United States of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 114th CONGRESS, FIRST SESSION

Vol. 161 WASHINGTON, TUESDAY, DECEMBER 15, 2015 No. 182

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.

Eternal God, thank You for listening to our prayers. May our lawmakers use fervent prayer to solve problems and to experience Your wonderful peace. Help the citizens of this land to join our Senators in using intercession to bring healing to our Nation and world.

Lord, thank You for Your promise that if we call You when facing trouble, You will deliver us. Lift the light of Your countenance upon our Nation and world, O Lord, and let Your will be done. Let there be peace on Earth, and let it begin in each of our hearts. Give us minds that are wise with wisdom, hearts that are warm with faith, and lips that are eloquent with truth.

We pray in Your sacred 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.

APPROPRIATIONS AND TAX RELIEF NEGOTIATIONS

Mr. MCCONNELL. Mr. President, as of this morning we know that committees and Members from both sides are continuing to make important progress in the ongoing fiscal negotiations. That is true on the appropriations side, and it is also true on the tax relief side.

NOTICE

If the 114th Congress, 1st Session, adjourns sine die on or before December 24, 2015, a final issue of the *Congressional Record* for the 114th Congress, 1st Session, will be published on Thursday, December 31, 2015, to permit Members to insert statements.

All material for insertion must be signed by the Member and delivered to the respective offices of the Official Reporters of Debates (Room HT–59 or S–123 of the Capitol), Monday through Friday, between the hours of 10:00 a.m. and 3:00 p.m. through Wednesday, December 30. The final issue will be dated Thursday, December 31, 2015, and will be delivered on Monday, January 4, 2016.

None of the material printed in the final issue of the *Congressional Record* may contain subject matter, or relate to any event, that occurred after the sine die date.

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By order of the Joint Committee on Printing.

GREGG HARPER, *Chairman.*

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

This doesn't mean negotiators have surmounted every obstacle, but it does offer an unmistakable sign of forward momentum. Negotiators are working toward filing legislation today and expect to do so. Many will find that encouraging. For my part, I will continue engaging and consulting colleagues as events move forward.

RECOGNITION OF THE MINORITY LEADER

The PRESIDING OFFICER. The Democratic leader is recognized.

OMNIBUS AND TAX EXTENDERS NEGOTIATIONS

Mr. REID. Mr. President, as my friend, the Republican leader, stated, we are continuing to work toward a bipartisan compromise on the omnibus and tax extenders legislation. I have worked hard—we have all worked hard—to get to yes on this massive undertaking, this huge appropriations bill and this big tax bill. I have been involved on a personal basis in every twist and turn of the way.

I want to say a word about the status. We all know that this agreement is not completed, but I have been so impressed with the endurance and the massive amount of experience that these men and women have—both Democrats and Republicans. Senator MCCONNELL and I had an event last week. We sat next to one another. I sent him a note about how impressed I was with one of his staff people who is working intimately with one of mine.

So I want to tell all the staff in all these buildings here on Capitol Hill who have been working on this night and day how much I appreciate their hard work and how the American people are so fortunate to have these good men and women working on their behalf. We find that most everyone engaged and working here on Capitol Hill are not involved for the money. They are involved because they want to do something to help change policy and to try to do what they can to be involved in what goes on in this great country. So I appreciate all they have done to this point.

I think we have done a good job as responsible legislators, working to find common ground and strike a balance that can pass Congress and be signed into law by the President. But it is time for a reality check on where we stand on things.

An agreement could be filed right now that covers most everything that we have discussed and would keep the government funded fully for a year. At this point, the only major outstanding issue is Republicans' insistence on raising the export ban on crude oil.

We have made very clear to Republicans that if they insist on including the oil export ban, there must be included in this robust policies to reduce our carbon emissions and encourage the use of renewable energy. So for the past many days I have worked hard—as a number of others have—to strike the right balance. We have made multiple offers to Republicans that were certainly doable, reasonable, and all Republicans had to do was say yes. Saying yes to any of the offers we put on the table dealing with renewables over the past few days—especially the last 3 days—the ink would be dry, the entire package would be filed, and we would be moving ahead on the floor. I made it very clear to my Republican colleagues that there are offers out there that have been unanswered, and I hope they are answered very quickly.

I have appreciated getting to know the Speaker better than I did before. I found him to be available and someone who understands the policy, and I am encouraged that last night he said when he had his teleconference with all of his Members that he thought we were going to have a deal completed. I hope that in fact is the case.

Republicans can take yes for an answer. That is all they have to do. But Congress is now faced with two clear paths forward. The first is very simple: Pair the oil export ban with much needed policies to reduce our carbon emissions and build more renewable energy. The second path is that we move ahead on the government funding bill and tax package without the package of oil and renewable policies. That would not be my first preference, but we would have to live with it.

We don't have the legislative language yet on the tax package. This isn't pointing fingers at anyone adversely. It is simply the fact that we need to get this done. We don't have the legislative language done yet. At this pace, we are going to be here through Christmas. We need to get that done now.

So these are the two choices. Either path forward will keep the government open and funded. I certainly hope so. Republicans must decide which they prefer.

If Republicans think reducing our carbon emissions and encouraging the use of renewable energy is an unacceptable price to pay, we can move the rest of the package without the oil export ban, but we need not delay anymore. There is no reason to delay any further.

So I say to everyone who is listening here this morning: It is decision time.

Mr. President, would the Chair announce the business of the day.

RESERVATION OF LEADER TIME

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

MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, the Senate will be in a period of morning business until 5 p.m., with Senators permitted to speak therein for up to 10 minutes each.

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

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

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

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

MARKETPLACE FAIRNESS ACT

Mr. DURBIN. Mr. President, 2 years ago Members of the Senate did something that doesn't happen very often. We broke through the gridlock and came together to pass meaningful bipartisan legislation that was called the Marketplace Fairness Act. Senator MIKE ENZI, a Republican from Wyoming, has been the leader on this issue from the start. Senator LAMAR ALEXANDER, a Republican from Tennessee, has been an invaluable ally. Senator HEIDI HEITKAMP, a relatively new Member of the Senate but a person with extraordinary knowledge of this field, joined me and 65 others to pass legislation that would level the playing field for Main Street businesses all across America and allow States and localities to collect sales and use taxes that are already owed under the law.

Since that time—that glorious time 2 years ago—what has happened? Nothing—the bill passed the Senate, went to the House, and disappeared.

In the face of this obstruction, a bipartisan group of Senators have said we will oppose any long-term extension of legislation that would take away a State's right to collect taxes on accessing the Internet unless we give States the ability to collect taxes on Internet sales that are already owed.

The Internet Tax Freedom Act is a law which is going to expire with the continuing resolution—which I would support—and it says that States and localities cannot impose a tax on access to the Internet. I think that is sound policy. But what we are asking in return is to allow those who use the Internet to make retail purchases to pay the sales taxes they already owe for their purchases. It is that simple. It is not fair to tie the hands of States and localities to collect the revenue they need to fund law enforcement, public schools, infrastructure, and other vital services without providing a path for States and localities to replace the revenue if they choose.

The Marketplace Fairness Act levels the playing field for retailers by allowing States to treat all retailers—whether it is a brick-and-mortar store or online—the same when it comes to collecting sales and use taxes. It is not a new tax. We are talking about existing taxes and their collection. In Illinois we have a quaint way of dealing with this. I recall a few years ago, when I was doing my State income tax returns, the bookkeeper called and said: Do you want to declare your

Internet purchases and pay the sales taxes you owe? I said: Of course I want to pay the taxes I owe. How do you do that?

Well, you declare them on your State income tax return in Illinois. There is no proof. It is your word, and the fact that you sign is what the State goes by. I estimated my Internet purchases that had not been subject to sales tax and paid the appropriate tax in Illinois. It turns out that very few people in my State who actually do make retail purchases over the Internet pay this tax. We are trying to change that. The change is very simple: If you are an Internet retailer, such as Amazon—the largest in the United States—and I make a purchase for the holidays and I declare my ZIP Code at the end of my address, Amazon then knows by my ZIP Code how much to be collected in sales tax. They assess me that with the purchase, take that amount and send it back to the Illinois Department of Revenue for distribution. It is so simple that there is basic software available, at a very modest cost, that any retailer can use to make that same calculation. There is nothing exotic or difficult in the process, but that is what is missing.

Amazon—I use them as an example—actually collects sales tax, and they support our marketplace fairness bill, as do many other Internet retailers. The difficulty we have run into, though, is there is a resistance to giving fairer treatment to stores across America that are collecting sales taxes every day against retailers on the Internet that may or may not collect those taxes themselves.

What difference does it make? I have talked to some of the people who run big chain stores, and they say it has reached a point that something has to be done. Consumers come into a store, a major store, and they ask to see certain products—running shoes, bicycles, flat-screen TVs. They pick the one they like the best, write down all the information about it, and they are never seen again. Some of them do have the nerve to return at a later date when they make their purchase over the Internet to the bricks-and-mortar store when they are dissatisfied with the product. Of course the bricks and mortar store had nothing to do with the sale of the product. They are being asked to provide some consumer relations on a product they didn't even sell.

What is happening? Take a look at the last Thanksgiving holiday weekend—one of the biggest retail weekends of the year. Early reports suggest that the stores on Main Street and shopping malls across America had flat sales compared to last year. How about Internet retail sales for that weekend? They were up significantly across America.

What we are looking for is parity and some equality. It is not fair to say to the store down the block that is paying the rent, paying the property taxes, and collecting the sales taxes that we are going to put them at a disadvantage to their Internet competitors. Internet retailers benefit under our current system, sadly, because they don't charge for sales tax—many of them don't. They have a 5-percent or 10-percent advantage over Main Street competitors. When you ask many of these Internet retailers whether they want to continue the current system, they say: Of course, it gives us a break.

It is not fair, it is not right, and it should be changed. Products sold online seem cheaper when sales and use taxes are not collected at the point of sale, but we all know that tax is still owed by the customers. Thousands of Main Street businesses have worked hard to grow their businesses. They employ local people. Now they have become nothing but show rooms because of this unfairness. Examples: Steve Sahli from Play It Again Sports in Naperville, IL, knows this issue of showrooming all too well. For more than 20 years, Play It Again Sports has been serving the Naperville, IL, community. People come into the store, they try out big-ticket items, use their phones sometimes to take a picture, walk out the door, and buy the item online.

Soccer Plus in Palatine, IL, is an example of what happens when it becomes too difficult to compete with online retailers because of their price advantage. Two years ago, Soccer Plus went out of business. We lost good-paying jobs in Palatine, and Palatine lost a business that was paying its property taxes, employing all the people, and sustaining the services of that good city. There is nothing we can do for Soccer Plus now, but we can still help other retailers avoid that same fate.

Even with countless stories like these, the House of Representatives has refused to address this issue. Numerous requests to the chairman of the House Judiciary Committee to mark up e-fairness legislation from ranking members and other members have not resulted in any action whatsoever. The chairman of the House Judiciary Committee is calling for regular order when it comes to e-fairness legislation but has refused to even hold a legislative hearing on the only e-fairness legislation to be introduced in the House. That was by Representative JASON CHAFFETZ, a Republican from Utah. He introduced the bipartisan Remote Transactions Parity Act. We have worked on a bipartisan basis in the Senate with Congressman CHAFFETZ, Congressman WOMACK, and others to come up with a bill that we think is fair that can pass. All we are asking for is a day in court—a legislative hearing, a markup, and bring the matter to the floor of the House. The chairman of the House Judiciary Committee has refused to work with us on this legislation. He has his own approach. I disagree with it, but let's have the debate. Let's have the vote. Isn't that what Congress is supposed to be all about? These calls for regular order are nothing more than veiled attempts to delay and obstruct in the House. Let's have regular order. Let's bring up the Chaffetz measure. If the chairman of the Judiciary Committee in the House has his own alternative, let him offer that as well.

While House leadership calls for regular order on legislation to level the playing field for Main Street retailers, they bypassed regular order by airdropping a permanent extension of the Internet Tax Freedom Act into a totally unrelated bill. It was a bill in Customs relating to trade agreements. At the very last minute, they dropped in this provision for the permanent Internet Tax Freedom Act.

The same Members of Congress calling for regular order on e-fairness legislation skipped regular order when it came to the Internet Tax Freedom Act. Last week, the Customs reauthorization conference report, which reformed some of our Customs and trade law, was released. Many were surprised to find deep in the bill on page 381 a brand new provision that had nothing to do with Customs, nothing to do with trade, has not had a recent hearing in the Senate and was dropped in at the last minute in this bill—the permanent Internet Tax Freedom Act.

This provision wasn't in the bill that passed either the House or the Senate. It is what happens toward the end of the legislative session when things go bump in the dark. Internet Tax Freedom Act hasn't even been considered by this body. Yet there it was in a conference report meant to resolve differences that had been debated for months.

I do not support the permanent extension of the Internet Tax Freedom Act in the conference report. I am going to oppose any other attempt to move anything longer than the remaining 9-month extension of the Internet Tax Freedom Act until September 30, 2016. I support the merits of the legislation, but it is grossly unfair to speed this through with an airdrop in a conference report without any hearing and to do it at the disadvantage of retailers and businesses across America.

A long-term extension of the Internet Tax Freedom Act should be paired with the Marketplace Fairness Act. We can make them both permanent law. Let's do it and do it together. Let me explain why. We should not cut off States and localities at the knees by preventing them from collecting tax revenues, by reducing Federal funding, and without also providing State and local governments the authority to collect the taxes already owed. The Federal Government has cut funding for States and local governments over the last several years in an attempt to put the Federal Government on the right fiscal path. Tough decisions have had to be made. Many States and local governments are struggling, even in my State. In a one-two punch, some in Congress want to increase this burden by permanently

preventing States and localities from imposing certain types of taxes while denying them the authority to collect sales and tax revenue that is already owed to them.

In 2015 alone, my State of Illinois will lose at least $390 million under the Internet Tax Freedom Act. Chicago will lose $197 million. Springfield will lose $6 million. How do we expect States and localities to fund first responders, firefighters, emergency services, 911 dispatch, health care services, local road maintenance, and all the other services that support our community? Unlike the Federal Government, States and localities can't run deficits to continue these services. The only option they have is to raise other taxes, such as property taxes, or to cut vital services.

There is a reasonable path forward. Congress should pass both a long-term extension of the Internet Tax Freedom Act—which says we will not impose State and local taxes on access to the Internet—and pass the Marketplace Fairness Act, which allows States to opt in so Internet retailers selling in their State will collect the sales tax due and remit to the States and localities.

I hope my colleagues in the House will work with me to do that. I welcome the opportunity to have a serious dialogue about how to move both pieces of legislation forward in an expeditious manner.

Mr. President, I yield the floor.

Mr. LEAHY. Mr. President, will the Senator yield to me for just a moment?

Mr. DURBIN. I am happy to yield to my friend and colleague from Vermont.

Mr. LEAHY. Mr. President, I hope both Senators and Members of the other body listened to what the distinguished senior Senator from Illinois just said. We all extol the virtues of Main Street America—small towns, big towns. I think of the businesses I go into every time I am home in Vermont. These are hard-working people. They are people who support the Little League, the Boy Scout troops, help with all the various charitable drives. And they're being treated unfairly.

What the Senator from Illinois said is absolutely right. There are two different issues. Let's start leveling the playing field. Let's start worrying as much about the citizens of our own community, the people who make our communities work, as we do about some conglomerate that none of us ever see, and our communities never see. So I am proud to say I strongly support what the Senator from Illinois has done.

I yield the floor.

Mr. DURBIN. I thank the Senator from Vermont for his comments.

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

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

NUCLEAR AGREEMENT WITH IRAN

Mr. COONS. Mr. President, today our Nation is distracted by grave concerns, by threats abroad and at home, by concerns about our economy and our people. I stand here today to call on us to continue to be focused on something that is not currently at the top of the news but on something that is a pressing and ongoing national concern. We need to be strictly and aggressively enforcing the terms of our nuclear deal with Iran that we reached with a variety of our other international partners and that is currently moving forward. We need to push back on Iran's bad and disruptive behavior, not just in its region but globally, and give our administration and international agencies the resources and the nominees confirmed that will allow them to be successful in enforcing our actions against Iran.

A few short months ago, if you asked anyone what topics would be at the top of the list of America's foreign policy conversation or the upcoming Presidential campaign, you would have been hard-pressed to find anyone who didn't mention the Iran nuclear agreement front and center. It completely centered the debate in this Chamber and around the country last summer and fall. What a difference a few months can make.

This morning many of us are deeply concerned about an alleged bomb threat in Los Angeles that is causing hundreds of thousands of schoolchildren to be sent home mid-schoolday. And in response to the recent and horrific attacks in Paris and San Bernardino, we are focused on identifying weaknesses in our border security and in finding ways to protect the American people without compromising our fundamental values.

We are rightly focused on expanding the U.S.-led coalition to defeat ISIS and on finding a way to assist our allies in providing safe haven to some of the millions of refugees fleeing terror and chaos abroad. Sadly, we are also distracted by a Republican Presidential primary in which a leading candidate has cast aside the Constitution in favor of incendiary rhetoric. That is why I rise today to make sure we remain focused on one of America's most important challenges to the United States and our key allies, including, centrally, Israel, which is enforcing the terms of the nuclear deal with Iran.

On September 1, after a long study and real reflection and significant debate, I ultimately announced my support for the Joint Comprehensive Plan of Action, or the JCPOA, also known as the Iran nuclear agreement. Just over a week later, the review period ended and Congress failed to reject the deal, so it moved forward. The agreement took effect a month and a half later on October 18, known as adoption day, when Iran agreed to give the International Atomic Energy Agency, or IAEA, dramatically expanded inspection and verification powers. We are now 3 months into the JCPOA, and I want to take this opportunity today to assess areas where the Obama administration and our international partners have done well over the past 3 months and to highlight areas where we must do more.

Since adoption day, we have seen some progress and some real setbacks on implementing the terms of the deal.

First the positives, and there are some. Iran has begun to reconfigure its plutonium nuclear reactor at Arak so it can no longer produce materials necessary for a nuclear weapon. The government has also started to dismantle its enrichment centrifuges and its infrastructure that would have enabled it to use uranium as a nuclear weapon in the short term. The IAEA has also continued to make preparations to monitor and verify the deal and to increase its number of inspectors on the ground, to deploy modern technologies to monitor Iran's declared nuclear facilities, and to set up a comprehensive oversight program of Iran's centrifuge manufacturing facilities and its entire nuclear fuel cycle, from uranium mines, to mills, to enrichment facilities.

These steps are promising, but by no means do they tell the complete story of Iran's bad behavior since this deal was reached, nor do these few positive steps indicate that implementing the terms of this deal going forward will be anything less than exceptionally difficult. In fact, not only will enforcement of this deal be incredibly tricky, but I believe how effectively and aggressively we enforce the JCPOA in these early months and years will set the table for how we respond when Iran commits violations later. Whether we respond now when Iran commits minor violations around the boundaries of the nuclear deal will send a critical message to our allies and adversaries alike.

I am confident that the actions taken by the United States and our allies to counter and restrain Iran and the Middle East, especially in these early months of the deal, will profoundly impact Iran's behavior going forward.

That brings me to less positive news. When I announced my support for the JCPOA last September, I made it clear that it was based on a deep suspicion of Iran, an inherent distrust of their intentions, and a clear-eyed commitment to aggressively oversee and enforce the terms of the deal.

My concerns proved justified on October 22 when Iran concluded a ballistic missile test in clear violation of U.N. Security Council Resolution 1929. Those unlawful tests came just days after adoption day under the JCPOA. Last week, before the U.N. Security Council could finish their investigations and take any concrete actions, we heard reports of a second Iranian ballistic missile test on November 21.

I fear the Iranians are taking action after action in this area and others to

demonstrate that they are willing to flout international rules, regulations, and restrictions. And in the absence of our decisive action, these misdeeds by the Iranians will simply continue and escalate.

Today, a new report from the IAEA gives further justification to the distrust shared by supporters and opponents of the nuclear deal. The IAEA report on the so-called possible military dimensions—or PMD—of Iran's nuclear program found ''that a range of activities relevant to the development of a nuclear explosive device were conducted in Iran prior to the end of 2003 as a coordinated effort, and some activities took place after 2003.'' These activities included computer modeling that took place as recently as 2009.

The PMD report details just how determined Iran has been to develop nuclear weapons capability. Iran developed detonators. Iran experimented with explosives technology. Iran engaged in computer modeling of a nuclear explosive. Iran even set up organizations specifically dedicated to nuclear weapons activity. It is not hard to connect those dots, and the IAEA did. That agency found that Iran engaged in efforts to demolish, remove, and refurbish facilities related to testing nuclear weapons components. Its government also offered misleading explanations of its past nuclear behavior.

It is equally important to note what the IAEA did not find. Iran's weapons program didn't advance beyond an exploratory stage. The IAEA found no indication there was a whole undeclared nuclear fuel cycle in Iran or that Iran held significant amounts of undeclared uranium.

Despite the ambiguous nature of this report, I think the take-away is clear: Iran's nuclear weapons-related activities and its sustained determination to hide and obfuscate its behavior reinforce our justifications for ongoing distrust of the Iranian Government and for the strict monitoring and verification of the components of the nuclear deal.

My colleagues and I have access to classified material, meaning we know more than is publicly known about the extent and direction of the nuclear weapons program in Iran. But the IAEA report is important because it establishes a baseline for Iran's program, for our assessment of their breakout time, and for our knowledge of how far they have gotten in weaponization. Knowledge of these efforts is critical to our future enforcement of this deal.

The IAEA report also reaffirms that as implementation of the deal moves forward, the international community must continue to seek and consider information about Iran's past nuclear activity. In my view, the IAEA must maintain its ability to continue reviewing any new information related to Iran's past nuclear weapons program, and we have to continue to assertively investigate any new accusations of Iranian covert activity or malfeasance.

We have to continue to counter Iran's rogue actions—which only serve to isolate Iran on the world stage—by continuing to enforce sanctions without exception and be prepared to impose new sanctions if and when Iran's behavior warrants it. For example, the U.S. Ambassador to the United Nations, Samantha Power, was right to immediately shine a spotlight on the recent ballistic missile test I recently cited and to call for a U.N. Security Council investigation promptly. When that investigation is completed, the Security Council should act, but if it doesn't, I hope and expect that the administration is ready to enforce a series of unilateral American actions, including direct sanctions against those Iranians responsible for this violation. While these ballistic missile tests are outside the parameters of the JCPOA, our response has to be strategic, and we have to make sure Iran knows it can't continue to simply and blatantly disregard the international community and the U.N. Security Council.

Since the announcement of the JCPOA, the Treasury Department has taken steps to target Iran's malign activity in the region. In November, the Treasury Department designated three Hezbollah procurement agents and four companies in Lebanon, China, and Hong Kong for purchasing dual-use technology on behalf of Hezbollah. These sanctions followed actions in July against three senior Hezbollah military officials in Syria and Lebanon who were providing military support to the Syrian regime and an additional Hezbollah procurement agent who served as the point person for the procurement and transshipment of weapons and materials for the group and its Syrian partners for at least 15 years.

These designations also follow Treasury's actions during negotiations over the JCPOA when the Department utilized multiple authorities and sanctioned more than 100 Iranians and Iran-linked persons and entities, including more than 40 under its ongoing terrorism sanction authorities.

In November, Treasury also participated in the U.S.-Gulf Cooperation Council Working Group on Iran, through which participants discussed our joint efforts to counter Iran's support for Hezbollah, for the Assad regime, and for other militant proxies in the region. That working group continues to improve information sharing and cooperation to take joint actions targeting Iran's support for terrorism and its other destabilizing activities in the region and around the world.

In early December, Saudi Arabia agreed to designate 12 Hezbollah officials for terrorism, further disrupting their ability to raise and move funds around the gulf.

Implementing this agreement successfully will demand that we continue to develop discrete, clear, and public responses to minor Iranian violations of the agreement. My view on this was shaped in no small part by advice I got from a dear, long-term friend in New York, Maurice, who told me about his experience decades ago negotiating a complex commercial deal with Iran. After 2 years of excruciating and detailed back-and-forth negotiations, he told me they sat at the table to sign their agreement and begin their commercial partnership. After shaking hands across the table, the lead Iranian negotiator said: Now, my friend, the negotiations begin in earnest.

All of us who have studied Iran's behavior and know the history of their work to conceal their nuclear weapons program and their work to destabilize the region know that Iran will cheat on this agreement. They will litigate the boundaries. They will find ways large and small to test us.

For example, the nuclear agreement bars Iran from enriching beyond 3.67 percent. How will we respond if, for example, for a month Iran claims it accidentally enriched to 4 percent? We are unlikely to snap back the full multilateral sanctions regime because such a move would have little support in the international community for such a small and transient infraction and could be perceived as an overreaction. But inaction is not an option either. In coordination with our allies, we must develop a menu of responses that allow us to respond quickly and precisely to minor violations of the deal because there are no real minor violations of the deal. Otherwise Iran will little by little eat away at the constraints of this agreement, and our deterrence and credibility will collapse.

In addition to deploying sanctions more effectively and ratcheting them up as necessary, the international community must also increase our efforts to push back against Iran's malign activity in the Middle East. More specifically, we have to enhance our campaign of interdicting Iranian weapons shipments and support to its proxies in Syria, Yemen, and Lebanon. Iran sends illicit arms shipments to terrorist groups such as Hamas, Hezbollah, and the Houthis who pass through international waters, and under both domestic and international law, the United States maintains its authority to disrupt these shipments. We must use that authority to act and to demonstrate our will. We must use that authority to work with our partners in the region and our allies around the world to increase the tempo and scope of our interdiction efforts. Successful interdiction efforts not only get deadly weapons out of the hands of terrorists but also deter Iran and undermine its proxies throughout the Middle East.

We know we can be successful in this aspect of our enforcement because the administration has already successfully disrupted Iranian weapons shipments in recent months. Although many of us have been briefed in a classified setting about encouraging developments in this area, I think it is important that we have at least one example that we can share with our colleagues and the world.

Please take a look at this picture to my left. In September, a raid off the coast of Yemen seized a large cache of Iranian arms destined for the Houthi rebels who seek to undermine the legitimate Yemeni Government. This massive weapons shipment included a whole series of the component parts of sophisticated TOW missiles, including 56 tube-launched, optically tracked, wire-guided TOW missiles and the associated sights, mounts, tubes, battery sets, launcher assemblies, guidance systems, battery assemblies, and nearly 20 other sophisticated anti-tank weapons. I commend the administration for these efforts and for this successful interdiction in international waters, but we cannot stop there.

Every month while Iran negotiates with the international community with one hand, with the other hand it has been sending millions of dollars' worth of weapons to the murderous Assad regime in Syria, to Hezbollah in Lebanon, and to the Houthis in Yemen. We must not stand by while Iran continues to spread its terror and destabilize this region. Nor is it sufficient simply to increase our interdiction efforts. We must publicize these efforts when successful.

When an American smalltown sheriff pulls off a successful drug bust, we better believe that sheriff is going to hold a press conference and put on the table the drugs and guns taken off the streets. Actions like that send a simple signal to those who engage in the drug trade that there is a sheriff in town who is actually going after bad actors and who isn't going to tolerate this destabilizing and illegal activity.

I think the American people and the international community need to know about Iran's bad behavior and our willingness to take effective actions to push back. Just as importantly, Iran needs to know that the international community remains serious about cracking down on its illegal arms shipments and its promotion of terror.

I am committed and I am willing and ready to help the administration increase its interdiction efforts in any way I can. A shared commitment to this from my colleagues—a shared focus on this from my colleagues—is especially important today when many members of the administration and the American people are understandably focused elsewhere: on our Presidential election next year, on the global refugee crisis, and on recent terrorist attacks and the conflict with ISIS.

These are busy times. As the holidays approach and as Congress nears a massive budget deal, I see my colleagues and my constituents focusing less and less on Iran, but we must maintain our focus for the months and years to come. Given the 24/7 news cycle and the media's incessant focus on the crisis of the moment, we will be tempted to turn our attention elsewhere.

Adoption day was not the end of the agreement with Iran. In fact, it signified just the beginning. And we must think strategically about the Middle East, which critically includes Iran as the central promoter of terrorism and source of destabilizing action in the region.

We must redouble our efforts to follow through on the most rigorous enforcement of the JCPOA or face terrible consequences. We have to scrutinize Iranian actions ever more closely for signs it is reneging on its commitments. This JCPOA is set to last in principle for 15 years but in some terms indefinitely. Congress must not waiver—not for 1 day—in our oversight of the implementation of this agreement.

Whether my colleagues supported or opposed the deal, we should put our differences about that aside and focus on enforcement. The deal is designed to deter Iran from evading or cheating on the deal while also countering Iranian bad activity in the region. That is why I worked with a group of my colleagues to introduce the Iran Policy Oversight Act in September. This bill, cosponsored by supporters and opponents of the JCPOA, helps ensure the United States aggressively enforces the terms of the nuclear deal. The Iran Policy Oversight Act also provides support for our friends in the Middle East, most centrally our vital and steadfast ally, Israel.

I am pleased to hear the administration is working on negotiating a new 10-year memorandum of understanding for Israel's security, and I am pleased to hear that its assistance will continue to grow to ensure Israel maintains its qualitative military edge.

In recent weeks, I have also had the chance to discuss the Iranian deal and our intention to continue to enforce the sanctions that remain on the books and to interdict and to push back against Iran's destabilizing regional activities. When I was in Paris at the global climate conference, I had the chance to discuss this issue with French Government officials and business leaders. I will continue these efforts in early January when I will travel with seven other Senators to the Middle East and to Europe to discuss our progress implementing this nuclear deal and the challenges that remain.

I commend President Obama and his administration for engaging with Congress during the debate over the Iran agreement and in the months since it took effect, but I urge the administration not to lose focus and to work with this Congress in the months ahead to ensure strict enforcement of the agreement.

But we in Congress have our part to do here as well, not the least of which is making sure the executive branch has capable and effective officials, which is a crucial part of effective implementation. In recent months, not only has the Senate not done its job, but this Chamber's inaction and our apparent focus instead on Presidential politics means we are increasingly making this Chamber less relevant in American foreign policy.

The United States has a very qualified and capable leader in the enforcement of sanctions in Adam Szubin, who oversees the current imposition and enforcement of sanctions at the Department of Treasury. Mr. Szubin worked under the Bush administration and under the Obama administration. He is a dedicated, capable, seasoned career professional who has been widely complimented on a bipartisan basis by members of the Banking Committee and the Foreign Relations Committee on which I serve. He has been nominated to be the new Under Secretary of Treasury for Terrorism Financing—a position critical to the successful enforcement of the JCPOA—but his nomination has been on hold for months for no clear and publicly stated reason.

Adam Szubin's nomination is one of more than two dozen national security-related nominations, including Tom Shannon, nominated to be the Under Secretary of Political Affairs at the State Department. Tom Shannon is a career Foreign Service officer and a determined, dedicated, nonpartisan professional who also would play a critical role in working with our allies and ensuring successful enforcement of this agreement.

Adam Szubin, Tom Shannon, and nearly two dozen other nominees have been blocked, seemingly for purely partisan reasons in this Senate. I call on my colleagues to release their holds and to give the administration the resources and the personnel it needs to do its job in enforcing this difficult deal.

The Senate's commitment to overseeing and enforcing the terms of this deal must go beyond simply doing our job and giving the President's nominees an up-or-down vote. We have to do more. I stand ready to work with this President and the next one to fully oversee the JCPOA. The length of this agreement will transcend Presidential terms, and implementing it should transcend politics as well.

We know Iran will seek every opportunity to push the limits of this deal in an attempt to test our resolve. We must not let Iran relitigate the terms of the deal and escape the boundaries of this deal and lay the groundwork for its future development of a nuclear weapon. We must deter them by holding them accountable.

When this President or a future President, Republican or Democrat, successfully enforces this deal, I will be the first one to compliment them for countering Iran's destabilizing activity in the region. And when the administration, current or future, isn't actively and vigorously enforcing this deal and pushing back on Iran, I will be the first to ask—to demand—that it do more.

The Iranian Government is paying close attention to everything we do, and I, for one, am determined to make sure that Congress, the administration, and the American people are doing the same, to demonstrate to Iran our determination and our will to deter them

and to closely and vigorously enforce this difficult deal.

Thank you, Mr. President.

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

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

TRIBUTE TO BOYD MATHESON

Mr. LEE. Mr. President, I rise today to pay tribute, bid farewell, and, coincidentally, to wish a 1-day belated birthday to a truly extraordinary gentleman from Cedar Hills, UT, who is a dear friend, a trusted partner, and one of the finest human beings I have ever known. For nearly 4 years, Boyd Matheson has served my Senate staff ably and honorably, first as State director and then for the last 3 years as chief of staff. He has served with special distinction on Team Lee, so much so that as far as my staff and I are concerned, we are all on Team Boyd. I can say with confidence and a great deal of gratitude that without Boyd Matheson I would not be here today.

I first met Boyd about 12 years ago when he and his wife Debbie and their five children moved into my neighborhood. They had just returned to Utah after spending more than a decade outside the State and in places as far away as Australia while Boyd was building his successful consulting business. I could tell right away that Boyd felt at home in Utah, as well he should. After all, the State was settled by Boyd's ancestors, who came to Utah in the 1850s in search of a place where they could worship, believe, and live as they saw fit without fear of persecution.

While Boyd's ancestors helped settle the State in the 19th century, his parents, who raised an impressive 11 children, helped populate our State in the 20th century. I soon got to know Boyd, who was active in many of the same ecclesiastical and political causes in which I was involved, and I was immediately struck by his masterful command of the English language. Boyd wasn't given to excessive speech, but when he spoke people listened. I noticed that everything Boyd said was at once profound, disarming, inviting, persuasive, and informative—a rare combination. Not much has changed since then. To this day, listening to Boyd speak is an uplifting experience for all who are fortunate enough to be present.

