



United States  
of America

# Congressional Record

PROCEEDINGS AND DEBATES OF THE 114<sup>th</sup> CONGRESS, SECOND SESSION

Vol. 162

WASHINGTON, TUESDAY, JUNE 14, 2016

No. 94

## Senate

The Senate met at 10:02 a.m. and was called to order by the Honorable JONI ERNST, a Senator from the State of Iowa.

### PRAYER

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

Let us pray.

O God of mountains, stars, and boundless spaces, to You we lift our hearts with gratitude for Your mercy and grace. You are the source of our hope and strength, for we receive guidance from Your faithfulness.

Protect our Senators with shields of honor and integrity as they put their hope in You. May they patiently wait for the unfolding of Your loving providence, remembering that our times are in Your hands. Lord, give them the wisdom to bless every good deed by whomsoever it may be done, rising above strife and division to a unity that heals. May they seek You with such intensity that they will experience the joy of Your continuous presence.

We pray in Your Holy Name. Amen.

### PLEDGE OF ALLEGIANCE

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

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

### APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

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

The senior assistant legislative clerk read the following letter:

U.S. SENATE,  
PRESIDENT PRO TEMPORE,  
Washington, DC, June 14, 2016.

To the Senate:

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

ORRIN G. HATCH,  
*President pro tempore.*

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

### RECOGNITION OF THE MAJORITY LEADER

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

### MASS SHOOTING IN ORLANDO, NATIONAL DEFENSE AUTHORIZATION AND COMMERCE-JUSTICE-SCIENCE APPROPRIATIONS BILLS

Mr. MCCONNELL. Madam President, the terrorist attack in Orlando continues to horrify our country. The FBI and our intelligence community will determine whether that terrorist was in direct contact with ISIL or inspired by ISIL. Either way, this much we know already: ISIL is a disgusting group who crucifies children, enslaves women, and throws gay men to their deaths from rooftops. They are determined to continue exporting their signature brand of inhumanity to our country.

The principal way we can prevent ISIL-inspired or directed attacks is to defeat ISIL. The President has led a campaign intended to contain ISIL which has been insufficient to prevent the attacks in Paris or Brussels or inspired attacks, such as in San Bernardino.

We need to do what we can to fight back now to prevent more heartbreak like we saw this weekend. That means, for instance, better preparing this ad-

ministration and the next one, regardless of party, to deal with threats like ISIL, and we can do so by passing the National Defense Authorization Act before us. It will provide our men and women in uniform with more of the tools they need to take on these threats. It will strengthen our military posture. In short, it will enhance our ability to take on the challenges currently facing us and better prepare us for those we will face in the future, all while supporting our soldiers with better benefits, improved health care, and the pay raises they have earned.

I thank the Senators from both sides who worked diligently to move this bill forward. My gratitude extends most deeply to the chairman of the Armed Services Committee. Senator MCCAIN has been unwavering in his support for our men and women in uniform. He also understands man's capacity for inhumanity to man better than most of us, and that is why he is so dedicated to taking on these threats. He knows that passage of this bill will present a serious and necessary step toward a safer country that we all want because, look, we are a nation at war. We are a nation under attack. We need to continue taking action to protect our country.

This bill will send a strong signal to the men and women in uniform, it will send a strong signal to our allies, and it will send a strong signal to our adversaries. We need to pass it, and we need to pass it today.

We will have other opportunities this week to keep our country safe and to take on terrorism. We need to defeat, not contain, ISIL, and we need the tools necessary to take down terrorists inspired by its brutal ideology.

The appropriations bill we are about to consider offers important opportunities to continue this debate. We need to be able to better address the threat of lone wolf terrorists. We need to be able to connect the dots of terrorist communications in order to disrupt their

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



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plans. Republicans have offered ideas to take action in areas like these.

The underlying bill, which passed unanimously out of committee, will advance a lot of important priorities, such as funding for agencies—like the FBI—to fight terrorism and funding designed to help defend against cyber security threats.

Chairman SHELBY and Ranking Member MIKULSKI worked diligently to advance this bill out of committee and bring it to the floor. Members should work with these bill managers if they have ideas they think will make the bill stronger. I mentioned some of them already.

We have made important progress on appropriations bills so far this year. We can continue that progress this week and take further steps to keep our country safe from terrorism.

#### RECOGNITION OF THE MINORITY LEADER

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

#### MASS SHOOTING IN ORLANDO AND DONALD TRUMP'S RHETORIC

Mr. REID. Madam President, throughout history, in times of crisis and tragedy, the American people look to leaders for one thing: leadership. Americans don't want to hear excuses. We don't want to hear self-congratulations, nor do we want to hear scapegoating. It is a very simple concept: We want our leaders to lead.

In the aftermath of Sunday's shooting at the Pulse nightclub in Orlando, FL, a place of celebration for the LGBT community, Donald Trump proved that he is as terrible a leader as he is a businessman. Trump proved he is not the person to lead our Nation through difficult times or, in fact, anytime. Trump failed the most important of tests for a Presidential candidate: how to respond in a crisis. When our citizens are under attack, how do you respond? Donald Trump failed that test. Trump proved he is not the person to lead our Nation through a crisis. He is not Commander in Chief material—underlined and underscored.

It doesn't matter what the problem has been, Trump has failed. Trump isn't the person we want to have his finger on the nuclear button because he is clearly incapable of that responsibility. That is not just me saying it; even the junior Senator from Florida has questioned whether Trump can be trusted with such an enormous obligation. But the fact that Donald Trump can't be trusted with the nuclear codes hasn't stopped Senator RUBIO or many other Republicans from endorsing Trump for the highest office in the land. There is absolutely no question—none—that Donald Trump is not capable enough or experienced enough to have this high-level responsibility. We expect more from a Commander in Chief.

Here is how Trump responded to Sunday's massacre—classic Trump. Within hours of the shooting, Trump first congratulated himself and then began to immediately denigrate Muslim Americans. Trump then suggested that our President and one of Secretary Clinton's aides may be in league with Islamic terrorists. Let me repeat that. Donald Trump suggested that President Obama and one of Secretary Clinton's aides may be in league with Islamic terrorists. Is that outrageous? Of course it is.

It is outrageous for Donald Trump to suggest that the President of the United States, our Commander in Chief, would support terrorists and the murder of innocent Americans, but yesterday, 1 day after the mass shooting—it is the worst in modern American history—Trump, the standard bearer for the Republican Party, went even further. Trump delivered one of the most un-American speeches ever from a major party nominee—ever. Trump was hateful and vicious. He was Donald Trump. He was everything that Republicans knew him to be when they made him the party's nominee. Donald Trump used his remarks to foment hatred against millions of innocent Americans based solely on what? Their religion. He denigrated Muslim Americans—all 8 million of them. The Republican nominee suggested that all Muslim Americans were complicit in the Orlando shooting, saying that they, Muslim Americans, “know what's going on.” Trump also renewed his call for a ban on all Muslims coming into the United States. The Trump speech was, as one news outlet called it, “a dangerous mix of ignorance and arrogance.”

If you are the parent of a Muslim American, how do you explain his speech to your child? If you are not a Muslim parent, how do you explain Trump's speech to your child? You can't. How do you look your son or daughter in the eye and explain that a man running for President is telling your classmates to be suspicious of you and to doubt your loyalty based purely on your religion? You can't explain it. I can't explain it. It is not possible to explain because this level of hate is not comprehensible. It is incomprehensible that any Presidential nominee would foster and promote systemic bigotry, as Trump often does. It is reprehensible and un-American for the nominee of any major party or any party to declare millions of Americans guilty until proven innocent purely by virtue of their religion.

These are frightening times, and I understand that, and Trump's fear and paranoia are making us feel less safe. Trump is fanning the flames of violence and menace. There have already been reports of threats and obscenities being yelled at Muslims in Florida, Chicago, Seattle, and all across the country. Mosques all around the country have been threatened. Donald Trump's rhetoric has been encouraging this scary behavior.

What we have seen from Trump in the 2 days since the Orlando shooting is rank and reckless, but no one should be surprised—this is vintage Donald Trump.

Contrast Donald Trump's actions with the response from our Nation's Muslim communities. Muslim leaders all over America were some of the first to condemn this attack and rally in support of the LGBT community, and the Muslim community has taken part in the blood drive to help victims of the attack, as they always step forward.

But while Americans within the Muslim and LGBT communities are trying to unite Americans in the aftermath of Sunday's shooting, Donald Trump is doing just the opposite. He is doing what he is so good at doing—dividing. Then, in the wake of this awful massacre, Trump tried to cast himself as a friend of the LGBT community. How about that? But it didn't take minutes for a spokesman from the Human Rights Campaign, the Nation's largest gay rights group, to state that Trump is “no friend” of the community. What does this say about the Republican Party, that they are endorsing this vile man? It doesn't say much. What does it say about Republican Senators who are backing Trump for President? Not much. What does it say about the Senate Republican leadership, about the Senate Republican leader, who is supporting Trump? Not much. Every time the senior Senator from Kentucky reaffirms his commitment to support Trump he is validating Trump's behavior. He is giving credence to Donald Trump's rabid anti-everything speech—his un-American stance against Muslims, women, Latinos, Blacks, people with disabilities, immigrants, veterans, and others.

If the Senators I have mentioned accept this kind of rhetoric as part of our political dialogue, they are all guilty of normalizing hatred. Senate Republicans are doing just that. When the leader of a major party is promoting unhinged conspiracy theories and calling for hatred against his fellow Americans based solely on their religion, we are in dangerous and uncharted waters. We must make clear that Donald Trump does not speak for us. I am trying to do that. We must stand arm in arm with our Muslim allies around the world who have been victims of terrorism, who say to the radicals: not in my name, not in my name. Remember, Muslims around the world are helping us defeat the terrorists. Who has suffered so much because of this crazy brand of hatred? Who has suffered more than anyone else? Muslims. We don't know how many are dead in Iraq following the invasion—half a million? We know there are at least 300,000 in Syria—Muslims. We must stand arm in arm with our Muslim allies in the world who are victims of this terrorism.

Any Republican who cherishes the American values of religious freedom

and tolerance should immediately do the same and say: not in my name. Republican Senators should say: not in my name. Republicans must do what they haven't had the courage to do—stand up to Trump and say: No more, stop it. He is not a leader. He is unfit to be our President and unfit to stand for the values on which this great country was founded.

As for the Republican leader in the Senate, Senator MCCONNELL should be the first to condemn Trump's hateful rhetoric and reject his Presidential candidacy. Let's hope the senior Senator from Kentucky can bring himself to do just that and do it soon.

Madam President, what is the business of the day?

#### NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2017

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will resume consideration of S. 2943, which the clerk will report.

The senior assistant legislative clerk read as follows:

A bill (S. 2943) to authorize appropriations for fiscal year 2017 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

Pending:

McCain amendment No. 4607, to amend the provision on share-in-savings contracts.

Reed (for Reid) amendment No. 4603 (to amendment No. 4607), to change the enactment date.

The ACTING PRESIDENT pro tempore. Under the previous order, the time until 11 a.m. will be equally divided between the two managers or their designees.

The Senator from Rhode Island.

AMENDMENT NO. 4603 WITHDRAWN

Mr. REED. Madam President, I withdraw amendment No. 4603.

The ACTING PRESIDENT pro tempore. The amendment is withdrawn.

The Senator from Florida.

AMENDMENT NO. 4670 TO AMENDMENT NO. 4607

Mr. NELSON. Madam President, I call up amendment No. 4670.

The ACTING PRESIDENT pro tempore. The clerk will report.

The senior assistant legislative clerk read as follows:

The Senator from Florida [Mr. NELSON] proposes an amendment numbered 4670 to amendment No. 4607.

Mr. NELSON. Madam President, I ask unanimous consent that the reading of the amendment be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To improve the amendment)

On page 1, between lines 3 and 4, insert the following:

#### SEC. 829B. COMPETITIVE PROCUREMENT AND PHASE OUT OF ROCKET ENGINES FROM THE RUSSIAN FEDERATION IN THE EVOLVED EXPENDABLE LAUNCH VEHICLE PROGRAM FOR SPACE LAUNCH OF NATIONAL SECURITY SATELLITES.

(a) INEFFECTIVENESS OF SUPERSEDED REQUIREMENTS.—Sections 1036 and 1037 shall have no force or effect, and the amendments proposed to be made by section 1037 shall not be made.

(b) IN GENERAL.—Any competition for a contract for the provision of launch services for the evolved expendable launch vehicle program shall be open for award to all certified providers of evolved expendable launch vehicle-class systems.

(c) AWARD OF CONTRACTS.—In awarding a contract under subsection (b), the Secretary of Defense—

(1) subject to paragraph (2) and subsection (d), and notwithstanding any other provision of law, may, during the period beginning on the date of the enactment of this Act and ending on December 31, 2022, award the contract to a provider of launch services that intends to use any certified launch vehicle in its inventory without regard to the country of origin of the rocket engine that will be used on that launch vehicle; and

(2) may only award contracts utilizing an engine designed or manufactured in the Russian Federation for phase 1(a) and phase 2 evolved expendable launch vehicle procurements.

(d) LIMITATION.—The total number of rocket engines designed or manufactured in the Russian Federation and used on launch vehicles for the evolved expendable launch vehicle program shall not exceed 18.

Mr. NELSON. Madam President, I want to thank the leaders of our Armed Services Committee for working out what had been a difficult situation going forward with regard to assured access to space over a 6-year period starting in fiscal year 2017 and going through fiscal year 2022. We have been able to work this out, and that is the subject of the amendment I have just called up.

The ACTING PRESIDENT pro tempore. The Senator from Arizona.

Mr. MCCAIN. Madam President, does that complete the work on the amendment?

The ACTING PRESIDENT pro tempore. The amendment is the pending business.

Mr. MCCAIN. Madam President, I just want to say to the Senator from Florida that I thank him for his intermediary work and his effort to reach this compromise. He brings unique credentials to this issue, given his experience up in space. Although some have argued that he has never returned, I don't agree with that assessment. But seriously, I thank the Senator from Florida for his intermediary work, without whom this compromise would not have been achieved.

I know the Senator from Florida shares my commitment to freeing this Nation from dependency on the use of Russian rocket engines which then provide an economic boost—in some cases billions of dollars—to Vladimir Putin and his cronies. So I just want to make a special note of appreciation to the Senator from Florida.

Mr. NELSON. If the Senator will yield, I just wish to thank him for his

comments. Indeed, some folks wish that I were still in orbit, and I understand that.

I want the Senator to know that I have great affection and great respect for the chairman of our committee and for him and for the Senator from Alabama to be reasonable in finding an accommodation about this so that this country would have assured access to space. Certainly, the Senator from Illinois, as the ranking member of that Defense Appropriations Subcommittee, likewise, has also been in the mix. I am very grateful that this issue is behind us and we can move on.

I might note that there is one technical change we will have to make in the conference committee. It is technical in nature, but it is necessary to get the language right.

I thank the chairman of our committee.

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

Mr. NELSON. The Senator from Arizona has the floor.

Mr. DURBIN. If I could ask for the floor for 2 minutes, I thank the Senator from Florida for his leadership on this issue. It has been a contentious, hotly debated, and in some ways divisive issue between appropriations and authorization committees in the Senate. When Senator NELSON told me he was willing to step up and try to be that bridge over troubled waters, I welcomed his entry into that conversation.

I thank him, Senator GARDNER, Senator BENNET, Senator COCHRAN, Senator SHELBY, Senator MCCAIN, and all who have engaged in this. We have come to the right place, where we are going to be promoting competition, which is good for taxpayers, and we are also going to do it in a way that protects our national security interests.

I thank the Senator from Florida for his leadership on this issue.

Mr. MCCAIN. Madam President, the vote is scheduled for 11 o'clock this morning, and we will be voting on the Defense authorization bill. Unfortunately, we have a situation on the objections of a Senator or Senators that their amendment is not allowed because of the objections of another Senator. In other words, we now have a situation where there are Senators in the Senate for whom it is either their way or the highway, and if they are not having an amendment that is agreed to, then they will object to other Senators' amendments no matter whether those amendments have any validity or any support.

There are a number of them, but there is one that particularly bothers me, which will probably cost the lives of some brave men—mostly men but maybe some women—who assisted us as interpreters in Afghanistan. They are on the list. The Senator from South Carolina pointed out the night letters that go to the interpreters that they are going to be killed—they and their families—for cooperating with

our military and our civilians who are over there, whose work does save lives.

The Senator from South Carolina has been there many, many, many times and has worked with these interpreters. So I will let him speak on this issue. But really, by not allowing this amendment—where the vote would probably be 99 to 1 because we reached an agreement with the chairman of the Judiciary Committee and also with Senator SESSIONS—we are unable. We are unable to provide for the ability of these interpreters to come to the United States because of an unrelated amendment.

I say to my colleagues, that is not the way the Senate should operate. Each amendment should be judged on its own merits or demerits and debated and voted on. So this practice—and we are about to see it on a managers' package now from the other side because their amendment is being objected to—is that we don't move forward with legislation that literally is going to cause the loss of innocent people's lives, whose only crime is that they cooperated and assisted the United States of America and our military in carrying out their duties in Afghanistan. That to me—that to me—is a shameful chapter. It is a shameful comment on the United States of America and honoring our commitments to the brave people who helped us and literally saved American lives.

I ask my colleague from South Carolina, who actually has dealt with these people on many, many occasions, what his view is on this particular issue.

Mr. GRAHAM. I thank the Senator from Arizona.

I want to put this issue and what we are trying to do in the context of what has happened in the last couple of days and what I think is going to happen in the future.

No. 1, there is strong bipartisan support to increase the number of visas available to Afghans who have actively helped us in the war against the Taliban and Al Qaeda in Afghanistan. The reason this is so important is that it is impossible for America to defend herself without partners.

To those who suggest you can win the war against radical Islam without partners, you have no idea what you are talking about. To those who suggest we can't let people come to our country after they risk their lives protecting our soldiers and civilians in Afghanistan and who are protecting us, then you don't understand the war at all. This is radical Islam against the world, not just the Islamic faith. The world should be at war with radical Islam.

As to what happened in Florida, there is no doubt in my mind that these young people were killed by a radical Islamic sympathizer because they were gay. In a radical Islam world, gay people are sentenced to death just simply for being gay. They are thrown off the roofs of homes by ISIL inside of Syria and Iraq. So don't

make any mistake about it, the reason these people were killed is because radical Islam judges them to be unworthy of life.

Please make no mistake about it, radical Islamists would kill everybody in this Chamber because we will not bend to their will in terms of religion. Please make no mistake about it, most people in the faith are not buying what these nut jobs are selling.

I have been to Iraq and Afghanistan 37 times, and I can tell you thousands have died fighting radical Islam in Iraq, in Syria, and in Afghanistan because they don't want to live under the thumb of religious Nazis. So the thousands who have helped us as interpreters and who have gone outside the wire with us to make us a more effective fighting force, they have literally risked their lives and their families' lives, and if we don't give them an out, an exit, they are going to get killed, and it is going to be hard to have anybody help us in the future.

I have told Senator LEE, whom I have a strong disagreement with about his approach to the war—basically saying an American citizen has to be treated as a common criminal, not an enemy combatant, for collaborating with the enemy—we have our differences, but I have removed my objection to his amendment with the understanding that I get a vote on my amendment—the Heitkamp amendment—about the Ex-Im Bank, where thousands of jobs are being lost. I want to put on the record that I am ready to let Senator REED move forward if we can get a vote on Ex-Im Bank, where thousands of jobs are at stake.

But we are not voting on any of this. The managers' package is not being voted on. So this is a low point right now. There is very serious business that is being conducted in the Senate that can't move forward because individuals have decided: If I can't have everything I want, nobody is going to get anything.

The bottom line is, the managers' package should move forward. There are a lot of good things in that package. There is a sense-of-the-Senate resolution in that package, coauthored by Senator JACK REED and me, urging President Obama to keep the 9,800 American troops in Afghanistan until conditions warrant their withdrawal; that if he decides to keep the force in place, we support him; if we go to 5,500, Afghanistan is going to fall apart. That is a really big statement in a bipartisan fashion.

As to what happened in Orlando and why it is so important, I have been trying to fight a war, not a crime. For years now, I have been suggesting that the difference between a war and a crime is important. The FBI closed the file on this man because they didn't have enough evidence to charge him with a crime. My goal is to prevent terrorist attacks, not respond to them.

Here is the world I would like to construct; that if by your actions—not by

being a Muslim or being this or being that—if by the way you behave and the way you act and the way you talk and the way you engage, you should be treated differently. If you are expressing sympathy to ISIL and other radical Islamic groups, if you threaten your coworkers, telling them that your family is a member of Al Qaeda, if you are associated with a known terrorist and you attend a mosque that is trying to radicalize people, the FBI should never close the file until they are sure you are not a threat, in terms of attacking our homeland. That is the difference between fighting a war and fighting a crime. I am trying to prevent the next attack, not respond to it.

This is not a gun control issue, folks. If gun control could protect the country from attacks by radical Islamists, there would be no Paris. The French have the strongest gun laws on the planet and over 100 French citizens died at the hands of Islamists using weapons: bombs, planes, guns. It is not the instrumentality, it is the attitude. So this is not a gun control problem. We are at war and we are treating it like a crime.

On the Republican side, this is not about banning all Muslims. This man was an American citizen born in Queens. This idea of shutting America off to everybody in the Muslim faith makes it harder to win the war, not easier. We need partners in the faith to destroy radical Islam. It is through that partnership that we will make America safe. So when people call for gun control, you don't understand what is going on here. This is not a gun control issue. If it were, there would be no attacks in Europe. This is a radical Islamic effort—sometimes individually, sometimes collectively—to break our will, destroy our way of life, and we are not dealing with it sufficiently. We should have an approach to this problem as though we are at war. We should follow people who are sympathetic to the enemy, monitor their behavior to prevent what happened in Florida, gather intelligence. We should never close a file against a suspected sympathizer to ISIL because we can't prove a crime. We should keep the file open as long as they are a threat.

I appreciate all Senator MCCAIN has done to strengthen the military. To those who voted against increasing military spending by \$18 billion at a time that the military is being gutted, you made a huge mistake. If you want to deal with radical Islam, destroy it over there before it continues to come here, and to do that we need a stronger military. Our Navy and Army are going to be the size of 1940 and 1950, respectively. We are cutting the Marine Corps. We are cutting our ability to defend ourselves, and this \$18 billion amendment would restore money to help the military more effectively deal with radical Islam over there so we don't have to fight it here.

To those who look at this as a gun control issue, you are missing the

point. To those who think we should not restore spending, you are not listening to our commanders. Our commanders are begging for more money to more effectively support the force in a struggle we can't afford to lose. To those who think we should declare war on the Islamic faith itself, you have no idea how dangerous that model is. To those who want to close a file because we can't prove a crime when we know the person we are looking at has weird, strange beliefs and is actually acting on these beliefs, then you are making a huge mistake.

Until America gets our attitude adjusted, until we change our policies, until we restore our ability to defend ourselves, this is going to continue.

The President continues to marginalize this, downplaying the threats. This was directed. I don't have any idea that al-Baghdadi called this guy up and said: Go to a night club and shoot on this day, but I know al-Baghdadi has called on everybody sympathetic to his cause to attack during the holy month of Ramadan; attack in place, don't come to Syria. So that is a direction.

It was clear to me, this man had been interviewed on three separate occasions by the FBI, that he was expressing sympathy and allegiance to radical Islam, and that he was associated with a man who went from Florida to Syria, back to Florida, back to Syria, who became a suicide bomber for al-Nusra. There is no way in hell this file should have ever been closed because of political correctness. It should have stayed open until we were sure he was not a threat to us. The goal is to prevent these things, not react to them.

I want to tell you right now that the things we are not talking about in this bill and we can't vote on in this bill are making us less safe. Not allowing these Afghan interpreters—who have risked their lives to protect us by helping us over there—to come to America in larger numbers is going to make it harder to have partners. By insisting that these budget cuts stay in place and not increasing military spending at a time of desperate need is a huge mistake. To my friends on the left and the Libertarians who want to turn the war into crime, it is the biggest mistake of all.

So this is very sad that the U.S. Senate seems to not be able to adjust to the reality that exists and that we all have our petty grievances and we can't move forward as one to strengthen the military, to give our intelligence community the tools they need to protect us, and to have a game plan to win a war we can't afford to lose. In my opinion, we are not having votes that are very important, for no good reason, and this will come back to haunt us.

Last week—and I will end with this—Senator McCain and I were talking about the threats we face. I have been trying the best I can to articulate the difference between fighting a crime and fighting a war. I know what the enemy

wants. They want to destroy our way of life and everything we hold dear and dear. They want to kill anything that is different. They want everything that America refuses to give them. We are never going to give them what they want, which is the ability to be yourself, the ability to worship God the way you choose, if at all, the ability to be different, the ability to speak your mind and to elect your leaders. That is what they want. We can't afford to give it to them, and we don't have the right attitude or the policies to end a war. It will end one day. People are not buying what radical Islam is selling within the faith. But the longer it goes on, the more endangered we are, and our policies are not working. I am trying my best to change them in a responsible way, consistent with our Constitution, consistent with our values.

I find myself on the floor of the Senate 48 hours after the largest attack since 9/11 unable to move forward on things that matter.

Mr. ALEXANDER. Madam President, section 578 of this year's National Defense Authorization Act, NDAA, is an inappropriate place from which to impose mandates on nearly 20,000 public elementary and secondary schools in 1,225 public school districts across the country.

Legislative language is included in the NDAA this year that dictates disruptive policies on public schools that would create a complicated and confusing system where one school system follows established background checks under State or local law, while a neighboring county must now comply with a new unfunded Federal mandate. This language should not be included in the final version of this bill.

The U.S. Senate takes seriously the goal of ensuring the safety of the more than 50 million children in our 100,000 public schools, including federally connected children. These issues have been and should be discussed, debated, and legislated within the appropriate committees of jurisdiction. Measures related to education are within the jurisdiction of the Senate Health, Education, Labor and Pensions Committee under Rule XXV of the Standing Rules of the Senate, as well as within the jurisdiction of the House Committee on Education and the Workforce under Rule X of the Rules of the House of Representatives for the 114th Congress.

So while it may be appropriate for the Armed Services Committee to dictate background check policies for the 172 schools operated by the Department of Defense, it is not appropriate to use the authorization bill for the Department of Defense to impose mandates on nearly 20,000 public elementary and secondary schools in 1,225 public school districts across the country.

These 20,000 public schools, out of 100,000 total, are being singled out because they receive "Impact Aid" funds from the Federal Government under title VII of the Elementary and Secondary Education Act, ESEA, of 1965.

The purpose of the program is to "fulfill the Federal responsibility to assist with the provision of educational services to federally connected children in a manner that promotes control by local educational agencies with little or no Federal or State involvement."

According to the Government Accountability Office, 46 States already require background checks of some kind for all public school employees, and 42 States have established professional standards or codes of conduct for school personnel. Section 578 of the NDAA would create confusion for all those States and localities, as they are forced to navigate two sets of potentially conflicting background checks policies.

Mr. KAIN. Madam President, today I wish to speak about the fiscal year 2017 National Defense Authorization Act, NDAA. I want to thank Senator McCain and Senator Reed for all their work on this Defense bill. This year's floor process has been challenging to say the least, but with their leadership and that of their staff directors, Chris Brose and Liz King, I am confident we can find a meaningful path forward.

I supported this bill out of committee in hopes of having a vigorous debate on some of the proposals I had expressed concern over regarding Defense reform. It was my belief that the public release of this bill would invite greater scrutiny by officials in the Department of Defense to inform floor debate. In anticipation of their concern, I again submitted an amendment that I had offered in committee to initiate a commission on Defense reform to assist Congress in considering future legislation. I have been surprised at the absence of comments about many of the reform proposals. This has contributed to a sense that the concepts were welcome and being embraced by the Department. It wasn't until the administration's response was released, in the midst of the bill being on the Senate floor, that concern was finally noted.

Despite my belief that some of our proposals lack sufficient analysis and have gone too far, I do share the chairman's concern over whether the Department has the ability to adapt and remain successful in today's security environment. I am also concerned that the Department may in fact be mired in duplicative process and complicated organizational designs. Many of the witnesses in front of the Armed Services Committee testified to these facts, but several went on to recommend caution.

On November 10, 2015 in front of a hearing by this committee, Jim Thomas from the Center for Strategic and Budgetary Analysis said, "all of these ideas would require detailed analysis to fully understand their strengths and avoid outcomes that might inadvertently leave us worse off." At that same hearing, we heard from James Locher, a former staff member of the Senate Armed Services Committee during the Goldwater-Nichols reform, who stated

"pinpointing problems was the committee's sole focus for eighteen months. As part of this thorough process, the committee staff produced a 645-page staff study with detailed analyses of each problem area. . . . a hasty reform without a deep appreciation for the origins of the behaviors that currently limit Pentagon effectiveness would be a mistake." Additional comments by witnesses like the Honorable David Walker, "there needs to be a fundamental review and reassessment of the current organizational structure and personnel practices," or former Under Secretary of Defense Michele Flournoy, "it is imperative that we think through the second and third order effects of any changes proposed. . . . great care should be taken to hear the full range of views and consider the unintended consequences," should have provided the necessary direction and caution to this committee to pursue a deliberative, well-researched, and open approach.

Many of the reform provisions were drafted by the committee's very skilled professional staff. While I have the full confidence that they crafted proposals to address various challenges in the Department, it is ultimately the responsibility of the members to fully understand them. Despite the numerous hearings and countless witnesses, the only theme that emerged was that reform was needed interspersed with a few conceptual suggestions. To date, no study has proposed the legislation contained within this bill. No officials offered their views for consideration until the bill was on the Senate floor.

In the absence of a debate on the merits of an independent study, investigative work, or official Department views, I suspect many of my colleagues do not have confidence that the proposals address the Department's challenges. Should we require the chairman of the Joint Chiefs to consult with and seek the advice of others? Should the headquarters be reduced in addition to previous reductions? Is an additional 15 percent of staff adequate in a time of war or crisis? Will the new Under Secretary for Research and Engineering make the Department's acquisition process run more efficiently? Last year we removed a pay increase for general officers; this year, we reduced their number by 25 percent. The combination of these two provisions makes me wonder whether we are doing all we can to cultivate the next Eisenhower, Halsey, Abrams, or Dunford.

We made significant reforms in previous years empowering acquisition professionals to have flexibility and offer service chiefs greater ownership of their acquisition programs. We have also charged the Department with necessary authorities to "hire top talent" in an attempt to drive innovation. Many of us in the Senate have demanded a more comprehensive military strategy in countering the myriad of threats around the globe. In addition, this bill encourages numerous

outreach and coordination programs with our allies and partners. These requests are not hollow or zero-sum. People are required to assist our service chiefs with acquisition programs. People develop more comprehensive doctrines and offset strategies. Hiring and retaining top-talent means just that.

What impact will the reorganization of the Department and significant changes in personnel policies have on our operations in the midst of a two-front cold war and expanding conflict in the Middle East? Do we challenge the advice our Chairman of the Joint Chiefs is providing? How do we get "top talent" if each spring we reorganize and cut our Department of Defense workforce? How will a reduction in general and flag officers impact current and future senior officers? What are the secondary effects to changes in combatant command responsibilities? How will our allies and adversaries interpret the reduction or disappearance of general officers in overseas billets? I submit that most of my colleagues do not know the answers to these questions, but I would encourage them to consider them prior to taking similar drastic action in the future.

I share the chairman's desire to improve the organization and capability of the Department of Defense. I know he has reached a comfort level with the reform proposals contained within, that in time I may better understand their impacts. However, I am mindful of the cautions relayed by many of our witnesses. We should take our independent oversight responsibility very seriously. I remain committed to working with my colleagues in a bipartisan fashion and seek a more measured and informed approach to any legislation that has the potential to negatively impact the very Department we seek to improve. It is in this spirit that I offered my amendment on establishing a commission to study Defense reform.

The ACTING PRESIDENT pro tempore. The Senator from Arizona.

Mr. MCCAIN. Madam President, if we can get consent, and individual Senators will relinquish their objections, the Senate is ready to vote on the Shaheen amendment on special immigrant visas for Afghan interpreters, which will save lives, the Moran amendment on Guantanamo, the Gillibrand amendment on the Uniform Code of Military Justice, the Murray amendment on cryopreservation of eggs and sperm, the Corker amendment to authorize the activities of the State Department. We are ready to debate and vote on all of those.

So I hope that if there is objection, the Senators involved will relinquish their objections so we can move forward with those amendments and have final passage.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from New York.

Mrs. GILLIBRAND. Madam President, I ask unanimous consent that it be in order to offer amendment No.

4310, notwithstanding rule XXII, and the Senate vote in relation to the amendment; and that the amendment be subject to a 60-affirmative-vote threshold, with no second-degree amendments in order prior to the vote.

The ACTING PRESIDENT pro tempore. Is there objection?

Mr. MCCAIN. Madam President, with the greatest reluctance, I object on behalf of one Member on this side. I object.

The ACTING PRESIDENT pro tempore. Objection is heard.

Mr. MCCAIN. Madam President, could I also say, as I object—reserving the right to object—the Gillibrand amendment, I do not support, but the Gillibrand amendment deserves debate and a vote in this body. It is a serious issue of the utmost seriousness in the military. The Chair certainly understands that. It has to do with sexual assaults in the military, and it deserves the attention of the entire U.S. Senate—debate and vote. Unfortunately, there is objection.

The ACTING PRESIDENT pro tempore. The Senator from New York.

Mrs. GILLIBRAND. Madam President, I rise to speak about the amendment.

Under our current military justice system, when a servicemember is accused of sexual assault, the decision to prosecute isn't actually made by a trained prosecutor or a lawyer of any kind. In fact, it is made by a colonel or a brigadier general or another high-ranking military officer.

Our commanders are the best in the world when it comes to tactics and strategy, but most of them have little to no experience in legal or criminal matters. And why should they have that experience? Our commanders are not prosecutors. They are not lawyers. They are warfighters, and their job is to keep our country safe, not make legal judgments about whether to prosecute a rape.

The current military justice system has failed our sexual assault survivors for too long.

This amendment very simply takes the decision about whether to prosecute these crimes and gives it to trained, experienced, independent military prosecutors.

We have all the evidence we need that this problem has not gotten better in the last year. We have more data. We have looked at more case files. We have heard from more survivors. It is clear little has changed, despite the Department's persistent claims that things are getting better, that they are making progress.

When the Department of Defense estimates that there are 20,000 servicemembers who are sexually assaulted in a year, that is not progress. When 8 out of every 10 military sexual assault survivors don't report the crime, that is not progress. When 62 percent of survivors are being retaliated against, that is not progress. When more than half of those retaliation cases—58 percent of them—are perpetrated by someone in the chain of command, that is



not progress. When the percentage of survivors willing to report openly has declined for the past 5 years, that is not progress. When it was confirmed by the Associated Press that the Pentagon blatantly misled the Senate in order to skew our debate, that is perhaps the ultimate sign that there has been no progress.

Our military justice system is broken. It is failing our members. And no matter how many marginal reforms we make, as long as commanders with no legal experience are continuing to make important legal decisions on whether to prosecute violent sex crimes, we are not going to solve the problem. Once and for all, let's take the decision to prosecute these crimes and give it to trained, independent military prosecutors. Let's give our military servicemembers a justice system that is worthy of their service.

The ACTING PRESIDENT pro tempore. The Senator from Arizona.

