dialogues held during the prior year;

(2) a list of all bureaus and Senate confirmed officials of the Department of State that participated in each dialogue;

(3) a list of all the countries that have refused to hold human rights dialogues with the United States; and

(4) for each human rights dialogue held to the prior year, an assessment of the role of the dialogue in advancing United States foreign policy goals.

(c) DEFINED TERM.—In this section, the term ''human rights dialogue'' means an agreed upon and regular bilateral meeting between the Department of State and a foreign government for the primary purpose of pursuing a defined agenda on the subject of human rights.

SEC. 6403. SENSE OF CONGRESS ON FOREIGN CYBERSECURITY THREATS.

(a) FINDINGS.—Congress makes the following findings:

(1) The Department of State International Cyberspace Policy Strategy (referred to in this section as the ''Strategy''), which was released in March 2016, states—

(A) ''Cyber threats to United States national and economic security are increasing in frequency, scale, sophistication, and severity''; and

(B) ''The United States works to counter threats in cyberspace through a whole-of-government approach that brings to bear its full range of instruments of national power and corresponding policy tools – diplomatic, informational, military, economic, intelligence, and law enforcement – as appropriate and consistent with applicable law''.

(2) The 2016 Worldwide Threat Assessment of the U.S. Intelligence Community (''Threat Assessment''), released on February 6, 2016—

(A) names Russia, China, Iran, and North Korea as ''leading threat actors'' in cyberspace;

(B) states ''China continues to have success in cyber espionage against the US Government, our allies, and US companies''; and

(C) states ''North Korea probably remains capable and willing to launch disruptive or destructive cyberattacks to support its political objectives''.

(3) On April 1, 2015, the President issued Executive Order 13694, entitled ''Blocking the Property of Certain Persons Engaging in Significant Malicious Cyber-Enabled Activities''.

(4) On February 18, 2016, the President signed into law the 2016 North Korea Sanctions and Policy Enhancement Act of 2016 (Public Law 114–122), which codified into law the policy set forth in Executive Order 13694.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) threats in cyberspace from state and nonstate actors have emerged as a serious threat to the national security of the United States;

(2) the United States Government should use all diplomatic, economic, legal, and military tools to counter cyber threats; and

(3) the United States Government should impose economic sanctions under existing authorities against state and nonstate actors that have engaged in malicious cyber-enabled activities.

(c) SEMI-ANNUAL REPORTS ON CYBERSECURITY AGREEMENT BETWEEN THE UNITED STATES AND CHINA.—Not later than 90 days after the date of the enactment of this Act,

and every 180 days thereafter, the Secretary shall submit a report to the appropriate congressional committees, with a classified annex if necessary, that describes the status of the implementation of the cybersecurity agreement between the United States and the People's Republic of China, which was concluded on September 25, 2015, including an assessment of the People's Republic of China's compliance with its commitments under the agreement.

(d) RULE OF CONSTRUCTION.—Nothing in this Act or any amendment made by this Act may be construed as authorizing the use of military force for any purpose, including as a specific authorization for the use of military force under the War Powers Resolution (Public Law 93–148; 50 U.S.C. 1541 et seq.), or as congressional intent to provide such authorization.

SEC. 6404. REPEAL OF OBSOLETE REPORTS.

(a) ANNUAL REPORT ON THE ISRAELI-PALESTINIAN PEACE, RECONCILIATION AND DEMOCRACY FUND.—Section 10 of the Palestinian Anti-Terrorism Act of 2006 (Public Law 109–446; 22 U.S.C. 2378b note) is amended—

(1) by striking subsection (b); and

(2) by redesignating subsection (c) as subsection (b).

(b) ANNUAL REPORT ON ASSISTANCE PROVIDED FOR INTERDICTION ACTIONS OF FOREIGN COUNTRIES.—Section 1012 of the National Defense Authorization Act for Fiscal Year 1995 (22 U.S.C. 2291–4) is amended—

(1) by striking subsection (c); and

(2) by redesignating subsection (d) as subsection (b).

(c) REPORTS RELATING TO SUDAN.—The Sudan Peace Act (Public Law 107–245; 50 U.S.C. 1701 note) is amended—

(1) by striking section 8; and

(2) in section 11, by striking subsection (b).

(d) ANNUAL REPORT ON OUTSTANDING EXPROPRIATION CLAIMS.—Section 527 of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995 (Public Law 103–236; 22 U.S.C. 2370a) is amended—

(1) by striking subsection (f); and

(2) by redesignating subsections (g), (h), and (i) as subsections (f), (g), and (h), respectively.

SEC. 6405. SENSE OF THE SENATE REGARDING THE RELEASE OF INTERNATIONALLY ADOPTED CHILDREN FROM THE DEMOCRATIC REPUBLIC OF CONGO.

(a) FINDINGS.—The Senate makes the following findings:

(1) In September 2013, the Government of the Democratic Republic of Congo suspended the issuance of exit permits to children adopted by international parents.