Although it would be several more years before I got to know Boyd very well, I quickly identified him as someone whose opinion mattered to me and to others and whose skills as a communicator I deeply admired. Whenever anyone I knew was in need of advice on how to communicate an important message, I referred them to Boyd, assuring them with great confidence that this was a man who had an uncanny ability not only to say the right things but also to say them in just the right way.

For that very reason, when I began considering running for the Senate, Boyd was one of the very first people I called. As one who had never previously sought or held public office, I knew that the odds were highly stacked against me, to put it mildly. With an instinctive trust in his judgment, I understood that I would need Boyd's help in order to have any plausible chance of winning.

I still remember the first of what would be countless conversations that would take place over the next few months. I was on my way home from work late one evening when I placed the call. I wasn't sure whether he would tell me I was out of my mind or whether he would provide encouragement, nor was I even sure which answer I would prefer. Nevertheless, I knew, regardless of his response, that I should listen carefully to his assessment of my ideas.

To his credit, and consistent with his thoughtful, careful approach, he didn't give me a definitive answer immediately. Instead, he asked for time to think about it, suggesting that we continue to visit periodically over the next few months, and this we did. In due time, we both came to the same conclusion.

When I entered my Senate race in 2010, I asked Boyd to serve as my communications director. I knew that his distinctive vision for the future, his commitment to positive reform, and his unparalleled gifts for communication would provide my campaign with the direction, clarity of purpose, and optimism it would need to have any chance of success.

I was right. Boyd was the perfect man for the job. He proved to be indispensable to the campaign, quickly earning an appropriate and very descriptive nickname. We often referred to him not simply as Boyd but by his longer and appropriate nickname, which was ''Boyd to the rescue.''

You see, just weeks into the campaign my wife Sharon christened him ''Boyd to the rescue'' because she noticed that he could solve just about any problem, that his calming reassurance had a positive effect on everyone around him, and that somehow things just went more smoothly when he was around.

With Boyd's help I was elected in November 2010. Then, when it was all over and I made plans to transition to Washington, I invited him to join my Senate staff. While disappointed, I was not surprised that he opted to remain in Utah, returning to his career as a businessman and a consultant, a career which I had rather rudely interrupted a year earlier.

You see, Boyd is not your typical chief of staff. Indeed, he is very unlike most of the people you will find in this town—or in any town, for that matter—in the best and most admirable ways imaginable, Boyd didn't ascend to his post by working his way up Washington's political pecking order, biding his time until it was his turn. No, he spent the bulk of his career—which, I would add, is just still getting started—outside of politics, starting and running his own businesses to serve others and to create true value in society, and he began doing this at a very early age. In high school, Boyd ran sports camps where he taught kids in his community the fundamentals of how to succeed on the field, on the court, and in life. This has been the Boyd Matheson business model ever since he was in high school and started his first business—inspiring, teaching, and helping those around him to succeed, though his target audience has changed over time from youth athletes to business executives, foreign dignitaries, long-shot political candidates, and eventually, thankfully, this Senator from Utah.

Boyd agreed to join my campaign not because he had any political aspirations or ambitions of his own; he just wanted to make a difference. He knew that our country was headed down the wrong track and that his fellow Utahns and Americans in every State were facing challenging times ahead. He wanted to help however he could, but it wasn't until he had spent a year crisscrossing the State and the country with my campaign that Boyd realized the magnitude of the economic and social challenges facing the United States. He met countless families and hardworking Americans anxious about their country's future and struggling just to keep up. He visited far too many isolated, forgotten communities that were stuck in poverty with few opportunities and even fewer reasons for hope. And he got a glimpse into the political dysfunction plaguing and, at the same time, perversely enriching Washington, DC.

By the end of the campaign, I could tell that Boyd knew the road to economic recovery and social revival in America would be long and arduous, but I also knew he cared enough about his family, his community, his State, and his country that he would do just about anything to be part of the solution. So when Boyd decided not to pursue a job on Capitol Hill after the campaign, deep down I knew that, God willing, he would be back.

Thankfully, God was willing and so was Boyd. If my first year in the Senate taught me anything, it was that I needed Boyd Matheson's help to survive in Washington. So on December 5, 2011, as my first year in office was coming to a close, I decided to call him and ask him to take a job as my State director. Here again, I wasn't sure what his answer would be, but I knew I needed to ask. It was an offer I hoped he might accept. Not only had I given him ample time to forget about all the late

nights and early mornings of the campaign, but the job I was offering him would allow him to stay in Utah most of the time, at least for the time being.

In the end, it was providence that sealed the deal. When I called Boyd to offer him the job, I was at the airport in Salt Lake City traveling back to Washington after a weekend at home with my family. After a few minutes of small talk and catching up on the phone, Boyd asked me where I was at the moment. I told him I was at the airport.

''Me too,'' he said, adding that he was on his way to Bangkok. ''Which airport?''

''Salt Lake City,'' I replied.

''Me too,'' said Boyd. ''Which concourse,'' he asked.

''D,'' I said.

''Me too,'' Boyd repeated again. ''Which gate,'' Boyd asked, as we both started looking around the crowded terminal.

Before I could respond, we had both spotted each other sitting with only a few chairs between us in the waiting area adjacent to gate 6.

We continued the conversation in gate D–6 in person and then via text message once we boarded our respective flights—mine to Washington and Boyd's to Thailand. Eventually he accepted the offer, convinced that our chance encounter in the airport that day was, as his wife Debbie would later put it, an ''inspired connection.''

It was inspired, indeed, but the connection was not just between Boyd and me; it was a connection between a man and his moment, between Boyd and the countless people whose lives have been forever changed because of his faithful service over the last 4 years. And no one has been more blessed than I have.

Boyd has been my constant ally, spiritual coach, advocate, speaking surrogate, and friend. In addition to his many skills and attributes, so many of which are well-known to anyone who has interacted with my office, Boyd possesses a deep and genuine concern for others. Coupled with his freakishly intuitive sixth sense, this makes Boyd the consummate friend and indispensable teammate.

For reasons I don't entirely understand but appreciate more than he can possibly know, Boyd has the extraordinary ability to know when, where, and how he is most needed long before anyone else does, long before the person who needs him knows.

Years ago I lost track of how many times Boyd had sensed that I was worried about something and then he immediately called or texted—invariably with exactly the right words that addressed my concerns.

This, of course, is not part of the chief of staff job description in my office; it is just what Boyd does, not only for me but for everyone he knows. I can't count the number of times he has stepped in to help me, my family, and my staff in moments of need without having been asked and often at great personal sacrifice.

Considering how hard he works to help others, many of us who know and work with him often ask: Does this man ever sleep?

This, in turn, has sparked a number of half-joking suggestions among my staff that Boyd Matheson is actually a vampire, one who survives on Diet Coke rather than blood and rarely, if ever, sleeps. When we ask him whether he will ever take the rest that he needs and most certainly deserves, he relies on a well-worn response, saying, ''I have promises to keep, and miles to go before I sleep.'' The literary world recognizes these as the words of Robert Frost, but my family, my staff, and I will always attribute them to Boyd. By word and by deed, he made these words his anthem.

Needless to say, Boyd has kept his promises and has more than earned his right to sleep. Yet, somehow, knowing Boyd as I do, I doubt he will hold still for long. Boyd Matheson at his core is a passionate reformer. He is exactly the kind of reformer with exactly the kind of courage and convictions that are so badly needed but too often in short supply here in Washington.

Boyd is, in the words of essayist William George Jordan, one of the reformers of the world:

> . . . its men of mighty purpose. They are men with courage of individual convictions, men who dare run counter to the criticism of inferiors, men who voluntarily bear crosses for what they accept as right, even without the guarantee of a crown. They are men who gladly go down into the depths of silence, darkness, and oblivion, but only to emerge finally like divers—with pearls in their hands.

Ask Boyd what pearls he has found in Washington and he will tell you, without pause or hesitation, ''the people.'' It is the people he will miss the most, which is exactly the kind of answer you would expect from Boyd—a man who genuinely cares about people. No matter who you are or how your path happened to cross with his, Boyd listens to and learns from you, he inspires and teaches you, and he always sees the best in everyone, challenging each of us to do the same.

I am most fortunate to know Boyd Matheson and to call him my friend. I am most thankful for his sacrifice and that of his wife Debbie and their five children, who have seen on so many occasions the sacrifice of this great man in the service to me, to my staff, and to others. The people of Washington, DC, are going to miss Boyd Matheson, and the people of the great State of Utah will be lucky to have him back.

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

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

COMBATING ANTI-SEMITISM, RACISM, AND OTHER FORMS OF INTOLERANCE

Mr. CARDIN. Mr. President, I have had the honor of being the ranking Democrat for the U.S. Senate on the Helsinki Commission. I work with Senator WICKER, who is the Senate chairman of the Helsinki Commission. The two of us have worked very hard on many issues.

As I am sure everyone here knows, the Helsinki Commission is the implementing arm for U.S. participation in the Organization for Security and Cooperation in Europe—the OSCE. It is probably best known for its human rights basket. It does deal with security, military security. It does deal with economic and environmental security. But I think it is best known for its human rights and the impact human rights have on the security of the OSCE region.

In March of this year, the president of the Parliamentary Assembly of the Organization for Security and Cooperation in Europe, Mr. Ilkka Kanerva, appointed me to serve as the assembly's first special representative on anti-Semitism, racism, and intolerance. Since that time, I have focused my work on the urgent issue of anti-Semitism and community security, anti-Muslim bigotry, and discriminatory policing. So let me share with my colleagues the work I have done this year on behalf of the OSCE Parliamentary Assembly and on behalf of all Members of the Senate.

My appointment came after horrific back-to-back terrorist attacks in Paris and Copenhagen in January and February. In both instances, Jewish institutions were targeted—a kosher supermarket in Paris and a synagogue in Copenhagen. In both instances, some symbol associated with free speech was also attacked. In Paris, a murderous rampage was unleashed against the French satirical magazine Charlie Hebdo. In Copenhagen, a conference on free speech, where a Danish cartoonist was among the speakers, was attacked.

I subsequently visited both cities, along with Senator WICKER and Representative ADERHOLT, fellow members of the Helsinki Commission. Following our trip, I authored Senate provisions to increase State Department funding to combat anti-Semitism and other forms of discrimination in Europe and cosponsored Senator MENENDEZ's resolution on anti-Semitism. That resolution supports national strategies to combat and monitor anti-Semitism and hate crimes, including training law enforcement and collecting relevant data. I am pleased that our State Department has advanced many of the efforts outlined in these legislative provisions through OSCE and civil society initiatives.

I have also focused on the problem of discriminatory policing. This summer, Hungary's Commissioner for Fundamental Rights issued an important report on community policing in Hungary's second largest city, Miskolc. He

concluded that police had participated in mass, raid-like joint controls, executed with local government authorities, public utility providers, and other public institutions, without explicit legal authorization and predominantly in segregated areas inhabited mostly by Roma. In short, police targeted Roma for harassment, fines, and daily indignities.

For those of us who listened to Attorney General Holder present the Department of Justice's report on Ferguson last March, the Hungarian Commissioner's report has the feeling of deja vu—many differences, to be sure, but similar in that critical community confidence in law enforcement has been abused and damaged.

I have sought to address these issues with several pieces of legislation, including S. 1056, the End Racial Profiling Act; S. 1610, officially named the BALTIMORE Act, Building and Lifting Trust in Order to Multiply Opportunities in Racial Equality, and S. 2168, the Law Enforcement Trust and Integrity Act. Among other provisions, these laws would ban racial profiling by State and local law enforcement, establish mandatory data collection and reporting, and address the issues of police accountability and building trust between police departments and communities by providing incentives for local police organizations to voluntarily adopt performance-based standards to reduce misconduct.

In the OSCE, where discriminatory policing issues have been documented from the United Kingdom and France to Russia, I have urged the chair-in-office to hold a high-level meeting on racism and xenophobia focused on concrete action.

Following the most recent tragedies in Paris and San Bernardino, there has been a backlash of hatred directed against the asylum seekers, immigrants, and Muslims in many OSCE countries, often fueled by populist or extremist parties, such as Le Pen in France, UKIP in Great Britain, the True Finns in Finland, Swedish Democrats, Austrian Freedom Party, or Golden Dawn in Greece. Worse still, this kind of xenophobia bleeds into the discourse of mainstream parties. As such, I will add an increased focus on prejudice and discrimination linked with the migration and refugee crisis to my priorities.

In addition to focusing on anti-Semitism and discriminatory policing and the anti-Muslim backlash, I will also look at the protection of migrants and refugees, as that is becoming an area of discrimination that is troubling in the OSCE region—including in our own country of the United States. I am particularly troubled by the spike in violence in our own country directed at houses of worship and community centers—fueled by escalating anti-Muslim discourse. In Palm Beach, FL, vandals broke all the windows at the Islamic Center, ransacked the prayer room, and left bloody stains throughout the center. That cannot be tolerated in our country. A number of mosques have reported receiving death threats or messages of hate. A pig's head was thrown at a Philadelphia mosque, shots were fired at a mosque in Connecticut, and a fake bomb was left at a Virginia mosque not far from where we are here today in the U.S. Capitol.

I disagree in the most emphatic way possible with those who would have us call for excluding people from this country based on their faith, and limiting political participation based on religion. That is not who we are. Those are not our values.

The images of Jewish refugees on SS *St. Louis* turned away, port after port, many of whom ultimately perished in death camps, and the image of American citizens, including children, imprisoned in internment camps solely because of their race, are dark corners of our own history. We must be careful not to retread that path. It is one reason I question those who describe terrorism as a Muslim problem. Such statements prevent our communities from working together against a common threat. The slaughter of schoolchildren in Columbine, the massacre of churchgoers in Charleston, and the Oklahoma City bombings were not White problems just because the perpetrators were White; neither should the attacks in Paris and San Bernardino be distilled as Muslim problems.

Radicalization is a very real problem that currently tries to exploit the Muslim community, but it is our problem—Muslims Jews, Christians, Whites, Latinos, Blacks, all Americans—to all come together to solve this problem.

When I see the young people who engaged in these horrible acts, I question why they were susceptible to such great untruths that would allow them to harm themselves and others. No family should have to lose their mother, son, or cousin to mass shootings. No family should have to live with the fear that their loved ones were the perpetrators of mass violence. We must work together to guard against such ideologies that would steal our young people from us.

Given that the United States is historically a nation built upon immigration and the tenets of religious freedom, Americans have long lived alongside others and have seen people of different faiths live together in peace. Muslims have lived in America since the colonial days and served under the command of George Washington. There are an estimated 5,900 Muslims who currently serve in our armed services defending our country and our way of life. When the Supreme Court ruled this summer in favor of a young Muslim woman who allegedly suffered employment discrimination because of her head scarf, Justice Scalia announced the 8-to-1 decision, noting, ''This is really easy.'' Neither immigrants nor Muslims are new to our shores.

Islam is also not new to Europe. Europe's own historic relationship with the rest of the globe has set the stage for ties that have long served as the backbone of prosperity for the Western world. Europeans have created a presence throughout the world—and that is a two-way street. Many countries in the OSCE region, including our own, therefore have a learned history of integration that can be useful in addressing the increasing diversity stemming from the refugee crisis and changing demographics.

Given the conflicts that have forced mass displacement and migration, we should support long-term inclusion and integration efforts at the national, regional, and local level throughout the OSCE region—especially with the leaders of humanitarian efforts for Syrian and other refugees—such as what is being done today in Turkey, Germany, Sweden, Austria, and OSCE partner states such as Jordan and Lebanon. They are taking on tremendous burdens for the refugees because they know it is the right thing to do. They need partners, including the United States.

The successful integration of immigrants and refugees—including access to quality housing, education, employment, and public services—facilitates meaningful intellectual, economic, and other contributions of migrants and refugees that are especially critical for children. These are areas in which our nations should exchange experts and information.

Earlier this year, I introduced provisions in the Senate for a Joint Action Plan between the United States and the European Union to formulize and coordinate public and private sector anti-discrimination and inclusion efforts. We need diverse coalitions working together to address the momentous threats we face today. This includes leading by example by providing factual information about refugees and immigrants and publicly addressing narratives of hate. It is in that spirit that I will continue to work with other parliamentarians and with the administration to combat anti-Semitism, racism, and other forms of intolerance in the United States and elsewhere in the OSCE region. I will do that as the special representative of the OSCE Parliamentary Assembly, and I will do that as a U.S. Senator.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Wyoming.

PARIS CLIMATE CHANGE AGREEMENT AND SENATE ACCOMPLISHMENTS

Mr. BARRASSO. Mr. President, over the weekend, countries meeting in Paris signed a broad new climate agreement. President Obama called the agreement a success. He said it was a ''strong agreement.''

Despite the fanfare, let's keep some things in perspective. There are important parts of this agreement that can

do a great deal of damage to American jobs and the American economy. That should be and is a big concern to the American people. Parts of the agreement can do damage to our jobs and our economy. At the same time, important parts are not binding on other countries. The American people are right to wonder if the White House has signed yet another terrible deal just to try to shore up the President's legacy.

Earlier this year, President Obama was so anxious, so desperate to get a deal with Iran over its nuclear program that the President signed a terrible deal. Since then, the International Atomic Energy Agency said that Iran has ''seriously undermined'' the agency's ability to verify what Iran has done. Here we are again. It is another bad deal, and other countries that signed it are already ignoring it.

India is the world's third largest emitter of carbon. The agreement was on Saturday. This agreement tied plans to meet their emissions targets to getting U.S. taxpayer dollars. Then on Monday—just yesterday—India said it has plans to double its coal output by 2020. Is that what President Obama calls, in his mind, a success?

A Gallup poll came out yesterday that showed that the American people's biggest concern is not climate change; it is terrorism. Only 3 percent of all Americans said that pollution or the environment was the most important problem facing America today.

President Obama says climate change is our biggest threat. President Obama continues to put a priority on things that he expects to help his legacy, not on the issues the American public actually are concerned about. As elected representatives, we should not allow the President to buy a legacy for himself using American taxpayer dollars. I am willing to sit down with any Democrat who wants to work on a realistic, responsible, and achievable plan to make American energy as clean as we can, as fast as we can, without raising costs on American families. That should be our goal: coming together to find a real solution, real-world solutions, things that work, not just signing a symbolic agreement that does not solve anything, something that may make the President feel good but doesn't actually do good.

Democrats and Republicans in the Senate can do it. Just look at all we have accomplished this year working together. It has been a very productive year in the Senate. I am not the only one saying it. Last Wednesday, U.S. News & World Report said: ''There's reason for optimism on Capitol Hill ahead of a looming deadline to pass a trillion-dollar omnibus funding measure.'' The magazine asked: ''What is behind it?'' Well, they said: ''After years of partisan gridlock, Congress has seemingly regained its ability to get things done.''

After years of partisan gridlock, Congress has seemingly regained its ability to get things done. The bipartisan policy committee said the same thing recently. They pointed out that the House and Senate have both made important progress this year. They said: ''Both chambers have reinvigorated a robust committee process.''

Getting committees back to work is essential to getting Congress back to work, and that is what Republicans have done this year. So far this year, the total number of days worked is up from last year by almost an additional 3 weeks of work on the Senate floor. This is in comparison to when HARRY REID was in charge. We have been considering a lot more amendments this year as well. For all of last year, there were only 15 up-and-down votes on amendments—15 for the entire year. So far this year, we have voted on over 200 amendments. These are amendments both by Democrats and Republicans. These are opportunities for individual Senators to stand up, offer their ideas, and be heard—ideas that they think will make America better, make legislation better, not just what the leader of the party wants, Senator REID, who blocked so many amendments—not just what Senator REID might think is best for the President, no; what the American people think is important.

So when you look into the substance of what we have done, the news is even better for the American people. So far this year we passed major legislation that has been helping Americans all across the country. We passed an important law on Medicare to make much needed reforms and to reauthorize the Children's Health Insurance Program. We passed the first multiyear highway bill since 2005. We passed the longest reauthorization of the highway trust fund in almost a decade.

These aren't just short-term patches for a few months or a year. That is what happened when the Democrats were in charge. These are long-term fixes that create the certainty and the stability our economy needs. This year the Senate passed the most significant education reform since 2002. We passed an important human trafficking law. We passed a budget. Can you imagine that? There hasn't been a budget passed in both Houses of Congress since 2009. We passed one this year.

As chairman of the Indian Affairs Committee, I can tell you that we have made a lot of progress this year on legislation to improve the lives of people across Indian Country. We passed a measure that will help make crucial and long overdue improvements on roads on tribal lands. Last week we passed legislation that helps give tribes more economic opportunities. It gives them more control over developing their natural resources.

Republicans are eager to work with Democrats and to produce legislation the President will sign. We are proud of the accomplishments of this year. At the same time, we are not afraid to challenge President Obama's most misguided and dangerous policies. That is why the Senate passed legislation repealing ObamaCare to ease Americans' pain under this law. We passed a measure on the Keystone XL Pipeline to create jobs, energy security, and economic growth, and we put that bill on the President's desk to force him to finally make a decision.

We challenged President Obama's job-crushing energy regulations by voting to block his power plan and his devastating rules on waters of the United States. I wish to point out, looking at a headline from yesterday's New York Times, that EPA broke the law with regard to pushing their water rule. The EPA broke the law, which is this issue of this whole waters of the United States. The EPA must be held accountable—accountable for breaking the law, accountable for misuse of government funds. We will hold this administration accountable.

Of course we also oppose the President's nuclear deal with Iran. We have shown the American people we can get things done, and there is a viable alternative to the reckless policies coming out of the White House.

Looking back on what we have been able to do this year, I think there is real reason for optimism. The Senate doesn't need to be the place of gridlock that it had become under HARRY REID. In 2016 the Senate will be taking more votes on important legislation and on amendments. There will be more debates, more consideration of ideas from both sides of the aisle. That is what the American people have sent us to do. That is what they expect from us. The American people have seen it is possible to govern and that not everything in Washington is broken. It takes leaders who are committed to getting things done and committed to looking out for the best interests of the American people.

This is the end of the year, but it is not the end of this Congress. It is not the end of what the Senate can do to make the lives of the American people better. We have done a lot. There is still a lot of work to be done over the next month and the next year. We will continue to work to relieve the burden and the expense of excess government regulations, to reduce the power of unelected, unaccountable Washington bureaucrats, and to return to the States and to the people more of the control that belongs to them. The goal is to give people at home the power to make their own decisions about what is best for them, their communities, and their families.

Mr. President, I yield the floor.

The PRESIDING OFFICER (Mr. ROUNDS). The Senator from New Mexico.

NOMINATION OF ROBERTA JACOBSON

Mr. UDALL. Mr. President, I rise to urge consideration of the President's nominee for Ambassador to Mexico. I do so for two simple reasons: One, this is a critical position, vacant since

July, and, two, Roberta Jacobson is highly qualified for this position. Her nomination deserves our attention. I do so as a Senator from a border State and as a Senator who believes we have a constitutional duty to advise and consent.

We have a distinguished candidate ready to serve. We have strong support for her on both sides of the aisle. What we need is an up-or-down vote. The L.A. Times has called Roberta Jacobson ''among the most qualified people ever to be tapped to represent the U.S. in Mexico.''

She has impressive experience, including important work on the Merida Initiative, fighting drug trafficking and organized crime in Mexico. She has served ably as State Department Assistant Secretary for the Western Hemisphere, working to improve relations in our hemisphere and to engage Cuba—opening opportunities for Americans after over 50 years of a failed U.S. policy.

She was approved by the Senate Foreign Relations Committee with bipartisan support. Yet the weeks go by and still we wait.

Our relations with Mexico are critical—affecting our economy, affecting our security. Mexico is working with us to stop those who cross our southern border illegally. Mexico is our third largest trading partner. One million American citizens live in Mexico. It is our top tourist destination, with millions of U.S. visitors every year. My State shares a border with our neighbor to the south. We also share a cultural heritage. The trade that grows every year—hundreds of millions of dollars in goods and services—move between our Nations. Over 36,000 jobs in my State depend on United States-Mexico trade. This increased trade is an engine of economic growth. Exports from New Mexico to Mexico have soared from over $70 million a year to now $1.5 billion 15 years later.

In New Mexico we know how important this partnership is. We need a strong ambassador in Mexico City—working on trade, on border security, and on cultural ties between our Nations. We need an ambassador to work with Mexico and other Central American countries to address immigration issues, to help resolve the migrant crisis, to crack down on border violence and drug trafficking. This is clear to both sides of the aisle, especially to those of us from border States. As someone who has worked with Roberta on multiple issues, I know she is the right person for this job.

I especially want to thank my Republican colleague, Senator JEFF FLAKE, for his efforts. He is concerned, as I am, that this cannot wait. As Senator FLAKE said recently:

> It's crunch time now. Once you get into next year, it's easier to just put them on hold until the next president assumes office in 2017.

I hope that will not happen. I hope we will listen to Senator FLAKE because it is crunch time and because we do need to get this done.

What is holding up her nomination? It isn't her qualifications. It isn't concerns about how she would be able to carry out her duties as Ambassador. The problem is rooted in something else—something that should have no bearing on whether she is confirmed: Presidential politics and policy differences with the administration over her work on Cuba.

This year, the world celebrated the reopening of diplomatic relations between the United States and Cuba. As the Assistant Secretary for the Western Hemisphere, Roberta helped negotiate this shift. We have begun a 21st century relationship with Cuba—one I am convinced will bring freedom and openness. I congratulate the President for leading this historic change.

A few Senators disagree with his Cuba policy, and so they are blocking Roberta Jacobson's confirmation to serve as Ambassador to Mexico.

Unfortunately, this is just one example of how the rules are being twisted and misused. She is one of the many qualified nominees whose confirmations are on hold. Many of them wait because one or two Senators want to make a political point or extract political pain. Not happy with the President? Block his nominee. Not OK with a policy? Keep the seat vacant.

The real aim is the administration. No matter how qualified, the nominee is just an easy target.

Meanwhile, the backlog grows: 19 judges, half a dozen ambassadors, even a top official at the Treasury Department whose job is to go after the finances of terrorists. That position is vacant as well.

We are on track for the lowest number of confirmations in three decades. We now have 30 judicial districts with emergency levels of backlogs. At the beginning of the year, we had 12. Thousands of people are waiting for their day in court because there is no judge to hear the case. Important work for the American people is left undone.

When we fail to do our job, when we fail to give these nominees a vote up or down, our government fails too.

This is not just the President's team. It is our team. It is America's team—working on trade and security, moving our economy forward, seeing that justice is done.

These vital posts should not go unfilled.

I urge my colleagues to allow us to move these nominations forward now.

I do not believe the Constitution gives me the right to block a qualified nominee, no matter who is in the White House. I say that today, and I have said it many times before.

A Republican President may have nominees I disagree with. That is most likely so. But the people elect a President. They give him or her the right to select a team to govern.

Today—right now—the majority leader can call a vote to confirm these nominees, yet he chooses not to. We changed the Senate rules to allow a majority vote, but that does no good if they remain blocked. That is what is happening in this Congress. The line gets longer and longer of perfectly qualified nominees who are denied a vote and are unable to serve.

So I am not sure who wins here, but I know who loses. The losers are the American people. The losers are the men and women who cannot get a day in court, because there is no judge to hear their case.

The losers are American citizens, businesses, and workers who rely on our embassies and other public servants. The room is empty, and the work is not done—all because one Senator says no, and the majority leader says OK.

Nominees should be judged on their merits, not on feelings about a President someone may not like or a policy someone may not approve. They are public servants in the executive branch, on our courts. They serve the people of this country.

Too often now that service goes begging because one Senator wants to make a point and will gum up the works to do it. That is not governing; it is a temper tantrum.

So I say to my colleagues: Let's get serious. Let's stop these games. Give nominees the consideration they deserve. Give the American people a government that works.

Mr. President, I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

RECESS

Mr. UDALL. Mr. President, I ask unanimous consent that the Senate stand in recess until 2:15 p.m.

There being no objection, the Senate, at 12:19 p.m., recessed until 2:15 p.m. and reassembled when called to order by the Presiding Officer (Mr. PORTMAN).

The PRESIDING OFFICER. The Senator from Wyoming.

SENATE ACCOMPLISHMENTS

Mr. ENZI. Mr. President, last year we made a promise to the American people. If we were elected to the majority, we would get Washington working again for American families. Republicans in the Senate have been focused on putting our country on not just another course but a better course. This will allow us to begin rebuilding the trust of hard-working taxpayers who have seen their government become less effective and less accountable.

Over the course of this year, as the Senate got back to work, the American

people got to see something that had been missing from this side of the Capitol over the past 8 years; that is, an open and transparent legislative process. This included Members from both sides of the aisle offering, debating, and ultimately voting on amendments to not just our balanced budget resolution and reconciliation proposal but to a whole host of legislative measures. Leader MCCONNELL promised this, it is happening, and bills are passing because people on both sides of the aisle are having an opportunity to represent their constituents, to get votes on amendments.

The previous year we had 15 total votes on amendments. This year we have already had 192 votes on amendments, and the year is not over. So instead of allowing political points and partisan gridlock to take precedence over responsible governing, we are once again doing the people's business, and the Senate Budget Committee played an important role.

We had the first balanced budget in 14 years. Yes, Congress this year approved its first balanced 10-year budget since 2001. Americans who work every day to provide for their families and pay their taxes understand that it is time for the Federal Government to live within its means, just as they do. Hard-working taxpayers know they can't live on borrowed money, and neither can our Federal Government. This balanced budget approved by Congress shows these families that if they can do it, so can we. Our goal is to make our government more efficient, effective, and accountable. If government programs are not delivering results, they should be improved, and if they are not needed they should be eliminated.

A balanced budget would also help America tame its exploding debt, which today totals almost $19 trillion. Every dollar spent on interest on our debt is another dollar we won't be able to use for government services, for individuals in need or another dollar that won't be available for taxpayers for their own needs. Washington must live within its means, just as every hard-working family does every day, and we have to deliver a more effective and accountable government to the American people that supports them when it must and gets out of the way when it should.

To get our country and economy back on track, Americans must be allowed to spend more time working to grow their businesses or to advance in their jobs instead of worrying about taxes and inefficient and ineffective regulations. We want to empower our job creators to find new opportunities to expand our economy and, most importantly, assure that each and every American has the opportunity to find a good-paying job and a fulfilling career.

This is why the balanced budget also provided for repeal of the President's unprecedented expansion of government intrusion into health care decisions for hard-working families and small businesses. Our goal is to lift the burdens and higher costs ObamaCare has placed on all Americans.

ObamaCare is saddling American households with more than $1 trillion in new taxes over the next 10 years, and according to the Congressional Budget Office, ObamaCare will cost taxpayers more than $116 billion a year. For every American, ObamaCare has meant more government, more bureaucracy, and more rules and regulations, along with soaring health costs and less access to care.

The budget reconciliation legislation passed by the Senate will eliminate more than $1 trillion in tax increases placed on the American people, while saving more than $400 billion in spending. Most importantly, this bill begins to build a bridge from the President's broken promises to a better health care system for hard-working families across the country.

The Senate Budget Committee is an important resource for facts and information about the congressional budget process and the economy. That is why my committee recently began publishing its budget bulletin again, to provide regular expert articles by committee analysts on the issues before Congress relating to the budget, deficits, debt, and the economy. This year the bulletin has addressed the highway trust fund debate; defense spending, BCA caps, and OCO special funding; reconciliation and the Byrd Rule; budget enforcement and points of order; the appropriations process, which is the spending bills; the debt limit debate; and the 2016 continuing resolution.

Another important part of the committee's work is to increase oversight and transparency surrounding congressional spending. This is why I directed the Congressional Budget Office to release regular reports tracking the budgetary impact of enacted legislation against the fiscal year 2016 balanced budget resolution the Republican Congress approved. I have provided these reports after each recess work period in order to provide a status update on Congress's progress achieving the budget resolution plan.

Regularly providing information such as this will help foster fiscal transparency in the Federal spending process, and over time it will encourage a heightened awareness in the importance of complying with the budget. It will also help ensure that Congress remains focused on fiscal responsibility.

The recent omnibus spending and debt deal clearly illustrates that the Federal budget process is in serious need of reform, which is why the Senate Budget Committee this year has also focused on fixing our broken budget process.

Instilling the Federal budget process with regular action and predictability, active legislative oversight and spending transparency are critical to strengthening our democracy and reducing our Nation's unsustainable spending and debt.

We often talk about the threat America's growing debt poses to our economy and our future, but the growth in Federal regulations also poses a threat to long-term economic growth and job creation. The committee this year has been working to shine a light on these regulations and the burden they have on each and every American. It is critical for lawmakers and hard-working Americans to understand the true cost of regulations that are being issued by the administration. Taming our ''regulation nation'' will help ensure that the Federal Government works for the people, instead of people working for the government.

These aren't the only things that the Senate accomplished. I was proud to be a part of the Finance Committee's efforts to replace the doc fix so that doctors could be paid properly and Medicare recipients would be able to see doctors, also to enact trade promotion authority legislation, to increase trade that increases dollars to the United States, and also to finance the highway trust fund. I was proud to be a part of the effort of the Health, Education, Labor, and Pensions Committee to reauthorize the Elementary and Secondary Education Act, and I commend my chairman for his work on those bills.

Today I also want to acknowledge Senator COCHRAN's work to lead the Appropriations Committee in reporting all 12 appropriations bills for the first time since 2012. Incidentally, they stayed within the budget on those, and most were bipartisan. It is the first time all 12 appropriations bills have been voted out of committee since 2012. I want to thank Senator MURKOWSKI for her work on energy issues, including the Keystone Pipeline bill, and Senator CORNYN, for his efforts to protect victims of trafficking.

