



United States  
of America

# Congressional Record

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

Vol. 161

WASHINGTON, TUESDAY, JUNE 9, 2015

No. 91

## Senate

The Senate met at 10 a.m. and was called to order by the President pro tempore (Mr. HATCH).

### PRAYER

The PRESIDENT pro tempore. Today's opening prayer will be offered by the guest chaplain, Rabbi Harold Kravitz from Minnetonka, MN.

The guest Chaplain offered the following prayer:

Our God of all that is good, it is a privilege to be inside this Capitol Building, richly designed to inspire those who govern to achieve the loftiest goals possible for this Nation.

Guide the Senators who sit in this Chamber to do what the Book of Deuteronomy describes: "that which is right and good in the sight of the Eternal One."

We pray for all Americans, especially those who lack sufficient food to feed themselves and their families. This body has the power to change this reality, to do that which is right and good.

May the One who Provides Sustenance for All—Hazan et Hakol—bless this United States Senate with the wisdom and compassion to act on its responsibilities for those who are vulnerable and in need.

May all God's people in this land be able to live with dignity and share in the plenty with which this Nation is blessed.

Amen.

### PLEDGE OF ALLEGIANCE

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

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

Mr. REID. Mr. President, the majority leader and I will yield to the Senator from Minnesota.

The PRESIDING OFFICER (Mr. COTTON). The Senator from Minnesota.

Mr. FRANKEN. Thank you, Leader REID.

### WELCOMING THE GUEST CHAPLAIN

Mr. FRANKEN. Mr. President, I rise today to thank Rabbi Harold Kravitz for offering the opening prayer today in the Senate and to praise him for all of his excellent work.

Rabbi Kravitz is rabbi at Adath Jeshurun in my State of Minnesota and is an important leader in our State. In addition to serving his congregation, Rabbi Kravitz is also a leader in the fight against hunger. He is outgoing chair of the board of Mazon: A Jewish Response to Hunger, where he has been working to end hunger for all people regardless of their faith background.

One of the things most notable about Rabbi Kravitz is his commitment to bringing together people of all faiths to end hunger. I especially want to recognize Rabbi Kravitz's work in Minnesota to make school lunches free and available for all children.

No child should ever go hungry. We know kids won't do as well in school when they are hungry. It is also just wrong. That is why I have taken up the issue at the Federal level as well, to try to make this commonsense policy that Rabbi Kravitz has championed in Mazon as widespread as possible.

Rabbi Kravitz has done excellent work in Minnesota and as a national leader in the fight against hunger. Thank you for that, Rabbi, and thank you again for offering the opening prayer this morning.

### RECOGNITION OF THE MAJORITY LEADER

The PRESIDING OFFICER. The majority leader is recognized.

### OBAMACARE

Mr. McCONNELL. Mr. President, sometimes the divide between the

White House and reality can be stark. That was evident yesterday when President Obama told us that Obamacare was "working" and that essentially "none" of the warnings of the law's failures and broken promises had come to pass. I imagine the families threatened with double-digit premium increases would beg to differ, as would the millions of families who received cancellation notices for the plans they had and wanted to keep. That is especially true considering something else the President said—that Obamacare "hasn't had an adverse effect on people who already had health insurance." That is what the President said, that Obamacare hasn't had an adverse effect on people who already had health insurance. President Obama actually said that. It may border on the absurd, but he did say it.

Perhaps the President will make even more bizarre claims today as he tries to bolster the image of a law that only 11 percent of Americans say is a success—only 11 percent of Americans say Obamacare is a success—or perhaps he will keep realities facing the middle class in mind. Instead of jousting with reality again, perhaps he will consider the concerns of constituents who write in literally every day to tell us how this law is hurting them. Maybe he will remember the Kentuckian who wrote to tell me this: "I cried myself to sleep."

"I cried myself to sleep," said this Kentuckian who wrote to me about this law. That is how she felt after losing health coverage with her employer and then being forced—forced—into an exchange plan she called "subpar" with a nearly \$5,000 deductible. How helpful to most middle-class people is a health insurance policy with a \$5,000 deductible? She said, "I work hard for every penny I earn, and this is completely unacceptable." It is also another example of a law that has failed, and the sooner President Obama can come to grips with that reality, the sooner we

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



Printed on recycled paper.

S3889

can work together to replace the fear and anguish of Obamacare with the hope and promise of true health care reform.

#### NATIONAL DEFENSE AUTHORIZATION ACT

Mr. MCCONNELL. Mr. President, on an entirely different matter, the Defense authorization legislation before the Senate would authorize the programs and funding that provide the kind of training and equipment our military needs in the face of aggressive threats such as ISIL. It would provide a well-deserved pay raise to the brave men and women who give us everything to keep us safe. It contains exactly the same level of funding—exactly the same level of funding—President Obama requested in his own budget: \$612 billion.

It is just the kind of legislation you would expect to receive strong bipartisan support. Up until now, it has. The NDAA is a bill we typically consider every year, and it is one that typically passes with bipartisan support. This year's House bill passed with votes from both parties, while the Senate version of the bill passed the Armed Services Committee by a huge bipartisan margin of 22 to 4. That was in the Senate Armed Services Committee, the vote on the bill we have before us. It should be sailing through the Senate for passage by a similar margin this week, but some in the Democratic leadership are now trying to hold it hostage for partisan reasons.

We live in an age when, as Henry Kissinger recently put it, "the United States has not faced a more diverse and complex array of crises since the end of the Second World War." Yet some Democratic leaders seem to think this is the moment to hold our national security hostage to the partisan demands for more spending on Washington bureaucracies, such as the IRS. They seem to think it is OK to hold our troops and their families to ransom if they can't plus-up unrelated bills, such as the one that funds their own congressional offices.

The Armed Services Committee chairman just penned an op-ed on the issue that I would ask my colleagues to read. It made many important points, including this one: There is bipartisan consensus that we cannot continue to hold defense funding at BCA levels after years of dangerous cuts. Military officials have told us that to do so could put American lives at risk, which means it is a scenario we should be working to avoid at all costs. But some Democratic leaders seem to view such a worrying scenario as little more than leverage to extract more spending for unrelated bureaucracies.

"It is the first duty of the federal government to protect the nation," Senator McCain wrote in his piece. "With global threats rising, it simply makes no sense to oppose a defense policy bill full of vital authorities that

our troops need for a reason that has nothing to do with national defense spending." He is right.

I ask unanimous consent that Senator McCain's op-ed be printed in the RECORD at the conclusion of my remarks.

Here is what I am asking today. I am asking every sensible Democratic colleague to keep onside with the American people and pull these party leaders back from the edge. I am asking my friends across the aisle to join with us to support wounded warriors instead of more partisan brinkmanship, to give our troops a raise instead of giving gridlock a boost. And I am asking them to work with us to defeat the contingency funding amendment offered by the senior Senator from Rhode Island so that we can keep this bill intact and consistent with the budget resolution.

The new Congress has been on a roll in recent months, getting things done for the American people in a spirit of greater openness and cooperation. Let's keep the momentum going. Let's keep that spirit alive. If Senators have amendments, I would encourage them to work with Senator McCain to get them processed. But above all, let's ignore the partisan voices of the past and work together for more shared achievements instead. I think our troops and their families deserve no less.

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

[From Politico, June 9, 2015]

#### OBAMA IS WRONG TO HOLD DEFENSE FUNDING HOSTAGE

(By Sen. John McCain)

Congress has passed a National Defense Authorization Act, vital legislation providing the necessary funding and authorities for our military and the men and women who volunteer to defend the nation, for 53 consecutive years. This year's NDAA should be no different.

The NDAA delivers sweeping defense reforms that will enable our military to rise to the challenges of a more dangerous world. The legislation contains the most significant reforms in a generation to a broken acquisition system that takes too long and costs too much. It modernizes and improves our 70-year-old military retirement system, expanding benefits to the vast majority of service members excluded from the current system. The NDAA reforms Pentagon management to ensure precious defense dollars are focused on our war fighters, not on expanding bloated staffs, which have grown exponentially in recent years.

With \$10 billion in wasteful and excessive spending identified in the Pentagon's budget, the legislation invests in crucial military capabilities for our war fighters. The bill accelerates Navy shipbuilding and adds fighter aircraft to address shortfalls across the services. As adversaries threaten our military technological advantage, the bill looks to the future and invests in new breakthrough technologies, including directed energy and unmanned combat aircraft.

Despite these critical reforms, President Barack Obama is threatening to veto the NDAA and future defense spending bills for reasons totally unrelated to national security.

The Budget Control Act, which set in motion dangerous defense cuts, establishes caps

on defense and nondefense discretionary spending. There is bipartisan consensus on the dangerous impact these spending caps would have on defense. All of the military service chiefs testified this year that funding defense at the level of the BCA caps would put American lives at risk.

Rather than seeking to avoid this scenario at all costs, the president is using it as leverage to extract increases in nondefense spending. As his veto threat made clear, the president "will not fix defense without fixing non-defense spending."

Such intransigence shows a disturbing misalignment of White House priorities. It is the first duty of the federal government to protect the nation. With global threats rising, it simply makes no sense to oppose a defense policy bill full of vital authorities that our troops need for a reason that has nothing to do with national defense spending.

The NDAA fully supports Obama's budget request of \$612 billion for national defense, which is \$38 billion above the spending caps established by the Budget Control Act. In other words, this legislation gives the president every dollar of budget authority he requested. The difference is that NDAA follows the Senate Budget Resolution and funds that \$38 billion increase through Overseas Contingency Operations funds.

Parroting White House rhetoric, some Senate Democrats have been spreading misinformation about OCO funding, saying this funding is inappropriate or somehow limited in its ability to support our military. This is nonsense. The NDAA purposefully placed the additional \$38 billion of OCO funding in the same accounts and activities for which the president himself requested OCO money.

To be clear, using OCO to pay for our national defense is not my preference. But given the choice between OCO money and no money, I choose OCO, and multiple senior military leaders testified before the Armed Services Committee this year that they would make the same choice for one simple reason. This is \$38 billion of real money that our military desperately needs, and without which our top military leaders have said they cannot succeed.

It remains my highest priority as chairman of the Senate Armed Services Committee to achieve a long-term, bipartisan solution that lifts the BCA caps once and for all. Obama says this is his goal as well. But the NDAA is a policy bill—not a spending bill—and cannot accomplish that goal. In the absence of such an agreement, I refuse to ask the brave young Americans in our military to defend this nation with insufficient resources that would place their lives in unnecessary danger. Holding the NDAA hostage to force that solution would be a deliberate and cynical failure to meet our constitutional duty to provide for the common defense.

It is simply incomprehensible that as America confronts the most diverse and complex array of crises around the world since the end of World War II, that a president would veto funding for our military to prove a political point. The NDAA before the Senate authorizes \$612 billion for national defense. This is the amount requested by the president and justified by his own national security strategy. For the sake of the men and women of our military and our national security, it's time the president learned how to say yes.

#### RECOGNITION OF THE MINORITY LEADER

The PRESIDING OFFICER. The Democratic leader is recognized.

## AFFORDABLE CARE ACT

Mr. REID. Mr. President, the majority leader can't seem to let the facts as they exist get in the way of his ideology. The facts are that the Affordable Care Act is working, and 16.5 million people are proof of that because they have access to health care, most of whom did not have it before.

In the light of day, it has been shown that private insurance companies were taking advantage of the American people. They cannot do that now under the Affordable Care Act. Companies that are proposing these huge rate increases simply won't get them. Understand that 80 percent of every dollar that is charged by an insurance company in premiums—80 percent of it—has to go toward caring for people. If it doesn't, there are rebates, and hundreds of thousands of Americans during the last few years have gotten rebates as a result of insurance companies not spending 80 percent of the money they are getting in premiums for health care.

The sad commentary is that insurance companies took advantage—took advantage by not insuring people who had preexisting disabilities. One “disability” that insurance companies said was preexisting was the fact that you are a woman. Some insurance companies charged more for the same care if you are a woman and not a man. We have wide-ranging evidence that was in existence before and I guess my Republican colleagues want back again where insurance companies determine how much—they could arbitrarily cut off insurance to someone. They had these arbitrary limits. They can't do that anymore. Senior citizens have received millions of benefits from the Affordable Care Act. They get a wellness check every year for no cost at all. They no longer have to worry about the hole in the doughnut, so to speak, as we call it, on coverage for their prescriptions.

There are many things we can talk about. The fact is that the Affordable Care Act is working, and we are going to continue to defend it as the American people want us to do.

## AMENDMENT NO. 1521

Mr. REID. Mr. President, this afternoon the Senate will vote on an important amendment offered by a graduate of the United States Military Academy at West Point, the Senator from Rhode Island, JACK REED, who is also the ranking member of the Armed Services Committee.

I commend Senator REED for the stellar job he has done in being a manager of this bill. He is one of the most thoughtful and responsible Members of the Senate and always has been. He has great legislative experience, having served in the House before he came here.

Senator REED's amendment addresses a major threat to our national security and the middle class—sequestration.

Sequestration refers to deep, mindless, automatic cuts throughout the government. These cuts were authorized 4 years ago to force Congress to reduce the deficit in a balanced way.

Unfortunately, they did not work. Republicans are unwilling to close even a single tax loophole—not a single tax loophole to reduce the deficit. Now we face the prospect of arbitrary and unreasonable cuts that were once assumed to be so stupid that Congress would not allow them to happen. But something that everyone thought was stupid is now official Republican policy. Unless we can reach a bipartisan agreement to fix sequestration, these cuts will occur, not smoothly but as if done by a meat cleaver.

That threatens not only our military security but also the economic security of America's middle class, which really is our national security. The bill aims to avoid sequestration for the Defense Department with a widely ridiculed budget loophole, which would put actual defense spending on the Nation's credit card, increasing our deficit and our debt.

I am stunned by my friend, the senior Senator from Arizona. When I was an appropriator, I was on this Senate floor and I watched him, with his staff in the back of the room every time we did an appropriations bill. He pored through line by line with his staff of every appropriations bill. If there was something he thought was askew he would object to it. We got used to that because, frankly, it saved money over time.

He referred to all the pork that was in these bills, and he and I disagreed on what was determined to be pork, but I understood where he was coming from. I am just flabbergasted now that the senior Senator from Arizona, the chairman of the Armed Services Committee, is agreeing to a one-time gimmick. All the experts have said these gimmicks don't work—especially this one. Now, the committee, led by my friend the senior Senator from Arizona, is agreeing to this gimmick. Think of that. The Republicans, led by the senior Senator from Arizona, are advocating deficit spending big time—not a little bit, big time—tens of billions of dollars.

Our troops deserve better than this. Meanwhile, unless we deal with the impact of sequestration more broadly, middle-class America will suffer drastic cuts in things that matter to them the most—cuts in priorities such as education, job creation, and lifesaving research. Sequestration of nondefense programs is also an attack on our military families. For example, sequestration threatens to cut VA spending, health care spending for the military, job training for returning veterans, schools that teach children of military families, and heating assistance for veterans who are struggling.

If we are going to be fair to military families, just as to millions of other working Americans, we need to fix sequestration for more than just the Pen-

tagon. We need to fix it for defense and nondefense programs jointly. Defense and nondefense are inextricable. They are certainly things we cannot separate.

That is what the Reed amendment is designed to change through bipartisan negotiations. There is no reason to wait to negotiate a bipartisan budget. It makes no sense to start spending extra money on defense or anything else until we agree on an overall plan. Put simply, we ought to budget first and spend later. That is the only responsible way for a family or our Nation to conduct its business.

That is why the Reed amendment makes so much sense. I urge my colleagues to support the Reed amendment. A plan that avoids unnecessary cuts to priorities such as education, job creation, and research is what the Reed amendment is all about. It is a plan that funds all agencies that protect our security, including the FBI, the Department of Homeland Security, and the Drug Enforcement Administration—all of these vital programs. It is a plan that funds our troops, protects military families, and makes the long-term investment needed to ensure a secure, prosperous future for all Americans.

Less than 2 years ago, Democrat PATTY MURRAY and Republican PAUL RYAN proved it could be done. Let's put an end to the games and gimmicks and start putting together a responsible budget.

## RESERVATION OF LEADER TIME

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

## MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, the Senate will be in a period of morning business for 1 hour, with Senators permitted to speak therein for up to 10 minutes each, with the time equally divided, with the majority controlling the first half and the Democrats controlling the final half.

The Senator from South Dakota.

NATIONAL DEFENSE  
AUTHORIZATION ACT

Mr. THUNE. Mr. President, last fall, Republicans promised that if we were elected to the majority in the Senate, we would get the Senate working again. A big part of that is getting the appropriations process working again. When the Senate is functioning properly, 12 separate appropriations bills are considered individually in the Appropriations Committee and then brought to the Senate floor for debate and amendment.

This process is designed to allow Senators to carefully examine programs and consider the best and most responsible way to distribute funding. But the

appropriations process has not worked that way for a while. Too often, over the past few years, the majority of the year's appropriations bills have been thrown together in one catchall funding bill, greatly reducing Senators' ability to take a hard look at spending and to ensure that funds are being allocated responsibly.

Republicans are determined to change that. We started the appropriations process by passing a balanced budget resolution for the first time in over 10 years. This week, we continue the process with the National Defense Authorization Act, which authorizes funding for our Nation's defense and our men and women in uniform. This authorization bill is the first step in the appropriations process for defense funding under what we call regular order.

This legislation accomplishes a number of important things. It authorizes funding for our military at the President's requested level of \$612 billion. It also eliminates waste and inefficiencies. Specifically, the bill targets \$10 billion in wasteful and unnecessary spending and redirects those funds to military priorities such as funding for aircraft and weapons systems and modernization of Navy vessels.

The bill also focuses heavily on reform. The military's current process for acquiring new equipment and technologies is inefficient and bureaucratic. It wastes our Nation's resources and, even more importantly, it reduces our military readiness by delaying the acquisition of essential weapons, equipment, and technology. The National Defense Authorization Act introduces broad reforms to modernize and streamline the acquisitions process, which will significantly improve the military's ability to access technology and equipment when it needs it.

The act also implements a number of reforms to the Pentagon's administrative functions. Over the past few years, Army Headquarters staff has increased while combat personnel have been cut. Army Headquarters staff increased 60 percent over the past decade, yet the Army is currently cutting brigade combat teams.

From 2001 to 2012, the Department of Defense's civilian workforce grew at five times the rate of Active-Duty military. Prioritizing bureaucracy at the expense of our preparedness and our Active-Duty military is not an acceptable use of resources.

The Defense authorization bill that we are considering changes the emphasis at the Department of Defense from administration to operations, which will help ensure that our military personnel receive the training they need and that our military is ready to meet any threats that arise. Finally, this bill overhauls our military retirement system. The current military retirement system limits retirement benefits to soldiers who served for 20 years or more, which eliminates 83 percent of those who have served, including many

veterans of the wars in Iraq and Afghanistan.

The National Defense Authorization Act replaces this system with a modern retirement system that would extend retirement benefits to 75 percent of our servicemembers. The bill before us today is a strong bill. It is the product of bipartisan efforts. It authorizes funding for our troops at the level requested by the President and provides key reforms that will strengthen our Nation's defense and improve training benefits and quality of life for our servicemembers.

Supporting this legislation should be a no-brainer. Incredibly, however, the President has threatened to veto this important legislation. His reason is that the President does not want our military to receive the increased levels of funding proscribed in this bill unless the President's nondefense funding priorities receive an increased level of funding.

That is right. Apparently, President Obama is willing to hold up funding for our Nation's military until Congress provides more funding for agencies such as the IRS and the EPA. Well, the President can certainly make his case to Congress when it comes to funding government agencies. Holding troop funding hostage for political purposes is reckless and irresponsible. If that were not enough, the White House is busy lobbying Senate Democrats to abandon bipartisan efforts that went into this bill and back up a Presidential veto.

The National Defense Authorization Act plays a key role in keeping our Nation safe. The President's attempt to hijack this bill for his political purposes is wrong. I very much hope that he will consider the implications of what he is doing and rethink that threat.

#### OBAMACARE

Mr. THUNE. Mr. President, before I close, I want to take just a few minutes and discuss the President's health care law. The President made some comments yesterday on the upcoming Supreme Court ObamaCare decision. Referring to his health care law, the President said:

What's more, the thing's working. Part of what's bizarre about this whole thing is we haven't had a lot of conversations about the horrors of ObamaCare because it hasn't come to pass.