Mr. MCCAIN. Madam President, we have cleared the following amendments to go by voice vote on this side. I understand there are objections on the other side to this list. I want the record to reflect what is on the table from this side. I dislike getting into this back-and-forth because it really serves no purpose, but I ask unanimous consent that the managers' package as portrayed here be printed in the RECORD.

The ACTING PRESIDENT pro tempore. Is there objection to the printing?

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

4604, Shaheen; 4141, Corker; 4070, Moran; 4444, Murray; 4090, Burr; 4123, Blumenthal, as modified; 4362, Brown; 4142, Nelson; 4216, Booker; 4392, Cantwell; 4421, Warner; 4461, Manchin; 4426, Boxer; 4596, Wyden; 4297, Donnelly; 4321, Schatz; 4416, Kaine; 4389, Udall; 4431, Schumer; 4527, Casey; 4210, Tester; 4591, Reed; 4678, Reid; 4675, Bennet; 4564, Carper; 4232, Heller; 4376, McCain; 4094, Inhofe; 4195, Rubio; 4243, Portman.

4263, Gardner; 4316, Rounds; 4449, Barrasso; 4136, Hoeven; 4265, Cochran; 4478, Hoeven; 4096, McCain; 4418, Perdue; 4424, Moran; 4500, Johnson; 4399, Daines; 4622, Flake; 4400, McCain; 4377, Hatch; 4155, Boozman; 4242, Peters; 4348, Baldwin; 4372, Nelson; 4427, Boxer; 4428, Boxer; 4443, Murray; 4453, Heinrich; 4471, Peters; 4528, McCaskill; 4577, Schatz.

4583, Warner; 4584, Tester; 4589, Heinrich; 4602, Udall; 4630, Brown; 4631, Peters; 4635, Brown; 4642, Booker; 4073, Paul; 4128, McCain; 4214, Kirk; 4419, Wicker; 4465, Johnson; 4552, Perdue; 4555, Lankford; 4587, Collins; 4601, Rubio; 4617, Portman; 4619, Inhofe; 4620, Ernst; 4638, Kirk; 4666, Murkowski.

The ACTING PRESIDENT pro tempore. The Senator from Washington.

#### MASS SHOOTING IN ORLANDO

Mrs. MURRAY. Madam President, I want to start by offering my condolences to the families and loved ones of the victims of Sunday's heinous attack in the city of Orlando and to everyone who was affected by this terrible tragedy and act of terror.

While our hearts are with the families and the communities right now, in

the coming days we should have a robust debate about how we can all come together to do everything possible to prevent tragedies like that from happening again.

Madam President, I want to turn to the bill we are considering today, the National Defense Authorization Act, which has been described as one that will modernize the military health system and give the men and women of our military better quality care, better access, and a better experience. It has been described as upholding commitments to our servicemembers. I wish I could stand here and say that I agree with that 100 percent, but there is a glaring problem in this bill. It is a problem that really cuts against the idea that our country should be there for the men and women of our military, who risk so much on our behalf, no matter what.

Go to page 1,455 of this massive bill. Buried in a funding chart, there is one line that would zero out a new program intended to help men and women in our military who suffer catastrophic injuries while fighting on our behalf. I don't know how this line got in there. I don't know who thought it was a good idea. I don't know why, but I do know what this is: It is absolutely wrong, and we ought to fix it. That is why I have come to the Senate floor repeatedly over the past week to urge my colleagues to correct this shameful change, and with the clock running down on this bill, now is the time to act.

Let me give this some context. Six months ago the Pentagon announced a pilot program to offer our servicemembers who are getting ready to deploy an opportunity at cryopreservation; in other words, freezing their eggs or sperm. It gave deploying servicemembers not just the ability to have reproductive options in the event they are grievously injured but some deserved peace of mind. It meant they don't have to worry about choosing between defending their country or a chance at having a family someday. This new program was met with widespread praise and relief. It reflected a basic level of respect for servicemembers who are willing to risk suffering catastrophic injuries on our behalf.

I was hoping this new program was a step we could build on, a move in the right direction, an important part of our larger work to help our warriors who have sustained grievous injuries achieve their dream of starting a family. That is why I was so disturbed when I learned this bill would move us in the other way.

Despite what some of my colleagues have been saying, my amendment very deliberately states that it will not divert money from any other important health programs.

I am here again today to ask unanimous consent to have a vote on my amendment that would restore this pilot program. It is hard to imagine any of my colleagues standing up to

say that men and women who are willing to make the ultimate sacrifice for their country and for all of us should be denied a shot at their dream of a family. I am hopeful we can have a vote on this, and I encourage my colleagues to support it and step away from what would be a truly shameful mistake.

Madam President, I ask unanimous consent that it be in order to offer amendment No. 4490, relating to fertility treatments, and that the Senate vote in relation to the amendment, with no second-degree amendments in order prior to the vote.

The ACTING PRESIDENT pro tempore. Is there objection?

Mr. MCCAIN. Madam President, with reluctance—and I apologize to the Senator from Washington. This is another amendment that deserves debate and a vote.

Another amendment that has not been brought up that deserves debate and a vote is the issue of women being registered for Selective Service. I want to make it very clear that I have wanted and this body wanted a vote on whether women should be registered for Selective Service, and it was not allowed—not by this individual but only one.

I ask unanimous consent that the Senator from Indiana be recognized, in addition to my time, for 3 minutes—

The ACTING PRESIDENT pro tempore. Is there objection to the pending request?

Mr. MCCAIN. And that the 3 minutes be taken out of Senator REED's time, to the Senator from Indiana.

Mrs. MURRAY. Is there objection to my request?

The ACTING PRESIDENT pro tempore. Is there objection to the pending request?

Mr. MCCAIN. I object.

The ACTING PRESIDENT pro tempore. Objection is heard.

Is there objection to the request from the Senator from Arizona?

Without objection, it is so ordered.

#### AMENDMENT NO. 4670, AS MODIFIED

Mr. MCCAIN. Madam President, I ask unanimous consent to modify the Nelson amendment No. 4670 with the changes at the desk.

The ACTING PRESIDENT pro tempore. Is there objection?

Without objection, it is so ordered.

The amendment is modified.

The amendment, as modified, is as follows:

On page 1, between lines 3 and 4, insert the following:

**SEC. 829B. COMPETITIVE PROCUREMENT AND PHASE OUT OF ROCKET ENGINES FROM THE RUSSIAN FEDERATION IN THE EVOLVED EXPENDABLE LAUNCH VEHICLE PROGRAM FOR SPACE LAUNCH OF NATIONAL SECURITY SATELLITES.**

(a) INEFFECTIVENESS OF SUPERSEDED REQUIREMENTS.—Sections 1036 and 1037 shall have no force or effect, and the amendments proposed to be made by section 1037 shall not be made.

(b) IN GENERAL.—Any competition for a contract for the provision of launch services

for the evolved expendable launch vehicle program shall be open for award to all certified providers of evolved expendable launch vehicle-class systems.

(c) AWARD OF CONTRACTS.—In awarding a contract under subsection (b), the Secretary of Defense—

(1) subject to paragraphs (2) and (3), and notwithstanding any other provision of law, may, during the period beginning on the date of the enactment of this Act and ending on December 31, 2022, award the contract to a provider of launch services that intends to use any certified launch vehicle in its inventory without regard to the country of origin of the rocket engine that will be used on that launch vehicle; and

(2) may award contracts utilizing an engine designed or manufactured in the Russian Federation for only phase 1(a) and phase 2 evolved expendable launch vehicle procurements.

(3) LIMITATION.—The total number of rocket engines designed or manufactured in the Russian Federation and used on launch vehicles for the evolved expendable launch vehicle program shall not exceed 18.

The ACTING PRESIDENT pro tempore. The Senator from Indiana.

Mr. COATS. Madam President, I will try to be very brief. I know time is constricted.

When I first came to the Senate, we had Members on both sides who had principled positions on any number of issues, but we rarely, if ever, because of our principled stand, denied the opportunity for debate and vote. The Senate is here for the purpose of debating and voting. Sometimes we win, and sometimes we lose. The consequences are recorded, and the bill goes forward—as this one would—to be combined with the House, to go to conference, and finally issue a resolution.

We are not talking about just any piece of legislation here; we are talking about the national security and national defense for our Nation. There are important issues that need to be debated and need to be voted on. Yet we are denied that opportunity. Someone on our side was denied that opportunity. The other side has every right to say: Well, if you are going to play that game, we are going to play that game. That is not how the Senate should operate.

The Senator from New York and the Senator from Washington on the Democratic side have principled amendments. I don't support the amendment from the Senator from New York, but it ought to be debated and it ought to be voted on and it ought to be worked through. That is why we are sent here. No wonder the public across the Nation is so frustrated with us—because we are in total stalemate.

Senator MCCAIN and Senator REED have made every possible effort to move this process forward. Yet here we are. As we know, under the procedures, one person has the right to stop anything from going forward if they use those procedures, and that has happened. It is very unfortunate.

In comparison to my time here earlier when we functioned as the U.S. Senate, we are in total dysfunction be-

cause people are not willing to go forward and debate and accept the fact that they win or they lose but the process goes forward.

I thank my colleague from Arizona and colleague from Rhode Island for the opportunity to speak, and I yield back.

The ACTING PRESIDENT pro tempore. The Senator from Arizona.

Mr. MCCAIN. Madam President, I ask unanimous consent to use 1 minute of debate time from the Democratic side.

The ACTING PRESIDENT pro tempore. Is there objection?

Without objection, it is so ordered.

Mr. MCCAIN. I would like to say that my friend from Indiana, who has been a Member of this body for many years and has served in a variety of functions for this Nation, is exactly right. We are now in a situation where, because someone doesn't get a vote on their amendment, everybody else's amendment is not agreed to. That is not the way the Senate was intended to function. That is not the way the Senate should function.

We just heard of two amendments that I strongly object to—both of them—but I want debate and votes on them. Unfortunately, we now have a situation, frankly, on both sides where unless people get their amendment, nobody gets their amendment.

We are now, among other things, putting the lives of the interpreters who have served this Nation and saved American lives in danger by refusing to take up the Shaheen amendment, which allows some of these people to come to the United States of America. When some of them start dying, my friends—and they will, because they get the night letters that they are going to be assassinated, they and their families—I hope they understand what is at stake here, and I certainly wouldn't want that on my conscience.

In addition to my friend LINDSEY GRAHAM's comments about Paris—and we will have plenty of time to talk about it—my favorite quote of all that epitomizes the failure of this President is from January 2014: “The analogy we use around here sometimes, and I think it is accurate, is if a JV team puts on Lakers uniforms, that doesn't make them Kobe Bryant.” My friends, that statement will live in infamy. That will go down with “peace in our time.” “If a JV team puts on Lakers uniforms, that doesn't make them Kobe Bryant.” ISIS is the same as a JV team putting on a Lakers uniform. There has been nothing that I know of more revealing of the attitude and policies of this administration, which is directly responsible, in my view, for the ultimate conclusion of what happened in Orlando.

Madam President, I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Kansas.

Mr. MORAN. Madam President, I am once again on the Senate floor in a series of conversations we have had with my colleagues about the importance of my amendment I would like pending to

this national defense authorization bill.

I am discouraged and disappointed that over the weekend no resolution on a variety of issues has been reached, and therefore there would be objection once again if I offered this amendment.

What I am attempting to do and what we have talked about so many times here on the floor and in the hallways of Congress is that Kansans generally are opposed to the closing of Guantanamo Bay as a detention facility and particularly opposed to bringing these detainees to the United States and especially opposed to bringing the detainees to Fort Leavenworth, KS. Unfortunately, this bill includes an amendment offered in committee that allows for the design and planning and construction of a facility, and my amendment is the simple removal of those provisions from this legislation.

It is clear to me that throughout the entire time of the administration of this President, this administration has been unable to provide any cohesive, comprehensive, legally justifiable closure and relocation plan. Yet this plan authorizes the planning and design.

So I rise to once again express my dissatisfaction and anger with the Senate for its inability to do its job. Whether or not my amendment would prevail at the moment is not the issue; it is whether or not there can even be a vote on what I consider to be a very important issue to Kansas and to the country.

I appreciate the efforts by the chairman of the committee, who has assured me that he supports this amendment, and through no fault of his own, we are unable to take a vote to demonstrate that support in the Senate.

Madam President, I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Arizona.

Mr. MCCAIN. Madam President, I say to the Senator from Kansas, we had an agreement to have this taken by voice vote, just as we had an agreement to take up the Shaheen amendment as well, with overwhelming support in the Senate to save the lives of these interpreters. Unfortunately, one or two individual Senators blocked any progress on that.

I want to assure the Senator from Kansas that we will do what is necessary to ensure that this amendment is enacted into law.

The ACTING PRESIDENT pro tempore. The Senator from Rhode Island.

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

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

Mr. REED. Madam President, I wish to underscore what the chairman has said. We worked very closely with Senator MORAN, Senator SHAHEEN, and many others, including Senator GILLIBRAND and Senator MURRAY, to come up with a package.

As the chairman announced previously, if this package had moved, it



would have also unlocked numerous other amendments that we had cleared on both sides. But, unfortunately, because of the objection of an individual whom the chairman has cited, we are now coming to final passage.

With that, I yield the floor.

The ACTING PRESIDENT pro tempore. Under the previous order, all postcloture time on S. 2943 has expired.

VOTE ON AMENDMENT NO. 4670, AS MODIFIED

The ACTING PRESIDENT pro tempore. The question is on agreeing to amendment No. 4670, as modified, offered by the Senator from Florida, Mr. NELSON.

Is there any further debate on the amendment?

The Senator from Rhode Island.

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

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

The legislative clerk proceeded to call the roll.

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

The PRESIDING OFFICER (Mr. FLAKE). Is there objection?

Without objection, it is so ordered.

The question is on agreeing to the Nelson amendment No. 4670, as modified.

The amendment (No. 4670), as modified, was agreed to.

VOTE ON AMENDMENT NO. 4607, AS AMENDED

The PRESIDING OFFICER. The question is on agreeing to amendment No. 4607, as amended, offered by the Senator from Arizona, Mr. MCCAIN.

Is there any further debate?

The amendment (No. 4607), as amended, was agreed to.

The bill was ordered to be engrossed for a third reading and was read the third time.

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

Mr. COATS. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from California (Mrs. BOXER) and the Senator from Vermont (Mr. SANDERS) are necessarily absent.

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

The result was announced—yeas 85, nays 13, as follows:

[Rollcall Vote No. 98 Leg.]

YEAS—85

Alexander	Brown	Cochran
Ayotte	Burr	Collins
Baldwin	Cantwell	Coons
Barrasso	Capito	Corker
Bennet	Cardin	Cornyn
Blumenthal	Carper	Cotton
Blunt	Casey	Daines
Booker	Cassidy	Donnelly
Boozman	Coats	Durbin

Enzi	Kirk
Ernst	Klobuchar
Feinstein	Lankford
Fischer	Manchin
Flake	McCain
Franken	McCaskill
Gardner	McConnell
Graham	Menendez
Grassley	Mikulski
Hatch	Moran
Heinrich	Murkowski
Heitkamp	Murphy
Heller	Murray
Hirono	Nelson
Hoeben	Perdue
Inhofe	Peters
Isakson	Portman
Johnson	Reed
Kaine	Roberts
King	Rounds

NAYS—13

Crapo	Markey	Sasse
Cruz	Merkley	Warren
Gillibrand	Paul	Wyden
Leahy	Reid	
Lee	Risch	

NOT VOTING—2

Boxer	Sanders
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The bill (S. 2943), as amended, was passed.

(The bill, as amended, will be printed in a future edition of the RECORD.)

The PRESIDING OFFICER. The Senator from Missouri.

## ORDER OF PROCEDURE

Mr. BLUNT. Mr. President, I ask unanimous consent that the Senate proceed to a period of morning business, with Senators permitted to speak for up to 10 minutes each until 12:30 p.m. today; further, that at 12:30 p.m. the Senate stand in recess subject to the call of the Chair; and that notwithstanding rule XXII, the vote on the motion to invoke cloture on the motion to proceed to H.R. 2578 occur when the Senate reconvenes from this recess.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. BLUNT. Mr. President, for the information of Senators, the cloture vote on the motion to proceed to the Commerce-Justice-Science appropriations bill will occur immediately following the official photo at 2:15 p.m. today.

## MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, the Senate will be in a period of morning business until 12:30 p.m., with Senators permitted to speak therein for up to 10 minutes each.

The Senator from Arizona.

## NATIONAL DEFENSE AUTHORIZATION BILL

Mr. MCCAIN. Mr. President, I want to thank the 85 members who voted for the bill, and I would like to criticize the 13 who voted against it.

I think this is a good bill. I want to thank Senator REED for his cooperation and the effort that has been made in our committee on a bipartisan basis.

If it were not for his cooperation and assistance and partnership—equal partnership—we would not have been able to have a bill of these significant numbers.

I want to thank the Members for their votes. But I would also like to point out that, as happy as I am about the size of the vote, we left out some very important amendments. Particularly, we left out one that has to do with interpreters who are being slaughtered as we speak because they are the No. 1 targets for the Taliban and for ISIS.

As I take pleasure in the size of the vote, I would also urge my colleagues that when we take up a bill of this significance, not every Senator can have his or her way. Not every Senator can have their amendment, particularly when it is not agreed to on the other side. So I have to say, I blame a few Senators who believe it is their way or the highway. I hope that when we move forward with other legislation, we can have amendments, debate, and vote. That is what the Senate is supposed to be about.

Finally, I again thank Senator REED and his staff for all of their cooperation and assistance. We intend to go to conference and get a bill to the President's desk.

I would point out to my colleagues that this legislation is probably the biggest reform enacted by the Senate Armed Services Committee and the Senate since Goldwater-Nichols some 30 years ago. There are fundamental reforms in the military and how they do business, and that is very badly needed.

We had a hearing a couple of weeks ago about an F-35. The first time the F-35 began production was 15 years ago. I change one of these every 18 months. Our acquisition system is broken; it needs to be fixed. There are billions and billions of dollars of cost overruns that we need to fix if we are going to have the confidence of the American people in their tax dollars being spent wisely.

Again, I thank my friend and colleague from Rhode Island.

I yield the floor.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. REED. Mr. President, let me commend and thank the chairman on his leadership. He began this process with great deliberation months ago by bringing together experts on defense organization—experts on military and strategic policy. Through a series of many hearings, we were able to craft significant legislation reforming the operations of the Department of Defense. We will now go to conference and begin to work to improve that legislation. I think improvements can be made with respect to the changes in the context of Goldwater-Nichols reorganization. But I think the chairman's leadership was absolutely essential and incredibly productive in this process.

We have had debate on a number of issues on the floor. I think we are now

at the point where we should be, not only continuing our efforts to get this bill passed but, once again, underscoring the need to eliminate sequestration, which is looming on the horizon. When we don't have the relief afforded by last year's temporary agreement, we will be dealing with numbers that will not allow our military to perform their basic mission of protecting the United States. Therefore, we have to start working on this issue of sequestration. As I suggested, it applies not only to the Department of Defense but to other agencies of the Federal Government.

Through the very careful leadership of the chairman, we were able to come up with a working and I think workable compromise with respect to Russian engines without surrendering the basic principle that the chairman had enunciated that we should not be relying on Russian engines to send our technology into space.

As the chairman also indicated, there are several issues that we could not reach consensus on and which deserve not only a vote but in many cases deserve passage.

Senator SHAHEEN has worked tirelessly. I have never seen a colleague work so intensely, so thoughtfully, so professionally, literally going from office to office asking for support for the Afghan interpreters—individuals who have already been targeted in many cases because of their help to the United States. If we don't have this legislation passed, then not only will we send a terrible message to these individuals who have served with us and sacrificed along with us, but also to succeeding generations who will not come to our aid because they are afraid of the consequences. So not only looking back at justice and equity for people who helped us but looking forward to being able to operate in not just Afghanistan but other areas of the world, I think it was necessary to not only bring up the Shaheen amendment but to pass it.

As the chairman pointed out, Senator GILLIBRAND has a very important amendment with respect to sexual assault in the military. She has done remarkable work with respect to the Uniform Code of Military Justice. She has worked very closely with many colleagues.

I must also thank Senator CLAIRE McCASKILL for her extraordinary efforts. There are many provisions in this bill that Senator GILLIBRAND has included, but there is one very important to her about the role of the commander. That issue deserves a debate. Like the chairman, I do not agree with the conclusion, but I certainly believe that she should have had a vote.

Senator MURRAY also came here with a very important amendment, cryopreservation for soldiers. As they go overseas and they do want to have a family, there is the risk in battle which could prevent that, and this is a procedure which would allow them not

only to serve their country but in the event of them being wounded, they could still have a family. Again, many people have different views on this particular amendment, but I believe a vote would have been in order.

These are three issues, but these issues cannot undercut the incredible reforms that the chairman inspired with the bill and the thoughtful debate and ultimately the conclusion—strong bipartisan support for this initiative.

I want to thank the staff because we could not have done this without them. I want to particularly thank Chris Brose and all of his colleagues on the Republican side. They did a remarkable job.

I want to individually thank my staff: Jody Bennett, Carolyn Chuhta, Jon Clark, Jonathan Epstein, Jon Green, Creighton Greene, Ozge Guzelsu, Mike Kuiken, Gary Leeling, Kirk McConnell, Maggie McNamara, Mike Noblet, John Quirk, Arun Seraphin, and my staff director, Elizabeth King.

Let me thank the floor staff too. Without Gary and Laura and others on the floor, we would not have gotten to a conclusion.

With that Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. Mr. President, I thank my friend from Rhode Island and look forward to the conference and, for the 54th straight year, completing a bill where the Congress of the United States sends to the President and the President signs into law the National Defense Authorization Act.

I don't know of a greater responsibility that we have, and, despite our differences and issues, I think that was why the vote was as overwhelming as it was today. Unfortunately, the two Senators from Idaho were uninformed on the importance of this issue.

Mr. President, I yield the floor.

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

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

#### COMMERCE-JUSTICE-SCIENCE APPROPRIATIONS BILL

Mr. PERDUE. Mr. President, I rise today to speak very briefly to highlight my opposition to the cloture motion on the appropriations bill for the Department of Commerce, Department of Justice, and the Science agencies and to discuss an issue of critical importance to my home State of Georgia and what I think is a direct abuse of what the Founders intended for Senate debate.

For over 20 years, Alabama, Florida, Georgia, and the Army Corps of Engi-

neers have been engaged in various lawsuits over water rights among those three States. Georgia has two reservoirs in question—Lake Lanier and Lake Allatoona—that are operated by the Corps, that provide drinking water for Metro Atlanta, and that provide water downstream for the Chattahoochee, Flint, Coosa, and Tallapoosa Rivers. These river basins also provide water to South Georgia and parts of Alabama and Florida.

Currently, litigation is pending in the U.S. Supreme Court, the Federal DC district court, and the U.S. District Court for the Northern District of Georgia. Negotiations are also ongoing between the State governments on this very topic, and I believe they are closer to a solution right now than we have ever been.

Clearly, this is an issue that should be left to the States to settle through negotiation and, if needed, litigation. But now another attempt is being made by some in the Senate to surreptitiously influence the courts through language included in the report that accompanies this CJS bill.

We will vote on that bill sometime this afternoon. I strongly oppose this bill. This is the business of the States and should not be resolved or influenced in this manner. Let me be clear. It is not this body's place to try and tip the scales in any way on this matter.

Furthermore, we have already had this fight. This same language was inserted last year during debate over the omnibus spending bill. Then it was removed after further examination and explanation was given to leaders in both Chambers over its purpose. Let me reiterate that. When the leaders of this body and the leader in the House saw what was really happening in this language, they both independently removed the language. It was removed then, and nothing has changed to merit having this debate again in this Senate this year.

Multiple lawsuits and negotiations between the States are ongoing. There is nothing unusual about that. Any attempt to create a role for Congress during the appropriations process on this issue would set a dangerous precedent and should alarm every Senator who cares about the rights and integrity of the States. Injecting Congress into this would give an unjust advantage to other States involved, stripping away any incentive for them to negotiate in good faith with our State of Georgia.

Furthermore, this congressional involvement would establish a dangerous precedent for any State involved in water resource negotiations. The negotiations on water rights in the West make these pale in comparison. That is not a role our Founders intended for Congress to play, and inserting the Federal Government into another issue where it doesn't belong would be emblematic of why folks back home are so fed up with the dysfunction in Washington.

For these reasons and others, as I will discuss throughout this week as

we debate this bill, I will definitely vote no on advancing to the CJS appropriations bill.

I yield back and note the whip is in the Chamber.

The PRESIDING OFFICER. The majority whip.

#### NATIONAL DEFENSE AUTHORIZATION BILL

Mr. CORNYN. Mr. President, the Senate is demonstrating its serious commitment to supporting our military, and it is a good thing. In passing the Defense authorization bill, a bipartisan piece of legislation, we authorized funding for training and for the ever-evolving threats our troops are meeting around the world. It will also give our men and women in uniform the most up-to-date equipment, including newer and more capable aircraft and vehicles.

Fortunately, the bill also authorized needed improvements at military facilities, such as construction projects in my State at Fort Hood, Joint Base San Antonio, the Red River Army Depot, and Ellington Field, and provided a much needed and well-deserved pay raise for our troops. I am glad we were able to get through this process, get this bill done, making sure our military is ready to face any potential threat around the world.

#### MASS SHOOTING IN ORLANDO

Mr. CORNYN. Mr. President, I know the country is in shock and still trying to evaluate the terrorist attack in Orlando as we continue to learn from the FBI's investigation. The attack killed almost 50 people and of course left dozens injured.

According to the latest reports, one of the victims was Frank Escalante from Weslaco, TX. My heart goes out to Frank, his family and friends, and all those others who lost loved ones early Sunday morning and to those living with the wounds they sustained in that terrible attack. With this act of violence and hatred, Orlando sadly joins a growing list of American cities and cities around the world changed forever by radical Islamic extremism.

The jihadist, like those in San Bernardino before him, declared his allegiance to the Islamic State, and like the two Boston Marathon bombers, he was previously investigated by the FBI for connections to terrorists or known terrorist groups that carried out attacks similar to the gruesome attacks in Paris last November. Like those terrorists, the terrorist in Orlando targeted hundreds of unarmed civilians, and ISIS has used the Internet to urge lone wolves to imitate these types of attacks. In other words, not only are we concerned about people in the Middle East who have pledged allegiance to ISIS coming to the United States, we are concerned about Americans who are traveling from the United States, going there and training, and then

coming back home. But the worst, and perhaps the most difficult of all to deal with, are American citizens, such as this shooter, who are radicalized in place, and of course this is the biggest challenge for the FBI. We must now come together and not only mourn and grieve those lives lost, but we need to also try and make a difference. It is time to act.

The Orlando attack was not just a random act of violence. It was a calculated act of terror. By aiming his gun at innocent civilians, this jihadist opened fire on our freedoms, our way of life, and the bedrock principles that make us a diverse and vibrant democracy. We have to take these threats seriously and do everything we can to counter the ideology that provides a threat to our security, both within and without our borders.

We also need an honest conversation about how to move forward on legislation that might have the effect of preventing attacks like this in the future. Some of those conversations are already happening, and I hope we will not stop until we make some progress. One place we can start is with a measure I introduced last year that would prevent known or suspected terrorists from purchasing firearms in the first place. It would not just block someone from buying a gun because of mere suspicion but would set up a process to actually detain—if based on evidence they are deemed to be a threat to society—and prevent them from not only purchasing a firearm but put them behind bars where they can't be a danger to other people. If potential terrorists are dangerous enough not to be allowed to own a gun, then I think they are dangerous enough to be taken off the streets. We shouldn't forget that a person who feels compelled to commit a terrorist act will not be stopped by just being unable to legally purchase a firearm. The 9/11 attackers used box cutters and airplanes. The Boston Marathon bombers used homemade explosives, and the terrorists in Paris and Brussels used illegal firearms and suicide vests.

In the case of the Orlando attacker, it does not appear he was on a watch list at the time he purchased the weapons he used to carry out this horrific attack. In fact, the FBI had twice cleared him of being an active terror threat. We need to be clear-eyed about this if we are actually serious about stopping events like this in the future.

I believe we do need to go further and do more to arm our law enforcement officers with the tools they need in order to counter terrorists and defend communities. FBI Director James Comey has outlined—with great clarity and specificity—how great a threat we face from extremists within our borders, and he made the point that the FBI has opened investigations in all of their FBI field offices around the country; that is, investigations of people being radicalized in place and doing the terrible deed that the shooter in Orlando did early Sunday morning.

If the FBI Director says this is an urgent need, we ought to act. Too often the FBI and other local law enforcement officers have to operate with one hand tied behind their back because they can't access key pieces of information like encrypted data. We saw that in an attempted terrorist attack in Garland, TX, last year, on the day of the ISIS-inspired attack just northeast of Dallas. Before the two jihadists—unfortunately traveling from Phoenix—arrived in Garland, they exchanged more than 100 different messages with terrorists overseas. Unfortunately, the FBI still doesn't have access to those communications because they are encrypted. That means law enforcement could still be missing critical information that could uncover future plots or identify more terrorists, both abroad and here at home.

The Garland case is not unique. The FBI is routinely hamstrung by outdated policies that make their job of protecting the homeland more difficult. We saw another example of that in San Bernardino, CA. We have to address this major policy gap. I hope the Senate has an opportunity to consider an amendment I filed to a bill that would update the Electronic Communications Privacy Act. It would help FBI agents get access to critical information faster to prevent terrorist attacks. The FBI Director has made it clear that this is his top legislative priority, and it is also supported by President Obama and his administration.

I believe it is our duty, now more than ever, to do something about it and make sure the FBI has critical counterterrorism tools to be able to identify potential threats before they commit horrific acts of violence like we saw in Orlando. It is clear the threats are on our doorsteps, and we should be willing to give those on the front lines of the counterterrorism fight faster access to critical information so they can identify terrorists and thwart those attacks. I am not talking about content of communications—at least initially. We know under the Fourth Amendment to the U.S. Constitution that law enforcement has to demonstrate probable cause to get access to content of online communication, but there is a whole host of information that identifies email addresses, Internet Protocol addresses, and the like, that could help the FBI connect the dots. If we are expecting the FBI to connect the dots in terrorist attacks and prevent other tragedies such as that in Orlando, then we ought to give them access to all the dots.

I hope this week, as we debate what the appropriate response is to dealing with these acts of mass terror, we look at the legislation I introduced last December that would notify the FBI in the event someone on a watch list attempts to purchase a firearm and then give the FBI a chance, if the evidence warrants it, to detain that individual and deny them access to the firearm. Moreover, I hope we will also provide

the FBI with additional tools in order to identify those radicalized Americans in place who pose a potential threat here on the homeland.

Finally, we must do more to counter the venomous ideology pedaled by ISIS by hitting them in their safe havens abroad. I am still amazed when the President refers to ISIS as the JV team. Yet ISIS seems to be the best game going for terrorists in the Middle East. Indeed, I recently traveled with members of the Homeland Security Committee in the House to Tunisia. There have been as many as 100 Tunisians who have traveled to Libya and trained with other foreign fighters and then hope to make the short jump into Europe via Italy and then potentially commit terrorist attacks there or even travel to the United States. Many of those countries are visa waiver countries—38 different countries are visa waiver countries. If you make it into Europe through a visa waiver country, you can travel to the United States without a visa. That is a potential threat to the United States.

We need to deal with ISIS seriously, which means we need a strategy to crush ISIS and prevent them from not only killing innocent civilians in the Middle East, as we saw when some 400,000 Syrians died in Syria—Syria started out as a civil war, but now it appears to be attracting terrorists from all across the region. We need to deal with the threat of ISIS as a serious national security matter and not just as a law enforcement exercise, where we act after the fact to investigate it and then perhaps prosecute people and put them behind bars. There is nothing we can do to punish a potential terrorist for taking the lives of 49 people in Orlando, especially when they kill themselves in the attack. We ought to be about preventing those attacks and not just prosecuting the culpable once the attack is over.

Earlier today we passed the national defense authorization bill and gave our military men and women in uniform the resources they need in order to combat this evil outside our borders, but what we need most of all in this fight against radical Islamic ideology is leadership from the White House, a strategy, which we are still waiting for, and a commitment to root out and destroy ISIS and its affiliates.

I get the sense that the President and his national security team feel like this is something they can contain, but this is not something they can contain. Maybe they can hope to contain the people fighting in the Middle East, but of course we know what has happened there. Maybe they can hope to catch people traveling from the Middle East to the United States, but it is not 100 percent secure. We know for sure that the preeminent threat here in the homeland is people being radicalized in place through social media and obviously being instructed to kill Americans where they live. This group is growing in strength across North Afri-

ca, as I mentioned in places like Libya, which is now a failed state because of the flawed strategy that the administration had after they took out Muammar Qadhafi. It seems as though we learned nothing from Iraq or any of our other experiences in the region.

Now is the time for coming together to face this enemy that seeks to upend our very way of life. This is not the time to downplay the evil that perpetuates this violence, and it is also not the time for show votes on things like gun control.

This individual in Orlando, who murdered 49 people and injured so many more, had a firearms license since 2011. He was a licensed security guard. He was not on a watch list at the time he committed this horrific act. So passing some legislation dealing with people on watch lists, such as the Senator from California offered last December, would have done nothing to prevent this attack.

We ought to be about finding a way to come together on a bipartisan basis to make sure this sort of travesty is not repeated over and over and over again. The only way we are going to do it is to get serious about giving the FBI the tools they need in order to fight and crush ISIS and its dangerous ideology where it resides in the Middle East. We ought to take that opportunity this week. We need to focus on the threat and how to better protect our country.

I look forward to working with my colleagues in other ways, exploring other ideas they may have to prevent tragedies like Orlando, San Bernardino, and Boston from happening in the future.

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

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

#### RECESS SUBJECT TO THE CALL OF THE CHAIR

Mr. TILLIS. Mr. President, I ask unanimous consent that the Senate stand in recess under the previous order.

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

Under the previous order, the Senate stands in recess subject to the call of the Chair.

Thereupon, the Senate, at 12:27 p.m., recessed subject to the call of the Chair and reassembled at 2:40 p.m. when called to order by the Presiding Officer (Mr. ALEXANDER).

#### CLOTURE MOTION

The PRESIDING OFFICER. Pursuant to rule XXII, the Chair lays before the

Senate the pending cloture motion, which the clerk will state.

The senior assistant legislative clerk read as follows:

#### CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the motion to proceed to Calendar No. 120, H.R. 2578, an act making appropriations for the Departments of Commerce and Justice, Science, and Related Agencies for the fiscal year ending September 30, 2016, and for other purposes.

Mitch McConnell, John Cornyn, Mike Crapo, Richard C. Shelby, Richard Burr, Daniel Coats, Ben Sasse, Roger F. Wicker, Thom Tillis, Steve Daines, Chuck Grassley, Susan M. Collins, Thad Cochran, James Lankford, Lamar Alexander, John Hoeven, Roy Blunt.

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call has been waived.

The question is, Is it the sense of the Senate that debate on the motion to proceed to H.R. 2578, an act making appropriations for the Departments of Commerce and Justice, Science, and Related Agencies for the fiscal year ending September 30, 2016, and for other purposes, shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The senior assistant legislative clerk called the roll.

Mr. CORNYN. The following Senator is necessarily absent: the Senator from Oklahoma (Mr. LANKFORD).