I was also proud to work this year on some issues important to my own State of Wyoming by pushing back on the administration's Clean Power Plan and waters of the United States rule, primarily designed to eliminate the use of coal and drive up the price of electricity in this country, which in essence will cost the average American a lot more for their electricity. Just as importantly, it will send jobs overseas where the energy costs less.

This year Congress also corrected a problem that the 2012 highway bill created for Wyoming, and I commend Senator BARRASSO for his efforts on that. I also want to thank Senators MCCAIN and ISAKSON for their work to support our troops and our veterans. I appreciate Senator MCCAIN working with me to ensure small businesses have the help they need to compete for Federal contracts.

This isn't an exhaustive list. There are several more things. We passed over 80 bills this year. But these are some of the things we can be proud of. The Senate is under new management,

and these accomplishments and others still to come show hard-working taxpayers that Republicans in the Senate are working to deliver a more effective and accountable government, a government for the people and by the people that supports them when it must and gets out of the way when it should. We have made great progress this year, but there is still more to be done. By working together, we are proving that we can deliver real solutions and real progress that the American people want and deserve.

I yield the floor.

The PRESIDING OFFICER. The Senator from Massachusetts.

TAX BREAK PARITY

Mr. MARKEY. Mr. President, here is where we are. The Republicans are holding the government spending bill and tax breaks for businesses hostage unless they can attach a rider to these bills to allow Big Oil to export American oil overseas to the highest foreign bidder. Ten days before Christmas, Republicans want to give Big Oil the biggest of all Christmas presents by lifting the crude oil export ban, and they keep saying no to long-term extensions of the wind and solar tax breaks and protections for consumers as part of the deal. Lifting the oil export ban would be a disaster for our economy, our climate, and for our national security. We should have tax break parity.

Let me tell you where we are right now. In America the oil industry gets approximately $7 to $8 billion a year in tax breaks. It is interesting because $7 to $8 billion is what the wind and solar industry receives each year—pretty even: wind and solar; oil—$7 to $8 billion every year in tax breaks.

We keep hearing from the other side: Let's have a level playing field; let's have all of the above. Well, what are they asking for right now?

Here is what they are asking for. The oil tax breaks will continue forever, and the wind and solar tax breaks will phase out over the next 3 to 5 years. This is on top of the windfall which the oil industry receives from the exportation of the oil that otherwise would stay here in the United States. Under that scenario, the losers are going to be U.S. consumers because we will be exporting the oil that is already here in our own ground, so that the oil industry can get a higher price overseas. It will hurt our national security because we still import 5 million barrels per day. Can I say that again? We still import 5 million barrels of oil a day. We still import 25 percent of all our oil. Some of the countries we import that oil from you may have heard of—Saudi Arabia, Kuwait, Iraq, Algeria, Nigeria. We are still importing oil, and we are still exporting men and women over to the Middle East to protect those cargo ships of oil, bringing it to the United States. We don't have a surplus of oil in the United States. We have a deficit of 5 million barrels of oil per day. So that is a dangerous policy. On top of that, I will just say that the whole ethanol subsidy program in the United States is premised upon the fact that we do not have energy independence and we need ethanol to get $1.3 billion dollars' worth of tax breaks a year—biodiesel.

Well, that whole program starts to get called into question if we are already going to declare energy independence here, even as we still import 5 million barrels a day. Our domestic refiners will be hurt by this unless there are proper protections built in in the Tax Code for those refiners. Otherwise, as that crude oil goes overseas, it is going to call into jeopardy the viability of the oil refineries across the East Coast, Midwest, and West Coast of the United States of America.

On the environment, if Brookings Institution is correct and upwards of 3 million barrels of oil will be exported by the year 2025, that is the equivalent of 150 coal-burning plants of additional pollution going up from our own soil.

Some people question: Well, will that really happen? Let me give you some other numbers. The Energy Information Administration says that the developing world and its expanding economy are going to require 10 million additional barrels of oil by the year 2025. The expanding economy is going to require 20 million barrels of new oil by the year 2035.

What Big Oil in America wants is a piece of that action. They want to be able to export into that market, and they will do so by drilling on American soil, not to reduce our own dependence upon imported oil but to sell it because the price on the global market is higher—much higher than the price they could get in America.

Is that truly a good policy, given what we are seeing about the stability of the Saudi government? Well, just look at the governments all across the Middle East from which we import oil. Is this really a good idea? I don't think so. I think it goes to the heart of our national security.

What happens to the Big Oil industry over the next 20 years is that they pick up about $500 billion in new tax revenues; that is with a ''b,'' $500 billion. They keep their $7 billion in tax breaks every year over a 20-year period. That is $140 billion more.

Meanwhile, the solar and wind tax breaks expire; they run out. The rumors are they run out over the wind in 3 years. Well, the young generation is the green generation. They think wind and solar are the future. They don't think fossil fuels are the future.

The whole world, 195 countries, just gathered and signed an agreement to move away from a fossil era to a low-carbon, clean-energy future. So if there was going to be a deal out here, then there should be some equality. If you don't take away the tax breaks from oil and gas, then don't take away the tax breaks for wind and solar—a level playing field, all of the above. Have a competition so that we can know at the end of the day—which is what I think is going to happen—that renewables are actually the future. It is a tale of two tax breaks: one for Big Oil and one for the renewable industry.

As I stand on the floor, this is still an unanswered question, but I do know this: The Republicans are pledging that if their Presidential candidate wins in 2016, then in 2017 that Presidential candidate is going to take off the books the clean power rules that President Obama has promulgated. They are going to review the fuel economy standards that push us to 54.5 miles per gallon by the year 2025, which is still the largest single reduction of greenhouse gases in one stroke that any country in the world has ever actually announced. They are also saying, obviously this week, that they are going to allow the wind and solar tax breaks to expire. So just as the world meets, we have the announcements about what their goals are on this issue.

I think the world expects more from us, but I actually think the young people of our country expect more from us. They truly think this is the future; this is the revolution: more efficient vehicles, powerplants that have fewer emissions, tax breaks for wind, and solar for fuel cells—the future. It is not having 150 new powerplants of coal equivalents of oil being drilled for in our country without some corresponding, permanent, long-term tax breaks that would offset it. No, it is just the opposite. They are saying: We are coming after the Presidential election for the reductions in greenhouse gases from powerplants. We will take those rules off the books. We are going to review the fuel economy standards. We will take those off the books, and we will make sure there is never again a permanent tax break for wind and solar. That is where we are in the same week that the world just met in Paris to announce the global solution to a global warming problem.

So I say equality; I say keep it the same. If you want to keep oil, if you want to keep natural gas tax breaks, keep them. But don't take away ours; that is, not mine but those who believe in a low-carbon, clean-energy future for our planet. The United States must be the leader. We are the innovation giant. We are the country that the world is looking for in order to find these solutions.

We passed laws that created this cell phone in 1996. Until then it was the size of a brick, and people didn't have one in their pocket. Then, 8 years later, a new cell phone came along. By the way, 600 million people in Africa have them because we innovated; we went first.

We can do the same thing in the energy sector, but there has to be some fair treatment that is put in place, especially when the oil industry receives such an incredible bonanza of those breaks here—$500 billion in new revenues. From my perspective, it is undermining our national security because

we shouldn't be exporting oil when we are still importing it from dangerous places on the planet, and they keep all their tax breaks.

From my perspective, I look at the Republican mantra from 6 to 7 years ago. It was ''Drill Here, Drill Now, Pay Less.'' They were saying: The more we drill here, the more energy independence we are going to have. They are replacing it this week with ''drill here, export there, pay more'' here at home. That is their new slogan. Everything they had said about why we should be drilling here is now made obsolete by their commitment to now ensure that oil gets exported. There are two prices: There is an OPEC price for global oil, and there is a Texas price for American oil. It is always cheaper here. They want to get it off into ships to get the OPEC price on the global market. I understand that.

What I don't understand is how we can leave behind—with tax breaks that are phasing out and the rumors that the wind tax break expires over the next 3 years—those new technologies that are branded ''Made in America,'' such as these cell phone technologies, these smartphone technologies that have revolutionized countries and continents all across the planet.

I come to the floor to say I understand why Big Oil wants this. It is about as great a Christmas gift as any industry would ever have received.

In return, I hope before we adjourn that we can find a way of being more generous—much more generous—to those other companies, those other technologies that are the future. I hope the promises Republican Presidential candidates are making that they are going to come back and take the clean powerplant rules off the books—that they are protected because we have the tax breaks. It still signals to industries that they are our future and the past is just a memory, that there is a new 21st century vision that America is going to lead, that the promises President Obama made in Paris on behalf of the American people are, in fact, going to be met, and that our policies are going to reflect the words the President spoke.

I thank the Presiding Officer for this time.

I yield back the remainder of my time.

The PRESIDING OFFICER. The Senator from South Dakota.

SENATE ACCOMPLISHMENTS

Mr. THUNE. Mr. President, from voting to repeal ObamaCare to passing the first long-term Transportation bill in a decade and the first joint balanced budget in 14 years, Senate Republicans have worked hard this year to fulfill our promise to get Washington working again for American families.

While some of our efforts have been blocked by Senate Democrats or by the President, we have still managed to get a lot done. I am particularly proud of some of the legislation we passed this year that will benefit South Dakota families and businesses as well as families and businesses across the country. One bill that I have been working on for a long time—a bill that will mean a lot to South Dakota's farmers and ranchers—is the legislation the House passed last week, the Surface Transportation Board reauthorization bill.

The Surface Transportation Board is responsible for helping to ensure the efficiency of our rail system by addressing problems and adjudicating disputes between railroads and shippers. Unfortunately, it has been clear for several years now that the Surface Transportation Board needs to work better. This became particularly apparent in 2013 and 2014 when a sharp increase in shipping demand and harsh winter weather conditions combined to create massive backlogs in the availability of railcars for grain shipping which, in turn, caused storage issues for farmers across the Midwest.

The U.S. Department of Agriculture found that the rail backlog lowered the price of corn, wheat, and soybeans in the upper Midwest. It forced shippers to pay record-high railroad-car premiums—in the neighborhood of 28 percent to 150 percent above the previous average levels—for roughly 65 consecutive weeks.

The Surface Transportation Board legislation that Congress sent to the President last week will help prevent another situation such as this in the future. The bill, which I spearheaded, makes a number of significant reforms to the Board. For starters, it establishes the number of Board members and establishes a more collaborative process that will allow members to work together to identify and solve problems as they emerge. The bill also provides the Board with the investigative authority to address rail service issues even if an official complaint has not been made. This will allow and encourage the Board to be more proactive when it comes to addressing problems in our Nation's rail system.

The bill also increases transparency by requiring the Surface Transportation Board to establish a data base of complaints and to provide quarterly reports with key information to facilitate the effective monitoring of service issues. Finally, the bill improves the current process for resolving disputes between railroads and shippers.

Right now, disputes can take multiple years and literally millions of dollars to resolve, putting a tremendous burden on shippers and on railroads as well. The legislation we developed improves this process by setting timelines for rate reviews, expanding voluntary arbitrary procedures, and requiring the Surface Transportation Board to study alternative rate review methodologies to streamline and to expedite cases. It requires the Surface Transportation Board to maintain at least one simplified, expedited rate review methodology. These changes will increase efficiency throughout the rate review process.

South Dakota farmers and ranchers depend on our Nation's railroads to bring their goods to market. They also depend on our Nation's highways. This year I was proud to work with my colleagues in the Senate on the first long-term Transportation bill in a decade.

Over the past several years, Congress made a habit of passing numerous short-term funding extensions for Federal transportation programs. Over the past several years of short-term extensions, the latest, I think, was No. 38. That was an incredibly inefficient way to manage our Nation's infrastructure needs, and it wasted an incredible amount of money. It also put a lot of transportation jobs in jeopardy.

When Congress fails to make clear how transportation funding will be allocated, States and local governments are left without the certainty they need to authorize projects or to make long-term plans for addressing various transportation infrastructure needs. That means essential projects, construction projects, get deferred. Necessary repairs may not get made, and the jobs that depend on these projects and repairs are put at risk.

The Transportation bill we passed this month changes all that. It reauthorizes transportation programs for the long term, and it provides 5 years of guaranteed funding. It means States and local governments will have the certainty they need to invest in big transportation projects and the jobs that they create. That, in turn, means a stronger economy and a more reliable, safer, and effective transportation system.

As chairman of the commerce committee, I spend a lot of time working with committee members on both sides of the aisle to develop the Transportation bill's safety provisions. Our portion of the bill includes a host of important safety improvements, including enhancements to the notification process to ensure that consumers are informed of auto-related recalls, and also important reforms at the government agency responsible for overseeing safety in our Nation's cars and trucks.

Another important success for South Dakota this year was the final approval of the expansion of the Powder River Training Complex—the military training airspace over South Dakota, North Dakota, Montana, and Wyoming. The expanded airspace approved by the Air Force and the Federal Aviation Administration will allow our air men and women to carry out critical training in conditions that more closely resemble combat missions. After working with the Air Force on this project for nearly 9 years, I was proud to see this expansion finally completed and even more delighted to see the first large-force training exercise take place at the expanded Powder River Training Complex just this month. Forty-one aircraft took part in the exercise, including the B–1 bombers from Ellsworth Air Force Base in South Dakota.

The expanded training complex will save Ellsworth $23 million per year in training costs by reducing the need for the B–1 bombers to commute to other places, such as Nevada and Utah, for training.

Supporting our men and women in uniform—like our airmen at Ellsworth—is one of the most important jobs we have as Members of Congress.

This year I am proud to report that the Senate passed a national defense authorization bill that incorporates a number of critical reforms that will expand the resources available to our servicemembers and strengthen our national security. The National Defense Authorization Act for 2016 tackles waste and inefficiency at the Department of Defense and focuses funding on our warfighters rather than on the Pentagon bureaucracy.

The bill also overhauls our military retirement system. Before this bill, the system limited retirement benefits to servicemembers who had served for 20 years or more, which means huge numbers of military personnel, including many veterans of the wars in Iraq and Afghanistan, retired after years of service without having accrued any retirement benefits. The National Defense Authorization Act replaces this system with a new retirement system that will ensure that the majority of our Nation's servicemembers receive retirement benefits for their years of service to our country even if they have not reached the 20-year mark.

The bills I have discussed today are just a few of the accomplishments of the Republican-led Senate. Over the course of this year, we have passed a number of significant pieces of legislation that will benefit Americans for years to come.

We have worked hard to help our Nation's veterans by expanding access to mental health resources, reducing wait times for medical care, and increasing the number of providers who can serve veterans. We voted to repeal ObamaCare and start the process of moving toward the real health care reform Americans are looking for: an affordable, accountable, patient-focused system that puts individuals in control of their health care decisions. We passed legislation to contain the out-of-control bureaucracy at the EPA and legislation to begin the process of safeguarding Medicare and Social Security by putting them on a more sustainable financial footing going forward. We passed cyber security legislation to protect Americans' privacy and a major education reform bill that puts States, parents, teachers, and local school boards—not Washington bureaucrats—in charge of our children's education.

While we may have accomplished a lot this year, we know there is still a lot more that needs to be done. Americans are still suffering in the Obama economy, and our Nation continues to face terrorist threats at home and abroad.

Whether it is enacting pro-economic growth policies at home or ensuring that our military has the resources it needs to protect us from threats abroad, Republicans will redouble our efforts to make sure Washington is meeting the needs of American families and addressing the American people's priorities. We plan to spend the second year of the 114th Congress next year the way we have spent the first: fighting to make our economy stronger, our government more efficient and more accountable, and our Nation and our world safer and more secure.

Mr. President, I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

Mr. WHITEHOUSE. 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. WHITEHOUSE. I ask unanimous consent to speak for up to 20 minutes.

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

CLIMATE CHANGE

Mr. WHITEHOUSE. Mr. President, one of the brightest bright spots at the Paris climate talks last week was the robust corporate presence. Leading businesses and executives from around the world were there in Paris to voice their support for a strong international climate agreement. That brings me here today for the now 122nd time to say that it is time for America's leading corporations and their lobbyists to bring that same message here to Washington to help Congress wake up.

Let me use an example of two of the good guys. The two biggest drinks companies in America are Coca-Cola and PepsiCo. Coke and Pepsi both signed this public letter urging strong climate action in Paris:

Dear U.S. and global leaders:

Now is the time to meaningfully address the reality of climate change. We are asking you to embrace the opportunity presented to you in Paris. . . . We are ready to meet the climate challenges that face our businesses. Please join us in meeting the climate challenges that face the world.

And it is not just that public letter; Coca-Cola's Web site says it will reduce CO_2 emissions by 25 percent and that to do so, ''Coca-Cola will work to reduce the greenhouse gas emissions across its value chain, making comprehensive carbon footprint reductions across its manufacturing processes, packaging formats, delivery fleet, refrigeration equipment and ingredient sourcing.''

Coca-Cola also says: ''We continue to partner with peer companies, bottling partners, NGOs, governments and others in addressing our greenhouse gas emissions and encouraging progress in response to climate change.''

Pepsi's Web site heralds what it calls ''its commitment to action on climate change'' and announces that it has signed both the Ceres BICEP Climate Declaration in the United States and the Prince of Wales's Corporate Leaders Group Trillion Tonne Communique in the UK. These commitments, they say, ''are part of PepsiCo's overall strategy to address climate change by working across its business and with global leaders.''

Here is Indra Nooyi, chairman and CEO of PepsiCo:

Combating climate change is absolutely critical to the future of our company, customers, consumers—and our world. I believe all of us need to take action now.

I have corresponded with these companies about climate change, and here is what they have said in their letters to me.

In March 2013, Coke said:

We recognize that climate change is a critical challenge facing our planet, with potential impacts on biodiversity, water resources, public health, and agriculture. Beyond the effects on the communities we serve, we view climate change as a potential business risk, understanding that it could likely have direct and indirect effects on our business.

As a responsible global company, with operations in more than 200 countries, we have a role to play in climate protection. . . .

Then in May 2014:

The Coca-Cola Company has strongly stated that climate change is happening and the implications of climate change for our planet are profound and wide-ranging. It is our belief that climate change may have long-term direct and indirect implications for our business and supply chain and we recognize that sustainability is core to our long-term value. . . . Climate protection is a key component of our business strategy.

In August of this year:

Coca-Cola joined twelve other corporations at the White House pledging our support for the American Business Act on Climate [Pledge]. Climate protection has been a key focus of Coca-Cola for decades.

In a letter of February 2013, Pepsi said:

PepsiCo applauds your efforts to address climate change by focusing Congressional attention on the issue. . . . At PepsiCo, we recognize the adverse impacts that greenhouse gas emissions have on global temperatures, weather patterns, and the frequency and severity of extreme weather and natural disasters. These impacts may have significant implications for our company. . . . Accordingly, responding to climate change is integrated into PepsiCo's business strategy.

In September of this year, Pepsi wrote:

We look forward to providing further support on the ''Road to Paris''—demonstrating that actions by business in climate are not only good for the environment, but good for business.

That is all great stuff. Here is where it gets a little strange. Coke and Pepsi have a trade association, the American Beverage Association, that lobbies for the soft drink industry, and they also support the business lobbying group, the U.S. Chamber of Commerce. Indeed, the American Beverage Association sits on the board of the U.S. Chamber of Commerce and contributes to it a lot of money.

Here is the official position of the American Beverage Association on climate change from its Web site:

Each of America's beverage companies has set goals to lower our emissions over time while continually improving efficiency. And our companies have pledged to work with government leaders, environmental organizations, and other businesses to ensure these emission reductions are happening throughout the United States.

They even have the Beverage Industry Environmental Roundtable. But do they lobby us about this in Congress? I have never seen any sign of it. When the American Beverage Association thought Congress might impose a soda tax to fund health care, then they lobbied like crazy—nearly $30 million worth of lobbying expenditure. They know how to lobby when they want to. But on climate, I have never seen it.

As for the U.S. Chamber of Commerce, everyone in Congress knows that the U.S. Chamber of Commerce is dead set against Congress doing anything serious about climate change. The U.S. Chamber of Commerce is a very powerful lobby group, and its power in Congress is fully dedicated to stopping any serious climate legislation. They are implacable adversaries of climate action, and we see their hostility everywhere.

At one point, the U.S. Chamber of Commerce wrote to me to say I mischaracterized its position on climate change. ''Even a cursory review of our stated views on climate change,'' wrote Chamber of Commerce President and CEO Tom Donahue, ''shows that the Chamber is not debating the existence of climate change or that human activity plays a role.''

Well and good, but here is what I wrote back.

Mr. President, I ask unanimous consent to have printed in the RECORD my full letter at the end of my remarks.

I wrote back:

I am in politics in Washington, and I see the behavior of your organization firsthand. There is no way to reconcile what I see in real life around me with the assurances in your letter that you treat the climate problem in any way seriously.

I then offered a list of the many ways the U.S. Chamber of Commerce actively opposes climate legislation and concluded:

In every practical way in which your organization brings pressure to bear on the American political process, I see you bringing it to bear in line with the big carbon polluters and the climate denial industry. And given the powerful and relentless way in which you bring that pressure to bear on our system in the service of your own First Amendment rights, I hope you will accept that I have the right to express my own views under that same First Amendment.

In sum, the U.S. Chamber of Commerce has a terrible record on climate change. It is Coke and Pepsi's adversary on getting anything done. So why is Coke and Pepsi's American Beverage Association on the board of the U.S. Chamber of Commerce?

The result is that Coke and Pepsi take one position on climate change in their public materials and in Paris and throughout their internal corporate effort, but here in Congress, where the rubber meets the road on legislating and where the lobbying meets our legislative efforts, their lobbying agencies don't support their position. I actually wonder how well they know in the executive suites of Coke and Pepsi that their position is not supported by the lobbying effort they support.

Let me be clear. I am not here to ask that companies such as Coke and Pepsi take a different position on climate change than what they believe. I am here to ask companies to line up their advocacy in Congress with what they believe. My ask is simple: Match your advocacy in Congress with your policy. Don't outsource your advocacy to entities that take the opposite position from you—not on an issue of this magnitude. This is too important an issue for great American companies to say one thing when they are talking to the public and have their lobbying agencies say something completely different when they come to Congress.

I have asked Coke and Pepsi about this discrepancy between their policy and these organizations' advocacy, and here is what they say. From Pepsi:

The Chamber is an important partner for PepsiCo on critical tax and trade matters. However, our positions on climate change have diverged.

From Coke:

The Coca-Cola Company belongs to a wide range of organizations through which we gain different perspectives on global and national issues; however these groups do not speak on our behalf.

Well, if their positions have diverged and these organizations don't speak for them on this issue, why keep supporting one of the leading political opponents of meaningful climate action? If you insist on supporting the entities that lobby against you on climate change, then the question becomes this: What are you doing in Congress to lobby back? What are your countermeasures to dispel the voice of these agencies that you are supporting?

Climate change is not just any other issue. It is so big an issue that the world's leaders just gathered in Paris to address it in the largest gathering of world leaders in history. It is so big an issue that it has its own page on Coke's and Pepsi's Web sites and, indeed, on the Web sites of most major American corporations. It is so big an issue that our former Pacific commander, Admiral Locklear, said it was the biggest national security threat we face in the Pacific theater. To use Admiral Locklear's exact words, climate change ''is probably the most likely thing that is going to happen . . . that will cripple the security environment, probably more likely than the other scenarios we all often talk about.''

Around here in Congress, the bullying menace of the fossil fuel industry is everywhere. The U.S. Chamber of Commerce is their vocal advocate. If companies such as Coke and Pepsi don't push back against this group that they fund, that choice has real consequences here. That choice says to Congress: ''This issue isn't really serious to us.'' That choice says to the individual Members over here: ''If you cross the fossil fuel boys, don't count on us to have your back.''

I recently received a letter from ExxonMobil. It says:

ExxonMobil has for a number of years held the view that a ''revenue-neutral carbon tax'' is the best option. . . . [A] carbon tax could help create the conditions to reduce greenhouse emissions in a way that spurs new efficiencies and new technologies.

This is ExxonMobil.

The revenue-neutral carbon tax could be a workable policy framework for countries around the world—and the policy most likely to preserve the ability of every sector of society to seek out new efficiencies and new technologies.

ExxonMobil may say that in their letter, but let me say as the author of the Senate's revenue-neutral carbon-fee bill, I can assure you that bill is getting zero support from ExxonMobil. ExxonMobil is playing a double game, with statements such as they made in the letter to me on the one hand, but on the other hand all of its massive lobbying clout directed against doing anything serious on climate.

I suggest that it is the same with the other companies. They may have enough happy talk about climate change being serious to get them through a cocktail party at Davos, but the full weight of their industry lobbying leverage, through the Chamber and the American Petroleum Institute and a slew of other front groups, is leaned in hard against climate legislation, including revenue-neutral carbon fees. We should perhaps expect better of them. But we should certainly expect better of other companies that don't have ExxonMobil's massive conflict of interest.

To be fair to Coke and Pepsi, they are not alone. Congress is heavily influenced by corporations. That is no news flash. What my colleagues here all know is that virtually zero of that corporate influence is brought to bear in support of climate action. Even companies with good internal climate policies, even companies that are leaders in what they are doing within their companies and within their supply chains on climate change shy away from this issue in Congress.

The result is that, on one side, the fossil fuel industry maintains a desperate grip on Congress to stop any climate action. They lean on Congress hard to get their way. On the other side, the rest of corporate America has virtually nothing to say in Congress on climate change. Maybe they do on their Web sites, maybe in their public relations, certainly through their sustainability departments, and in some cases from their CEOs. But from their lobbyists and from the trade associations and the lobbying organizations that represent them here in Congress, the silence is deafening.

The corporate effort in Congress to get something done on climate change rounds to zero. I am in Congress, and I am here to say we need you guys to show up. I get that it is never convenient to stand up to bullies. It is always easier if they just go away, but the fossil fuel bullies are not going away. So it is either stand up to them or keep letting them roll Congress.

If what Coke and Pepsi and other corporations say publicly are the things they really believe, then it should be important to them that Congress not get rolled by the guys who are working against what they believe. This should not be too big an ask for the corporations that stood up in Paris: Do the same thing in Congress. Do the same thing in Congress. Do the simplest and truest of things: Stand up for what you believe.

It is time to wake up, but it is also time to stand up, and what a difference you will make.

Mr. President, I yield the floor.

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

EXXONMOBIL CORPORATION,
Washington, DC, December 2, 2015.

Hon. EDWARD J. MARKEY,
U.S. Senate,
Washington, DC.
Hon. RICHARD BLUMENTHAL,
U.S. Senate,
Washington, DC.
Hon. SHELDON WHITEHOUSE,
U.S. Senate,
Washington, DC.
Hon. ELIZABETH WARREN,
U.S. Senate,
Washington, DC.

DEAR SENATORS: As to your question about Donors Trust and Donors Capital, we had never heard of these organizations until you brought them to our attention. We do not provide funding to them.

At ExxonMobil we too have been following the deliberately misleading stories regarding our company published by the climate activist organization InsideClimate News and by various media outlets. If you are interested in our response, please visit our corporate blog: http://www.exxonmobilperspectives.com.

From the very beginning of concern about climate change, ExxonMobil scientists and engineers have been involved in discussions and analysis of climate change. These efforts started internally as early as the 1970s. They led to work with the U.N.'s Intergovernmental Panel on Climate Change and collaboration with academic institutions and to reaching out to policymakers and others, who sought to advance scientific understanding and policy dialogue.

We believe the risks of climate change are serious and warrant thoughtful action. We also believe that by taking sound and wise actions now we can better mitigate and manage those risks. But as policymakers work to reduce emissions, it is critical to recognize the importance of reliable and affordable energy in supporting human progress across society and the economy.

Sound tax, legal, and regulatory frameworks are essential. With sound policies enacted, investment, innovation, and cooperation can flourish. In our view, policy works best when it maintains a level playing field; opens the doors for competition; and refrains from picking winners and losers.

When considering policy options to address the risks of climate change, we urge you to draw from the best insights from economics, science, and engineering. The U.S. has achieved remarkable reductions in not just greenhouse gas intensity measures, but in absolute levels of carbon dioxide emissions as a result of large-scale fuel switching from coal to natural gas for electricity generation. Thoughtful regulatory initiatives directed to both energy and building efficiency standards, as well as continued improvements in emissions levels related to industrial processes, have also contributed to the reduction in the nation's greenhouse gas emissions.

As you consider additional policy options, such as putting a more direct cost on carbon to incentivize different choices, we suggest that these policies ensure a uniform and predictable carbon cost across the economy and allow competitive market forces to drive solutions. We believe this approach will maximize transparency, reduce complexity, and promote global participation.

You are probably aware that ExxonMobil has for a number of years held the view that a ''revenue-neutral carbon tax'' is the best option to fulfill these key principles. Instead of subsidies and mandates that distort markets, stifle innovation, and raise energy costs, such a carbon tax could help create the conditions to reduce greenhouse gas emissions in a way that spurs new efficiencies and new technologies. The revenue-neutral carbon tax could be a workable policy framework for countries around the world—and the policy most likely to preserve the ability of every sector of society to seek out new efficiencies and new technologies.

Sincerely,

THERESA M. FARIELLO,
Vice President, Washington Office.

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

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

The legislative clerk proceeded to call the roll.

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

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

PRESIDENT'S STRATEGY TO DEFEAT ISIS

Mr. CORNYN. Mr. President, just yesterday President Obama went to the Pentagon for a long overdue meeting with his national security advisers. During that meeting or shortly thereafter, he made this statement: ''We are hitting ISIL harder than ever.'' Unfortunately, the President failed to acknowledge the simple fact that his strategy against ISIL—or ISIS, as it is more frequently called—is simply not working.

This is pretty hard to get right, but at least our leaders should have the humility to recognize reality, and when things aren't working out so well, reconsider and make some midcourse changes so they do work—not this President. I have said repeatedly that the President needs to tell Congress and the American people about his comprehensive strategy to defeat this terrorist enemy, and he has to do more to give our military the flexibility and resources they need to accomplish the mission. It is simply wrong to ask our military to accomplish something and not give them the freedom, flexibility, and resources they need in order to accomplish it.

That is why when the President talks about airstrikes—I know of no military leader who believes that you can defeat this terrorist army in Syria and Iraq by airstrikes alone. Nobody. Yet that seems to be the only tactic this President is using. So the President needs to tell the American people the truth about the realities on the ground in Iraq and Syria. He needs to listen and take advice from the military leadership he has at the Pentagon and on his own staff. Above all, he needs to learn not to be ashamed of American leadership.

It is absolutely true that America doesn't necessarily need to fight the wars for other countries in the region that ought to be engaged in the fight themselves, but the fact is there is no one else on the planet who can lead like the United States of America. We have to organize it, we have to lead it, and we have to support it if we expect other people to be the boots on the ground to fight those wars, but the action we are seeing currently from this administration does not match the very serious threat we face, and it is a threat that has gotten worse, not better, under the President.

CIA Director John Brennan recently estimated that before President Obama prematurely pulled all U.S. troops out of Iraq, without any sort of transition at all, the predecessor of ISIS, known as Al Qaeda in Iraq, had ''maybe 700-or-so adherents left.'' This is the CIA Director, nominated by President Obama and confirmed by the Senate. He said, before the President pulled the plug in Iraq, there were about 700 or so adherents left in Al Qaeda in Iraq, the predecessor of ISIS. If we fast forward that to today, according to the New York Times, just a few months ago, he said: ''Nearly 30,000 foreign recruits have now poured in to Syria, many to join the Islamic State, a doubling of volunteers in the last 12 months. . . .''

Nearly 30,000 foreign recruits, a doubling of volunteers in just the last 12 months, these are pretty amazing and concerning numbers but more often they demonstrate how out of touch the President's remarks are when he says ISIS has been contained or we are hitting them harder than we ever have before. It is simply not working. Clearly, we need the President to execute an effective military strategy that results in both the physical destruction of ISIS and the complete rejection of their bankrupt ideology—not just in the Middle East but around the world, including here at home.

Frequently, when various pundits react when they hear people like me saying the President doesn't have an effective strategy, they say: OK. What is your strategy? First of all, I am not the Commander in Chief, but we did make some constructive suggestions to

the President. Nine other Republican Senators joined me in a letter, where we recommended six specific military options that if brought to bear on ISIS, would go a long way toward achieving his stated goal of destroying this terrorist army. First, it would take the handcuffs off the U.S. military and let our troops do what they have trained to do and what they have volunteered to do. Increasingly, we need a strategy that doesn't just handle the fight over there. We need a strategy to handle the fight here at home because of the danger of foreign fighters, of fighters going from the United States to the fight in the Middle East and then returning or people going to Europe. In particular, one concern has been raised by many of our Democratic colleagues is the use of the visa waiver, where you don't actually need—the 38 countries where you can travel to the United States without actually getting a specific visa or having to be interviewed by a consular officer at one of our embassies. This is a potential vulnerability for the United States.

The third area beyond the fight over there, beyond the danger of people exploiting the flaws in our screening system within immigration, whether it is fiance visas, whether it is a visa waiver or whether it is refugees—there is a third area the FBI Director talked about last week when he testified before the Senate Judiciary Committee. He talked about homegrown terrorists—people like the ones in San Bernardino who did actually travel to the Middle East and come back—but he also included people in the United States, American citizens. I must admit I appreciated the FBI Director's understanding of the threat that ISIS poses, including their attempts to inspire people in this country to become terrorists and commit acts of violence.

This Senator was astonished that the Department of Homeland Security would have a policy preventing the United States from screening the social media use by foreign nationals who are attempting to use our immigration system to come to the United States. In the instance of the female shooter in San Bernardino, it was revealed that using social media, she had posted things that should have been an alert—if our immigration officers were doing their job—to the fact that she was likely to be a jihadist and be a threat here at home.