That was from the President yesterday. Let me just repeat and put that into context. The President of the United States thinks that ObamaCare is working and that negative predictions about the law have not come to pass. Well, to respond to that, let me just read a few headlines from the past couple of weeks. This from CNN: "Obamacare sticker shock: Big rate hikes proposed for 2016." From the Associated Press: "Many health insurers go big with initial 2016 rate requests." From The Hill: "Overhead costs explod-

ing under ObamaCare, study finds." From the Associated Press again: "8 Minnesota health plans propose big premium hikes for 2016." From the Lexington Herald-Leader: "Most health insurance rates expected to rise next year in Kentucky."

I could go on. The truth is that not only is ObamaCare not working, but it is rapidly unraveling. A May 1 headline from the Washington Post reported: "Almost half of Obamacare exchanges face financial struggles in the future."

Hawaii's exchange has already failed. California's exchange is struggling to sign up consumers. One-third of the consumers who purchased insurance on the California exchange in 2014 declined to reenroll in 2015. The Massachusetts exchange is being investigated by the Federal Government.

Colorado's exchange is struggling financially and has raised fees for consumer insurance plans. Rhode Island's Governor is pushing for new fees on insurance plans to help fund the \$30.9 million operating cost of the Rhode Island exchange. Now, incidentally, that is \$30.9 million to run an exchange that serves just 30,000 people.

The Minnesota exchange was supposed to cover more than 150,000 individuals in its small business marketplace by 2016. So far, it is covering 1,405 individuals, or approximately 1 percent of the number it is intended to cover. The Minnesota exchange has cost Federal taxpayers \$189 million so far—\$189 million for an exchange that provides coverage for just 61,000 people.

A recent Forbes article notes that Vermont's exchange "will need \$51 million a year to provide insurance to fewer than 32,000 enrollees—or \$1,613 per enrollee in overhead. Before ObamaCare, \$1,600 would have been enough to pay for the entire annual premium for some individual insurance plans."

While the ObamaCare exchanges unravel, health insurance costs on the exchanges are soaring. Insurers have requested double-digit premium increases on 676 individual and small group plans for 2016. More than 6 million people are enrolled in plans facing average rate increases of 10 percent or more. Around the country, rate increases of 20, 30, 40, and even 50 percent are common.

One health care plan in Arizona is seeking a rate increase of 78.9 percent—so much for the President's promise that his health care plan would "bring down the cost of health care for millions". In my home State of South Dakota, proposed rate increases range up to 44.4 percent. That is not something South Dakota families can afford.

The discussion about ObamaCare's success or failure is no longer theoretical. The evidence is in, and it shows the President's health care law is broken. It is time to repeal ObamaCare and to replace it with real health care reforms that will actually drive down costs. Five years under ObamaCare is long enough for American families.

## EPA RULE AND BIG STONE PLANT

Mr. THUNE. Mr. President, I wish to speak about the President's misguided plan to reduce carbon emissions from existing powerplants, specifically the impact it is going to have on my home State, South Dakota.

Over the last year, EPA has claimed its rule will grant States flexibility to meet burdensome emission reduction targets. However, there is really only one way for South Dakota to meet its staggering target of a 35-percent reduction; that is, by effectively shutting down Big Stone Plant, our only base-load coal-fired plant, which will soon be among the cleanest in the country.

The plant, which provides affordable power to thousands in South Dakota and neighboring States, is nearing completion of a \$384 million environmental upgrade project to meet the EPA's regional haze and Utility MACT regulations. So as you can see, highlighted on this poster by a Watertown public opinion op-ed headline, the clean powerplant would threaten this significant investment.

The EPA has required this nearly \$400 million upgrade—which is more than the original cost, the entire original cost of the plant itself—and is now turning around and saying: That is not enough. We want it shut down.

Let me repeat that. The EPA has required a \$384 million environmental upgrade to make the plant among the cleanest in the country and now wants to put all that to waste. This isn't right, and this will stick South Dakotans with holding the bill.

When the Obama EPA pushes new regulations to attack affordable and reliable coal generation, it is low-income families who take the biggest hit. South Dakotans have already seen their electricity rates increased to pay for that \$384 million add-on, but the Clean Power Plan will limit the ability for this investment to be recouped, and now they will be charged even more.

This is because the Clean Power Plan would require Big Stone Plant to run less, even on a limited or seasonal basis, not at the high capacity for which it was designed and is most efficient. At the same time, the Clean Power Plan would require the plan to run more efficiently to meet strict emission requirements. So, again, we have had this nearly \$400 million investment to make the plant cleaner and more efficient in order to satisfy the EPA, and now the Obama EPA wants to shut it down.

The Obama EPA should not push regulations that result in higher utility costs for consumers, less grid reliability, and fewer jobs. Affordable and reliable energy helps grow the economy and helps low- and middle-income families make ends meet.

Unfortunately, the EPA's rule will only increase electrical rates and hurt those who can afford it the least by forcing our most affordable energy sources offline.

I urge my colleagues to join me in opposing this burdensome rule and to

prevent the serious economic burden it will impose on middle-income families in this country.

I yield the floor.

The PRESIDING OFFICER. The Senator from Wyoming.

## OBAMACARE

Mr. BARRASSO. Mr. President, this morning President Obama will be speaking at a meeting of the Catholic Health Association of the United States.

Now, the White House says the President will talk about his health care law. The President has already been spending a lot of time talking about the law. At the G7 summit in Germany this past weekend, the President was asked about the law and what he said is: "The thing is working."

He said: "We haven't had a conversation about the horrors of ObamaCare because none of them have come to pass."

The President must be kidding himself.

This morning, when he talks to this Catholic health care group, President Obama should stop his denial and he should confess the truth. If he gives another rosy speech about the impact of this terrible law, he will be, once again, intentionally and deliberately misleading the people in his audience.

The President should not stand on the stage today and pretend his law is helping more people than it hurts. He should not stand on that stage today and pretend he hasn't heard that his law is causing premiums to skyrocket. He should not stand on that stage today and pretend he has kept his promises about this law. He should not stand on that stage today without admitting his law has cut into the take-home pay of millions of hard-working Americans.

What the President should do is talk about how his health care law has hurt nonprofit hospitals like the Catholic hospitals across the country. That was the subject of a Wall Street Journal article just last Wednesday with the headline: "Hospitals Expected More of a Boost From Health Law."

Now, remember, President Obama said his health care law was going to help hospitals. He said it would help hospitals because uninsured people wouldn't be coming into the emergency room needing free care anymore.

Well, that hasn't happened. Even more people are going to the emergency room today. According to the Wall Street Journal, nonprofit hospitals have seen a huge increase in Medicaid patients—and Medicaid pays only about half of the cost of caring for patients.

The article gives an example of a group of nonprofit hospitals near St. Louis. It has lost about \$5 million as a result of President Obama's Medicaid expansion. That is a big hit for a nonprofit hospital to take. It directly affects hospitals' ability to continue providing high-quality care.

If President Obama is honest today, I would say he needs to explain to this Catholic health care group why his health care law has not lived up to expectations. Is he going to explain why his law is hurting their ability to provide care? It is not only hospitals that are being hurt by ObamaCare, millions of people across the country are seeing the news that their insurance premiums might soar by 20 percent, 30 percent or even more next year.

In North Carolina, Blue Cross Blue Shield says it needs to raise premiums by 26 percent. In Minnesota, Blue Cross wants to raise rates by 54 percent. President Obama spent part of his childhood in Hawaii. One insurance company there is planning to raise premiums by 49 percent.

Will the President explain to this group today why premiums are skyrocketing?

I will tell you why they are skyrocketing. It is because of the cost of all the Washington-mandated services that came from ObamaCare. Another reason costs are going up is all the bureaucracy that came with the health care law.

There was an article in The Hill newspaper May 27 with the headline: "Overhead costs exploding under ObamaCare, study finds."

The article says:

Five years after the passage of ObamaCare, there is one expense that's still causing sticker shock across the health care industry: overhead costs.

It continues:

The administrative costs for healthcare plans are expected to explode by more than a quarter trillion dollars over the next decade, according to a new study.

This is \$270 billion "over and above what would have been expected had the health care law not been enacted."

That is what this study found.

Under the health care law, Washington has been spending billions of taxpayer dollars on health care: \$1 out of every \$4 is going to overhead—not to treat sick or injured people, not to help or prevent disease, no, to overhead. It is the President's law. It is incredible. This money isn't being used to help one sick child, to provide medicine for a single individual, it is overhead.

As one of the study's authors put it, the money "is just going to bureaucracy." According to this study, this works out to \$1,375 per newly insured person per year under Obama's health care law. Now, of course, people's premiums are going through the roof. The health care law created or raised 20 different taxes.

Maybe President Obama today should explain why \$1 out of every \$4 that Washington spends on health care should go to bureaucracy instead of caring for patients. The President's health care law is hurting hard-working American families who are going to have to pay premiums of 40 to 50 percent more next year. It is hurting the hospitals that are supposed to provide

the actual health care to those patients. It is wasting hundreds of billions of dollars on overhead and bureaucracy instead of caring for sick people.

ObamaCare is an expensive disaster. Now, that is not just my opinion. A new poll came out the other day from CNN. It found only 11 percent, only one in nine Americans say the law is a success. President Obama says the law is working. Well, only one in nine agree with him. In another poll, just 39 percent of people support the law. That is down 10 percentage points in 1 year.

You ask: Why is it?

Well, because people look at it and say it is a bad deal for them personally.

The President made promises, and he has broken them. He said: If you like your coverage, you can keep your coverage.

Millions lost their coverage. He said the cost of insurance premiums would drop by \$2,500 per year.

Costs have exploded, the cost of the premiums, the cost of the copays, the cost of the deductibles, and many people who have this expensive new insurance cannot get care. Coverage does not equal care. That is why this health care law is more unpopular now than ever before.

Sometime this month the Supreme Court could make an important decision about the health care law. The Court is set to rule on whether some of the billions of taxpayer dollars that President Obama has been spending were even supposed to be spent under the law. This decision could affect more than 6 million Americans. So you would assume the White House is prepared for the decision. You would assume the White House would have a plan.

Well, does the White House have a plan for these 6 million Americans who are worried about how they will pay for their expensive, new ObamaCare plans with all of its mandates? Not according to the President.

In Germany yesterday, the President refused repeatedly—refused—to talk about a plan B. The closest he came was to say, “Congress could fix this whole thing with a one-sentence provision.” That is not a real solution. People see their premiums going up, and they are very concerned.

President Obama owes America a serious answer. Republicans aren’t interested in a one-sentence fix unless that sentence is: ObamaCare is repealed.

We want to protect the American people from this complicated, confusing, and costly health care law.

If the Court rules against the President, then Republicans will be ready to sit down with Democrats to get some things right. That means stopping ObamaCare’s broken promises and its harmful mandates.

Republicans will offer a plan, and we will work with the President to give people back the freedom, the freedom to make health care choices that work for them and for their families. It will

be up to the President and Democrats in Congress whether they want to join us or if they want to continue with their partisan fight and their delusions that this law is popular and working. I hope they will work with us on the reforms the American people need, want, and deserve.

I yield the floor.

The PRESIDING OFFICER. The Senator from West Virginia.

#### ARENA ACT

Mrs. CAPITO. Mr. President, I rise to speak about our Nation’s energy economy.

“Alpha Natural to Lay Off 439 at West Virginia Coal Mine”; “Murray Energy expects more than 1,800 coal mine layoffs”; “Job Cuts Are Devastating Blow for Ohio Valley Coal Miners”; “Coal analyst says industry facing toughest time”; “Power Bills To Get Higher”—these are just some of the headlines that have been in the recent news in my area. These headlines are a stark reminder of the impact misguided Federal policies will have on the lives of real people.

West Virginia and other energy-producing States have suffered devastating blows. Hard-working Americans are losing their jobs as their energy bills keep climbing. I come to the floor to encourage my colleagues to stand up for our Nation’s energy future.

Last month, I introduced the Affordable Reliable Energy Now Act—the ARENA Act—with Leader McCONNELL, Chairman INHOFE, my fellow West Virginian JOE MANCHIN, and nearly 30 of my colleagues. This bipartisan legislation would empower States to protect families and businesses from electricity rate increases, reduced electrical reliability, and other harmful effects of the Clean Power Plan.

The ARENA Act would require that any greenhouse gas standards set by the EPA for new coal-fired powerplants are achievable by commercial powerplants, including highly efficient plants that utilize the most modern, state-of-the-art emissions control technologies.

Back in February, I asked EPA Acting Assistant Administrator Janet McCabe to explain why, despite multiple invitations from Federal and State legislators, the EPA did not hold a public hearing on its proposed Clean Power Plan in West Virginia, given the large role coal plays in our economy and our electricity generation. And do you know what she said? She told me public hearings were held in places where people were “comfortable.” Well, that response is unacceptable to me and to the people of my State. That response, which represents EPA’s disregard for the real-world impacts of its policies, helped shaped this legislation.

The EPA’s proposed greenhouse gas regulations will negatively impact both energy affordability and energy reliability. Coal provided 96 percent of

West Virginia’s electricity last year and West Virginia was among the lowest electricity prices in the Nation. Last year, the average price was 27 percent below the national average, but these low prices are not likely to survive this administration’s policies.

Studies have projected that the Clean Power Plan will raise electricity prices in West Virginia between 12 and 16 percent. Just last month, 450,000 West Virginia families learned of a 16-percent increase in the cost of electricity. While there were multiple factors that contributed to this rate increase, compliance with previous EPA regulations played a significant role. If we allow EPA’s plan to move forward, last week’s rate increase will only be the tip of the iceberg.

Affordable energy matters. Mr. President, 430,000 low- and middle-income families in West Virginia, which is nearly 60 percent of our State’s households, take home an average of less than \$1,900 a month and spend 17 percent of their aftertax income on energy. These families are especially vulnerable to the price increases that will result from the Clean Power Plan.

Other West Virginia families will bear the brunt of the EPA’s policy more directly. In the past few weeks, 1,800 West Virginia coal miners received layoff notices. The notices came at Alpha Natural Resources and Murray Energy—the two largest coal companies in our State. Patriot Coal also filed for bankruptcy for a second time. Three coal-fired powerplants closed, also costing more jobs in the State of West Virginia.

When mines and coal-fired powerplants close, the ripple effect is felt throughout our entire economy. The Wheeling Intelligencer reported that the Murray Energy layoffs alone would mean almost \$62 million in annual lost wages for Ohio Valley residents.

Other parts of our State have been hit just as hard. In Nicholas County, the local government was forced to lay off employees, including a number of sheriff’s deputies, because of a drop in the coal severance tax.

Last month, the Energy Information Agency released its analysis of the proposed rule. The administration’s own energy statistician found that the Clean Power Plan would shut down more than double the coal-fired powerplant capacity we have by the end of this decade.

The PRESIDING OFFICER. The Senator’s time has expired.

Mrs. CAPITO. I thank the Chair. I urge support for the ARENA Act, and I yield the floor.

The PRESIDING OFFICER. The Senator from Florida.

Mr. NELSON. Mr. President, what is our parliamentary situation?

The PRESIDING OFFICER. The Senate is in morning business, with Senators permitted to speak therein for up to 10 minutes.

Mr. NELSON. May I be recognized.

The PRESIDING OFFICER. The Senator from Florida.



NATIONAL DEFENSE  
AUTHORIZATION ACT

Mr. NELSON. Mr. President, I rise to give my overall support for the content of the Defense authorization bill, but my considerable concern and, therefore, my “no” vote on final passage in the Committee on Armed Services was because the bill, as crafted by the majority in the committee, is a travesty, using an artificial budget to authorize the necessary operations and troop readiness of our military establishment.

Now, that is what the bill does. It is an artificial budget. That may not sound particularly offensive, particularly when as a policy bill there are many good things in this Defense bill; things such as providing for the increase of our military services; things such as certain weapons systems that are authorized.

Historically, this bill has been recognized as being bipartisan, and it addresses the problems posed by an increasingly dangerous world. The Defense authorization bill has historically provided the military with the resources our Nation needs. But the ranking Democrat, the Senator from Rhode Island, and I are compelled to oppose this bill because it addresses these problems with an artificial budget that treats an essential part of our military, which is preparedness—the necessary operations training and maintenance, preparedness of our military—in an unplanned way. They are treating it as an expense by sending it over to an account that is not even on the budget—an account called overseas contingency operations or the funds for what used to be the Iraq war and is now the winding down of the Afghanistan war. This is an unbudgeted item—operations readiness, training—necessary for our military to be ready, and they are taking it out of the Defense Department budget and sticking it over here. Now, that doesn’t make sense.

Some might say: Well, why in the world would they do that? Because folks around here are concerned about something called the sequester, which is supposedly an artificial limit on keeping expenditures of the Federal Government below a certain level. That may sound like a good thing, if it is done with legitimate numbers, but when in fact you are creating that artificial limit pressing down on Federal spending, but you take a major part of that Federal spending out and put it over here in an unaccounted-for account that doesn’t reach those budgetary caps, that is nothing more than—I will put it politely—budgetary sleight of hand. I will put it more directly: That is budgetary fakery. Therefore, this Senator is going to oppose the bill.

The Senate Committee on Armed Services has received testimony from military leader after military leader—chief master sergeants, generals, admirals—who have said the policy of this arbitrary budget cap called sequestration is harming our national security

and is putting our military strategy at risk.

Our strategy is not just dependent on defense spending, but it is very dependent upon nondefense spending, which in this bill is not even being addressed because that artificial ceiling—the sequestration—is like a meat ax right across the Federal budget. That is affecting—and every one of those military leaders will tell you—that is affecting our military preparedness.

These arbitrary budget caps impact this nondefense spending. It keeps us from providing funds for other agencies that are so essential to the national security. The Coast Guard, they are out there in the war zone. They are in another war zone down in the Caribbean as they are interdicting all kinds of drug smugglers. What about the FBI, the CIA, the DEA, Customs, Border Patrol, Air Traffic Control, TSA? All of those are affected and affect national security.

So if we are going to continue to budget like this, the result is going to be more budget uncertainty for our military, and it is going to end up bleeding funds away from our military readiness.

What we are doing is we are avoiding the obvious. The obvious is working around to bring those numbers down under those artificial budget caps. So it is time for us to get rid of the sequester. We did it before, 2 years ago, with a bipartisan budget—the one known as Murray-Ryan. We need to do it again. Otherwise, right now, we are wasting our time working on bills that have no chance of becoming law. We need to fix the budget caps for defense and nondefense spending. You do not use a bandaid when you have an artery that is gushing blood.

Now, it is not just this. There are other examples. Take, for example, a program that I have some familiarity with—our Nation’s space program. We have been trying since 2010, since Senator Kay Bailey Hutchison, a Republican from Texas, and I passed a NASA authorization bill that put us on the course that will ultimately, as the President has now announced, take us to Mars. But we can’t get the policy updated because we can’t pass another NASA authorization bill. So what happens? It goes to the Committee on Appropriations. Thank goodness we have folks such as Senator SHELBY and Senator MIKULSKI who direct that.

But now what is happening to appropriations bills? They are being put under this sequester, and, because of that, it is going to be hard in this Chamber to get 60 votes to pass appropriations bills. As a result, we are going to be in near cardiac arrest right at the end of the time, during a continuing resolution, which is no way to run a railroad when you appropriate money. We have to come to the altar and realize what we are facing, and that is this artificial budgetary cap.

I yield the floor.

The PRESIDING OFFICER. The Senator from Hawaii.

## ORDER OF PROCEDURE

Ms. HIRONO. Mr. President, I ask unanimous consent that the following speakers in morning business be limited to speak for up to 5 minutes each: Myself, Senators GILLIBRAND, MANCHIN, and MARKEY.

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

## AMENDMENT NO. 1521

Ms. HIRONO. Mr. President, I rise today to support amendment No. 1521, which would limit the use of overseas contingency operations, or OCO, funds. I am proud to be a cosponsor of this amendment, which was filed by the ranking member of the Senate Armed Services Committee, Senator JACK REED.

I wish to start by thanking Senator MCCAIN and Senator REED for their leadership in producing the underlining bill. Drafting the National Defense Authorization Act, NDAA, is no small task, and I support many important provisions included in the bill. As Ranking Member of the Seapower Subcommittee, I worked with Chairman WICKER to include provisions that will strengthen and support our Navy and Marine Corps.