Mr. DURBIN. I announce that the Senator from California (Mrs. BOXER) and the Senator from Vermont (Mr. SANDERS) are necessarily absent.

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

The yeas and nays resulted—yeas 94, nays 3, as follows:

[Rollcall Vote No. 99 Leg.]

#### YEAS—94

Alexander	Fischer	Nelson
Ayotte	Flake	Paul
Baldwin	Franken	Peters
Barrasso	Gardner	Portman
Bennet	Gillibrand	Reed
Blumenthal	Graham	Reid
Blunt	Grassley	Risch
Booker	Hatch	Roberts
Boozman	Heinrich	Rounds
Brown	Heitkamp	Rubio
Burr	Hirono	Sasse
Cantwell	Hoeven	Schatz
Capito	Inhofe	Schumer
Cardin	Johnson	Scott
Carper	Kaine	Sessions
Casey	King	Shaheen
Cassidy	Kirk	Shelby
Coats	Klobuchar	Stabenow
Cochran	Leahy	Sullivan
Collins	Lee	Tester
Coons	Manchin	Thune
Corker	Markey	Tillis
Cornyn	McCain	Toomey
Cotton	McCaskill	Udall
Crapo	McConnell	Vitter
Cruz	Menendez	Warner
Daines	Merkley	Warren
Donnelly	Mikulski	Whitehouse
Durbin	Moran	Wicker
Enzi	Murkowski	Wyden
Ernst	Murphy	
Feinstein	Murray	

NAYS—3

Heller Isakson Perdue

NOT VOTING—3

Boxer Lankford Sanders

The PRESIDING OFFICER (Mr. PERDUE). On this vote, the yeas are 94, the nays are 3.

Three-fifths of the Senators duly chosen and sworn having voted in the affirmative, the motion is agreed to.

COMMERCE, JUSTICE, SCIENCE, AND RELATED AGENCIES APPROPRIATIONS ACT, 2016—MOTION TO PROCEED

The PRESIDING OFFICER. The clerk will report the motion to proceed.

The senior assistant legislative clerk read as follows:

Motion to proceed to Calendar No. 120, H.R. 2578, a bill making appropriations for the Departments of Commerce and Justice, Science, and Related Agencies for the fiscal year ending September 30, 2016, and for other purposes.

The PRESIDING OFFICER. The Senator from Vermont.

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

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

MASS SHOOTING IN ORLANDO

Mr. FRANKEN. Madam President, I rise to address the tragic events in Orlando, FL. In the early hours of Sunday, a gunman walked into Pulse, a popular, crowded LGBT nightclub, on Latin night and opened fire, taking the lives of 49 people and wounding 53 more in an act of terror that has been called the worst mass shooting in American history. It was also the deadliest attack on the lesbian, gay, bisexual, and transgender community that our Nation has ever known.

State and Federal authorities are continuing their investigation into the assailant and what his motives were that night. I believe 44 of the surnames of those who died were Latino. According to the FBI, the shooter had previously been investigated for potential ties to terrorist organizations, and during the attack, the shooter called authorities and pledged his allegiance to ISIL.

We must do everything in our power to eradicate this evil, combat recruitment and radicalization, and we must make sure our efforts and our rhetoric do not scapegoat an entire community based on the actions of a single sick individual.

The investigation is ongoing, and many details are still emerging, but we know this: The 49 men and women who lost their lives on Sunday night were

murdered by a man with hate in his heart—perhaps even hate directed within—and an assault weapon in his hand.

Following each and every tragic shooting, one thought haunts me, and that is that we in Congress are failing the American people. We have failed to answer their repeated calls to address gun violence in this country. We have failed to take steps necessary to make our communities safer, and as a result we are complicit in creating the circumstances that give rise to these events. We can't pretend this part isn't on us.

Our State of Minnesota has a proud tradition of responsible gun ownership. Generations of Minnesotans have learned to hunt from their parents, grandparents, aunts and uncles, friends and neighbors, but when I speak to constituents on this issue, the message is clear: Minnesotans want Congress to take commonsense steps to reduce gun violence and ensure their family's safety. There is a balance to be struck here, and I strongly believe that we are capable of striking that balance.

The Second Amendment doesn't protect the rights of everyone to carry whatever weapon he likes in any place he wishes for whatever purpose he wants. The Second Amendment does not entitle criminals, potential terrorists, or people with serious mental illness to carry guns. It does not entitle Americans to own guns designed to slaughter scores of people in seconds.

We can't turn back time. We can't bring back the lives we have lost. But, for God's sake, what is it going to take? How many tragedies like this does this Nation have to endure before we find the moral conviction to do something about gun violence?

It is important for us to acknowledge not just how this atrocity was committed but who the gunman targeted, and where. In his remarks on Sunday, President Obama rightly drew the Nation's attention to the site of this most recent tragedy—to Pulse, a gay nightclub that Barbara Poma opened to honor the memory of her brother John, whom she lost to AIDS years earlier. Barbara explained that her family was strict and had a strong sense of tradition. Being gay was frowned upon. Coming out could not have been easy for John, but when he did, his family welcomed him with acceptance and love. Pulse was named for John's heartbeat, and it was a place, according to his sister, where he was "kept alive in the eyes of his friends and his family."

In describing the shooting, President Obama explained that "the place where they were attacked is more than a nightclub—it is a place of solidarity and empowerment where people have come together to raise awareness, to speak their minds, and to advocate for their civil rights." But it is also important to note that, like so many of the bars and nightclubs serving the LGBT community, Pulse was a place where

people have come together to feel safe. Like the historic Stonewall Inn in New York City, the birthplace of the gay rights movement, and Bar 19, a pub in Loring Park that has served Minneapolis's gay community since 1952, Pulse was a sanctuary.

Not everyone is welcomed by their family and their friends with acceptance and love. Even today, not everyone is able to walk down the street holding the hand of their loved one without fear. For those in search of solidarity in their communities, and for those in search of safety, Pulse provided refuge. Regrettably, even today, that refuge is sorely needed. Despite long overdue victories, leaders in the LGBT movement have perceived an increase in violence directed against their community. LGBT Americans continue to face threats, intimidation, and violence—on the street, in the workplace, and at school. By and large, they remain vulnerable to discrimination.

As Americans come together in the days and weeks ahead, as we seek comfort and community at pride celebrations and candlelight vigils, it is incumbent upon all of us, but most especially policymakers, to do everything in our power to change the culture of hate and to pursue a more equal union. It is simply unacceptable that in 28 States, including Florida, there are no protections to prevent a survivor of the Orlando attack from being fired just because he is gay. In 28 States, including Florida, there are no protections to prohibit a homeless shelter from turning away a survivor of the Orlando attack because she is a lesbian. In 29 States, including Florida, there are no protections to prevent a business from refusing service to a survivor of the Orlando attack because she is transgender. That isn't right. This is not who we are as a country, and it must change.

Congress must take up and pass the Student Non-Discrimination Act to protect our children—our children—in our schools. And Congress must take up and pass the Equality Act to make clear that discrimination and hate have no place in our workplaces and in our homes.

I was around 10 years old at the height of the civil rights movement. My family used to eat dinner watching TV on plates on tray tables, and we would watch the news. And I remember seeing footage of police in the South siccing dogs on Black civil rights demonstrators, going after them with firehoses and billy clubs. I never will forget my dad pointing at our television screen and saying to me and my brother, "No Jew can be for that." No Jew can be for that. It was obvious to him, as it should be to all of us, that when some members of our communities face injustice, we all do.

In the face of that pervasive discrimination, that stain on our values and our history, our Nation recognized then, as it should recognize now, that

some problems demand a national solution. We must take action to make our communities safe—all of our communities safe. We must engage in these difficult conversations about persistent inequality and about gun violence. And we must dedicate ourselves to securing real change.

I implore my colleagues: Let us make our laws our sanctuaries. Let us honor the memory of those lost on Sunday and the lives of those who survived by recognizing our obligation to take action. No Member of Congress can be for this.

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

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

Mr. THUNE. Madam President, I rise today to remember the victims of the terrorist attack in Orlando, FL. Forty-nine people were killed and even more were wounded when a self-proclaimed ISIS sympathizer attacked Pulse nightclub in the early hours of Sunday morning. I can't imagine the trauma experienced by those who were present in the club or the suffering of the families now mourning a beloved son or daughter.

My thoughts and prayers are with the victims, with the families of the deceased, and with all those currently sitting at the hospital beds of the injured. My thoughts and prayers are also with the people of Orlando, whose sense of security has been shattered by this deadly attack.

Every deadly ideology of the last century has been characterized by a fundamental disregard for the sacredness of human life. The form of radical Islam espoused by ISIS and its adherents is no different. Like every radical ideology before it, it regards individual human beings as expendable commodities in its pursuit of a Utopia. More than that, it sees certain individuals as not only expendable but dangerous, and it seeks to exterminate them accordingly. The blood-soaked villages of ISIS-controlled Iraq and Syria bear terrible witness to the slaughter of Christians, Yazidis, moderate Muslims, and anyone else ISIS felt was standing in its way.

As a nation, we have to stand against the threat of terrorism. We have to ensure that our military is equipped to destroy terrorist organizations abroad and that our law enforcement personnel are equipped to confront terrorist threats here at home. We need to control our borders and modernize our immigration system so that we know who is coming and who is going from our Nation. We need to invest in our intelligence agencies and hold them accountable as they work to keep our homeland safe. We have to support our

allies who are taking the fight to the terrorists. And most of all, we have to show the utter bankruptcy of an ideology that regards human beings as expendable.

America has a proud history of standing up for the dignity and freedom of the human person against tyrants of all stripes. We stood against the deadly ideologies of the 20th century, and we will stand against the deadly ideologies of the 21st century.

On Sunday morning we saw the darkest side of humanity, but, as so often happens, when we see the worst in human beings, we also see the best—the DJ who helped a patron escape from the club; the man who stuffed his bandana into a bullet hole on a stranger's back to stop the bleeding; the man who pulled a wounded stranger to safety behind a car and then kept him conscious on the way to the hospital; the long lines of Orlando residents who came forward to donate blood; and, of course, the police officers who walked into that club and who wake up every day ready to lay down their lives for the rest of us. Against that spirit, terrorism will never prevail.

Our whole Nation grieves with the citizens of Orlando. May God bless and comfort the families of all those who died, and may He heal all those whose hearts are broken.

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

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

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

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

#### RELATIVE TO THE DEATH OF GEORGE V. VOINOVICH

Mr. BROWN. Madam President, I am joined by my colleague and friend, Senator ROB PORTMAN of Ohio—the other Senator from Ohio—to discuss the passing of a dear friend of his and of mine. I will make a few short remarks.

I believe Senator PORTMAN, who will be speaking at his memorial service later in the week in Cleveland will be offering a resolution and some comments to the resolution.

This past weekend we were awakened on Sunday to learn that the State of Ohio and the city of Cleveland had lost one of its champions, George Voinovich.

As mayor of my beloved city—the city I call home—Cleveland, as a two-term Governor of Ohio, and as my colleague for my first 4 years in the Senate before Senator PORTMAN succeeded him, George dedicated his life to public service.

A man of strong conviction, he was always willing to listen to the other side of an argument and to put what he believed was best for our State and for our country ahead of partisan politics. Of course, we didn't always agree, but we worked together in the Senate to make progress for Ohio on everything from judicial nominees to supporting our manufacturing industry to cleaning up our great lake, Lake Erie.

When I came to the Senate in 2007, we assembled a commission of distinguished Ohio lawyers of both parties to find the candidates—again, of both parties—to recommend as nominees for the Federal judiciary. I thank Senator PORTMAN. Actually, this began with Senator DeWine and Senator Voinovich, and it has now continued from their service with Senator PORTMAN and me doing the same thing.

George had a lifelong love affair with what he called the “jewel of the Great Lakes,” Lake Erie. His fight to clean up and protect our lake began when he joined the Ohio Legislature almost exactly 50 years ago. At that time, people wrote off Lake Erie as a polluted, dying lake. Over the past century, people have had a habit of trying to write off Ohio. Like all of our State's champions, George wouldn't accept that.

As my colleagues know, there is an enormous painting on the stairway outside the Senate Chamber depicting the American victory in the Battle of Lake Erie. George fought what he referred to as the “second battle of Lake Erie,” pushing for the first Great Lakes Water Quality Agreement, cochairing the Senate's Great Lakes Task Force, working with me to introduce the Clean Water Affordability Act, which I continued to work on since his retirement in December of 2010.

That tenacity paid off. Our lake has made an incredible comeback. We still have work to do every summer. We have to deal with the return of toxic algal blooms. Senator PORTMAN and I have worked on that issue in the western basin of Lake Erie near Toledo.

But because of the work and investment by people such as George, he was able to catch yellow perch not far from his own backyard in Collinwood, a section on the lake on the east side of Cleveland.

It will be up to all of us who love Lake Erie and understand how vital it is to our State to continue that work for our Great Lake.

George was the son of Serbian and Slovenian immigrants, and he understood the importance of investing in our Nation and investing in public works that create jobs and power our communities and our economy. In retirement, George Voinovich continued to push for ways to finance our Nation's infrastructure. Just this year he reached out to his friend, Senator CARPER of Delaware, and to me about the need for dedicated public works funding.

He was willing to reach across the aisle to work with us on projects such



as the Brent Spence Bridge, which we still need to rebuild, and loan guarantees and tax incentives for Ohio's manufacturers and small businesses.

He was a deeply religious man. He was guided by his faith through nearly half a century in public service. That faith sustained him through the worst tragedy that any parent can imagine, when his 9-year-old daughter Molly was killed during George Voinovich's first campaign for mayor of Cleveland. He said of that experience later:

When one loses a child, things come into focus, what is important, what is unimportant. You see more. You feel more. You experience more. We all take so much for granted.

I hope we will take George's passing as an opportunity to reflect on what we take for granted and what is important to us as a country. On behalf of everyone in this body, I send my deepest condolences to Janet Voinovich, to their children, and to everyone touched by George's life and, frankly, her life of public service.

His legacy will live on through the lasting contributions he made to his beloved Cleveland, to Ohio, and to our great country.

I yield to my friend from Ohio.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. PORTMAN. Madam President, I thought those remarks beautifully described a great public servant, George Voinovich. I wish to add a little to it, and then at the end of my remarks, I am actually going to offer a resolution for the entire Senate to vote on as a tribute to the life of George Voinovich. We have put together a resolution which talks about a lot of his accomplishments. As my colleague has said very well, it gives us an inspiration for the future. From his life, hopefully, we can learn about how to better do our jobs on the floor of the Senate.

He was an amazing public servant. As some know, he was not just mayor of Cleveland during a critical time but also Governor of Ohio and, of course, a Senator here for two terms. I believe he represented the very best of public service. By that I mean whether it was his efforts to tackle the debt, to give children more choice and parents more choice in their schools, or to modernize infrastructure, he never made it about him. It was always about others, and specifically, it was about his constituents.

He was a very proud grandson of immigrants, Serbian and Slovenian. He was also the son of a great neighborhood in Cleveland called Collinwood, where I was over the weekend visiting with Janet Voinovich. He was raised with the values of that neighborhood—honesty, integrity, and hard work. He said that his father used to tell him that in America we have more of the world's bounty than any other country on Earth because of our freedom, because "we get more out of our people through the free enterprise system and our education system." He never forgot

those early lessons. Wherever he went, whatever title he had, he was always that same earnest, plainspoken kid from Collinwood.

As a boy, he was diagnosed with a bone marrow disorder, which kept him from enjoying many of childhood's joys, such as sports. He didn't let it get him down. In fact, he brought all his energies into his studies—one reason he was such a good student, I think—and he got around Cleveland on his red bike, which he called Bessie, which was his pride. Later in life, by the way, I had the opportunity to be in parades with George Voinovich. I would be marching along, and there he was on his bicycle. I don't know if it was named Bessie, but I know Janet Voinovich was at his side, riding that bicycle in parades, and then as Governor Voinovich and then Senator Voinovich. He loved those bicycles and was always riding with a smile on his face.

That difficult health care struggle he had early in his life shaped his character and gave him a heart for all those who were suffering or who were just different. As with so many of his decisions, he would go to the Lord for inspiration. He would start with a humble prayer, and he did this at Collinwood High School. He said he prayed for guidance, asking God what he should do with his life. And he got an answer. He felt he had a calling, and that was to get involved in student government, and so he ran. He was elected as class president as a senior. He went on to serve as student body president at Ohio University, when he was in undergraduate school, and he was president of his class and president of the Young Republicans club while in law school at Ohio State University. So if people wonder how he got into politics, it all started in high school and through college and law school. That was the track he chose for himself.

For over half a century, he served his neighbors in so many different roles—local, State, and Federal. He was a county commissioner in Cuyahoga County. He was county auditor. He was mayor, as we have talked about. He was a State representative. He was an assistant attorney general. He was Lieutenant Governor. He was Governor for two terms, and he was a U.S. Senator for two terms. This is a guy who devoted his life to public service.

In 1959, as a young man, he volunteered for the mayoral campaign of Tom Ireland. We don't remember much about Tom Ireland, because Tom Ireland lost. But in that election, George Voinovich met a young woman—a beautiful and intelligent fellow volunteer named Janet Allan. Janet and George were married for more than 50 years. Having just been with her over the weekend, I can tell you she is an extraordinary woman. Their relationship—their partnership—is a real model and example for all of us, and certainly it has been over the years for Jane and for me. George used to say about Janet that she was "God's great-

est blessing on me," and that was clear to anyone who knew them. Together they had four wonderful children: George, Betsy, Peter, and Molly.

He was Lieutenant Governor in 1978 when his true calling came. I say "true calling" because this was a time of urgency in his hometown of Cleveland. It was in trouble. That same year, Cleveland had become the first American city since the Great Depression to default on its debt, which, by some measures, totaled more than \$100 million. That was a lot of money back then. People were worried. Some people were leaving the city altogether.

From his neighbors and from his conscience, George Voinovich heard the call to come back home. Shortly after he won that Republican nomination for mayor, tragedy struck the Voinovich family. George's youngest daughter, Molly, was hit by a car. She was walking home from school when she was 9 years old. It is a tragedy no parent should ever have to endure, but George and Janet endured it, and, turning to their faith, they persevered. They went on to win that election.

George says that through that trial, his faith deepened even further and his compassion for others grew even stronger. SHERROD BROWN just talked about the fact that he said that "things come into focus when you lose a child." I think that is what my colleague said, and that is how George felt. It deepened his faith and brought things into focus.

He did win that mayoral election, and he turned Cleveland into "The Comeback City." It is not an exaggeration, I don't think, to say that he personally saved the city from default in the sense that he had incredible energy, infectious optimism that it could happen, sheer force of will, and a great work ethic, and he brought people together.

Having talked to some of the city fathers at that time, some of whom are still with us, it was George Voinovich's bringing a team together that saved the city of Cleveland. He lifted people's hopes.

A decade later it was the entire State of Ohio that needed to be turned around. After winning reelection in Cleveland as mayor with two landslide votes, he was elected Governor in another landslide. Ohio was facing a massive debt, just like Cleveland had been, and George came to the rescue again, saying he would get the State government "working harder and smarter, doing more with less." Anybody who knew George Voinovich knew that was his favorite motto—doing more with less; working harder and smarter; and with God, all things are possible.

He did do more with less. He cut taxes by \$24 billion to get the economy moving, but he also trimmed government spending by \$720 million in just 2 years. With his experience as mayor, he wasn't afraid to delve into the details of the budget. He rolled up his sleeves, and he got involved.

The only thing he knew better than his budget, by the way, was his constituents. He helped hundreds of thousands of people who were stuck on welfare to find jobs, as unemployment in Ohio fell to 25-year lows. He also modernized our roads and bridges. He was a big infrastructure guy. After a landslide reelection, he left the Buckeye State with nearly \$1 billion in a rainy-day fund.

By the way, when he was mayor, he served as president of the U.S. Conference of Mayors, and when he was Governor he served as president of the National Governors Association—the only person in America to have done that. That is pretty amazing. He rose to the top.

He loved to fish. Wildlife fishing in Lake Erie was his favorite thing. He got me started on that, which I do now every year. He loved his lake. If you go to his home and stay, as I did over the weekend, you know it is a couple of houses from the lake. You can see how proud he was of that lake by the way in which he supported efforts to make it clean and make it safe. He was also a strong supporter of our coal miners in eastern Ohio. He became the first government executive in the world to recognize the independence of his ancestral homeland of Slovenia, something that meant a lot to George. His last speech was on Friday night of last week, and it was on the 25th anniversary of Slovenia's independence day.

George was reelected as Governor in 1994 with 72 percent of the vote. At the time, it was the biggest landslide of any Governor in Ohio history. After he had reached his term limit as Governor, he was elected by another large margin to this Chamber, the Senate. He was reelected in 2004 with more votes than any Senate candidate had ever received in the State of Ohio.

In the Senate, he focused on expanding NATO to include Slovenia. He authored a Federal law that helps to monitor and fight anti-Semitism all around the world. He passed bipartisan legislation to help protect American intellectual property. But if you want to see his biggest impact, go to Ohio. You will see it everywhere—whether it is the Innerbelt Bridge, named after him; whether it is the Voinovich Bicentennial Park in Cleveland; whether it is the Voinovich School of Leadership and Public Affairs at his beloved Ohio University in Athens, OH; whether it is the Voinovich Atrium at the Rock and Roll Hall of Fame, which, by the way, some say would not be in Cleveland but for George Voinovich's leadership. I just talked last week to the director of the Rock and Roll Hall of Fame, who happened to be here for a visit, and, coincidentally, we talked about George Voinovich's role in being sure that the financing was put together to have that Rock and Roll Hall of Fame be in Cleveland, OH.

These are all testaments to the love and respect the people of Ohio had and continue to have for him. Above all,

talk to those who knew him. He made an impact on all of us. For me, he was a friend, and he was a great mentor over the years. He helped me in my career. He was someone who gave me a lot of inspiration to get into public service in the first place.

In our conversations, by the way, for all of his political successes and accomplishments and all we had to talk about that had to do with policy or political issues, he mostly wanted to talk about family. That was where he always started. That was where he was in his heart. He would say: "How is the family?" That is how he would start the conversation. Janet was his soulmate, his partner in everything, and he loved those kids and grandkids so much. They were the anchor for everything—family and faith. That is one reason he was so successful, in my view. He had grit, he had that work ethic, and he certainly had natural talent, but he also had that foundation. That moral foundation of his family and his faith gave him the confidence and the ability to do so many other great things for so many other people.

When he announced his retirement, he said: "I have a philosophy: It's God, family, country, and community." Those are pretty good priorities. George put himself last. It was never about him. It was about others. He was the public servant. He put the servant part first.

He had the heart of a servant because he was a humble man. As some know back home, he was proud of the fact that he drove a Taurus and shined his own shoes. He was a penny-pincher. He loved to buy his clothes on sale. He was a good fiscal conservative. He and Janet lived in the same house they bought in Cleveland in 1972. No matter where he was or what his title was, he was, in many respects, still that same kid from Collinwood—George from Collinwood.

He was a man of deep faith. He was a devout Catholic, and as busy as he was, he went to mass several times a week. He also took comfort in praying the Rosary. The legendary quarterback Bernie Kosar tells the story that George Voinovich prayed the Rosary at Municipal Stadium with Bernie's mom during the Browns' 1986 double-overtime comeback playoff victory over the New York Jets. Everybody gives Bernie Kosar all the credit for that, but it really was George Voinovich and a Higher Power that intervened.

After retirement, he did not slow down. As I said, just this past Friday he was at Cleveland City Hall for the 25th anniversary of Slovenia's independence. He was also at the Republican headquarters in downtown Cleveland last Thursday to open what we call the "Voinovich Lobby" of that new headquarters. He was also planning to serve as a delegate in next month's Republican National Convention. We were so looking forward to paying tribute to him in many ways at that convention. We still will, but, oh,

I wish he were going to be there to be part of it.

It has been a great honor to succeed him as U.S. Senator. When he decided to retire, he called me here to Washington. I will never forget the dinner we had together where he said: I am not telling anybody this yet, but I am planning to not run again for reelection.

I had just helped him with an event in Ohio, and I was strongly supporting him for reelection. But he said he had had it; that it was time for him to go back home. He encouraged me to run. He endorsed me the day I got in. I don't believe I would be here but for the fact that he called me to Washington that day and encouraged me and told me that knowing public service was in my heart too, that this was the time to step forward and to help our country. I owe him for so much but most importantly for his model and for the example that he set.

He was certainly an independent voice, including on this floor. Senators on both sides of the aisle will tell you he was an attentive and thoughtful listener. He treated people with respect and dignity. I have talked to some of the staff here this week about George Voinovich—some who have been here a while and remember him—and all have the same to say. They cherished his friendship. They felt like he cared about them. He had good friends—Senator SHAHEEN and Senator CARDIN on the other side of the aisle. He had good friends on this side of the aisle. He used to refer to Danny Akaka as being "like a brother to me." Senator Akaka was a Member from Hawaii on the other side of the aisle.

His selfless example of public service, his ability to enact change on a bipartisan basis does provide a lesson for us right now, and really for all time. I think we can best honor him by carrying on that tradition, by figuring out how to solve problems, and that involves reaching across the aisle and getting things done. He was a man who believed we could make a difference here in this place.

I see Majority Leader MCCONNELL has now joined us on the floor, and he will tell you that George Voinovich always had the belief that things could be better. He was ultimately an optimist, and his ability to figure out how to get to a solution was something all of us can learn from. In Ohio, he was a public servant without equal.

Tonight, I would like to offer a resolution honoring his memory. I urge all my colleagues to support it.

Mr. President, I ask unanimous consent that the Senate proceed to the consideration of S. Res. 493, which was submitted earlier today.

The PRESIDING OFFICER (Mr. GARDNER). The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 493) relative to the death of George V. Voinovich, former United States Senator for the State of Ohio.

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

Mr. PORTMAN. 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. 493) was agreed to.

The preamble was agreed to.

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

Mr. PORTMAN. I thank the Chair.

The PRESIDING OFFICER. The majority leader.

Mr. MCCONNELL. Mr. President, before the Senator from Ohio leaves the floor, I had an opportunity to listen to his tribute to our former colleague, Senator Voinovich, and he was indeed a stunningly successful public servant. I mean, just thinking about any Republican getting elected mayor of Cleveland, it is hard to imagine such a thing, and then to be so extraordinarily successful at every step in his career.

I was privileged to get to know him when he came to the Senate. My colleague from Ohio knew him a lot longer than I did, but I wanted, on behalf of all of us who served with George, to thank the Senator for that extraordinary tribute to his outstanding life.

#### MORNING BUSINESS

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

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

#### NATIONAL DEFENSE AUTHORIZATION BILL

Mr. DURBIN. Mr. President, 2 and a half years ago, I chaired a hearing of the Defense Appropriations Subcommittee in which the chief executives of the two top rocket makers, the United Launch Alliance and SpaceX, testified on the need for competition in launching government satellites.

Not long after that hearing, Russia began its aggression against Ukraine. These two issues—the threat against Ukraine and the launch of U.S. satellites—intersected because one company is reliant on rocket engines made in Russia.

Defense appropriations bills since then have included nearly half a billion dollars to build a new, American-made engine to end this reliance on Russian engines as quickly as a replacement can be built and tested.

Defense authorization bills have taken a different approach, by putting strict limits on the number of Russian

engines that can be purchased before the new, American-made rocket will be ready.

Our top national security leaders, including the Secretary of Defense, the Director of National Intelligence, and the Secretary of the Air Force, have warned that laws that halt access to Russian engines will endanger our ability to launch important defense and intelligence satellites.

To cut-off access to Russian engines would force the Defense Department to buy rockets that are not cost-competitive with SpaceX because SpaceX's rockets cannot launch our largest satellites. The cost to the American taxpayer would be more than \$1.5 billion, and it would be a risk to our national security.

As vice chairman of the Defense Appropriations Subcommittee, I believe these costs and risks are too high. Many of my colleagues agree with this view. The chairman of the Armed Services Committee, Senator MCCAIN, has a different view. He argued forcefully that we should pass strong laws restricting the use of these engines. We crossed swords many times on the floor of the Senate on this issue. Even though we still do not see eye-to-eye on this issue, the product of this debate is better because of it.

The Nelson-Gardner amendment provides the Department of Defense with sufficient time to develop and test a replacement for the Russian rocket engine. The amendment limits the use of Russian engines for competitive launches to a maximum of 18, allows for a responsible transition to an American-made engine, and, consistent with existing law, does not impact the use of Russian engines purchased to support the EELV block buy.

These provisions increase the pressure on DOD and the United Launch Alliance to keep its new rocket R&D program on-track and push them to use only those Russian engines that are needed to support our national security.

This amendment protects the American taxpayer by avoiding billions in additional spending on sole-source contracts for more expensive rockets. It protects our national security by guaranteeing that there will not be a gap in our ability to launch satellites. And it protects our national interests by increasing the pressure to have an American-made replacement engine ready as soon as possible.

I would like to thank the Senators who worked tirelessly to see that this amendment was adopted with a strong vote in the U.S. Senate: Senators NELSON, GARDNER, BENNET, SHELBY, COCHRAN, DONNELLY, SESSIONS, and INHOFE deserve great credit for their efforts.

I am proud to have worked with them on this issue, and I am pleased that we were able to find a responsible solution that protects our national security and the American taxpayer.

Mr. LEAHY. Mr. President, today the Senate approved a Defense authoriza-

tion bill of tremendous scope and containing a number of harmful provisions. I was against the decision by the majority leader to end debate on this bill after a period of consideration that resulted in consideration of only a handful of the over 600 amendments filed. Now, I am disappointed by its passage in the Senate. A bill this big deserves substantial, open, public debate.

With less than 2 weeks of debate on legislation that authorizes nearly \$600 billion, I continue to believe that the Senate was unable to properly consider the bill. Not only was more time needed to explore and debate this lengthy bill, during the brief period of consideration it was given, many on both sides of the aisle, myself included, determined that the Defense authorization contains an assortment of harmful language.

This is unfortunate, because the Defense authorization also contains provisions that I support. It authorizes spending to promote our national interests, provides vital resources to our military personnel, and reaffirms our commitment to partners abroad. It also furthers our military readiness through investment in next-generation technology. It is this kind of reasonable content that should be the universal rule for a defense authorization. Regrettably, that is only a portion of this bill.

This year's Defense authorization will once again prevent the President from closing the detention facility at Guantanamo Bay. The bill would extend the unnecessary prohibition on constructing facilities within the United States to house Guantanamo detainees, continue the counter-productive ban on transferring detainees to the United States for detention and trial, and maintain the onerous certification requirements to transfer detainees to foreign countries. Regrettably, the bill also adds several new restrictions, including a provision to bar detainee transfers to any country subject to a travel warning by the State Department. This sweeping prohibition is unnecessary and would even include some of America's allies. While this year's bill does contain some modest improvements to current law, the Defense authorization once again fails to provide the Obama administration with the flexibility it needs to finally close the detention facility at Guantanamo. With the costs of more than \$4 million per year per detainee to keep the detention facility at Guantanamo open, I agree with our retired military leaders who tell us that it is in our national security interest to close the detention facility. Doing so is the morally and fiscally responsible thing to do, and I strongly oppose the needless barriers to closing Guantanamo contained in this bill.

Also unfortunately, the Freedom of Information Act, FOIA, our Nation's premier transparency law, is directly

undermined by the Defense authorization. Just yesterday, the House of Representatives passed the Senate's FOIA Improvement Act, reaffirming our commitment to the principle that a government of, by, and for the people cannot be one that is hidden from them. However, just as we are about to bring more sunshine into the halls of power on FOIA's 50th anniversary, this Defense authorization bill threatens to cast a long and dangerous shadow over our efforts.

Without ever consulting the Senate Judiciary Committee, which has exclusive jurisdiction over FOIA, the Armed Services Committee included provisions in this bill that cut at the heart of FOIA. One particularly egregious provision would allow the Department of Defense to withhold from the public anything "related to" military "tactics, techniques, or procedures." The terms "tactic," "technique," and "procedure" are either defined very broadly or not at all. The provision further states that this information can only be withheld if its disclosure would "risk impairment" to the Department of Defense's "effective operation" by "providing an advantage to an adversary or potential adversary." But it is entirely unclear what if any limitation this language would impose, given that none of the operative terms—impairment, effective operation, advantage, or adversary—are anywhere defined. While the Department of Defense might call those "terms of art," it is law and not art that the Congress passes.

Given the breadth of this language, this provision amounts to what could be a wholesale carveout for the Department of Defense from our Nation's transparency and accountability regime. If enacted, this bill would empower the Pentagon to withhold a wealth of information from the American public. For example, the Pentagon could withhold the legal justifications for drone strikes against U.S. citizens, preventing the American people from knowing the legal basis upon which their government can employ lethal force against them. It could withhold from disclosure documents memorializing civilian killings by U.S. forces, depriving the American people of knowledge about the human cost of wars fought in their name. And if enacted, the Pentagon could withhold information about sexual assaults in the military, masking the true extent of sexual violence against servicemembers who risk their lives defending our country.

In short, this bill could effectively drape a shroud of secrecy over all five corners of the Pentagon. It would unravel decades of work we have done to make our government more transparent to the American people and threaten the progress we have just made with the FOIA Improvement Act. This unprecedented disappearing act from our Nation's premier transparency law should have never been

considered without a full consultation of the Senate Judiciary Committee. On the eve of FOIA's 50th anniversary, I urge all Senators to stand on the side of sunshine, not shadows, and oppose these provisions within the Defense authorization.

My concerns are not limited to Guantanamo Bay and FOIA. The bill also includes massive changes to our military's procurement and management systems, rolling back reforms that have been in place since Goldwater-Nichols and putting at risk Federal employees and businesses that sell to the Department. These specific sections include the elimination of the office that coordinates major acquisitions, separating development of new technology and plans for its long-term sustainment. The changes have been promoted under the guise of saving money and reducing bloated command structures, when they in fact only confuse an already complex process and will likely result in needless future waste.

I also remain deeply concerned about the impact of the caps on general officers to the National Guard. While I was grateful to see that adjutants general and assistant adjutants were exempted, there are other joint general officers within the Guard, and I am worried hard caps on the number of general officers will mean that the best man or woman for the job becomes less important than whether the Army or the Air Force has space under its respective cap. I am likewise concerned that decoupling the statutory requirement that the Vice Chief of the National Guard Bureau be a lieutenant general—a decoupling that did not occur for the vice of any other member of the Joint Chiefs of Staff—will force the Army or Air Force to give up a three-star position to someone who statutorily does not report to their service secretary. I am also concerned that by removing the statutory requirement that the commander or deputy commander of U.S. Northern Command be a member of the National Guard, we run the risk of entering a major national disaster without a leader of the principal Federal response force having any experience with how the States deal with disasters individually and together.

The bill includes a provision, section 1204, which would prohibit joint or multilateral exercises and conferences between the Department of Defense and the Government of Cuba, even though the Department and the Cubans have worked together on issues related to the security of Guantanamo for many years. Senator FLAKE and I, along with Senators CARDIN and DURBIN, proposed some exceptions to this provision in order to permit the Department to continue to engage with the Cubans on Guantanamo and to cooperate on other security matters, including search and rescue and counter-narcotics. Unfortunately, Senator CRUZ, the author of section 1204, was unwilling to compromise, and we were

not able to obtain a vote on our amendment.