Another threat we are going to have to deal with that Director Comey and the Deputy Attorney General raised is the use of encryption as a challenge that hinders the FBI's counterintelligence efforts against these ISIS-inspired extremists. Encryption applications are available on your cell phone, and some of the companies—Apple, for example—market them because people want to keep their communications private. We all understand that, but an encrypted message—one that is incapable of being unlocked—is one that can't be used to respond to a court order when somebody in law enforcement goes to court and says: We have probable cause to believe a crime was committed, so we want to execute this search warrant. As Director Comey confirmed, increasingly using encryption is part of terrorist trade craft.

I was shocked—because I hadn't heard it before—to hear Director Comey talk about how encryption impacted an investigation in my home State of Texas. He said many will remember that back in May, two men attempted to attack people at an event northeast of Dallas in Garland, TX. He said that fortunately the quick and effective response of law enforcement officials in the area stopped the men from making their way into the conference center, keeping them from inflicting more harm. We now know the attack was at least inspired by ISIS. In fact, according to media reports, ISIS quickly claimed responsibility for the attack.

Shockingly, Director Comey said last week before the Senate Judiciary Committee that the FBI had 109 encrypted messages with a terrorist overseas as part of this investigation of the Garland incident. According to the FBI Director, that is 109 messages the FBI still doesn't have access to because they are encrypted and they can't even crack it given a court order showing probable cause that it might lead to further evidence in this investigation. He pointed out that these sorts of encrypted communications are part of terrorist trade craft. In fact, there is reason to believe that within terror circles, they understand which of these devices and which of these apps are encrypted and thus make it less likely that they will be discovered when they are conspiring against Americans either here or abroad.

It troubles me that the men and women charged with keeping us safe don't have all the information they need. I think that is a subject on which we need to have a more serious conversation. I think that is why Director Comey mentioned that last week, and that is why the Deputy Attorney General came to testify before the Senate Judiciary Committee to raise the concern, so we can have the kind of debate we always have in America when it is a balancing of privacy and security.

I commend the Director for engaging Congress on this critical issue, but what it points out is that the President and this administration need to have a three-pronged strategy when dealing against a terrorist threat: As I mentioned, over in Syria and Iraq, unhandcuff our military and make sure they have a strategy that will actually work over and above just airstrikes; second, try to make sure we enhance our screening system for immigration for people who come into the United States so we don't inadvertently allow someone into our country who has the intention of doing us harm; and third, do more to come up with a plan to deal with people being radicalized right here in the United States, not the least of which, I would hope the Department of Homeland Security voluntarily reverses their policy of not screening social media communications which are in the public domain. I mean, there is no expectation of privacy on the part of people posting things in a public domain such as Twitter or Facebook, particularly things like Twitter. I know you can restrict access, but most people communicate with their friends, family, and anybody else who happens to want to have a conversation with them on social media.

We can all agree that the threat of ISIS to the United States is broad and real. Sadly, we were reminded in San Bernardino and in Garland last May of this fact.

Last week, both in a letter I sent to the President and here on the floor, we sought to make some constructive suggestions to begin to have that conversation, which was long overdue, about what an effective strategy to carry out the President's stated goal of degrading and destroying ISIS would actually look like. I hope the President listens. Unfortunately, so far experience has taught us he is not necessarily primed that way. But I hope he will reconsider in light of the increased public concern about terrorist activity in the United States. Certainly, public opinion polls have shown that is the No. 1 issue of concern to the American people, and as the leader of the U.S. Government and as Commander in Chief, I hope he will have the humility and the common sense to say that what we are doing now is not working the way it should. We can do better. We can do more.

Certainly, if the President would work with us in a bipartisan and bicameral fashion, I know we would support a strategy that I think Members of Congress felt had a reasonably decent chance of working. But right now the President seems stuck on this same inadequate strategy of just bombing missions. These airstrikes are necessary but not sufficient to get the job done over there. It certainly is incomplete when you look at the threat in terms of exploiting our immigration system and in terms of homegrown radicalism. We haven't heard the kind of plan that we need to hear from the President of the United States that we are willing to work with him on. We need to hear from him what he is willing to do to help keep the American people safe and to fight and win this war against Islamic radicalism.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. 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.

NUCLEAR AGREEMENT WITH IRAN

Mr. GRASSLEY. Mr. President, according to press reports, this administration may be just weeks away from lifting sanctions on Iran. This is despite Iran's recent actions that indicate they have little intention to comply with the terms of the agreement called the Joint Comprehensive Plan of Action, also known as the Iran nuclear deal. Most recently, the International Atomic Energy Agency released the final report on the possible military dimensions of the Iranian nuclear program. It is quite clear Iran was less than cooperative with the International Atomic Energy Agency. For some reason, despite Iran's stonewalling, the President seems intent and confident that they know the extent of Iran's past nuclear weaponization work.

It is important to remember the evolution of the importance of this information. In April 2015, Secretary Kerry stated in an interview that Iran must disclose its past military-related nuclear activities as part of any final deal. His words on this matter were unequivocal.

He stated:

> They have to do it. It will be done. If there's going to be a deal it will be done. It will be part of the final agreement. It has to be.

Just a few weeks later, when it was clear President Obama's administration was ready to surrender to Iran's demands on this issue, Secretary Kerry said that we didn't need a full accounting of Iran's past activities. He said the U.S. intelligence agencies already had ''perfect knowledge'' of Iran's activities.

Just a few days ago, the International Atomic Energy Agency released their report, which was supposed to be a comprehensive overview of Iran's nuclear program and their past military dimensions of that program. Because of Iran's obstruction, the report is far from comprehensive—as we were promised.

The International Atomic Energy Agency report essentially concludes what many of us have known for a very long time. Iran was working toward developing nuclear weapons capability and they have continually lied and continually misled the international community regarding that program. The International Atomic Energy Agency also concluded that Iran's nuclear weapons program was in operation until 2009, several years later than many believed.

President Obama repeatedly stated that the nuclear agreement was based on unprecedented verification. Yet it is very clear from the International Atomic Energy Agency report that Iran had no intention of cooperating with the requirement that they come clean on their nuclear program. In many areas, the International Atomic Energy Agency indicated that Iran provided little information, misleading responses, and even worked to conceal portions of that program.

Many of the questions around the Parchin military facility remain unanswered. This report from the International Atomic Energy Agency states:

> The information available to the Agency, including the results of the sampling analysis and the satellite imagery, does not support Iran's statement on the purpose of the building. The Agency assesses that the extensive activities undertaken by Iran since February 2012 at the particular location of interest to the Agency seriously undermined the Agency's ability to conduct effective verification.

An effective verification was what we were promised. The Iranians were actively working to cover up and destroy any evidence of their weaponization efforts at Parchin. On many occasions, Iran refused to provide any information or simply reiterated previous denials. Iran refused to cooperate and instead continues to deceive the international community on the military dimensions of its nuclear program. Some may wonder why we should even care about this. It matters because a complete and accurate declaration of all nuclear weapons activity is a critical first step in the verification regime and the safeguard process that the International Atomic Energy Agency will be asked to enforce and something we put our confidence in. I shouldn't say ''we'' because I didn't vote for it—but something this country puts its confidence in this Agency's ability to enforce. There must be a baseline declaration to ensure effective international monitoring going forward.

It also matters because President Obama entered into an agreement, along with our allies, to provide sanctions relief in exchange for Iran giving up its efforts to develop nuclear weapons. It matters because it is clear we do not have ''perfect knowledge''—which we were promised—of what Iran is up to, as Secretary Kerry has claimed. It also matters because since the agreement was finalized, Iranian leadership has not changed their behavior. If anything, they have increased their hostility. Here are some examples of hostility: On October 10, Iran launched a long-range ballistic missile. This is clearly in violation of Security Council Resolution 1929. Then, on November 21, Iran launched another ballistic missile.

It is clear that Iran has no intention to comply with the ballistic missile restrictions of this deal. These are blatant violations. How are we supposed to have any faith in this agreement or Iran's intent to comply? Iran did not comply with the International Atomic Energy Agency. They have continued to test ballistic missiles. They continue to hold Americans hostage. A Washington Post reporter has been imprisoned for more than 500 days and was recently convicted of unspecified charges in a sham trial. Iran has no intention to honor any of their obligations under this deal. It is naive to think otherwise. As a recent Wall Street Journal editorial put it, ''The larger point is that the nuclear deal has already become a case of Iran pretending not to cheat while the West pretends not to notice.''

I hope President Obama and his administration finally wake up and quickly recognize Iran's track record of noncompliance. Iran cannot and should not be rewarded with sanctions relief. The international community should not reward Iran with sanctions relief while Iran doubles down on its confrontational and uncooperative behavior. They should not be given hundreds of billions of dollars while continuing to defy and deceive the international community.

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.

Mrs. MCCASKILL. Mr. 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—S. 579

Mrs. MCCASKILL. Mr. President, I am on the floor this afternoon to talk about S. 579, which is called the Inspector General Empowerment Act, but it really ought to be called ''Let the inspectors general do their jobs.''

As I look back on my time as a State auditor and I think of all I learned about how government works well and how government behaves badly, I have a special point of respect for inspectors general because of the work I did as an auditor. I believe they are our first line of defense against waste, fraud, and abuse of taxpayer dollars. We should be helping them every way we can to do their jobs.

I want to thank Senator JOHNSON, the chairman of the committee I serve on that has primary jurisdiction on government oversight, and I want to thank Senator GRASSLEY for his long championing the cause of inspectors general and the GAO and all of the noble public servants who are out there every day trying to uncover government behaving badly.

This bill serves three main purposes. It provides additional authority to inspectors general to enhance their ability to conduct oversight investigations. It reforms the process by which the Council of the Inspectors General integrity committee investigates accusations against IGs, which is very important. IGs need to be above reproach. Any whiff of politics, any whiff of unethical conduct, any whiff of self-dealing—we have to empower the Council of the Inspectors General to deal with that in a way that is effective.

It restores the intent of the 1978 Inspectors General Act to ensure that IGs have timely access to documents they need to conduct good, comprehensive oversight audits and investigations.

Many of the provisions are authorities that the IGs have been seeking for a long time, and most of them are beyond noncontroversial.

I wish to focus on one section of the bill for a minute and explain how critical its provision is to congressional overseers and for the taxpayers. The main issue I wish to talk about today is the section of the bill that ensures IGs have access to all agency documents. The Inspector General Act, which was passed in 1978, explicitly grants access to ''all records, reports, audits, reviews, documents, papers, recommendations, or other material.''

For the last 37 years, we lived in a world where ''all'' meant all. But this summer, the Department of Justice Office of Legal Counsel issued an opinion that allows agencies to withhold documents from the inspectors general. Other than national security concerns, intelligence concerns, and statutes that explicitly restrict disclosure of documents to IGs, all of which are addressed by this bill, there is absolutely no reason that IGs should have their access to documents restricted. There is no universe in which the Inspector General Act should be interpreted to mean anything less than what it says. They have to have access to the documents or they can't do their work. It really isn't any more complicated than that.

The convoluted legal reasoning that is being implemented by the counsel at the Department of Justice is a big step backwards for effective oversight of our government. We can't expect them to do their jobs well without fear or favor if they can't get access to the information that is vital to their work.

When the auditors in my office came back with an access issue, my instruction to them was this: Well, get on your ''dog with a bone act,'' because if they are trying to withhold documents from you, there is something in those documents we need to see.

I think if every agency knows that the inspector general has access to documents, it will have a deterrent effect on people behaving badly with taxpayer money or engaging in self-dealing or other activities that frustrate taxpayers and heighten the level of cynicism that, frankly, right now is breaking my heart in this country about our government.

I join with my Republican colleagues today in asking unanimous consent for this bill to be brought up. We have worked on it for years. It is time. I appreciate the hard work of both on this, and I stand shoulder to shoulder with them trying to get this one across the finish line.

The PRESIDING OFFICER. The Senator from Wisconsin.

Mr. JOHNSON. Mr. President, I rise today to urge my colleagues to pass S. 579, the Inspector General Empowerment Act of 2015. I want to thank Senator MCCASKILL for her hard work on this and her support and Senator GRASSLEY for his many years as a real champion of this cause, as well as the other bipartisan cosponsors of this legislation and for the work their staff have done on this very important issue.

In 1978 Congress created a crucial oversight partner for all of us—inspectors general. They are independent watchdogs embedded in each agency, accountable only to Congress and the American people. That is crucial. They are the American people's eyes and ears, and they are our best partner in rooting out waste, fraud, and abuse. As an example, in fiscal year 2014 alone, inspectors general identified $45 billion in potential savings to the taxpayer.

What this bill aims to do is to reduce waste, fraud, and abuse by increasing accountability and ensuring transparency. The bill exempts inspectors general from time-consuming and independence-threatening requirements such as the computer matching and paperwork reduction statutes. It allows inspectors general to compel the testimony of former agency employees or Federal contractors and grant recipients in some administrative misconduct or civil fraud cases.

Too often we lose crucial information or have to end an investigation because the bad actor either leaves Federal employment or is a contractor or grantee and under current law cannot be subpoenaed. For example, the State Department inspector general oversees the $10.5 billion the agency obligates in grants every year yet cannot compel testimony of the grant recipients even in the event of suspected fraud or misconduct. He can only require current agency employees to speak to his team, which can result in an incomplete or one-sided investigation. If we care about oversight and accountability, inspectors general must be able to compel relevant testimony. In addition to these authorities, the bill requires inspectors general to publish reports within 3 days to ensure transparency and accountability.

I want to spend a little bit of time on the transparency aspect of this. Like many places around the country, we have seen some real problems with the VA health care system. There was a scandal in the Tomah facility in Tomah, WI. The result of that tragedy was that people died. I will never forget a call that I made to the surviving daughter of Mr. Thomas Baer, a veteran who went to the Tomah facility seeking care with stroke-like symptoms. Thomas Baer sat in the waiting room for 2 or 3 hours. He suffered a couple of strokes and died. I talked to his surviving daughter, Candace Baer, and I will never forget the fact that she said to me: Senator, had I only known, had I only known there were problems with the Tomah VA health facility, I never would have taken my father there, and my father would be alive today. That is how important transparency and accountability is. That is what this bill restores to the inspectors general.

Finally, the bill reiterates that inspectors general should have access to all agency documents necessary to do their job, unless Congress expressly denies that access by statute. The bill not only maintains current authorities for certain agency heads to keep inspector general work if it is necessary to preserve the country's national security interests, it actually enhances those authorities.

In sum, this is a bipartisan commonsense cause. We all want inspectors general to be able to do their jobs well. That is why this bill was unanimously approved by my committee—the Senate Committee on Homeland Security and Governmental Affairs. It is why it has 14 bipartisan cosponsors representing Committees of the Judiciary, Appropriations, Armed Services, Energy and Natural Resources, and the Senate Intelligence Committee.

Even retired Senator John Glenn has asked my committee to take action to ensure inspectors general have access to documents. In the letter he wrote to my committee and to the House oversight committee, Senator Glenn says: ''The success of the IG Act is rooted in the principles on which the Act is grounded—independence, direct reporting to Congress, dedicated staff and resources, unrestricted access to agency records, subpoena power, special protections for agency employees who cooperate with the IG, and the ability to refer criminal matters to the Department of Justice without clearing such referrals through the agency.''

This is the heart of what the Inspector General Act asked for. This is what this bill restores. I cannot imagine anything controversial about wanting inspectors general to have access to the people and the documents they need to do their jobs. Americans deserve an accountable, transparent, and effective government. This is one tangible thing that we can do to help achieve that common goal.

I urge my colleagues to pass S. 579 today.

Mr. President, I ask unanimous consent to have printed in the RECORD an excellent article that appeared in the New York Times, as well as the letter we received from Senator John Glenn.

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

[From the New York Times, Nov. 27, 2015]

TIGHTER LID ON RECORDS THREATENS TO WEAKEN GOVERNMENT WATCHDOGS

(By Eric Lichtblau)

WASHINGTON.—Justice Department watchdogs ran into an unexpected roadblock last year when they began examining the role of federal drug agents in the fatal shootings of unarmed civilians during raids in Honduras.

The Drug Enforcement Administration balked at turning over emails from senior officials tied to the raids, according to the department's inspector general. It took nearly a year of wrangling before the D.E.A. was willing to turn over all its records in a case that the inspector general said raised ''serious questions'' about agents' use of deadly force.

The continuing Honduran inquiry is one of at least 20 investigations across the government that have been slowed, stymied or

sometimes closed because of a long-simmering dispute between the Obama administration and its own watchdogs over the shrinking access of inspectors general to confidential records, according to records and interviews.

The impasse has hampered investigations into an array of programs and abuse reports—from allegations of sexual assaults in the Peace Corps to the F.B.I.'s terrorism powers, officials said. And it has threatened to roll back more than three decades of policy giving the watchdogs unfettered access to ''all records'' in their investigations.

''The bottom line is that we're no longer independent,'' Michael E. Horowitz, the Justice Department inspector general, said in an interview.

The restrictions reflect a broader effort by the Obama administration to prevent unauthorized disclosures of sensitive information—at the expense, some watchdogs insist, of government oversight.

Justice Department lawyers concluded in a legal opinion this summer that some protected records, like grand jury transcripts, wiretap intercepts and financial credit reports, could be kept off limits to government investigators. The administration insists there is no intention of curtailing investigations, but both Democrats and Republicans in Congress have expressed alarm and are promising to restore full access to the watchdogs.

The new restrictions grew out of a five-year-old dispute within the Justice Department. After a series of scathing reports by Glenn Fine, then the Justice Department inspector general, on F.B.I. abuses in counterterrorism programs, F.B.I. lawyers began asserting in 2010 that he could no longer have access to certain confidential records because they were legally protected.

That led to a series of high-level Justice Department reviews, a new procedure for reviewing records requests and, ultimately, a formal opinion in July from the department's Office of Legal Counsel. That opinion, which applies to federal agencies across the government, concluded that the 1978 law giving an inspector general access to ''all records'' in investigations did not necessarily mean all records when it came to material like wiretap intercepts and grand jury reports.

The inspector-general system was created in 1978 in the wake of Watergate as an independent check on government abuse, and it has grown to include watchdogs at 72 federal agencies. Their investigations have produced thousands of often searing public reports on everything from secret terrorism programs and disaster responses to boondoggles like a lavish government conference in Las Vegas in 2010 that featured a clown and a mind reader.

Not surprisingly, tensions are common between the watchdogs and the officials they investigate. President Ronald Reagan, in fact, fired 15 inspectors general in 1981. But a number of scholars and investigators said the restrictions imposed by the Obama administration reflect a new level of acrimony.

''This is by far the most aggressive assault on the inspector general concept since the beginning,'' said Paul Light, a New York University professor who has studied the system. ''It's the complete evisceration of the concept. You might as well fold them down. They've become defanged.''

While President Obama has boasted of running ''the most transparent administration in history,'' some watchdogs say the clampdown has scaled back scrutiny of government programs.

''This runs against transparency,'' said the Peace Corps inspector general, Kathy Buller.

At the Peace Corps, her office began running into problems two years ago in an investigation into the agency's handling of allegations of sexual assaults against overseas volunteers. Congress mandated a review after a volunteer in Benin was murdered in 2009; several dozen volunteers reported that the Peace Corps ignored or mishandled sexual abuse claims.

But Peace Corps lawyers initially refused to turn over abuse reports, citing privacy restrictions. Even after reaching an agreement opening up some material, Ms. Buller said investigators have been able to get records that are heavily redacted.

''It's been incredibly frustrating,'' she said. ''We have spent so much time and energy arguing with the agency over this issue.''

The Peace Corps said in a statement, however, that it was committed to ''rigorous oversight'' and has cooperated fully with the inspector general.

Agencies facing investigations are now sometimes relying on the Justice Department's opinion as justification for denying records—even records that are not specifically covered in the opinion, officials said.

At the Commerce Department, the inspector general this year shut down an internal audit of enforcement of international trade agreements because the department's lawyers, citing the Justice Department's guidance, refused to turn over business records that they said were ''proprietary'' and protected.

The Environmental Protection Agency's inspector general has reported a series of struggles with the organization over its access to documents, including records the agency said were classified or covered by attorney-client privilege. And investigators at the Postal Service, a special Afghanistan reconstruction board, and other federal agencies have complained of tightened restrictions on investigative records as well.

Hopes of a quick end to the impasse have dimmed in recent days after the Obama administration volunteered to restore full access for the Justice Department's inspector general—but not the other 71 watchdogs.

Attorney General Loretta E. Lynch, asked about the issue at a House hearing last week, said the proposal was intended to ensure, at least at the Justice Department, ''that the inspector general would receive all the information he needed.''

But watchdogs outside the Justice Department said they would be left dependent on the whims of agency officials in their investigations.

''It's no fix at all,'' said Senator Charles E. Grassley, Republican of Iowa, who leads the Judiciary Committee.

In a rare show of bipartisanship, the administration has drawn scorn from Democrats and Republicans. The Obama administration's stance has ''blocked what was once a free flow of information'' to the watchdogs, Senator Patrick J. Leahy of Vermont, the ranking Democrat on the Judiciary Committee, said at a hearing.

A Justice Department spokeswoman, Emily Pierce, said in a statement on Friday: ''Justice Department leadership has issued policy guidance to ensure that our inspector general gets the documents he requests as quickly as possible, even when those documents are protected by other statutes protecting sensitive information. The department is unaware of any instance in which the inspector general has sought access to documents or information protected from disclosure by statute and did not receive them.''

Nowhere has the fallout over the dispute been felt more acutely than at the Justice Department, where the inspector general's office said 14 investigations had been hindered by the restricted access.

These include investigations into the F.B.I.'s use of phone records collected by the National Security Agency, the government's sharing of intelligence information before the 2013 Boston Marathon bombings, a notorious gun-tracing operation known as ''Fast and Furious'' and the deadly Honduran drug raids.

In the case of the Honduran raids, the inspector general has been trying to piece together the exact role of D.E.A. agents in participating in, or even leading, a series of controversial drug raids there beginning in 2011.

Details of what happened remain sketchy even today, but drug agents in a helicopter in 2012 reportedly killed four unarmed villagers in a boat, including a pregnant woman and a 14-year-old boy, during a raid on suspected drug smugglers in northeastern Honduras. They also shot down several private planes—suspected of carrying drugs—in possible violation of international law.

An investigation by the Honduran government cleared American agents of responsibility. But when the inspector general began examining the case last year, D.E.A. officials refused to turn over emails on the episodes from senior executives, the inspector general's office said. Only after more than 11 months of back-and-forth negotiations were all the records turned over.

The D.E.A. refused to comment on the case, citing the investigation. A senior Justice Department official, speaking on the condition of anonymity because of the continuing review, said the refusal to turn over the records was the flawed result of ''a culture within the D.E.A.'' at the time—and not the result of the Justice Department's new legal restrictions.

Mr. Horowitz, the inspector general, said the long delay was a significant setback to his investigation. He now hopes to complete the Honduran review early next year.

In the meantime, the watchdogs say they are looking to Congress to intervene in a dispute with the administration that has become increasingly messy.

''It's essential to enshrine in the law that the inspector general has access to all agency records,'' said Mr. Fine, who is now the Pentagon's principal deputy inspector general. ''The underlying principle is key: To be an effective inspector general, you need the right to receive timely access to all agency records.''

JULY 23, 2015.

Hon. RON JOHNSON,
Chairman, Committee on Homeland Security and Governmental Affairs.
Hon. JASON CHAFFETZ,
Chairman, Committee on Oversight and Government Reform.

DEAR SENATOR JOHNSON AND REPRESENTATIVE CHAFFETZ: Since the enactment of the Inspector General Act in 1978, the Inspectors General have provided independent oversight of government programs and operations and pursued prosecution of criminal activity against the government's interests. Recommendations from IG audits have led to improvements in the economy and efficiency of government programs that have resulted in better delivery of needed services to countless citizens. Investigations of those who violate the public trust to enrich themselves at the expense of honest taxpayers, of contractors who skirt the rules to illegally inflate their profits, and of others who devise criminal schemes to defraud the government have led to billions of dollars being returned to the U.S. Treasury.

The success of the IG Act is rooted in the principles on which the Act is grounded—independence, direct reporting to Congress, dedicated staff and resources, unrestricted access to agency records, subpoena power, special protections for agency employees who cooperate with the IG, and the ability

to refer criminal matters to the Department of Justice without clearing such referrals through the agency. We considered these safeguards to be vital when we developed the Act and they remain essential today. No other entity within government has the unique role and responsibility of Inspectors General, and their ability to accomplish their critical mission depends on the preservation of the principles underlying the Inspector General Act.

In recent years, IGs have experienced challenges to their ability to have independent access to records and information in their host agencies. Broad independent access to such records is a fundamental tenet in the IG Act and to compromise or in any way erode such access would strike at the heart of important law. In short, full and unfettered access is vital to an IG's ability to effectively prevent and detect fraud, waste, and abuse in agency programs and activities.

The Inspector General Act has stood the test of time. The billions of dollars recovered for the government and the increased efficiency and effectiveness of government programs and operations are a testament to the Act's continued success. Any action that would impair the IG's ability to achieve their mission—particularly the denial of full and independent access to agency records and information—would have an immeasurable adverse impact and severely damage their critical oversight function. For this reason, I urge you to take action to protect the independent access rights of Inspectors General.

Sincerely,

JOHN GLENN,
United States Senator (Ret.).

Mr. JOHNSON. Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. GRASSLEY. Mr. President, first of all, I wish to compliment Senator MCCASKILL and Senator JOHNSON for their leadership in bringing this bill out of their committee—a committee I don't serve on but a bill that is very important to the oversight work of this Senator, and I hope every Senator considers it to be very important. I would say that I agree with everything they have said. I want to emphasize what they said, and I want to take a few minutes to do that because I feel strongly about this piece of legislation.

There is an important principle here—a very important principle—that we ought to keep in mind, because it is an insult to 100 Senators and 435 Members of the House of Representatives when legislation is written and it is explained very clearly what that legislation is supposed to accomplish: that an inspector general would have access to all records. Then we have a lawyer in the Office of Legal Counsel in the Department of Justice—one person making an interpretation of a law that is contrary to congressional intent—that one person out of 2 million people in the executive branch of government can override the will of 535 Members of Congress. That will was expressed way back in 1978.

This is just a little different quote from a letter Senator JOHNSON has already talked about from a respected Member of this Senate for 24 or maybe 30 years, Senator John Glenn of Ohio, who was very much interested in making sure that we had strong oversight by Congress and that within the executive branch, they had strong oversight that the IG would do within a specific department.

Senator John Glenn of Ohio was one of the chief architects of this legislation. He said: ''Full and unfettered access is vital to an IG's ability to effectively prevent and detect waste, fraud, and abuse in an agency's programs and activities.''

Here we are with what Senator John Glenn said when he was a Member of this body and this legislation passed. Then we have one lawyer out of 2 million executive branch employees interpreting a statute contrary to congressional intent and then overriding it—in other words, giving Cabinet heads opportunities to avoid doing what the inspector general law says and what an inspector general needs to do to do their job: have access to all records.

Senator MCCASKILL made that clear. Senator JOHNSON made that clear. This is a bipartisan effort coming unanimously out of this committee, that this is an egregious attack on the powers of Congress and we can't let one person out of 2 million people in the executive branch of the government get away with it. Yet we seem to have some problems getting it passed. I don't understand it. You try to explain that to the people of this country, whether it is in New York City or whether it is in Des Moines, IA. There is no way this can be justified, that one lawyer out of 2 million people in the executive branch of government can issue an opinion and override the Congress of the United States.

I intend to go into some detail about how I feel about this legislation, if my colleagues haven't come to that conclusion already. To ensure accountability and transparency in government, Congress created inspectors general, or IGs, as our eyes and ears within the executive branch. That is the foresight of one famous Senator and astronaut by the name of John Glenn. But IGs cannot do their job without timely and independent access to all agency records. That is why this bill is called ''all means all.'' Agencies cannot be trusted not to restrict the flow of potentially embarrassing documents to the IGs who oversee them. If the agencies can keep IGs in the dark, then this Congress will be kept in the dark as well.

When Congress passed the Inspectors General Act of 1978, the Congress explicitly said that IGs should have access to all agency records. Inspectors general are designed to be independent but to also be part of an agency. Inspectors general are there to help agency leadership identify and correct waste, fraud, and abuse. What Cabinet head wouldn't want somebody in their department to have access to all records that show that maybe that department isn't spending money according to congressional intent or maybe not following the law the way Congress intended? It ought to be welcome by any administration head.

Fights between an agency and its own inspector general over access to documents are a waste of taxpayers' money and personnel time. The law requires that inspectors general have access to all agency records—precisely, by the way, to avoid these costly and time-consuming disputes. However, since 2010, a handful of agencies, led by the FBI—and I respect the FBI, but in this case I don't—has refused to comply with this legal obligation.

The Justice Department claimed that the inspector general could not access certain records until—guess what—department leadership gave them permission to do it, even though the law says they are entitled to all documents. Requiring private approval from agency leadership for access to agency information undermines inspectors general independence. That is bad enough, but it also causes wasteful delays.

After this access problem came to light, Congress took action. So we have the 2015 Department of Justice Appropriations Act declaring—this is Congress again declaring—that no funds should be used to deny the inspector general timely access to all records. In other words, just this year—or last year when the appropriations bill was passed for 2015—we had Members of Congress saying that this lawyer, out of 2 million executive branch employees, who is frustrating the will of Congress is wrong.

This new law directed the inspector general to report to Congress within 5 days whenever there was a failure to comply with this requirement. In February alone, the Justice Department's IG notified Congress of three separate occasions in which the FBI failed to provide access to records requested for oversight investigations. IGs for the Environmental Protection Agency, the Department of Commerce, and the Peace Corps have experienced similar stonewalling.

Then, in July, the Justice Department's Office of Legal Counsel—that is this one lawyer out of 2 million employees—the Office of Legal Counsel released a memo arguing that we did not really mean ''all records'' when we put those words in the statute. Here we have somebody in the Justice Department—one person out of 2 million employees—trying to tell 535 Members of Congress what they meant when they said ''all'' means all. So let me be clear. We meant what we said in the IG act: ''All records'' really means all records.

I told my colleagues about the Department of Justice Appropriations Act responding to this a year ago. Well, 1 week after this report was issued, that the Office of Legal Counsel issued its awful legal opinion, Senator MIKULSKI and Senator SHELBY—both outstanding members of the Committee on Appropriations—sent a letter to the Justice Department correcting the Office of Legal Counsel's misreading of

the appropriations rider, also known as section 218. I would like to read from the Mikulski and Shelby letter:

We write to inform you that the OLC's interpretation of section 218 is wrong and the subsequent conclusion of our committee's intention is wrong. We expect the department and all of its agencies to fully comply with section 218 and to provide the Office of Inspector General with full and immediate access to all records, documents, and other materials in accordance with section 6(a) of the Inspectors General Act.

So we wrote a statute in 1978. We have no problems with it until this person—one lawyer out of 2 million executive branch employees—writes an opinion saying ''all'' doesn't mean all. Then we have Members of the body who are insulted by that interpretation, and these Members write: No money in this appropriations bill can be used to carry out that Office of Legal Counsel opinion. And, if they would have listened to the members of the Appropriations Committee, Senator JOHNSON and Senator MCCASKILL would not have to work so hard to correct a bad opinion, contrary to congressional intent, that was written by the Office of Legal Counsel.

I applaud my colleagues on the Appropriations Committee, particularly Senators MIKULSKI and SHELBY, for standing up for the inspectors general.

In early August I chaired a Judiciary Committee hearing on the Office of Legal Counsel opinion and the devastating impact it is already having on the work of inspectors general across the country. Remember, the Office of Legal Counsel is in the Justice Department. Well, we had a Justice Department witness before our committee disagree with the results of the Office of Legal Counsel opinion and actually support legislative action to solve the problem.

So following the hearing, 11 of my colleagues and I sent a bipartisan—I want to emphasize bipartisan—as well as bicameral letter to the Department of Justice and the entire inspectors general community. In this letter, the chairs and ranking members of the committee of jurisdiction in both the House and the Senate asked for specific legislative language to reaffirm that ''all'' means all. As the witness from the Justice Department said, there ought to be legislative language to correct this awful interpretation by one lawyer out of 2 million employees in the executive branch, overriding 535 Members of Congress.

It took the Justice Department 3 months to respond to this letter, and its proposed language was far too narrow to actually override this Office of Legal Counsel opinion. However, the inspectors general community responded to our letter within 2 weeks. In September, a bipartisan group of Senators and I incorporated the core of this language into the bill we are talking about today, S. 579. It is entitled the ''Inspector General Empowerment Act of 2015.'' In total, 13 colleagues have joined me on this bill: Senators JOHNSON, MCCASKILL, ERNST, BALDWIN, CARPER, CORNYN, LANKFORD, COLLINS, AYOTTE, KIRK, MIKULSKI, FISCHER, and WYDEN. It is bipartisan.

I am grateful to each of them for standing up with me for inspectors general. I especially want to thank Senators JOHNSON and MCCASKILL, as I have already done, but do it again for working closely with me on this legislation from the very beginning and for their work in getting this bill through their committee.

Let me tell you what this bill does. The Inspector General Empowerment Act includes further clarification that Congress intended IGs to have access to all agency records, notwithstanding any other provision of law, unless other laws specifically state that IGs are not to receive such access.

Let me be clear. The purpose of this provision is to nullify and overturn this awful decision that this one lawyer in the Department of Justice out of 2 million-plus Federal employees in the executive branch issued this opinion. These words, notwithstanding any other provision of law, are key to accomplishing that goal, but the bill does much more than overturning the OLC opinion, which has been roundly criticized by both sides of the aisle. It bolsters IG independence by preventing agency heads from placing them on arbitrary and indefinite administrative leave. It promotes transparency by requiring IGs to post more of their reports online, including those involving misconduct by senior officials that the Justice Department chose not to prosecute.