Every Defense bill presents challenges and tradeoffs. There are competing priorities and compromises. For 52 consecutive years, both Chambers have debated the details and come up with a product that supports and enhances our national security. However, this year’s bill presents more than just a difference over details. The overall framework of this bill is a problem. Before us is a bill that presents a serious question about our national values—a question that the Reed amendment would help to answer.

Earlier this year, the Republicans pushed through a budget resolution. That resolution clearly set forth the framework that Chairman MCCAIN had to work within. That framework basically said: We are not going to address sequestration in a meaningful way. Instead, we are only going to provide sequester relief for the defense budget. I note that this budget resolution passed the Senate without a single Democratic vote. I ask my colleagues to join me in objecting to an approach that bifurcates sequester relief as though our country’s national security lies only with the Department of Defense, because that is what this NDAA bill does. How? The bill before us takes \$38 billion out of the base budget at the Department of Defense and moves it into the OCO budget. The OCO budget is not subject to Budget Control Act caps. The reason for this is that OCO funds are intended to support the unknown unknowns that arise during our security operations abroad. Using the OCO account to fund noncontingency items is irresponsible. It is a 1-year fix, and it adds to our budget deficit. It is not fair to our commanders on the ground, who

have told us that we need to fix sequester permanently so they can prepare for the long term. Using the OCO account to shield the DOD from sequester has been called a gimmick by many.

I am for a strong national defense. However, the foundation of our military strength is the strength of our economy. It is the strength of our communities. It is the strength of our future. Failing to fix sequestration for both defense and nondefense will undermine the strength of our national defense. Again, our national security is not just tied to our military strength. There are other national security initiatives that are not funded by the Department of Defense. For example, we have the State Department, the FBI, Homeland Security, the Coast Guard, and other law enforcement agencies and programs that are all important components of our national security. None of these programs is funded by the Department of Defense.

In addition, the Department of Defense has said that fewer than one in four Americans in the eligible age range are qualified to enlist in the Armed Services. This is due to a variety of reasons, including health, obesity, fitness, mental aptitude, et cetera. Cutting funding to nutrition programs, education initiatives, preventative health measures, and fitness programs will result in even fewer individuals qualifying for our Armed Services. By not fixing both the military and domestic sides of the budget, we are undermining the foundation of our security and our future.

America is one country, and the decisions we make in Congress should reflect that reality. We need to eliminate the sequester because these across-the-board cuts hurt our middle-class families, our small businesses, our military, and our national security. We need to eliminate the sequester—period. To continue to be bound by mindless, across-the-board cuts to both our defense and domestic budgets—cuts that were never supposed to become reality—is pure folly. Congress should come together in a spirit of bipartisan cooperation to fix sequester.

This proposal by Senator REED just fences the \$38 billion in OCO funds until Congress comes together to do just that. It doesn't take the funding out of the budget. But it does prevent spending it before relief from Budget Control Act cuts are achieved on both the defense and domestic sides.

I urge my colleagues to support the Reed amendment to provide for a responsible defense budget.

I yield the floor.

The PRESIDING OFFICER (Mr. FLAKE). The Senator from West Virginia.

Mr. MANCHIN. Mr. President, are we in morning business?

The PRESIDING OFFICER. We are.

Mr. MANCHIN. Mr. President, I have always said that being a superpower means more than super military might. It means super diplomacy. It would

contain restraint and super fiscal responsibility. All of these are part of being a superpower.

Admiral Mullen, the former chairman of the Joint Chiefs of Staff, once said that the greatest threat to our national security is our debt—not another nation, not another army, not the fear of terrorism, but basically our debt.

The United States has and will continue to have the greatest military in the world. But in order to remain the most powerful, we have to get our financial house in order. I think we all agree to that, but we don't seem to be practicing it very much.

I fully support Senator REED's amendment to basically fence the OCO funding.

If we look to see how we have gotten ourselves into the situation we have now, it is not Democrat or Republican. It is our fault, and it is our responsibility to fix it. Basically, we have had two wars in Afghanistan and Iraq that we didn't fund. We did it through accounting procedures, emergency procedures, and contingency funds. Now we continue to expand upon that, if we go down this route without fixing it with Senator REED's amendment.

Ensuring the safety of the American people does not mean increasing defense spending to fund never-ending wars in the Middle East while ignoring nondefense programs that are also crucial to our national security. I have said this over and over. If we thought money and military might could fix that part of the world, the United States of America would have done it by now.

For years, critical nondefense programs, such as the Department of Homeland Security and the State Department, have been forced to absorb damaging across-the-board cuts. They are also extremely important in safeguarding the homeland.

While we continue to keep in place the budget cuts for these agencies, we have underhandedly gone around spending limits and improperly increased war funding. The most recent gimmick we are talking about, which has been explained, is an attempt to transfer roughly \$39 billion from the base budget to the OCO budget to increase funding for overseas conflict. I have said time and again that after a decade of war in the Middle East, costing more than \$1.6 trillion, does anyone believe we haven't done our part and tried? If money and might could have changed it, we would have done it by now.

What is more important is that we are denying the funding from other important programs that desperately need these funds to keep our country stable, safe, and secure. In order to be truly secure, we need our non-Department of Defense departments and agencies to be able to function at full capacity also. The Pentagon simply cannot meet the complex set of national security challenges without the help of

other government departments and agencies. We are all in this together. We are all responsible to protect this country. But we are all responsible to make sure that we can properly ensure that people have the opportunity to take care of themselves also.

Retired Marine Corps General Mattis said: "If you don't fund the State Department fully, then I need to buy more ammunition." He might have said that in jest, but I think underlying it he really meant it. And last week showed how vulnerable our networks are to cyber attacks from foreign nations and those who wish us harm.

We have had a cyber bill before us for many years now. We have been told on an almost weekly or monthly basis of the threat we face from all different countries trying to hack in to do us harm. Yet we haven't been able to move because of the toxic political atmosphere we have here.

Our national security is also inherently tied to our economic security. Failures to invest in programs such as STEM education and infrastructure projects are short sighted. Failing to provide BCA cap relief to non-DOD departments and agencies would also shortchange our veterans who receive employment services, transition assistance, and housing/homeless support through other agencies such as the Department of Labor. The bottom line is that we need to get our long-term budget that reduces the deficit in line. Increasing the OCO money, as the bill does right now, only hurts that goal and makes it much more difficult and elusive.

Defense budgeting needs to be based on our long-term military strategy, which requires the Department of Defense to focus at least 5 years into the future. This is only a 1-year plan. Do we think it is not going to be extended and extended and extended? Do we think we are going to start it and stop it in 1 year? I don't think so.

The fiscally responsible approach we need to take is to fix the BCA caps. We are hearing about the whole issue of sequestration and how horrible it is. Well, let me tell you how you can fix it: Sit down and put together a budget that is realistic and makes our long-term financial plans solid. That is all it takes. Yet we are unwilling to do it. We are just condemning it. We are condemning it because it constrains how we want to do business, which means not being held accountable or responsible. That is all.

Every meeting I go to, whether it is nondiscretion or military spending—we all need more to expand programs. Yet we never take the GAO's report. The General Accountability Office says we could save \$300 billion to \$400 billion a year if we could just get rid of the waste and the redundancies that go on, and we are not doing anything about that.



I say again that our national debt is not a Democratic problem or a Republican problem. It is our problem. We all own this one.

In 2008, our country faced one of the worst financial crises in our Nation's history. We added \$1 trillion to our debt—on top of the trillions of dollars already spent on two costly wars and the Bush tax cuts, which President Obama basically extended twice.

Between the wars, the tax cuts, the recession, and our out-of-control spending, our Nation's debt has exploded from \$5 trillion to \$18 trillion. Currently, our deficits are decreasing, from \$1.4 trillion in 2009 down to a little under one-half billion dollars, according to the CBO, and it is expected to remain stable for the next couple of years.

The bad news is that after 2017, if we don't change our ways, the deficits are projected to increase over \$1 trillion a year through 2025. Unless Congress can put aside partisan politics and put the country on a fiscally sustainable path, we will add over \$7.5 trillion to our debt in the next 10 years. That is adding \$7.5 trillion to \$18 trillion of debt we have right now. There is no way the next generation and the generation after will ever be able to dig out of this hole if we don't fix it now. But we have to be smart about how we reduce spending.

As we saw in the 2013 sequestration, indiscriminate, across-the-board cuts harmed bad and good programs alike, did nothing to reduce waste and abuse, and caused individuals to be furloughed and lose their jobs.

I have always said this: When you start cutting, you don't cut, basically, the items that continue to make progress for you. When the IRS doesn't do its job and it is incapable of doing it—the revenues owed to this country and the taxes that people should be paying—we can't cut back on that and expect it to be solid.

I have pushed hard for a bipartisan compromise that would reduce spending, fix our broken tax system, and reform entitlement programs in order to reduce our debt and provide the economy with certainty and stability.

For instance, we could enact \$2.5 trillion in deficit reduction over the next 10 years if we just follow the Simpson-Bowles recommendations. It is an all-encompassing approach that raises revenue and promotes growth through comprehensive tax reform that brings our Tax Code into the modern age—increasing efficiency and simplifying the process for both individuals and businesses.

Additionally, the plan enacts serious entitlement reform and makes additional targeted spending cuts aimed at long-term deficit reduction so that we can encourage economic growth. It is crucial that we make the necessary reforms that will make this Nation a better place for future generations.

With that being said, I again express my support for Senator REED's amend-

ment to the defense budget that would block any additional unnecessary, unaudited spending for a continual war effort where we have no oversight. We were elected to basically look at the process we have.

I ask unanimous consent for an extra 2 minutes, if I could, to finish.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. MANCHIN. With that being said, Mr. President, all I am saying is that we should be smart and learn from our past and the experiences we have had. It has not worked well for us right now, and we can change it. We are the only ones who can change it.

This country has a strong economy. It could be even stronger if we work together. The bottom line is we want to be smart. We want to be smart about where we invest our money and where we send our troops and put Americans in harm's way. We want to be smart in the domestic investments we make here in this country. We want to make sure they are working. If they are not working, then, you know what, do not be afraid to say: I tried and it did not work. I am going to try something different.

Basically, if you have two programs doing the same thing, consolidate. Let's start looking for ways that we can run this country the way each American is expected to run their life. Every small business or large business is expected to make prudent investments and work efficiently. That is all we have asked for. This type of spending, basically unaccountable, will lead us down the path to increase the debt and does not make us any more secure and gets us involved in places where we do not have any oversight or any input.

I do not—I do not—as a U.S. Senator wish to walk away from my responsibilities to make recommendations for what I think would be best for not only the West Virginia people, whom I represent, but for this entire country, which I love.

I yield the floor.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. MARKEY. Mr. President, I voted against the Budget Control Act as a Member of the House of Representatives because I did not think it was a responsible course for our country. To me, "sequestration" is just a fancy term for mindless budget cuts. Unfortunately, sequestration became law and the mandated across-the-board spending cuts went into effect in March of 2013.

I have been fighting to completely eliminate sequestration through a balanced approach to Federal spending and changes to our Tax Code to reduce our budget deficit. That is why I am very disappointed that the Defense authorization bill we are considering today uses a budget gimmick to end sequestration cuts for defense spending but continues to impose mandatory cuts for critical domestic priorities,

such as education, health care, and medical research.

This legislation transfers nearly \$40 billion in defense spending to a glorified slush fund called the overseas contingency operations account, OCO account, as a way to avoid triggering sequestration cuts. Let's be clear. OCO really stands for "open checkbook operation" for our budget, and it stands for "outrageous copout" by the GOP.

Instead of cutting funding for defense, Republicans choose instead to cut programs for the defenseless. This is not responsible budgeting; it is a cynical game. The majority is attempting to avoid its responsibilities under sequestration that they themselves demanded be enacted into law just a few years ago. Instead, we get \$40 billion in additional spending for the Pentagon and \$36 billion in cuts to food stamps, Head Start, preventive health care, and critical social programs.

This is what the game is all about. Sequestration is now being dishonored. They believe they have found an exit ramp for the Defense Department for the cuts that they had accepted as a party—the Republicans—would be imposed if the Democrats would accept in equal measure cuts in social programs. That is the deal, a sword of Damocles hanging over both programs, defense and nondefense—that is civilian and domestic programs—to force us as an institution to work together in a responsible fashion. That was the deal with sequestration. That was the point of it. It was to force us to work together. Instead, the Republicans want an exit ramp for the Defense Department out of the sequestration program while allowing the social programs for the poor, for the sick, and for the elderly to stay inside of these cuts that occur under a sword of Damocles on an automatic basis.

We are endangering our ability to teach our kids the skills they will need for the jobs of the future. We are making it harder for poor families in Massachusetts and across the country to put food on the table. We are jeopardizing the health of grandma and grandpa.

And what are we really protecting when we mandate these cuts for critical social programs but not for our defense spending? We are protecting America's nuclear arsenal budget of \$50 billion a year that is filled with waste and can be cut significantly without harming our national security. We spend more money on nuclear weapons than all other countries combined. This is the epitome of overkill. Can we find anything in the nuclear weapons budget that could be cut? Absolutely not, say the Republicans. We have to increase that budget. How are we going to pay for it? We are going to pay for it from poor children, from the elderly in our country.

We spend more money on nuclear weapons just because the Defense Department and the military contractors want them. That is why I have introduced legislation with JEFF MERKLEY,

BERNIE SANDERS, and AL FRANKEN called the SANE Act, the Smarter Approach to Nuclear Expenditures Act. It would cut \$100 billion over the next 10 years from our bloated nuclear weapons budget.

It is time to stop funding a nuclear weapons budget that threatens to undermine our long-term economic security. We should be funding education, not annihilation. We should be helping people find jobs, not helping to build new nuclear weapons. We should be curing diseases, not creating new instruments of death.

Even within our own budget, the Department of Defense should be prioritizing higher pay for marines, not more Minutemen missiles. Somewhere, Dr. Strangelove is smiling from the grave while millions of American families struggle to meet the daily budget they have to balance.

I am a cosponsor of the Reed amendment to stop any increase in this so-called OCO account until the Budget Control Act caps for both defense and nondefense spending are lifted equally.

For those who say the cuts to defense spending endanger our security, I say we face a very real type of economic security threat here at home. Millions of seniors worry about an end to Medicare and Medicaid. Millions of students need help to pay for college. Millions of American workers cannot make ends meet on the minimum wage.

I support the Reed amendment. That will keep America truly safe, healthy, and secure.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. MARKEY. I yield the floor.

#### CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

#### NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2016

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of H.R. 1735, which the clerk will report.

The senior assistant legislative clerk read as follows:

A bill (H.R. 1735) to authorize appropriations for fiscal year 2016 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. 1463, in the nature of a substitute.

McCain amendment No. 1456 (to amendment No. 1463), to require additional information supporting long-range plans for construction of naval vessels.

Reed amendment No. 1521 (to amendment No. 1463), to limit the availability of amounts authorized to be appropriated for overseas contingency operations pending relief from the spending limits under the Budget Control Act of 2011.

Cornyn amendment No. 1486 (to amendment No. 1463), to require reporting on energy security issues involving Europe and the Russian Federation, and to express the sense of Congress regarding ways the United States could help vulnerable allies and partners with energy security.

Vitter amendment No. 1473 (to amendment No. 1463), to limit the retirement of Army combat units.

Markey amendment No. 1645 (to amendment No. 1463), to express the sense of Congress that exports of crude oil to United States allies and partners should not be determined to be consistent with the national interest if those exports would increase energy prices in the United States for American consumers or businesses or increase the reliance of the United States on imported oil.

Reed (for Blumenthal) amendment No. 1564 (to amendment No. 1463), to increase civil penalties for violations of the Servicemembers Civil Relief Act.

McCain (for Paul) Modified amendment No. 1543 (to amendment No. 1463), to strengthen employee cost savings suggestions programs within the Federal Government.

Reed (for Durbin) modified amendment No. 1559 (to amendment No. 1463), to prohibit the award of Department of Defense contracts to inverted domestic corporations.

McCain (for Burr) amendment No. 1569 (to amendment No. 1463), to ensure criminal background checks of employees of the military child care system and providers of child care services and youth program services for military dependents.

The PRESIDING OFFICER. Under the previous order, the time until 3 p.m. will be equally divided between the managers and their designees.

The Senator from Arizona.

#### AMENDMENT NO. 1521

Mr. MCCAIN. Mr. President, as we consider the amendment by the Senator from Rhode Island, I would like to again remind my colleagues that the world is in turmoil. The world has never seen greater crises since the end of World War II, according to people as well respected as Dr. Kissinger.

I repeat my assertion that OCO was not the right or best way to do business. The worst way to do business is to have an authorization that will eliminate our ability to defend this Nation and the men and women who serve it.

I urge my colleagues to read in this weekend's New York Times "The Global Struggle to Respond to the Worst Refugee Crisis in Generations."

Eleven million people were uprooted by violence last year, most propelled by conflict in Syria, Iraq, Ukraine and Afghanistan. Conflict and extreme poverty have also pushed tens of thousands out of parts of sub-Saharan Africa and Southeast Asia. . . . the worst migration crisis since World War II, according to the United Nations.

That is what is going on in the world, and we are worried about how we are going to defend the Nation with priorities that are dramatically strewn and unfair.

"Islamic State attacks government office on western fringe of Baghdad." That was yesterday.

Three militants disguised in military uniform killed at least eight people in a local government office in Amiriya al-Falluja in

western Iraq on Tuesday, in an attack claimed by Islamic State.

"The U.S. Army's main Web site is down—and the Syrian Electronic Army is claiming credit."

The Syrian Electronic Army hacked the official Web site for the U.S. Army, a Twitter account apparently associated with the hacktivist group claimed Monday. The site was down in the afternoon, while screenshots posted on the social network by the group purported to show messages of support for beleaguered Syrian President Bashar al-Assad on the site earlier in the day.

That was from the Washington Post, June 8 at 4:53 p.m.

The World: "Islamic State seizes power plant near Libyan city of Sirte."

Islamic State militants have seized a power plant west of the Libyan city of Sirte which supplies central and western parts of the country with electricity, the group and a military source said on Tuesday.

"The plant . . . was taken," Islamic State said in a message on social media, adding that the capture of the plant meant that the militants had driven their enemies out of the entire city.

Libya descending into chaos and ISIS extending its influence.

The Washington Post, June 6: "Libyan gains may offer ISIS a base for new attacks."

Misurata, Libya—As the Islamic State scores new victories in Syria and Iraq, its affiliate in Libya is also on the offensive, consolidating control of Moammar Gaddafi's former home town and staging a bomb attack on a major city, Misurata.

The Islamic State's growth could further destabilize a country already suffering from a devastating civil war. And Libya could offer the extremists a new base from which to launch attacks elsewhere in North America.

That was from the Washington Post.

FOX News, June 9: "ISIS captures 88 Eritrean Christians in Libya, US official confirms."

The ISIS terror group kidnapped 88 Eritrean Christians from a people-smugglers' caravan in Libya last week, a U.S. defense official confirmed Monday.

The Washington Post: "What is at stake in Ukraine if Russia continues its onslaught."

Ukraine is fighting a war on two fronts. The one you see on television is taking place in the east of our country, where thousands of Russian troops are engaged in an armed aggression against Ukraine's territorial integrity, including the illegal annexation of Crimea.

This is a piece that is important, by the Prime Minister of Ukraine, Arseniy Yatsenyuk.

The Wall Street Journal: "President Obama admits his anti-ISIS strategy isn't 'complete.'"

President Obama doesn't give many press conferences at home, so sometimes his most revealing media moments come when he's button-holed abroad. Witness his answer Monday in Austria to a question about Iraq.

Mr. Obama offered a startling explanation for why the war against Islamic State isn't going so well: His strategy still isn't up and running.

"We don't yet have a complete strategy because it requires commitments on the part of the Iraqis, as well, about how recruitment takes place, how that training takes place. And so

the details of that are not yet worked out," Mr. Obama said.

We still do not have a strategy to try to counter the Islamic State or ISIS.

The quote continues:

Wow. Islamic State, or ISIS, took control of Mosul a year ago, and it beheaded two Americans for all the world to see last summer. Mr. Obama announced his anti-ISIS strategy in a September speech, promising to "degrade" and "destroy" the self-styled caliphate.