(2) In February 2016, after continuous efforts by the Department of State, the President, and Congress, the Government of the Democratic Republic of Congo began issuing exit permits to internationally adopted children and committed to reviewing all unresolved cases by the end of March 2016.

(3) As of March 31, 2016, more than 300 children had been authorized to apply for exit permits, but many adopted children remain stranded in the Democratic Republic of Congo, including at least two children adopted by Wisconsin families.

(b) SENSE OF THE SENATE.—The Senate—

(1) urges the Government of the Democratic Republic of Congo to complete its review of all unresolved international adoption cases as soon as possible; and

(2) calls upon the United States Government to continue to treat the release of internationally adopted children from the Democratic Republic of Congo as a priority until all cases have been resolved.

SEC. 6406. COMMUNICATION WITH GOVERNMENTS OF COUNTRIES DESIGNATED AS TIER 2 WATCH LIST COUNTRIES ON THE TRAFFICKING IN PERSONS REPORT.

(a) IN GENERAL.—Not less frequently than annually, the Secretary shall provide, to the foreign minister of each country that has been designated as a ''Tier 2 Watch List'' country pursuant to section 110(b) of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7107(b))—

(1) a copy of the annual Trafficking in Persons Report; and

(2) information pertinent to such country's designation, including—

(A) confirmation of the country's designation to the Tier 2 Watch List;

(B) the implications associated with such designation and the consequences for the country of a downgrade to Tier 3;

(C) the factors that contributed to the designation; and

(D) the steps that the country must take to be considered for an upgrade in status of designation.

(b) SENSE OF CONGRESS REGARDING COMMUNICATIONS.—It is the sense of Congress that, given the gravity of a Tier 2 Watch List designation, the Secretary should communicate the information described in subsection (a) to the foreign minister of any country designated as being on the Tier 2 Watch List.

SEC. 6407. AUTHORITY TO ISSUE ADMINISTRATIVE SUBPOENAS.

Section 3486 of title 18, United States Code, is amended—

(1) in subsection (a)—

(A) in paragraph (1)(A)—

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

(ii) in clause (iii), by striking the comma at the end and inserting a semicolon; and

(iii) by inserting after clause (iii) the following:

''(iv) an offense under section 878, or a threat against a person, foreign mission, or organization authorized to receive protection by special agents of the Department of State and the Foreign Service under section 37 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2709), if the Assistant Secretary for Diplomatic Security or the Director of the Diplomatic Security Service determines that the threat constituting the offense or threat against the person or place protected is imminent, the Secretary of State; or

''(v) an offense under chapter 75, the Secretary of State,'';

(B) in paragraph (9), by striking ''paragraph (1)(A)(i)(II) or (1)(A)(iii)'' and inserting ''clause (i)(II), (iii), (iv), or (v) of paragraph (1)(A)''; and

(C) in paragraph (10), by adding at the end the following: ''As soon as practicable following the issuance of a subpoena under paragraph (1)(A)(iv), the Secretary of State shall notify the Attorney General of its issuance.''; and

(2) in subsection (e)(1)—

(A) by striking ''unless the action or investigation arises'' and inserting the following: ''unless the action or investigation—

''(A) arises''; and

(B) by striking ''or if authorized'' and inserting the following:

''(B) directly relates to the purpose for which the subpoena was authorized under paragraph (1); or

''(C) is authorized''.

SEC. 6408. EXTENSION OF PERIOD FOR REIMBURSEMENT OF SEIZED COMMERCIAL FISHERMEN.

Section 7(e) of the Fishermen's Protective Act of 1967 (22 U.S.C. 1977(e)) is amended by striking ''2008'' and inserting ''2018''.

SEC. 6409. SPECIAL AGENTS.

(a) IN GENERAL.—Section 37(a)(1) of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2709(a)(1)) is amended to read as follows:

''(1) conduct investigations concerning—

''(A) illegal passport or visa issuance or use;

''(B) identity theft or document fraud affecting or relating to the programs, functions, and authorities of the Department of State; or

''(C) Federal offenses committed within the special maritime and territorial jurisdiction of the United States (as defined in section 7(9) of title 18, United States Code), except as that jurisdiction relates to the premises of United States military missions and related residences;''.

(b) CONSTRUCTION.—Nothing in the amendment made by subsection (a) may be construed to limit the investigative authority of any Federal department or agency other than the Department of State.

SEC. 6410. ENHANCED DEPARTMENT OF STATE AUTHORITY FOR UNIFORMED GUARDS.

The State Department Basic Authorities Act of 1956 (22 U.S.C. 2651a et seq.) is amended by inserting after section 37 (22 U.S.C. 2709) the following:

''SEC. 37A. PROTECTION OF BUILDINGS AND AREAS IN THE UNITED STATES BY UNIFORMED GUARDS.