Also, the bill equips IGs with tools they need to conduct effective investigation, such as the ability to subpoena testimony from former Federal employees. When employees of the U.S. Government are accused of wrongdoing or misconduct, IGs should be able to conduct a full and thorough investigation of those allegations. Getting to the bottom of these allegations is necessary to restore public trust. God only knows how much restoration of public trust in the government in Washington we have to restore. Unfortunately, employees who may have violated that trust are often allowed to evade the IGs inquiry by simply retiring from the government. So the bill empowers IGs to obtain testimony from employees like that.

(Ms. AYOTTE assumed the Chair.)

Similarly, the bill helps IGs better expose waste, fraud, and abuse by those who receive Federal funds. It enables IGs to require testimony from government contractors, subcontractors, grantees, and subgrantees. Currently, most IGs can subpoena documents from entities from outside their agency. However, most cannot subpoena testimony, just documents—although there are a few agencies that can. For example, the inspector general for the Defense Department and the Department of Health and Human Services already have that authority. The ability to require witnesses outside the agency to talk to the IG can be critical in carrying out an inspector general's statutory duties or recovering wasted Federal funds.

The IG community recently provided me with numerous examples of actual, real-life cases that illustrate the need to subpoena witnesses.

Madam President, I ask unanimous consent to have printed in the RECORD a document that lists these accounts.

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

INSPECTORS GENERAL & TESTIMONIAL SUBPOENA AUTHORITY

THE USE OF TESTIMONIAL SUBPOENA AUTHORITY

Examples of when Testimonial Subpoena Authority Would Have Been Useful

Below are examples where subjects of IG oversight could have been served with testimonial subpoena's by an Inspector General:

1. Among a number of schemes identified during a multiagency OIG investigation, Target owner of small businesses submitted overlapping small business proposals to two federal agencies and obtained funding for both projects, approximately $500,000 from each agency. During the course of the projects, the work funded by one of the agencies was falsely reported out in project reports to both agencies. National Science Foundation (NSF) OIG requested interviews with the Target owner and two of his company's employees, and they initially agreed through counsel to be interviewed.

However, during the first of the interviews, an employee confessed to having destroyed company timesheets and created new company time sheets in response to an IG subpoena, and informed NSF OIG that he did so at the Target's request. After that interview, the Target declined to be interviewed. In addition, a fourth employee declined to be interviewed about his timesheets and work performed, which would have been relevant to the fraud scheme. NSF OIG's inability to compel testimony negatively impacted our ability to pursue the obstruction and other potential charges against the Target and company employees.

2. In a matter involving a very senior level Securities and Exchange Commission (SEC) executive, instances of serious administrative misconduct were being investigated. During the pendency of the investigation, which had been declined criminally, the executive resigned and refused to cooperate any further. As a result, the investigation was completed without all of the investigative steps completed that would have indicated whether the misconduct was simply the result of a ''bad actor,'' or whether there are more systemic issues that should be addressed by the agency. A testimonial subpoena would ensure that the necessary investigative steps could be completed. This is particularly important in an agency like the SEC where employees are able to leave rather quickly for private sector jobs (the proverbial ''revolving door'').

3. The Peace Corps awarded a $1.5 million contract to a small business under the 8(a) Business Development Program, which is intended to provide eligible small disadvantaged businesses additional opportunities to obtain certain government contracts. The 8(a) Program requires that eligible small businesses perform a significant portion of the contract; however, an investigation disclosed that the small business did not comply with that requirement. Instead, the small business allowed a large subcontractor to perform nearly all of the work. Because

Peace Corps was not in a direct contractual relationship with the subcontractor actually performing the work, OIG had no recourse to obtain statements of the subcontractor.

4. During a criminal investigation conducted by the Consumer Product Safety Commission (CPSC) OIG of allegations involving a CPSC Assistant General Counsel representing a company obtain contracts to provide supplies to the DoD, records were obtained from the CPSC, Department of the Army, and DoD regarding several of the alleged (accused eventually pled guilty to them) offenses. However, additional offenses could not be proven as CPSC OIG had no authority to require US based members of the foreign company to submit to interviews or provide testimonial information. CPSC OIG requested interviews with both senior managers and agents of the company in question, and although they initially agreed to be interviewed all later declined.

5. During the course of a review conducted after Fast & Furious, DOJ OIG wanted to interview a former U.S. Attorney in Arizona. When asked for a voluntary interview with the then retired U.S. Attorney declined. DOJ OIG had no way to reach the retired U.S. Attorney to elaborate on prior statements he had made.

6. In a Farm Credit Administration OIG case where a senior staff member retired during an investigation, it was subsequently discovered he/she had changed official documents, impersonated an official and committed libel and slander, before retiring during the middle of an investigation on other matters. The former government employee was not receptive to interview post retirement and due to his retirement from government service, there was no recourse.

7. Peace Corps OIG, in the course of performing an audit of one of the largest agency contracts, discovered that an unauthorized subcontractor was performing the majority of the work under the contract. The contract was misidentified as a fixed-price contract, did not include an IG audit clause, and the subcontractor was not in a direct contractual relationship with Peace Corps. Peace Corps OIG was hindered in examining potentially false or fraudulent billing by having to rely solely on documentary subpoenas.

8. NSF OIG conducted an investigation of two professors, a husband and wife, who both served as Principal Investigators at a U.S. university and received grant funds from multiple federal agencies. The Targets also had full time tenured positions at a foreign university and used federal funds to travel to that foreign country, without disclosing their affiliation in either grant proposals or the U.S. university. During the investigation, the Targets declined, through counsel, to be interviewed. The case was declined by the U.S. attorney's office, and ultimately by the state attorney general's office. NSF OIG's inability to interview these Targets negatively affected NSF OIG's ability to obtain all relevant evidence to effectively pursue grant fraud charges against the Targets.

9. The Farm Credit Administration OIG was advised of a contractor who was paid by the agency for contract services it had not provided. Attempts to contact a company representative by mail and telephone were not productive (telephone messages were not returned; certified mail not answered). Fortunately, OIG was able to prevail upon the FBI who had contacts with the company representative. Had the contractor not responded to the FBI contacts, the OIG would have had little recourse in obtaining information from the contractor regarding recovery of the funds. There was a scarce amount of information regarding bank accounts to subpoena for financial records. A testimonial subpoena would have been instrumental under those circumstances.

10. In three other small business grant-fraud cases pursued by NSF OIG, three Targets declined to be interviewed regarding apparent fraud schemes that had been identified. Having testimonial subpoena would have provided an important tool to more effectively pursue these cases.

i. The first Target faked letters of support for his proposals, applied for duplicate proposals to multiple federal agencies, listed his in-laws (over 90) as company employees, and paid for his wife's business facility with federal funds. Target declined to be interviewed, negatively affecting NSF OIG's ability to fully investigate the matter.

ii. The second Target provided financial reports to NSF that did not match his company's expenditure ledger for the award and appeared to include personal expenditures. The Target initially agreed to be interviewed but canceled such interviews on multiple occasions, negatively affecting NSF OIG's ability to fully investigate the matter.

iii. The third Target made up a fake investment company to support a matching award from the agency, and the individual who purportedly signed the investment letter as CFO did not sign the letter and never heard of the fake investment company. The Target initially agreed to be interviewed by NSF OIG, but terminated the interview early on after understanding the implications of the NSF OIG investigation. Since then, he has declined to even comply with a subpoena for documents.

A CASE STUDY: DOD IG'S USE OF TESTIMONIAL SUBPOENA AUTHORITY

Testimonial subpoena authority, found at §8(i) of the Inspector General Act of 1978, as amended, 5 U.S.C. App., was originally provided by §1042 of the National Defense Authorization Act of 2010, 111 Pub. L. 84.

Testimonial subpoena authority has never been delegated, but has always been retained/exercised personally by the DoD IG.

Internal procedures mandate that before a testimonial subpoena is issued: (1) the witness, who cannot be a Federal employee, must have declined a voluntary interview, (2) the interview must be expected to produce information needed to resolve critical issue(s) or corroborate essential facts, and (3) the information sought cannot reasonably be obtained through any other means.

§8(i)(3) of the IG Act requires the DoD IG notify the Attorney General seven days before issuing a testimonial subpoena. This notice requirement has not hindered the DoD IG's use of its testimonial subpoena authority.

To date, since 2010, the DoD IG has considered a total of eight testimonial subpoena requests, all in connection with administrative investigations:

Two requests were considered but denied because they failed to meet the internal procedures criteria.

One request, associated with the Retired Military Advisor (RMA) administrative re-investigation, was authorized by the DoD IG and served on the witness, a former Assistant Secretary of Defense for Public Affairs.

Two requests, also associated with the RMA administrative re-investigation, were authorized by the DoD IG but not served on the witnesses, a former Secretary of Defense and a former DoD General Counsel, because the witnesses belatedly agreed to be interviewed voluntarily.

One request, associated with an internal administrative review of a DCIS investigation, was authorized by the DoD IG and served on the witness, a former DoD Deputy Inspector General for Investigations/ Acting Chief of Staff.

One request, associated with an Audit Policy review of DCAA, was authorized by the DoD IG but not served on the witness, a former DCAA Director, because the witness belatedly agreed to be interviewed voluntarily.

One request, associated with an IPO evaluation of the transfer of ITAR controlled technology by MDA to NASA, was authorized by the DoD IG but not served on the witness, a former NASA contractor, because the witness belatedly agreed to be interviewed.

Mr. GRASSLEY. Madam President, I also ask unanimous consent to have printed in the RECORD a letter I received yesterday from the Project on Government Oversight.

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

POGO—PROJECT ON GOVERNMENT OVERSIGHT,
December 14, 2015.

Hon. CHUCK GRASSLEY,
Hart Senate Office Building, Washington, DC.
Hon. CLAIRE MCCASKILL,
Hart Senate Office Building, Washington, DC.

DEAR SENATOR GRASSLEY AND SENATOR MCCASKILL: The Project On Government Oversight (POGO) is a nonpartisan independent watchdog that champions good government reforms. POGO's investigations into corruption, misconduct, and conflicts of interest achieve a more effective, accountable, open, and ethical federal government. Recognizing the vital role that Inspectors General (IG) play, POGO has investigated and worked to improve the IG system since 2006. This work includes multiple reports on the IG system, maintaining an IG vacancy tracker, and working with Congress to incorporate needed reforms in the Inspector General Act of 2008. In light of this work, we are writing to thank you for introducing the Inspector General Empowerment Act of 2015, and to urge Congress to quickly pass this important legislation.

Inspectors General can make all the difference when it comes to creating a better government, but Congress needs to ensure that IGs have access to all the information they need to do their job effectively. Federal agencies have begun to unreasonably challenge IGs' statutory right to access agency data in attempts to prevent embarrassing events from coming to light. It is essential that Congress act quickly to pass the Inspector General Empowerment Act of 2015 to prevent the overbroad interpretation of restrictions on IG authority from becoming accepted law, allowing current and future waste, fraud, and abuse to remain hidden.

In order to serve as the eyes and ears of Congress, an IG office must have an unrestricted view of the agency it oversees. This principle is enshrined in Section 6(a)(1) of the Inspector General Act, which states that each IG office shall have ''access to all records, reports, audits, reviews, documents, papers, recommendations, or other material . . . which relate to programs and operations with respect to which that Inspector General has responsibilities under this Act.'' It seems crystal clear that ''all'' means all, but some agencies have fought back against that idea.

The most blatant rejection of ''all means all'' can be found in the July 2015 opinion by the Department of Justice's (DOJ) Office of Legal Counsel (OLC) that improperly limits IG access and caters to agency resistance to necessary oversight. If left unchallenged, this opinion will allow agencies' incorrect interpretation of Section 6(a)(1) to become de facto law. The OLC's opinion states that the unfettered access afforded by Section

6(a) of the Inspector General Act is superseded by specific restrictions on the dissemination of Title III, grand jury, and FCRA information. The OLC concluded, for instance, that the IG office may not be entitled to obtain these records when conducting financial audits and other administrative and civil reviews that are only tangentially related to DOJ's criminal and law enforcement activities. POGO disagrees with this interpretation because it rests upon a clear misreading of the common language Congress made clear in the law.

Congressional leaders on both sides of the aisle have rightly condemned the OLC's opinion, according to which ''all records'' does not mean ''all records.'' POGO believes this OLC opinion makes a mockery of the entire IG system: these offices cannot possibly be effective watchdogs on behalf of Congress and the American public if agencies restrict IG access and force them to negotiate with agency leaders for access on a case-by-case basis. Agency records provide the raw materials IG offices need to fulfill their statutory responsibilities. The very purpose of having an independent IG is undermined if the office has to seek the agency's permission in order to carry out its mission. Unless Congress acts quickly, this OLC opinion will gut the IG system and prevent meaningful oversight.

While many federal agencies handle records that are highly sensitive and legitimately withheld from public dissemination, that does not mean they should be withheld from IG offices, or by extension from Congress, both of which offer independent oversight and recommendations to improve agency operations. Secret agency programs are particularly susceptible to waste, fraud, and abuse, but IG offices cannot uncover or correct these problems without access to agency records. Agency actions that deny access to those records violate our system of checks and balances, and do so unduly, as IGs have proven they can responsibly handle sensitive information.

For example, the DOJ Office of the Inspector General (OIG) has shown that it can effectively and responsibly oversee the most sensitive DOJ operations without jeopardizing law enforcement actions. It has reviewed grand jury materials and other sensitive records when it examined the FBI's potential targeting of domestic advocacy groups, the FBI's efforts to access records of reporters' toll calls during a media leak probe, the President's Surveillance Program, and the firing of U.S. Attorneys, among other important and high-profile cases.

Congress needs to clarify that IG offices must be granted access to all agency records notwithstanding any other existing or future law or any other prohibition on disclosure, including but not limited to: 1) the federal rules of criminal procedure; 2) Title III; 3) the FCRA; and 4) laws such as the Kate Puzey Act that restrict the dissemination of personally identifiable information. In addition, Congress should specify that agencies do not waive the attorney-client or other common law privileges when records are turned over to IG offices. The Inspector General Empowerment Act of 2015 addresses this issue and corrects the troublesome OLC memo. However, until Congress passes the bill, that memo can be and has been used to block oversight.

The bill also addresses other improper challenges to IG access. Under the Computer Matching and Privacy Protection Act (CMPPA), IGs must get approval from agency leaders in order to match the computer records of one federal agency against other federal and non-federal records. The Inspector General Empowerment Act of 2015 would exempt IG offices from the CMPPA so they can access records at other agencies without getting approval from the very officials they are supposed to oversee. Additionally, under current law, IGs can only compel testimony from federal employees. This means that former federal employees, contractors, or grant recipients can refuse to testify before an IG in the course of an investigation. This bill would provide IGs with testimonial subpoena power over these individuals, and allow for fuller and more effective oversight of federal programs and agencies.

In the light of the erroneous July OLC opinion, it is urgent that Congress act now to make sure IGs have the ability to function as intended. Not correcting this precedent now will cripple current and future IGs and in turn limit Congress's and the public's ability to oversee the executive branch and hold it accountable.

Sincerely,

DANIELLE BRIAN,
Executive Director.

Mr. GRASSLEY. Madam President, the Project on Government Oversight is a nonpartisan, independent watchdog that has been advocating good government reforms for decades. In this letter the Project on Government Oversight expresses its support for this bill in general and for provisions that equip inspectors general with the authority to require testimony. Let it be clear that the bill also imposes limitations on the authority of IGs to require testimony.

There are several procedural protections in place to ensure that this authority is exercised wisely. For example, the subpoena must be approved by a designated panel of three other IGs. It is then referred to the Attorney General. For those IGs who can already subpoena witnesses' testimony, I am not aware of any instances in which it has been misused. In fact, the inspector general for the Department of Defense has established a policy that spells out additional procedures and safeguards to ensure the subjects of subpoenas are treated fairly. I am confident the rest of the IG community will be just as scrupulous in providing appropriate protection for the use of this authority. You see, we all win when inspectors general can do their jobs. Most importantly, the public is better served when IGs are able to shine light in the government operation and stewardship of taxpayer dollars.

In September we attempted to pass this important bill by unanimous consent. It has been nearly 3 months since leadership asked whether any Senator would object. Not one Senator has put a statement in the RECORD or come to the floor to object publicly. At the August Judiciary Committee hearing, there was a clear consensus that Congress needed to act legislatively and needed to overturn this Office of Legal Counsel opinion that one person out of 2-plus million employees in the executive branch overruled this 1978 act that the inspector general ought to be entitled to all information. Every day that goes by without fixing the opinion of the Office of Legal Counsel is another day that watchdogs across government can be stonewalled.

At that hearing, Senator LEAHY said this access problem is ''blocking what was once a free flow of information'' and Senator LEAHY called for a permanent legislative solution. Senator CORNYN noted that the Office of Legal Counsel opinion is ''ignoring the mandate of Congress'' and undermining the oversight authority that Congress has under the Constitution. Senator TILLIS stated that the need to fix this access problem was ''a blinding flash of the obvious'' and that ''we all seem to be in violent agreement that we need to correct this.''

However, some Members raised concern about guaranteeing IGs unchecked access to certain national security information. Fortunately, we were able to agree on some changes to the bill that addressed those concerns, without gutting the core of the bill. We made these concessions so the bill can pass by unanimous consent. This Senator thanks my colleagues who worked with me to arrive at this compromise.

As we move forward, it is important to note the following: First, I am not aware of a single instance in which an IG has mishandled any classified or sensitive operational information. IGs are subject to the same restrictions on disclosing information as everyone else in the agency they oversee.

Second, the Executive orders restricting and controlling classified information are issued under the President's constitutional authority. Naturally, this bill does not attempt to limit that constitutional authority at all. It just clarifies that no law can prevent an IG from obtaining documents from the agency it oversees unless the statute explicitly states that IG access should be restricted. No one thinks this statute could supersede the President's constitutional authority.

Third, there is already a provision in law that allows the Secretary of Defense to prohibit an Inspector General review to protect vital national security interests and to protect sensitive operational information. We agreed to clarify that already existing provision to include the ability to restrict access to information as well as to prevent a review from occurring. However, we kept the language in that provision that requires notification to Congress whenever that authority to restrict an IG's access to information is exercised.

After making these changes, we attempted to hotline the revised bill last week. Since then, no Senator has publicly stated any other concerns. The cosponsors have worked hard behind the scenes over the past 3 months in good faith to accommodate the concerns of any and all Members willing to work with us. Now the time has come to pass this bill. We all lose when Inspectors General are delayed or prevented from doing their work.

I urge my colleagues to stand up for Inspectors General, overturn the Office of Legal Counsel opinion, and restore the intent of the Inspector General Act. All IGs should have access and timely independent access to all agency records. The most important thing

is the principle that not one lawyer—that any one lawyer in the Department of Justice or any agency of government doesn't have a right to override the opinion of the Congress expressed in a statute so clearly as this is expressed.

Madam President, at this time I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 68, S. 579, the Inspector General Empowerment Act of 2015; I further ask consent that the Johnson substitute amendment be agreed to; that the bill, as amended, be read a third time and passed and the motion to reconsider be considered made and laid upon the table.

The PRESIDING OFFICER. Is there objection?

Mr. REID. Objection.

The PRESIDING OFFICER. Objection is heard.

Mr. GRASSLEY. Will the Senator yield for a question?

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

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

Mr. REID. Yes.

Mr. GRASSLEY. May I ask on whose behalf the minority leader is objecting? Is it on his own behalf or on behalf of another Senator?

Mr. REID. Other Senators are concerned about it, and I made the objection on my behalf.

Mr. GRASSLEY. I will not question what the minority leader just said, but it seems to me we ought to know who that Senator is besides the minority leader because Senator WYDEN and I have worked very hard over the last 10 years, and we finally got done what we thought was a very good measure for this body; that the people who put holds on legislation ought to be made public, and there has been nothing in the RECORD. So why don't these people have guts enough to put in the RECORD their reasons and who they are? The public has a right to know that.

Mr. REID. I am it.

Mr. JOHNSON. Will the Senator yield for a question?

Mr. REID. No.

Mr. JOHNSON addressed the Chair.

The PRESIDING OFFICER. The Senator from Wisconsin.

Mr. JOHNSON. Madam President, I want to rise and voice my disappointment. This is a very commonsense piece of legislation that has strong bipartisan support. Senator GRASSLEY has worked tirelessly on this and certainly our committee has as well. We cannot get a simple, commonsense bipartisan piece of legislation passed by the Senate—and then the insult of not even hearing what the objection is.

What is the objection to giving the inspectors general the tools they need to provide the accountability and the transparency to safeguard American taxpayer money?

I cited my example of the Potomac Healthcare system, the Potomac VA health care system, where because an inspector general was not transparent because the VA inspector general held 140 reports on inspections and investigations, the family of Thomas Baer did not realize there were problems. They took their father to that health care facility and their father died of a stroke because of neglect. That is how important this is. Yet we cannot even hear the reason behind the objection as to why they would not allow this very commonsense piece of legislation to pass.

This is very disappointing.

With that, I yield the floor.

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

The PRESIDING OFFICER (Mr. GARDNER). 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 have a unanimous consent request.

EXTENSION OF MORNING BUSINESS

Mr. GRASSLEY. Mr. President, I ask unanimous consent that morning business be extended until 6 p.m. today.

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

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

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

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

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

NUCLEAR AGREEMENT WITH IRAN

Mr. SULLIVAN. Mr. President, I rise today to revisit an issue that some in this body I am sure, no doubt, would probably not want to revisit. My intention is not to cause any of my colleagues discomfort, but this is an issue—and the Presiding Officer knows more than most—that needs to be discussed, and the Presiding Officer has done a great job of discussing it. I think it has become pretty clear to most Americans and many Members of this body that this body made a mistake a few months back, a mistake with significant consequences for our security, for the security of the Middle East, and certainly a mistake as it relates to some of our own American citizens. For the first time in U.S. history on a national security agreement of major importance, the mistake that was made was the Congress of the United States moved forward to approve an agreement not on the basis of a bipartisan majority, which is the history of this country, but on the basis of a partisan minority in both Houses. Of course, I am talking about President Obama's Iranian nuclear deal that will very soon—as early as next month, according to the terms of the agreement—be sending tens of billions of dollars to the biggest sponsor of terrorism in the world.

There are many things that are going on in this body right now. We are looking at the spending bills, and there is a lot of concern about terrorism. As a matter of fact, polling is showing that right now terrorism is ranking as the highest concern for Americans—higher even than the economy—given the attacks in California and what is happening with ISIS.

Amidst all of these challenges, however, the implementation of the Obama administration's nuclear deal with Iran is looming on the horizon and is not being talked about enough in this body. It is critical that we keep our eye on Iran—still the world's largest state sponsor of terrorism—particularly now. Why is it so critical now? Because, as I noted, as early as next month, in January, tens of billions of dollars of sanctions relief will be pouring into the country of Iran according to the terms of the agreement.

I commend my colleague from New Jersey, Senator MENENDEZ. I was presiding last week in the Senate, and once again he gave another outstanding speech on American foreign policy, on American national security, on what is going on with Iran, what is going on with their activities destabilizing the Middle East, what is going on with their activities which are as we speak violating the Iran U.N. Security Council resolutions.

Yes, I know we debated this issue for a long time on the Senate floor, and I am sure some of my colleagues who voted on this deal are done and they don't want to talk about it anymore.

Mr. President, if you recall, one of the arguments to support this deal, one of the arguments the President was making was that—we were told this deal would change Iran's behavior. President Obama stated that the deal ''demonstrates that if Iran complies with its international obligations, then it can fully rejoin the community of nations.'' The words of the text of the agreement even state that the United States is ''expressing its desire to build a new relationship with Iran.'' And, of course, Secretary Kerry, in hearings and in private briefings with the Senate, noted that he thought—and you saw his actions—that the agreement would establish a much more positive and constructive relationship between Iran and the United States. So that was one of the arguments for the deal we voted on. How is that working out? Well, I think we have gotten a new relationship with Iran, all right, but it is worse than the old one.

Since the signing of the Iranian deal, Iran has taken deliberative steps, definitive steps that continue to undermine the security interests of the United States and our allies and those of our citizens in almost every region,

in almost every realm. Every action the Iranians have taken has seemed to want to increase tension between us, Iran, and some of our allies.

I wish to provide some examples. Almost as soon as the ink was dry on this agreement, the Iran regime and its leaders continued doing what they typically do: chanting ''Death to America.'' And more specifically, the Ayatollah Khamenei predicted that the Zionist regime—of course he is referring to Israel—will be ''nothing'' in 25 years. It is another one of his references to wiping Israel off the map—after the agreement. Then he stated, of the 25-year period, ''Until then, struggling, heroic, and jihadi morale will leave no moment of serenity for the Zionists.'' That is the leader of the country we did this deal with—after we signed the agreement. So it is still certainly provocative in that regard.

How about its funding of Hezbollah, one of its terrorist proxies around the world? It is still full speed ahead. There are estimates of up to $200 million a year. That continues after the signing.

How about abiding by U.N. Security Council resolutions, such as the one that prevents the Quds Force commander, General Soleimani, from traveling? Well, we know that was violated. As a matter of fact, Soleimani went to Moscow to meet with Putin to discuss arms transfers, likely in violation of the U.N. Security Council resolution—the resolution that bans conventional weapons from being imported to Iran. So that was another violation, and they are likely planning another one.

Let me remind this body about the Quds Force commander. This is what former U.S. Army Chief of Staff GEN Ray Odierno said about him:

> Qassem Soleimani is the one who has been exporting malign activities throughout the Middle East for some time now. He's absolutely responsible for killing many Americans. In fact, I would say the last two years I was there the majority of our casualties came from his surrogates, not Sunni or al Qaeda.

This is the person who is negotiating with Putin to trade arms—likely in violation of another U.N. Security Council resolution.

What about his troops? Well, we have seen an increase of Iranian troops in Syria. General Dunford, the current Chairman of the Joint Chiefs of Staff, predicted that there are about 2,000 troops in Syria helping to lead the fight to save Assad and working with the Russians to do that.

How about Iran's compliance with U.N. Security Council Resolution 1929, which bans its ballistic missile program? Remember that issue? We debated that issue on the floor. General Dempsey, the Chairman of the Joint Chiefs, said that under no circumstances should we agree to lifting that ban, but we did in the deal. Now we are learning that Iran has tested not one but two ballistic missiles on October 11 and November 21 in likely—almost certain—violation of U.N. Security Council Resolution 1929. In my view, that is a violation of the Iran agreement.

This is what our Ambassador to the U.N. stated. She said that the missiles Iran tested only months after we passed the agreement are ''inherently capable of delivering a nuclear weapon.'' So they are testing missiles with that capability. This should concern all Americans. What should really concern all Americans right now is that despite Ambassador Power's statement, it appears the Obama administration is looking to do nothing on this violation of the U.N. Security Council resolution.

This is how my colleague from Tennessee, the chairman of the Foreign Relations Committee, BOB CORKER, put it:

> Iran violates U.N. Security Council resolutions because it knows neither this administration nor the U.N. Security Council is likely to take any action. Instead, the administration remains paralyzed and responds to Iran's violations with empty words, with condemnation, and concern.

As I mentioned, last week my colleague from New Jersey, Senator MENENDEZ, gave an outstanding speech on this issue on December 8, and he noted—similar to Senator CORKER—that the Obama administration's reaction has been muted, almost one of silence.

Mr. President, there is more. A report from the International Atomic Energy Agency, which we were all anticipating, just recently came out and stated that Iran pursued nuclear weapons in secret until 2009—longer than previously believed. So the country we are doing this deal with, at least according to the IAEA, has been lying to the world.

Iran has been caught lying and cheating. It is testing ballistic missiles against the U.N. Security Council Resolution 1929 and others; it is still funding global terrorism; it is sending thousands of troops to Syria to prop up Assad; it has sent the man with the blood of thousands of American soldiers on his hands to Russia to talk about arms trading, in likely further violation of U.N. Security Council resolutions; and, of course, it is still chanting ''Death to America'' and talking about wiping Israel off the face of the Earth—all since the Obama administration signed the Iranian nuclear agreement.

There is one more outrage, perhaps the worst one, in my view. In a direct affront to the United States and our citizens, Iran is still holding five Americans against their will in that country. Think about that. Many of us who closely watched the negotiations thought surely, surely Secretary Kerry—who had enormous leverage; the entire world was aligned against Iran—would surely use that leverage to get our citizens free, or maybe if he wasn't going to do it as part of the deal, there would be some kind of side agreement after the signing that they would be quietly released. But, like everything else since the signing of this agreement, the American hostage situation in Iran has actually gotten worse.

I wish to read the names and describe a little bit about the Americans who are currently being held in Iran.

Amir Hekmati of Michigan, a U.S. marine, was detained in Iran in 2011 while visiting Iranian relatives and was sentenced to 10 years in prison for espionage—a U.S. marine who proudly served his country. I am a marine. We don't leave our fellow marines on the battlefield, but evidently the Obama administration has not learned that lesson.

Saeed Abedini of Idaho, a Christian pastor, was detained in Iran in 2012 and sentenced to 8 years in prison on charges related to his religious beliefs. Again, an American is languishing in Iranian jail right now, a pastor.

Robert Levinson of Florida, a former official of the FBI, disappeared in 2007. Iran's leaders denied knowledge of Levinson's whereabouts or any involvement in his disappearance.

Most recently, Siamak Namazi, a Dubai-based businessman, was arrested after the signing of this Iranian nuclear deal—after the signing—was arrested by the Iranian Government while visiting relatives in Iran. Right now, any charges against him are unknown. That happened on October 15.

Of course, Jason Rezaian of California—a journalist for the Washington Post, who was credentialed as a journalist by the Government of Iran—has been detained for over 500 days and recently—again, after the signing of the agreement with President Obama—was sentenced to an undisclosed prison for an undisclosed term for espionage.

That is five Americans right now. I don't have to remind my colleagues that it is the holiday season. It is a time for families and loved ones to come together, to be with each other. But what about the families of these Americans? Who is thinking about them?

Secretary Kerry and President Obama should be on the phone every day working for their release, but that is clearly not happening. As the Washington Post editorial board put it recently:

> Iran appears content to allow Mr. Rezaian and the other Americans to rot in prison indefinitely, even as the regime collects more than $100 billion in sanctions relief and is granted the role it has long sought as a regional power. That should not be an acceptable outcome.

That is the Washington Post. That is the Washington Post editorial—''That should not be an acceptable outcome.'' No, it shouldn't. It should not.

All of this begs some very obvious questions. Given Iran's consistent provocative actions against U.S. interests and our citizens since the signing of the Iran deal and given that one of the promises of the deal—better relations with Iran, more constructive behavior from Iran—has proven to be utterly

false, why in the world are we moving full steam ahead with the lifting of sanctions as early as next month? Think about that. Why indeed are we getting ready to release tens of billions of dollars to the world's biggest sponsor of state terrorism when we know the additional money will only embolden Iran? Just think how they are acting now. When they have tens of billions of dollars to further their terrorist activities, it will embolden them to act in even more nefarious ways against our interests and those of our allies and, most importantly, those of American citizens.

Another question: Why aren't the President and Secretary Kerry at a minimum telling the Iranians they won't see one dime—one dime—of the billions and billions of dollars we are set to hand over to the Iranians until all five Americans are released from prison? Why aren't we using that leverage? That leverage is going to go away as soon as we release that money.

Why are we getting ready to release tens of billions of dollars to Iran when it is clear they are going to simply violate this agreement? That is not just my view. Former Senator and Secretary of State Hillary Clinton was quoted as saying just last week that it is not if, but when, Iran will violate President Obama's nuclear agreement.

Just last week she stated: ''They are going to violate it.'' Former Senator, former Secretary of State Hillary Clinton knows a little about the issue. She helped negotiate it. ''They are going to violate it,'' she said. ''They are going to violate it, they are going to be provocative about it, and we need to respond quickly and very harshly.'' That is the former Secretary of State.

Well, I agree with the former Secretary of State—the Iranians are going to violate this agreement. In fact, it is very likely the Iranians have already violated this agreement with their U.N. Security Council resolution violations.

So what should we do?

First, for any Americans listening, watching, who care about this issue, I urge you to call the President, call the Secretary of State, call the White House, call the State Department. Tell them something that I believe the vast, vast majority of Americans agree with: Our government should not be relieving Iran of any sanctions while it continues to illegally hold five Americans hostage. We should demand of our President that he should not allow tens of billions of dollars to flood into the biggest terrorist regime in the world while our citizens languish in Iranian jails. This is simple, and it is just wrong.

We need to light up the switchboard. Let President Obama know. Here is the number to the White House switchboard: (202) 456–1414. Call the President and tell him you think it is fundamentally wrong to let five Americans languish in prison while we are getting ready to send the biggest terrorist regime in the world tens of billions of dollars.

Call John Kerry. Here is the number to the State Department switchboard: (202) 647–4000. Tell him: Mr. Secretary, get on the phone. Release these prisoners; release our citizens or don't give Iran any of the billions of dollars they think they are going to get next month.

Second, I agreed with my colleague Senator MENENDEZ when he gave his speech last week that we need to keep the leverage against Iran by tightening the full range of sanctions available to us to penalize Iran for violating U.N. Security Council resolutions, as they have done within the last month. In his speech he also said we need to reauthorize the Iran Sanctions Act. I agree with him, and this body should take action to do just that.

Finally, I am working to get support for a simple bill that would prevent the President from lifting sanctions until Iran is no longer designated a state sponsor of terrorism and until Iran releases our five citizens who are languishing in their jails.

With all due respect to my colleagues who voted for this agreement, I believe this body made an enormous mistake by allowing the President's nuclear agreement to move forward. Iran's actions since the signing of this agreement—day after day, against the interests of the United States and our citizens—have made this 100 percent clear.