Perhaps the most predictable flaw of this bill is that it continues the reliance on overseas contingency operations funds to operate the Department. The original intention of this fund has been routinely ignored, and it continues to be used as a free-for-all spending pool. Borrowing to sustain our national defense objectives only increases the already significant burden placed on the working families who are most impacted by this irresponsible practice. We must put in place mechanisms to begin responsibly ridding ourselves of the growing debt, rather than continuing to employ irresponsible practices that only take us farther away from anything resembling a solution.

The National Defense Authorization Act provides the Senate with a yearly opportunity to responsibly address our security priorities and to take care of our men and women in uniform, while bolstering our overall military capabilities. However, this year's bill proposes too many damaging provisions far beyond the scope of the Department of Defense. Despite the agreeable content found within the bill, the damage that will be caused by many of these measures far outweighs the benefits of approving this authorization. For that reason, I cannot give it my support.

#### ARMS SALES NOTIFICATION

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

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

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

DEFENSE SECURITY  
COOPERATION AGENCY,  
Arlington, VA.

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

DEAR MR. CHAIRMAN: Pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended, we are forwarding herewith Transmittal No. 16-25, concerning the Department of the Air Force's proposed Letter(s) of Offer and Acceptance to the Government of Iraq for defense articles and services estimated to cost \$181 million. After this letter is delivered to

your office, we plan to issue a news release to notify the public of this proposed sale.

Sincerely,

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

Enclosures.

TRANSMITTAL NO. 16-25

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

(i) Prospective Purchaser: Government of Iraq.

(ii) Total Estimated Value:

Major Defense Equipment\* \$0 million.

Other \$181 million.

Total \$181 million.

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

Non-Major Defense Equipment (MDE): The Iraqi Air Force requests a five-year sustainment package for its AC-208 fleet that includes: operational, intermediate, and depot-level maintenance; spare parts; component repair; publication updates; maintenance training; and logistics. Also included in this sale are Contract Logistics Services (CLS), training services, and Contract Engineering Services. There is no MDE associated with this possible sale. The total overall estimated cost is \$181 million.

(iv) Military Department: Air Force.

(v) Prior Related Cases, if any: IQ-D-QAH-\$20M-13 FEB 09, IQ-D-QAF-\$5M-26 OCT 08.

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

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

(viii) Date Report Delivered to Congress: June 14, 2016.

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

#### POLICY JUSTIFICATION

The Government of Iraq—AC-208 Sustainment, Logistics, and Spares Support

The Government of Iraq has requested a possible sale of a five-year sustainment package for its AC/RC-208 fleet that includes: operational, intermediate, and depot-level maintenance; spare parts; component repair; publication updates; maintenance training; and logistics. Also included in this sale are Contract Logistics Services (CLS), training services, and Contract Engineering Services. There is no MDE associated with this possible sale. The total overall estimated value is \$181 million.

The purchase of this sustainment package will allow the Iraqi Air Force (IqAF) to continue to operate its fleet of eight C-208 light attack and intelligence, surveillance, and reconnaissance (ISR) aircraft beyond the June 2016 end of its existing CLS contract. Limited IqAF maintenance capability necessitates continued CLS. Ultimately, the goal is for the IqAF to become self-sufficient in the areas of aircraft maintenance and logistics training. Iraq will have no difficulty absorbing this support.

The proposed sale will contribute to the foreign policy and national security goals of the United States by helping to improve a critical capability of the Iraq Security Forces in defeating the Islamic State of Iraq and the Levant.

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

The principal contractors will be Orbital ATK in Falls Church, Virginia, and Flight Safety International in Flushing, New York. There are no known offset agreements proposed in connection with this potential sale.

Implementation of this proposed sale will not require the assignment of any additional

U.S. Government or contractor representatives to Iraq.

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

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

#### FLAG DAY

Mr. CARDIN. Mr. President, 100 years ago, President Woodrow Wilson issued a proclamation which established June 14 as Flag Day, the day during which we commemorate the 1777 adoption of our great Nation's flag. In 1949, an act of Congress established National Flag Day. Today I wish to recognize and celebrate Flag Day and remember all those who have fought in defense of our flag and everything it symbolizes.

The Flag Act of 1777 established that the first flag of the United States would have 13 red and white stripes, as well as 13 white stars in a blue field in order to recognize the Thirteen Original Colonies. Since then, our flag has grown to include 50 stars which represent all 50 States in our Union today. The final star, representing the State of Hawaii, was added in 1960. Since then, our flag has flown proudly throughout the United States and in embassies around the world, celebrating our Nation's history of freedom and liberty. The evolution of our flag is representative of our evolution as a nation and how far we have come over the past 239 years.

In Maryland, Flag Day is also a day to remember the important contributions made by our State to our Nation's development in the early days of the Union.

In the midst of the War of 1812, General Samuel Smith asked Baltimore resident Mary Pickersgill to make a flag "so large that the British will have no difficulty seeing it from a distance." That flag, 30 feet tall and 42 feet wide, was raised and flown over Fort McHenry during the famous Battle of Baltimore in 1814. Mary Pickersgill's flag also became the inspiration for the poem written by Francis Scott Key, which would eventually become our country's national anthem.

That night, our flag stood as a symbol of the strength of our union and the bravery and resilience of those willing to fight for it. Today it continues to serve as a reminder of the courage and commitment of those willing to give all in defense of the freedoms granted to every American. On this day, we remember not only the history and growth of this Nation, but also the men and women who gave that ultimate sacrifice in order to uphold the liberties for which our flag stands.

For over two centuries, our flag has meant hope, freedom, and liberty to all those who enter this country, and it will continue to uphold this meaning for many years to come. Since 1777, the flag has been a reminder to every American of the work and sacrifices

made to keep our Nation great. This Flag Day, it is important to remember everything our flag symbolizes. We must reflect on the history of our Nation and the growth of its unity—from our geographic expansion over time to the evolution of our population and the definition of what it means to be an American. We must also commemorate the lives of those who have served our Nation and its people in pursuit of the values for which the flag—and we—proudly stand.

Our banner waves in the name of the freedom of every American, and we join together on this day in order to commemorate every contribution which has kept that freedom alive.

#### ADDITIONAL STATEMENTS

##### TRIBUTE TO LIEUTENANT GENERAL JAMES F. JACKSON

• Mr. ISAKSON. Mr. President, today I recognize Lt. Gen. James F. Jackson upon his retirement from the U.S. Air Force after 38 years of military service to our great nation. General Jackson's distinguished military career culminated as Chief of Air Force Reserve and Commander, Air Force Reserve Command.

General Jackson is a 1978 graduate of the U.S. Air Force Academy. He completed 14 years on Active Duty, including flying tours in Europe and the Pacific before joining the Air Force Reserve in 1992. General Jackson has held numerous wing leadership and command positions, as well as staff assignments at Eighth Air Force and Headquarters U.S. Strategic Command, Headquarters Pacific Air Forces, Headquarters U.S. Pacific Command, and Headquarters U.S. Air Force. A career instructor pilot and evaluator, the general is a command pilot with more than 3,600 hours in the F-4 Phantom II, F-16 Fighting Falcon and KC-135R Stratotanker.

In his role as Chief of Air Force Reserve, Headquarters U.S. Air Force, in Washington, DC, General Jackson served as principal adviser on Reserve matters to the Secretary of the Air Force and Chief of Staff of the Air Force. As Commander of the Air Force Reserve Command at Robins Air Force Base, General Jackson was responsible for approximately 70,000 citizen airmen and all Air Force Reserve units worldwide, including 36 wings, 10 standalone groups, and a myriad of mission support units located at 54 joint and Active component bases and nine Reserve bases and stations.

As the Air Force Reserve's chief advocate within the Pentagon and on Capitol Hill, General Jackson defended an annual President's budget request amount for the Air Force Reserve of more than \$5 billion, which enabled the component to remain ready to support combatant commander taskings as an integral component of the Air Force team. General Jackson's articulate

guidance ensured total force solutions were integrated into corporate Air Force deliberations on key issues including Air Force core mission force mixes, readiness requirements, and personnel policies.

General Jackson championed the modernization needs of the component's aging inventory of aircraft and equipment that yielded an additional \$400 million in congressional support for Air Force Reserve modernization requirements via the National Guard and Reserve equipment account. This additional support ensured the mission effectiveness and survivability of citizen airmen and preserved the Air Force Reserve as an interoperable, flexible, and combat-ready force. As a result, Reservists were reliably called upon during his tenure to conduct combat and humanitarian operations abroad, in addition to supporting our homeland with unique capabilities such as aerial spray and hurricane hunting.

During General Jackson's tenure, Air Force Reservists have mobilized in support of 54 named operations and exercises and have conducted total force, joint, and coalition operations at more than 100 locations worldwide. General Jackson's visionary leadership and ceaseless efforts have established the Air Force Reserve as a combat-ready force and an essential provider of operational capability, strategic depth, and surge capacity. Ultimately, General Jackson successfully postured America's citizen airmen to stand as a hedge against risk, while remaining fully ready to support ongoing operations and to respond to emerging threats with agility and innovation.

Congratulations to General Jackson on the notable conclusion of an outstanding military career. On behalf of the people of the great State of Georgia and a grateful Nation, I offer my sincere thanks to General Jackson and his wife, Barbara. I wish them both the very best as they embark on this new chapter.●

#### TRIBUTE TO COLONEL PAUL W. "PK" KIRBY

● Mr. ISAKSON. Mr. President, on the occasion of his retirement from the U.S. Air Force, I recognize Col. Paul W. "PK" Kirby for his more than 41 years of dedicated service to our country. In his most recent assignment, he serves as the Vice Commander, Air Force Reserve Command Recruiting Service and Deputy Director of Recruiting, Air Force Reserve Command, Robins Air Force Base, GA. In this role, he exercises command and oversight of over 450 military and civilian personnel worldwide at over 45 main operating locations and serves as the principle adviser to the both the commander of recruiting and AFRC commander on all matters relating to recruiting.

Colonel Kirby enlisted in the Air Force in May 1973 and served 13 years prior to receiving his commission

through the Deserving Airman Commissioning Program. Prior to entering recruiting services, Colonel Kirby served as a key member of the personnel community and served as Commander of the 302nd Combat Support Squadron for 36 years on active duty, as a civilian and within the Air Force Reserve Command as a Traditional Reservist and Air Reserve Technician. During this time, he developed and implemented key policies and procedures for Reserve Officer Personnel Management Act, Officer Development, Innovative Readiness Training Program, and Centralized Training, thereby enhancing overall combat readiness for the command.

As Vice Commander of Air Force Reserve Recruiting, Colonel Kirby has developed and executed numerous initiatives resulting in the Air Force Reserve Command, AFRC, exceeding its annual recruiting goal for 8 consecutive years. As the second largest Air Force Major Command, AFRC has been manned at greater than 99 percent for the past 8 consecutive years, reversing a decade-long trend of failing to meet congressionally mandated end-strength levels. He is directly responsible for accessing more than 58,000 airmen helping to transform the Air Force Reserve recruiters into the most productive within the Department of Defense.

Paul could not have been such a tremendous leader without the love and unfailing support of his lovely wife of 39 years, Wanda, and their three children, Jeremy, Rebekah, and Christopher.

I join my colleagues in expressing our sincere appreciation to Col. Paul W. Kirby for his outstanding service to both the U.S. Air Force and our great Nation. We wish him the best as he transitions into retirement. Colonel Kirby is a true professional and a credit to himself and the U.S. Air Force Reserve.●

#### TRIBUTE TO CARRIE WALIA

● Mr. KING. Mr. President, today I wish to recognize the outstanding devotion of Carrie Walia, who has worked to preserve Maine's rich outdoor heritage throughout her career. Carrie is stepping down from her position as executive director of Loon Echo Land Trust, and we recognize her service and thank her for her contribution to the great State of Maine.

In her role as executive director of Loon Echo Land Trust, LETL, Ms. Walia has invested deeply in the environmental sustainability of Maine's communities, specifically the Sebago Lakes region. That region has long been a renowned outdoor recreation area, attracting outdoor enthusiasts of all kinds. From boating to ice fishing, locals and visitors alike enjoy the natural beauty and tremendous resources it has to offer. Under Ms. Walia's leadership, LETL has been successful in preserving the region's beauty and ensuring its sustainability for years to come.

Ms. Walia joined LETL in 2004, while also working for the USDA-Natural Resources Conservation Service. Since becoming the executive director of LETL in 2008, she has spearheaded many conservation efforts with tremendous success. Her accomplishments include doubling LETL's conservation lands from 3,300 to 6,600 acres and securing over \$5.5 million in grants for high priority land acquisitions. She leaves LETL poised for continued success working on behalf of Maine communities.

I would like to join LETL and the people of Maine in recognizing and thanking Ms. Walia for her work and dedication to our great State. Her groundbreaking work with LETL has helped to preserve Maine's valuable natural resources and contribute to Maine's status as a leader in nature conservation and environmental stewardship. The State of Maine owes Ms. Walia immensely for all her hard work, and I wish her all the best in her retirement.●

#### 2016 MILITARY ACADEMY APPOINTEES FROM UTAH

● Mr. LEE. Mr. President, one of the great privileges of representing my fellow Utahns in the U.S. Senate is the annual opportunity to meet the exceptional young men and women from the great State of Utah who have answered the call of service by applying to the U.S. Air Force Academy, the U.S. Military Academy, the U.S. Naval Academy, and the U.S. Merchant Marine Academy.

Under title 10 of the U.S. Code, each year Members of Congress are authorized to nominate a number of young men and women from their district or State to attend the country's service academies. It is my distinct honor to nominate 14 exemplary Utahns this year.

But receiving a congressional nomination does not guarantee acceptance. To be admitted, each applicant must meet on his or her own merits the academies' rigorous standards.

Well, I have studied the applications of these 14 men and women, and I can say, without hesitation or exaggeration, that you would be hard pressed to find a more accomplished, talented, patriotic group of American citizens anywhere. And so I was not surprised to learn that all 14 applicants have been accepted and will soon be joining the ranks of our Nation's military academies in the summer of 2016.

Each of these 14 students is of sound mind and body. This will serve them well in Colorado Springs, West Point, Annapolis, and Kings Point. But to succeed, they will need more than this.

The journey on which these young men and women will soon embark requires more than mental and physical aptitude. It demands strong moral character—leadership, courage, honesty, prudence, and self-discipline—and



above all, it calls for a steadfast commitment to service and a love of country.

Today I would like to recognize and congratulate each of these impressive students, all of whom embody, in their own unique way, the standards of excellence on which America's service academies are built.

Joseph Stryker Cooke will be attending the U.S. Naval Academy. Joseph attended Highland High School and graduated from Quince Orchard High School in Maryland, where he was captain of the tennis team, earning a bid to the State tournament, and a member of the National Honor Society. In addition to serving as a leader in his church's youth organization and as a tutor at a local elementary school, Joseph worked as a volunteer and prosthetics intern at the Walter Reed National Military Medical Center.

Zachary Kirk Daines will be attending the U.S. Military Academy at West Point. He graduated from Syracuse High School and has been attending the Marion Military Institute to prepare for West Point. Zach is a standout athlete, in football and track and field, as well as an Eagle Scout, a leader in his church's youth organization, secretary of his senior class, and a member of both the Future Business Leaders of America and Health Occupations Students of America.

Wyatt Ethan Espell, a North Summit High School graduate, accepted his appointment to the U.S. Military Academy at West Point. He served as a mayor at Boys State, president of the Future Business Leaders of America, and vice president of Health Occupations Students of America, and he is a member of the National Honor Society. Wyatt played on the football team, wrestled, and ran track and cross country, and he volunteered at the Park City Medical Center. Wyatt spent his summers working with Glaser Land and Livestock.

Ian Alexander Hardy will be attending the U.S. Naval Academy after serving for 2 years in Tokyo, Japan, on a mission for the Church of Jesus Christ of Latter-Day Saints. He graduated from the Northern Utah Academy for Math, Engineering, and Science where he was captain of the CyberPatriot team. While studying at Weber State University, Ian served as the Ozone Telemetry Specialist for the High Altitude Reconnaissance Balloon for Outreach and Research team. Ian is an Eagle Scout, Boys State attendee, and played on the varsity rugby team.

Stephen Hunter Lee, a graduate from the Intermountain Christian School, will be attending the U.S. Military Academy at West Point. An Eagle Scout, with three Eagle Palms, he served as president of his junior class, editor of the yearbook, and captain of the soccer team. Stephen is a member of the National Honor Society and a scholarship recipient from the Freedoms Foundation at Valley Forge. An avid rock climber, Stephen is active in a local climbing club.

Michelle Chanmi Lee will be joining her brother at the Air Force Academy. She attended Northridge High School where she was vice president of the National Honor Society. Michelle challenged herself academically by graduating from the Medicine, Science, and Health Professions Academy, and she was a member of Health Occupations Students of America. Michelle served others in her role as a group leader in her vacation bible study and as a tutor in the Davis School District. She spent several years with her family on the Yongsan Garrison Army Base in South Korea.

Angela Ayame Marsh will be attending the U.S. Military Academy at West Point after graduating from the American School in Japan, where she served as the student body vice president. She was a member of the varsity debate team and was president of the Shine On Cancer Victims Support Group. A member of the National Honor Society, Angela cofounded and served as president of the Premedical Society and was the grand prizewinner in the poetry slam competition. She participates in CrossFit competitions and runs with the cross-country team.

Izaac Adam Polukoff will be attending the Merchant Marine Academy. He graduated from Park City High School and sharpened his academic and military skills at the Milton Academy. He was an Academic All-Star for the Utah High School Hockey League and was captain of his Ultimate Frisbee team. He found many ways to serve others by organizing the Park City Memorial 5K, volunteering with the Kimball Arts Center and with Boston Area Youth At Risk, and participating in the Environmental Club. Izaac is a member of the National Honor Society.

Xavier Ray Price will be attending the Air Force Academy. He is a graduate of Judge Memorial Catholic High School where he was captain of both the track and field and the football teams. Xavier's outstanding play on the football field helped his team win two State championships and earned him a spot on the First Team All-State selected by the Salt Lake Tribune. An honor roll student, he also volunteered with the Carmelite Monastery of Salt Lake at their annual Carmelite Fair fundraiser and with the Lady of Lourdes School.

Jacob Abraham Rice, from Morgan High School, will be attending the Air Force Academy. An attendee of both Boys State and Boys Nation, he also served as president of the National Honor Society, president of Empowering Youth to Prevent Suicide, and captain of the track and field team. Jacob was cocaptain of his speech and debate team, and in 2015, he was named the Forensics School Sterling Scholar. He used his music skills to play violin for patients at Primary Children's Hospital and the Pine View Transition Rehab Facility. Jacob serves as a board member of the Young Democrats of Utah.

Mitchell Charles Weller, a graduate of Layton High School, will be attending the Merchant Marine Academy. He was captain of his soccer team, and he served fellow students as a Layton High School student ambassador. A member of the National Honor Society, Mitchell was involved with the Mathematics, Engineering, Science Achievement organization and served as a group leader for the Technology Student Association, where he excelled in engineering contests at the State level. He also worked diligently to obtain his pilot's license.

David Sperry White will be attending the U.S. Military Academy at West Point. A graduate of Uintah High School, where he served as student body president, David also was vice president of the National Honor Society and captain of the basketball and cross-country teams. He earned his Eagle Scout award and received a scholarship from the Freedoms Foundation at Valley Forge. David was honored to attend Boys State and sit on the Vernal Youth City Council, where he served as president of the Vernal Youth in Action and organized the collection and distribution of 500 blankets for the Women's Shelter and Turning Point Shelter.

Autumn Eliza-Anne Wolfgramm, a West High School graduate, accepted an appointment to the Air Force Academy. She served as the student body secretary and captain of the swim team. She was a mentor for the Freshman Mentoring Society and volunteered with the Panther Pals, a service organization working with children with disabilities. She was also a leader in her church's youth program and a member of Health Occupations Students of America. Autumn is fulfilling her grandparents' dream when they emigrated from the Kingdom of Tonga to seek out better educational opportunities for their children.

Tyler James Wright will be attending the Air Force Academy. A graduate of Springville High School, Tyler was president of the debate team and Health Occupations Students of America. He was an active member of the track and field team, Model United Nations, Boy Scouts, and the Springville Youth City Council. An avid outdoorsman and reader, Tyler volunteers with Rocky Mountain Rescue Dogs and the Brookside Elementary reading program, as well as local art and air shows. Tyler serves as a cadet in the Civil Air Patrol.

It has been an honor and an inspiration to meet and to nominate each of these exemplary young men and women. Doing so has given me an unshakeable confidence in the future of this great Nation and the future of our Armed Services.

But to these 14 students and to all their future classmates from around the country, do not forget: this is but the beginning of your journey.

You would not have arrived at this point were it not for your hard work

and sacrifice. But now what matters most is not your accomplishments of the past, but what you have yet to achieve in the future.

Thank you.●

#### MESSAGE FROM THE PRESIDENT

A message from the President of the United States was communicated to the Senate by Mr. Pate, one of his secretaries.

#### PRESIDENTIAL MESSAGE

#### PROPOSED AGREEMENT FOR COOPERATION BETWEEN THE GOVERNMENT OF THE UNITED STATES OF AMERICA AND THE GOVERNMENT OF THE KINGDOM OF NORWAY CONCERNING PEACEFUL USES OF NUCLEAR ENERGY—PM 51

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Foreign Relations:

*To The Congress of the United States:*

I am pleased to transmit to the Congress, pursuant to sections 123 b. and 123 d. of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2153(b), (d)) (the "Act"), the text of a proposed Agreement for Cooperation Between the Government of the United States of America and the Government of the Kingdom of Norway Concerning Peaceful Uses of Nuclear Energy (the "Agreement"). I am also pleased to transmit my written approval, authorization, and determination concerning the Agreement, and an unclassified Nuclear Proliferation Assessment Statement (NPAS) concerning the proposed Agreement. (In accordance with section 123 of the Act, as amended by Title XII of the Foreign Affairs Reform and Restructuring Act of 1998 (Public Law 105-277), a classified annex to the NPAS, prepared by the Secretary of State, in consultation with the Director of National Intelligence, summarizing relevant classified information, will be submitted to the Congress separately.) The joint memorandum submitted to me by the Secretaries of State and Energy and a letter from the Chairman of the Nuclear Regulatory Commission stating the views of the Commission are also enclosed. An addendum to the NPAS containing a comprehensive analysis of Norway's export control system with respect to nuclear-related matters, including interactions with other countries of proliferation concern and the actual or suspected nuclear, dual-use, or missile-related transfers to such countries, pursuant to section 102A(w) of the National Security Act of 1947 (50 U.S.C. 3024(w)), is being submitted separately by the Director of National Intelligence.

The proposed Agreement has been negotiated in accordance with the Act and other applicable law. In my judgment, it meets all applicable statutory requirements and will advance the nonproliferation and other foreign policy interests of the United States.

The proposed Agreement contains all the provisions required by section 123 a. of the Act, and provides a comprehensive framework for peaceful nuclear cooperation with Norway based on a mutual commitment to nuclear nonproliferation. It would permit the transfer of unclassified information, material, equipment (including reactors), and components for nuclear research and nuclear power production. Norway has no nuclear power program, and no current plans for establishing one, but the proposed Agreement would facilitate cooperation on such a program if Norway's plans change in the future. Norway does have an active nuclear research program and the focus of cooperation under the proposed Agreement, as under the previous agreement, is expected to be in the area of nuclear research. The proposed Agreement would not permit transfers of Restricted Data, sensitive nuclear technology, sensitive nuclear facilities or major critical components of such facilities.

The proposed Agreement would provide advance, long-term (programmatic) consent to Norway for the retransfer for storage or reprocessing of irradiated nuclear material (spent fuel) subject to the Agreement to France, the United Kingdom, or other countries or destinations as may be agreed upon in writing. The United States has given similar advance consent to various other partners, including to Norway under the previous U.S.-Norway Peaceful Nuclear Cooperation Agreement that was in force from 1984 to 2014. The proposed Agreement would give the United States the option to revoke the advance consent if it considers that it cannot be continued without a significant increase of the risk of proliferation or without jeopardizing national security.

The proposed Agreement will have a term of 30 years from the date of its entry into force, unless terminated by either party on 1 year's advance written notice. In the event of termination or expiration of the proposed Agreement, key nonproliferation conditions and controls will continue in effect as long as any material, equipment, or component subject to the proposed Agreement remains in the territory of the party concerned or under its jurisdiction or control anywhere, or until such time as the parties agree that such items are no longer usable for any nuclear activity relevant from the point of view of safeguards.

Norway is a non-nuclear-weapon State party to the Treaty on the Non-Proliferation of Nuclear Weapons (NPT). Norway has concluded a safeguards agreement and additional protocol with the International Atomic

Energy Agency. Norway is a party to the Convention on the Physical Protection of Nuclear Material, which establishes international standards of physical protection for the use, storage, and transport of nuclear material. It is also a member of the Nuclear Suppliers Group, whose non-legally binding guidelines set forth standards for the responsible export of nuclear commodities for peaceful use. A more detailed discussion of Norway's domestic civil nuclear activities and its nuclear nonproliferation policies and practices is provided in the NPAS and the NPAS classified annex submitted to the Congress separately.

I have considered the views and recommendations of the interested departments and agencies in reviewing the proposed Agreement and have determined that its performance will promote, and will not constitute an unreasonable risk to, the common defense and security. Accordingly, I have approved the proposed Agreement and authorized its execution and urge that the Congress give it favorable consideration.

This transmission shall constitute a submittal for purposes of both sections 123 b. and 123 d. of the Act. My Administration is prepared to begin immediately consultations with the Senate Foreign Relations Committee and the House Foreign Affairs Committee as provided in section 123 b. Upon completion of the 30 days of continuous session review provided for in section 123 b., the 60 days of continuous session review provided for in section 123 d. shall commence.

BARACK OBAMA.

THE WHITE HOUSE, June 14, 2016.

#### MESSAGES FROM THE HOUSE

##### ENROLLED BILLS SIGNED

At 10:05 a.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 bills:

H.R. 1762. An act to name the Department of Veterans Affairs community-based outpatient clinic in The Dalles, Oregon, as the "Loren R. Kaufman VA Clinic".

H.R. 2212. An act to take certain Federal lands located in Lassen County, California, into trust for the benefit of the Susanville Indian Rancheria, and for other purposes.

H.R. 2576. An act to modernize the Toxic Substances Control Act, and for other purposes.

The enrolled bills were subsequently signed by the President pro tempore (Mr. HATCH).

At 11:30 a.m., a message from the House of Representatives, delivered by Mr. Novotny, one of its reading clerks, announced that the House has passed the following bill, without amendment:

S. 337. An act to improve the Freedom of Information Act.

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

H.R. 3636. An act to amend the Immigration and Nationality Act to allow labor organizations and management organizations to receive the results of visa petitions about which such organizations have submitted advisory opinions.

H.R. 3694. An act to combat trafficking in human organs, and for other purposes.

H.R. 4939. An act to increase engagement with the governments of the Caribbean region, the Caribbean diaspora community in the United States, and the private sector and civil society in both the United States and the Caribbean, and for other purposes.

H.R. 5312. An act to amend the High-Performance Computing Act of 1991 to authorize activities for support of networking and information technology research, and for other purposes.

### MEASURES REFERRED

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

H.R. 3636. An act to amend the Immigration and Nationality Act to allow labor organizations and management organizations to receive the results of visa petitions about which such organizations have submitted advisory opinions; to the Committee on the Judiciary.

H.R. 3694. An act to combat trafficking in human organs, and for other purposes; to the Committee on Foreign Relations.

H.R. 4939. An act to increase engagement with the governments of the Caribbean region, the Caribbean diaspora community in the United States, and the private sector and civil society in both the United States and the Caribbean, and for other purposes; to the Committee on Foreign Relations.

H.R. 5312. An act to amend the High-Performance Computing Act of 1991 to authorize activities for support of networking and information technology research, and for other purposes; to the Committee on Commerce, Science, and Transportation.

### PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM-174. A concurrent memorial adopted by the Legislature of the State of Arizona urging the United States Congress to enact the resilient Federal Forests Act; to the Committee on Agriculture, Nutrition, and Forestry.

#### SENATE CONCURRENT MEMORIAL 1011

Whereas, national forest lands are the largest single source of water in the United States and, in some regions of the west, contribute nearly 50% of the overall water supply; and

Whereas, the unhealthy state of these forests has resulted in catastrophic wildfires that are threatening the reliability, volume and quality of water for tens of millions of Americans; and

Whereas, severe drought and record-breaking wildfire seasons have highlighted the need for the implementation of a process that would require and provide for the United States Forest Service to accelerate restoration work in our national forests, which would protect critical headwaters and make forest lands more resilient against prolonged dry conditions, insect infestation and fire; and

Whereas, failure to take quick action will result in a continued increase in the frequency and intensity of destructive

wildfires, impacting the nation's water resources for decades at considerable cost to stakeholders and United States taxpayers; and

Whereas, the customs, cultures and economic well-being of our local communities, as well as important historic and cultural aspects of our local heritage, are being ignored, which adversely affects the lives and jobs of the people of the United States and devastates local and state economies; and

Whereas, on June 4, 2015, Representative Bruce Westerman introduced H.R. 2647, the Resilient Federal Forests Act. The bill passed in the House on July 9, 2015 and was transmitted to the Senate, where it died in committee; and

Whereas, the Resilient Federal Forests Act expedites and improves forest management activities through a collaborative process, resulting in the protection of water resources.

Wherefore your memorialist, the Senate of the State of Arizona, the House of Representatives concurring, prays:

1. That the United States Congress enact the Resilient Federal Forests Act.

2. That the Secretary of State of the State of Arizona transmit copies of this Memorial to the President of the United States Senate, the Speaker of the United States House of Representatives and each Member of Congress from the State of Arizona.

POM-175. A concurrent memorial adopted by the Legislature of the State of Arizona urging the United States Congress to act to prohibit Federal agencies from recommending and identifying Arizona's public lands as wilderness areas without express congressional consent; to the Committee on Energy and Natural Resources.

#### SENATE CONCURRENT MEMORIAL 1014

Whereas, through federal land management planning and associated guidelines, federal agencies are recommending and identifying Arizona's public lands as wilderness areas; and

Whereas, these administratively recommended wilderness areas circumvent congressional intent and lack full and appropriate National Environmental Policy Act (NEPA) analyses; and

Whereas, the identification of these de facto wilderness areas has resulted in significant restrictions on public access and recreation, paralyzing restrictions on the Arizona Game and Fish Department's ability to manage wildlife and potentially catastrophic restrictions on vegetation and habitat improvement projects, including fire management activities; and

Whereas, the conservation of wildlife resources is the trust responsibility of the Arizona Game and Fish Commission, and this responsibility extends to all lands within Arizona to ensure abundant wildlife resources for current and future generations; and

Whereas, the designation of Arizona's public lands as wilderness areas has resulted in the erosion of the Arizona Game and Fish Department's ability to comply with its federal mandate to proactively recover threatened and endangered species; and

Whereas, according to federal land management agency guidelines, an administratively recommended wilderness area must be managed to "protect and maintain the social and ecological characteristics that provide the basis for wilderness recommendation" in perpetuity or until Congress takes action to formally designate the area as a wilderness area; and

Whereas, allowable activities within administratively recommended wilderness areas will be left to the discretion of federal staff and deciding officers, resulting in even

greater restrictions and limitations than those formally vetted and designated by Congress; and

Whereas, congressionally designated wilderness provides clearer guidance for management and coordination with this state, specific processes for wildlife management exemptions and direction for collaboration via existing state agreements and guidelines; and

Whereas, administratively recommended wilderness areas circumvent the spirit of NEPA and congressional intent and lack transparency; and

Whereas, with the implementation of federal land management plans, recommended wilderness areas constitute a significant and immediate change in management without a fully disclosed impact analysis required by NEPA; and

Whereas, the federal land management plans lack full NEPA disclosure of potential impacts to this state and the public, assurances protecting this state's ability to proactively manage wildlife and fulfill its public trust responsibility, including specific management activities, and analyses of the cumulative impacts of further loss of public lands that provide for S.C.M. 1014 multiple-use and wildlife-related recreational and economic opportunities; and

Whereas, the areas being recommended as wilderness were not included within the original wilderness designations with purposeful intent by Congress; and

Whereas, the subsequent expansion of previously designated wilderness is an overreach of the federal agencies and disingenuous to the public, subverting original collaboration, coordination, negotiation and agreements; and

Whereas, the federal agency planning documents suggest that no significant management action or recommendation to Congress will take place before further NEPA analyses are completed. Within the recently released Prescott and Apache-Sitgreaves National Forest recommended wildernesses, the United States Forest Service indicates that these areas are simply preliminary administrative recommendations and that further NEPA analyses are necessary. However, in transmittal letters, the United States Forest Service states that "the Final Environmental Impact Statement for the . . . Forest's Revised Resource Management Plan contains the NEPA analysis necessary to support a legislative proposal." This is an egregious lack of transparency.

Wherefore your memorialist, the Senate of the State of Arizona, the House of Representatives concurring, prays:

1. That the Congress of the United States act to prohibit federal agencies from recommending and identifying Arizona's public lands as wilderness areas without express congressional consent.

2. That the Secretary of State of the State of Arizona transmit copies of this Memorial to the President of the United States Senate, the Speaker of the United States House of Representatives and each Member of Congress from the State of Arizona.

POM-176. A resolution adopted by the Senate of the State of Iowa calling upon the United States Congress, the United States Environmental Protection Agency, the President of the United States, and this country's future President of the United States and administration, to continue to support the renewable fuel standard in order to encourage American energy production and to strengthen rural communities; to the Committee on Environment and Public Works.

#### SENATE RESOLUTION 118

Whereas, in accordance with the federal Energy Policy Act of 2005, Pub. L. No. 109-58,

as amended by the federal Energy Independence and Security Act of 2007, Pub. L. No. 110-140, the United States has demonstrated its commitment to the long-term policy of increasing the domestic production of clean renewable fuels according to a renewable fuel standard, referred to as the "RFS"; and

Whereas, the RFS is one of the single most successful energy policies in our nation's history; and

Whereas, the RFS is a federal policy that requires a minimum percentage of motor fuel sold in our nation to contain renewable fuels; and

Whereas, under the RFS, renewable fuels have access to a retail market in the face of a vertically integrated petroleum market; and

Whereas, the RFS represents a congressional promise to American biofuels producers, farmers, communities, and investors that the blend levels of the RFS will increase each year; and

Whereas, this congressional policy supporting the RFS will continue to build the long-term capacity of the renewable fuels industry and will encourage the development of new types of clean fuels; and

Whereas, the RFS helps support over 73,000 jobs in agriculture, biofuels production, and associated businesses in Iowa; and

Whereas, the renewable fuels industry in Iowa helps pay \$5 billion in wages annually to this state's employment force; and

Whereas, renewable fuels create additional markets for Iowa farmers with more than 47 percent of Iowa's corn supply supporting ethanol production; Now, therefore, be it

*Resolved by the Senate*, That the Iowa Senate calls upon the Congress of the United States, the United States Environmental Protection Agency, the President of the United States, and this country's future President of the United States and administration, to continue to support the RFS in order to encourage American energy production and to strengthen rural communities; and be it further

*Resolved*, That copies of this Resolution be sent to the President of the United States, the Administrator of the United States Environmental Protection Agency, the President and Secretary of the United States Senate, the Speaker and Clerk of the United States House of Representatives, and to the members of Iowa's congressional delegation.