''(a) ENFORCEMENT AUTHORITIES FOR UNIFORMED GUARDS.—The Secretary of State may authorize uniformed guards of the Department of State to protect buildings and areas within the United States for which the Department of State provides protective services, including duty in areas outside the property to the extent necessary to protect the property and persons in that area.

''(b) POWERS OF GUARDS.—While engaged in the performance of official duties as a uniformed guard under subsection (a), a guard may—

''(1) enforce Federal laws and regulations for the protection of persons and property;

''(2) carry firearms; and

''(3) make arrests without warrant for any offense against the United States committed in the guard's presence, or for any felony cognizable under the laws of the United States, to the extent necessary to protect the property and persons in that area, if the guard has reasonable grounds to believe that the person to be arrested has committed or is committing such felony in connection with the buildings and areas, or persons, for which the Department of State is providing protective services.

''(c) RULEMAKING.—

''(1) IN GENERAL.—The Secretary of State, in consultation with the Secretary of Homeland Security, may prescribe regulations necessary for the administration of buildings and areas within the United States for which the Department of State provides protective services.

''(2) PENALTIES.—Subject to subsection (d), the regulations prescribed under paragraph (1) may include reasonable penalties for violations of the regulations.

''(3) POSTING.—The regulations prescribed under paragraph (1) shall be posted and shall remain posted in a conspicuous place on each property described in paragraph (1).

''(d) PENALTIES.—A person violating a regulation prescribed under subsection (c) shall be fined under title 18, United States Code, imprisoned for not more than 6 months, or both.

''(e) ATTORNEY GENERAL APPROVAL.—The powers granted to uniformed guards under this section shall be exercised in accordance with guidelines approved by the Attorney General.

''(f) RELATIONSHIP TO OTHER AUTHORITY.—Nothing in this section may be construed to affect the authority of the Secretary of Homeland Security, the Administrator of General Services, or any Federal law enforcement agency.''.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. THUNE. 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 May 24, 2016, at 10:30 a.m., to conduct a hearing entitled ''Understanding the role of Sanctions Under the Iran Deal.''

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

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. THUNE. 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 May 24, 2016, at 10 a.m., in room SR–253 of The Russell Senate Office Building to conduct a hearing entitled ''Examining the Multistakeholder Plan for Transitioning the Internet Assigned Number Authority.''

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

COMMITTEE ON FINANCE

Mr. THUNE. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session of the Senate on May 24, 2016, at 10 a.m., in room SD–215 of the Dirksen Senate Office Building to conduct a hearing entitled ''Debt versus Equity: Corporate Integration Considerations.''

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

COMMITTEE ON FOREIGN RELATIONS

Mr. THUNE. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on May 24, 2016, at 10 a.m., to conduct a hearing entitled ''U.S.-India Relations: Balancing Progress and Managing Expectations.''

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

COMMITTEE ON VETERANS' AFFAIRS

Mr. THUNE. Mr. President, I ask unanimous consent that the Committee on Veterans' Affairs be authorized to meet during the session of the Senate on May 24, 2016, at 2:15 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

Mr. THUNE. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on May 24, 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 FISHERIES, WATER, AND WILDLIFE

Mr. THUNE. Mr. President, I ask unanimous consent that the Subcommittee on Fisheries, Water, and Wildlife of the Committee on Environment and Public Works be authorized to meet during the session of the Senate on May 24, 2016, at 2:30 p.m., in room SD–406 of the Dirksen Senate Office Building, to conduct a hearing entitled, ''Erosion of Exemptions and Expansion of Federal Control Implementation of the Definition of Waters of the United States.''

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

PRIVILEGES OF THE FLOOR

Mr. BOOZMAN. Mr. President, I ask unanimous consent that the defense legislative fellow in my office, Senior MSG Trey Walker, be granted floor privileges for the duration of the consideration of the National Defense Authorization Act.

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

EXPRESSING APPRECIATION OF THE GOALS OF AMERICAN CRAFT BEER WEEK

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 473, submitted earlier today.

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

The bill clerk read as follows:

A resolution (S. Res. 473) expressing appreciation of the goals of American Craft Beer Week and commending the small and independent craft brewers of the United States.

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

Mr. MCCONNELL. I further 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. 473) was agreed to.

The preamble was agreed to.

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

ORDERS FOR WEDNESDAY, MAY 25, 2016

Mr. MCCONNELL. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 10 a.m. tomorrow, Wednesday, May 25; that following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, and the time for the two leaders be reserved for their use later in the day; further, that following leader remarks, the Senate resume consideration of S.J. Res. 28, with the time equally divided between opponents and proponents until 11 a.m., with Senator SHAHEEN controlling 10 minutes of the proponents' time; finally, that notwithstanding the provisions of rule XXII and the CRA, all time on S.J. Res. 28 be deemed expired at 11 a.m. tomorrow.

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

ADJOURNMENT UNTIL 10 A.M. TOMORROW

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

There being no objection, the Senate, at 6:43 p.m., adjourned until Wednesday, May 25, 2016, at 10 a.m.