This mistake can be undone. We don't have to allow Iran access to tens of billions of dollars in sanctions relief while they continue to destabilize the Middle East, while they continue their robust expansive terrorist activities throughout the world. And we certainly—and this is a message for the President of the United States and the Secretary of State. We certainly don't have to allow them the tens of billions of dollars while Iran retains and detains Americans on trumped-up charges in Iranian jails, with no prospect for release. As the Washington Post put it, ''That should not be an acceptable outcome.''

Mr. President, I yield the floor.

EXTENSION OF MORNING BUSINESS

Mr. INHOFE. 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 (Mr. HOEVEN). Without objection, it is so ordered.

PILOT'S BILL OF RIGHTS 2

Mr. INHOFE. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 319, S. 571.

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

The bill clerk read as follows:

A bill (S. 571) to amend the Pilot's Bill of Rights to facilitate appeals and to apply to other certificates issued by the Federal Aviation Administration, to require the revision of the third class medical certification regulations issued by the Federal Aviation Administration, and for other purposes.

The PRESIDING OFFICER. Is there objection to proceeding to the measure?

The Senator from Connecticut.

Mr. BLUMENTHAL. Mr. President, reserving the right to object, I have worked hard, and I——

Mr. INHOFE. Will the Senator yield for one question?

Mr. BLUMENTHAL. Certainly, I will yield.

Mr. INHOFE. This is the request to move to the calendar number, and the next request would be for the consideration.

Mr. BLUMENTHAL. Then I will be happy to yield at this point.

The PRESIDING OFFICER. Is there objection to proceeding to the measure?

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Commerce, Science, and Transportation, with an amendment to strike all after the enacting clause and insert in lieu thereof the following:

SECTION 1. SHORT TITLE.

This Act may be cited as ''Pilot's Bill of Rights 2''.

SEC. 2. MEDICAL CERTIFICATION OF CERTAIN SMALL AIRCRAFT PILOTS.

(a) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall issue or revise regulations to ensure that an individual may operate as pilot in command of a covered aircraft if—

(1) the individual possesses a valid driver's license issued by a State, territory, or possession of the United States and complies with all medical requirements or restrictions associated with that license;

(2) the individual holds a medical certificate issued by the Federal Aviation Administration on the date of enactment of this Act, held such a certificate at any point during the 10-year period preceding such date of enactment, or obtains such a certificate after such date of enactment;

(3) the most recent medical certificate issued by the Federal Aviation Administration to the individual—

(A) indicates whether the certificate is first, second, or third class;

(B) may include authorization for special issuance;

(C) may be expired;

(D) cannot have been revoked or suspended; and

(E) cannot have been withdrawn;

(4) the most recent application for airman medical certification submitted to the Federal Aviation Administration by the individual cannot have been completed and denied;

(5) the individual has completed a medical education course described in subsection (c) during the 24 calendar months before acting as pilot in command of a covered aircraft and demonstrates proof of completion of the course;

(6) the individual, when serving as a pilot in command, is under the care and treatment of a physician if the individual has been diagnosed with any medical condition that may impact the ability of the individual to fly;

(7) the individual has received a comprehensive medical examination from a State-licensed physician during the previous 48 months and—

(A) prior to the examination, the individual—
(i) completed the individual's section of the checklist described in subsection (b); and
(ii) provided the completed checklist to the physician performing the examination; and
(B) the physician conducted the comprehensive medical examination in accordance with the checklist described in subsection (b), checking each item specified during the examination and addressing, as medically appropriate, every medical condition listed, and any medications the individual is taking; and
(8) the individual is operating in accordance with the following conditions:
(A) The covered aircraft is carrying not more than 5 passengers.
(B) The individual is operating the covered aircraft under visual flight rules or instrument flight rules.
(C) The flight, including each portion of that flight, is not carried out—
(i) for compensation or hire, including that no passenger or property on the flight is being carried for compensation or hire;
(ii) at an altitude that is more than 18,000 feet above mean sea level;
(iii) outside the United States, unless authorized by the country in which the flight is conducted; or
(iv) at an indicated air speed exceeding 250 knots.
(b) COMPREHENSIVE MEDICAL EXAMINATION.—
(1) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Administrator shall develop a checklist for an individual to complete and provide to the physician performing the comprehensive medical examination required in subsection (a)(7).
(2) REQUIREMENTS.—The checklist shall contain—
(A) a section, for the individual to complete that contains—
(i) boxes 3 through 13 and boxes 16 through 19 of the Federal Aviation Administration Form 8500-8 (3-99);
(ii) a signature line for the individual to affirm that—
(I) the answers provided by the individual on that checklist, including the individual's answers regarding medical history, are true and complete;
(II) the individual understands that he or she is prohibited under Federal Aviation Administration regulations from acting as pilot in command, or any other capacity as a required flight crew member, if he or she knows or has reason to know of any medical deficiency or medically disqualifying condition that would make the individual unable to operate the aircraft in a safe manner; and
(III) the individual is aware of the regulations pertaining to the prohibition on operations during medical deficiency and has no medically disqualifying conditions in accordance with applicable law;
(B) a section with instructions for the individual to provide the completed checklist to the physician performing the comprehensive medical examination required in subsection (a)(7); and
(C) a section, for the physician to complete, that instructs the physician—
(i) to perform a clinical examination of—
(I) head, face, neck, and scalp;
(II) nose, sinuses, mouth, and throat;
(III) ears, general (internal and external canals), and eardrums (perforation);
(IV) eyes (general), ophthalmoscopic, pupils (equality and reaction), and ocular motility (associated parallel movement, nystagmus);
(V) lungs and chest (not including breast examination);
(VI) heart (precordial activity, rhythm, sounds, and murmurs);
(VII) vascular system (pulse, amplitude, and character, and arms, legs, and others);
(VIII) abdomen and viscera (including hernia);
(IX) anus (not including digital examination);
(X) skin;
(XI) G-U system (not including pelvic examination);
(XII) upper and lower extremities (strength and range of motion);
(XIII) spine and other musculoskeletal;
(XIV) identifying body marks, scars, and tattoos (size and location);
(XV) lymphatics;
(XVI) neurologic (tendon reflexes, equilibrium, senses, cranial nerves, and coordination, etc.);
(XVII) psychiatric (appearance, behavior, mood, communication, and memory);
(XVIII) general systemic;
(XIX) hearing;
(XX) vision (distant, near, and intermediate vision, field of vision, color vision, and ocular alignment);
(XXI) blood pressure and pulse; and
(XXII) anything else the physician, in his or her medical judgment, considers necessary;
(ii) to exercise medical discretion to address, as medically appropriate, any medical conditions identified, and to exercise medical discretion in determining whether any medical tests are warranted as part of the comprehensive medical examination;
(iii) to discuss all drugs the individual reports taking (prescription and nonprescription) and their potential to interfere with the safe operation of an aircraft or motor vehicle;
(iv) to sign the checklist, stating: ''I certify that I discussed all items on this checklist with the individual during my examination, discussed any medications the individual is taking that could interfere with their ability to safely operate an aircraft or motor vehicle, and performed an examination that included all of the items on this checklist.''; and
(v) to provide the date the comprehensive medical examination was completed, and the physician's full name, address, telephone number, and State medical license number.
(3) LOGBOOK.—The completed checklist shall be retained in the individual's logbook and made available on request.
(c) MEDICAL EDUCATION COURSE REQUIREMENTS.—The medical education course described in this subsection shall—
(1) be available on the Internet free of charge;
(2) be developed and periodically updated in coordination with representatives of relevant nonprofit and not-for-profit general aviation stakeholder groups;
(3) educate pilots on conducting medical self-assessments;
(4) advise pilots on identifying warning signs of potential serious medical conditions;
(5) identify risk mitigation strategies for medical conditions;
(6) increase awareness of the impacts of potentially impairing over-the-counter and prescription drug medications;
(7) encourage regular medical examinations and consultations with primary care physicians;
(8) inform pilots of the regulations pertaining to the prohibition on operations during medical deficiency and medically disqualifying conditions;
(9) provide the checklist developed by the Federal Aviation Administration in accordance with subsection (b); and
(10) upon successful completion of the course, electronically provide to the individual and transmit to the Federal Aviation Administration—
(A) a certification of completion of the medical education course, which shall be printed and retained in the individual's logbook and made available upon request, and shall contain the individual's name, address, and airman certificate number;
(B) subject to subsection (d), a release authorizing the National Driver Register through a designated State Department of Motor Vehicles to furnish to the Federal Aviation Administration information pertaining to the individual's driving record;
(C) a certification by the individual that the individual is under the care and treatment of a physician if the individual has been diagnosed with any medical condition that may impact the ability of the individual to fly, as required under (a)(6);
(D) a form that includes—
(i) the name, address, telephone number, and airman certificate number of the individual;
(ii) the name, address, telephone number, and State medical license number of the physician performing the comprehensive medical examination required in subsection (a)(7);
(iii) the date of the comprehensive medical examination required in subsection (a)(7); and
(iv) a certification by the individual that the checklist described in subsection (b) was followed in the comprehensive medical examination required in subsection (a)(7); and
(E) a statement, which shall be printed, and signed by the individual certifying that the individual understands the existing prohibition on operations during medical deficiency by stating: ''I understand that I cannot act as pilot in command, or any other capacity as a required flight crew member, if I know or have reason to know of any medical condition that would make me unable to operate the aircraft in a safe manner.''.
(d) NATIONAL DRIVER REGISTER.—The authorization under subsection (c)(10)(B) shall be an authorization for a single access to the information contained in the National Driver Register.
(e) SPECIAL ISSUANCE PROCESS.—
(1) IN GENERAL.—An individual who has qualified for the third-class medical certificate exemption under subsection (a) and is seeking to serve as a pilot in command of a covered aircraft shall be required to have completed the process for obtaining an Authorization for Special Issuance of a Medical Certificate for each of the following:
(A) A mental health disorder, limited to an established medical history or clinical diagnosis of—
(i) personality disorder that is severe enough to have repeatedly manifested itself by overt acts;
(ii) psychosis, defined as a case in which an individual—
(I) has manifested delusions, hallucinations, grossly bizarre or disorganized behavior, or other commonly accepted symptoms of psychosis; or
(II) may reasonably be expected to manifest delusions, hallucinations, grossly bizarre or disorganized behavior, or other commonly accepted symptoms of psychosis;
(iii) bipolar disorder; or
(iv) substance dependence within the previous 2 years, as defined in section 67.307(a)(4) of title 14, Code of Federal Regulations.
(B) A neurological disorder, limited to an established medical history or clinical diagnosis of any of the following:
(i) Epilepsy.
(ii) Disturbance of consciousness without satisfactory medical explanation of the cause.
(iii) A transient loss of control of nervous system functions without satisfactory medical explanation of the cause.
(C) A cardiovascular condition, limited to a one-time special issuance for each diagnosis of the following:
(i) Myocardial infraction.
(ii) Coronary heart disease that has required treatment.
(iii) Cardiac valve replacement.
(iv) Heart replacement.
(2) SPECIAL RULE FOR CARDIOVASCULAR CONDITIONS.—In the case of an individual with a cardiovascular condition, the process for obtaining an Authorization for Special Issuance of a Medical Certificate shall be satisfied with the successful completion of an appropriate clinical evaluation without a mandatory wait period.
(3) SPECIAL RULE FOR MENTAL HEALTH CONDITIONS.—

(A) In the case of an individual with a clinically diagnosed mental health condition, the third-class medical certificate exemption under subsection (a) shall not apply if—

(i) in the judgment of the individual's State-licensed medical specialist, the condition—

(I) renders the individual unable to safely perform the duties or exercise the airman privileges described in subsection (a)(8); or

(II) may reasonably be expected to make the individual unable to perform the duties or exercise the privileges described in subsection (a)(8); or

(ii) the individual's driver's license is revoked by the issuing agency as a result of a clinically diagnosed mental health condition.

(B) Subject to subparagraph (A), an individual clinically diagnosed with a mental health condition shall certify every 2 years, in conjunction with the certification under subsection (c)(10)(C), that the individual is under the care of a State-licensed medical specialist for that mental health condition.

(4) SPECIAL RULE FOR NEUROLOGICAL CONDITIONS.—

(A) In the case of an individual with a clinically diagnosed neurological condition, the third-class medical certificate exemption under subsection (a) shall not apply if—

(i) in the judgment of the individual's State-licensed medical specialist, the condition—

(I) renders the individual unable to safely perform the duties or exercise the airman privileges described in subsection (a)(8); or

(II) may reasonably be expected to make the individual unable to perform the duties or exercise the privileges described in subsection (a)(8); or

(ii) the individual's driver's license is revoked by the issuing agency as a result of a clinically diagnosed neurological condition.

(B) Subject to subparagraph (A), an individual clinically diagnosed with a neurological condition shall certify every 2 years, in conjunction with the certification under subsection (c)(10)(C), that the individual is under the care of a State-licensed medical specialist for that neurological condition.

(f) IDENTIFICATION OF ADDITIONAL MEDICAL CONDITIONS FOR THE CACI PROGRAM.—

(1) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Administrator shall review and identify additional medical conditions that could be added to the program known as the Conditions AMEs Can Issue (CACI) program.

(2) CONSULTATIONS.—In carrying out paragraph (1), the Administrator shall consult with aviation, medical, and union stakeholders.

(3) REPORT REQUIRED.—Not later than 180 days after the date of enactment of this Act, the Administrator shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report listing the medical conditions that have been added to the CACI program under paragraph (1).

(g) EXPEDITED AUTHORIZATION FOR SPECIAL ISSUANCE OF A MEDICAL CERTIFICATE.—

(1) IN GENERAL.—The Administrator shall implement procedures to expedite the process for obtaining an Authorization for Special Issuance of a Medical Certificate under section 67.401 of title 14, Code of Federal Regulations.

(2) CONSULTATIONS.—In carrying out paragraph (1), the Administrator shall consult with aviation, medical, and union stakeholders.

(3) REPORT REQUIRED.—Not later than 1 year after the date of enactment of this Act, the Administrator shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report describing how the procedures implemented under paragraph (1) will streamline the process for obtaining an Authorization for Special Issuance of a Medical Certificate and reduce the amount of time needed to review and decide special issuance cases.

(h) REPORT REQUIRED.—Not later than 5 years after the date of enactment of this Act, the Administrator, in coordination with the National Transportation Safety Board, shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report that describes the effect of the regulations issued or revised under subsection (a) and includes statistics with respect to changes in small aircraft activity and safety incidents.

(i) PROHIBITION ON ENFORCEMENT ACTIONS.—Beginning on the date that is 1 year after the date of enactment of this Act, the Administrator may not take an enforcement action for not holding a valid third-class medical certificate against a pilot of a covered aircraft for a flight, through a good faith effort, if the pilot and the flight meet the applicable requirements under subsection (a), except paragraph (5), unless the Administrator has published final regulations in the Federal Register under that subsection.

(j) COVERED AIRCRAFT DEFINED.—In this section, the term ''covered aircraft'' means an aircraft that—

(1) is authorized under Federal law to carry not more than 6 occupants; and

(2) has a maximum certificated takeoff weight of not more than 6,000 pounds.

(k) OPERATIONS COVERED.—The provisions and requirements covered in this section do not apply to pilots who elect to operate under the medical requirements under subsection (b) or subsection (c) of section 61.23 of title 14, Code of Federal Regulations.

SEC. 3. EXPANSION OF PILOT'S BILL OF RIGHTS.

(a) APPEALS OF SUSPENDED AND REVOKED AIRMAN CERTIFICATES.—Section 2(d)(1) of the Pilot's Bill of Rights (Public Law 112–153; 126 Stat. 1159; 49 U.S.C. 44703 note) is amended by striking ''or imposing a punitive civil action or an emergency order of revocation under subsections (d) and (e) of section 44709 of such title'' and inserting ''suspending or revoking an airman certificate under section 44709(d) of such title, or imposing an emergency order of revocation under subsections (d) and (e) of section 44709 of such title''.

(b) DE NOVO REVIEW BY DISTRICT COURT; BURDEN OF PROOF .—Section 2(e) of the Pilot's Bill of Rights (Public Law 112–153; 126 Stat. 1159; 49 U.S.C. 44703 note) is amended—

(1) by amending paragraph (1) to read as follows:

''(1) IN GENERAL.—In an appeal filed under subsection (d) in a United States district court with respect to a denial, suspension, or revocation of an airman certificate by the Administrator—

''(A) the district court shall review the denial, suspension, or revocation de novo, including by—

''(i) conducting a full independent review of the complete administrative record of the denial, suspension, or revocation;

''(ii) permitting additional discovery and the taking of additional evidence; and

''(iii) making the findings of fact and conclusions of law required by Rule 52 of the Federal Rules of Civil Procedure without being bound to any findings of fact of the Administrator or the National Transportation Safety Board.'';

(2) by redesignating paragraph (2) as paragraph (3); and

(3) by inserting after paragraph (1) the following:

''(2) BURDEN OF PROOF.—In an appeal filed under subsection (d) in a United States district court after an exhaustion of administrative remedies, the burden of proof shall be as follows:

''(A) In an appeal of the denial of an application for the issuance or renewal of an airman certificate under section 44703 of title 49, United States Code, the burden of proof shall be upon the applicant denied an airman certificate by the Administrator.

''(B) In an appeal of an order issued by the Administrator under section 44709 of title 49, United States Code, the burden of proof shall be upon the Administrator.''; and

(4) by adding at the end the following:

''(4) APPLICABILITY OF ADMINISTRATIVE PROCEDURE ACT.—Notwithstanding paragraph (1)(A) of this subsection or subsection (a)(1) of section 554 of title 5, United States Code, section 554 of such title shall apply to adjudications of the Administrator and the National Transportation Safety Board to the same extent as that section applied to such adjudications before the date of enactment of the Pilot's Bill of Rights 2.''.

(c) NOTIFICATION OF INVESTIGATION.—Subsection (b) of section 2 of the Pilot's Bill of Rights (Public Law 112–153; 126 Stat. 1159; 49 U.S.C. 44703 note) is amended—

(1) in paragraph (2)(A), by inserting ''and the specific activity on which the investigation is based'' after ''nature of the investigation''; and

(2) in paragraph (3), by striking ''timely''; and

(3) in paragraph (5), by striking ''section 44709(c)(2)'' and inserting ''section 44709(e)(2)''.

(d) RELEASE OF INVESTIGATIVE REPORTS.—Section 2 of the Pilot's Bill of Rights (Public Law 112–153; 126 Stat. 1159; 49 U.S.C. 44703 note) is further amended by inserting after subsection (e) the following:

''(f) RELEASE OF INVESTIGATIVE REPORTS.—

''(1) IN GENERAL.—

''(A) EMERGENCY ORDERS.—In any proceeding conducted under part 821 of title 49, Code of Federal Regulations, relating to the amendment, modification, suspension, or revocation of an airman certificate, in which the Administrator issues an emergency order under subsections (d) and (e) of section 44709, section 44710, or section 46105(c) of title 49, United States Code, or another order that takes effect immediately, the Administrator shall provide to the individual holding the airman certificate the releasable portion of the investigative report at the time the Administrator issues the order. If the complete Report of Investigation is not available at the time the Emergency Order is issued, the Administrator shall issue all portions of the report that are available at the time and shall provide the full report within 5 days of its completion.

''(B) OTHER ORDERS.—In any non-emergency proceeding conducted under part 821 of title 49, Code of Federal Regulations, relating to the amendment, modification, suspension, or revocation of an airman certificate, in which the Administrator notifies the certificate holder of a proposed certificate action under subsections (b) and (c) of section 44709 or section 44710 of title 49, United States Code, the Administrator shall, upon the written request of the covered certificate holder and at any time after that notification, provide to the covered certificate holder the releasable portion of the investigative report.

''(2) MOTION FOR DISMISSAL.—If the Administrator does not provide the releasable portions of the investigative report to the individual holding the airman certificate subject to the proceeding referred to in paragraph (1) by the time required by that paragraph, the individual may move to dismiss the complaint of the Administrator or for other relief and, unless the Administrator establishes good cause for the failure to provide the investigative report or for a lack of timeliness, the administrative law judge shall order such relief as the judge considers appropriate.

''(3) RELEASABLE PORTION OF INVESTIGATIVE REPORT.—For purposes of paragraph (1), the releasable portion of an investigative report is all information in the report, except for the following:

''(A) Information that is privileged.

''(B) Information that constitutes work product or reflects internal deliberative process.

''(C) Information that would disclose the identity of a confidential source.

''(D) Information the disclosure of which is prohibited by any other provision of law.

''(E) Information that is not relevant to the subject matter of the proceeding.

''(F) Information the Administrator can demonstrate is withheld for good cause.

''(G) Sensitive security information, as defined in section 15.5 of title 49, Code of Federal Regulations (or any corresponding similar ruling or regulation).

''(4) RULE OF CONSTRUCTION.—Nothing in this subsection shall be construed to prevent the Administrator from releasing to an individual subject to an investigation described in subsection (b)(1)—

''(A) information in addition to the information included in the releasable portion of the investigative report; or

''(B) a copy of the investigative report before the Administrator issues a complaint.''.

SEC. 4. LIMITATIONS ON REEXAMINATION OF CERTIFICATE HOLDERS.

(a) IN GENERAL.—Section 44709(a) of title 49, United States Code, is amended—

(1) by striking ''The Administrator'' and inserting the following:

''(1) IN GENERAL.—The Administrator'';

(2) by striking ''reexamine'' and inserting '', except as provided in paragraph (2), reexamine''; and

(3) by adding at the end the following:

''(2) LIMITATION ON THE REEXAMINATION OF AIRMAN CERTIFICATES.—

''(A) IN GENERAL.—The Administrator may not reexamine an airman holding a student, sport, recreational, or private pilot certificate issued under section 44703 of this title if the reexamination is ordered as a result of an event involving the fault of the Federal Aviation Administration or its designee, unless the Administrator has reasonable grounds—

''(i) to establish that the airman may not be qualified to exercise the privileges of a particular certificate or rating, based upon an act or omission committed by the airman while exercising those privileges, after the certificate or rating was issued by the Federal Aviation Administration or its designee; or

''(ii) to demonstrate that the airman obtained the certificate or the rating through fraudulent means or through an examination that was substantially and demonstrably inadequate to establish the airman's qualifications.

''(B) NOTIFICATION REQUIREMENTS.—Before taking any action to reexamine an airman under subparagraph (A), the Administrator shall provide to the airman—

''(i) a reasonable basis, described in detail, for requesting the reexamination; and

''(ii) any information gathered by the Federal Aviation Administration, that the Administrator determines is appropriate to provide, such as the scope and nature of the requested reexamination, that formed the basis for that justification.''.

(b) AMENDMENT, MODIFICATION, SUSPENSION, OR REVOCATION OF AIRMAN CERTIFICATES AFTER REEXAMINATION.—Section 44709(b) of title 49, United States Code, is amended—

(1) in paragraph (1), by redesignating subparagraphs (A) and (B) as clauses (i) and (ii), respectively, and indenting appropriately;

(2) by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B), respectively, and indenting appropriately;

(3) in the matter preceding subparagraph (A), as redesignated, by striking ''The Administrator'' and inserting the following:

''(1) IN GENERAL.—Except as provided in paragraph (2), the Administrator''; and

(4) by adding at the end the following:

''(2) AMENDMENTS, MODIFICATIONS, SUSPENSIONS, AND REVOCATIONS OF AIRMAN CERTIFICATES AFTER REEXAMINATION.—

''(A) IN GENERAL.—The Administrator may not issue an order to amend, modify, suspend, or revoke an airman certificate held by a student, sport, recreational, or private pilot and issued under section 44703 of this title after a reexamination of the airman holding the certificate unless the Administrator determines that the airman—

''(i) lacks the technical skills and competency, or care, judgment, and responsibility, necessary to hold and safely exercise the privileges of the certificate; or

''(ii) materially contributed to the issuance of the certificate by fraudulent means.

''(B) STANDARD OF REVIEW.—Any order of the Administrator under this paragraph shall be subject to the standard of review provided for under section 2 of the Pilot's Bill of Rights (49 U.S.C. 44703 note).''.

(c) CONFORMING AMENDMENTS.—Section 44709(d)(1) of title 49, United States Code, is amended—

(1) in subparagraph (A), by striking ''subsection (b)(1)(A)'' and inserting ''subsection (b)(1)(A)(i)''; and

(2) in subparagraph (B), by striking ''subsection (b)(1)(B)'' and inserting ''subsection (b)(1)(A)(ii)''.

SEC. 5. EXPEDITING UPDATES TO NOTAM PROGRAM.

(a) IN GENERAL.—

(1) Beginning on the date that is 180 days after the date of enactment of this Act, the Administrator of the Federal Aviation Administration may not take any enforcement action against any individual for a violation of a NOTAM (as defined in section 3 of the Pilot's Bill of Rights (49 U.S.C. 44701 note)) until the Administrator certifies to the appropriate congressional committees that the Administrator has complied with the requirements of section 3 of the Pilot's Bill of Rights, as amended by this section.

(2) In this subsection, the term ''appropriate congressional committees'' means—

(A) the Committee on Commerce, Science, and Transportation of the Senate; and

(B) the Committee on Transportation and Infrastructure of the House of Representatives.

(b) AMENDMENTS.—Section 3 of the Pilot's Bill of Rights (Public Law 112–153; 126 Stat. 1162; 49 U.S.C. 44701 note) is amended—

(1) in subsection (a)(2)—

(A) in the matter preceding subparagraph (A)—

(i) by striking ''this Act'' and inserting ''the Pilot's Bill of Rights 2''; and

(ii) by striking ''begin'' and inserting ''complete the implementation of'';

(B) by amending subparagraph (B) to read as follows:

''(B) to continue developing and modernizing the NOTAM repository, in a public central location, to maintain and archive all NOTAMs, including the original content and form of the notices, the original date of publication, and any amendments to such notices with the date of each amendment, in a manner that is Internet-accessible, machine-readable, and searchable;'';

(C) in subparagraph (C), by striking the period at the end and inserting a semicolon; and

(D) by adding at the end the following:

''(D) to specify the times during which temporary flight restrictions are in effect and the duration of a designation of special use airspace in a specific area.''; and

(2) by amending subsection (d) to read as follows:

''(d) DESIGNATION OF REPOSITORY AS SOLE SOURCE FOR NOTAMS.—

''(1) IN GENERAL.—The Administrator—

''(A) shall consider the repository for NOTAMs under subsection (a)(2)(B) to be the sole location for airmen to check for NOTAMs; and

''(B) may not consider a NOTAM to be announced or published until the NOTAM is included in the repository for NOTAMs under subsection (a)(2)(B).

''(2) PROHIBITION ON TAKING ACTION FOR VIOLATIONS OF NOTAMS NOT IN REPOSITORY.—

''(A) IN GENERAL.—Except as provided in subparagraph (B), beginning on the date that the repository under subsection (a)(2)(B) is final and published, the Administrator may not take any enforcement action against an airman for a violation of a NOTAM during a flight if—

''(i) that NOTAM is not available through the repository before the commencement of the flight; and

''(ii) that NOTAM is not reasonably accessible and identifiable to the airman.

''(B) EXCEPTION FOR NATIONAL SECURITY.—Subparagraph (A) shall not apply in the case of an enforcement action for a violation of a NOTAM that directly relates to national security.''.

SEC. 6. ACCESSIBILITY OF CERTAIN FLIGHT DATA.

(a) IN GENERAL.—Subchapter I of chapter 471 of title 49, United States Code, is amended by inserting after section 47124 the following:

''§ 47124a. Accessibility of certain flight data

''(a) DEFINITIONS.—In this section:

''(1) ADMINISTRATION.—The term 'Administration' means the Federal Aviation Administration.

''(2) ADMINISTRATOR.—The term 'Administrator' means the Administrator of the Federal Aviation Administration.

''(3) APPLICABLE INDIVIDUAL.—The term 'applicable individual' means an individual who is the subject of an investigation initiated by the Administrator related to a covered flight record.

''(4) CONTRACT TOWER.—The term 'contract tower' means an air traffic control tower providing air traffic control services pursuant to a contract with the Administration under the contract air traffic control tower program under section 47124(b)(3).

''(5) COVERED FLIGHT RECORD.—The term 'covered flight record' means any air traffic data (as defined in section 2(b)(4)(B) of the Pilot's Bill of Rights (49 U.S.C. 44703 note)), created, maintained, or controlled by any program of the Administration, including any program of the Administration carried out by employees or contractors of the Administration, such as contract towers, flight service stations, and controller training programs.

''(b) PROVISION OF COVERED FLIGHT RECORD TO ADMINISTRATION.—

''(1) REQUESTS.—Whenever the Administration receives a written request for a covered flight record from an applicable individual and the covered flight record is not in the possession of the Administration, the Administrator shall request the covered flight record from the contract tower or other contractor of the Administration in possession of the covered flight record.

''(2) PROVISION OF RECORDS.—Any covered flight record created, maintained, or controlled by a contract tower or another contractor of the Administration that maintains covered flight records shall be provided to the Administration if the Administration requests the record pursuant to paragraph (1).

''(3) NOTICE OF PROPOSED CERTIFICATE ACTION.—If the Administrator has issued, or subsequently issues, a Notice of Proposed Certificate Action relying on evidence contained in the covered flight record and the individual who is the subject of an investigation has requested the record, the Administrator shall promptly produce the record and extend the time the individual has to respond to the Notice of Proposed Certificate Action until the covered flight record is provided.

''(c) IMPLEMENTATION.—

''(1) IN GENERAL.—Not later than 180 days after the date of enactment of the Pilot's Bill of Rights 2, the Administrator shall promulgate regulations or guidance to ensure compliance with this section.

''(2) COMPLIANCE BY CONTRACTORS.—

''(A) Compliance with this section by a contract tower or other contractor of the Administration that maintains covered flight records

shall be included as a material term in any contract between the Administration and the contract tower or contractor entered into or renewed on or after the date of enactment of the Pilot's Bill of Rights 2.

''(B) Subparagraph (A) shall not apply to any contract or agreement in effect on the date of enactment of the Pilot's Bill of Rights 2 unless the contract or agreement is renegotiated, renewed, or modified after that date.''.

(b) TECHNICAL AND CONFORMING AMENDMENTS.—The table of contents for chapter 471 of title 49, United States Code, is amended by inserting after the item relating to section 47124 the following:

''47124a. Accessibility of certain flight data.''.

SEC. 7. AUTHORITY FOR LEGAL COUNSEL TO ISSUE CERTAIN NOTICES.

Not later than 180 days after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall revise section 13.11 of title 14, Code of Federal Regulations, to authorize legal counsel of the Federal Aviation Administration to close enforcement actions covered by that section with a warning notice, letter of correction, or other administrative action.

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

The PRESIDING OFFICER. Is there objection?

The Senator from Connecticut.

Mr. BLUMENTHAL. Mr. President, reserving the right to object, I want to thank the Senator from Oklahoma for his hard work and his dedication to the Pilot's Bill of Rights, which is before us now, and I know he has in his heart and mind the best interests of our aviation public.

I have sought to improve this bill. I have had strong concerns about a number of its provisions. I want to thank him and thank Senator THUNE, Senator NELSON, and Senator MANCHIN, as well as Senator FEINSTEIN and Senator REED, for the improvements they have made to the bill. But I feel, with all due respect, that problems remain.

We have an effective medical certification system now which, unfortunately, this bill undermines, in my view. This bill replaces it with an untested framework, making it easier for people with dangerous medical conditions to fly. There is really no medical certificate effective to deal with potential medical problems. I am gravely concerned that this bill may lead to an increase in the number of aviation accidents.

My hope is—since it has 69 cosponsors, and the will of the Senate now is apparently to move forward—that we can perhaps improve it in the course of the FAA reauthorization. I hope some of these issues can be addressed in that process. I hope my colleague Senator INHOFE will work with me to keep the policy proposals outlined in this bill in mind as we go forward with the FAA reauthorization bill—and that is scheduled to be sometime next year—so that further improvements can be given due consideration.

Again, I thank the Senator from Oklahoma for his hard work on this bill, and I withdraw my objection.

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

The amendment (No. 2928) was agreed to, as follows:

(Purpose: To clarify the administrative authorities and to improve the physician certification)

On page 37, line 12, after the period, insert the following: ''I certify that I am not aware of any medical condition that, as presently treated, could interfere with the individual's ability to safely operate an aircraft.''.

On page 40, line 6, insert ''and signed by the physician'' after ''followed''.

On page 48, between lines 3 and 4, insert the following:

(l) AUTHORITY TO REQUIRE ADDITIONAL INFORMATION.—

(1) IN GENERAL.—If the Administrator receives credible or urgent information, including from the National Driver Register or the Administrator's Safety Hotline, that reflects on an individual's ability to safely operate a covered aircraft under the third-class medical certificate exemption in subsection (a), the Administrator may require the individual to provide additional information or history so that the Administrator may determine whether the individual is safe to continue operating a covered aircraft.

(2) USE OF INFORMATION.—The Administrator may use credible or urgent information received under paragraph (1) to request an individual to provide additional information or to take actions under section 44709(b) of title 49, United States Code.

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

The bill (S. 571), as amended, was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 571

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as ''Pilot's Bill of Rights 2''.

SEC. 2. MEDICAL CERTIFICATION OF CERTAIN SMALL AIRCRAFT PILOTS.