Nine months later here we are: ISIS has overrun Ramadi, a gateway to Baghdad, the grand alliance that Mr. Obama promised barely exists, the Kurds in the north are fretting publicly about the lack of weapons to forestall a major ISIS assault, the U.S. bombing campaign is hesitant, and now Mr. Obama tells us the training of Iraqis is barely under way.

I will skip through some of these because I know my colleagues are waiting to speak.

The Associated Press: "Activists: Syrian air raids kill 49 in northwestern village."

Government airstrikes on a northwestern Syrian village Monday killed at least 49 people and left survivors screaming in anguish as they pulled bodies from the rubble, according to activists and videos of the chaotic aftermath.

The Local Coordination Committees said two air raids on the village of Janoudiyeh in Idlib province killed 60 people and wounded others. The Britain-based Syrian Observatory for Human Rights said the air raid killed 49 people, including six children. It said the death toll could rise as some people are still missing.

The Associated Press June 6 headline: "Houthi rebels fire Scud missile from Yemen into Saudi Arabia."

BloombergView, by Eli Lake: "Iran Spends Billions to Prop Up Assad."

Iran is spending billions of dollars a year to prop up the Syrian dictator Bashar al-Assad, according to the U.N.'s envoy to Syria and other outside experts. These estimates are far higher than what the Barack Obama administration, busy negotiating a nuclear deal with the Tehran government, has implied Iran spends on its policy to destabilize the Middle East.

By the way, I will add to that, Iranians are basically even taking over Cabinet positions in the Bashar al-Assad government.

This is a report dated June 5: "Report: China Dispatching Surveillance Vessels Off Hawaii."

China has begun dispatching surveillance vessels off the coast of Hawaii in response to the Navy's monitoring activities of disputed islands in the South China Sea. . . . The purported surveillance comes on the heels of raised tensions between China and the United States late last month. . . .

This from the June 7 edition of the Financial Times: "US struggles for strategy to contain China's island-building."

China's efforts to dredge new land on remote coral atolls in the South China Sea have left the US struggling to come up with a response.

For Washington, Chinese land-creation has helped make allies of former adversaries now fearful of military domination by an assertive China. The latest example was the trip to Vietnam last week by Ashton Carter, US

defence secretary, who pledged US patrol craft to the Vietnamese navy.

But there is a limit to how far countries in the region are willing to present a united front to China, which has reclaimed 2,000 acres of land in the past 18 months, far outstripping all other claimants combined, according to Mr. Carter. The Obama administration is also unsure about how strongly it should push back against what US officials see as a long-term Chinese plan to control the region's waters.

Finally, this is an article that is in Politico today:

Actually, the United States does have a strategy to fight the Islamic State, a State Department spokesman says.

"The president was referring yesterday to a specific plan to improve the training and equipping of Iraqi security forces, and the Pentagon is working on that plan right now. But absolutely, we have a strategy," Kirby said Tuesday on MSNBC's "Morning Joe."

I would be overjoyed to have a complete strategy and that plan presented to Congress and the American people. It would be a wonderful event. The fact is they have no strategy or policy and the world is on fire, and here we are trying to pass an amendment which would deprive the men and women who are serving the means and wherewithal to defend this Nation.

I hope my colleagues will strongly reject the amendment that will be pending before this body.

I yield the floor.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. REED. Mr. President, I ask unanimous consent to add Senator MIKULSKI, Senator MERKLEY, Senator UDALL, Senator LEAHY, Senator DONNELLY, Senator BOXER, Senator MENENDEZ, Senator BOOKER, Senator FEINSTEIN, Senator CARDIN, Senator KLOBUCHAR, and Senator PETERS as cosponsors of the Reed amendment No. 1521 to H.R. 1735.

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

Mr. REED. Mr. President, I rise to discuss my amendment No. 1521 to fence all funding above \$50.9 billion in the account for overseas contingency operations until budget caps on both defense and nondefense have been raised. My amendment specifically recognizes the need for these resources, but it objects to the way this OCO fund is being used as a way to circumvent the Budget Control Act. It does so, I think, on a very sound ground that over the long run will be beneficial to the Department of Defense and to everyone who is engaged in the defense of the United States.

We debate and vote on many issues in the Senate. While all of the issues are important, occasionally we must face an issue that could truly change the course of our Nation because the consequences of our actions are often not known for years. The votes may be very difficult when they are taken, but they are very important.

One example of such an issue is Iraq. Thirteen years ago, the majority of the body—79 Senators from both parties—voted to go to war in Iraq. I did not

vote in favor of the war. In fact, I spoke against it. I think the outcome could have been very different back then if we had more of a debate about the true costs and the long-term costs, the thousands of lives lost, and the countless wounded—some with invisible scars—if we had thought the United States would be on a war footing for over a decade and American taxpayers would be on the hook for trillions of dollars and that we would perhaps even contribute by our actions to new threats we are facing today.

Back then it was implied and sometimes stated that opposing the Iraq war meant you didn't support the troops or were weak on national security. I think the intervening years have shown that to be inaccurate.

We are hearing echoes of that rhetoric again: If you don't support this version of the NDAA, then you don't support the troops or terms like "taking this bill hostage." That is just not the case.

Since 2005, Senate Republicans voted against cloture on the NDAA, the National Defense Authorization Act, 10 times, and over that same period, they cast votes against final passage of the NDAA on the Senate floor 8 times. Sometimes it was because of policy differences, such as ending "don't ask, don't tell." Other times it was over something like gas prices at the pump or other issues. But I don't think anyone has ever done it to be unpatriotic.

We can't change history, but we can certainly learn from it. We can't see into the future, but we know we must plan for it, and we must pay for it by making strategic investments today. This debate really boils down to this: What is the most effective way to provide for our national defense? I don't think inflating the overseas contingency operations, OCO, is the way to go because it complicates rather than helps the Pentagon's budgetary problems. It doesn't allow the military to effectively plan for the future.

We need to replace the senseless sequester with a balanced approach that keeps America safe and strong at home and abroad. When it comes to the defense budget, Congress should adhere to the same standards of honesty, transparency, and discipline that we demand for our troops. But right now there is a serious disconnect in the OCO mechanism of this bill, and Congress needs to step up and fix it.

The President's fiscal year 2016 budget request for defense was \$38 billion above the 2011 Budget Control Act, the BCA—their spending caps. The President requested this \$38 billion be authorized and appropriated as part of the annual base budget so they could be part of the Defense Department's funding, not just for 1 year, as OCO is, but in the budget for an indefinite period of time.

The request also contained \$50.9 billion for the OCO account, meaning funding for truly war-related expenses and not enduring base budget requirements. However, this bill, following the

lead of the majority's budget resolution, does not address the BCA's damaging impacts on defense and non-defense. Instead, it turns to a gimmick.

This bill initially transferred \$39 billion from the base budget request by the President to the OCO budget, leaving a base budget conveniently below the BCA levels in order to avoid triggering automatic reductions for sequestration. The funding shifted to OCO is for enduring requirements of military services, not direct war-related costs and not those costs generated in Iraq, Afghanistan, and elsewhere. It includes flying hours for aircraft, steaming days for ships and submarines, and all training that supports the "National Military Strategy." These are not appropriate OCO expenses. These are the expenses of the Department of Defense facing the long-term challenges and maintaining the long-term capabilities of the U.S. defense forces.

Some have said we should avoid subjecting defense spending to the budget control caps through this OCO approach for a year while a deal to revise or eliminate the BCA caps is negotiated. I couldn't disagree more, because if we used this approach—this gimmick—for 1 year, it would be easier to do it next year and the year after and the year after that, ensuring an enduring imbalance between security and domestic spending. Using OCO in this way is completely counter to the intent of the BCA, the Budget Control Act.

The BCA imposed steep cuts to defense and nondefense spending to force a bipartisan compromise. This approach unilaterally reneges on that bipartisan approach. Rather than generating momentum for a permanent solution to sequestration, this approach essentially exempts defense spending from the BCA caps and releases all pressure to find a solution that provides similarly for domestic spending priorities.

The President's defense budget request placed the needed funding in the base where it should be and provided for the OCO funds for contingencies overseas that exist today. The budget resolution and the bill before us met the President's request for overall funding. This is not a question of whether the President asked for a certain amount of money and my Republican colleagues are asking for more. What they did is essentially say: We are not going to technically—and I emphasize "technically"—violate the BCA account. We are just going to move more money into OCO. So we can stand up with a straight face and say: Well, BCA applies across the whole board. Every government agency is subject to the same tight limits that the Budget Control Act imposes. But, of course, the truth is that through the use of OCO those limits don't apply to the Department of Defense.

It is particularly startling when you look at the President's request for do-

mestic agencies. He asks for \$37 billion for all of the other domestic agencies above the BCA cap. Without that money they are going to have a very difficult—indeed, perhaps impossible—challenge of meeting the basic needs of the American public—needs that every colleague in this Chamber recognizes. Some might disagree with them, but they recognize that we need to support education, as we have done for decades through the Title I Program. We need to support people—our seniors, particularly—through senior housing programs. In every State, in every community, that has to be done. But if we follow this path, it will be harder and harder for nondefense agencies to do this.

What we have created is a huge loophole through the BCA for defense. Again, let me remind you, the President and my colleagues on the other side are not arguing about the resources necessary for defense. They have picked the same number. But what they have done on the other side is funded that—not straightforwardly, not recognizing that we have to deal with this—instead by using this gimmick.

If it remains in the bill, I believe this approach will be a magnet for non-defense spending in future years. Not only will we become addicted to OCO spending, many interesting things will find their way into the OCO account.

For example, in fiscal year 1992 Congress added funds to the Defense bill for breast cancer research. At the time, spending was subject to statutory caps under the Budget Enforcement Act of 1990. This is the follow-on to the Graham-Rudman-Hollings act of 1985. What we had done was to establish caps on discretionary domestic spending, but there were no similar caps on the other side. That is precisely what the effect of this proposal is today.

The initial funding led to the establishment of the Congressionally Directed Medical Research Programs or CDMRP. Every Senator is familiar with this important program. I would suspect every Senator has stood and said: Yes, that research on breast cancer is so important; that research on other diseases is so critical and so important. It has strong bipartisan support.

Each fiscal year Congress authorizes and appropriates hundreds of millions of dollars to the CDMRP for cutting-edge and critically essential medical research areas. In fact, since 1992, CDMRP funding has received over \$13 billion. While this program is funded through the Defense bill, and the program is managed by the Army, the Department of Defense does not execute any of the money itself. It is a competitive grant process, and proposals are subjected to stringent peer and programmatic review criteria. DOD acts as a passthrough because, back then, the only way you could get this done was because there were no caps effectively on defense spending. I would sug-

gest that is going to repeat itself over and over if we start on this path.

That is why we can look today and say we have these pressing crises all across the globe, and it is true. But if we go down this path, we will see these types of developments. Again, I am a strong supporter of medical research. These programs have saved countless lives. I will support the funding in this bill. I think it is a way that we have established to deal with these programs. But we should recognize that it came about not because it was the most logical place to put medical research funding, but it was a budgetary precedent, just like this approach today, and it will be replicated.

Looking forward 10 years, I would suggest that you will see lots of meritorious programs that bear less and less connectivity to our overseas operations included in OCO, if that is the way we choose to get around the BCA. And that is what this bill is doing.

There is another point I would like to add. Moving this funding from the base budget to OCO has no impact on reducing the deficit. OCO and emergency funding are outside budget caps for a reason. They are for the costs of ongoing military operations or responding to other unforeseen events such as natural disasters. To suddenly ignore the true purpose of OCO and to treat it as a budgetary gimmick or slush fund to skirt the BCA is an unacceptable use for this important tool for our warfighters.

Just to highlight how this OCO approach skews defense spending, consider the amount of OCO in relation to the number of deployed troops. You can ask someone on the street: Are these overseas funds used to support our forces overseas? There has to be some relationship between the number of our forces overseas and our OCO spending. Well, let's see. In 2008, at the height of our Nation's troop commitments in Iraq and Afghanistan, there were 187,000 troops deployed. We spent approximately \$1 million in OCO funding for every servicemember deployed to those countries. Under this bill, we would expend approximately \$9 million in OCO for every servicemember who served in Iraq and Afghanistan, roughly 9,930 military personnel. We are doing a lot more than spending for OCO in this bill—deliberately a lot more. We are doing what we used to do and what we should do in the base budget of the Department of Defense.

It circumvents the law, the BCA. It is not fiscally responsible, and it is not an honest accounting to the American public. If years ago, with 187,000 troops, our OCO costs were about \$1 million per troop and now we are at \$9 million, something is askew.

Adding the funds to OCO does not solve—and in some cases complicates—the DOD's budgetary problems.

As Army Chief of Staff General Odierno said:

OCO has limits and it has restrictions and it has very strict rules that have to be followed. And so if we're inhibited by that, it

might not help us. What might happen at the end of the year, we have a bunch of money we hand back because we are not able to spend it.

The defense budget needs to be based on a long-term military strategy, which requires the DOD to focus on at least 5 years in the future. A 1-year plus-up to OCO does not provide DOD with the certainty and stability it needs when building a 5-year budget. As General Dempsey, the Chairman of the Joint Chiefs of Staff testified, “we need to fix the base budget . . . we won’t have the certainty we need,” if there is a year-by-year OCO fix. Defense Secretary Carter added that raising OCO does not allow the Department of Defense to plan “efficiently or strategically.”

Adding funds to OCO is a managerially unsound approach to what should be a multiyear budget process. As the Vice Chief of Staff of the Army General Allyn said:

The current restrictions on the employment of OCO will not allow it to be a gap-filler that is currently being proffered to offset the reduction in our base budget that is driven by the current proposals that are before Congress. In order to meet the needs of our Army, it must have greater flexibility . . . it must be less restrictive and must enable us to sustain and modernize as we go forward.

This instability undermines the morale of our troops and their families, who want to know their futures are planned for more than 1 year at a time, and the confidence of the defense industry partners that we want to rely on to provide the best technologies available to our troops.

Abuse of OCO in this massive way risks undermining support for a critical mechanism used to fund the incremental increased costs of overseas conflicts. We have to have a disciplined system for estimating the cost and funding the employment of a trained and ready force.

The administration has indicated that legislation implementing the majority’s budget framework will be subject to veto. As Secretary Carter has said, this approach is “clearly a road to nowhere. I say this because President Obama has already made clear that he won’t accept a budget that locks in sequestration going forward, as this approach does, and he won’t accept a budget that severs the vital link between our national security and our economic security.”

When we talk about national security, true national security requires that non-DOD departments and agencies also receive relief from BCA caps. The Pentagon simply cannot meet the complex set of national security challenges without the help of other government departments and agencies, including State, Justice and Homeland Security. In the Armed Services Committee, we have heard testimony on the essential role of other government agencies in ensuring that our national defense remains strong. The Defense Department’s share of the burden

would surely grow if these agencies are not adequately funded as well.

There is a symbiotic relationship between the Department of Defense and other civilian departments and agencies that contribute to our national security. It has to be recognized that a truly whole-of-government approach requires more than just a strong DOD.

The BCA caps are based on a misnomer—that discretionary spending is divided into security and nonsecurity spending. But Members need to be clear: Essential national security functions are performed by government agencies and departments other than the Defense Department.

According to the Commander of the U.S. Southern Command, General Kelly:

We do not and cannot do this mission alone. Our strong partnerships with the U.S. interagency—especially with the Department of Homeland Security, the U.S. Coast Guard, the Drug Enforcement Administration, the Federal Bureau of Investigation, and the Departments of Treasury and State—are integral to our efforts to ensure the forward defense of the U.S. homeland.

Retired Marine Corps General Mattis said: “If you don’t fund the State Department fully, then I need to buy more ammunition.” General Mattis’ point is perhaps best illustrated in the administration’s nine lines of effort to counter the so-called Islamic State of Iraq and the Levant, or ISIL, which 83 percent of Americans think is the No. 1 threat to the United States. Of the administration’s nine lines of effort, only two—which are security and intelligence—fall squarely within the responsibilities of the Department of Defense and intelligence community. The remaining seven elements of our counter-ISIL strategy rely heavily on civilian departments and agencies.

For example, No. 1 is supporting effective governance in Iraq. No amount of military assistance to the Government of Iraq will be effective in countering the ISIL threat in Iraq if the Abadi government does not govern in a more transparent and inclusive manner that gives Sunnis hope that they will participate politically in Iraq’s future. We need our diplomatic and political experts in the State Department to engage with Shia, Sunni, Kurd, and minority communities in Iraq to promote and build reconciliation in Iraq and build the political unity among the Iraqi people needed to defeat ISIL. That is not strictly a Defense Department issue.

No. 2, we have to build partner capacity. The coalition is building the capabilities and capacity of our foreign partners in the region to wage a long-term campaign against ISIL. While the efforts to build the capacity of the Iraqi security forces and some other foreign partners are funded by the Defense Department, the State Department and USAID are also responsible for billions of dollars in similar activities and across a broader spectrum of activities. Under the Republican plan, none of the State and USAID programs

will be plussed-up. Their unwillingness to address this gap is a threat to our Nation’s efforts to combat ISIL.

No. 3, we have to disrupt ISIL’s finances. ISIL’s expansion has given it access to significant and diverse sources of funding. Countering ISIL’s financing will require the State Department and the Treasury Department to work with their foreign partners and the banking sector to ensure that our counter-ISIL sanctions regime is implemented and enforced. These State Department and Treasury Department efforts are deemed to be nonsecurity activities under the BCA caps and, under the Republican approach, our efforts to disrupt the finances of ISIL may be hampered. It is also notable that the Office of Foreign Assets Control and the Office of Terrorism and Financial Intelligence in the Treasury Department are also characterized as nonsecurity activities under the BCA caps.

The Republican funding strategy not only means that our counter-ISIL efforts will be hampered, so too will our efforts to impose effective sanctions against Iran, Sudan, and individuals who support their illicit activities also be affected.

We have to continually expose the true and brutal nature of ISIL. Our strategic communication plan against ISIL requires a truly whole government effort, including the State Department, Voice of America, and USAID. The Republican approach to funding our strategic communication strategy is a part-of-government plan, not a whole-of-government plan.

We have to disrupt the flow of foreign fighters. They are the lifeblood of ISIL. Yet key components of the Department of Homeland Security would be facing cuts under the Republican budget proposal, undermining efforts to disrupt the flow of foreign fighters to Syria and Iraq. Without the efforts of our diplomats prodding our foreign partners to pass laws or more effectively enforce the laws on their books, the efforts of the coalition to stem the flow of foreign fighters will never be successful.

My colleague Senator McCain pointed out the huge refugee crisis. Again, our first agency typically to respond to refugees is USAID—the United States Agency for International Development—and other State Department agencies. We will not be able to effectively deal with that issue if those budget caps are imposed on USAID and other agencies. Those refugee camps are one of the breeding grounds for the foreign fighters who flow back into the conflict zone.

Unless we adopt a much broader approach, unless we do something other than simply plus-up defense, we will not achieve true national security. Of course we have to protect the homeland. While a small portion of the Department of Homeland Security is considered security related, under the BCA, the vast majority of the Department falls under the nonsecurity BCA

cap. This further demonstrates that the Republican plan is a misnomer. It is an effort to play a game of smoke and mirrors with the American public. The agents at the Department of Homeland Security who are on guard, the DEA agents who pick up intelligence about threats to the Nation—all of them vitally contribute to our national security, but they will be treated distinctly different than our military if we adopt the approach that is included in this Defense authorization bill.

I talked about the refugee crisis. Virtually none of the activities that support our humanitarian efforts in the region are considered security activities. Military commanders routinely tell us that the efforts of State, USAID, the Office of Foreign Disaster Assistance are critical to our broader security efforts. This is particularly true from a counter-ISIL campaign.

Again, those refugees who are flooding into the countries adjacent to Syria and to Iraq have to be dealt with not only on humanitarian grounds but also as potential sources of foreign fighters. That is going to require a whole-of-government approach, not simply using OCO to beef up our defense spending. Taken together, the Republican plan could compromise our broader campaign against ISIL and deprive significant elements of our government of the resources needed to do the job to protect the American people.

The men and women of our military volunteer to protect this Nation and are overseas fighting for our ideals, including good education, economic opportunity, and safe communities. Efforts to support all of those goals will be hampered unless civilian departments and agencies also receive relief from the BCA caps.

I had the privilege of commanding a paratrooper company at Fort Bragg, NC. We fought for many reasons, including to give people a chance in this country—not just to protect them from a foreign threat but to give them real opportunities here.