POM-177. A concurrent resolution adopted by the Legislature of the State of Louisiana memorializing the United States Congress to designate the Louisiana Highway 8/Louisiana Highway 28 corridor in Louisiana as Future Interstate 14; to the Committee on Environment and Public Works.

#### SENATE CONCURRENT RESOLUTION NO. 90

Whereas, Interstate 14 (I-14), also known as the "14th Amendment Highway", the Gulf-Coast Strategic Highway, and the Central Texas Corridor is a proposed interstate highway from Texas to Georgia; the original conceptual western terminus of the highway was from Natchez, Mississippi, and later from I-49 near Alexandria, Louisiana, extending east through the states of Louisiana, Mississippi, and Alabama, ending at Augusta, Georgia or North Augusta, South Carolina; and

Whereas, advocates of the Gulf-Coast Strategic Highway proposed extending I-14 to the I-10 near Fort Stockton and the junction of US 277 and I-10 near Sonora, Texas; and

Whereas, the proposal for the 14th Amendment Highway has its origins in the Safe, Accountable, Flexible Transportation Equity Act: A Legacy for Users (SAFETEA-LU); and

Whereas, the study and planning of I-14 has continued because of support and interest from both the Congress and the associated state highway departments; and,

Whereas, the I-14 corridor provides a national strategic link to numerous major military bases and major Gulf Coast and Atlantic ports used for overseas deployments in six states from Texas to South Carolina; and

Whereas, the Fixing America's Surface Transportation (FAST) Act, signed by President Obama on December 14, 2015, officially assigned the Future I-14 designation to the US 190 Central Texas Corridor; and

Whereas, congressional advocacy for the legislation spiked following the post-logistics controversies; the act included the 14th Amendment Highway and the 3rd Infantry Division Highway; the legislation did not provide funding for either highway; and

Whereas, the Federal Highway Administration (FHWA) currently has no funding identified beyond the Phase II studies to support long-range planning, environmental review or construction which must be initiated at the state or regional level with any further direction from the Congress; and

Whereas, the 14th Amendment Highway and the Gulf-Coast Strategic Highway concepts continued through active studies to the present as local and state interest began to surface and support in the Congress, FHWA and, most importantly, in the associated state highway departments, all the key ingredients necessary to successfully justify funding any proposed federal-aid highway project; and

Whereas, the FHWA issued its report on the 14th Amendment Highway to the Congress in 2011 and made recommendation for further environmental and feasibility studies; however, little action to fund these studies advanced in Congress after 2011; and

Whereas, the Texas Department of Transportation (TxDOT) also conducted the US 190/IH-10 Feasibility Study in 2011, which concluded that it was justified to upgrade US 190 to a divided four-lane arterial highway based on current traffic projections to 2040, but that upgrading US 190 to a full freeway through Texas was only justified if the 14th Amendment Highway is actually constructed from Louisiana to Georgia; and

Whereas, the Louisiana Department of Transportation and Development (DOTD) has not endorsed designation of "Future I-14" in Louisiana as proponents of the Gulf-Coast Strategic Highway presented the LA 8/LA 28 corridor as a conventional four lane highway; and DOTD is pursuing its development of the LA 8/LA 28 corridor, having completed LA 28 between Alexandria and Fort Polk, and having included the relocation of LA 28 south of Alexandria in Priority A of the Statewide Transportation Plan and the section from Archie to Vidalia in Priority B of the Statewide Transportation Plan; and

Whereas, the Legislature of the State of Louisiana recognizes that the designation of the LA 8/LA 28 corridor in Louisiana as Future I-14 is vital as a national strategic link to numerous major military bases and major Gulf Coast and Atlantic ports used for overseas deployments in six states from Texas to South Carolina; Now, therefore, be it

*Resolved*, That the Legislature of Louisiana memorializes the Congress of the United States to designate the Louisiana Highway 8/Louisiana Highway 28 corridor in Louisiana as Future Interstate 14; and be it further

*Resolved*, That a copy of this Resolution shall be transmitted to the secretary of the United States Senate and the clerk of the United States House of Representatives and to each member of the Louisiana delegation to the United States Congress.

POM-178. A concurrent memorial adopted by the Legislature of the State of Arizona urging the United States Congress to enact the Regulatory Integrity Protection Act; to the Committee on Environment and Public Works.

#### SENATE CONCURRENT MEMORIAL 1008

Whereas, on April 13, 2015, Representative Bill Shuster introduced H.R. 1732, the Regulatory Integrity Protection Act; and

Whereas, the Regulatory Integrity Protection Act protects landowners from intrusive government regulation and ensures the protection of personal property; and

Whereas, the Regulatory Integrity Protection Act came in response to efforts by the Obama Administration, the United States Environmental Protection Agency (EPA) and the United States Army Corps of Engineers to implement the Clean Water Rule, which vastly expands the federal government's ability to regulate waterways; and

Whereas, the final rule became effective on August 28, 2015; and

Whereas, the final rule is far too broad, allowing the federal government to regulate everything from puddles of rainwater to agricultural irrigation systems; and

Whereas, the final rule allows waters that have traditionally been off limits to federal regulation to be subject to the rulemaking process of the EPA and the Clean Water Act; and

Whereas, the customs, cultures and economic well-being of our local communities, as well as important historic and cultural aspects of our local heritage, are being ignored, which adversely affects the lives and jobs of the people of the United States and devastates local and state economies; and

Whereas, the State of Arizona is one of 27 states that have brought legal challenges against the Clean Water Rule and successfully obtained a nationwide stay barring the rule's enforcement; and

Whereas, if passed by Congress, the Regulatory Integrity Protection Act would require the EPA and the United States Army Corps of Engineers to develop a new rule that takes into consideration all public comments received on the matter as well as input received from state and local governments.

Wherefore your memorialist, the Senate of the State of Arizona, the House of Representatives concurring, prays:

1. That the Congress of the United States enact the Regulatory Integrity Protection Act.

2. That the Secretary of State of the State of Arizona transmit copies of this Memorial to the President of the United States Senate, the Speaker of the United States House of Representatives and each Member of Congress from the State of Arizona.

POM-179. A concurrent memorial adopted by the Legislature of the State of Arizona urging the United States Environmental Protection Agency to reinstate the previous ozone concentration standard of 75 parts per billion; to the Committee on Environment and Public Works.

#### SENATE CONCURRENT MEMORIAL 1007

Whereas, on October 1, 2015, the United States Environmental Protection Agency (EPA) reduced the national ambient air quality standards for ground-level ozone from 75 parts per billion (ppb) to 70 ppb; and

Whereas, the State of Arizona will have great difficulty in implementing this new ozone concentration standard due to factors that are outside of this state's control, including its proximity to California, extreme heat and intense summer sunshine; and

Whereas, before the implementation of the new ozone concentration standard, the EPA reported that 358 counties in the nation would violate a standard of 70 ppb based on monitoring data from 2011 through 2013; and

Whereas, nonattainment area designations will limit economic and job growth by restricting new and expanded industrial and

manufacturing facilities, imposing emission "offset" requirements on new and modified major sources of nitrogen oxides and volatile organic compounds emissions, constraining oil and gas extraction and raising electricity prices for industries and consumers; and

Whereas, low-income and fixed-income citizens will bear the brunt of higher energy costs and utility bills; and

Whereas, air quality continues to improve, and nitrogen oxide emissions are already down to 60% nationwide since 1980, which, after adjusting for economic growth, implies a 90% reduction in emission rates from the relatively uncontrolled 1990 rates for nitrogen oxide-emitting sources; and

Whereas, average ozone concentrations have decreased significantly in both urban and rural areas over the past two decades in response to state and federal emission control programs; and

Whereas, instead of giving states enough time to meet the previous ozone concentration standard of 75 ppb through ongoing emission reduction programs, the EPA moved the goalpost by imposing a lower standard; and

Whereas, reinstating the previous ozone concentration standard of 75 ppb would provide for continued air quality improvement throughout the nation as emission reduction programs under EPA regulations are implemented.

Wherefore your memorialist, the Senate of the State of Arizona, the House of Representatives concurring, prays:

1. That the United States Environmental Protection Agency reinstate the previous ozone concentration standard of 75 ppb.

2. That the Secretary of State of the State of Arizona transmit copies of this Memorial to the Administrator of the United States Environmental Protection Agency, the President of the United States, the President of the United States Senate, the Speaker of the United States House of Representatives and each Member of Congress from the State of Arizona.

POM-180. A concurrent memorial adopted by the Legislature of the State of Arizona urging the United States Congress to oppose the implementation of certain rules for existing electric utility generating units; to the Committee on Environment and Public Works.

#### SENATE CONCURRENT MEMORIAL 1016

Whereas, the Clean Air Act (CAA) is a federal law designed to protect air quality nationwide; and

Whereas, jurisdiction to implement the CAA lies primarily with the states; and

Whereas, in 1970, Congress enacted the CAA, mandating comprehensive state and federal regulations for both stationary and nonstationary sources of pollution; and

Whereas, while Americans support efforts to improve air quality, such efforts should be carefully balanced to ensure that the cost of new regulations on the economy do not exceed potential benefits; and

Whereas, on October 23, 2015, the United States Environmental Protection Agency (EPA) published final rules in the Federal Register regulating greenhouse gas emissions from existing electric utility generating units, also known as the Clean Power Plan; and

Whereas, the EPA has issued a proposed federal plan that will be imposed on existing electric utility generating units in the State of Arizona if the State of Arizona does not adopt its own plan implementing the Clean Power Plan regulating greenhouse gas emissions; and

Whereas, the EPA's Clean Power Plan exceeds the agency's legal authority to require

reductions in carbon dioxide emissions from existing fossil fuel-fired electric generating units under Section 111(d) of the CAA and interferes with the electric system of Arizona; and

Whereas, addressing greenhouse gas emissions under Section 111(d) is a discretionary duty of the EPA as outlined in the CAA; and

Whereas, devoting resources to discretionary duties like regulating greenhouse gas emissions takes resources away from nondiscretionary duties that are better suited to protect the public health and safety in the near term; and

Whereas, it is important to Arizona's economy to have a diverse energy portfolio that provides reliable and affordable electric service to Arizona residents and businesses while also protecting the public health and safety; and

Whereas, fossil fuels, including coal and natural gas, provide an abundant and affordable domestic energy source that is important to Arizona's economy and enhance the availability and reliability of electric service; and

Whereas, the EPA's final Clean Power Plan impedes the ability of this state to oversee its own electricity supply and transmission system; and

Whereas, the EPA's Clean Power Plan will have adverse impacts on the customs, culture, history, heritage and economies of this state and local communities.

Wherefore your memorialist, the Senate of the State of Arizona, the House of Representatives concurring, prays:

1. That the United States Congress oppose the implementation of rules for existing electric utility generating units that exceed the EPA's legal authority under Section 111(d) of the CAA and interfere with the prerogative of Arizona to regulate electricity and ensure an affordable and reliable supply of electricity for its citizens.

2. That the United States Congress oppose the implementation of rules for existing electric utility generating units that do not recognize the primary role of states in establishing and implementing plans to achieve emissions reductions for existing units under Section 111(d) of the CAA.

3. That the United States Congress exercise oversight over the EPA to ensure that the primary role of states in establishing and implementing plans to achieve emissions reductions from existing electric utility generating units under Section 111(d) of the CAA is respected.

4. That the Governor and the Attorney General of the State of Arizona take appropriate actions to uphold this state's responsibilities with respect to the CAA and defend this state against overreaching regulations.

5. That the Secretary of State of the State of Arizona transmit a copy of this Memorial to the President of the United States, the President of the United States Senate, the Speaker of the United States House of Representatives, each Member of Congress from the State of Arizona, the Administrator of the United States Environmental Protection Agency, the Governor of the State of Arizona and the Attorney General of the State of Arizona.

POM-181. A concurrent memorial adopted by the Legislature of the State of Arizona urging the United States Congress to enact the Stopping EPA Overreach Act; to the Committee on Environment and Public Works.

#### SENATE CONCURRENT MEMORIAL 1015

Whereas, the Stopping EPA Overreach Act seeks to prevent the United States Environmental Protection Agency (EPA) from exceeding its statutory authority in ways that

were not contemplated by the United States Congress; and

Whereas, in the Stopping EPA Overreach Act, the State of Arizona urges Congress to find that:

(1) The EPA has exceeded its statutory authority by promulgating regulations that were not contemplated by Congress in the authorizing language of the statutes enacted by Congress;

(2) The EPA was correct not to classify greenhouse gases as pollutants prior to 2009;

(3) No federal agency has the authority to regulate greenhouse gases under current law; and

(4) No attempt to regulate greenhouse gases should be undertaken without further congressional action; and

Whereas, the Stopping EPA Overreach Act should clarify that federal agencies do not have the authority to regulate climate change or global warming, thereby voiding certain EPA rules, and requires the Administrator of the EPA to provide an analysis of any regulation, rule or policy that describes its impacts on employment and jobs in the United States before proposing or finalizing that regulation, rule or policy; and

Whereas, any federal agency seeking to promulgate a regulation, rule or policy should be required to provide the cost-benefit analysis and peer-reviewed science that were used in proposing the regulation, rule or policy; and

Whereas, penalties should be imposed for knowingly providing false information as support for a proposed regulation, rule or policy; and

Whereas, the people of Arizona fully support the Stopping EPA Overreach Act.

Wherefore your memorialist, the Senate of the State of Arizona, the House of Representatives concurring, prays:

1. That the United States Congress enact the Stopping EPA Overreach Act.

2. That the Secretary of State of the State of Arizona transmit copies of this Memorial to the President of the United States, the Speaker of the United States House of Representatives, the President of the United States Senate and each Member of Congress from the State of Arizona.

POM-182. A concurrent memorial adopted by the Legislature of the State of Arizona urging the President of the United States, United States Congress, and the United States Secretary of State to secure the safe release of Robert Levinson from Iran; to the Committee on Foreign Relations.

#### HOUSE CONCURRENT MEMORIAL 2010

Whereas, it is a time-honored tradition that the United States of America strives to ensure that all United States citizens held captive overseas are returned safely to their families and loved ones; and

Whereas, Robert Levinson honorably served the United States as a law enforcement officer in both the United States Drug Enforcement Agency and the Federal Bureau of Investigation; and

Whereas, Robert Levinson was taken captive on the Kish Island in Iran on March 9, 2007; and

Whereas, several Americans who have been held captive in Iran were recently released, but Robert Levinson was not among them; and

Whereas, it is a duty and obligation of the United States to Robert Levinson and his family to ascertain his whereabouts and secure his safe release.

Wherefore your memorialist, the House of Representatives of the State of Arizona, the Senate concurring, prays:

1. That the President of the United States the United States Congress, the United

States Secretary of State and all public officials under their charge follow the policy of the United States as stated in United States Senate Concurrent Resolution 16:

It is the policy of the United States that—  
(1) [T]he Government of the Islamic Republic of Iran should immediately . . . cooperate with the United States Government to locate and return Robert Levinson; and

(2) [T]he United States Government should undertake every effort using every diplomatic tool at its disposal to secure [his] immediate release.

2. That the Secretary of State of the State of Arizona transmit copies of this Memorial to the President of the United States, the Secretary of State of the United States, the Speaker of the United States House of Representatives, the President of the United States Senate and each Member of Congress from the State of Arizona.

POM-183. A memorial adopted by the Senate of the State of Arizona urging that each member of Congress from the State of Arizona cosponsor legislation similar to House Concurrent Resolution 75, support other congressional efforts to aid victims of the persecution of Christians and other religious minorities in the Middle East and encourage the United States government to take greater concrete action to end the genocide; to the Committee on Foreign Relations.

#### SENATE MEMORIAL 1001

Whereas, Christians, Yazidis and other religious minorities in the Middle East are being subjected to systematic and violent persecution at the hands of the Islamic State of Iraq and Syria (ISIS) and other terrorist groups; and

Whereas, these people are being murdered, kidnapped, sexually abused, tortured and victimized in other ways that violate the laws of their own nations, the international community and the United Nations Convention on the Prevention and Punishment of the Crime of Genocide (Convention); and

Whereas, the victims of this brutal persecution are being specifically targeted based on their religious or ethnic affiliation with the intent to facilitate the annihilation or forced migration of communities with longstanding ties to their region; and

Whereas, the Convention defines “genocide” as killing members of a national, ethnic, racial or religious group, causing them serious bodily or mental harm, intentionally enforcing living conditions designed to cause the partial or total physical destruction of the group, preventing births within the group or transferring the children of the group to another group with the intent to destroy the group in total or in part; and

Whereas, the Convention holds that genocide is a crime that governments are obligated to prevent and for which perpetrators are to be held responsible; and

Whereas, the United States Commission on Religious Freedom, the Hudson Institute for Religious Freedom, the International Association of Genocide Scholars, Pope Francis, Hillary Clinton and many other organizations and religious and political leaders have called on the United States to recognize the persecution of Christians and other religious minorities in the Middle East as genocide; and

Whereas, the United States Congress has introduced House Concurrent Resolution 75, Senate Resolution 340 and at least five other bills designed to recognize the genocide and facilitate expedited support and aid for Christians and other religious minorities in the Middle East; and

Whereas, the designation of the persecution of Christians and other religious minorities in the Middle East as genocide has real,

practical policy implications and can help expedite various solutions to the crisis; and

Whereas, the Members of the Senate of the State of Arizona officially recognize the persecution of Christians and other religious minorities in the Middle East as genocide.

Wherefore your memorialist, the Senate of the State of Arizona, prays:

1. That each Member of Congress from the State of Arizona cosponsor legislation similar to House Concurrent Resolution 75, support other congressional efforts to aid victims of the persecution of Christians and other religious minorities in the Middle East and encourage the United States government to take greater concrete action to end the genocide.

2. That the Secretary of State of the State of Arizona transmit copies of this Memorial to the President of the United States, the Speaker of the United States House of Representatives, the Majority Leader of the United States Senate and each Member of Congress from the State of Arizona.

POM-184. A concurrent memorial adopted by the Legislature of the State of Arizona urging that the United States Congress continue to take action to prevent the United States from entering into the United Nations Arms Trade Treaty or other similar treaties that would interfere with the Second Amendment rights of United States citizens; to the Committee on Foreign Relations.

#### SENATE CONCURRENT MEMORIAL 1013

Whereas, United Nations (UN) Security Council Resolution 2117, which was adopted on September 26, 2013, “[c]alls for Member States to support weapons collection, disarmament, demobilization and reintegration of ex-combatants, as well as physical security and stockpile management programmes by United Nations peacekeeping operations where so mandated”; and

Whereas, the UN Arms Trade Treaty strives to place a global ban on the import and export of small firearms, affecting all private gun owners in the United States, and to implement an international gun registry on all private guns and ammunition; and

Whereas, Senator James Inhofe introduced an amendment to the budget in 2013 that would prevent the United States from entering into the United Nations Arms Trade Treaty “[t]o uphold Second Amendment rights and prevent the United States from entering into the United Nations Arms Trade Treaty,” which passed on a 53-46 vote.

Wherefore your memorialist, the Senate of the State of Arizona, the House of Representatives concurring, prays:

1. That the United States Congress continue to take action to prevent the United States from entering into the UN Arms Trade Treaty or other similar treaties that would interfere with the Second Amendment rights of United States citizens.

2. That the Secretary of State of the State of Arizona transmit copies of this Memorial to the President of the United States, the Speaker of the United States House of Representatives, the President of the United States Senate and each Member of Congress from the State of Arizona.

POM-185. A concurrent resolution adopted by the Legislature of the State of Louisiana recognizing May 2016 as “Amyotrophic Lateral Sclerosis Awareness Month” and memorializing the United States Congress to enact legislation to provide additional funding for research for the treatment and cure of Amyotrophic Lateral Sclerosis; to the Committee on Health, Education, Labor, and Pensions.

#### SENATE CONCURRENT RESOLUTION NO. 119

Whereas, Amyotrophic Lateral Sclerosis, or ALS, is more commonly known as Lou Gehrig’s disease; and

Whereas, ALS is a fatal neurodegenerative disease characterized by degeneration of cell bodies of the lower motor neurons in the gray matter of the anterior horns of the spinal cord; and

Whereas, the initial symptom of ALS is usually weakness of the skeletal muscles, especially those of the extremities; and

Whereas, as ALS progresses, the patient typically experiences difficulty in swallowing, talking, and breathing; and

Whereas, ALS eventually causes muscles to atrophy and the patient becomes a functional quadriplegic; and

Whereas, ALS does not affect the mental capacity of the patient, such that the patient remains alert and aware of surroundings and aware of the loss of motor functions and the inevitable outcome of continued deterioration and death; and

Whereas, on average, patients diagnosed with ALS survive only two to five years from the time of diagnosis; and

Whereas, despite the catastrophic consequences of a diagnosis of ALS, the disease currently has no known cause, means of protection, or cure; and

Whereas, research indicates that military veterans are at a sixty percent greater risk of developing ALS than those who have not served in the military; and

Whereas, the United States Department of Veterans Affairs has promulgated regulations to establish a presumption of service connection for ALS thereby presuming that the development of ALS was incurred or aggravated by a veteran’s service in the military; and

Whereas, a national ALS registry, administered by the Centers for Disease Control and Prevention, is currently identifying cases of ALS in the United States and may become the largest ALS research project ever undertaken; and

Whereas, Amyotrophic Lateral Sclerosis Awareness Month increases the awareness of the circumstances of living with ALS and acknowledges the terrible impact this disease has, not only on the patient receiving such a diagnosis, but also on his family and community; and

Whereas, Amyotrophic Lateral Sclerosis Awareness Month also increases awareness of research being done to eradicate this dire disease; Now, therefore, be it

*Resolved*, That the Legislature of Louisiana does hereby recognize May 2016 as “Amyotrophic Lateral Sclerosis Awareness Month”; and be it further

*Resolved*, That the Legislature of Louisiana does hereby memorialize the Congress of the United States to enact legislation to provide additional funding for research for the treatment and cure of Amyotrophic Lateral Sclerosis; and be it further

*Resolved*, That a copy of this Resolution be transmitted to the secretary of the United States Senate, the clerk of the United States House of Representatives, and to each member of the Louisiana delegation to the United States Congress.

POM-186. A concurrent memorial adopted by the Legislature of the State of Arizona urging the United States Congress to protest the proposed closing of the Tucson Postal Processing and Distribution Center and take any action necessary to fully restore operations of this vital postal facility; to the Committee on Homeland Security and Governmental Affairs.

#### SENATE CONCURRENT MEMORIAL 1009

Whereas, the Tucson Postal Processing and Distribution Center (Cherrybell) serves the entire southern portion of Arizona covering the counties of Pima, Santa Cruz and Cochise. Currently, Southern Arizona is facing a potential economic downfall due to the



initial decision made by the United States Postal Service (USPS) Board of Governors to close Cherrybell; and

Whereas, more than 1.8 million people and 23,197 businesses use the Cherrybell postal services. According to USPS officials, over 3 million pieces of mail go through Cherrybell each day as it is the 15th largest facility serving the 33rd largest population area in our nation. The processing and sorting operations at Cherrybell that are proposed to be moved to Phoenix affect approximately 280 jobs in Southern Arizona; and

Whereas, Southern Arizona, which includes both the Tohono O'odham nation and Pasqua Yaqui tribal lands, encompasses the California and Arizona border at Yuma south to Nogales, across to Douglas and Bisbee in Cochise County and the military installations located at Fort Huachuca and Davis Monthan, depends on the Cherrybell Post office; and

Whereas, Southern Arizona is home to many military veterans who depend on the USPS both for timely delivery of medical prescriptions and for employment, as the USPS employs more veterans than any entity other than the United States Department of Defense; and

Whereas, in an extensive community survey conducted in 2015, 84% of individuals and 86% of businesses reported a noticeable delay in mail delivery due to the partial closure of Cherrybell; and

Whereas, Tucson City Council Member Richard Fimbres went on record opposing the closure of Cherrybell and requested that the Council work directly with Tucson's congressional delegation and community members to frame a campaign to protect the vital jobs at Cherrybell; and

Whereas, Pima County Recorder F. Ann Rodriguez objects to the closure of Cherrybell and firmly believes that, due to the higher number of voters each year on the permanent early voting list, this change will clearly impact the activities of the state and county elections officials in Arizona and will cause a detrimental impact to voters. The information provided to the public by the USPS is based entirely on economic considerations with no apparent regard for the impact of the change on the fundamental right of all citizens to vote and, in particular, the significant additional detrimental impact to Native American voters in the region; and

Whereas, the people of Arizona applaud the efforts of United States Representative Martha McSally and the other members of the Arizona Congressional Delegation, including Representatives Trent Franks, Ann Kirkpatrick, Matt Salmon, Paul Gosar, Ruben Gallego, Kyrsten Sinema and Raul Grijalva, who have asked for more detailed and complete information regarding the proposal Cherrybell closure; and

Whereas, thousands of people have written letters and signed online petitions urging the USPS Board of Governors not to close Cherrybell.

Wherefore your memorialist, the Senate of the State of Arizona, the House of Representatives concurring, prays:

1. That the Congress of the United States protest the proposed closing of the Tucson Postal Processing and Distribution Center and take any action necessary to fully restore operations of this vital postal facility.

2. That the Secretary of State of the State of Arizona transmit copies of this Memorial to the President of the United States Senate, the Speaker of the United States House of Representatives and each Member of Congress from the State of Arizona.

POM-187. A concurrent memorial adopted by the Legislature of the State of Arizona urging the United States Congress to act to

increase the number of United States Customs and Border Protection personnel at the ports of entry in Arizona; to the Committee on Homeland Security and Governmental Affairs.

#### SENATE CONCURRENT MEMORIAL 1006

Whereas, the United States Customs and Border Protection (CBP) is one of the world's largest law enforcement organizations and is charged with keeping terrorists and their weapons out of the United States while facilitating lawful international travel and trade; and

Whereas, as the world's first full-service border entity, CBP takes a comprehensive approach to border management and control, combining customs, immigration, border security and agricultural protection into one coordinated and supportive activity; and

Whereas, the need to increase the number of CBP personnel in the Tucson sector along the border between the United States and Mexico is critical to increasing border safety and security as well as to ensuring economic stability in our border communities; and

Whereas, increasing the number of CBP personnel who work at the ports of entry in Arizona will enhance the economic stability in our border communities and will increase border security between the United States and Mexico; and

Whereas, an integrated approach to securing the border and increasing economic stability along the border and in our border communities is important to residents living along the border and in our border communities; and

Whereas, increasing the number of CBP personnel at the ports of entry in Arizona will allow increased commercial traffic and will result in increased economic growth and stability for Arizona; and

Whereas, all of the benefits of increased economic stability in Arizona can be realized if the workload capacity at each port of entry is increased, which would result in less congestion and delay; and

Whereas, increasing the number of CBP personnel at the ports of entry in Arizona should be part of the infrastructure improvements that are occurring at the ports of entry; and

Whereas, the establishment of a safe and secure border is a crucial component of national security.

Wherefore your memorialist, the Senate of the State of Arizona, the House of Representatives concurring, prays:

1. That, in order to secure the border between the United States and Mexico, to enhance the safety and security of people and their property in the currently insecure regions of the border and to increase economic growth and stability for the residents of Arizona, the United States Congress act to increase the number of CBP personnel at the ports of entry in Arizona.

2. That the Secretary of State of the State of Arizona transmit a copy of this Memorial to the President of the United States Senate, the Speaker of the United States House of Representatives and each Member of Congress from the State of Arizona.

POM-188. A concurrent memorial adopted by the Legislature of the State of Arizona urging the United States Congress to enact the Diné College Act of 2015; to the Committee on Indian Affairs.

#### SENATE CONCURRENT MEMORIAL 1017

Whereas, this state and the Navajo Nation maintain a government-to-government relationship, and the Navajo people residing in this state are citizens of both Arizona and the Navajo Nation; and

Whereas, in 1968, the Navajo Nation established Navajo Community College, which

later became Diné College, to provide access to higher education to the Navajo people; and

Whereas, Diné College's flagship campus is located in Tsaile, Arizona, and there are community campuses in Tuba City, Chinle and Window Rock; and

Whereas, Diné College has dual credit agreements with school districts and schools throughout Arizona, including Red Mesa Unified School District #27, Chinle Unified School District #24, Ganado Unified School District, St. Michaels High School, Window Rock Unified School District #8, Many Farms High School, Kayenta Unified School District, Piñon Unified School District #4, Greyhills Academy High School, Tuba City High School, Leupp Schools, Inc. and Phoenix Union High School District; and

Whereas, this state provides support to Diné College through its Navajo Nation, Diné College-State of Arizona funding compact, the tribal college dual credit funding program and Proposition 301 monies; and

Whereas, the United States Congress passed the Navajo Community College Act, the Navajo Community College Assistance Act of 1978 and the Navajo Nation Higher Education Act of 2008, which collectively provide for maintenance, operation and construction funding for Diné College; and

Whereas, Representative Ann Kirkpatrick introduced the Diné College Act of 2015 "to fulfill the United States Government's trust responsibility to serve the higher education needs of the Navajo people and to clarify, unify, and modernize prior Diné College legislation," and Diné College has requested that Senator Jeff Flake introduce a United States Senate companion bill; and

Whereas, this state stands in support of the passage of the Diné College Act of 2015.

Wherefore your memorialist, the Senate of the State of Arizona, the House of Representatives concurring, prays:

1. That the Congress of the United States enact the Diné College Act of 2015.

2. That the Secretary of State of the State of Arizona transmit copies of this Memorial to the Governor of the State of Arizona, the President of the United States Senate, the Speaker of the United States House of Representatives and each Member of Congress from the State of Arizona.

POM-189. A concurrent memorial adopted by the Legislature of the State of Arizona urging the United States Congress to direct the appropriate federal agencies to secure the borders of the United States; to the Committee on the Judiciary.

#### SENATE CONCURRENT MEMORIAL 1012

Whereas, the United States is in the midst of a border crisis; and

Whereas, the sheriffs serving along the borders of the United States are in the epicenter of this crisis; and

Whereas, the porous borders of the United States have resulted in the smuggling of contraband and illegal drugs, the exploitation of human beings and the infiltration of subversives bent on doing harm to this country; and

Whereas, federal law mandates border security; and

Whereas, the quality of life normally enjoyed by the citizens of the United States is being jeopardized by an insecure border, which enables transnational criminals and their accomplices to prey on the citizens of the United States; and

Whereas, border security must be a stand-alone priority for the federal government; and

Whereas, violence against public officials, law enforcement and rival drug and human trafficking groups in Mexico continues to escalate and cross international boundaries; and

Whereas, the reduction of the federal government's prosecution of the criminal element places the citizens of the United States in harm's way, leaving the burden on local governments to bear the costs associated with the apprehension, prosecution and incarceration of this criminal element; and

Whereas, elected sheriffs have a statutory duty to protect and secure the freedoms and liberties of United States citizens and must do so with or without the help of their federal law enforcement partners and policy-makers; and

Whereas, working with limited budgets and staffing, sheriffs along the southwestern border of the United States and sheriffs across the nation struggle to find ways to enhance the quality of life and safety of those they serve and to deter those who cross our borders to promote their criminal activities; and

Whereas, local governments are cognizant of the need to bring relief to United States citizens who are impacted by the lack of border security; and

Whereas, without aggressive prosecution of all of those who breach the border and commit criminal acts, the border will continue to serve as an open opportunity for the criminal element to exploit by entering the United States to prey on this country and its citizens.

Wherefore, your memorialist, the Senate of the State of Arizona, the House of Representatives concurring, prays:

1. That the United States Congress direct the appropriate federal agencies to do the following:

(a) Fully secure all of the borders of the United States.

(b) Fully reimburse sheriffs for the costs associated with the housing of illegal aliens who are being charged with state crimes.

(c) Return to the original guidelines as set forth in Operation Streamline for the prosecution of persons crossing the United States border illegally.

2. That the Secretary of State of the State of Arizona transmit copies of this Memorial to the President of the United States, the Speaker of the United States House of Representatives, the President of the United States Senate and each Member of Congress from the State of Arizona.

POM-190. A concurrent memorial adopted by the Legislature of the State of Arizona urging the United States Congress to direct the American Legion to expand its membership eligibility to include all honorably discharged military veterans; to the Committee on the Judiciary.

#### HOUSE CONCURRENT MEMORIAL 2009

Whereas, according to the American Legion, the organization was chartered and incorporated by Congress in 1919 as a patriotic veterans organization devoted to mutual helpfulness. As the nation's largest wartime veterans service organization, the American Legion is committed to mentoring youth and sponsoring wholesome programs in our communities, advocating patriotism and honor, promoting strong national security and providing support to fellow servicemembers and veterans; and

Whereas, the American Legion limits membership eligibility to those who have served federal active duty in the United States Armed Forces during the World War I era, World War II era, Korean War era, Vietnam War era, Lebanon/Grenada era, Panama era or Persian Gulf War era and who have been honorably discharged or are still serving; and

Whereas, all honorably discharged military veterans deserve the opportunity to participate in the American Legion.

Wherefore your memorialist, the House of Representatives of the State of Arizona, the Senate concurring, prays:

1. That the United States Congress direct the American Legion to expand its membership eligibility to include all honorably discharged military veterans.

2. That the Secretary of State of the State of Arizona transmit copies of this Memorial to the President of the United States, the Speaker of the United States House of Representatives, the President of the United States Senate and each Member of Congress from the State of Arizona.

POM-191. A concurrent memorial adopted by the Legislature of the State of Arizona urging the United States Congress to adopt legislation similar to the Toxic Exposure Research Act of 2015; to the Committee on Veterans' Affairs.

#### HOUSE CONCURRENT MEMORIAL 2006

To the Congress of the United States of America:

Your memorialist respectfully represents:

Whereas, thousands of veterans have been exposed to Agent Orange and other chemical agents during the course of their service to the United States; and

Whereas, today, many of the children and grandchildren of veterans are suffering serious health issues that are related to the veterans' exposure to chemical agents; and

Whereas, the people of the United States owe it to their veterans to better understand the impacts of these exposures in order to guarantee that the children and grandchildren of veterans receive appropriate treatment; and

Whereas, the full effects of exposure to dangerous chemicals such as Agent Orange is still unknown, and a national research center is needed to further study the impact these exposures have on veterans, their children and their grandchildren; and

Whereas, the Toxic Exposure Research Act of 2015 is a critical step in protecting the veterans of the United States.

Wherefore your memorialist, the House of Representatives of the State of Arizona, the Senate concurring, prays:

1. That the United States Congress adopt legislation similar to H.R. 1769 and S. 901, the Toxic Exposure Research Act of 2015, that would establish in the United States Department of Veterans Affairs a national center for research on the diagnosis and treatment of health conditions of the descendants of veterans exposed to toxic substances during service in the armed forces of the United States that are related to that exposure.

2. That the Secretary of State of the State of Arizona transmit a copy of this Memorial to the President of the United States Senate, the Speaker of the United States House of Representatives and each Member of Congress from the State of Arizona.

POM-192. A petition from a citizen of the State of Texas relative to an amendment to the United States Constitution; to the Committee on the Judiciary.

#### REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. INHOFE, from the Committee on Environment and Public Works, without amendment:

S. 1479. A bill to amend the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 to modify provisions relating to grants, and for other purposes (Rept. No. 114-276).

By Mr. THUNE, from the Committee on Commerce, Science, and Transportation, with an amendment in the nature of a substitute:

S. 2829. A bill to amend and enhance certain maritime programs of the Department of Transportation, and for other purposes.

#### INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

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

By Mr. COCHRAN:

S. 3054. A bill to require the Secretary of the Interior to conduct a special resource study of significant civil rights sites; to the Committee on Energy and Natural Resources.

By Mr. BURR (for himself and Mr. TESTER):

S. 3055. A bill to amend title 38, United States Code, to provide a dental insurance plan to veterans and survivors and dependents of veterans; to the Committee on Veterans' Affairs.

By Mr. LEAHY (for himself, Mr. GRASSLEY, Ms. KLOBUCHAR, and Mr. LEE):

S. 3056. A bill to provide for certain causes of action relating to delays of generic drugs and biosimilar biological products; to the Committee on the Judiciary.

By Mr. SCOTT:

S. 3057. A bill to amend the Internal Revenue Code of 1986 to prohibit the Secretary of the Treasury from requiring that the identity of contributors to 501(c) organizations be included in annual returns; to the Committee on Finance.

#### SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

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

By Mr. PORTMAN (for himself, Mr. BROWN, Mr. MCCONNELL, Mr. REID, Mr. ALEXANDER, Ms. AYOTTE, Ms. BALDWIN, Mr. BARRASSO, Mr. BENNET, Mr. BLUMENTHAL, Mr. BLUNT, Mr. BOOKER, Mr. BOOZMAN, Mrs. BOXER, Mr. BURR, Ms. CANTWELL, Mrs. CAPITO, Mr. CARDIN, Mr. CARPER, Mr. CASEY, Mr. CASSIDY, Mr. COATS, Mr. COCHRAN, Ms. COLLINS, Mr. COONS, Mr. CORKER, Mr. CORNYN, Mr. COTTON, Mr. CRAPO, Mr. CRUZ, Mr. DAINES, Mr. DONNELLY, Mr. DURBIN, Mr. ENZI, Mrs. ERNST, Mrs. FEINSTEIN, Mrs. FISCHER, Mr. FLAKE, Mr. FRANKEN, Mr. GARDNER, Mrs. GILLIBRAND, Mr. GRAHAM, Mr. GRASSLEY, Mr. HATCH, Mr. HEINRICH, Ms. HEITKAMP, Mr. HELLER, Ms. HIRONO, Mr. HOEVEN, Mr. INHOFE, Mr. ISAKSON, Mr. JOHNSON, Mr. KAINE, Mr. KING, Mr. KIRK, Ms. KLOBUCHAR, Mr. LANKFORD, Mr. LEAHY, Mr. LEE, Mr. MANCHIN, Mr. MARKEY, Mr. MCCAIN, Mrs. McCASKILL, Mr. MENENDEZ, Mr. MERKLEY, Ms. MIKULSKI, Mr. MORAN, Ms. MURKOWSKI, Mr. MURPHY, Mrs. MURRAY, Mr. NELSON, Mr. PAUL, Mr. PERDUE, Mr. PETERS, Mr. REED, Mr. RISH, Mr. ROBERTS, Mr. ROUNDS, Mr. RUBIO, Mr. SANDERS, Mr. SASSE, Mr. SCHATZ, Mr. SCHUMER, Mr. SCOTT, Mr. SESSIONS, Mrs. SHAHEEN, Mr. SHELBY, Ms. STABENOW, Mr. SULLIVAN, Mr. TESTER, Mr. THUNE, Mr. TILLIS, Mr. TOOMEY, Mr. UDALL, Mr. VITTER, Mr.

WARNER, Ms. WARREN, Mr. WHITEHOUSE, Mr. WICKER, and Mr. WYDEN): S. Res. 493. A resolution relative to the death of George V. Voinovich, former United States Senator for the State of Ohio; considered and agreed to.

By Mrs. FEINSTEIN (for herself and Mr. LANKFORD):

S. Res. 494. A resolution designating September 2016 as "National Child Awareness Month" to promote awareness of charities benefiting children and youth-serving organizations throughout the United States and recognizing the efforts made by those charities and organizations on behalf of children and youth as critical contributions to the future of the United States; considered and agreed to.

#### ADDITIONAL COSPONSORS

S. 683

At the request of Mr. BOOKER, the name of the Senator from Minnesota (Mr. FRANKEN) was added as a cosponsor of S. 683, a bill to extend the principle of federalism to State drug policy, provide access to medical marijuana, and enable research into the medicinal properties of marijuana.

S. 1490

At the request of Ms. KLOBUCHAR, the name of the Senator from Missouri (Mrs. MCCASKILL) was added as a cosponsor of S. 1490, a bill to establish an advisory office within the Bureau of Consumer Protection of the Federal Trade Commission to prevent fraud targeting seniors, and for other purposes.

S. 1509

At the request of Mr. CARPER, the names of the Senator from North Carolina (Mr. BURR) and the Senator from New York (Mrs. GILLIBRAND) were added as cosponsors of S. 1509, a bill to amend title XVIII of the Social Security Act to provide for the coordination of programs to prevent and treat obesity, and for other purposes.

S. 1555

At the request of Ms. HIRONO, the name of the Senator from Mississippi (Mr. WICKER) was added as a cosponsor of S. 1555, a bill to award a Congressional Gold Medal, collectively, to the Filipino veterans of World War II, in recognition of the dedicated service of the veterans during World War II.

S. 1561

At the request of Mr. LEAHY, the name of the Senator from Delaware (Mr. COONS) was added as a cosponsor of S. 1561, a bill to clarify the definition of nonadmitted insurer under the Nonadmitted and Reinsurance Reform Act of 2010, and for other purposes.

S. 1609

At the request of Mr. KAINE, the name of the Senator from New Hampshire (Mrs. SHAHEEN) was added as a cosponsor of S. 1609, a bill to provide support for the development of middle school career exploration programs linked to career and technical education programs of study.

S. 1737

At the request of Ms. STABENOW, the name of the Senator from California

(Mrs. BOXER) was added as a cosponsor of S. 1737, a bill to provide an incentive for businesses to bring jobs back to America.

S. 1975

At the request of Ms. MIKULSKI, the name of the Senator from Maryland (Mr. CARDIN) was added as a cosponsor of S. 1975, a bill to establish the Sewall-Belmont House National Historic Site as a unit of the National Park System, and for other purposes.

S. 2216

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

S. 2219

At the request of Mrs. SHAHEEN, the names of the Senator from Montana (Mr. TESTER) and the Senator from Kansas (Mr. MORAN) were added as cosponsors of S. 2219, a bill to require the Secretary of Commerce to conduct an assessment and analysis of the outdoor recreation economy of the United States, and for other purposes.

S. 2259

At the request of Ms. CANTWELL, the name of the Senator from Montana (Mr. TESTER) was added as a cosponsor of S. 2259, a bill to amend title XVIII of the Social Security Act to improve the way beneficiaries are assigned under the Medicare shared savings program by also basing such assignment on primary care services furnished by nurse practitioners, physician assistants, and clinical nurse specialists.

S. 2427

At the request of Mr. SCHUMER, the name of the Senator from Massachusetts (Mr. MARKEY) was added as a cosponsor of S. 2427, a bill to prohibit discrimination against individuals with disabilities who need long-term services and supports, and for other purposes.

S. 2484

At the request of Mr. SCHATZ, the names of the Senator from Missouri (Mr. BLUNT) and the Senator from Virginia (Mr. KAINE) were added as cosponsors of S. 2484, a bill to amend titles XVIII and XI of the Social Security Act to promote cost savings and quality care under the Medicare program through the use of telehealth and remote patient monitoring services, and for other purposes.

S. 2531

At the request of Mr. KIRK, the name of the Senator from Pennsylvania (Mr. CASEY) was added as a cosponsor of S. 2531, a bill to authorize State and local governments to divest from entities that engage in commerce-related or investment-related boycott, divestment, or sanctions activities targeting Israel, and for other purposes.

S. 2569

At the request of Mr. PETERS, the name of the Senator from Minnesota

(Mr. FRANKEN) was added as a cosponsor of S. 2569, a bill to authorize the Director of the United States Geological Survey to conduct monitoring, assessment, science, and research, in support of the binational fisheries within the Great Lakes Basin, and for other purposes.

S. 2595

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

S. 2659

At the request of Mr. BURR, the name of the Senator from Kansas (Mr. MORAN) was added as a cosponsor of S. 2659, a bill to reaffirm that the Environmental Protection Agency cannot regulate vehicles used solely for competition, and for other purposes.

S. 2707

At the request of Mr. SCOTT, the name of the Senator from North Dakota (Mr. HOEVEN) was added as a cosponsor of S. 2707, a bill to require the Secretary of Labor to nullify the proposed rule regarding defining and delimiting the exemptions for executive, administrative, professional, outside sales, and computer employees, to require the Secretary of Labor to conduct a full and complete economic analysis with improved economic data on small businesses, nonprofit employers, Medicare or Medicaid dependent health care providers, and small governmental jurisdictions, and all other employers, and minimize the impact on such employers, before promulgating any substantially similar rule, and to provide a rule of construction regarding the salary threshold exemption under the Fair Labor Standards Act of 1938, and for other purposes.

S. 2759

At the request of Mrs. ERNST, the names of the Senator from Massachusetts (Mr. MARKEY) and the Senator from West Virginia (Mrs. CAPITO) were added as cosponsors of S. 2759, a bill to amend the Internal Revenue Code of 1986 to provide a nonrefundable credit for working family caregivers.

S. 2763

At the request of Mr. CORNYN, the name of the Senator from Minnesota (Mr. FRANKEN) was added as a cosponsor of S. 2763, a bill to provide the victims of Holocaust-era persecution and their heirs a fair opportunity to recover works of art confiscated or misappropriated by the Nazis.

S. 2765

At the request of Mr. BOOKER, the names of the Senator from Massachusetts (Mr. MARKEY) and the Senator from New York (Mr. SCHUMER) were added as cosponsors of S. 2765, a bill to provide for the overall health and well-being of young people, including the promotion of comprehensive sexual health and healthy relationships, the reduction of unintended pregnancy and

sexually transmitted infections (STIs), including HIV, and the prevention of dating violence and sexual assault, and for other purposes.

S. 2800

At the request of Mr. COONS, the name of the Senator from Georgia (Mr. ISAKSON) was added as a cosponsor of S. 2800, a bill to amend the Internal Revenue Code of 1986 and the Higher Education Act of 1965 to provide an exclusion from income for student loan forgiveness for students who have died or become disabled.

S. 2856

At the request of Mr. CORNYN, the name of the Senator from Texas (Mr. CRUZ) was added as a cosponsor of S. 2856, a bill to streamline certain feasibility studies and avoid duplication of effort.

S. 2904

At the request of Mr. WHITEHOUSE, the name of the Senator from Montana (Mr. TESTER) was added as a cosponsor of S. 2904, a bill to amend title II of the Social Security Act to eliminate the five month waiting period for disability insurance benefits under such title for individuals with amyotrophic lateral sclerosis.

S. 2912

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

S. 2997

At the request of Ms. CANTWELL, the name of the Senator from Florida (Mr. NELSON) was added as a cosponsor of S. 2997, a bill to direct the Federal Communications Commission to commence proceedings related to the resiliency of critical telecommunications networks during times of emergency, and for other purposes.

S. 3018

At the request of Mr. KING, the name of the Senator from Maryland (Ms. MIKULSKI) was added as a cosponsor of S. 3018, a bill to provide for the establishment of a pilot program to identify security vulnerabilities of certain entities in the energy sector.

S. 3053

At the request of Mr. CASEY, the name of the Senator from Rhode Island (Mr. WHITEHOUSE) was added as a cosponsor of S. 3053, a bill to prevent a person who has been convicted of a misdemeanor hate crime, or received an enhanced sentence for a misdemeanor because of hate or bias in its commission, from obtaining a firearm.

S. CON. RES. 36

At the request of Mr. NELSON, the name of the Senator from New Jersey (Mr. MENENDEZ) was added as a cosponsor of S. Con. Res. 36, a concurrent resolution expressing support of the goal of ensuring that all Holocaust victims live with dignity, comfort, and security

in their remaining years, and urging the Federal Republic of Germany to reaffirm its commitment to that goal through a financial commitment to comprehensively address the unique health and welfare needs of vulnerable Holocaust victims, including home care and other medically prescribed needs.

S. RES. 349

At the request of Mr. ROBERTS, the names of the Senator from Kentucky (Mr. MCCONNELL) and the Senator from Montana (Mr. DAINES) were added as cosponsors of S. Res. 349, a resolution congratulating the Farm Credit System on the celebration of its 100th anniversary.

S. RES. 482

At the request of Mrs. SHAHEEN, the names of the Senator from Oregon (Mr. WYDEN) and the Senator from Maryland (Mr. CARDIN) were added as cosponsors of S. Res. 482, a resolution urging the European Union to designate Hizballah in its entirety as a terrorist organization and to increase pressure on the organization and its members to the fullest extent possible.

At the request of Mr. RUBIO, the name of the Senator from Texas (Mr. CRUZ) was added as a cosponsor of S. Res. 482, *supra*.

S. RES. 483

At the request of Mr. ALEXANDER, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. Res. 483, a resolution designating June 20, 2016, as "American Eagle Day" and celebrating the recovery and restoration of the bald eagle, the national symbol of the United States.

AMENDMENT NO. 4629

At the request of Mr. RUBIO, the name of the Senator from Louisiana (Mr. CASSIDY) was added as a cosponsor of amendment No. 4629 intended to be proposed to S. 2943, an original bill to authorize appropriations for fiscal year 2017 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 4649

At the request of Mr. KIRK, the name of the Senator from Idaho (Mr. RISCH) was added as a cosponsor of amendment No. 4649 intended to be proposed to S. 2943, an original bill to authorize appropriations for fiscal year 2017 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

#### STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. LEAHY (for himself, Mr. GRASSLEY, Ms. KLOBUCHAR, and Mr. LEE):

S. 3056. A bill to provide for certain causes of action relating to delays of

generic drugs and biosimilar biological products; to the Committee on the Judiciary.

Mr. LEAHY. Mr. President, in recent months, the high cost of pharmaceutical products has been front and center in national news, sometimes with astonishing examples like the unconscionable price-hike by Turing Pharmaceuticals of their drug for patients with HIV from \$13.50 to \$750 per pill overnight.

Pharmaceutical companies should be compensated for their important work developing life-saving treatments, but when companies engage in predatory practices at the expense of consumers, we must act. That is why today, I am introducing the Creating and Restoring Equal Access to Equivalent Samples, CREATES, Act, bipartisan legislation to end inappropriate delay tactics that are used by some brand-name drug manufacturers to block competition from more affordable generic drugs.

The first delay tactic addressed by the CREATES Act involves the withholding of drug samples that generic manufacturers need to gain regulatory approval. Federal law requires generic competitors to prove that their low-cost alternative is equally safe and effective as the brand-name drug with which they wish to compete. Unfortunately, some brand-name companies are preventing generic manufacturers from obtaining the samples they need to make the necessary comparison. This simple delay tactic uses regulatory safeguards as a weapon to block competition. The FDA has reported receiving more than 100 inquiries from generic product developers who were unable to access samples of a brand-name drug to compare their generic product.

The second delay tactic addressed by the CREATES Act involves the development of shared safety protocols. For some high-risk drugs, federal law requires a generic drug manufacturer to join the brand-name drug manufacturer in a single, shared safety protocol for distribution of the drug. Despite this requirement, some brand-name companies are refusing to negotiate a shared safety protocol with potential generic competitors, again undermining those competitors' ability to gain FDA approval for their generic version of the drug.

These exclusionary practices thwart competition and deny consumers the benefit of lower drug prices. They also undermine the careful balance created in the Hatch-Waxman Act and the more recent Biologics Price Competition and Innovation Act, which are designed to reward and incentivize innovation while ensuring that consumers ultimately benefit from the entry, after an appropriate time, of generic or biosimilar versions of a drug. Innovative companies can and should gain the benefit of their inventions. But when companies artificially extend the period of those benefits by using dilatory tactics to delay generic entry, the

thoughtful balance of the Hatch-Waxman Act and BPCIA are plainly undermined.

I share the concerns of Vermonters and Americans across the country that many pharmaceutical products are simply too expensive for consumers. Nearly ¾ of the public view prescription drug costs as unreasonable, and one in four patients say they have not filled a prescription because of cost. Parents should not be forced to choose between putting food on the table and getting their children and themselves the medicine they need. When drug prices are artificially inflated, patients suffer, illnesses become protracted, and families, government programs, and other payers in the healthcare system ultimately bear the cost. That is why this legislation is supported by consumer groups, physicians, insurance companies, pharmacists and hospitals who all see firsthand the impact of unreasonably high costs of some prescription drugs.

Earlier this month, Vermont set an example for the Nation when it passed into law drug transparency legislation that will require pharmaceutical companies to justify large increases in their drug prices. Here in Washington, the Senate Aging Committee and other Committees have been doing important work to analyze the root causes of high drug pricing and find practical solutions. Solving this issue will require nuanced, thoughtful work on all sides to ensure that consumers are protected and that pharmaceutical companies that act in good faith can continue to innovate for patients.

With the CREATES Act, the bipartisan leaders of the Senate Judiciary Committee and its Subcommittee on Antitrust, Competition Policy and Consumer Rights are using our roles to address anticompetitive behavior that blocks competition and delays the creation of affordable generic drugs. I thank Senators GRASSLEY, KLOBUCHAR and LEE for joining me in this effort, and for agreeing to hold a hearing on this bill as soon as next week.

Drug affordability is a bipartisan issue that impacts each and every one of us. I hope other Senators will join us in supporting this bipartisan legislation.

#### SUBMITTED RESOLUTIONS

#### SENATE RESOLUTION 493—RELATIVE TO THE DEATH OF GEORGE V. VOINOVICH, FORMER UNITED STATES SENATOR FOR THE STATE OF OHIO

Mr. PORTMAN (for himself, Mr. BROWN, Mr. MCCONNELL, Mr. REID, Mr. ALEXANDER, Ms. AYOTTE, Ms. BALDWIN, Mr. BARRASSO, Mr. BENNET, Mr. BLUMENTHAL, Mr. BLUNT, Mr. BOOKER, Mr. BOOZMAN, Mrs. BOXER, Mr. BURR, Ms. CANTWELL, Mrs. CAPITO, Mr. CARDIN, Mr. CARPER, Mr. CASEY, Mr. CASSIDY, Mr. COATS, Mr. COCHRAN, Ms.

COLLINS, Mr. COONS, Mr. CORKER, Mr. CORNYN, Mr. COTTON, Mr. CRAPO, Mr. CRUZ, Mr. DAINES, Mr. DONNELLY, Mr. DURBIN, Mr. ENZI, Mrs. ERNST, Mrs. FEINSTEIN, Mrs. FISCHER, Mr. FLAKE, Mr. FRANKEN, Mr. GARDNER, Mrs. GILLIBRAND, Mr. GRAHAM, Mr. GRASSLEY, Mr. HATCH, Mr. HEINRICH, Ms. HEITKAMP, Mr. HELLER, Ms. HIRONO, Mr. HOEVEN, Mr. INHOFE, Mr. ISAKSON, Mr. JOHNSON, Mr. KAINE, Mr. KING, Mr. KIRK, Ms. KLOBUCHAR, Mr. LANKFORD, Mr. LEAHY, Mr. LEE, Mr. MANCHIN, Mr. MARKEY, Mr. MCCAIN, Mrs. MCCASKILL, Mr. MENENDEZ, Mr. MERKLEY, Ms. MIKULSKI, Mr. MORAN, Ms. MURKOWSKI, Mr. MURPHY, Mrs. MURRAY, Mr. NELSON, Mr. PAUL, Mr. PERDUE, Mr. PETERS, Mr. REED, Mr. RISCH, Mr. ROBERTS, Mr. ROUNDS, Mr. RUBIO, Mr. SANDERS, Mr. SASSE, Mr. SCHATZ, Mr. SCHUMER, Mr. SCOTT, Mr. SESSIONS, Mrs. SHAHEEN, Mr. SHELBY, Ms. STABENOW, Mr. SULLIVAN, Mr. TESTER, Mr. THUNE, Mr. TILLIS, Mr. TOOMEY, Mr. UDALL, Mr. VITTER, Mr. WARNER, Ms. WARREN, Mr. WHITEHOUSE, Mr. WICKER, and Mr. WYDEN) submitted the following resolution; which was considered and agreed to:

S. RES. 493

Whereas George Voinovich was born in Cleveland, Ohio, attended Ohio University and Ohio State University College of Law;

Whereas George Voinovich began his career faithfully serving the State and the people of Ohio as an assistant attorney general of Ohio in 1963; served as a member of the Ohio House of Representatives from 1967 to 1971; served as Cuyahoga County auditor from 1971 to 1976; served as a member of the Cuyahoga County Board of Commissioners from 1977 to 1978; was elected lieutenant governor in 1978; and served as mayor of Cleveland from 1979 to 1989;

Whereas, George Voinovich was elected governor of Ohio in 1991 and was elected to a second term by a landslide, securing 72% of the vote, the highest percentage of the vote ever won by gubernatorial candidate in Ohio history;

Whereas, during his time as governor, he was known for his advocacy and practice of fiscal responsibility, embodied in his call to “working harder and smarter, doing more with less”;

Whereas, under his tenure as Governor, Ohio’s unemployment rate fell to a 25-year low and he restored the state’s budget to financial health;

Whereas, in 1998, George Voinovich was elected to the United States Senate and served until 2011, during which time he was Chairman of the Select Committee on Ethics and a member of the Appropriations Committee;

Whereas, in 2004, George Voinovich was re-elected to the United States Senate with more votes than any other Senate candidate in Ohio history;

Whereas, for every public office he held, George Voinovich improved government operations, accountability and financial management; he worked to improve the environment, with particular attention to Lake Erie, and making America more secure;

Whereas, throughout his life, George Voinovich was guided by his deep faith, personal integrity, fiscal responsibility, respect and service to his fellow citizens, and above all, his abiding love of his family, state and nation;

Whereas the people of Ohio have demonstrated their appreciation and affection

for Senator Voinovich by the naming of numerous landmarks after him, including Voinovich Centennial Park, the Voinovich Innerbelt Bridge, and The George V. Voinovich School of Leadership and Public Affairs at Ohio University;

Whereas, in his two terms in the United States Senate and in his other public service, George Voinovich reached across the aisle and sought common ground to solve problems: Now, therefore, be it

*Resolved*, That the Senate has heard with profound sorrow and deep regret the announcement of the death of George Voinovich, former member of the United States Senate.

*Resolved*, That the Secretary of the Senate communicate these resolutions to the House of Representatives and transmit an enrolled copy thereof to the family of the deceased.

*Resolved*, That when the Senate adjourns today, it stand adjourned as a further mark of respect to the memory of the late George V. Voinovich.

#### SENATE RESOLUTION 494—DESIGNATING SEPTEMBER 2016 AS “NATIONAL CHILD AWARENESS MONTH” TO PROMOTE AWARENESS OF CHARITIES BENEFITING CHILDREN AND YOUTH-SERVING ORGANIZATIONS THROUGHOUT THE UNITED STATES AND RECOGNIZING THE EFFORTS MADE BY THOSE CHARITIES AND ORGANIZATIONS ON BEHALF OF CHILDREN AND YOUTH AS CRITICAL CONTRIBUTIONS TO THE FUTURE OF THE UNITED STATES

Mrs. FEINSTEIN (for herself and Mr. LANKFORD) submitted the following resolution; which was considered and agreed to:

S. RES. 494

Whereas millions of children and youth in the United States represent the hopes and future of the United States;

Whereas numerous individuals, charities benefiting children, and youth-serving organizations that work with children and youth collaborate to provide invaluable services to enrich and better the lives of children and youth throughout the United States;

Whereas raising awareness of, and increasing support for, organizations that provide access to health care, social services, education, the arts, sports, and other services will result in the development of character and the future success of the children and youth of the United States;

Whereas the month of September, as the school year begins, is a time—

(1) when parents, families, teachers, school administrators, and communities increase focus on children and youth throughout the United States; and

(2) for the people of the United States to highlight and be mindful of the needs of children and youth;

Whereas private corporations and businesses have joined with hundreds of national and local charitable organizations throughout the United States in support of a month-long focus on children and youth; and

Whereas designating September 2016 as “National Child Awareness Month” would recognize that a long-term commitment to children and youth is in the public interest and will encourage widespread support for charities and organizations that seek to provide a better future for the children and youth of the United States: Now, therefore, be it

*Resolved*, That the Senate designates September 2016 as “National Child Awareness Month”.

(1) to promote awareness of charities benefiting children and youth-serving organizations throughout the United States; and

(2) to recognize the efforts made by the charities and organizations on behalf of children and youth as critical contributions to the future of the United States.

#### AMENDMENTS SUBMITTED AND PROPOSED

SA 4680. Mrs. SHAHEEN (for herself and Mr. VITTER) submitted an amendment intended to be proposed to amendment SA 4253 submitted by Mrs. SHAHEEN (for herself and Mr. VITTER) and intended to be proposed to the bill S. 2943, to authorize appropriations for fiscal year 2017 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table.

SA 4681. Mr. JOHNSON (for himself, Mr. LEAHY, Ms. MURKOWSKI, and Mr. SCHUMER) submitted an amendment intended to be proposed by him to the bill H.R. 2578, making appropriations for the Departments of Commerce and Justice, Science, and Related Agencies for the fiscal year ending September 30, 2016, and for other purposes; which was ordered to lie on the table.

SA 4682. Mrs. SHAHEEN submitted an amendment intended to be proposed by her to the bill H.R. 2578, supra; which was ordered to lie on the table.

SA 4683. Mr. ISAKSON (for himself and Mr. PERDUE) submitted an amendment intended to be proposed by him to the bill H.R. 2578, supra; which was ordered to lie on the table.

SA 4684. Mr. PERDUE (for himself and Mr. ISAKSON) submitted an amendment intended to be proposed by him to the bill H.R. 2578, supra; which was ordered to lie on the table.

#### TEXT OF AMENDMENTS

**SA 4680.** Mrs. SHAHEEN (for herself and Mr. VITTER) submitted an amendment intended to be proposed to amendment SA 4253 submitted by Mrs. SHAHEEN (for herself and Mr. VITTER) and intended to be proposed to the bill S. 2943, to authorize appropriations for fiscal year 2017 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

In lieu of the matter proposed to be inserted, insert the following:

#### DIVISION F—SBIR AND STTR REAUTHORIZATION AND IMPROVEMENTS SEC. 6001. SHORT TITLE.

This division may be cited as the “SBIR and STTR Reauthorization and Improvement Act of 2016”.

#### TITLE LXI—REAUTHORIZATION OF PROGRAMS

##### SEC. 6101. PERMANENCY OF SBIR PROGRAM AND STTR PROGRAM.

(a) SBIR.—Section 9(m) of the Small Business Act (15 U.S.C. 638(m)) is amended—

(1) in the subsection heading, by striking “TERMINATION” and inserting “SBIR PROGRAM AUTHORIZATION”; and

(2) by striking “terminate on September 30, 2017” and inserting “be in effect for each fiscal year”.

(b) STTR.—Section 9(n)(1)(A) of the Small Business Act (15 U.S.C. 638(n)(1)(A)) is amended by striking “through fiscal year 2017”.

#### TITLE LXII—ENHANCED SMALL BUSINESS ACCESS TO FEDERAL INNOVATION IN- VESTMENTS

##### SEC. 6201. ALLOCATION INCREASES AND TRANSPARENCY IN BASE CALCULATION.

(a) SBIR.—Section 9(f) of the Small Business Act (15 U.S.C. 638(f)) is amended—

(1) in paragraph (1)—

(A) in the matter preceding subparagraph (A), by striking “expend” and inserting “obligate for expenditure”; and

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

(C) in subparagraph (I), by striking “in fiscal year 2017 and each fiscal year thereafter,” and inserting “in each of fiscal years 2017 through 2021”; and

(D) by inserting after subparagraph (I) the following:

“(J) for a Federal agency other than the Department of Defense, the National Science Foundation, or the Department of Health and Human Services—

“(i) not less than 3.4 percent of the extramural budget for research or research and development of the Federal agency in fiscal year 2022;

“(ii) not less than 3.6 percent of such extramural budget in fiscal year 2023;

“(iii) not less than 3.8 percent of such extramural budget in fiscal year 2024;

“(iv) not less than 4 percent of such extramural budget in fiscal year 2025;

“(v) not less than 4.2 percent of such extramural budget in fiscal year 2026;

“(vi) not less than 4.4 percent of such extramural budget in fiscal year 2027; and

“(vii) not less than 4.5 percent of such extramural budget in fiscal year 2028 and each fiscal year thereafter;

“(K) for the Department of Defense—

“(i) not less than 2.6 percent of the budget for research, development, test, and evaluation of the Department of Defense in fiscal year 2022;

“(ii) not less than 2.7 percent of such budget in fiscal year 2023;

“(iii) not less than 2.8 percent of such budget in fiscal year 2024;

“(iv) not less than 2.9 percent of such budget in fiscal year 2025;

“(v) not less than 3 percent of such budget in fiscal year 2026;

“(vi) not less than 3.1 percent of such budget in fiscal year 2027;

“(vii) not less than 3.2 percent of such budget in fiscal year 2028;

“(viii) not less than 3.3 percent of such budget in fiscal year 2029;

“(ix) not less than 3.4 percent of such budget in fiscal year 2030; and

“(x) not less than 3.5 percent of such budget in fiscal year 2031 and each fiscal year thereafter; and

“(L) for the National Science Foundation and the Department of Health and Human Services, for fiscal year 2022 and each fiscal year thereafter, the lesser of—

“(i) the percentage of the extramural budget for research or research and development of the National Science Foundation or the Department of Health and Human Services, respectively, equal to the sum of—

“(I) the percentage in effect under this paragraph for the National Science Foundation or the Department of Health and Human Services, respectively, for the previous fiscal year; and

“(II)(aa) 0.07 percent; or

“(bb) if the extramural budget for research or research and development of the National

Science Foundation or the Department of Health and Human Services, respectively, for the fiscal year is not less than 103 percent of such extramural budget for the previous fiscal year, 0.2 percent; or

“(ii) 4.5 percent of the extramural budget for research or research and development of the National Science Foundation or the Department of Health and Human Services, respectively.”;

(2) in paragraph (2)(B), by inserting “(or for the Department of Defense, an amount of the budget for basic research of the Department of Defense)” after “research”; and

(3) in paragraph (4), by inserting “(or for the Department of Defense an amount of the budget for research, development, test, and evaluation of the Department of Defense)” after “of the agency”.

(b) STTR.—Section 9(n)(1) of the Small Business Act (15 U.S.C. 638(n)(1)) is amended—

(1) in subparagraph (A)—

(A) by striking “expend” and inserting “obligate for expenditure”; and

(B) by striking “not less than the percentage of that extramural budget specified in subparagraph (B)” and inserting “for a Federal agency other than the Department of Defense, the National Science Foundation, or the Department of Health and Human Services, not less than the percentage of that extramural budget specified in subparagraph (B), for the Department of Defense, not less than the percentage of the budget for research, development, test, and evaluation of the Department of Defense specified in subparagraph (B), and for the National Science Foundation and the Department of Health and Human Services, not less than the percentage of that extramural budget specified in subparagraph (C)”;

(2) in subparagraph (B)—

(A) in the subparagraph heading, by inserting “OTHER THAN FOR NSF AND HHS” after “AMOUNTS”;

(B) in the matter preceding clause (i), by striking “the extramural budget required to be expended by an agency” and inserting “the extramural budget, for a Federal agency other than the Department of Defense, the National Science Foundation, or the Department of Health and Human Services, and of the budget for research, development, test, and evaluation, for the Department of Defense, required to be obligated for expenditure with small business concerns”;

(C) in clause (iv), by striking “and” at the end;

(D) in clause (v), by striking “fiscal year 2016 and each fiscal year thereafter.” and inserting “each of fiscal years 2016 through 2021.”; and

(E) by adding at the end the following:

“(vi) 0.5 percent for fiscal year 2022;

“(vii) 0.55 percent for fiscal year 2023;

“(viii) 0.6 percent for fiscal year 2024;

“(ix) 0.65 percent for fiscal year 2025;

“(x) 0.7 percent for fiscal year 2026;

“(xi) 0.75 percent for fiscal year 2027;

“(xii) 0.8 percent for fiscal year 2028;

“(xiii) 0.85 percent for fiscal year 2029;

“(xiv) 0.9 percent for fiscal year 2030; and

“(xv) 0.95 percent for fiscal year 2031 and each fiscal year thereafter.”; and

(3) by adding at the end the following:

“(C) EXPENDITURE AMOUNTS FOR NSF AND HHS.—The percentage of the extramural budget required to be expended by the National Science Foundation and the Department of Health and Human Services in accordance with subparagraph (A) shall be—

“(i) for each of fiscal years 2016 through 2021, 0.45 percent; and

“(ii) for fiscal year 2022 and each fiscal year thereafter, the lesser of—

“(I) the percentage of the extramural budget for research or research and development



of the National Science Foundation or the Department of Health and Human Services, respectively, equal to the sum of—

“(aa) the percentage in effect under this paragraph for the National Science Foundation or the Department of Health and Human Services, respectively, for the previous fiscal year; and

“(bb)(AA) 0 percent; or

“(BB) if the extramural budget for research or research and development of the National Science Foundation or the Department of Health and Human Services, respectively, for the fiscal year is not less than 103 percent of such extramural budget for the previous fiscal year, 0.05 percent; or

“(II) 0.95 percent of the extramural budget for research or research and development of the National Science Foundation or the Department of Health and Human Services, respectively.”.

(c) DEPARTMENT OF DEFENSE FUNDING INCREASE PILOT.—For each of fiscal years 2018, 2019, and 2020, the Secretary of Defense may authorize any program of the Department of Defense to expend funds through the Small Business Innovation Research program or the Small Business Technology Transfer program. Any additional funds expended under the authority under this subsection shall not count towards meeting the required expenditure requirements under subsection (f) or (n) of section 9 of the Small Business Act (15 U.S.C. 638), as amended by this section.

#### SEC. 6202. REGULAR OVERSIGHT OF AWARD AMOUNTS.

(a) ELIMINATION OF AUTOMATIC INFLATION ADJUSTMENTS.—Section 9(j) of the Small Business Act (15 U.S.C. 638(j)) is amended—

(1) in paragraph (2)(D), by inserting “through fiscal year 2016” after “every year”; and

(2) by adding at the end the following:

“(4) 2016 MODIFICATIONS FOR DOLLAR VALUE OF AWARDS.—Not later than 120 days after the date of enactment of the SBIR and STTR Reauthorization and Improvement Act of 2016, the Administrator shall modify the policy directives issued under this subsection to clarify that Congress intends to review the dollar value of awards every 3 fiscal years.”.

(b) SENSE OF CONGRESS REGARDING REGULAR REVIEW OF THE AWARD SIZES.—

(1) IN GENERAL.—It is the sense of Congress that for fiscal year 2019, and every third fiscal year thereafter, Congress should evaluate whether the maximum award sizes under the Small Business Innovation Research Program and the Small Business Technology Transfer Program under section 9 of the Small Business Act (15 U.S.C. 638) should be adjusted and, if so, take appropriate action to direct that such adjustments be made under the policy directives issued under subsection (j) of such section.

(2) POLICY CONSIDERATIONS.—In reviewing adjustments to the maximum award sizes, Congress should take into consideration the balance of number of awards to size of awards, the missions of Federal agencies, and the technology needed to support national goals.