(a) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall issue or revise regulations to ensure that an individual may operate as pilot in command of a covered aircraft if—

(1) the individual possesses a valid driver's license issued by a State, territory, or possession of the United States and complies with all medical requirements or restrictions associated with that license;

(2) the individual holds a medical certificate issued by the Federal Aviation Administration on the date of enactment of this Act, held such a certificate at any point during the 10-year period preceding such date of enactment, or obtains such a certificate after such date of enactment;

(3) the most recent medical certificate issued by the Federal Aviation Administration to the individual—

(A) indicates whether the certificate is first, second, or third class;

(B) may include authorization for special issuance;

(C) may be expired;

(D) cannot have been revoked or suspended; and

(E) cannot have been withdrawn;

(4) the most recent application for airman medical certification submitted to the Federal Aviation Administration by the individual cannot have been completed and denied;

(5) the individual has completed a medical education course described in subsection (c) during the 24 calendar months before acting as pilot in command of a covered aircraft and demonstrates proof of completion of the course;

(6) the individual, when serving as a pilot in command, is under the care and treatment of a physician if the individual has been diagnosed with any medical condition that may impact the ability of the individual to fly;

(7) the individual has received a comprehensive medical examination from a State-licensed physician during the previous 48 months and—

(A) prior to the examination, the individual—

(i) completed the individual's section of the checklist described in subsection (b); and

(ii) provided the completed checklist to the physician performing the examination; and

(B) the physician conducted the comprehensive medical examination in accordance with the checklist described in subsection (b), checking each item specified during the examination and addressing, as medically appropriate, every medical condition listed, and any medications the individual is taking; and

(8) the individual is operating in accordance with the following conditions:

(A) The covered aircraft is carrying not more than 5 passengers.

(B) The individual is operating the covered aircraft under visual flight rules or instrument flight rules.

(C) The flight, including each portion of that flight, is not carried out—

(i) for compensation or hire, including that no passenger or property on the flight is being carried for compensation or hire;

(ii) at an altitude that is more than 18,000 feet above mean sea level;

(iii) outside the United States, unless authorized by the country in which the flight is conducted; or

(iv) at an indicated air speed exceeding 250 knots.

(b) COMPREHENSIVE MEDICAL EXAMINATION.—

(1) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Administrator shall develop a checklist for an individual to complete and provide to the physician performing the comprehensive medical examination required in subsection (a)(7).

(2) REQUIREMENTS.—The checklist shall contain—

(A) a section, for the individual to complete that contains—

(i) boxes 3 through 13 and boxes 16 through 19 of the Federal Aviation Administration Form 8500–8 (3–99);

(ii) a signature line for the individual to affirm that—

(I) the answers provided by the individual on that checklist, including the individual's answers regarding medical history, are true and complete;

(II) the individual understands that he or she is prohibited under Federal Aviation Administration regulations from acting as pilot in command, or any other capacity as a required flight crew member, if he or she knows or has reason to know of any medical deficiency or medically disqualifying condition that would make the individual unable to operate the aircraft in a safe manner; and

(III) the individual is aware of the regulations pertaining to the prohibition on operations during medical deficiency and has no medically disqualifying conditions in accordance with applicable law;

(B) a section with instructions for the individual to provide the completed checklist to the physician performing the comprehensive medical examination required in subsection (a)(7); and

(C) a section, for the physician to complete, that instructs the physician—

(i) to perform a clinical examination of—

(I) head, face, neck, and scalp;

(II) nose, sinuses, mouth, and throat;

(III) ears, general (internal and external canals), and eardrums (perforation);

(IV) eyes (general), ophthalmoscopic, pupils (equality and reaction), and ocular motility (associated parallel movement, nystagmus);

(V) lungs and chest (not including breast examination);

(VI) heart (precordial activity, rhythm, sounds, and murmurs);

(VII) vascular system (pulse, amplitude, and character, and arms, legs, and others);

(VIII) abdomen and viscera (including hernia);

(IX) anus (not including digital examination);

(X) skin;

(XI) G–U system (not including pelvic examination);

(XII) upper and lower extremities (strength and range of motion);

(XIII) spine and other musculoskeletal;

(XIV) identifying body marks, scars, and tattoos (size and location);

(XV) lymphatics;

(XVI) neurologic (tendon reflexes, equilibrium, senses, cranial nerves, and coordination, etc.);

(XVII) psychiatric (appearance, behavior, mood, communication, and memory);

(XVIII) general systemic;

(XIX) hearing;

(XX) vision (distant, near, and intermediate vision, field of vision, color vision, and ocular alignment);

(XXI) blood pressure and pulse; and

(XXII) anything else the physician, in his or her medical judgment, considers necessary;

(ii) to exercise medical discretion to address, as medically appropriate, any medical conditions identified, and to exercise medical discretion in determining whether any medical tests are warranted as part of the comprehensive medical examination;

(iii) to discuss all drugs the individual reports taking (prescription and nonprescription) and their potential to interfere with the safe operation of an aircraft or motor vehicle;

(iv) to sign the checklist, stating: ''I certify that I discussed all items on this checklist with the individual during my examination, discussed any medications the individual is taking that could interfere with their ability to safely operate an aircraft or motor vehicle, and performed an examination that included all of the items on this checklist. I certify that I am not aware of any medical condition that, as presently treated, could interfere with the individual's ability to safely operate an aircraft.''; and

(v) to provide the date the comprehensive medical examination was completed, and the physician's full name, address, telephone number, and State medical license number.

(3) LOGBOOK.—The completed checklist shall be retained in the individual's logbook and made available on request.

(c) MEDICAL EDUCATION COURSE REQUIREMENTS.—The medical education course described in this subsection shall—

(1) be available on the Internet free of charge;

(2) be developed and periodically updated in coordination with representatives of relevant nonprofit and not-for-profit general aviation stakeholder groups;

(3) educate pilots on conducting medical self-assessments;

(4) advise pilots on identifying warning signs of potential serious medical conditions;

(5) identify risk mitigation strategies for medical conditions;

(6) increase awareness of the impacts of potentially impairing over-the-counter and prescription drug medications;

(7) encourage regular medical examinations and consultations with primary care physicians;

(8) inform pilots of the regulations pertaining to the prohibition on operations during medical deficiency and medically disqualifying conditions;

(9) provide the checklist developed by the Federal Aviation Administration in accordance with subsection (b); and

(10) upon successful completion of the course, electronically provide to the individual and transmit to the Federal Aviation Administration—

(A) a certification of completion of the medical education course, which shall be printed and retained in the individual's logbook and made available upon request, and shall contain the individual's name, address, and airman certificate number;

(B) subject to subsection (d), a release authorizing the National Driver Register through a designated State Department of Motor Vehicles to furnish to the Federal Aviation Administration information pertaining to the individual's driving record;

(C) a certification by the individual that the individual is under the care and treatment of a physician if the individual has been diagnosed with any medical condition that may impact the ability of the individual to fly, as required under (a)(6);

(D) a form that includes—

(i) the name, address, telephone number, and airman certificate number of the individual;

(ii) the name, address, telephone number, and State medical license number of the physician performing the comprehensive medical examination required in subsection (a)(7);

(iii) the date of the comprehensive medical examination required in subsection (a)(7); and

(iv) a certification by the individual that the checklist described in subsection (b) was followed and signed by the physician in the comprehensive medical examination required in subsection (a)(7); and

(E) a statement, which shall be printed, and signed by the individual certifying that the individual understands the existing prohibition on operations during medical deficiency by stating: ''I understand that I cannot act as pilot in command, or any other capacity as a required flight crew member, if I know or have reason to know of any medical condition that would make me unable to operate the aircraft in a safe manner.''.

(d) NATIONAL DRIVER REGISTER.—The authorization under subsection (c)(10)(B) shall be an authorization for a single access to the information contained in the National Driver Register.

(e) SPECIAL ISSUANCE PROCESS.—

(1) IN GENERAL.—An individual who has qualified for the third-class medical certificate exemption under subsection (a) and is seeking to serve as a pilot in command of a covered aircraft shall be required to have completed the process for obtaining an Authorization for Special Issuance of a Medical Certificate for each of the following:

(A) A mental health disorder, limited to an established medical history or clinical diagnosis of—

(i) personality disorder that is severe enough to have repeatedly manifested itself by overt acts;

(ii) psychosis, defined as a case in which an individual—

(I) has manifested delusions, hallucinations, grossly bizarre or disorganized behavior, or other commonly accepted symptoms of psychosis; or

(II) may reasonably be expected to manifest delusions, hallucinations, grossly bizarre or disorganized behavior, or other commonly accepted symptoms of psychosis;

(iii) bipolar disorder; or

(iv) substance dependence within the previous 2 years, as defined in section 67.307(a)(4) of title 14, Code of Federal Regulations.

(B) A neurological disorder, limited to an established medical history or clinical diagnosis of any of the following:

(i) Epilepsy.

(ii) Disturbance of consciousness without satisfactory medical explanation of the cause.

(iii) A transient loss of control of nervous system functions without satisfactory medical explanation of the cause.

(C) A cardiovascular condition, limited to a one-time special issuance for each diagnosis of the following:

(i) Myocardial infraction.

(ii) Coronary heart disease that has required treatment.

(iii) Cardiac valve replacement.

(iv) Heart replacement.

(2) SPECIAL RULE FOR CARDIOVASCULAR CONDITIONS.—In the case of an individual with a cardiovascular condition, the process for obtaining an Authorization for Special Issuance of a Medical Certificate shall be satisfied with the successful completion of an appropriate clinical evaluation without a mandatory wait period.

(3) SPECIAL RULE FOR MENTAL HEALTH CONDITIONS.—

(A) In the case of an individual with a clinically diagnosed mental health condition, the third-class medical certificate exemption under subsection (a) shall not apply if—

(i) in the judgment of the individual's State-licensed medical specialist, the condition—

(I) renders the individual unable to safely perform the duties or exercise the airman privileges described in subsection (a)(8); or

(II) may reasonably be expected to make the individual unable to perform the duties or exercise the privileges described in subsection (a)(8); or

(ii) the individual's driver's license is revoked by the issuing agency as a result of a clinically diagnosed mental health condition.

(B) Subject to subparagraph (A), an individual clinically diagnosed with a mental health condition shall certify every 2 years, in conjunction with the certification under subsection (c)(10)(C), that the individual is under the care of a State-licensed medical specialist for that mental health condition.

(4) SPECIAL RULE FOR NEUROLOGICAL CONDITIONS.—

(A) In the case of an individual with a clinically diagnosed neurological condition, the third-class medical certificate exemption under subsection (a) shall not apply if—

(i) in the judgment of the individual's State-licensed medical specialist, the condition—

(I) renders the individual unable to safely perform the duties or exercise the airman privileges described in subsection (a)(8); or

(II) may reasonably be expected to make the individual unable to perform the duties or exercise the privileges described in subsection (a)(8); or

(ii) the individual's driver's license is revoked by the issuing agency as a result of a clinically diagnosed neurological condition.

(B) Subject to subparagraph (A), an individual clinically diagnosed with a neurological condition shall certify every 2 years, in conjunction with the certification under subsection (c)(10)(C), that the individual is under the care of a State-licensed medical specialist for that neurological condition.

(f) IDENTIFICATION OF ADDITIONAL MEDICAL CONDITIONS FOR THE CACI PROGRAM.—

(1) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Administrator shall review and identify additional medical conditions that could be added to the program known as the Conditions AMEs Can Issue (CACI) program.

(2) CONSULTATIONS.—In carrying out paragraph (1), the Administrator shall consult with aviation, medical, and union stakeholders.

(3) REPORT REQUIRED.—Not later than 180 days after the date of enactment of this Act, the Administrator shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report listing the medical conditions that have been added to the CACI program under paragraph (1).

(g) EXPEDITED AUTHORIZATION FOR SPECIAL ISSUANCE OF A MEDICAL CERTIFICATE.—

(1) IN GENERAL.—The Administrator shall implement procedures to expedite the process for obtaining an Authorization for Special Issuance of a Medical Certificate under section 67.401 of title 14, Code of Federal Regulations.

(2) CONSULTATIONS.—In carrying out paragraph (1), the Administrator shall consult with aviation, medical, and union stakeholders.

(3) REPORT REQUIRED.—Not later than 1 year after the date of enactment of this Act, the Administrator shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report describing how the procedures implemented under paragraph (1) will streamline the process for obtaining an Authorization for Special Issuance of a Medical Certificate and reduce the amount of time needed to review and decide special issuance cases.

(h) REPORT REQUIRED.—Not later than 5 years after the date of enactment of this Act, the Administrator, in coordination with the National Transportation Safety Board, shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report that describes the effect of the regulations issued or revised under subsection (a) and includes statistics with respect to changes in small aircraft activity and safety incidents.

(i) PROHIBITION ON ENFORCEMENT ACTIONS.—Beginning on the date that is 1 year after the date of enactment of this Act, the Administrator may not take an enforcement action for not holding a valid third-class medical certificate against a pilot of a covered aircraft for a flight, through a good faith effort, if the pilot and the flight meet the applicable requirements under subsection (a), except paragraph (5), unless the Administrator has published final regulations in the Federal Register under that subsection.

(j) COVERED AIRCRAFT DEFINED.—In this section, the term ''covered aircraft'' means an aircraft that—

(1) is authorized under Federal law to carry not more than 6 occupants; and

(2) has a maximum certificated takeoff weight of not more than 6,000 pounds.

(k) OPERATIONS COVERED.—The provisions and requirements covered in this section do not apply to pilots who elect to operate under the medical requirements under subsection (b) or subsection (c) of section 61.23 of title 14, Code of Federal Regulations.

(l) AUTHORITY TO REQUIRE ADDITIONAL INFORMATION.—

(1) IN GENERAL.—If the Administrator receives credible or urgent information, including from the National Driver Register or the Administrator's Safety Hotline, that reflects on an individual's ability to safely operate a covered aircraft under the third-class medical certificate exemption in subsection (a), the Administrator may require the individual to provide additional information or history so that the Administrator may determine whether the individual is safe to continue operating a covered aircraft.

(2) USE OF INFORMATION.—The Administrator may use credible or urgent information received under paragraph (1) to request an individual to provide additional information or to take actions under section 44709(b) of title 49, United States Code.

SEC. 3. EXPANSION OF PILOT'S BILL OF RIGHTS.

(a) APPEALS OF SUSPENDED AND REVOKED AIRMAN CERTIFICATES.—Section 2(d)(1) of the Pilot's Bill of Rights (Public Law 112–153; 126 Stat. 1159; 49 U.S.C. 44703 note) is amended by striking ''or imposing a punitive civil action or an emergency order of revocation under subsections (d) and (e) of section 44709 of such title'' and inserting ''suspending or revoking an airman certificate under section 44709(d) of such title, or imposing an emergency order of revocation under subsections (d) and (e) of section 44709 of such title''.

(b) DE NOVO REVIEW BY DISTRICT COURT; BURDEN OF PROOF.—Section 2(e) of the Pilot's Bill of Rights (Public Law 112–153; 126 Stat. 1159; 49 U.S.C. 44703 note) is amended—

(1) by amending paragraph (1) to read as follows:

''(1) IN GENERAL.—In an appeal filed under subsection (d) in a United States district court with respect to a denial, suspension, or revocation of an airman certificate by the Administrator—

''(A) the district court shall review the denial, suspension, or revocation de novo, including by—

''(i) conducting a full independent review of the complete administrative record of the denial, suspension, or revocation;

''(ii) permitting additional discovery and the taking of additional evidence; and

''(iii) making the findings of fact and conclusions of law required by Rule 52 of the Federal Rules of Civil Procedure without being bound to any findings of fact of the Administrator or the National Transportation Safety Board.'';

(2) by redesignating paragraph (2) as paragraph (3); and

(3) by inserting after paragraph (1) the following:

''(2) BURDEN OF PROOF.—In an appeal filed under subsection (d) in a United States district court after an exhaustion of administrative remedies, the burden of proof shall be as follows:

''(A) In an appeal of the denial of an application for the issuance or renewal of an airman certificate under section 44703 of title 49, United States Code, the burden of proof shall be upon the applicant denied an airman certificate by the Administrator.

''(B) In an appeal of an order issued by the Administrator under section 44709 of title 49, United States Code, the burden of proof shall be upon the Administrator.''; and

(4) by adding at the end the following:

''(4) APPLICABILITY OF ADMINISTRATIVE PROCEDURE ACT.—Notwithstanding paragraph (1)(A) of this subsection or subsection (a)(1) of section 554 of title 5, United States Code, section 554 of such title shall apply to adjudications of the Administrator and the National Transportation Safety Board to the same extent as that section applied to such adjudications before the date of enactment of the Pilot's Bill of Rights 2.''.

(c) NOTIFICATION OF INVESTIGATION.—Subsection (b) of section 2 of the Pilot's Bill of Rights (Public Law 112–153; 126 Stat. 1159; 49 U.S.C. 44703 note) is amended—

(1) in paragraph (2)(A), by inserting ''and the specific activity on which the investigation is based'' after ''nature of the investigation''; and

(2) in paragraph (3), by striking ''timely''; and

(3) in paragraph (5), by striking ''section 44709(c)(2)'' and inserting ''section 44709(e)(2)''.

(d) RELEASE OF INVESTIGATIVE REPORTS.—Section 2 of the Pilot's Bill of Rights (Public Law 112–153; 126 Stat. 1159; 49 U.S.C. 44703 note) is further amended by inserting after subsection (e) the following:

''(f) RELEASE OF INVESTIGATIVE REPORTS.—

''(1) IN GENERAL.—

''(A) EMERGENCY ORDERS.—In any proceeding conducted under part 821 of title 49, Code of Federal Regulations, relating to the amendment, modification, suspension, or revocation of an airman certificate, in which the Administrator issues an emergency order under subsections (d) and (e) of section 44709, section 44710, or section 46105(c) of title 49, United States Code, or another order that takes effect immediately, the Administrator shall provide to the individual holding the airman certificate the releasable portion of the investigative report at the time the Administrator issues the order. If the complete Report of Investigation is not available at the time the Emergency Order is issued, the Administrator shall issue all portions of the report that are available at the time and shall provide the full report within 5 days of its completion.

''(B) OTHER ORDERS.—In any non-emergency proceeding conducted under part 821 of title 49, Code of Federal Regulations, relating to the amendment, modification, suspension, or revocation of an airman certificate, in which the Administrator notifies the certificate holder of a proposed certificate action under subsections (b) and (c) of section 44709 or section 44710 of title 49, United States Code, the Administrator shall, upon the written request of the covered certificate holder and at any time after that notification, provide to the covered certificate holder the releasable portion of the investigative report.

''(2) MOTION FOR DISMISSAL.—If the Administrator does not provide the releasable portions of the investigative report to the individual holding the airman certificate subject to the proceeding referred to in paragraph (1) by the time required by that paragraph, the individual may move to dismiss the complaint of the Administrator or for other relief and, unless the Administrator establishes good cause for the failure to provide the investigative report or for a lack of timeliness, the administrative law judge shall order such relief as the judge considers appropriate.

''(3) RELEASABLE PORTION OF INVESTIGATIVE REPORT.—For purposes of paragraph (1), the releasable portion of an investigative report is all information in the report, except for the following:

''(A) Information that is privileged.

''(B) Information that constitutes work product or reflects internal deliberative process.

''(C) Information that would disclose the identity of a confidential source.

''(D) Information the disclosure of which is prohibited by any other provision of law.

''(E) Information that is not relevant to the subject matter of the proceeding.

''(F) Information the Administrator can demonstrate is withheld for good cause.

''(G) Sensitive security information, as defined in section 15.5 of title 49, Code of Federal Regulations (or any corresponding similar ruling or regulation).

''(4) RULE OF CONSTRUCTION.—Nothing in this subsection shall be construed to prevent the Administrator from releasing to an individual subject to an investigation described in subsection (b)(1)—

''(A) information in addition to the information included in the releasable portion of the investigative report; or

''(B) a copy of the investigative report before the Administrator issues a complaint.''.

SEC. 4. LIMITATIONS ON REEXAMINATION OF CERTIFICATE HOLDERS.

(a) IN GENERAL.—Section 44709(a) of title 49, United States Code, is amended—

(1) by striking ''The Administrator'' and inserting the following:

''(1) IN GENERAL.—The Administrator'';

(2) by striking ''reexamine'' and inserting '', except as provided in paragraph (2), reexamine''; and

(3) by adding at the end the following:

''(2) LIMITATION ON THE REEXAMINATION OF AIRMAN CERTIFICATES.—

''(A) IN GENERAL.—The Administrator may not reexamine an airman holding a student, sport, recreational, or private pilot certificate issued under section 44703 of this title if the reexamination is ordered as a result of an event involving the fault of the Federal Aviation Administration or its designee, unless the Administrator has reasonable grounds—

''(i) to establish that the airman may not be qualified to exercise the privileges of a particular certificate or rating, based upon an act or omission committed by the airman while exercising those privileges, after the certificate or rating was issued by the Federal Aviation Administration or its designee; or

''(ii) to demonstrate that the airman obtained the certificate or the rating through fraudulent means or through an examination that was substantially and demonstrably inadequate to establish the airman's qualifications.

''(B) NOTIFICATION REQUIREMENTS.—Before taking any action to reexamine an airman under subparagraph (A), the Administrator shall provide to the airman—

''(i) a reasonable basis, described in detail, for requesting the reexamination; and

''(ii) any information gathered by the Federal Aviation Administration, that the Administrator determines is appropriate to provide, such as the scope and nature of the requested reexamination, that formed the basis for that justification.''.

(b) AMENDMENT, MODIFICATION, SUSPENSION, OR REVOCATION OF AIRMAN CERTIFICATES AFTER REEXAMINATION.—Section 44709(b) of title 49, United States Code, is amended—

(1) in paragraph (1), by redesignating subparagraphs (A) and (B) as clauses (i) and (ii), respectively, and indenting appropriately;

(2) by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B), respectively, and indenting appropriately;

(3) in the matter preceding subparagraph (A), as redesignated, by striking ''The Administrator'' and inserting the following:

''(1) IN GENERAL.—Except as provided in paragraph (2), the Administrator''; and

(4) by adding at the end the following:

''(2) AMENDMENTS, MODIFICATIONS, SUSPENSIONS, AND REVOCATIONS OF AIRMAN CERTIFICATES AFTER REEXAMINATION.—

''(A) IN GENERAL.—The Administrator may not issue an order to amend, modify, suspend, or revoke an airman certificate held by a student, sport, recreational, or private pilot and issued under section 44703 of this title after a reexamination of the airman holding the certificate unless the Administrator determines that the airman—

''(i) lacks the technical skills and competency, or care, judgment, and responsibility, necessary to hold and safely exercise the privileges of the certificate; or

''(ii) materially contributed to the issuance of the certificate by fraudulent means.

''(B) STANDARD OF REVIEW.—Any order of the Administrator under this paragraph shall be subject to the standard of review provided for under section 2 of the Pilot's Bill of Rights (49 U.S.C. 44703 note).''.

(c) CONFORMING AMENDMENTS.—Section 44709(d)(1) of title 49, United States Code, is amended—

(1) in subparagraph (A), by striking ''subsection (b)(1)(A)'' and inserting ''subsection (b)(1)(A)(i)''; and

(2) in subparagraph (B), by striking ''subsection (b)(1)(B)'' and inserting ''subsection (b)(1)(A)(ii)''.

SEC. 5. EXPEDITING UPDATES TO NOTAM PROGRAM.

(a) IN GENERAL.—

(1) Beginning on the date that is 180 days after the date of enactment of this Act, the Administrator of the Federal Aviation Administration may not take any enforcement action against any individual for a violation of a NOTAM (as defined in section 3 of the Pilot's Bill of Rights (49 U.S.C. 44701 note)) until the Administrator certifies to the appropriate congressional committees that the Administrator has complied with the requirements of section 3 of the Pilot's Bill of Rights, as amended by this section.

(2) In this subsection, the term ''appropriate congressional committees'' means—

(A) the Committee on Commerce, Science, and Transportation of the Senate; and

(B) the Committee on Transportation and Infrastructure of the House of Representatives.

(b) AMENDMENTS.—Section 3 of the Pilot's Bill of Rights (Public Law 112–153; 126 Stat. 1162; 49 U.S.C. 44701 note) is amended—

(1) in subsection (a)(2)—

(A) in the matter preceding subparagraph (A)—

(i) by striking ''this Act'' and inserting ''the Pilot's Bill of Rights 2''; and

(ii) by striking ''begin'' and inserting ''complete the implementation of'';

(B) by amending subparagraph (B) to read as follows:

''(B) to continue developing and modernizing the NOTAM repository, in a public central location, to maintain and archive all NOTAMs, including the original content and form of the notices, the original date of publication, and any amendments to such notices with the date of each amendment, in a manner that is Internet-accessible, machine-readable, and searchable;'';

(C) in subparagraph (C), by striking the period at the end and inserting a semicolon; and

(D) by adding at the end the following:

''(D) to specify the times during which temporary flight restrictions are in effect and the duration of a designation of special use airspace in a specific area.''; and

(2) by amending subsection (d) to read as follows:

''(d) DESIGNATION OF REPOSITORY AS SOLE SOURCE FOR NOTAMS.—

''(1) IN GENERAL.—The Administrator—

''(A) shall consider the repository for NOTAMs under subsection (a)(2)(B) to be the sole location for airmen to check for NOTAMs; and

''(B) may not consider a NOTAM to be announced or published until the NOTAM is included in the repository for NOTAMs under subsection (a)(2)(B).

''(2) PROHIBITION ON TAKING ACTION FOR VIOLATIONS OF NOTAMS NOT IN REPOSITORY.—

''(A) IN GENERAL.—Except as provided in subparagraph (B), beginning on the date that the repository under subsection (a)(2)(B) is final and published, the Administrator may not take any enforcement action against an airman for a violation of a NOTAM during a flight if—

''(i) that NOTAM is not available through the repository before the commencement of the flight; and

''(ii) that NOTAM is not reasonably accessible and identifiable to the airman.

''(B) EXCEPTION FOR NATIONAL SECURITY.—Subparagraph (A) shall not apply in the case of an enforcement action for a violation of a NOTAM that directly relates to national security.''.

SEC. 6. ACCESSIBILITY OF CERTAIN FLIGHT DATA.

(a) IN GENERAL.—Subchapter I of chapter 471 of title 49, United States Code, is amended by inserting after section 47124 the following:

''§ 47124a. Accessibility of certain flight data

''(a) DEFINITIONS.—In this section:

''(1) ADMINISTRATION.—The term 'Administration' means the Federal Aviation Administration.

''(2) ADMINISTRATOR.—The term 'Administrator' means the Administrator of the Federal Aviation Administration.

''(3) APPLICABLE INDIVIDUAL.—The term 'applicable individual' means an individual who is the subject of an investigation initiated by the Administrator related to a covered flight record.

''(4) CONTRACT TOWER.—The term 'contract tower' means an air traffic control tower providing air traffic control services pursuant to a contract with the Administration under the contract air traffic control tower program under section 47124(b)(3).

''(5) COVERED FLIGHT RECORD.—The term 'covered flight record' means any air traffic data (as defined in section 2(b)(4)(B) of the Pilot's Bill of Rights (49 U.S.C. 44703 note)), created, maintained, or controlled by any program of the Administration, including any program of the Administration carried out by employees or contractors of the Administration, such as contract towers, flight service stations, and controller training programs.

''(b) PROVISION OF COVERED FLIGHT RECORD TO ADMINISTRATION.—

''(1) REQUESTS.—Whenever the Administration receives a written request for a covered flight record from an applicable individual and the covered flight record is not in the possession of the Administration, the Administrator shall request the covered flight record from the contract tower or other contractor of the Administration in possession of the covered flight record.

''(2) PROVISION OF RECORDS.—Any covered flight record created, maintained, or controlled by a contract tower or another contractor of the Administration that maintains covered flight records shall be provided to the Administration if the Administration requests the record pursuant to paragraph (1).

''(3) NOTICE OF PROPOSED CERTIFICATE ACTION.—If the Administrator has issued, or subsequently issues, a Notice of Proposed Certificate Action relying on evidence contained in the covered flight record and the individual who is the subject of an investigation has requested the record, the Administrator shall promptly produce the record and extend the time the individual has to respond to the Notice of Proposed Certificate Action until the covered flight record is provided.

''(c) IMPLEMENTATION.—

''(1) IN GENERAL.—Not later than 180 days after the date of enactment of the Pilot's Bill of Rights 2, the Administrator shall promulgate regulations or guidance to ensure compliance with this section.

''(2) COMPLIANCE BY CONTRACTORS.—

''(A) Compliance with this section by a contract tower or other contractor of the Administration that maintains covered flight records shall be included as a material term in any contract between the Administration and the contract tower or contractor entered into or renewed on or after the date of enactment of the Pilot's Bill of Rights 2.

''(B) Subparagraph (A) shall not apply to any contract or agreement in effect on the date of enactment of the Pilot's Bill of Rights 2 unless the contract or agreement is renegotiated, renewed, or modified after that date.''.

(b) TECHNICAL AND CONFORMING AMENDMENTS.—The table of contents for chapter 471 of title 49, United States Code, is amended by inserting after the item relating to section 47124 the following:

''47124a. Accessibility of certain flight data.''.

SEC. 7. AUTHORITY FOR LEGAL COUNSEL TO ISSUE CERTAIN NOTICES.

Not later than 180 days after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall revise section 13.11 of title 14, Code of Federal Regulations, to authorize legal counsel of the Federal Aviation Administration to close enforcement actions covered by that section with a warning notice, letter of correction, or other administrative action.

Mr. INHOFE. Mr. President, first of all, let me thank the Senator from Connecticut, because it is complicated. This is something that—it is also very difficult to actually explain a bill to 69 people and get that many cosponsors. But it is something we have been concerned about for a long time. Ten years ago, on the light aircraft, we actually had this language—even stronger than it is now. In that period of time, there hasn't been one accident that can be related to a third-class medical. I think the time has proven itself in 10 years.

To respond, I would be very happy to work with the Senator from Connecticut on problems that may rise that I don't envision right now. I appreciate very much his cooperation and also his staying around this late at night.

Thank you so much.

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.

ADDITIONAL STATEMENTS

CONGRATULATING MEGHAN ABLES

● Mr. BOOZMAN. Mr. President, today I wish to pay tribute to an outstanding Arkansas educator, Meghan Ables, who was named the 2016 Arkansas Teacher of the Year.

In nearly 13 years of teaching, Meghan's work in the classroom has made a difference in the lives of students in the Stuttgart School District. While she has taught a variety of subjects at Stuttgart High School, she currently serves as an English and journalism teacher. She has added reading and writing opportunities at the school by reestablishing its monthly magazine, The Bird Banner, and helping launch its studio, Ricebird Television.

Meghan challenges her students to use their skills to improve their community. Her journalism class partnered with Arkansas Children's Hospital as well as the local police and fire departments to raise awareness about safe driving.

Meghan's commitment to education also inspires those who work with her to do their best to encourage further development in the classroom. She has led professional development activities for using literacy techniques in the classroom, presented for the Literacy Design Collaborative, LDC, and provided Teacher Excellence and Support System, TESS, training to her colleagues.

The Arkansas Teacher of the Year program, part of the National Teacher of the Year program, recognizes teachers around the State for their teaching excellence. This truly is a major accomplishment in Meghan's career and something for which she can be very proud. Her outstanding contributions to education, the Stuttgart School District, and her students proves she is well deserving of this recognition.

I would like to offer my congratulations to Meghan Ables for her determination, devotion, and commitment to her students and to education. I am encouraged by her efforts to inspire our next generation of leaders and her drive to help them succeed.●

TRIBUTE TO JOE SIMON, JR.

● Ms. HEITKAMP. Mr. President, today I would like to honor a North Dakotan who is among the longest serving fire department volunteers in my State, keeping his community safe from fires and other threats for more than 65 years. That is a rare distinction in public service. The name Joe Simon, Jr., of Thompson, ND, has been on the volunteer firefighters' roster since his high school days when his father was fire chief.

Joe served for 36 years as the chief of the Thompson Fire Department. During that time, it was Joe's responsibility to keep the department fully staffed, manage training and medical duties, and work on grants to help keep the department running. Though Joe has retired as chief, he is still actively involved with department, helping with monthly checks of equipment and going on fire calls.

According to his friend, George Hoselton, it was under Joe's leadership that the Thompson Fire Department got its first set of the Jaws of Life rescue system—a major purchase for a volunteer department. After a college student died in an accident along the highway near Thompson because no Jaws of Life were available, Joe led door-to-door fundraising efforts to buy the lifesaving equipment. The community, today comprised of just a thousand North Dakotans, contributed enough money that the Thompson Fire Department was able to purchase the Jaws of Life and a rescue vehicle needed to carry the Jaws of Life and other equipment, says George. And that is what Joe is best at: working hard, bringing folks together, and making his community safer.

Joe's volunteerism at the Thompson Fire Department over more than 60 years has made the department a model for other communities around the State and country. Thompson Fire Department has taught classes to share its practices with other fire departments in the region and has long led the way in improving its volunteers' skills and safety. Under Joe's leadership, the department secured one of the earliest automatic defibrillators in the State of North Dakota. Joe also helped get medical first response units up and running at other volunteer departments in the region and was instrumental in getting 911 and emergency first responder radio systems set up in Grand Forks County. Service is a way of life in Joe's family. His wife, Sue, has been an EMT with the Thompson Fire Department for 27 years, which puts her in second place in seniority.

After studying at the University of North Dakota, Joe has spent his life in Thompson helping to grow and support the community in many ways. For 36 years, he worked as the head of the Agricultural Stabilization and Conservation Service in Grand Forks. Outside of his firefighting duties, Joe has been actively involved in American Legion baseball, Thompson High School football, and almost any other sporting event in town. Every Memorial Day, Joe puts out flags in nearby cemeteries, and reads a list of the honored dead—all of the veterans buried at four cemeteries around Thompson.

Friend and fellow firefighter George says that Joe ''gets the biggest smile on his face when he helps someone. That makes his day.''

Volunteers make up 96 percent of North Dakota's firefighters. They have other jobs but continue to give back, building stronger and safer communities and supporting the very fabric of our State. North Dakotans know that each of us has to step in to help our family and neighbors during tough times, and our first responders know that better than most. It is North Dakotans like Joe who epitomize why our State is such a unique and wonderful place filled with dedicated individuals who put others before themselves.

Thank you, Joe, for your tremendous service to your community and for your tireless efforts to keep communities throughout North Dakota safe.●

TRIBUTE TO LIEUTENANT GENERAL HAROLD GREGORY ''HAL'' MOORE, JR.