By the way, our servicemembers and their families rely on many of the services provided by non-DOD departments and agencies. For example, the Department of Education administers Impact Aid to local school districts, where children of servicemembers go to learn. The Department of Agriculture supports the School Lunch Program, from which troops and their children and their families benefit. The National Institutes of Health supports lifesaving medical research, including by contributing to advanced efforts on traumatic brain injury, post-traumatic stress, and suicide prevention. The Department of Health and Human Services runs Medicare, which provides health care for retirees and disabled individuals, and Medicaid, which provides services to parents, including military parents with children with special needs.

Failing to provide BCA cap relief to non-DOD departments and agencies

would also shortchange veterans who receive employment services, transition assistance, and housing and homelessness support.

Not only does this approach fail to support, potentially, our servicemen through schooling and through other aspects, our national security is also inherently tied to our economic security. Secretary Carter made this very clear. He said the approach that is being proposed disregards “the enduring, long-term connection between our nation’s security and many other factors. Factors like scientific R&D to keep our technological edge, education of a future all-volunteer military force, and the general economic strength of our country.”

Where will we get the soldiers of the future who have the skills and the training and the expertise if we are underinvesting in the basic education for all of our citizens?

My amendment would keep the pressure on for a permanent solution to the BCA caps and sequestration by requiring that the BCA caps be eliminated or increased in proportionally equal amounts for both security and non-security spending before the additional OCO funds are available for obligation or expenditure.

Let me again emphasize that we are not taking away these funds. We simply say what I think makes a great deal of sense: Until we develop an approach to BCA that allows us to provide for a comprehensive defense of the Nation and to invest in the economic health of the Nation, then these funds will be reserved. Once we do that, then automatically all of the funding that is included in this bill will become available to the Department of Defense.

We have heard colleagues on both sides of the aisle talk for years now about the need to resolve the BCA, to end sequestration. Every uniformed servicemember who came forward, every chief of service said their No. 1 priority was to end sequestration, end the BCA. This bill does not do it; it sidesteps the issue. We can no longer sidestep the issue. We have to engage on this issue. I think we have to move promptly and thoroughly and thoughtfully forward to resolve the BCA.

The legislation I have proposed recognizes the need for these resources but also recognizes the overarching issue: Unless we are able to effectively modify or eliminate the BCA, our comprehensive national security will be threatened, our economic progress will be threatened, and our aspirations for the country could be thwarted.

My amendment seeks to implement, by the way, a sense-of-the Senate that is already in the bill, and it clearly states that sequestration relief should include equal defense and nondefense relief. We have made—and I commend the chairman for this—a statement—without an effective means of implementation. It is a statement, an aspirational goal, that we should fix BCA and relieve defense and nondefense spend-

ing. I think that is an important statement, but my amendment makes sure we go further and provide an action to do this.

I believe very strongly in this amendment. I believe it is relevant to the consideration of this bill. I believe it goes to the heart of the most important questions we face in the country today: How do we provide for the comprehensive defense of the Nation? How do we invest in our people so that we will continue to be strong? I think if we do not provide this type of mechanism to start this discussion on the BCA and hopefully promptly complete it, then we will be missing not only a historic opportunity, we will be locking ourselves into a road that will leave us less secure in the future, less productive, and less strong as a nation.

Let me remind people that the stated purpose of the bill is “to authorize appropriations for fiscal year 2016 for military activities of the Department of Defense.” We have to begin this appropriations process by recognizing that the BCA will not help us going forward, and we must move to modify or repeal it.

With that, I will close simply by saying again that if we continue these caps going forward, it will harm our military readiness. Our national defense should be based upon long-term needs. They should be reflected in a transparent, forthright budget that puts the money in the base, provides contingency funds for true contingencies overseas but does not turn things upside down and make our contingency funding really the heart of the bill in so many respects.

We have to work together. We have to make sure every Federal agency can benefit because every Federal agency contributes to the country. So I strongly urge my colleagues to vote for this amendment, to begin this dialogue, and to move forward, the sooner the better.

I yield the floor.

THE PRESIDING OFFICER. The Senator from Wyoming.

Mr. ENZI. Mr. President, how does the budget fund defense? That is what we are talking about. The balanced budget resolution recently approved by Congress recognizes the responsibility that the Federal Government has to defend the Nation while recognizing the threats our overspending and growing debt pose to our national security. That is why the balanced budget approved by Congress last month makes national defense a priority and provides for the maximum allowable defense funding under current law.

Let me say that again. The budget provides for the maximum allowable defense funding under current law. That current law is a law which was signed by this President and provides vital support for our military personnel and their families, the readiness of our Armed Forces, and the modernization of critical platforms.

Does anybody deny that this is a critical time? With the increasing number



of threats around the world, our total defense spending level should reflect our commitment to keeping America safe and ensuring that our military personnel are prepared to tackle all challenges. While we have troops in harm's way, we need to do all we can to protect them. Given the global threat environment, the funding approach taken by the Senator from Arizona and the Armed Services Committee, which was bipartisan, ensures that the men and women of our Armed Forces have the resources they need to confront an increasingly complex and dangerous security environment.

Is sequestration a threat to our military? If appropriated at the levels provided by the NDAA, the National Defense Authorization Act, the defense budget would not face indiscriminate, across-the-board cuts known as sequestration, while it provides for the needs we are reviewing right now. People have a chance to amend the needs right now. If they think there is something in there that is not needed, they can amend it—they can try to amend it. There should be justification for what they want.

This bill puts us on a path to spend \$612 billion on defense this year. This is the same overall amount that was requested by the President earlier this year. Numerous officials at the Pentagon have made it clear that they see this funding level as the bare minimum budget needed to execute our defense strategy. So why are some Senators concerned about the level of budgetary resources this bill provides to the Department of Defense? They simply do not like the use of the overseas contingency operations funding, the OCO.

It is important to note that those not familiar with the Budget Control Act—that is not the budget; that is the Budget Control Act. It was passed with bipartisan support and signed into law by President Obama back in August of 2011. It established a discretionary spending cap, but it also allowed for certain cap adjustments. The BCA caps can be adjusted for emergencies, disasters, program integrity initiatives, and OCO.

Yes. That is in the Budget Control Act, the Budget Control Act passed August 2011 and signed by President Obama. Those are the four ways you can adjust the budget caps without forcing sequestration. Now, in the case of OCO—overseas contingency operations—funding, both Congress and the President have to agree that the funding should be designated in that manner. Therefore, the OCO funding in this bill will only occur if Congress appropriates it and the President agrees to it in the future. I would hope that when the President and his advisers said this is the overall level of funding they needed for defense, they meant it. But only time and the appropriations process will tell.

Did the budget account for OCO spending? While there is no requirement to offset OCO spending, when we

addressed the issue in our budget resolution, we accounted for every single dollar of OCO we assumed would be spent. Even with these OCO levels, the budget resolution still met its overall goal of balancing within 10 years. Let me repeat that. We accounted for every single dollar of OCO that we assumed would be spent. Even with these OCO levels, the budget resolution still met its overall goal of balancing within 10 years.

It is good to see my colleague so concerned about the deficit, and I look forward to working with him to fully implement our balanced budget. This will ensure that we can get our Nation's fiscal house in order while providing resources needed for our national defense.

Unfortunately, the concern expressed over providing OCO funding doesn't seem to be centered on the fiscal concerns because even most critics support the need for more defense money. No, their concerns are based on the demand to increase nondefense discretionary spending on a dollar-for-dollar basis with defense spending. But the only way to do this in the short term is by raising taxes on hard-working American families. Defense is making its case and has made its case. Nondefense has not.

Do we really need to increase the caps? If we want to increase nondefense spending, Congress should take a closer look at what we are actually funding. Last year, we provided nearly \$293.5 billion for more than 260 authorizations that have expired. Yes, we have 260 authorizations. That is where Congress says this is what we ought to be spending our money on.

They expired, and we are still spending money on them—\$293.5 billion a year. Usually, we talk about over 10 years here. That would practically balance the budget by itself over a 10-year period. Those are programs we need to take a look at. Those are programs that have expired. Some of those programs expired as long ago as 1983, but we are still spending money on them every year. That means we have been paying for some of these expired programs for more than 30 years, and it is not just the length of time these programs have overstayed their welcome, the funds we allocated to them every year are more than what the law called for in those authorizations when passed. In some cases, that means we are spending as much as four times what the bill allowed.

Savings usually are found in the spending details, but Congress hasn't examined the details in some time, except on defense. We do the Defense authorization every year. These others, well, I mentioned one of them expired in 1983, some in 1987. I mentioned it is 260 authorizations. It affects 1,200 programs. Do you think in 1,200 programs for \$293 billion a year we couldn't find \$38 billion to match what we are doing in defense? We ought to be ashamed if we can't.

It is time for Congress to take a look at these programs and decide if they are even worth funding anymore. After all, a project not worth doing well should not be worth doing at that time all. But how would committees know if they haven't looked at these programs in years? How would they know if they don't have a way to measure how well the programs are working?

Were defense and nondefense spending treated equally under the BCA under the budget caps? The insistence that any change to the discretionary changes be based on dollar limits for both categories of spending fails to take into account the different treatment each took under the budget caps, the BCA.

Defense spending, which makes up less than one-fifth of all government spending, received less than half of the reductions in the BCA. Defense spending also faced more budgetary pressure than nondefense spending because it is largely discretionary. Nondefense spending was able to distribute its BCA reductions over a larger amount of accounts and over a larger portion of mandatory programs. That provides a fudge factor.

The continued insistence on tying both defense and nondefense spending together has left only the approach taken by this bill to fund the defense at the President's level.

We know from the administration that the President's advisers are recommending he veto this bill. We also know some of my colleagues are considering blocking appropriations bills this year to force a government shutdown.

Every bill should stand on its own for justification. No one is arguing the need for national defense. What they are actually arguing is the need for the nondefense increases. This is an attempt to leverage defense programming to get nondefense, which I mentioned the 260 programs, \$293.5 billion a year that has expired—so they want this OCO to be replaced with a deal.

What we are supposed to do in Congress is legislate, not deal make. But that is what is being proposed. Let's make a deal. Now, if they step back and look at the facts laid out today, hopefully, they can move away from this brinkmanship and realize the path they are on only leads to more uncertainty for the men and women in our Armed Forces. Strengthening our national defense and providing for the brave men and women of our military should be something both sides agree on.

So what is the future of the BCA caps? It is time both parties get serious about addressing our Nation's chronic overspending. We know some on both sides want the caps from the Budget Control Act changed—but at what price for our Nation and the hard-working taxpayers? Without any changes to the BCA structure, just raising these budget caps without increasing the debt in the short-term

would require increasing taxes. That is why we asked for the extra year to be able to work on this whole thing.

If Congress is serious about addressing the challenges of the Budget Control Act, it has to first start by tackling its addiction to overspending and once again become good fiscal stewards of the taxes paid by each and every hard-working American.

Of course, if the administration would stop overregulating, the economy would grow, and in a short time we would have more revenue without raising taxes. Yes, that is what both the Congressional Budget Office and the Office of Management and Budget—one works for Congress and one works for the President—said; that if we could just raise the economy by 1 percent a year, CBO says that would provide \$300 billion. The President's office says that would provide \$400 billion in taxes.

We are receiving more tax revenue right now than we have in the history of the United States, but we spend more than that. Of the amounts that we get to make a decision on, we are spending almost 50 percent more than what we take in. We can't continue to do that. We can't continue to afford the interest on the debt if we keep doing that.

Americans are working harder than everyone to make ends meet. Shouldn't their elected officials be doing the same thing? By tackling these issues honestly and directly, we can help ensure that our Nation is safe and secure by investing in America's Armed Forces while also maintaining fiscal discipline.

On a related note, the Senate Budget Committee has produced an indepth analysis of defense spending and the OCO funding provision as part of our June budget bulletin, which was published today. People interested in learning more can do so by going to our Web site: [budget.senate.gov](http://budget.senate.gov) or contact on [twitter@budgetbulletin](https://twitter.com/budgetbulletin).

I close with some words from today's paper from the Casper Star-Tribune editorial:

Many of the servicemen and servicewomen returning from faraway battlefields—Vietnam or any other place of conflict—have seen horrible, unspeakable things. They've been courageous in the face of death and destruction. Some gave up a relatively easy, safe life to travel far from home and fight for what we as a nation believe the world should be, or could be, someday. That kind of commitment doesn't come without pain or sacrifice—immense pain and sacrifice, in some cases.

None of that has anything to do with politics. Politics is the arena of our elected leaders, not our troops, and it's both necessary and patriotic for us as voters to evaluate those leaders' decisions and actions and speak out against the ones we disagree with. That's democracy and dissent.

But our troops are our representatives on the ground. We must not use our vaunted system of democracy as a tool to inflict pain on this brave group of people. They're not obligated to support our leaders' political ideologies any more than the rest of us, but uniquely, they have made it their responsi-

bility to represent our treasured way of life at home and abroad in pursuit of a better, more peaceful world. And after they do that, they deserve the thanks of a grateful nation.

That's how it should have been in the 1970s. That's how it is now. We must make it our responsibility to ensure that this is how it will always be.

We have a crucial decision to make on funding our national defense. I don't think it should be held hostage to other budget concerns. Each of those should stand on their own. Each of those should review all of the things under their jurisdiction. I ask for you to defeat the amendment.

I yield the floor.

The PRESIDING OFFICER. The Senator from New York.

Mr. SCHUMER. First, I thank my friend from Wyoming for his remarks. I don't always agree with him, but he is sincere, thoughtful, and puts every effort into coming up with a decision he believes is right, so we appreciate that very much.

I also thank my colleague from Rhode Island, our ranking member on Armed Services, who has laid out in very careful terms why the amendment, the Reed amendment, is so important. I thank him. He has also, like my friend from Wyoming, been assiduous, diligent, and careful in his work on the Armed Services Committee, and I thank him for offering this amendment.

We have come to the floor with a very simple message for our Republican colleagues, and it is articulated in this amendment. If you want to make America strong by replacing the harsh and arbitrary automatic cuts in this budget as we do, then you have to do it in a way that makes sure we will have a strong military abroad and the things we need to be strong and secure at home as well.

That means equally replacing cuts to both defense and domestic budgets—\$1 for defense, \$1 for the middle class—in the hopes that they can raise their income levels, and it can be easier for others who are not yet in the middle class to reach. That is what the amendment would require.

The truth is, the way the Republicans have put this bill together signals a poor approach to both major areas of our budget. It locks in the sequester cuts for our men and women in uniform, instead using the OCO, essentially a wartime account, as a one-time gimmick to make up for shortfalls. That is a bad idea.

Using the OCO account to pay for our troops, maintain and operate our military or purchase weapons that will keep us safe is a terrible mistake. Why is that? It is 1-year funding. You have to do a plan for 3 years. You have to build a submarine that takes 4 or 5 years.

I talk to defense contractors. I talk to military leaders. They can't do it 1 year at a time. It doesn't make sense. Our military families need stability and support. They need to know that programs that benefit them—suicide

prevention, sexual assault—will be fully funded when other defense priorities come back into the base budget for future years. Under OCO, these things could get squeezed out. Our military brass needs to know that the weapons systems they are relying on 4 years from now—but being paid out of OCO this year—can be funded and finished. So our military doesn't deserve budget gimmicks, they deserve real support.

What my friends on the other side of the aisle have done with this OCO increase is a budgetary sleight of hand—a half-hearted attempt to fund the Defense Department while leaving key, middle-class programs behind. Our Defense Department gets budget workarounds and exceptions, while hard-working families must continue to feel the harsh cuts imposed by sequestration. That is a double standard because we need both for a strong America. We need a strong military, and we need a strong middle class. To choose one over the other—and do it by budgetary sleight of hand—is nothing anyone can be proud of, in my opinion.

So regardless of what happens with NDAA this month, one thing should be absolutely clear to my Republican friends—and I see our ranking member of Appropriations who has led this fight on the floor. Democrats will not vote to put a defense appropriations bill on the floor that uses accounting trickery or budgetary gimmicks to fund our troops. We will not vote to proceed to the Defense appropriations bill or any appropriations bill until our colleagues from the other side of the aisle have sat down at the table and figured out with us how we are going to properly fund the Defense Department and the key priorities that help families, fuel economic growth—in short, keeping us safe and strong both at home and abroad.

We simply cannot and will not move forward with one acceptable bill at a time on the appropriations side until we are able to sit down and reach an agreement that replaces cuts equally for our military and our domestic needs.

This amendment requires that balance. That is why I salute the Senator from Rhode Island, my dear friend, the ranking member of the Committee on Armed Services for putting it together. It says that the extra money in OCO cannot be used unless we give equal or greater relief to domestic programs that help the middle class.

If my friends on the other side of the aisle are serious about escaping the senseless, obtuse budget cuts imposed by the sequester and their use of OCO, admittedly a gimmick—they are admitting that is the case, that we have to do more and go above sequestration for military and average families—they will wholeheartedly support the Jack Reed amendment.

I yield the floor.

The PRESIDING OFFICER. The Senator from Maryland.

Ms. MIKULSKI. Mr. President, today I rise in support of the amendment offered by the Senator from Rhode Island, Mr. REED. Characteristic of him, it is a thoughtful solution to a very serious problem related to the funding of our national security needs.

I would like to support and salute Senator REED for his outstanding job. Many don't realize that Senator JACK REED is a graduate of West Point. He served in the U.S. military, bringing that breadth of his considerable background to additional public service, both in the House and now in the Senate. He is the ranking member on the defense authorization committee and also serves in great capacity on the Defense Appropriations Subcommittee.

Now, let us talk about the Reed amendment and the funding for the Department of Defense. I want to be very clear. I do want to support funding for the national security of the United States of America. We take an oath to defend the Constitution against all enemies foreign and domestic, and we must uphold that oath not only with lip service but with real money in the real Federal checkbook. We need to do it in a way that doesn't use gimmicks or smoke and mirrors to end sequester or to finesse or do a shell deal behind the budget caps.

Remember, we passed a bill that does have significant budget caps. But the way to deal with that problem is not to cap the Department of Defense but to be honest about what it takes to fund national security. The Reed amendment does that. It makes clear that the Department of Defense should receive \$38 billion, but in its base budget to take care of the troops, to protect the troops while they protect us, to make sure they have the right gear, the right equipment, the right technology, and also the right intelligence to be able to do their job. The Reed amendment also looks out for military families. It does what we need to do.

Only when there is a new budget agreement that increases the defense budget as well as the budget for domestic programs will we be able to solve the problem that is facing us.

Now, what our generals have told us is we cannot meet our defense needs with the current budget caps. They also say: Senator—this is General Dempsey, and this is General Odierno, who spoke so well at the funeral of the Vice President's son on Saturday; these men have devoted their lives to the defense of our country and to have the best military in the world—don't give us sequester. Instead of figuring out how to fight terrorism, we have to figure out how to fight the stupidity of Congress.

Now, they do not use those words; I am using those words. When we instituted sequester, it was a technique to force us to make the tough decisions. We keep hiding behind the technique. We need to change that. The bill we have now raises funding for something called the overseas contingency fund

by \$38 billion, but it uses it to fund activities that should be in the base bill rather than the war cost it was intended for. Essentially, it is a budget gimmick.

What is the overseas contingency fund? It was meant to be a line item where we could actually see what war costs us. In Afghanistan and Iraq it was kind of commingled through a lot of the other items related to defense, but we didn't know the actual cost of the war. OCO is meant for war. It is not meant to be a way to avoid the budget caps. Instead of just raising the caps and funding DOD at the needed level, this bill uses this gimmick, so nothing about it is really in the national interest.

Our military leaders tell us: No. 1, get rid of sequester. No. 2, you must increase the base bill.

Defense budgeting cannot be done on a year-to-year basis. It must be multiyear because it is for the planning of procurement for them to have the best weapons systems. It is recruitment and training and sustaining of the military and their personnel needs.

Defense Secretary Ash Carter said: "Our defense industry partners, too, need stability and longer-term plans, not end-of-year crises." GEN Dan Allyn, Army Vice Chief of Staff, said: "OCO does not give you the predictable funding to be able to plan the force we are going to need."

I want to make another point. The defense of the United States doesn't lie only with DOD. That is our warfighting machine. But we have other programs that are related to national security that come out of domestic discretionary spending that are shortchanged and are shrinking and, quite frankly, I am concerned about it.