(c) CLARIFICATION OF SEQUENTIAL PHASE II AWARDS.—Section 9(ff) of the Small Business Act (15 U.S.C. 638(ff)) is amended by adding at the end the following:

“(3) CLARIFICATION OF SEQUENTIAL PHASE II AWARDS.—The head of a Federal agency shall ensure that any sequential Phase II award is made in accordance with the limitations on award sizes under subsection (aa).

“(4) CROSS-AGENCY SEQUENTIAL PHASE II AWARDS.—A small business concern that receives a sequential Phase II SBIR or Phase II STTR award for a project from a Federal agency is eligible to receive an additional sequential Phase II award that continues work

on that project from another Federal agency.”.

### TITLE LXIII—COMMERCIALIZATION IMPROVEMENTS

#### SEC. 6301. PERMANENCY OF THE COMMERCIALIZATION PILOT PROGRAM FOR CIVILIAN AGENCIES.

Section 9(gg) of the Small Business Act (15 U.S.C. 638(gg)) is amended—

(1) in the subsection heading, by striking “PILOT PROGRAM” and inserting “COMMERCIALIZATION DEVELOPMENT AWARDS”;;

(2) by striking paragraphs (2), (7), and (8);

(3) by redesignating paragraphs (3), (4), (5), and (6) as paragraphs (2), (3), (4), and (5), respectively;

(4) by adding at the end the following:

“(6) DEFINITIONS.—In this subsection—

“(A) the term ‘commercialization development program’ means a program established by a covered Federal agency under paragraph (1); and

“(B) the term ‘covered Federal agency’—

“(i) means a Federal agency participating in the SBIR program or the STTR program; and

“(ii) does not include the Department of Defense.”; and

(5) by striking “pilot program” each place it appears and inserting “commercialization development program”.

#### SEC. 6302. ENFORCEMENT OF NATIONAL SMALL BUSINESS GOAL FOR FEDERAL RESEARCH AND DEVELOPMENT.

Section 9(h) of the Small Business Act (15 U.S.C. 638(h)) is amended to read as follows:

“(h) NATIONAL SMALL BUSINESS GOAL FOR FEDERAL RESEARCH AND DEVELOPMENT.—

“(1) IN GENERAL.—The Administrator, in consultation with Federal agencies, shall establish a Governmentwide goal for each fiscal year, which shall be not less than 10 percent, for the percentage of the amounts made available for research or research and development that shall be obligated for funding agreements—

“(A) with small business concerns; or

“(B) that will facilitate the development of research and development small business concerns.

“(2) AGENCY GOALS.—

“(A) IN GENERAL.—The head of each Federal agency which has a budget for research or research and development in excess of \$20,000,000, in consultation with the Administrator, shall establish a goal for the Federal agency for each fiscal year that is appropriate to the mission of the Federal agency for the percentage of such budget that shall be obligated for funding agreements—

“(i) with small business concerns; or

“(ii) that will facilitate the development of research and development small business concerns.

“(B) LIMITATION.—The head of a Federal agency may not establish a percentage goal under subparagraph (A) for a fiscal year that is less than the percentage goal that was established under subparagraph (A) for the Federal agency for the previous fiscal year.”.

#### SEC. 6303. PROTECTING INNOVATIVE TECHNOLOGIES.

Section 9 of the Small Business Act (15 U.S.C. 638) is amended by adding at the end the following:

“(tt) PROTECTING INNOVATIVE TECHNOLOGIES.—

“(1) COST-REIMBURSEMENT CONTRACTS.—

“(A) IN GENERAL.—Subject to subparagraph (B)(ii), the cost of seeking protection for intellectual property, including a trademark, copyright, or patent, that was created through work performed under an STTR award that uses a cost-reimbursement contract or an SBIR award that uses a cost-reimbursement contract is allowable as an indirect cost under that award.

“(B) CLARIFICATION OF PATENT COSTS.—

“(i) IN GENERAL.—A Federal agency shall not directly or indirectly inhibit, through the policies, directives, or practices of the Federal agency, an otherwise eligible small business concern performing under an award described in subparagraph (A) from recovering patent costs incurred as requirements under that award, including—

“(I) the costs of preparing—

“(aa) invention disclosures;

“(bb) reports; and

“(cc) other documents;

“(II) the costs for searching the art to the extent necessary to make the invention disclosures;

“(III) other costs in connection with the filing and prosecution of a United States patent application where title or royalty-free license is to be conveyed to the Federal Government; and

“(IV) general counseling services relating to patent matters, including advice on patent laws, regulations, clauses, and employee agreements.

“(ii) RECOVERY LIMITATIONS.—The patent costs described in clause (i) shall be allowable for technology developed under a—

“(I) Phase I award, as indirect costs in an amount not greater than \$5,000;

“(II) Phase II award, as indirect costs in an amount not greater than \$15,000; and

“(III) Phase III award in which the Federal Government has government purpose rights (as defined in section 227.7103-5 of title 48, Code of Federal Regulations).

“(2) FIRM FIXED-PRICE CONTRACTS.—An otherwise eligible small business concern performing under an STTR award that uses a firm fixed-price contract or an SBIR award that uses a firm fixed-price contract may recover fair and reasonable costs arising from seeking protection for intellectual property, including a trademark, copyright, or patent, that was created through work performed under that award.”.

#### SEC. 6304. ANNUAL GAO AUDIT OF COMPLIANCE WITH COMMERCIALIZATION GOALS.

Section 9(nn) of the Small Business Act (15 U.S.C. 638(nn)) is amended to read as follows:

“(nn) ANNUAL GAO REPORT ON GOVERNMENT COMPLIANCE WITH GOALS, INCENTIVES, AND PHASE III PREFERENCE.—Not later than 1 year after the date of enactment of the SBIR and STTR Reauthorization and Improvement Act of 2016, and every year thereafter until the date that is 5 years after the date of enactment of the SBIR and STTR Reauthorization and Improvement Act of 2016, the Comptroller General of the United States shall submit to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives a report that—

“(1) discusses the status of the compliance of Federal agencies with the requirements or authorities established under—

“(A) subsection (h), relating to the establishment by certain Federal agencies of a goal for funding agreements for research and research and development with small business concerns;

“(B) subsection (y)(5)(A), relating to the requirement for the Department of Defense to establish goals for the transition of Phase III technologies in subcontracting plans;

“(C) subsection (y)(5)(B), relating to the requirement for the Department of Defense to establish procedures for a prime contractor to report the number and dollar amount of contracts with small business concerns for Phase III SBIR projects or STTR projects of the prime contractor; and

“(D) subsection (y)(6), relating to the requirement for the Department of Defense to set a goal to increase the number of Phase II SBIR and STTR contracts that transition into programs of record or fielded systems;

“(2) includes, for a Federal agency that is in compliance with a requirement described under paragraph (1), a description of how the Federal agency achieved compliance; and

“(3) includes a list, organized by Federal agency, of small business concerns that have asserted to an appropriate Federal agency that—

“(A) the Government or prime contractor—

“(i) did not protect the intellectual property of the small business concern in accordance with data rights under the SBIR or STTR award; or

“(ii) issued a Phase III SBIR or STTR award conditional on relinquishing data rights;

“(B) the Federal agency solicited bids for a contract, or provided funding to an entity other than the small business concern receiving the SBIR or STTR award, that was for work that derived from, extended, or completed efforts made under prior funding agreements under the SBIR program or STTR program;

“(C) the Government or prime contractor did not comply with the SBIR and STTR policy directives and the small business concern filed a comment or complaint to the Office of the National Ombudsman or appealed to the Administrator for intervention; or

“(D) the Federal agency did not comply with subsection (g)(12) or (o)(16) requiring timely notice to the Administrator of any case or controversy before any Federal judicial or administrative tribunal concerning the SBIR program or the STTR program of the Federal agency.”.

#### SEC. 6305. CLARIFYING THE PHASE III PREFERENCE.

Section 9(r) of the Small Business Act (15 U.S.C. 638(r)) is amended—

(1) by striking paragraph (4);

(2) by redesignating paragraph (2) as paragraph (4), and transferring such paragraph to after paragraph (3); and

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

“(2) PHASE III AWARD DIRECTION FOR AGENCIES AND PRIME CONTRACTORS.—To the greatest extent practicable, Federal agencies and Federal prime contractors shall issue Phase III awards relating to technology, including sole source awards, to the SBIR and STTR award recipients that developed the technology.”.

#### SEC. 6306. IMPROVEMENTS TO TECHNICAL AND BUSINESS ASSISTANCE.

Section 9(q) of the Small Business Act (15 U.S.C. 638(q)) is amended—

(1) in the subsection heading, by inserting “AND BUSINESS” after “TECHNICAL”;

(2) in paragraph (1)—

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

(i) by striking “a vendor selected under paragraph (2)” and inserting “1 or more vendors selected under paragraph (2)(A)”; and

(ii) by inserting “and business” before “assistance services”; and

(iii) by inserting “assistance with product sales, intellectual property protections, market research, market validation, and development of regulatory plans and manufacturing plans,” after “technologies,”; and

(B) in subparagraph (D), by inserting “, including intellectual property protections” before the period at the end;

(3) in paragraph (2)—

(A) by striking “Each agency may select a vendor to assist small business concerns to meet” and inserting the following:

“(A) IN GENERAL.—Each agency may select 1 or more vendors from which small business concerns may obtain assistance in meeting”; and

(B) by adding at the end the following:

“(B) SELECTION BY SMALL BUSINESS CONCERN.—A small business concern may, by contract or otherwise, select 1 or more vendors to assist the small business concern in meeting the goals listed in paragraph (1).”; and

(4) in paragraph (3)—

(A) by inserting “(A)” after “paragraph (2)” each place it appears;

(B) in subparagraph (A), by striking “\$5,000 per year” each place it appears and inserting “\$6,500 per project”; and

(C) in subparagraph (B)—

(i) by striking “\$5,000 per year” each place it appears and inserting “\$35,000 per project”; and

(ii) in clause (ii), by striking “which shall be in addition to the amount of the recipient’s award” and inserting “which may, as determined appropriate by the head of the Federal agency, be included as part of the recipient’s award or be in addition to the amount of the recipient’s award”; and

(D) in subparagraph (C)—

(i) by inserting “or business” after “technical”; and

(ii) by striking “the vendor” and inserting “a vendor”; and

(iii) by adding at the end the following: “Business-related services aimed at improving the commercialization success of a small business concern may be obtained from an entity, such as a public or private organization or an agency of or other entity established or funded by a State that facilitates or accelerates the commercialization of technologies or assists in the creation and growth of private enterprises that are commercializing technology.”;

(E) in subparagraph (D)—

(i) by inserting “or business” after “technical” each place it appears; and

(ii) in clause (i)—

(I) by striking “the vendor” and inserting “1 or more vendors”; and

(II) by striking “provides” and inserting “provide”; and

(F) by adding at the end the following:

“(E) MULTIPLE AWARD RECIPIENTS.—The Administrator shall establish a limit on the amount of technical and business assistance services that may be received or purchased under subparagraph (B) by small business concerns with respect to multiple Phase II SBIR or STTR awards for a fiscal year.”.

#### SEC. 6307. EXTENSION OF PHASE 0 PROOF OF CONCEPT PARTNERSHIP PILOT.

Section 9(jj) of the Small Business Act (15 U.S.C. 638(jj)) is amended—

(1) in paragraph (6) by striking “The Director” and inserting “Not later than February 1, 2019, the Director”; and

(2) in paragraph (7), by striking “2017” and inserting “2019”.

#### SEC. 6308. SATISFACTION OF COMPETITION REQUIREMENTS FOR DEPARTMENT OF DEFENSE.

All awards by the Department of Defense under the SBIR program or the STTR program shall be considered to meet the competition requirements under section 2304 of title 10, United States Code.

#### TITLE LXIV—PROGRAM DIVERSIFICATION INITIATIVES

##### SEC. 6401. REGIONAL SBIR STATE COLLABORATIVE INITIATIVE PILOT PROGRAM.

Section 9 of the Small Business Act (15 U.S.C. 638) is amended—

(1) in subsection (mm)—

(A) in paragraph (1)—

(i) in the matter preceding subparagraph (A), by striking “2017” and inserting “2021”; and

(ii) in subparagraph (I), by striking “and” at the end;

(iii) in subparagraph (J), by striking the period and inserting “; and”; and

(iv) by adding at the end the following:

“(K) funding for improvements that increase commonality across data systems, reduce redundancy, and improve data oversight and accuracy.”; and

(B) by adding at the end the following:

“(7) SBIR AND STTR PROGRAMS; FAST PROGRAM.—

“(A) DEFINITION.—In this paragraph, the term ‘covered Federal agency’ means a Federal agency that—

“(i) is required to conduct an SBIR program; and

“(ii) elects to use the funds allocated to the SBIR program of the Federal agency for the purposes described in paragraph (1).

“(B) REQUIREMENT.—Each covered Federal agency shall transfer an amount equal to 15 percent of the funds that are used for the purposes described in paragraph (1) to the Administration—

“(i) for the Regional SBIR State Collaborative Initiative Pilot Program established under subsection (uu);

“(ii) for the Federal and State Technology Partnership Program established under section 34; and

“(iii) to support the Office of the Administration that administers the SBIR program and the STTR program, subject to agreement from other agencies about how the funds will be used, in carrying out those programs and the programs described in clauses (i) and (ii).

“(8) PILOT PROGRAM.—

“(A) IN GENERAL.—Of amounts provided to the Administration under paragraph (7), not less than \$5,000,000 shall be used to provide awards under the Regional SBIR State Collaborative Initiative Pilot Program established under subsection (uu) for each fiscal year in which the program is in effect.

“(B) DISBURSEMENT FLEXIBILITY.—The Administration may use any unused funds made available under subparagraph (A) as of April 1 of each fiscal year for awards to carry out clauses (ii) and (iii) of paragraph (7)(B) after providing written notice to—

“(i) the Committee on Small Business and Entrepreneurship and the Committee on Appropriations of the Senate; and

“(ii) the Committee on Small Business and the Committee on Appropriations of the House of Representatives.”; and

(2) by adding after subsection (tt), as added by section 6303 of this Act, the following:

“(uu) REGIONAL SBIR STATE COLLABORATIVE INITIATIVE PILOT PROGRAM.—

“(1) DEFINITIONS.—In this subsection—

“(A) the term ‘eligible entity’ means—

“(i) a research institution; and

“(ii) a small business concern;

“(B) the term ‘eligible State’ means—

“(i) a State that the Administrator determines is in the bottom half of States, based on the average number of annual SBIR program awards made to companies in the State for the preceding 3 years for which the Administration has applicable data; and

“(ii) an EPSCoR State that—

“(I) is a State described in clause (i); or

“(II) is—

“(aa) not a State described in clause (i); and

“(bb) invited to participate in a regional collaborative;

“(C) the term ‘EPSCoR State’ means a State that participates in the Experimental Program to Stimulate Competitive Research of the National Science Foundation, as established under section 113 of the National Science Foundation Authorization Act of 1988 (42 U.S.C. 1862g);

“(D) the term ‘FAST program’ means the Federal and State Technology Partnership Program established under section 34;

“(E) the term ‘pilot program’ means the Regional SBIR State Collaborative Initiative

Pilot Program established under paragraph (2);

“(F) the term ‘regional collaborative’ means a collaborative consisting of eligible entities that are located in not less than 3 eligible States; and

“(G) the term ‘State’ means any State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, and any territory or possession of the United States.

“(2) ESTABLISHMENT.—The Administrator shall establish a pilot program, to be known as the Regional SBIR State Collaborative Initiative Pilot Program, under which the Administrator shall provide awards to regional collaboratives to address the needs of small business concerns in order to be more competitive in the proposal and selection process for awards under the SBIR program and the STTR program and to increase technology transfer and commercialization.

“(3) GOALS.—The goals of the pilot program are—

“(A) to create regional collaboratives that allow eligible entities to work cooperatively to leverage resources to address the needs of small business concerns;

“(B) to grow SBIR program and STTR program cooperative research and development and commercialization through increased awards under those programs;

“(C) to increase the participation of States that have historically received a lower level of awards under the SBIR program and the STTR program;

“(D) to utilize the strengths and advantages of regional collaboratives to better leverage resources, best practices, and economies of scale in a region for the purpose of increasing awards and increasing the commercialization of the SBIR program and STTR projects;

“(E) to increase the competitiveness of the SBIR program and the STTR program;

“(F) to identify sources of outside funding for applicants for an award under the SBIR program or the STTR program, including venture capitalists, angel investor groups, private industry, crowd funding, and special loan programs; and

“(G) to offer increased one-on-one engagements with companies and entrepreneurs for SBIR program and STTR program education, assistance, and successful outcomes.

“(4) APPLICATION.—

“(A) IN GENERAL.—A regional collaborative that desires to participate in the pilot program shall submit to the Administrator an application at such time, in such manner, and containing such information as the Administrator may require.

“(B) INCLUSION OF LEAD ELIGIBLE ENTITIES AND COORDINATOR.—A regional collaborative shall include in an application submitted under subparagraph (A)—

“(i) the name of each lead eligible entity from each eligible State in the regional collaborative, as designated under paragraph (5)(A); and

“(ii) the name of the coordinator for the regional collaborative, as designated under paragraph (6).

“(C) AVOIDANCE OF DUPLICATION.—A regional collaborative shall include in an application submitted under subparagraph (A) an explanation as to how the activities of the regional collaborative under the pilot program would differ from other State and Federal outreach activities in each eligible State in the regional collaborative.

“(5) LEAD ELIGIBLE ENTITY.—

“(A) IN GENERAL.—Each eligible State in a regional collaborative shall designate 1 eligible entity located in the eligible State to serve as the lead eligible entity for the eligible State.

“(B) AUTHORIZATION BY GOVERNOR.—Each lead eligible entity designated under sub-

paragraph (A) shall be authorized to act as the lead eligible entity by the Governor of the applicable eligible State.

“(C) RESPONSIBILITIES.—Each lead eligible entity designated under subparagraph (A) shall be responsible for administering the activities and program initiatives described in paragraph (7) in the applicable eligible State.

“(6) REGIONAL COLLABORATIVE COORDINATOR.—Each regional collaborative shall designate a coordinator from amongst the eligible entities located in the eligible States in the regional collaborative, who shall serve as the interface between the regional collaborative and the Administration with respect to measuring cross-State collaboration and program effectiveness and documenting best practices.

“(7) USE OF FUNDS.—Each regional collaborative that is provided an award under the pilot program may, in each eligible State in which an eligible entity of the regional collaborative is located—

“(A) establish an initiative under which first-time applicants for an award under the SBIR program or the STTR program are reviewed by experienced, national experts in the United States, as determined by the lead eligible entity designated under paragraph (5)(A);

“(B) engage national mentors on a frequent basis to work directly with applicants for an award under the SBIR program or the STTR program, particularly during Phase II, to assist with the process of preparing and submitting a proposal;

“(C) create and make available an online mechanism to serve as a resource for applicants for an award under the SBIR program or the STTR program to identify and connect with Federal labs, prime government contractor companies, other industry partners, and regional industry cluster organizations;

“(D) conduct focused and concentrated outreach efforts to increase participation in the SBIR program and the STTR program by small business concerns owned and controlled by women, small business concerns owned and controlled by veterans, small business concerns owned and controlled by socially and economically disadvantaged individuals (as defined in section 8(d)(3)(C)), and historically black colleges and universities;

“(E) administer a structured program of training and technical assistance—

“(i) to prepare applicants for an award under the SBIR program or the STTR program—

“(I) to compete more effectively for Phase I and Phase II awards; and

“(II) to develop and implement a successful commercialization plan;

“(ii) to assist eligible States focusing on transition and commercialization to win Phase III awards from public and private partners;

“(iii) to create more competitive proposals to increase awards from all Federal sources, with a focus on awards under the SBIR program and the STTR program; and

“(iv) to assist first-time applicants by providing small grants for proof of concept research; and

“(F) assist applicants for an award under the SBIR program or the STTR program to identify sources of outside funding, including venture capitalists, angel investor groups, private industry, crowd funding, and special loan programs.

“(8) AWARD AMOUNT.—

“(A) IN GENERAL.—The Administrator shall provide an award to each eligible State in which an eligible entity of a regional collaborative is located in an amount that is not more than \$300,000 to carry out the activities described in paragraph (7).

“(B) LIMITATION.—

“(i) IN GENERAL.—An eligible State may not receive an award under both the FAST program and the pilot program for the same year.

“(ii) RULE OF CONSTRUCTION.—Nothing in clause (i) shall be construed to prevent an eligible State from applying for an award under the FAST program and the pilot program for the same year.

“(9) DURATION OF AWARD.—An award provided under the pilot program shall be for a period of not more than 1 year, and may be renewed by the Administrator for 1 additional year.

“(10) TERMINATION.—The pilot program shall terminate on September 30, 2021.

“(11) REPORT.—Not later than February 1, 2021, the Administrator shall submit to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives a report on the pilot program, which shall include—

“(A) an assessment of the pilot program and the effectiveness of the pilot program in meeting the goals described in paragraph (3);

“(B) an assessment of the best practices, including an analysis of how the pilot program compares to the FAST program and a single-State approach; and

“(C) recommendations as to whether any aspect of the pilot program should be extended or made permanent.”

#### SEC. 6402. FEDERAL AND STATE TECHNOLOGY PARTNERSHIP PROGRAM.

Section 34 of the Small Business Act (15 U.S.C. 657d) is amended—

(1) in subsection (h)—

(A) in paragraph (1), by striking “2001 through 2005” and inserting “2017 through 2021”; and

(B) in paragraph (2), by striking “fiscal years 2001 through 2005” and inserting “each of fiscal years 2017 through 2021”; and

(2) in subsection (i), by striking “September 30, 2005” and inserting “September 30, 2021”.

#### TITLE LXV—OVERSIGHT AND SIMPLIFICATION INITIATIVES

##### SEC. 6501. DATA REALIGNMENT AND MODERNIZATION.

Section 9 of the Small Business Act (15 U.S.C. 638) is amended by adding after subsection (uu), as added by section 6401 of this Act, the following:

“(vv) SBIR AND STTR INTERAGENCY POLICY COMMITTEE.—

“(1) DEFINITIONS.—In this subsection—

“(A) the term ‘Committee’ means the SBIR and STTR Interagency Policy Committee established under paragraph (2);

“(B) the term ‘participating Federal agency’ means a Federal agency with an SBIR program or an STTR program; and

“(C) the term ‘phase’ means Phase I, Phase II, and Phase III.

“(2) ESTABLISHMENT.—There is established an interagency committee to be known as the ‘SBIR and STTR Interagency Policy Committee’.

“(3) MEMBERSHIP.—The Committee shall include—

“(A) 4 representatives from each participating Federal agency, of which—

“(i) 1 shall have expertise with respect to the SBIR program and STTR program of the Federal agency;

“(ii) 1 shall have expertise with respect to the broader research and development missions and programs of the Federal agency;

“(iii) 1 shall have expertise with respect to marketplace commercialization or to the transition of technologies to support the missions of the Federal agency; and

“(iv) 1 shall have expertise with respect to the information technology systems of the Federal agency; and

“(B) 2 representatives from the Administration, of which—

“(i) 1 shall serve as chairperson of the Committee; and

“(ii) 1 shall be from the Information Technology Development Team of the Office of Investment and Innovation of the Administration.

“(4) WORKING GROUPS.—

“(A) IN GENERAL.—The Committee shall establish working groups as necessary to ensure consistency and clarity between the participating Federal agencies.

“(B) DATA REALIGNMENT AND MODERNIZATION WORKING GROUP.—

“(i) IN GENERAL.—The Committee shall establish a data alignment and modernization working group, which shall review the recommendations made in the report to Congress by the Office of Science and Technology of the Administration entitled ‘SBIR/STTR TechNet Public & Government Databases’, dated September 15, 2014, and the practices of participating Federal agencies to—

“(I) determine how to collect data on achievements by small business concerns in each phase of the SBIR program and the STTR program and ensure collection and dissemination of such data in a timely, efficient, and uniform manner;

“(II) establish a uniform baseline for metrics that support improving the solicitation, contracting, funding, and execution of program management in the SBIR program and the STTR program;

“(III) normalize formatting and database usage across participating Federal agencies; and

“(IV) determine the feasibility of developing a common system across all participating Federal agencies and the paperwork requirements under such a common system.

“(ii) MEMBERSHIP.—Each member of the Committee shall serve as a member of the data alignment and modernization working group.

“(5) IMPLEMENTATION.—Not later than September 31, 2018, the Committee shall brief the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives on the solutions identified by the working group under paragraph (4) and resources needed to execute the solutions.”

#### SEC. 6502. IMPLEMENTATION OF OUTSTANDING REAUTHORIZATION PROVISIONS.

(a) IN GENERAL.—Section 9(mm) of the Small Business Act (15 U.S.C. 638(mm)), as amended by section 6401(1) of this Act, is amended—

(1) in paragraph (1), by striking “paragraph (3)” and inserting “paragraphs (3) and (9)”; and

(2) by adding at the end the following:

“(9) SUSPENSION OF FUNDING.—

“(A) FOR FEDERAL AGENCIES.—

“(i) IN GENERAL.—For fiscal years 2018 and 2019, any Federal agency that has not implemented each provision of law described in clause (ii)—

“(I) shall continue to provide amounts to the Administration in accordance with paragraph (7)(B); and

“(II) may not use additional amounts as described in paragraph (1) until 30 days after the date on which the Federal agency submits to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives documentation demonstrating that the Federal agency has implemented and is in compliance with each provision of law described in clause (ii).

“(ii) PROVISIONS.—The provisions of law described in this clause are the following:

“(I) Subsection (r)(4), relating to Phase III preferences.

“(II) Paragraphs (5) and (6) of subsection (y), relating to insertion goals.

“(III) Subsection (g)(4)(B), relating to shortening the decision time for SBIR awards.

“(IV) Subsection (o)(4)(B), relating to shortening the decision time for STTR awards.

“(V) Subsection (v), relating to reducing paperwork and compliance burdens.

“(B) FOR ADMINISTRATION.—For fiscal years 2018 and 2019, if the Administration is not in compliance with subsection (b)(7), relating to annual reports to Congress, the Administration may not use amounts received under paragraph (7)(B) of this subsection for a purpose described in clause (iii) of such paragraph (7)(B).”

(b) CLARIFICATION OF REPORTING REQUIREMENT.—Section 9(b)(7) of the Small Business Act (15 U.S.C. 638(b)(7)) is amended in the matter preceding subparagraph (A), by striking “not less than annually” and inserting “not later than December 31 of each year”.

#### SEC. 6503. STRENGTHENING OF THE REQUIREMENT TO SHORTEN THE APPLICATION REVIEW AND DECISION TIME.

Section 9 of the Small Business Act (15 U.S.C. 638) is amended—

(1) in subsection (g)(4), by striking subparagraph (B) and inserting the following:

“(B) make a final decision on each proposal submitted under the SBIR program—

“(i) for the Department of Health and Human Services, not later than 1 year after the date on which the applicable solicitation closes, with a goal to reduce the review and decision time to less than 10 months by September 30, 2019;

“(ii) for the Department of Agriculture and the National Science Foundation, not later than 6 months after the date on which the applicable solicitation closes; or

“(iii) for any other Federal agency—

“(I) not later than 90 days after the date on which the applicable solicitation closes; or

“(II) if the Administrator authorizes an extension with respect to a solicitation, not later than 90 days after the date that would otherwise be applicable to the Federal agency under subclause (I);”

(2) in subsection (o)(4), by striking subparagraph (B) and inserting the following:

“(B) make a final decision on each proposal submitted under the STTR program—

“(i) for the Department of Health and Human Services, not later than 1 year after the date on which the applicable solicitation closes, with a goal to reduce the review and decision time to less than 10 months by September 30, 2019;

“(ii) for the Department of Agriculture and the National Science Foundation, not later than 6 months after the date on which the applicable solicitation closes; or

“(iii) for any other Federal agency—

“(I) not later than 90 days after the date on which the applicable solicitation closes; or

“(II) if the Administrator authorizes an extension with respect to a solicitation, not later than 90 days after the date that would otherwise be applicable to the Federal agency under subclause (I);”

#### SEC. 6504. CONTINUED GAO OVERSIGHT OF ALLOCATION COMPLIANCE AND ACCURACY IN FUNDING BASE CALCULATIONS.

Section 5136(a) of the National Defense Authorization Act for Fiscal Year 2012 (15 U.S.C. 638 note) is amended—

(1) in the matter preceding paragraph (1), by striking “until the date that is 5 years after the date of enactment of this Act” and insert “until the date on which the Comptroller General of the United States submits the report relating to fiscal year 2019”;

(2) in paragraph (1), by striking subparagraph (C) and inserting the following:

“(C) assess whether the change in the base funding for the Department of Defense as required by subparagraphs (J) and (K) of section 9(f)(1) of the Small Business Act (15 U.S.C. 638(f)(1))—

“(i) improves transparency for determining whether the Department is complying with the allocation requirements;

“(ii) reduces the burden of calculating the allocations; and

“(iii) improves the compliance of the Department with the allocation requirements; and”

(3) in paragraph (2) by striking “under subparagraph (B)” and inserting “under subparagraphs (B) and (C)”.

#### SEC. 6505. COORDINATION BETWEEN AGENCIES ON COMMERCIALIZATION ASSISTANCE.

Section 9 of the Small Business Act (15 U.S.C. 638) is amended—

(1) in subsection (j), as amended by section 6202(a) of this Act, by adding at the end the following:

“(5) COORDINATION OF COMMERCIALIZATION ASSISTANCE.—Not later than 120 days after the date of enactment of this paragraph, the Administrator shall modify the policy directive issued pursuant to this subsection to clarify that a small business concern receiving training through the Innovation Corps program with administrative funds made available under subsection (mm) shall not receive discretionary business assistance funds for the same or similar activities as allowed under subsection (q).”

(2) in subsection (p), by adding at the end the following:

“(4) COORDINATION OF COMMERCIALIZATION ASSISTANCE.—Not later than 120 days after the date of enactment of this paragraph, the Administrator shall modify the policy directive issued pursuant to this subsection to clarify that a small business concern receiving training through the Innovation Corps program with administrative funds made available under subsection (mm) shall not receive discretionary business assistance funds for the same or similar activities as allowed under subsection (q).”

#### TITLE LXVI—PARTICIPATION BY WOMEN AND MINORITIES

##### SEC. 6601. SBA COORDINATION ON INCREASING OUTREACH FOR WOMEN AND MINORITY-OWNED BUSINESSES.

Section 9(b) of the Small Business Act (15 U.S.C. 638(b)) is amended—

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

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

(3) by adding at the end the following:

“(10) to coordinate with participating agencies on efforts to increase outreach and awards under each of the SBIR and STTR programs to small business concerns owned and controlled by women and socially and economically disadvantaged small business concerns, as defined in section 8(a)(4).”

##### SEC. 6602. FEDERAL AGENCY OUTREACH REQUIREMENTS FOR WOMEN AND MINORITY-OWNED BUSINESSES.

Section 9 of the Small Business Act (15 U.S.C. 638) is amended—

(1) in subsection (g)—

(A) in paragraph (11), by striking “and” at the end;

(B) in paragraph (12), by striking the period at the end and inserting “; and”; and

(C) by adding at the end the following:

“(13) implement an outreach program to small business concerns for the purpose of enhancing its SBIR program, under which the Federal agency shall—

“(A) provide outreach to small business concerns owned and controlled by women

and socially and economically disadvantaged small business concerns, as defined in section 8(a)(4); and

“(B) establish goals for outreach by the Federal agency to the small business concerns described in subparagraph (A).”; and

(2) in subsection (o)(14), by striking “SBIR program;” and inserting “SBIR program, under which the Federal agency shall—

“(A) provide outreach to small business concerns owned and controlled by women and socially and economically disadvantaged small business concerns, as defined in section 8(a)(4); and

“(B) establish goals for outreach by the Federal agency to the small business concerns described in subparagraph (A).”.

#### **SEC. 6603. STTR POLICY DIRECTIVE MODIFICATION.**

Section 9(p) of the Small Business Act (15 U.S.C. 638(p)), as amended by section 6505 of this Act, is amended by adding at the end the following:

“(5) **ADDITIONAL MODIFICATIONS.**—Not later than 120 days after the date of enactment of this paragraph, the Administrator shall modify the policy directive issued pursuant to this subsection to provide for enhanced outreach efforts to increase the participation of small business concerns owned and controlled by women and socially and economically disadvantaged small business concerns, as defined in section 8(a)(4), in technological innovation and in STTR programs.”.

#### **SEC. 6604. INTERAGENCY SBIR/STTR POLICY COMMITTEE.**

Section 5124 of the SBIR/STTR Reauthorization Act of 2011 (Public Law 112-81; 125 Stat. 1837) is amended—

(1) by redesignating subsection (d) as subsection (e); and

(2) by inserting after subsection (c) the following:

“(d) **MEETINGS.**—

“(1) **IN GENERAL.**—The Interagency SBIR/STTR Policy Committee shall meet not less than twice per year to carry out the duties under subsection (c).

“(2) **OUTREACH AND TECHNICAL ASSISTANCE ACTIVITIES.**—If the Interagency SBIR/STTR Policy Committee meets to discuss outreach and technical assistance activities to increase the participation of small business concerns that are underrepresented in the SBIR and STTR programs, the Committee shall invite to the meeting—

“(A) a representative of the Minority Business Development Agency; and

“(B) relevant stakeholders that work to advance the interests of—

“(i) small business concerns owned and controlled by women, as defined in section 3 of the Small Business Act (15 U.S.C. 632); and

“(ii) socially and economically disadvantaged small business concerns, as defined in section 8(a)(4) of the Small Business Act (15 U.S.C. 637(a)(4)).”.

#### **SEC. 6605. DIVERSITY AND STEM WORKFORCE DEVELOPMENT PILOT PROGRAM.**

(a) **DEFINITIONS.**—In this section—

(1) the term “Administrator” means the Administrator of the Small Business Administration;

(2) the term “covered STEM intern” means a student at, or recent graduate from, an institution of higher education serving as an intern—

(A) whose course of study studied is focused on the STEM fields; and

(B) who is a woman or a person from an underrepresented population in the STEM fields;

(3) the term “eligible entity” means a small business concern that—

(A) is receiving amounts under an award under the SBIR program or the STTR program of a Federal agency on the date on

which the Federal agency awards a grant to the small business concern under subsection (b); and

(B) provides internships for covered STEM interns;

(4) the terms “Federal agency”, “SBIR”, and “STTR” have the meanings given those terms under section 9(e) of the Small Business Act (15 U.S.C. 638(e));

(5) the term “institution of higher education” has the meaning given the term under section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a));

(6) the term “person from an underrepresented population in the STEM fields” means a person from a group that is underrepresented in the population of STEM students, as determined by the Administrator;

(7) the term “pilot program” means the Diversity and STEM Workforce Development Pilot Program established under subsection (b);

(8) the term “recent graduate”, relating to a woman or a person from an underrepresented population in the STEM fields, means that the woman or person from an underrepresented population in the STEM fields earned an associate degree, baccalaureate degree, or postbaccalaureate from an institution of higher education during the 1-year period beginning on the date of the internship;

(9) the term “small business concern” has the meaning given the term under section 3 of the Small Business Act (15 U.S.C. 632); and

(10) the term “STEM fields” means the fields of science, technology, engineering, and math.