• Mr. SESSIONS. Mr. President, today I wish to recognize retired LTG Harold ''Hal'' Moore of Auburn, AL, for his lifetime of service to the United States of America.

LTG ''Hal'' Moore is best known as the lieutenant colonel in command of the 1st Battalion, 7th Cavalry Regiment, at the Battle of Ia Drang, in 1965 during the Vietnam war and as the author of ''We Were Soldiers Once . . . and Young.'' This book explores the weeklong Battle of Ia Drang where Hal served as the battalion commanding officer and led his troops personally. It is a magnificent book evidencing his courage, leadership, brilliance, and that of his regiment. I read it years ago and have not forgotten it.

Encircled by enemy soldiers and with no clear landing zone that would allow them to depart, Moore managed to persevere despite overwhelming odds. Moore's belief that ''there is always one more thing you can do to increase your odds of success,'' along with the courage of his entire command, are credited with this victory. Hal used the concepts of air assault organization and employment that he and his troopers learned during their time at Ft. Benning, GA, for the first time in actual combat.

Moore then took the lessons he learned from this initial battle and helped instruct future troopers on how to better employ the tactic, saving countless lives going forward. During the Battle of Ia Drang, Moore was referred to as ''Yellow Hair'' by his troops, for his blond hair, and as a tongue-in-cheek tribute referencing GEN George Armstrong Custer, commander of the same 7th Cavalry at the Battle of the Little Bighorn just under a century before.

For his actions, Hal was awarded the Distinguished Service Cross, the second highest military decoration of the U.S. Army. After the Battle of Ia Drang, Moore was promoted to colonel and subsequently took command of the 3rd Brigade, commonly referred to as the Garry Owen Brigade.

After his service in the Vietnam war, Moore served in various assignments until his retirement from the Army, as a lieutenant general on August 1, 1977, after completing 32 years of active service. Today he remains an ''honorary colonel'' of the 1st Battalion, 7th Cavalry Regiment.

Along with the book he wrote, Hal is remembered in the 2007 book written by his volunteer driver, ''A General's Spiritual Journey,'' and in the 2013 biography by author Mike Guardia, ''Hal Moore: A Soldier Once . . . and Always.'' Moore has also been designated a Distinguished Graduate by the West Point Association of Graduates and has a 3-mile stretch of Highway 280 in Lee County, AL, named in his honor.

Lieutenant General Moore splits time between Auburn, AL, and Crested Butte, CO. He continues to involve himself in his community. I am proud to call LTG Harold ''Hal'' Moore a fellow Alabamian and to acknowledge and celebrate his long and distinguished life.•

MESSAGES FROM THE HOUSE

ENROLLED BILL SIGNED

At 2:15 p.m., a message from the House of Representatives, delivered by Mr. Novotny, one of its reading clerks, announced that the Speaker has signed the following enrolled bill:

S. 808. An act to establish the Surface Transportation Board as an independent establishment, and for other purposes.

The enrolled bill was subsequently signed by the President pro tempore (Mr. HATCH).

At 4:33 p.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that pursuant to 36 U.S.C. 2302, and the order of the House of January 6, 2015, the Speaker appoints the following Members on the part of the House of Representatives to the United States Holocaust Memorial Council: Mr. ISRAEL of New York and Mr. DEUTCH of Florida.

ENROLLED BILL PRESENTED

The Secretary of the Senate reported that on December 15, 2015, she had presented to the President of the United States the following bill:

S. 808. An act to establish the Surface Transportation Board as an independent establishment, and for other purposes.

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–3904. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Naphthalene Acetates; Pesticide Tolerances'' (FRL No. 9937–22) received in the Office of the President of the Senate on December 9, 2015; to the Committee on Agriculture, Nutrition, and Forestry.

EC–3905. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Choline Chloride; Exemption from the Requirement of a Tolerance'' (FRL No. 9936–50) received in the Office of the President of the Senate on December 9, 2015; to the Committee on Agriculture, Nutrition, and Forestry.

EC–3906. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Bacillus amyloliquefaciens MBI600 (antecedent Bacillus subtilis MBI600); Amendment to an Exemption from the Requirement of a Tolerance'' (FRL No. 9939–54) received in the Office of the President of the Senate on December 9, 2015; to the Committee on Agriculture, Nutrition, and Forestry.

EC–3907. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Azoxystrobin; Tolerance Exemption'' (FRL No. 9939–52) received in the Office of the President of the Senate on December 9, 2015; to the Committee on Agriculture, Nutrition, and Forestry.

EC–3908. A communication from the Director of the Regulatory Review Group, Farm Service Agency, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Highly Fractionated Indian Land (HFIL) Loan Program'' (RIN0560–AI32) received in the Office of the President of the Senate on December 10, 2015; to the Committee on Agriculture, Nutrition, and Forestry.

EC–3909. A communication from the Associate Administrator of the Fruit and Vegetable Programs, Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Tomatoes Grown in Florida; Decreased Assessment Rate'' (Docket No. AMS–FV–15–0058) received in the Office of the President of the Senate on December 9, 2015; to the Committee on Agriculture, Nutrition, and Forestry.

EC–3910. A communication from the Federal Register Liaison Officer , Office of the Secretary, Department of Defense, transmitting, pursuant to law, the report of a rule entitled ''Transition Assistance Program (TAP) for Military Personnel'' (RIN0790–AJ17) received in the Office of the President of the Senate on December 10, 2015; to the Committee on Armed Services.

EC–3911. A communication from the Associate General Counsel for Legislation and Regulations, Office of Community Planning and Development , Department of Housing and Urban Development, transmitting, pursuant to law, the report of a rule entitled ''Homeless Emergency Assistance and Rapid Transition to Housing: Defining 'Chronically Homeless' '' (RIN2506–AC37) received in the Office of the President of the Senate on December 10, 2015; to the Committee on Banking, Housing, and Urban Affairs.

EC–3912. A communication from the Chief Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Final Flood Elevation Determinations'' ((44 CFR Part 67) (Docket No. FEMA–2015–0001)) received in the Office of the President of the Senate on December 10, 2015; to the Committee on Banking, Housing, and Urban Affairs.

EC–3913. A communication from the Chief Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Suspension of Community Eligibility'' ((44 CFR Part 64) (Docket No. FEMA–2015–0001)) received in the Office of the President of the Senate on December 10, 2015; to the Committee on Banking, Housing, and Urban Affairs.

EC–3914. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Name Change from the Office of Solid Waste and Emergency Response (OSWER) to the Office of Land and Emergency Management (OLEM)'' (FRL No. 9936–38–OSWER) received in the Office of the President of the Senate on December 9, 2015; to the Committee on Environment and Public Works.

EC–3915. 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; Washington: Interstate

Transport of Ozone'' (FRL No. 9940–05–Region 10) received in the Office of the President of the Senate on December 9, 2015; to the Committee on Environment and Public Works.

EC–3916. 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; Texas; El Paso Particulate Matter Contingency Measures'' (FRL No. 9940–03–Region 6) received in the Office of the President of the Senate on December 9, 2015; to the Committee on Environment and Public Works.

EC–3917. 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 Air Quality Implementation Plans; Maryland; Maryland's Negative Declaration for the Automobile and Light-Duty Truck Assembly Coatings Control Techniques Guidelines'' (FRL No. 9939–99–Region 3) received in the Office of the President of the Senate on December 9, 2015; to the Committee on Environment and Public Works.

EC–3918. A communication from the Chief Financial Officer, National Labor Relations Board, transmitting, pursuant to law, a report entitled ''Performance and Accountability Report for Fiscal Year 2015''; to the Committee on Homeland Security and Governmental Affairs.

EC–3919. A communication from the Secretary of Veterans Affairs, transmitting proposed legislation relative to major medical facility construction projects and major medical facility leases for fiscal year 2016; to the Committee on Veterans' Affairs.

EC–3920. A communication from the Director of Congressional Affairs, Nuclear Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled ''Ultimate Heat Sink for Nuclear Power Plants'' (Regulatory Guide 1.27) received during adjournment of the Senate in the Office of the President of the Senate on December 11, 2015; to the Committee on Environment and Public Works.

EC–3921. 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 15–117); to the Committee on Foreign Relations.

EC–3922. A communication from the Director of Regulations Policy and Management Staff, Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled ''Listing of Color Additives Exempt from Certification; Mica-Based Pearlescent Pigments; Confirmation of Effective Date'' (Docket No. FDA–2015–C–1154) received in the Office of the President of the Senate on December 14, 2015; to the Committee on Health, Education, Labor, and Pensions.

EC–3923. A communication from the Acting Director, Office of Personnel Management, transmitting, pursuant to law, the Semiannual Report of the Inspector General and the Management Response for the period from April 1, 2015 through September 30, 2015; to the Committee on Homeland Security and Governmental Affairs.

EC–3924. A communication from the Secretary of the Treasury, transmitting, pursuant to law, the Semi-Annual Report of the Inspector General for the period from April 1, 2015 through September 30, 2015 and the Semi-Annual Report of the Treasury Inspector General for Tax Administration (TIGTA); to the Committee on Homeland Security and Governmental Affairs.

EC–3925. A communication from the Administrator, Environmental Protection Agency, transmitting, pursuant to law, the Department's Semiannual Report from the Office of the Inspector General for the period from April 1, 2015 through September 30, 2015; to the Committee on Homeland Security and Governmental Affairs.

EC–3926. A communication from the Acting Director, Office of Personnel Management, the President's Pay Agent, transmitting, pursuant to law, a report relative to the extension of locality based comparability payments; to the Committee on Homeland Security and Governmental Affairs.

EC–3927. A communication from the Acting Director, Office of Personnel Management, transmitting, pursuant to law, a report entitled ''National Security Professional Development Interagency Personnel Rotations 2nd Fiscal Year End Report on Performance Measures''; to the Committee on Homeland Security and Governmental Affairs.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. JOHNSON, from the Committee on Homeland Security and Governmental Affairs, with an amendment in the nature of a substitute:

H.R. 998. A bill to establish the conditions under which the Secretary of Homeland Security may establish preclearance facilities, conduct preclearance operations, and provide customs services outside the United States, and for other purposes (Rept. No. 114–180).

By Mr. GRASSLEY, from the Committee on the Judiciary, with an amendment in the nature of a substitute:

S. 1169. A bill to reauthorize and improve the Juvenile Justice and Delinquency Prevention Act of 1974, and for other purposes (Rept. No. 114–181).

S. 1318. A bill to amend title 18, United States Code, to provide for protection of maritime navigation and prevention of nuclear terrorism, 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.

*Gabriel Camarillo, of Texas, to be an Assistant Secretary of the Air Force.

*John E. Sparks, of Virginia, to be a Judge of the United States Court of Appeals for the Armed Forces for the term of fifteen years to expire on the date prescribed by law.

*Marcel John Lettre, II, of Maryland, to be Under Secretary of Defense for Intelligence.

*Navy nomination of Vice Adm. Kurt W. Tidd, to be Admiral.

*Nomination was reported with recommendation that it be confirmed subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

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

By Ms. KLOBUCHAR (for herself and Ms. MURKOWSKI):

S. 2401. A bill to amend the Omnibus Crime Control and Safe Streets Act of 1968 to enhance the COPS ON THE BEAT grant program, and for other purposes; to the Committee on the Judiciary.

By Mr. MCCAIN (for himself, Ms. AYOTTE, Mr. BLUNT, and Mr. KIRK):

S. 2402. A bill to require the Secretary of Homeland Security to search all public records to determine if an alien is inadmissible to the United States; to the Committee on the Judiciary.

By Mr. BLUNT (for himself, Mrs. GILLIBRAND, Mr. BURR, Ms. HIRONO, Mr. COCHRAN, Ms. MIKULSKI, and Mr. BLUMENTHAL):

S. 2403. A bill to amend title 10, United States Code, to provide a period for the relocation of spouses and dependents of certain members of the Armed Forces undergoing a permanent change of station in order to ease and facilitate the relocation of military families, and for other purposes; to the Committee on Armed Services.

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

S. 2404. A bill to require the Federal Trade Commission to prescribe regulations regarding the collection and use of personal information obtained by tracking the online activity of an individual, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. SCHUMER:

S. 2405. A bill to require the disclosure of information concerning the manufacture of methamphetamine upon transfer or lease of covered housing; to the Committee on Banking, Housing, and Urban Affairs.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

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

By Mr. SCHUMER:

S. Res. 335. A resolution supporting the goals and ideals of National Aviation Maintenance Technician Day, honoring the invaluable contributions of Charles Edward Taylor, regarded as the father of aviation maintenance, and recognizing the essential role of aviation maintenance technicians in ensuring the safety and security of civil and military aircraft; to the Committee on Commerce, Science, and Transportation.

By Mr. WYDEN (for himself and Mr. MERKLEY):

S. Res. 336. A resolution honoring the Portland Timbers as the champions of Major League Soccer in 2015; considered and agreed to.

ADDITIONAL COSPONSORS

S. 122

At the request of Mr. MCCAIN, the name of the Senator from New Hampshire (Mrs. SHAHEEN) was added as a cosponsor of S. 122, a bill to amend the Federal Food, Drug, and Cosmetic Act to allow for the personal importation of safe and affordable drugs from approved pharmacies in Canada.

S. 233

At the request of Mr. LEE, the name of the Senator from Wisconsin (Mr. JOHNSON) was added as a cosponsor of S. 233, a bill to amend the Fair Labor Standards Act of 1938 to provide compensatory time for employees in the private sector.

S. 298

At the request of Mr. GRASSLEY, the name of the Senator from Washington

(Ms. CANTWELL) was added as a cosponsor of S. 298, a bill to amend titles XIX and XXI of the Social Security Act to provide States with the option of providing services to children with medically complex conditions under the Medicaid program and Children's Health Insurance Program through a care coordination program focused on improving health outcomes for children with medically complex conditions and lowering costs, and for other purposes.

S. 441

At the request of Mr. PERDUE, his name was added as a cosponsor of S. 441, a bill to amend the Federal Food, Drug, and Cosmetic Act to clarify the Food and Drug Administration's jurisdiction over certain tobacco products, and to protect jobs and small businesses involved in the sale, manufacturing and distribution of traditional and premium cigars.

S. 551

At the request of Mrs. FEINSTEIN, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of S. 551, a bill to increase public safety by permitting the Attorney General to deny the transfer of firearms or the issuance of firearms and explosives licenses to known or suspected dangerous terrorists.

S. 740

At the request of Mr. HATCH, the name of the Senator from Minnesota (Ms. KLOBUCHAR) was added as a cosponsor of S. 740, a bill to improve the coordination and use of geospatial data.

S. 849

At the request of Mr. ISAKSON, the name of the Senator from Minnesota (Ms. KLOBUCHAR) was added as a cosponsor of S. 849, a bill to amend the Public Health Service Act to provide for systematic data collection and analysis and epidemiological research regarding Multiple Sclerosis (MS), Parkinson's disease, and other neurological diseases.

S. 928

At the request of Mrs. GILLIBRAND, the name of the Senator from Arkansas (Mr. BOOZMAN) was added as a cosponsor of S. 928, a bill to reauthorize the World Trade Center Health Program and the September 11th Victim Compensation Fund of 2001, and for other purposes.

S. 968

At the request of Mrs. GILLIBRAND, the names of the Senator from New Jersey (Mr. MENENDEZ) and the Senator from Connecticut (Mr. MURPHY) were added as cosponsors of S. 968, a bill to require the Commissioner of Social Security to revise the medical and evaluation criteria for determining disability in a person diagnosed with Huntington's Disease and to waive the 24-month waiting period for Medicare eligibility for individuals disabled by Huntington's Disease.

S. 1041

At the request of Mr. SANDERS, the names of the Senator from Oregon (Mr. MERKLEY) and the Senator from Massachusetts (Mr. MARKEY) were added as cosponsors of S. 1041, a bill to eliminate certain subsidies for fossil-fuel production.

S. 1152

At the request of Mr. WHITEHOUSE, the name of the Senator from Oregon (Mr. MERKLEY) was added as a cosponsor of S. 1152, a bill to make permanent the extended period of protections for members of uniformed services relating to mortgages, mortgage foreclosure, and eviction, and for other purposes.

S. 1239

At the request of Mr. DONNELLY, the name of the Senator from Wisconsin (Ms. BALDWIN) was added as a cosponsor of S. 1239, a bill to amend the Clean Air Act with respect to the ethanol waiver for the Reid vapor pressure limitations under that Act.

S. 1375

At the request of Mr. DURBIN, the name of the Senator from Michigan (Mr. PETERS) was added as a cosponsor of S. 1375, a bill to designate as wilderness certain Federal portions of the red rock canyons of the Colorado Plateau and the Great Basin Deserts in the State of Utah for the benefit of present and future generations of people in the United States.

S. 1562

At the request of Mr. WYDEN, the name of the Senator from Pennsylvania (Mr. CASEY) was added as a cosponsor of S. 1562, a bill to amend the Internal Revenue Code of 1986 to reform taxation of alcoholic beverages.

S. 1697

At the request of Ms. HEITKAMP, the name of the Senator from Montana (Mr. TESTER) was added as a cosponsor of S. 1697, a bill to provide an exception from certain group health plan requirements to allow small businesses to use pre-tax dollars to assist employees in the purchase of policies in the individual health insurance market, and for other purposes.

S. 1715

At the request of Mr. HOEVEN, the name of the Senator from Delaware (Mr. CARPER) was added as a cosponsor of S. 1715, a bill to require the Secretary of the Treasury to mint coins in commemoration of the 400th anniversary of the arrival of the Pilgrims.

S. 1830

At the request of Mr. BARRASSO, the name of the Senator from New Hampshire (Mrs. SHAHEEN) was added as a cosponsor of S. 1830, a bill to amend title XVIII of the Social Security Act to provide for the coverage of marriage and family therapist services and mental health counselor services under part B of the Medicare program, and for other purposes.

S. 1831

At the request of Mr. TOOMEY, the name of the Senator from New Mexico (Mr. HEINRICH) was added as a cosponsor of S. 1831, a bill to revise section 48 of title 18, United States Code, and for other purposes.

S. 1874

At the request of Mr. HATCH, the name of the Senator from Oklahoma (Mr. INHOFE) was added as a cosponsor of S. 1874, a bill to provide protections for workers with respect to their right to select or refrain from selecting representation by a labor organization.

S. 1915

At the request of Ms. AYOTTE, the name of the Senator from Colorado (Mr. GARDNER) was added as a cosponsor of S. 1915, a bill to direct the Secretary of Homeland Security to make anthrax vaccines and antimicrobials available to emergency response providers, and for other purposes.

S. 1982

At the request of Mr. CARDIN, the name of the Senator from Alaska (Mr. SULLIVAN) was added as a cosponsor of S. 1982, a bill to authorize a Wall of Remembrance as part of the Korean War Veterans Memorial and to allow certain private contributions to fund the Wall of Remembrance.

S. 2044

At the request of Mr. THUNE, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of S. 2044, a bill to prohibit the use of certain clauses in form contracts that restrict the ability of a consumer to communicate regarding the goods or services offered in interstate commerce that were the subject of the contract, and for other purposes.

S. 2109

At the request of Mr. JOHNSON, the name of the Senator from New Hampshire (Ms. AYOTTE) was added as a cosponsor of S. 2109, a bill to direct the Administrator of the Federal Emergency Management Agency to develop an integrated plan to reduce administrative costs under the Robert T. Stafford Disaster Relief and Emergency Assistance Act, and for other purposes.

S. 2148

At the request of Mr. WYDEN, the name of the Senator from New Mexico (Mr. HEINRICH) was added as a cosponsor of S. 2148, a bill to amend title XVIII of the Social Security Act to prevent an increase in the Medicare part B premium and deductible in 2016.

S. 2159

At the request of Mr. PERDUE, his name was added as a cosponsor of S. 2159, a bill to amend title XIX of the Social Security Act to allow for greater State flexibility with respect to excluding providers who are involved in abortions.

S. 2226

At the request of Ms. AYOTTE, the names of the Senator from New York (Mrs. GILLIBRAND) and the Senator from Nevada (Mr. HELLER) were added as cosponsors of S. 2226, a bill to amend the Public Health Service Act to reauthorize the residential treatment programs for pregnant and postpartum women and to establish a pilot program to provide grants to State substance abuse agencies to promote innovative service delivery models for such women.

S. 2312

At the request of Mr. THUNE, the names of the Senator from Iowa (Mrs. ERNST), the Senator from Iowa (Mr. GRASSLEY) and the Senator from Kansas (Mr. MORAN) were added as cosponsors of S. 2312, a bill to amend titles XVIII and XIX of the Social Security Act to make improvements to payments for durable medical equipment under the Medicare and Medicaid programs.

S. 2321

At the request of Mr. MERKLEY, the name of the Senator from Pennsylvania (Mr. CASEY) was added as a cosponsor of S. 2321, a bill to amend the Fair Labor Standards Act of 1938 regarding reasonable break time for nursing mothers.

S. 2325

At the request of Ms. BALDWIN, the name of the Senator from Alaska (Mr. SULLIVAN) was added as a cosponsor of S. 2325, a bill to require the Secretary of Commerce, acting through the Administrator of the National Oceanic and Atmospheric Administration, to establish a constituent-driven program to provide a digital information platform capable of efficiently integrating coastal data with decision-support tools, training, and best practices and to support collection of priority coastal geospatial data to inform and improve local, State, regional, and Federal capacities to manage the coastal region, and for other purposes.

S. 2361

At the request of Mr. NELSON, the name of the Senator from Minnesota (Ms. KLOBUCHAR) was added as a cosponsor of S. 2361, a bill to enhance airport security, and for other purposes.

S. 2377

At the request of Mr. REID, the name of the Senator from Minnesota (Ms. KLOBUCHAR) was added as a cosponsor of S. 2377, a bill to defeat the Islamic State of Iraq and Syria (ISIS) and protect and secure the United States, and for other purposes.

S. RES. 148

At the request of Mr. KIRK, the name of the Senator from Hawaii (Mr. SCHATZ) was added as a cosponsor of S. Res. 148, a resolution condemning the Government of Iran's state-sponsored persecution of its Baha'i minority and its continued violation of the International Covenants on Human Rights.

S. RES. 326

At the request of Mr. JOHNSON, the name of the Senator from North Carolina (Mr. BURR) was added as a cosponsor of S. Res. 326, a resolution celebrating the 135th anniversary of diplomatic relations between the United States and Romania.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 335—SUPPORTING THE GOALS AND IDEALS OF NATIONAL AVIATION MAINTENANCE TECHNICIAN DAY, HONORING THE INVALUABLE CONTRIBUTIONS OF CHARLES EDWARD TAYLOR, REGARDED AS THE FATHER OF AVIATION MAINTENANCE, AND RECOGNIZING THE ESSENTIAL ROLE OF AVIATION MAINTENANCE TECHNICIANS IN ENSURING THE SAFETY AND SECURITY OF CIVIL AND MILITARY AIRCRAFT

Mr. SCHUMER submitted the following resolution; which was referred to the Committee on Commerce, Science, and Transportation:

S. RES. 335

Whereas the safety of the flying public is ensured and the integrity of aircraft airworthiness is personally guaranteed by individuals who comprise the professional aviation maintenance technician workforce;

Whereas professional aviation maintenance technicians are key members of the Armed Forces of the United States and help protect the United States through a strong Armed Forces aviation infrastructure;

Whereas the duties of aviation maintenance technicians are critical to the homeland security of the United States and an integral component of the aerospace industry of the United States;

Whereas professional aviation maintenance technicians provide the strong infrastructure through which public confidence in the airborne transportation safety and military aviation strength of the United States is ensured;

Whereas, in 1901, Charles Edward Taylor began working as a machinist for Orville and Wilbur Wright at the Wright Cycle Company in Dayton, Ohio;

Whereas using only a metal lathe, drill press, and hand tools, Charles Edward Taylor built, in 6 weeks, the 12-horsepower engine that was used to power the first flying machine of the Wright brothers;

Whereas the ingenuity of Charles Edward Taylor earned him a place in aviation history when the Wright brothers successfully flew their airplane in controlled flight on December 17, 1903;

Whereas Charles Edward Taylor had a successful career in aviation maintenance for more than 60 years;

Whereas Charles Edward Taylor was honored by the Federal Aviation Administration with the establishment of the Charles Edward Taylor Master Mechanic Award, which recognizes individuals with not less than 50 years of aviation maintenance experience;

Whereas Charles Edward Taylor has become a hero to aircraft maintenance technicians worldwide; and

Whereas 45 States, together with the commonwealths, territories, republics, and federations of the United States, have already declared May 24 to be Aviation Maintenance Technician Day within their jurisdictions: Now, therefore, be it

Resolved, That the Senate—

(1) supports National Aviation Maintenance Technician Day to honor the professional men and women who ensure the safety and security of the airborne aviation infrastructure of the United States; and

(2) recognizes the life and memory of Charles Edward Taylor, the aviation maintenance technician who built and maintained the engine that was used to power the first controlled flying machine of the Wright brothers on December 17, 1903.

SENATE RESOLUTION 336—HONORING THE PORTLAND TIMBERS AS THE CHAMPIONS OF MAJOR LEAGUE SOCCER IN 2015

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

S. RES. 336

Whereas on December 6, 2015, the Portland Timbers won the Major League Soccer Cup, the championship match of Major League Soccer;

Whereas by defeating the Columbus Crew by a score of 2 to 1, the Portland Timbers won their first Major League Soccer championship and the 20th edition of the Major League Soccer Cup;

Whereas Portland Timbers players Diego Valeri and Rodney Wallace scored goals in the Major League Soccer Cup;

Whereas Portland Timbers midfielder Diego Valeri was designated by Major League Soccer as the Most Valuable Player of the Major League Soccer Cup;

Whereas the victory of the Portland Timbers in the Major League Soccer Cup was the first Major League Soccer championship win for Portland Timbers head coach, Caleb Porter, and Portland Timbers owner, Merritt Paulson;

Whereas by doing charity work, the Portland Timbers organization inspires the people of Portland, Oregon, both on the soccer field and in the community;

Whereas the Timbers Army and the fans of the Portland Timbers, who inspire and exemplify Rose City pride by filling Providence Park with songs, scarves, flags, and confetti, and contributing to the community with charity work, are the best fans in Major League Soccer; and

Whereas the success of the Portland Timbers soccer team will—

(1) broaden an appreciation of athletics in young people; and

(2) encourage Oregonians to volunteer in their communities: Now, therefore, be it

Resolved, That the Senate—

(1) honors the Portland Timbers as the champions of Major League Soccer in 2015;

(2) recognizes the outstanding achievement of the Portland Timbers team, ownership, and staff; and

(3) requests that the Secretary of the Senate prepare an enrolled copy of this resolution for—

(A) Portland Timbers owner Merritt Paulson;

(B) Portland Timbers head coach Caleb Porter; and

(C) Portland Timbers general manager Gavin Wilkinson.

AMENDMENTS SUBMITTED AND PROPOSED

SA 2928. Mr. INHOFE (for Mrs. FEINSTEIN (for herself and Mr. REED)) proposed an amendment to the bill S. 571, to amend the Pilot's Bill of Rights to facilitate appeals and to apply to other certificates issued by the Federal Aviation Administration, to require the revision of the third class medical certification regulations issued by the Federal Aviation Administration, and for other purposes.

TEXT OF AMENDMENTS

SA 2928. Mr. INHOFE (for Mrs. FEINSTEIN (for herself and Mr. REED)) proposed an amendment to the bill S. 571, to amend the Pilot's Bill of Rights to facilitate appeals and to apply to other certificates issued by the Federal Aviation Administration, to require the revision of the third class medical certification regulations issued by the Federal Aviation Administration, and for other purposes; as follows:

On page 37, line 12, after the period, insert the following: ''I certify that I am not aware of any medical condition that, as presently treated, could interfere with the individual's ability to safely operate an aircraft.''.

On page 40, line 6, insert ''and signed by the physician'' after ''followed''.

On page 48, between lines 3 and 4, insert the following:

(l) AUTHORITY TO REQUIRE ADDITIONAL INFORMATION.—

(1) IN GENERAL.—If the Administrator receives credible or urgent information, including from the National Driver Register or the Administrator's Safety Hotline, that reflects on an individual's ability to safely operate a covered aircraft under the third-class medical certificate exemption in subsection (a), the Administrator may require the individual to provide additional information or history so that the Administrator may determine whether the individual is safe to continue operating a covered aircraft.

(2) USE OF INFORMATION.—The Administrator may use credible or urgent information received under paragraph (1) to request an individual to provide additional information or to take actions under section 44709(b) of title 49, United States Code.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. ENZI. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on December 15, 2015, at 9:30 a.m.

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

COMMITTEE ON FOREIGN RELATIONS

Mr. ENZI. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on December 15, 2015, at 2:15 p.m., to conduct a hearing entitled ''Afghanistan Intelligence Assessment.''

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

COMMITTEE ON VETERANS' AFFAIRS

Mr. ENZI. Mr. President, I ask unanimous consent that the Committee on Veterans' Affairs be authorized to meet during the session of the Senate on December 15, 2015, at 2:30 p.m., in room SR–418, of the Russell Senate Office Building.

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

SELECT COMMITTEE ON INTELLIGENCE

Mr. ENZI. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on December 15, 2015, at 10 a.m.

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

PRIVILEGES OF THE FLOOR

Mr. ENZI. Mr. President, I ask unanimous consent that LCDR Robert Donnell, a Coast Guard fellow with the Senate commerce committee, be granted floor privileges for the remainder of the 114th Congress.

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

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Senate proceed to executive session to consider the following nominations en bloc: Calendar Nos. 378, 380, and 427 through 430.

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

Thereupon, the Senate proceeded to consider the nominations en bloc.

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Senate vote en bloc without intervening action or debate on the nominations in the order listed; that following disposition of the nominations, the motion to reconsider be considered made and laid upon the table with no intervening action or debate; that no further motions be in order to any of the nominations; that any statements related to the nominations be printed in the RECORD; that the President be immediately notified of the Senate's action and the Senate then resume legislative session.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The question is, Will the Senate advise and consent to the nominations of Anthony Rosario Coscia, of New Jersey, to be a Director of the Amtrak Board of Directors for a term of five years; Derek Tai-Ching Kan, of California, to be a Director of the Amtrak Board of Directors for a term of five years; Dana J. Boente, of Virginia, to be United States Attorney for the Eastern District of Virginia for the term of four years; Robert Lloyd Capers, of New York, to be United States Attorney for the Eastern District of New York for the term of four years; John P. Fishwick, Jr., of Virginia, to be United States Attorney for the Western District of Virginia for the term of four years; and Emily Gray Rice, of New Hampshire, to be United States Attorney for the District of New Hampshire for the term of four years?

The nominations were confirmed en bloc.

LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will now resume legislative session.

UNANIMOUS CONSENT AGREEMENT—EXECUTIVE CALENDAR

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Senate proceed to executive session to consider individually the following nominations at a time to be determined by the majority leader in consultation with the Democratic leader: Calendar Nos. 305, 306, 360, and 361; that there be 30 minutes for debate for each nomination equally divided in the usual form; that upon the use or yielding back of time on the respective nomination, the Senate proceed to vote without intervening action or debate on the nomination. Further, as in executive session, I ask unanimous consent that all judicial nominations received by the Senate during the 114th Congress, first session, remain in status quo, notwithstanding the provisions of rule XXXI, paragraph 6, of the Standing Rules of the Senate.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. MCCONNELL. For the information of our colleagues, it is my intention to schedule each of these nominations for floor consideration and a vote prior to the Presidents Day recess in February.

HONORING THE PORTLAND TIMBERS AS THE CHAMPIONS OF MAJOR LEAGUE SOCCER IN 2015

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 336, submitted earlier today.

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

The bill clerk read as follows:

A resolution (S. Res. 336) honoring the Portland Timbers as the champions of Major League Soccer in 2015.

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

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motions to reconsider be considered made and laid upon the table with no intervening action or debate.

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

The resolution (S. Res. 336) 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, DECEMBER 16, 2015

Mr. MCCONNELL. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 11 a.m., Wednesday, December 16; 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 be in a period of morning business until 6 p.m., with Senators permitted to speak therein for up to 10 minutes each.

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

ADJOURNMENT UNTIL 11 A.M. TOMORROW

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

There being no objection, the Senate, at 7:06 p.m., adjourned until Wednesday, December 16, 2015, at 11 a.m.

CONFIRMATIONS

Executive nominations confirmed by the Senate December 15, 2015:

AMTRAK BOARD OF DIRECTORS

ANTHONY ROSARIO COSCIA, OF NEW JERSEY, TO BE A DIRECTOR OF THE AMTRAK BOARD OF DIRECTORS FOR A TERM OF FIVE YEARS.

DEREK TAI-CHING KAN, OF CALIFORNIA, TO BE A DIRECTOR OF THE AMTRAK BOARD OF DIRECTORS FOR A TERM OF FIVE YEARS.

DEPARTMENT OF JUSTICE

DANA J. BOENTE, OF VIRGINIA, TO BE UNITED STATES ATTORNEY FOR THE EASTERN DISTRICT OF VIRGINIA FOR THE TERM OF FOUR YEARS.

ROBERT LLOYD CAPERS, OF NEW YORK, TO BE UNITED STATES ATTORNEY FOR THE EASTERN DISTRICT OF NEW YORK FOR THE TERM OF FOUR YEARS.

JOHN P. FISHWICK, JR., OF VIRGINIA, TO BE UNITED STATES ATTORNEY FOR THE WESTERN DISTRICT OF VIRGINIA FOR THE TERM OF FOUR YEARS.

EMILY GRAY RICE, OF NEW HAMPSHIRE, TO BE UNITED STATES ATTORNEY FOR THE DISTRICT OF NEW HAMPSHIRE FOR THE TERM OF FOUR YEARS.