What am I talking about? In order to have national security, you need to have a State Department. You need to have a State Department to do the kind of work that involves diplomacy. That involves working with nations around the world and the needs of these nations and also to engage in important negotiations such as we have now ongoing on the Iran nuclear. That is not done by generals. That is done by diplomats. You need to have a Department of State. Look at what happened in Benghazi, where there is so much focus on this. While they are focusing—and we should focus—on Benghazi, we appropriators are focusing on embassy security. Embassy security is funded through the Department of State and funded by discretionary spending. If you want to protect Americans overseas, you have to have embassy security. You have to have a Department of State.

Then we have the Department of Homeland Security. Look at all the cyber attacks on us right at this minute. We need to have a cyber component to defense, but we need to have the cyber defense strategy at the Department of Homeland Security. Even our military is being hacked. Insurance

programs are being hacked. People in the United States are having important information about their health records, their Social Security numbers, and so on being stolen. We need to have a robust Department of Homeland Security. They have a program called Einstein that is supposed to do it, but we don't have to be Einsteins to know that in order to protect America we also have to protect the Department of Homeland Security.

Then of course there are the promises made and promises kept. There is the Subcommittee on Military Construction, Veterans Affairs, and Related Agencies. We must fund our promises made to our veterans. That is out of discretionary spending. That is not out of defense. But the infrastructure for our military, our military bases here in our own country, come out of military construction.

I don't want to sound as if I am defending government programs. That is not what I am here to do. I am here to defend the Nation and defend it the right way. We need to be able to put money in the Federal checkbook that funds our Department of Defense without gimmicks, without sleight of hand, without finessing or playing dodge ball. We have to play hard ball with the terrorists and others who have predatory intent against the United States.

We have to be Team U.S.A. not only on the sports field but on this playing field right here on the floor of Congress. Let us work together. Let us get a new budget agreement. Let us solve the problems. Let us end sequester. Let us work together to be able to do it. I believe a big step forward would be supporting the amendment offered by the Senator from Rhode Island, Mr. REED. I ask, in the interest of national security, that we vote for the Reed amendment and that we go to the budget. Let's go to the negotiating table and come up with a real framework to fund the compelling needs of our Nation, and let's do it, Team U.S.A.

I yield the floor.

## RECESS

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

Thereupon, the Senate, at 12:41 p.m., recessed until 2:15 p.m. and reassembled when called to order by the Presiding Officer (Mr. PORTMAN).

## NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2016—Continued

The PRESIDING OFFICER. The majority whip.

AMENDMENT NO. 1486

Mr. CORNYN. Mr. President, this Chamber is currently having a very important debate about our national security priorities, including the authorized funding levels for our Nation's Armed Forces. But I would like to

speak just briefly about an element of our national security that is often overlooked, and that has to do with the interconnection between our energy resources here in America and global security.

I will start by quoting the Chairman of the Joint Chiefs of Staff, GEN Martin Dempsey, who said: "I think we've got to pay more and particular attention to energy as an instrument of national power."

Well, I could not agree, in this instance, with General Dempsey more. So I want to again address a way in which I believe the United States can utilize our vast domestic energy resources to not only enhance our economy but also help enhance our national security and help us meet our strategic objectives around the world and specifically by helping many of our NATO allies in Europe in this process.

As I mentioned on the floor last week, many of these countries rely heavily on energy resources from Russia, creating strategic vulnerability for them as well as for the United States, their treaty ally. This is not a hypothetical matter because we know Vladimir Putin has literally turned the spigot off to countries like Ukraine and threatens to do so to Europe if they happen to disagree with Russian policy, particularly with regard to its appropriation of Crimea and Ukraine.

But the United States can use its energy resources to reassure our allies and partners and to lessen, reduce, at the same time, their dependence on bad actors like Russia and Iran. So it is as simple as helping our friends and checking the abuse of power by our adversaries.

Now, while allowing energy exports to some of our allies when their security is threatened probably sounds like a commonsense notion to a lot of people, there are some skeptics. One of our colleagues, the junior Senator from Massachusetts, has suggested that approving crude oil exports to anybody—including on a limited basis to our allies who are being coerced and under duress from Vladimir Putin—that somehow that would result in a tax on consumers at the pump. In other words, he is arguing that exporting our natural resources around the world would actually cause gasoline prices to go up.

Well, I am here to say that is a faulty assumption and it is simply not grounded in fact. It is at odds with the research and leading opinions of multiple experts, think tank organizations, and officials. And you know what. It is even at odds with the Obama administration's leading expert in this field. Here is what Secretary Moniz said on February 12, 2015, about the effect of crude oil exports on U.S. gas prices. He said there would be no effect on gas prices. He said: "And their [EIA's] conclusion was, probably none to possibly minor decreases in domestic prices."

So if you think about it, actually more American supply increases the

world's supply of oil. Indeed, gasoline is already sold around the world at a global price. So more supply of oil, which is the chief component of gasoline, would actually increase the supply. Even according to a recovering lawyer who is not an economist, on a supply-and-demand basis, with static demand increasing, the supply is actually going to bring down the price.

The Energy Secretary is not the only one who believes there will either be no change or actually a downward price to consumers on gasoline.

After reviewing several studies on this issue, the Government Accountability Office noted that "consumer fuel prices, such as gasoline, diesel, and jet fuel, could decrease as a result of removing crude oil export restrictions." So this is the Government Accountability Office that said that, actually confirming, essentially, what Secretary Moniz said; that we would actually see gasoline prices go down at the pump were we to lift this domestic sanction we have imposed upon ourselves when it comes to exporting crude.

Another think tank, the Aspen Institute, said it would have "significant positive and durable effects on [our gross domestic product], aggregate employment and income."

The Aspen Institute, just as another example, thinks it would be good for income, it would be good for jobs, it would be good for our economy.

So it seems the only people who do not think lifting the ban would be good are limited to the Halls of Congress or perhaps some of the lobbyists who raise money scaring people when it comes to the use of our fossil fuels, particularly oil and gas.

While I think it is important to come and rebut this faulty argument, the amendment that is pending to the underlying bill is actually much more narrowly targeted. It simply ensures that we will have a reliable sense of the energy vulnerabilities of our European partners. In fact, we are a member of the North Atlantic Treaty Organization, and under article 5, were they to be attacked, all members of the treaty would be required to come to their assistance. So why in the world would we not want to reduce their vulnerability to economic hostage-taking?

We also want to get a better understanding of Russia's ability to use this dependency against our allies in NATO and Europe in general. So my amendment would allow us to see the big picture when it comes to just how dependent our allies in the region are on nations that wield their energy supply as a weapon.

Now, I just want to make clear my amendment would actually not change any of the current law. It would not change any of the current law. It simply restates the current authority that the President has in his discretion to allow crude oil and natural gas exports, if determined to be consistent with the national interest.

I would say, even though Russia and Europe and NATO are the primary focus, this is not just limited to NATO. It could include important allies of ours in the Middle East, like Israel, as well. My amendment reiterates this existing authority, and it encourages the President to use it to help reduce the vulnerabilities of our allies in Europe and around the world when it is determined to be in our national interest. It does not add to that authority, and it does not constrain it either.

Well, the President just returned from the so-called G7 summit—representing the leading seven economies of the free world—and here is what the G7 said about this topic. The G7 leaders said that "we reaffirm our support for Ukraine and other vulnerable countries . . . and reiterate that energy should not be used as a means of political coercion or as a threat to security."

So if that is the position of the G7, if the Obama administration takes the position that lifting the ban on exports of oil will not do anything to raise the price of gasoline at the pump and could well reduce it, then I think the Senate would be well advised to support the amendment I have offered which, again, just restates the current authority, does not expand it, and then asks the Defense Department and the intelligence community to do an assessment of how we can better understand the role our energy assets play as an element of our soft power and national security.

Our allies are pretty clear-eyed about all this. They recognize that shrinking their dependence will not be complete or easy. But one goal this amendment seeks to recognize is that we have allies that are asking for help that will put them on a path toward less reliance and will put Russia on notice that they will not be able to hold these countries hostage to energy.

This is about options, alternatives, and a stable supply on the world market that are all helped by increased U.S. production and this renaissance in natural gas and oil that has been brought about thanks to the great innovation and technology improvements in the private sector, created here in the United States but benefiting the entire world.

The G7 leaders noted that the diversification of the world's energy supply is "a core element of energy security," including a diversity of "energy mix[es], energy fuels, sources, and routes."

So my amendment is based on the idea that we may supplement the global market, and that ultimately brings about increased diversity in fuel supply, which benefits everyone.

My amendment is not about limiting the President's authority under current law. I did not intend to do that. This amendment does not do it. It is about taking a modest first step toward addressing the requests, the pleas, in some cases, of our allies and our partners in an increasingly unpredictable world.

So I would encourage our colleagues to support this amendment and, in doing so, take the long-term view of our national security interests as well as the peace and stability of our most trusted allies and partners.

I suggest the absence of a quorum.

Mr. President, if I may withhold that request.

I ask unanimous consent that the time in the quorum call be equally divided.

The PRESIDING OFFICER. Is there objection?

Mr. REED. Will the Senator repeat his request?

Mr. CORNYN. I will be glad to restate it. I am asking unanimous consent that the time in the quorum call be equally divided between the sides.

Mr. REED. No objection.

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

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

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

Mr. MCCAIN. Mr. President, what is the parliamentary situation?

The PRESIDING OFFICER. The Senate is currently considering H.R. 1735.

Approximately 22 minutes remain on the majority side.

Mr. MCCAIN. Twenty-two minutes on the majority side.

The PRESIDING OFFICER. Yes, and 11 minutes on the minority side.

Mr. MCCAIN. I ask unanimous consent that such time as the Senator from Rhode Island may need to conclude the debate be in order and I have 10 minutes in order before the vote.

The PRESIDING OFFICER. Is there objection?

Mr. REED. Mr. President, we have Senator STABENOW and Senator DURBIN coming, and I believe we have heard that Senator GRASSLEY is also coming, and with the Senator's 10 minutes, I think that will fill up the time until the vote at 3 o'clock.

Mr. MCCAIN. We have Senator SESSIONS as well.

Well, let me suggest the absence of a quorum first, and then we will work it out.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

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

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

#### AMENDMENT NO. 1521

Ms. STABENOW. Mr. President, I am here on the floor to speak to the amendment we will be voting on as it relates to Senator REED's amendment.

I first thank both of the leaders of this committee for important work that is being done. But the amendment in front of us is absolutely critical for the safety and security of the American people and certainly for our troops. We all agree—we need to agree—that our troops deserve more than budget gimmicks. What we have in here are too many budget gimmicks that do not reflect the commitment we need to have to our troops and their families.

Further, it does not allow us to fully fund the security needs of the country. We are going to be having a very important debate after this legislation on what to do around appropriations, and it is critical that Senator REED's amendment be passed so we have the opportunity to fully fund the full range of security needs of our country—not only in the Department of Defense, which we all know is very important, but our border security, cyber security, counterterrorism, police and firefighter efforts—those on the frontlines. Whom do we think is called when we dial 911, when there is an emergency of any kind. It is police officers and firefighters that, unfortunately, without the Reed amendment, will not receive the kind of support and funding needed to keep our communities safe.

We need to stop weapons of mass destruction, focus on airport security. We are on and off airplanes every single week, as are millions of Americans. We know how critical it is that we be funding our airport security. We know there are outbreaks, like Ebola and other infectious diseases and attacks that may come from that, that are not in the bill in front of us but are critical to the funding of the national security interests of our families, our communities, and our country.

Senator REED has put forward an amendment that would guarantee we would not only think of security in the context of the Department of Defense but that we would understand it is throughout the Federal Government—all of the various services and folks coming together from border security, cyber security, counterterrorism, local police and firefighters on the frontline, the ability to stop weapons of mass destruction, airport security, Ebola protection with the Centers for Disease Control and Protection, and so much more. The people of the country understand it is not just about the Department of Defense.

Certainly, we need to make sure that even within the Department of Defense budget, we are doing more than budget gimmicks. Certainly, our troops deserve that. But without the amendment that Senator REED has so thoughtfully put forward and designed, we will be undercutting critical parts of national security for our people.

So I strongly urge that we come together on a bipartisan basis. We talk a lot about border security. We hear a lot about that here. We certainly understand what is happening in cyber secu-

rity and the needs of our country. We could go through all of the other parts of the Federal budget that impact security and realize that if we aren't willing to look at security for our families and communities and our country as a whole, as Senator REED does, we will be undercutting the safety and security we all want for our families and communities.

So I strongly support and urge colleagues to come together and vote for the Reed amendment.

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

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

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

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

Mr. MCCAIN. Mr. President, I ask unanimous consent that the following Senators be permitted to speak before the vote: Senator DURBIN for 8 minutes, Senator SESSIONS for 8 minutes, Senator MCCAIN for 7 minutes, and Senator REED for 7 minutes.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The Senator from Illinois.

#### FOR-PROFIT COLLEGES AND UNIVERSITIES

Mr. DURBIN. Mr. President, we have an industry in America called for-profit colleges and universities. It is a unique part of America's private sector—and I use the phrase "private sector" with some caution. These are profitable entities which portray themselves as colleges and universities. We know their names: the University of Phoenix, DeVry University, Kaplan University, and—until very recently—Corinthian, one of the largest for-profit schools. What do they do? They entice young people to sign up at their for-profit colleges and universities and promise them they are going to give them training or education to find a job.

Now, it turns out that as alluring as that is, it doesn't tell the whole story. The real story about the for-profit college industry can be told with three numbers:

Ten. Ten percent of all high school graduates go to these for-profit colleges and universities.

Twenty. Twenty percent of all the Federal aid to education goes to these for-profit colleges and universities. About \$35 billion a year flows into these schools. If it were a separate Federal agency, it would be the ninth largest Federal agency in Washington, DC—\$35 billion.

But the key number we should remember is 44. Forty-four percent of all

the student loan defaults in America are students at for-profit colleges and universities.

How can that be—10 percent of the students and 44 percent of the loan defaults.

First, they overcharge their students; secondly, when the students get deeply in debt, many of them drop out; and, third, those who end up graduating find out many times the diploma is worthless. That is what has happened.

Back in December of 2013, I wrote to the Department of Education asking them to investigate Corinthian Colleges. There was an article in the Huffington Post that drew my attention to it, as well as the actions by the California attorney general, Kamala Harris. It turned out that Corinthian was lying. It was lying to the students about whether they would ever end up getting a job, and it was lying to the Federal Government about their performance and how well they were doing. They were caught in their lie. As a consequence, the Department of Education started threatening Corinthian Colleges for defrauding taxpayers and the government in their official reports. Things went from bad to worse. Corinthian Colleges declared bankruptcy.

What happens when one of these for-profit colleges and universities declares bankruptcy? Well, the students many times are left high and dry. They have nothing, no school to go to. Oh, wait a minute. They don't have "nothing." They have something. They have debt—a debt that they carry away from these failed schools.

Well, we have a provision in the law which says if your school goes bankrupt, you might be able to walk away from your student debt.

The Department of Education made an announcement yesterday, which I support, that says that they are going to work with these students who have been defrauded by Corinthian Colleges and misled into believing this college was worth their time and money. Some of these students will get a chance to be relieved from their college debt.

It is a good thing because student loan debt is not like a lot of other debts. It is not like the money you borrowed for a car. It is not like the money you borrowed for a home. Student loan debts are not discharged in bankruptcy. You have them for a lifetime. If you make a bad decision when you are 19 years old and sign up for \$18,000 a year at Corinthian Colleges or at ITT Tech, you have it until you pay it off. We find that many of these schools garnish Social Security checks. They will stay with you for a lifetime. So now the Department of Education is working on this, trying to do the right thing by these Corinthian students.

I have been in touch with Arne Duncan, Secretary of Education, whom I respect. I told him this is, unfortunately, an early indication of an industry that is on hard times. The stock

prices of these for-profit schools are in deep trouble across the board. People are finally realizing there is too much fraudulent activity going on at these institutions.

Who are the losers? It is not just the students with debts from these worthless schools but taxpayers. We are the ones who send these billions of dollars to these so-called private companies that have their CEOs take home millions of dollars while the kids are getting little or no education. They are the losers.

What should we do about it? I think we ought to be a lot tougher when it comes to the for-profit colleges and universities—holding them accountable for what they are doing to these young people and their families, holding them accountable for what they have done to taxpayers.

Do you know how much money we sent to Corinthian after it became clear they were lying to us? It was \$1 billion dollars—\$1 billion dollars, Mr. and Mrs. Taxpayer. There are schools like that, unfortunately, across this country.

The last point I will make on this is that, speaking to the Secretary of Education and others, the real losers many times are also veterans—veterans. The GI bill was offered to veterans after they served our country for a chance to get an education, training, and to make a life. They used it, sadly, at worthless for-profit colleges and universities, and they have used up a once-in-a-lifetime chance to build a future. They are left high and dry, not with a student-loan debt but with an empty promise that this education is going to lead to something.

I am going to continue to work with my colleagues, including Senator BLUMENTHAL of Connecticut, to change that and to protect our veterans. But I am also going to continue to work on these for-profit colleges and universities. America can do better. These schools with 10 percent of the students, 20 percent of the Federal aid to education, and 44 percent of the student loan defaults have to be held accountable.

I yield the floor.

THE PRESIDING OFFICER. The Senator from Alabama.

MR. SESSIONS. Mr. President, I ask that I be notified after 7 minutes.

THE PRESIDING OFFICER. The Senator will be so notified.

MR. SESSIONS. Mr. President, I start by saying Commander Pilcher is a fabulous naval officer. He is doing great work in our office as we deal with the defense issues in this country, and he has been of real assistance to us. I have to say that I am proud of him. He reflects well on the Navy and the people who defend this country every day.

AMENDMENT NO. 1521

MR. President, what is happening now is unfortunate. On the Defense bill that came out of the Armed Services Committee, of which I am a member, that ranking member Senator REED and

Senator MCCAIN worked on, we have had virtually no significant disagreements except this one. What our Democratic colleagues are insisting upon, driven by the President and political interests, is that defense gets no increase in funding unless nondefense gets an increase in funding over the budget cap established by the Budget Control Act.

In 2011, we passed the Budget Control Act. A part of that was the sequester, and it was not something that was never intended to occur, as some of my colleagues have claimed. It was in the law. They always say: Well, we never intended this to occur. Not so—we passed it into law. It said there would be a commission and the commission could look at entitlements and other things with the hope that we would come up with some way to save more money and put us on a sound financial path.

They said if they did not come up with that agreement, then what we put in the law would take effect as limits on defense and nondefense discretionary spending.

Under the Budget Control Act, next year will be the last year it holds those limits. It will be basically flat spending again this year, but it will increase thereafter at 2.5 percent a year. We are not destroying nondefense discretionary spending.

Remember, this legislation was passed in 2011. That is the year President Obama said: Iraq is settled; we are going to pull all the troops out. Senator MCCAIN pleaded with him not to do that. He said we could have danger in the future. He warned that if we did that, chaos could occur. But no, the President, to comply with his campaign promise, said we were pulling them all out.

Unfortunately, Senator MCCAIN was correct. We have ISIS. Iraq is in turmoil. The Syrian turmoil has gotten worse. Since 2011, Russia invaded Crimea. Yemen is in trouble. Iran is hardening its position with regard to nuclear weapons. Libya is experiencing serious problems.

All of this, I suggest, was the result of an unwise, unclear, and weak foreign policy. Every one of those situations could be better today had we had clearer leadership and people that listened to someone such as Chairman MCCAIN, who knew what he was talking about. But that is all water over the dam at this point.

What do we do now? We have to have more money for defense. I am a budget hawk. I was ranking member on the budget when we did the 2011 cap and limit on spending. I defended it consistently. But I have to tell you, colleagues, both the President, our Democratic Members, and Republican Members believe we are going to have to increase our defense budget.

What is the problem? The problem is our colleagues are saying: Well, you cannot increase defense unless you increase nondefense by the same amount.



How silly is that? Imagine, you have a tight budget at home, and a tree falls on your house. Emergency—you have to go out and find money, borrow money to fix the roof. Does that mean now that you are going to spend twice as much on your vacation? Are you going to go out and buy a new car that you did not plan to buy because you had to spend more money to fix the house?