(b) **PILOT PROGRAM FOR INTERNSHIPS FOR WOMEN AND PEOPLE FROM UNDERREPRESENTED POPULATIONS.**—The Administrator shall establish a Diversity and STEM Workforce Development Pilot Program to encourage the business community to provide workforce development opportunities for covered STEM interns, under which a Federal agency participating in the SBIR program or STTR program may make a grant to 1 or more eligible entities for the costs of internships for covered STEM interns.

(c) **AMOUNT AND USE OF GRANTS.**—

(1) **AMOUNT.**—A grant under subsection (b)—

(A) may not be in an amount of more than \$15,000 per fiscal year; and

(B) shall be in addition to the amount of the award to the recipient under the SBIR program or the STTR program.

(2) **USE.**—Not less than 90 percent of the amount of a grant under subsection (b) shall be used by the eligible entity to provide stipends or other similar payments to interns.

(d) **EVALUATION.**—Not later than January 31 of the first calendar year after the third fiscal year during which the Administrator carries out the pilot program, the Administrator shall submit to Congress—

(1) data on the results of the pilot program, such as the number and demographics of the covered STEM interns participating in an internship funded under the pilot program and the amount spent on such internships; and

(2) an assessment of whether the pilot program helped the SBIR program and STTR program achieve the congressional objective of fostering and encouraging the participation of women and persons from underrepresented populations in the STEM fields.

(e) **TERMINATION.**—The pilot program shall terminate after the end of the fourth fiscal year during which the Administrator carries out the pilot program.

(f) **AUTHORIZATION OF APPROPRIATIONS.**—There are authorized to be appropriated such sums as may be necessary to carry out the pilot program.

### **TITLE LXVII—TECHNICAL CHANGES**

#### **SEC. 6701. UNIFORM REFERENCE TO THE DEPARTMENT OF HEALTH AND HUMAN SERVICES.**

Section 9 of the Small Business Act (15 U.S.C. 638) is amended—

(1) in subsection (cc), by striking “National Institutes of Health” and inserting “Department of Health and Human Services”; and

(2) in subsection (dd)(1)(A), by striking “Director of the National Institutes of Health” and inserting “Secretary of Health and Human Services”.

#### **SEC. 6702. FLEXIBILITY FOR PHASE II AWARD INVITATIONS.**

Section 9(e)(4)(B) of the Small Business Act (15 U.S.C. 638(e)(4)(B)) is amended in the matter preceding clause (i)—

(1) by striking “, which shall not include any invitation, pre-screening, or pre-selection process for eligibility for Phase II,”; and

(2) by inserting “in which eligibility for an award shall not be based only on an invitation, pre-screening, or pre-selection process and” before “in which awards”.

#### **SEC. 6703. PILOT PROGRAM FOR STREAMLINED TECHNOLOGY TRANSITION FROM THE SBIR AND STTR PROGRAMS OF THE DEPARTMENT OF DEFENSE.**

(a) **DEFINITIONS.**—In this section—

(1) the terms “commercialization”, “SBIR”, “STTR”, “Phase I”, “Phase II”, and “Phase III” have the meanings given those terms in section 9(e) of the Small Business Act (15 U.S.C. 638(e));

(2) the term “covered small business concern” means—

(A) a small business concern that completed a Phase II award under the SBIR or STTR program of the Department of Defense; or

(B) a small business concern that—

(i) completed a Phase I award under the SBIR or STTR program of the Department of Defense; and

(ii) a contracting officer for the Department of Defense recommends for inclusion in a multiple award contract described in subsection (b);

(3) the term “multiple award contract” has the meaning given the term in section 3302(a) of title 41, United States Code;

(4) the term “pilot program” means the pilot program established under subsection (b); and

(5) the term “small business concern” has the meaning given the term in section 3 of the Small Business Act (15 U.S.C. 632).

(b) **ESTABLISHMENT.**—The Secretary of the Defense may establish a pilot program under which the Department of Defense shall award multiple award contracts to covered small business concerns for the purchase of technologies, supplies, or services that the covered small business concern has developed through the SBIR or STTR program.

(c) **WAIVER OF COMPETITION IN CONTRACTING ACT REQUIREMENTS.**—The Secretary of the Defense may establish procedures to waive provisions of section 2304 of title 10, United States Code, for purposes of carrying out the pilot program.

(d) **USE OF CONTRACT VEHICLE.**—A multiple award contract described in subsection (b) may be used by any service or component of the Department of Defense.

(e) **TERMINATION.**—The pilot program established under this section shall terminate on September 30, 2022.

(f) **RULE OF CONSTRUCTION.**—Nothing in this section shall be construed to prevent the commercialization of products and services produced by a small business concern under an SBIR or STTR program of a Federal agency through—

(1) direct awards for Phase III of an SBIR or STTR program; or

(2) any other contract vehicle.

**SA 4681.** Mr. JOHNSON (for himself, Mr. LEAHY, Ms. MURKOWSKI, and Mr. SCHUMER) submitted an amendment intended to be proposed by him to the bill H.R. 2578, making appropriations for the Departments of Commerce and Justice, Science, and Related Agencies for the fiscal year ending September 30, 2016, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**SEC. \_\_\_\_ . JURISDICTION OVER OFFENSES COMMITTED BY CERTAIN UNITED STATES PERSONNEL STATIONED IN CANADA.**

(a) **SHORT TITLE.**—This section may be cited as the “Promoting Travel, Commerce, and National Security Act of 2016”.

(b) **AMENDMENT.**—Chapter 212A of title 18, United States Code, is amended—

(1) in the chapter heading, by striking “**TRAFFICKING IN PERSONS**”; and

(2) by adding after section 3272 the following:

**“§ 3273. Offenses committed by certain United States personnel stationed in Canada in furtherance of border security initiatives**

“(a) **IN GENERAL.**—Whoever, while employed by the Department of Homeland Security or the Department of Justice and stationed or deployed in Canada pursuant to a treaty, executive agreement, or bilateral memorandum in furtherance of a border security initiative, engages in conduct (or conspires or attempts to engage in conduct) in Canada that would constitute an offense for which a person may be prosecuted in a court of the United States had the conduct been engaged in within the United States or within the special maritime and territorial jurisdiction of the United States shall be fined or imprisoned, or both, as provided for that offense.

“(b) **DEFINITION.**—In this section, the term ‘employed by the Department of Homeland Security or the Department of Justice’ means—

“(1) being employed as a civilian employee, a contractor (including a subcontractor at any tier), or an employee of a contractor (or a subcontractor at any tier) of the Department of Homeland Security or the Department of Justice;

“(2) being present or residing in Canada in connection with such employment; and

“(3) not being a national of or ordinarily resident in Canada.”.

(c) **TECHNICAL AND CONFORMING AMENDMENTS.**—Part II of title 18, United States Code, is amended—

(1) in the table of chapters, by striking the item relating to chapter 212A and inserting the following:

“212A. Extraterritorial jurisdiction over certain offenses ..... 3271”;

and

(2) in the table of sections for chapter 212A, by inserting after the item relating to section 3272 the following:

“3273. Offenses committed by certain United States personnel stationed in Canada in furtherance of border security initiatives.”.

(d) **RULE OF CONSTRUCTION.**—Nothing in this section or the amendments made by this section shall be construed to infringe upon or otherwise affect the exercise of prosecutorial discretion by the Department of Justice in implementing this section and the amendments made by this section.

**SA 4682.** Mrs. SHAHEEN submitted an amendment intended to be proposed

by her to the bill H.R. 2578, making appropriations for the Departments of Commerce and Justice, Science, and Related Agencies for the fiscal year ending September 30, 2016, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**SEC. \_\_\_\_ .** Of the amounts made available by this Act to the National Marine Fisheries Service to provide observers, the National Marine Fisheries Service shall pay for the placement of at sea monitors on vessels before paying for observer-related costs associated with standardized bycatch reporting methodology requirements.

**SA 4683.** Mr. ISAKSON (for himself and Mr. PERDUE) submitted an amendment intended to be proposed by him to the bill H.R. 2578, making appropriations for the Departments of Commerce and Justice, Science, and Related Agencies for the fiscal year ending September 30, 2016, and for other purposes; which was ordered to lie on the table; as follows:

After section 217, insert the following:

**SEC. 218.** Notwithstanding any other provision of law, the provision of Senate Report 114-239 (April 21, 2016) relating to Federal water usage violations shall have no force or effect of law.

**SA 4684.** Mr. PERDUE (for himself and Mr. ISAKSON) submitted an amendment intended to be proposed by him to the bill H.R. 2578, making appropriations for the Departments of Commerce and Justice, Science, and Related Agencies for the fiscal year ending September 30, 2016, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**SEC. \_\_\_\_ .** (a) Until the Secretary of the Army takes the actions described in subsection (b), none of the funds made available in this Act may be used—

(1) to conduct an audit of—

(A) all Federal water contract violations in multi-State water basins since 2005; and

(B) any contract violation notification the Department of Justice has received from the Secretary of the Army regarding all multi-State river basins since 2005;

(2) to develop and submit a record of how the Department of Justice has handled the violations and notifications described in subparagraphs (A) and (B) of paragraph (1);

(3) to develop and implement a comprehensive plan to enforce Federal law and respond to the violations described in subparagraphs (A) and (B) of paragraph (1);

(4) to issue or submit a report relating to the violations described in subparagraphs (A) and (B) of paragraph (1); or

(5) to enter into an agreement with the Secretary of the Army to receive notifications relating to the violations described in subparagraphs (A) and (B) of paragraph (1).

(b) The actions described in this subsection are—

(1) promulgation of a rule regarding return flow credits in reservoirs under the jurisdiction of the Corps of Engineers; and

(2) issuance of a final agency action on a updated water supply allocation for Lake Allatoona for the Alabama-Coosa-Tallapoosa river basin.

**AUTHORITY FOR COMMITTEES TO MEET**

**COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS**

Mr. CORNYN. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on June 14, 2016, at 9 a.m., to conduct a hearing entitled “Oversight of the U.S. Securities and Exchange Commission.”

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

**COMMITTEE ON ENERGY AND NATURAL RESOURCES**

Mr. CORNYN. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate on June 14, 2016, at 10 a.m., in room SD-366 of the Dirksen Senate Office Building.

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

**COMMITTEE ON FINANCE**

Mr. CORNYN. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session of the Senate on June 14, 2016, at 10 a.m., in room SD-215 of the Dirksen Senate Office Building, to conduct a hearing entitled “Energy Tax Policy in 2016 and Beyond.”

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

**SELECT COMMITTEE ON INTELLIGENCE**

Mr. CORNYN. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on June 14, 2016, from 2:30 p.m., in room SH-219 of the Hart Senate Office Building.

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

**SUBCOMMITTEE ON SUPERFUND, WASTE MANAGEMENT, AND REGULATORY OVERSIGHT**

Mr. CORNYN. Mr. President, I ask unanimous consent that the Subcommittee on Superfund, Waste Management, and Regulatory Oversight of the Committee on Environment and Public Works be authorized to meet during the session of the Senate on June 14, 2016, at 3 p.m., in room SD-406 of the Dirksen Senate Office Building, to conduct a hearing entitled, “Oversight of the Environmental Protection Agency’s Progress in Implementing Inspector General and Government Accountability Office Recommendations.”

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

**NATIONAL CHILD AWARENESS MONTH**

Mr. McCONNELL. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 494, submitted earlier today.

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



The legislative clerk read as follows:

A resolution (S. Res. 494) designating September 2016 as "National Child Awareness Month" to promote awareness of charities benefiting children and youth-serving organizations throughout the United States and recognizing the efforts made by those charities and organizations on behalf of children and youth as critical contributions to the future of the United States.

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

Mr. MCCONNELL. I further ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motions to reconsider be considered made and laid upon the table with no intervening action or debate.

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

The resolution (S. Res. 494) 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, JUNE 15, 2016

Mr. MCCONNELL. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 9:30 a.m., Wednesday, June 15; 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; that following leader remarks, the Senate be in a period of morning business until 10:30 a.m., with Senators permitted to speak therein for up to 10 minutes each; finally, that following morning business, the Senate vote on the motion to proceed to H.R. 2578.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

#### ORDER FOR ADJOURNMENT

Mr. MCCONNELL. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that it stand adjourned under the previous order under the provisions of S. Res. 493 as a further mark of respect to the late George V. Voinovich, former Senator from the State of Ohio, following the remarks of Senator WHITEHOUSE.

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

The Senator from Rhode Island.

#### CLIMATE CHANGE

Mr. WHITEHOUSE. Mr. President, in a Chamber where the debate on climate change has become woefully one-sided and in a Congress where House Republicans just voted unanimously to oppose the only climate solution Republicans have come to, I want to use my 140th climate speech to remind us of a

time when global warming concerns came from both sides of the aisle.

Nearly 30 years ago this week, a Republican chair of the Senate Environment and Public Works Subcommittee on Environmental Pollution, who also served twice as Governor of my State and as Secretary of the Navy, convened a 2-day, 5-panel hearing on ozone depletion, the greenhouse effect, and climate change. It was June, 1986, and Senator John Chafee, a Republican of Rhode Island, gave opening remarks warning of "the buildup of greenhouse gases, which threaten to warm the Earth to unprecedented levels. Such a warming could, within the next 50 to 75 years, produce enormous changes in a climate that has remained fairly stable for thousands of years."

"[T]here is a very real possibility," Senator Chafee went on to say, "that man—through ignorance or indifference, or both—is irreversibly altering the ability of our atmosphere to perform basic life support functions for the planet."

Last weekend, the Washington Post wrote an article recalling this historic hearing, entitled "30 years ago scientists warned Congress on global warming. What they said sounds eerily familiar."

Mr. President, I ask unanimous consent to have printed in the RECORD that article at the conclusion of my remarks.

Imagine, by the way, a Republican-controlled Senate that would even have a Subcommittee on Environmental Pollution. How things have changed. The present Republican Chairman of the Environment and Public Works Committee is the author of "The Greatest Hoax: How the Global Warming Conspiracy Threatens Your Future." The contrast is stark between what Senate Republicans and their hearing witnesses were saying 30 years ago and what the polluter-funded GOP is saying today.

Thirty years ago, Senator Chafee declared:

This is not a matter of Chicken Little telling us the sky is falling. The scientific evidence . . . is telling us we have a problem; a serious problem.

According to our current EPW Committee chairman, "Much of the debate over global warming is predicated on fear rather than science."

The depth and sophistication of climate science has done nothing but increase since the Chafee hearings, and the damage from climate change is not just a projection; it has started to occur. Scientists are now able to connect the dots. Australian researchers, for example, have determined that the ocean warming that led to widespread and devastating coral bleaching, killing off a significant chunk of the Great Barrier Reef in March, was made 175 times more likely by human-caused climate change. As one researcher put it, "this is the smoking gun."

Sadly, as the scientific consensus about the causes and consequences of

human-driven climate change has strengthened over 30 years, the GOP's trust in science has eroded. They don't appear to even believe the science in their home State universities. All you have to do is go look at your own home State universities' positions on climate and how they are presented. It is right there.

But when one looks at how that party is funded and how it has now become virtually the political wing of the fossil fuel industry, one can understand this sad state of affairs.

Three decades ago, Republican Senator Chafee said:

Scientists have characterized our treatment of the greenhouse effect as a global experiment. It strikes me as a form of planetary Russian roulette.

He went on to say:

By not making policy choices today, by sticking to a "wait and see" approach, . . . [b]y allowing these gases to continue to build in the atmosphere, this generation may be committing all of us to severe economic and environmental disruption without ever having decided that the value of "business as usual" is worth the risks.

Those who believe that these are problems to be dealt with by future generations are misleading themselves. Man's activities to date may have already committed us to some level of temperature change.

Even with 30 more years of solid science buttressing it, many in the present-day GOP deny that basic understanding and ignore even the home State mainstream climate science that underpins it. A few—a very few—Republicans in Congress are now so bold as to accept mainstream, established science as it is taught in their home State universities, as is accepted by all our national science agencies and laboratories, and as it is warned of by our military and intelligence services, which is a nice step. But none will yet act on that understanding. Even that tiny cohort behaves in the face of this known risk—a risk the party recognized 30 years ago—as if it is enough to accept the science and do nothing. All 14 of the House Members who sponsored the House Resolution on climate change—all 14 of them—just voted with ExxonMobil and the Koch brothers against a carbon fee. When the whip comes down.

Thirty years ago, the Chafee hearing witnesses included the long-time director of NASA's Goddard Center, Dr. James Hansen; Dr. Michael Oppenheimer of Princeton; Dr. Robert Watson; and then-Senator Al Gore of Tennessee.

Dr. Hansen, now one of the leading advocates for immediate and decisive climate action within the science community, educated the subcommittee on the theory underpinning global climate models.

Dr. Oppenheimer, a member of the Intergovernmental Panel on Climate Change, talked about the need for immediate—30 years ago—climate action. Uncertainty, he told the Senators, was no excuse for inaction.

Dr. Watson, who would go on to chair the Intergovernmental Panel on Climate Change between 1997 and 2002

said: "It is not wise to experiment on the planet Earth by allowing the concentration of these trace gases to increase without full understanding the consequences."

Senator Gore agreed with these scientists, testifying that "there is no longer any significant difference of opinion within the scientific community about the fact that the greenhouse effect is real and is already occurring."

The current GOP chair of our EPW Committee has mocked Dr. Hansen and the IPCC and Vice President Gore, reserving a particular disdain for Vice President Gore, who he says is "drowning in a sea of his own global warming illusions," and "desperately trying to keep global warming alarmism alive today."

Thirty years ago, the tone of the GOP was much different. Where Republicans today mock the prudential rule, Senator Chafee actually advocated for prudence in environmental policy. He said this:

The path that society is following today is much like driving a car toward the edge of a cliff. We have a choice. We can go ahead, take no action and drive off the edge—figuring that, since the car will not hit the bottom of the canyon until our generation is already long gone, the problem of coping with what we have made inevitable, is for future generations to deal with. We can hope that they will learn how to adapt. On the other hand, we can put the brakes on now, before the car gets any closer to the edge of the cliff and before we reach a point where momentum will take us over the edge, with or without application of the brakes.

Present-day Republicans just want to turn up the radio to the tune of "Drill, Baby, Drill" and jam the accelerator to the floor. Our current EPW chair has even said: "CO<sub>2</sub> does not cause catastrophic disasters—actually it would be beneficial to our environment and our economy."

Thirty years ago, Senator Chafee knew there was much yet to learn about climate change. Scientists will agree on the margins that there still is more to learn. But Senator Chafee said then that we have to face up to it anyway. I quote him again.

We don't have all the perfect scientific evidence. There may be gaps here and there. . . . Nonetheless, I think we have got to face up to it. We can't wait for every shred of evidence to come in and be absolutely perfect; I think we ought to start . . . to try and do something about [greenhouse gases], and certainly, to increase the public's awareness of the problem and the feeling, as you say, that it is not hopeless. . . . We can do something."

Six and one-half years ago, the United States was preparing to join the gathering of nations in Copenhagen for the 2009 U.N. Climate Change Conference. When that happened, business leaders took out a full-page ad in the New York Times calling for passage of U.S. climate legislation, for investment in the clean energy economy, and for leadership to inspire the rest of the world to join the fight against climate change. "[W]e must embrace the challenge today to ensure that future gen-

erations are left with a safe planet and a strong economy."

"Please don't postpone the earth. If we fail to act now, it is scientifically irrefutable that there will be catastrophic and irreversible consequences for humanity and our planet."

Well, interestingly, one of the signatories of that advertisement was none other than Donald J. Trump, Chairman and President of The Trump Organization. It is also signed by Eric F. Trump and Ivanka Trump. Even the 2009 version of the man who is now the Republican Party's presumptive nominee understood and put his name to the need to act on climate change.

Mr. President, I ask unanimous consent that a copy of that advertisement be printed in the RECORD at the end of my remarks.

Mr. President, what does this individual, now the Republican Party's presumptive nominee, want to do? He is proposing to roll back President Obama's Clean Power Plan and cancel the landmark Paris climate agreement. The same guy who signed this advertisement has since labeled decades of research by thousands of honest and honorable climate scientists as a "hoax," a "con job," and "BS," to use a more polite form of his expression, all the while on his business side he wants a seawall to protect his golf resort from "global warming and its effects."

What do actual climate scientists think of the energy policies of the Republican nominee-to-be? Well, in reference to canceling the Paris Agreement and undoing the Clean Power Plan, Dr. PAUL Higgins, who is the director of the American Meteorological Society's Policy Program remarked:

Undoing these efforts would mean that future emissions of carbon dioxide would be larger and future atmospheric concentrations would be higher. Higher CO<sub>2</sub> concentrations would mean larger changes in climate and faster rates of change. Larger and faster changes in climate, in turn, pose greater risk to society.

Dr. Kevin Trenberth, a senior scientist at the National Center for Atmospheric Research, said: "[My] quick reaction is that [his] comments show incredible ignorance with regard to the science and global affairs." Incredible ignorance, that is the party standard.

Dr. Michael Mann, director of the Earth System Science Center at Pennsylvania State University—a State that has a GOP Member in the Senate—put it bluntly when he said, "[I]t is not an overstatement to say that [these] climate change views"—of this man—"and policy proposals constitute an existential threat to this planet."

Dr. Katharine Hayhoe, director of the Climate Science Center at Texas Tech University—that famous liberal, left-wing university, Texas Tech University—has spoken of the potential economic cost of inaction. She said:

As the impacts grow ever more evident, severe, and costly, what was obvious to the 195 nations who met in Paris will become obvious to every human on this planet: doing

something about climate change is far cheaper than not.

A quick aside on Dr. Hayhoe's comment, when this becomes "obvious to every human on this planet," what will then be the legacy of the Republican Party? Not a proud one. Indeed, it will be a legacy to run from. The fossil fuel companies, their trade associations, front groups, and many in the GOP have spent the 30 years since the Chafee hearings obstructing responsible climate action despite better scientific understanding and growing public support for climate action. The fossil fuel industry has particular blame. They have erected a multi-tentacled, climate-denial apparatus that has deliberately caused that obstruction, and there are plenty of scientists looking at that now.

Citizens United is what gave that industry the unprecedented political weaponry that it has used to accomplish that end. The GOP-Citizens United-fossil fuel industry nexus will earn history's condemnation. Let's just hope it is not too late.

The Washington Post article asked Dr. Oppenheimer to reflect on the intervening 30 years. Dr. Oppenheimer said: This hearing helped bring the concern together, and essentially painted a picture that things are kind of spinning out of control, that science is trying to tell us something, that the world seems to be changing even faster than our scientific understanding of the problem, and worst of all, our political leaders are way behind the eight ball.

I knew Senator Chafee. He was a family friend. He may have been my father's best friend. He was an optimist and a pragmatist. He used to say: Given half a chance, nature will rebound and overcome tremendous setbacks, but we must—at the very least—give it that half a chance. He also knew nature's tolerance is not unlimited. At those groundbreaking hearings, Senator Chafee warned:

It seems that the problems man creates for our planet are never ending. But we have found solutions for prior difficulties, and we will for these as well. What is required is for all of us to do a better job of anticipating and responding to today's new environmental warnings before they become tomorrow's environmental tragedies.

With those words, I close and yield the floor.

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

[From the Washington Post, June 11, 2016]  
30 YEARS AGO SCIENTISTS WARNED CONGRESS ON GLOBAL WARMING. WHAT THEY SAID SOUNDS EERILY FAMILIAR

(By Chris Mooney)

It was such a different time—and yet, the message was so similar.

Thirty years ago, on June 10 and 11 of 1986, the U.S. Senate Committee on the Environment and Public Works commenced two days of hearings, convened by Sen. John H. Chafee (R-R.I.), on the subject of "Ozone Depletion, the Greenhouse Effect, and Climate Change."

"This is not a matter of Chicken Little telling us the sky is falling," Chafee said at

the hearing. "The scientific evidence . . . is telling us we have a problem, a serious problem."

The hearings garnered considerable media coverage, including on the front page of *The Washington Post* (see below).

"There is no longer any significant difference of opinion within the scientific community about the fact that the greenhouse effect is real and already occurring," said newly elected Sen. Al Gore, who, as a congressman, had already held several House hearings on the matter. Gore cited the Villach Conference, a scientific meeting held in Austria the previous year (1985), which concluded that "as a result of the increasing greenhouse gases it is now believed that in the first half of the next century (21st century) a rise of global mean temperature could occur which is greater than in any man's history."

"They were the breakthrough hearings," remembers Rafe Pomerance, then a staffer with the World Resources Institute, who helped suggest witnesses. "You never saw front-page coverage of this stuff."

The scientists assembled included some of the voices that would be unmistakable and constant in coming decades. They included NASA's James Hansen, who would go on to become the most visible scientist in the world on the topic, and Robert Watson, who would go on to chair the soon-to-be formed United Nations' Intergovernmental Panel on Climate Change.

And what they said was clear: Human greenhouse gas emissions would cause a major warming trend, and sea level rise to boot.

Here's how the hearings were covered on the front page of *The Post*:

The New York Times also covered the hearings, writing that "The rise in carbon dioxide and other gases in the earth's atmosphere will have an earlier and more pronounced impact on global temperature and climate than previously expected, according to evidence presented to a Senate subcommittee today."

Two years later, still more famously, Hansen would testify in another series of hearings that had an even greater public impact when it came to consciousness-raising—in part because at that point, he said that the warming of the globe caused by humans was already detectable. "It is time to stop waffling so much and say that the evidence is pretty strong that the greenhouse effect is here," he said then. In 1986, by contrast, scientists were still mostly predicting the future, rather than saying they had measured and documented a clear warming trend—one that could be clearly distinguished from natural climate variability—and that it was already having demonstrable consequences.

"The 1986 testimony is interesting because it was so similar to my 1988 testimony," Hansen recalls. "I already had, and showed, some of the climate modeling results that formed the basis for my 1988 testimony."

Granted, in some cases the future temperature projections made in the 1986 hearings—based on assumptions about the rate of increase in greenhouse gas emissions and a high sensitivity of the climate to them—suggested temperatures might rise even more, or even faster, than scientists now believe they will. By email, Hansen clarified that we now know the world is closer to one scenario he presented in 1986—called Scenario B—than to Scenario A, which assumed a much more rapid rate of greenhouse gas growth, and accordingly, much faster warming.

Still, the theoretical understanding was in place for why temperatures would rise as greenhouse gases filled the atmosphere—simply because scientists knew enough physics to know that that's what greenhouse gases do.

"We knew in the '70s what the problem was," said George Woodwell, founding director of the Woods Hole Research Center, who also testified in 1986. "We knew there was a problem with sea level rise, all disruptions of climate. And the disruptions of climate are fundamental in that they undermine all the life on the Earth."

Much of the formal understanding had been affirmed by a 1979 report by the U.S. National Academy of Sciences, led by the celebrated atmospheric physicist Jule Charney of the Massachusetts Institute of Technology. That group famously assessed that if carbon dioxide levels in the atmosphere were to double, the "most probable global warming" would amount to 3 degrees Celsius, with a range between 1.5 degrees and 4.5 degrees, a number quite similar to modern estimates.

"We have tried but have been unable to find any overlooked or underestimated physical effects that could reduce the currently estimated global warmings due to a doubling of atmospheric CO<sub>2</sub> to negligible proportions or reverse them altogether," the scientists behind the report wrote.

Indeed, the fundamental understanding of the greenhouse effect, and that carbon dioxide is a greenhouse gas because of its particular properties, dates back to the 19th century, when the Irish scientist John Tyndall conducted experiments to determine the radiative properties of gases.

No wonder, then, that there was so much that scientists could say about it in 1986. And indeed, if you look at global temperature trends, it turns out they were speaking at a time when the planet's temperatures were beginning a steady upswing, one that, despite various yearly deviations, would continue inexorably to the present:

"This hearing helped bring the concern together, and essentially painted a picture that things are kind of spinning out of control, that science is trying to tell us something, that the world seems to be changing even faster than our scientific understanding of the problem, and worst of all, our political leaders are way behind the eight ball," said Michael Oppenheimer, a Princeton climate scientist who testified that day, and argued that action was warranted on climate change even though not everything was known about its consequences.

"I have to say, reading my own testimony . . . you know, I'd stick by everything in that today, even though it's 30 years later," Oppenheimer said.

There was an additional context, though, that we're now less conversant with: The hearings were also about the issue of the depletion of the Earth's protective ozone layer by chlorofluorocarbons, or CFCs. Scientists had recently discovered an "ozone hole" over Antarctica that frightened the public, and seemed a definitive indicator of just how much human activities could change the atmosphere.

Even today, some still confuse the issue of climate change with that of the depletion of the ozone layer. They are not the same, but they are closely related in that both showed how seemingly small actions by individual humans, or by human industry, could add up to planetary consequences.

However, the ozone problem would prove far easier to fix. In 1987, just a year later, the nations of the world adopted the Montreal Protocol, which is today regarded as a major success in environmental protection. Under the treaty, a flexible and adaptable approach was taken to reductions—and regular scientific assessments allowed for course adaptation based on the latest information about how well progress was proceeding. Thus, by 2007, the U.N. Environment Program could declare of the treaty that "to date, the re-

sults of this effort have been nothing less than spectacular."

The contrast with climate change is stark. Despite having been alerted by scientists not only in 1986, but also in 1979 and, frankly, even earlier, what happened was not policy action, but rather the beginnings of a long political battle.

Even as the formation of the U.N. Intergovernmental Panel on Climate Change in 1988, and the global adoption of the Framework Convention on Climate Change in 1992, signaled steps toward action in the scientific and diplomatic communities, skeptical scientists emerged to challenge the views expressed by Hansen and others, supported by conservative think tanks and sometimes linked to fossil fuel interests. Meanwhile, U.S. politics shifted, as over the 1990s and especially the 2000s the climate change issue became polarized and it became rarer to see Republicans, such as Chafee, who were also strong environmentalists and advocates for climate action.

"Thirty years ago we had a Republican senator who was leading the charge on addressing what he said then was a real and serious threat of climate change from the emission of gases from fossil fuel burning," says Sen. Sheldon Whitehouse (D-R.I.), recalling the 1986 hearings. "You can read through all the things that Senator Chafee said back then, and it has all been proven true. It's very disappointing that thirty years later, there is no such voice anywhere in the Republican Senate, and if you look for a micron of daylight between what the fossil fuel industry wants, and what the Republican Party in the Senate does, you won't find it."

It was only in late 2015, in Paris, that the United States helped to negotiate a global agreement to address climate change, one in which each country sets its own pace on reducing emissions. But scientists widely agree that this accord isn't strong enough, on its own terms, to ensure that warming remains below a 2-degree Celsius danger zone.

Thirty years after the 1986 hearings, meanwhile, presumptive Republican presidential nominee Donald Trump said that if elected, he would attempt "renegotiating" that agreement.

"Those agreements are one-sided agreements, and they are bad for the United States," Trump said.

[From New York Times advertisement, Dec. 6, 2009]

DEAR PRESIDENT OBAMA AND THE UNITED STATES CONGRESS: Tomorrow leaders from 192 countries will gather at The UN Climate Change Conference in Copenhagen to determine the fate of our planet.

As business leaders we are optimistic that President Obama is attending Copenhagen with emissions targets. Additionally, we urge you, our government, to strengthen and pass United States legislation, and lead the world by example. We support your effort to ensure meaningful and effective measures to control climate change, an immediate challenge facing the United States and the world today. Please don't postpone the earth. If we fail to act now, it is scientifically irrefutable that there will be catastrophic and irreversible consequences for humanity and our planet.

We recognize the key role that American innovation and leadership play in stimulating the worldwide economy. Investing in a Clean Energy Economy will drive state-of-the-art technologies that will spur economic growth, create new energy jobs, and increase our energy security all while reducing the harmful emissions that are putting our planet at risk. We have the ability and the know-

how to lead the world in clean energy technology to thrive in a global market and economy. But we must embrace the challenge today to ensure that future generations are left with a safe planet and a strong economy.

Please allow us, the United States of America, to serve in modeling the change necessary to protect humanity and our planet.

In partnership,

Chris Anderson, Curator, TED; Richard Baker, Chairman, Lord & Taylor; Dan, David & Laureen Barber, Blue Hill; Chris Blackwell, Founder, Island Records, Island Outpost; Graydon Carter, Editor, Vanity Fair; Deepak Chopra, Adjunct Professor, Kellogg School of Business and Management; Yvon Chouinard, Founder, Patagonia; Ben Cohen, Jerry Greenfield, Co-founders, Ben & Jerry's; Gregory Colbert, Creator, Ashes & Snow; Kenneth Cole, Chairman, Kenneth Cole; Paulette Cole, CEO & Creative Director, ABC Home, ABC Carpet & Home; Tom Collicchio, Chef & Owner, Craft Restaurants; Kit Crawford, Gary Erickson, Co-Owners and Co-CEOs, Clif Bar & Company; Steve Ells, Founder, Chairman & Co-CEO, Chipotle Mexican Grill, Inc.; Eileen Fisher, CEO, Eileen Fisher; Walt Freese, CEO, Ben & Jerry's Homemade; Mitchell Gold, Chairman, Bob

Williams, President, Co-Founders, Mitchell Gold + Bob Williams; Matt Goldman, Co-Founder & CEO, Blue Man Group; Seth Goldman, CEO, Honest Tea; Robert Grebler, Founder, Pokonobe Associates, Jenga Licensor; Adrian Grenier, Reckless Productions; Alan Hassenfeld, former Chairman, Hasbro, Inc.; Don Hazen, Executive Editor, AlterNet; Gary Hirshberg, CEO, Stonyfield Yogurt.

Jeffrey Hollender, CEO, Seventh Generation, Kate Hudson, David Babali, Co-Founders, David Babali for WildAid; Mike Kaplan, CEO, Aspen Skiing Company; Michael Kieschnick, President, Credo Mobile; Sheryl Leach, Creator & Founder of Barney; Sven-Olof Lindblad, Founder, Lindblad Expeditions; Danny Meyer, CEO, Union Square Hospitality Group; Laura Michalchyshyn, President & GM, Planet Green, Discovery Communications; Will Raap, Chairman & Founder, Gardeners's Supply Company; Horst Rechelbacher, Founder, Aveda, Founder & CEO, Intelligent Nutrients; David Rockwell, Founder & Owner, Rockwell Group; Maury Rubin, Founder, Chef & CEO, City Bakery, Birdbath Green Bakery; Michael Rupp, CEO & President, The Rockport Company; Gordon Segal, Chairman, Crate & Barrel; Jeff Skoll, Founder, Participant Media and Skoll foundation; Harvey Spevak, CEO, Equinox; Greg Steltenpohl, Founder, Odwalla; Michelle

Stein, President, Aeffe USA; Martha Stewart, Founder, Martha Stewart Living Omnimedia, Inc.; Jeffrey Swartz, CEO, Timberland; Tom Szaky, CEO, TerraCycle; Donald J. Trump, Chairman and President, Donald J. Trump Jr., EVP, Eric F. Trump, EVP, Ivanka M. Trump, EVP, The Trump Organization; Jean-Georges Vongerichten, Executive Chef & Owner, Jean-Georges Management LLC.

If you want to quickly, go along. If you want to go far, go together. [African Proverb]

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#### ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

The PRESIDING OFFICER. Under the previous order, and pursuant to S. Res. 493, the Senate stands adjourned until 9:30 a.m. on Wednesday, June 15, and does so as a further mark of respect to the late George Voinovich, former Senator from Ohio.

Thereupon, the Senate, at 6:08 p.m., adjourned until Wednesday, June 15, 2016, at 9:30 a.m.