How irresponsible is that? It is unbelievable to me. This is exactly what has occurred. They are demanding that we will not get a defense budget until we give more money for the nondefense account and spend above what we agreed to spend in the Budget Control Act. Remember, it will soon begin to grow at 2.5 percent a year. We have saved money through the Budget Control Act. It was a successful thing. We do not need to destroy it and give it up.

I want to say that I wish we had not had these dangerous conditions erupt throughout much of the world. I wish it had not happened. Senator McCAIN warned that the foreign policy we were executing was going to result in just this kind of problem. But it has resulted, and we are going to have to defend our country. These are overseas contingency operations that we will be funding. If we do this, it does not mean we have to increase equally nondefense spending.

Let me just repeat the bad news I think most of us know. Every penny increased on the defense budget is borrowed money. If we increase nondefense spending, that is going to be borrowed, too. We do not need to borrow more money than necessary. Just because we have to spend more on defense does not mean we have to spend more on nondefense.

That is all I am saying. I think it is a mistake for our colleagues on the Democratic side to try to use the security of America as a leverage to demand more nondefense spending.

I yield the floor.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. McCAIN. Mr. President, I thank my friend and colleague from Alabama for his very important remarks.

I rise to oppose this amendment. I do so with the great respect that I have for my friend and colleague, the ranking member. The Senator from Rhode Island and I have worked together very closely on every aspect of this legislation. We agree on the overwhelming majority of its provisions. As I have said before, this legislation is better because of the good work and cooperation that I have enjoyed with my friend from Rhode Island. I respect his knowledge of and experience on national defense issues, and I agree that we must fix sequestration. I also agree with him that our national security does not depend solely on the Department of Defense. But unfortunately, I disagree with my friend on the amendment before us.

Since the Budget Control Act became law, threats to this country have only

increased and increased dramatically. Today, the United States faces the most diverse and complex array of crises around the world since the end of World War II. In the face of these global challenges, this amendment would prevent the Department from using \$38 billion of vital budget authority through overseas contingency operations, known as OCO.

Despite the claims that OCO is a slush fund, the entirety of the OCO budget goes towards real defense requirements. With this budget authority, we are supporting our troops in Afghanistan and Iraq, operations against ISIL, and broader counterterrorism efforts. The Armed Services Committee has also funded a portion of operation and maintenance activities in OCO. These activities are directly tied to supporting our operating forces. They pay for training, transportation, fuel, and maintenance of our combat equipment. These budgetary lines pay for the readiness of our Active Forces and directly support our ongoing military operations.

It would be a disaster if this \$38 billion is removed from what we are trying to achieve in this legislation. That is why it is not surprising the President himself has requested OCO funding for the exact same activities. The NDAA funded \$38 billion of operation and maintenance with OCO money because the President had requested OCO funding for these activities already. They were the most closely linked to the government's growing number of overseas contingencies in which we are engaged.

To reiterate, I agree with Senator REED that we must absolutely fix the Budget Control Act. Finding a bipartisan solution to do so remains my top priority. But in absence of such an agreement, I refuse to hold funding for the military hostage, leaving defense at sequestration levels of spending that every single military service chief has testified would put more American lives at risk of those serving in the Armed Forces of the United States. We cannot do that. We cannot add greater danger to the lives of the men and women who are serving in the military. This amendment would do that.

The NDAA is a policy bill. It cannot solve the Budget Control Act. It deals only with defense issues. It does not spend a dollar. It provides the Department of Defense and our men and women in uniform with the authorities and support they need to defend the Nation.

The NDAA is a reform bill—a reform bill, my friends—that will enable our military to rise to the challenge of a more dangerous world. It tackles acquisition reform, military retirement reform, personnel reform, even commissary reform, and headquarters and management reform. The list goes on and on. The Armed Services Committee identified \$10 billion of excess and unnecessary spending from the President's defense budget request, and

we are reinvesting it in military capabilities for our warfighters and reforms that can yield long-term savings for the Department of Defense. We did all of this while upholding our commitments to our servicemembers, retirees, and their families.

Members of the Armed Services Committee understand the need to fix the Budget Control Act. That is why we included a provision in the bill that would authorize the transfer of the additional \$38 billion from OCO to the base budget in the event that legislation is enacted that increases the budget caps on discretionary defense and nondefense spending in proportionately equal amounts. This was the product of a bipartisan compromise, and it was the most we could responsibly do in the committee to recognize the need for a broader fiscal agreement without denying funding for our military.

Every one of us has a constitutional duty to provide for the common defense, and as chairman of the Armed Services Committee, that is my highest responsibility. Funding our national defense with OCO is not ideal, but it is far better than the alternative, which is to deny the men and women in uniform the \$38 billion they desperately need now. The President requested \$38 billion, and our military leaders have said they cannot succeed without that \$38 billion.

Regrettably, that is what this amendment would do, and I oppose it.

I yield the floor.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. REED. Mr. President, first, let me say with great respect how I appreciate the collaboration and cooperation of the chairman on so much of the bill where we worked together, but this is an issue that I feel very strongly about.

Let me be very clear about what this amendment does. First, it recognizes the need—as the President did in his budget submission—for adequate resources for our Department of Defense. But what it does is it says that the additional money above the President's request for OCO—the \$38 billion which was taken from the base and put into this overseas account—would be essentially fenced off or set aside until we resolve the Budget Control Act, and I think we have to begin that process immediately.

Senator McCAIN has said quite sincerely and quite persistently that we have to fix sequestration. Every uniformed service chief who came before our committee said we have to fix sequestration and the budget control caps. The reality is that this legislation does not do that. Indeed, my amendment does not do it, but it points us in that direction and gives us a strong incentive to fix the BCA and to do what all of our defense leaders have asked us to do for the welfare and safekeeping of our troops and forces in the field.

The President recognizes this need. His budget is virtually identical to the

top-line number we are talking about today. But what he also recognized is that we had to put this money into the base budget of the Department of Defense, not into the OCO account.

OCO was created because of our contingency operations overseas in Afghanistan and Iraq. It was created to fund those unpredictable year-by-year needs that arise when you have forces in conflict and in combat. It was not designed to be a fund that would take care of long-term, routine demands of the Department of Defense.

Interestingly enough, in 2008 we had 187,000 troops deployed in Afghanistan and Iraq. If we look at the OCO number for that year, we were spending approximately \$1 million per troop—all the costs, such as the fuel, the ammunition, and their own safekeeping. Today, we have 9,930 troops deployed in these combat zones. Yet, if we look at the same ratio we are asking for in this bill, it is about \$9 million per individual soldier, sailor, marine, and airman. That shows us that this fund has gone way beyond its intent. It has become an escape valve from the Budget Control Act just for the Department of Defense.

It is important to emphasize that our defense is not just the Department of Defense. Our national security rests on a strong Homeland Security Department that protects our borders. It rests on our Border Patrol, which is part of Homeland Security. It rests on the Coast Guard, which patrols our waters, the Justice Department, and the FBI.

We had an incident just a few days ago in Massachusetts where an FBI agent and a Massachusetts police officer confronted an alleged terrorist. It wasn't military forces, it was the local police force and FBI agents who were protecting our neighborhoods and communities. Those functions will not be adequately funded if we get on this path for OCO. In fact, that is my greatest concern. If this were a 1-year, temporary fix, we might be able to justify it, but what we are seeing is a pathway that will have us taking more from OCO every year, and there will be more interesting and more remote uses of OCO funds. Unfortunately, that is the way it tends to be around here. You go where the money is, and right now the money is in OCO.

I think we should step back and do what the chairman said. We have to fix it. And he is committed to fixing it, but we have to begin now. We have to make the case now. We can't simply sit back and say we will take it up later. And that is at the heart of this.

The other issue here is very clear: OCO is not a perfect fix for the Department of Defense. As the Chief of Staff of the Army said, it has limits, it has restrictions, and it is funded for 1 year, but it is there, and they will take the money. We know that. But it is our duty and responsibility to have a more thoughtful, long-term approach, and in doing so, I urge my colleagues to support this amendment. It does not take

away the resources. It simply says that these resources will be there once we fix the Budget Control Act, and that is what I hear everyone in this Chamber—practically everyone—saying every day: We will fix it. We will fix it. When we do, this money will already be authorized.

I am convinced that unless we stand up right now and say—hopefully with one voice—in a formal way that we have to get on the task of fixing the Budget Control Act, days will pass, weeks will pass, and months will pass to the detriment of our country, to the detriment of our military forces, and ultimately we will find ourselves, both in terms of national security and a whole range of programs, in a very bad position.

I ask that all of my colleagues consider this amendment and give it support.

With that, I yield the floor.

Mr. President, I believe the vote on my amendment is in order at this time, and I ask for the yeas and nays.

The PRESIDING OFFICER (Mr. LANKFORD). Is there a sufficient second?

There appears to be a sufficient second.

Under the previous order, the question occurs on agreeing to amendment No. 1521, offered by the Senator from Rhode Island, Mr. REED.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. CORNYN. The following Senators are necessarily absent: the Senator from Texas (Mr. CRUZ), the Senator from Florida (Mr. RUBIO), and the Senator from Louisiana (Mr. VITTER).

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

The result was announced—yeas 46, nays 51, as follows:

[Rollcall Vote No. 205 Leg.]

YEAS—46

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

NAYS—51

Alexander	Enzi	McCain
Ayotte	Ernst	McConnell
Barrasso	Fischer	Moran
Blunt	Flake	Murkowski
Boozman	Gardner	Paul
Burr	Graham	Perdue
Capito	Grassley	Portman
Cassidy	Hatch	Risch
Coats	Heller	Roberts
Cochran	Hoeben	Rounds
Collins	Inhofe	Sasse
Corker	Isakson	Scott
Cornyn	Johnson	Sessions
Cotton	Kirk	
Crapo	Lankford	
Daines	Lee	

Shelby	Thune	Toomey
Sullivan	Tillis	Wicker

NOT VOTING—3

Cruz	Rubio	Vitter
------	-------	--------

The amendment (No. 1521) was rejected.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. Mr. President, I ask unanimous consent that the pending amendment be temporarily set aside so that Senator FEINSTEIN may offer amendment No. 1889 and that amendment No. 1889 be set aside so that Senator FISCHER may offer amendment No. 1825.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The Senator from California.

AMENDMENT NO. 1889 TO AMENDMENT NO. 1463

Mrs. FEINSTEIN. Mr. President, I call up the McCain-Feinstein-Reed-Colins amendment No. 1889.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from California [Mrs. FEINSTEIN], for Mr. MCCAIN, proposes an amendment numbered 1889 to amendment No. 1463.

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

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

The amendment is as follows:

(Purpose: To reaffirm the prohibition on torture)

At the end of subtitle D of title X, add the following:

**SEC. 1040. REAFFIRMATION OF THE PROHIBITION ON TORTURE.**

(a) LIMITATION ON INTERROGATION TECHNIQUES TO THOSE IN THE ARMY FIELD MANUAL.—

(1) ARMY FIELD MANUAL 2-22.3 DEFINED.—In this subsection, the term “Army Field Manual 2-22.3” means the Army Field Manual 2-22.3 entitled “Human Intelligence Collector Operations” in effect on the date of the enactment of this Act or any similar successor Army Field Manual.

(2) RESTRICTION.—

(A) IN GENERAL.—An individual described in subparagraph (B) shall not be subjected to any interrogation technique or approach, or any treatment related to interrogation, that is not authorized by and listed in the Army Field Manual 2-22.3.

(B) INDIVIDUAL DESCRIBED.—An individual described in this subparagraph is an individual who is—

(i) in the custody or under the effective control of an officer, employee, or other agent of the United States Government; or

(ii) detained within a facility owned, operated, or controlled by a department or agency of the United States, in any armed conflict.

(3) IMPLEMENTATION.—Interrogation techniques, approaches, and treatments described in Army Field Manual 2-22.3 shall be implemented strictly in accord with the principles, processes, conditions, and limitations prescribed by Army Field Manual 2-22.3.

(4) AGENCIES OTHER THAN THE DEPARTMENT OF DEFENSE.—If a process required by Army Field Manual 2-22.3, such as a requirement of approval by a specified Department of Defense official, is inapposite to a department or an agency other than the Department of Defense, the head of such department or

agency shall ensure that a process that is substantially equivalent to the process prescribed by Army Field Manual 2-22.3 for the Department of Defense is utilized by all officers, employees, or other agents of such department or agency.

(5) **INTERROGATION BY FEDERAL LAW ENFORCEMENT.**—Nothing in this subsection shall preclude an officer, employee, or other agent of the Federal Bureau of Investigation or other Federal law enforcement agency from continuing to use authorized, non-coercive techniques of interrogation that are designed to elicit voluntary statements and do not involve the use of force, threats, or promises.

(6) **UPDATE OF THE ARMY FIELD MANUAL.**—

(A) **REQUIREMENT TO UPDATE.**—

(i) **IN GENERAL.**—Not later than one year after the date of the enactment of this Act, and once every three years thereafter, the Secretary of Defense, in coordination with the Attorney General, the Director of the Federal Bureau of Investigation, and the Director of National Intelligence, shall complete a thorough review of Army Field Manual 2-22.3, and revise Army Field Manual 2-22.3, as necessary to ensure that Army Field Manual 2-22.3 complies with the legal obligations of the United States and reflects current, evidence-based, best practices for interrogation that are designed to elicit reliable and voluntary statements and do not involve the use or threat of force.

(ii) **AVAILABILITY TO THE PUBLIC.**—Army Field Manual 2-22.3 shall remain available to the public and any revisions to the Army Field Manual 2-22.3 adopted by the Secretary of Defense shall be made available to the public 30 days prior to the date the revisions take effect.

(B) **REPORT ON BEST PRACTICES OF INTERROGATIONS.**—

(i) **REQUIREMENT FOR REPORT.**—Not later than 120 days after the date of the enactment of this Act, the interagency body established pursuant to Executive Order 13491 (commonly known as the High-Value Detainee Interrogation Group) shall submit to the Secretary of Defense, the Director of National Intelligence, the Attorney General, and other appropriate officials a report on current, evidence-based, best practices for interrogation that are designed to elicit reliable and voluntary statements and do not involve the use of force.

(ii) **RECOMMENDATIONS.**—The report required by clause (i) may include recommendations for revisions to Army Field Manual 2-22.3 based on the body of research commissioned by the High-Value Detainee Interrogation Group.

(iii) **AVAILABILITY TO THE PUBLIC.**—Not later than 30 days after the report required by clause (i) is submitted such report shall be made available to the public.

(b) **INTERNATIONAL COMMITTEE OF THE RED CROSS ACCESS TO DETAINEES.**—

(1) **REQUIREMENT.**—The head of any department or agency of the United States Government shall provide the International Committee of the Red Cross with notification of, and prompt access to, any individual detained in any armed conflict in the custody or under the effective control of an officer, employee, contractor, subcontractor, or other agent of the United States Government or detained within a facility owned, operated, or effectively controlled by a department, agency, contractor, or subcontractor of the United States Government, consistent with Department of Defense regulations and policies.

(2) **CONSTRUCTION.**—Nothing in this subsection shall be construed—

(A) to create or otherwise imply the authority to detain; or

(B) to limit or otherwise affect any other individual rights or state obligations which may arise under United States law or international agreements to which the United States is a party, including the Geneva Conventions, or to state all of the situations under which notification to and access for the International Committee of the Red Cross is required or allowed.

The PRESIDING OFFICER. The Senator from Nebraska.

AMENDMENT NO. 1825 TO AMENDMENT NO. 1463

(Purpose: To authorize appropriations for national security aspects of the Merchant Marine for fiscal years 2016 and 2017, and for other purposes)

Mrs. FISCHER. Mr. President, I call up amendment No. 1825.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Nebraska [Mrs. FISCHER] proposes an amendment numbered 1825 to amendment No. 1463.

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

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

(The amendment is printed in the RECORD of June 8, 2015, under "Text of Amendments.")

Mrs. FISCHER. Mr. President, I rise to speak about Senate amendment No. 1825, the Maritime Administration Enhancement Act, which would reauthorize the Maritime Administration, or MARAD, for fiscal years 2016 and 2017. MARAD will be and traditionally has been added to the National Defense Authorization Act on the Senate floor.

MARAD strengthens our national security through its numerous programs to maintain a U.S. Merchant Marine fleet. Under the bipartisan amendment, MARAD will be authorized at \$380 million, which is similar to the levels authorized in the House NDAA. This bipartisan agreement will authorize MARAD spending above current authorized levels, as requested by the White House, while providing support to MARAD's economic and national defense programs.

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.

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

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

Mrs. GILLIBRAND. Mr. President, I want to speak on my amendment but not call it up at this moment. It is amendment No. 1578. The purpose of the amendment is to create an unbiased military justice system. I believe the Senate needs to vote on this amendment.

Over the last few years, Congress has forced the military to make incremental changes to address the crisis of sexual assault. After two decades of complete failure and lip service to zero tolerance, the military now says, es-

entially: Trust us. We have got it this time.

They spin the data, hoping nobody will dig below the surface of their top lines, because when you do, you will find the assault rate is exactly where it was in 2010.

We see an average of 52 new cases every day. Three out of four service-members who are survivors still don't think it is worth the risk of coming forward to report these crimes committed against them. One in seven victims was actually assaulted by someone in their chain of command. In 60 percent of cases, the survivor says a unit leader or supervisor is responsible for sexual harassment or gender discrimination. So it is no surprise that one in three survivors believes reporting would hurt their career.

For those who do report, they are more likely than not to experience retaliation. Despite the much touted reform that made retaliation a crime, the DOD has made zero progress on improving the 62-percent retaliation rate we had in 2012. So in 2012, 62 percent of those who reported a crime against them were retaliated against for doing so. In 2014, again, 62 percent were retaliated against.

Human Rights Watch looked into these figures and into the stories, and they found the DOD could not provide a single example from the last year where disciplinary action was actually taken against someone for retaliation. A sexual assault survivor is 12 times more likely to suffer retaliation than see their offender get convicted of sexual assault.

In my close review of 107 cases from 2013 from our four largest military bases—one for each service—I found that nearly half of those who did move forward to report in an unrestricted report, half of them withdrew from their case during the first year.

So we can talk all we want about reporting, reporting, but if half of those who report withdraw during the year of their prosecution, it shows there is no faith in the system. Survivors do not have faith in the current system. Under any metric, the system remains plagued with distrust and does not provide fair and just process that survivors deserve.

Simply put, the military has not held up to the standard posed by General Dempsey 1 year ago when he said the Pentagon was on the clock.

I urge my colleagues to hold the military to this higher standard. Let us put these decisions into the hands of trained military prosecutors. Enough is enough with the spin, with the excuses, and with false promises. We have to do the right thing and we have to act.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from New Hampshire.

Ms. AYOTTE. Mr. President, I rise to speak about an amendment—amendment No. 1628—to the Defense Authorization Act. This is an amendment I

have submitted with Senator PETERS, and it has strong bipartisan support.

This is about the threat of tunnels—tunnels used by terrorists. We saw those tunnels being used in the 2014 conflict that Israel had with Hamas. Israel found more than 30 terror tunnels that had been dug by terrorists to infiltrate and attack Israel.

The Israeli military said these tunnels were intended to carry out attacks, such as abductions of Israeli citizens and soldiers, infiltrations into Israeli communities, mass murders and hostage-taking scenarios.

In one disturbing attack in July of 2014, Hamas terrorists used one of these terror tunnels to sneak into Israel and then attack and kill five Israeli soldiers.

This is a picture of one of these terror tunnels. You can imagine, if terrorists can use a tunnel to come into your country, the feeling of fear that can create in the civilian population.

Unfortunately, terror tunnels are not a new problem. In 2006, terrorists used tunnels to capture Israeli soldier Gilad Shalit. They used tunnels to take Gilad back to Gaza and held him captive for 5 years. Two other soldiers were killed in this same attack where these terror tunnels were used.

Again, this issue of terror tunnels is not unique to the conflict the Israeli people have been subjected to. In fact, one of Israel's primary objectives in Operation Protective Edge last year was to destroy these terror tunnels that posed unacceptable risk to the Israelis and to their national security. That is why Israel has devoted so much attention to this problem and how to destroy these terror tunnels.

But not only are terror tunnels a leading security concern for the Government of Israel, tunnels are being used by terrorists in Syria and in Iraq. According to a public report yesterday, ISIS used several dozen tunnel bombs in Syria and used tunnels to help take the Iraqi city of Ramadi. On March 11, ISIS reportedly detonated a tunnel bomb under an Iraqi Army headquarters, killing an estimated 22 people. On March 15, a second tunnel bomb was reportedly used to attack Iraqi security forces.

Terror tunnels can also be used to threaten U.S. Embassies and forward-deployed U.S. military personnel. In addition, drug trafficking organizations and international criminal organizations continue to construct tunnels on our southern border in order to illegally move people, drugs, and anything else they think will advantage them into the United States. Drug cartels are exploiting vulnerabilities on our border. While this undoubtedly affects border communities and border States, it has consequences far beyond the border States.

In my home State of New Hampshire, heroin is killing people. It is a public health epidemic. I have spoken to law enforcement, first responders, firefighters, and public safety officials,

and we have seen a dramatic increase in the number of people dying in my State. According to a recent DEA report and drug control experts, heroin is most commonly being brought into the United States via the southwest border.

In many places on our border with Mexico, we have fences. Unfortunately, these criminals and their syndicates—by the way, we have heard from the commander of Southern Command, and he believes these networks could be used by terrorists if they wanted to infiltrate our country. Unfortunately, they are being dug on our southern border.

This is a picture of a tunnel built on our southern border that is used to smuggle drugs, smuggle people—smuggle anything criminals and other bad people want to move into our country.

In a 2-day period alone in April, two tunnels were discovered beneath the California-Mexico border. Again, these tunnels are often used to smuggle almost anything you can think of into this country, drugs being the most prominent thing smuggled in. According to public reports, dozens of smuggling tunnels have been discovered on our southern borders since 2006.

The amendment I have submitted to the Defense authorization, along with my colleague, Senator PETERS from Michigan, is an amendment that builds on a provision already in the Defense authorization that I had included in section 1272. Our amendment promotes and authorizes greater cooperation between Israel and the United States to counter terror tunnels in Israel.

If we work with close allies such as Israel to develop better capabilities to detect, map, and neutralize tunnels, not only can we help defend Israel and Israel defend itself against terrorist groups such as Hamas and Hezbollah, but we can also use the capabilities we develop together to better protect our own border, our own U.S. Embassies, and our forward-deployed U.S. troops.

My amendment specifically highlights the tunnel threat on our southern border. It calls on the administration to use the anti-tunneling capabilities developed to help Israel to better protect the United States, our people, our interests, and our border. In short, this amendment will help Israel, our closest and most reliable ally in the Middle East. It will help us defeat the use of terror tunnels. It will better equip officials on our southern border to find and shut down tunnels that are being used to smuggle drugs and that can be used to smuggle other dangerous items into the United States of America by these criminal syndicates.

Again, the commander of our Southern Command said he believes this network can also be used by terrorists.

Not surprisingly, this effort and this amendment have received strong bipartisan support. I thank all of my colleagues on both sides of the aisle who have sponsored this amendment. This is a commonsense amendment, and I

hope my colleagues, when it is offered for a vote on the Senate floor, will support this amendment so that we can work with the Israeli Government, that we can share our understanding of how to stop these terror tunnels and we can deploy that same technology on our southern borders to keep our country safe.

Mr. President, I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

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

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

AMENDMENTS NOS. 1485, 1510, 1520, 1538, 1579, 1622, 1791, 1677, 1701, 1733, 1739, 1744, 1781, AND 1796 TO AMENDMENT NO. 1463

Mr. MCCAIN. Mr. President, the ranking member and I have a small package of amendments that have been cleared by both sides.

I ask unanimous consent that the following amendments be called up and agreed to en bloc: No. 1485, Hoeven; No. 1510, Heller; No. 1520, Rounds; No. 1538, Wicker; No. 1579, Ernst; No. 1622, Moran; No. 1791, Rubio; No. 1677, Udall; No. 1701, Wyden; No. 1733, Stabenow; No. 1739, McCaskill; No. 1744, Feinstein; No. 1781, Heitkamp; and No. 1796, Cardin.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The amendments are called up and agreed to en bloc.

The amendments (Nos. 1485, 1510, 1520, 1538, 1579, 1622, 1791, 1677, 1701, 1733, 1739, 1744, 1781, and 1796) agreed to en bloc are as follows:

#### AMENDMENT NO. 1485

(Purpose: To express the sense of the Senate on the nuclear force improvement program of the Air Force)

At the appropriate place, insert the following:

#### SEC. 1637. SENSE OF SENATE ON THE NUCLEAR FORCE IMPROVEMENT PROGRAM OF THE AIR FORCE.

(a) FINDINGS.—The Senates makes the following findings:

(1) On February 6, 2014, Air Force Global Strike Command (AFGSC) initiated a force improvement program for the Intercontinental Ballistic Missile (ICBM) force designed to improve mission effectiveness, strengthen culture and morale, and identify areas in need of investment for soliciting input from airmen performing ICBM operations.

(2) The ICBM force improvement program generated more than 300 recommendations to strengthen ICBM operations and served as a model for subsequent force improvement programs in other mission areas, such as bomber operations and sustainment.

(3) On May 28, 2014, as part of the nuclear force improvement program, the Air Force announced it would make immediate improvements in the nuclear mission of the Air Force, including enhancing career opportunities for airmen in the nuclear career field, ensuring training activities focused on performing the mission in the field, reforming the personnel reliability program, establishing special pay rates for positions in the

nuclear career field, and creating a new service medal for nuclear deterrence operations.

(4) Chief of Staff of the Air Force Mark Welsh has said that, as part of the nuclear force improvement program, the Air Force will increase nuclear-manning levels and strengthen professional development for the members of the Air Force supporting the nuclear mission of the Air Force in order “to address shortfalls and offer our airmen more stable work schedule and better quality of life”.

(5) Secretary of the Air Force Deborah Lee James, in recognition of the importance of the nuclear mission of the Air Force, proposed elevating the grade of the commander of the Air Force Global Strike Command from lieutenant general to general, and on March 30, 2015, the Senate confirmed a general as commander of that command.

(6) The Air Force redirected more than \$160,000,000 in fiscal year 2014 to alleviate urgent, near-term shortfalls within the nuclear mission of the Air Force as part of the nuclear force improvement program.

(7) The Air Force plans to spend more than \$200,000,000 on the nuclear force improvement program in fiscal year 2015, and requested more than \$130,000,000 for the program for fiscal year 2016.

(8) Secretary of Defense Chuck Hagel said on November 14, 2014, that “[t]he nuclear mission plays a critical role in ensuring the Nation’s safety. No other enterprise we have is more important”.

(9) Secretary Hagel also said that the budget for the nuclear mission of the Air Force should increase by 10 percent over a five-year period.

(10) Section 1652 of the Carl Levin and Howard P. “Buck” McKeon National Defense Authorization Act for Fiscal Year 2015 (Public Law 113-201; 128 Stat. 3654; 10 U.S.C. 491 note) declares it the policy of the United States “to ensure that the members of the Armed Forces who operate the nuclear deterrent of the United States have the training, resources, and national support required to execute the critical national security mission of the members”.

(b) SENSE OF SENATE.—It is the sense of the Senate that—

(1) the nuclear mission of the Air Force should be a top priority for the Department of the Air Force and for Congress;

(2) the members of the Air Force who operate and maintain the Nation’s nuclear deterrent perform work that is vital to the security of the United States;

(3) the nuclear force improvement program of the Air Force has made significant near-term improvements for the members of the Air Force in the nuclear career field of the Air Force;

(4) Congress should support long-term investments in the Air Force nuclear enterprise that sustain the progress made under the nuclear force improvement program;

(5) the Air Force should—

(A) regularly inform Congress on the progress being made under the nuclear force improvement program and its efforts to strengthen the nuclear enterprise; and

(B) make Congress aware of any additional actions that should be taken to optimize performance of the nuclear mission of the Air Force and maximize the strength of the United States strategic deterrent; and

(6) future budgets for the Air Force should reflect the importance of the nuclear mission of the Air Force and the need to provide members of the Air Force assigned to the nuclear mission the best possible support and quality of life.

#### AMENDMENT NO. 1510

(Purpose: To require a report on the interoperability between electronic health records systems of the Department of Defense and the Department of Veterans Affairs)

At the end of subtitle C of title VII, add the following:

#### SEC. 738. REPORT ON INTEROPERABILITY BETWEEN ELECTRONIC HEALTH RECORDS SYSTEMS OF DEPARTMENT OF DEFENSE AND DEPARTMENT OF VETERANS AFFAIRS.

Not later than one year after the date of the enactment of this Act, the Secretary of Defense and the Secretary of Veterans Affairs shall jointly submit to Congress a report that sets forth a timeline with milestones for achieving interoperability between the electronic health records systems of the Department of Defense and the Department of Veterans Affairs.

#### AMENDMENT NO. 1520

(Purpose: To require the Secretary of Defense to develop a comprehensive plan to support civil authorities in response to cyber attacks by foreign powers)

At the appropriate place in subtitle B of title XVI, insert the following:

#### SEC. \_\_\_\_\_. COMPREHENSIVE PLAN OF DEPARTMENT OF DEFENSE TO SUPPORT CIVIL AUTHORITIES IN RESPONSE TO CYBER ATTACKS BY FOREIGN POWERS.

(a) PLAN REQUIRED.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall develop a comprehensive plan for the United States Cyber Command to support civil authorities in responding to cyber attacks by foreign powers (as defined in section 101 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801)) against the United States or a United States person.

(2) ELEMENTS.—The plan required by paragraph (1) shall include the following:

(A) A plan for internal Department of Defense collective training activities that are integrated with exercises conducted with other agencies and State and local governments.

(B) Plans for coordination with the heads of other Federal agencies and State and local governments pursuant to the exercises required under subparagraph (A).

(C) Note of any historical frameworks that are used, if any, in the formulation of the plan required by paragraph (1), such as Operation Noble Eagle.

(D) Descriptions of the roles, responsibilities, and expectations of Federal, State, and local authorities as the Secretary understands them.

(E) Descriptions of the roles, responsibilities, and expectations of the active components and reserve components of the Armed Forces.

(F) A description of such legislative and administrative action as may be necessary to carry out the plan required by paragraph (1).

(b) COMPTROLLER GENERAL OF THE UNITED STATES REVIEW OF PLAN.—The Comptroller General of the United States shall review the plan developed under subsection (a)(1).

#### AMENDMENT NO. 1538

(Purpose: To allow for improvements to the United States Merchant Marine Academy)

At the end of subtitle G of title X, add the following:

#### SEC. 1085. MELVILLE HALL OF THE UNITED STATES MERCHANT MARINE ACADEMY.

(a) GIFT TO THE MERCHANT MARINE ACADEMY.—The Maritime Administrator may ac-

cept a gift of money from the Foundation under section 5315 of title 46, United States Code, for the purpose of renovating Melville Hall on the campus of the United States Merchant Marine Academy.

(b) COVERED GIFTS.—A gift described in this subsection is a gift under subsection (a) that the Maritime Administrator determines exceeds the sum of—

(1) the minimum amount that is sufficient to ensure the renovation of Melville Hall in accordance with the capital improvement plan of the United States Merchant Marine Academy that was in effect on the date of enactment of this Act; and

(2) 25 percent of the amount described in paragraph (1).

(c) OPERATION CONTRACTS.—Subject to subsection (d), in the case that the Maritime Administrator accepts a gift of money described in subsection (b), the Maritime Administrator may enter into a contract with the Foundation for the operation of Melville Hall to make available facilities for, among other possible uses, official academy functions, third-party catering functions, and industry events and conferences.

(d) CONTRACT TERMS.—The contract described in subsection (c) shall be for such period and on such terms as the Maritime Administrator considers appropriate, including a provision, mutually agreeable to the Maritime Administrator and the Foundation, that—

(1) requires the Foundation—

(A) at the expense solely of the Foundation through the term of the contract to maintain Melville Hall in a condition that is as good as or better than the condition Melville Hall was in on the later of—

(i) the date that the renovation of Melville Hall was completed; or

(ii) the date that the Foundation accepted Melville Hall after it was tendered to the Foundation by the Maritime Administrator; and

(B) to deposit all proceeds from the operation of Melville Hall, after expenses necessary for the operation and maintenance of Melville Hall, into the account of the Regimental Affairs Non-Appropriated Fund Instrumentality or successor entity, to be used solely for the morale and welfare of the cadets of the United States Merchant Marine Academy; and

(2) prohibits the use of Melville Hall as lodging or an office by any person for more than 4 days in any calendar year other than—

(A) by the United States; or

(B) for the administration and operation of Melville Hall.

(e) DEFINITIONS.—In this section:

(1) CONTRACT.—The term “contract” includes any modification, extension, or renewal of the contract.

(2) FOUNDATION.—In this section, the term “Foundation” means the United States Merchant Marine Academy Alumni Association and Foundation, Inc.

(f) RULES OF CONSTRUCTION.—Nothing in this section may be construed under section 3105 of title 41, United States Code, as requiring the Maritime Administrator to award a contract for the operation of Melville Hall to the Foundation.

#### AMENDMENT NO. 1579

(Purpose: To express the sense of Congress that the Secretary of Defense should maintain and enhance robust military intelligence support to force protection for installations, facilities, and personnel of the Department of Defense and the family members of such personnel)

At the end of subtitle E of title XVI, add the following:

**SEC. 1664. SENSE OF CONGRESS ON MAINTAINING AND ENHANCING MILITARY INTELLIGENCE SUPPORT TO FORCE PROTECTION FOR INSTALLATIONS, FACILITIES, AND PERSONNEL OF THE DEPARTMENT OF DEFENSE.**

(a) FINDINGS.—Congress makes the following findings:

(1) Maintaining appropriate force protection for deployed personnel of the Department of Defense and their families is a priority for Congress.

(2) Installations, facilities, and personnel of the Department in Europe face a rising threat from international terrorist groups operating in Europe, from individuals inspired by such groups, and from those traversing through Europe to join or return from fighting the terrorist organization known as the “Islamic State of Iraq and the Levant” (ISIL) in Iraq and Syria.

(3) Robust military intelligence support to force protection is necessary to detect and thwart potential terrorist plots that, if successful, would have strategic consequences for the United States and the allies of the United States in Europe.

(4) Military intelligence support is also important for detecting and addressing early indicators and warnings of aggression and assertive military action by Russia, particularly action by Russia to destabilize Europe with hybrid or asymmetric warfare.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the Secretary of Defense should maintain and enhance robust military intelligence support to force protection for installations, facilities, and personnel of the Department of Defense and the family members of such personnel, in Europe and worldwide.

**AMENDMENT NO. 1622**

(Purpose: To express the sense of Congress on reviewing and considering findings and recommendations of the Council of Governors regarding cyber capabilities of the Armed Forces)

At the end of subtitle B of title XVI, add the following:

**SEC. 1628. SENSE OF CONGRESS ON REVIEWING AND CONSIDERING FINDINGS AND RECOMMENDATIONS OF COUNCIL OF GOVERNORS ON CYBER CAPABILITIES OF THE ARMED FORCES.**

It is the sense of Congress that the Secretary of Defense should review and consider any findings and recommendations of the Council of Governors pertaining to cyber mission force requirements and any proposed reductions in and synchronization of the cyber capabilities of active or reserve components of the Armed Forces.

**AMENDMENT NO. 1791**

(Purpose: To authorize a land exchange at Navy Outlying Field, Naval Air Station, Whiting Field, Florida)

At the end of subtitle C of title XXVIII, add the following:

**SEC. 2822. LAND EXCHANGE, NAVY OUTLYING LANDING FIELD, NAVAL AIR STATION, WHITING FIELD, FLORIDA.**

(a) LAND EXCHANGE AUTHORIZED.—The Secretary of the Navy may convey to Escambia County, Florida (in this section referred to as the “County”), all right, title, and interest of the United States in and to a parcel of real property, including any improvements thereon, containing Navy Outlying Landing Field Site 8 in Escambia County associated with Naval Air Station, Whiting Field, Milton, Florida.

(b) LAND TO BE ACQUIRED.—In exchange for the property described in subsection (a), the County shall convey to the Secretary of the Navy land and improvements thereon in Santa Rosa County, Florida, that is acceptable to the Secretary and suitable for use as

a Navy outlying landing field to replace Navy Outlying Landing Field Site 8.

(c) PAYMENT OF COSTS OF CONVEYANCE.—

(1) PAYMENT REQUIRED.—The Secretary of the Navy shall require the County to cover costs to be incurred by the Secretary, or to reimburse the Secretary for such costs incurred by the Secretary, to carry out the land exchange under this section, including survey costs, costs for environmental documentation, other administrative costs related to the land exchange, and all costs associated with relocation of activities and facilities from Navy Outlying Landing Field Site 8 to the replacement location. If amounts are collected from the County in advance of the Secretary incurring the actual costs, and the amount collected exceeds the costs actually incurred by the Secretary to carry out the land exchange, the Secretary shall refund the excess amount to the County.

(2) TREATMENT OF AMOUNTS RECEIVED.—Amounts received as reimbursement under paragraph (1) shall be credited to the fund or account that was used to cover those costs incurred by the Secretary in carrying out the land exchange. Amounts so credited shall be merged with amounts in such fund or account, and shall be available for the same purposes, and subject to the same conditions and limitations, as amounts in such fund or account.

(d) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the property to be exchanged under this section shall be determined by surveys satisfactory to the Secretary of the Navy.

(e) CONVEYANCE AGREEMENT.—The exchange of real property under this section shall be accomplished using a quit claim deed or other legal instrument and upon terms and conditions mutually satisfactory to the Secretary of the Navy and the County, including such additional terms and conditions as the Secretary considers appropriate to protect the interests of the United States.

**AMENDMENT NO. 1677**

(Purpose: To require the Secretary of Defense to submit information to the Secretary of Veterans Affairs relating to the exposure of members of the Armed Forces to airborne hazards and open burn pits)

At the end of subtitle C of title VII, add the following:

**SEC. 738. SUBMITTAL OF INFORMATION TO SECRETARY OF VETERANS AFFAIRS RELATING TO EXPOSURE TO AIRBORNE HAZARDS AND OPEN BURN PITS.**

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, and periodically thereafter, the Secretary of Defense shall submit to the Secretary of Veterans Affairs such information in the possession of the Secretary of Defense as the Secretary of Veterans Affairs considers necessary to supplement and support—

(1) the development of information to be included in the Airborne Hazards and Open Burn Pit Registry established by the Department of Veterans Affairs under section 201 of the Dignified Burial and Other Veterans' Benefits Improvement Act of 2012 (Public Law 112-260; 38 U.S.C. 527 note); and

(2) research and development activities conducted by the Department of Veterans Affairs to explore the potential health risks of exposure by members of the Armed Forces to environmental factors in Iraq and Afghanistan, in particular the connection of such exposure to respiratory illnesses such as chronic cough, chronic obstructive pulmonary disease, constrictive bronchiolitis, and pulmonary fibrosis.

(b) INCLUSION OF CERTAIN INFORMATION.—The Secretary of Defense shall include in the information submitted to the Secretary of

Veterans Affairs under subsection (a) information on any research and surveillance efforts conducted by the Department of Defense to evaluate the incidence and prevalence of respiratory illnesses among members of the Armed Forces who were exposed to open burn pits while deployed overseas.

**AMENDMENT NO. 1701**

(Purpose: To improve the provisions relating to adoption of retired military working dogs)

On page 117, insert between lines 12 and 13, the following:

(b) LOCATION OF RETIREMENT.—Subsection (f) of such section is further amended—

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

(2) by inserting “(1)” before “If the Secretary”;

(3) in paragraph (1), as designated by paragraph (2) of this subsection—

(A) by striking “, and no suitable adoption is available at the military facility where the dog is location,”; and

(B) in subparagraph (B), as designated by paragraph (1) of this subsection, by inserting “within the United States” after “to another location”; and

(4) by adding at the end the following new paragraph (2):

“(2) Paragraph (1) shall not apply if a United States citizen living abroad adopts the dog at the time of retirement.”.

**AMENDMENT NO. 1733**

(Purpose: To require a report on plans for the use and availability of airfields in the United States for homeland defense missions)

At the end of subtitle F of title X, add the following:

**SEC. 1065. REPORT ON PLANS FOR THE USE OF DOMESTIC AIRFIELDS FOR HOMELAND DEFENSE AND DISASTER RESPONSE.**

(a) REPORT REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall, in consultation with the Secretary of Homeland Security and the Secretary of Transportation, submit to the appropriate committees of Congress a report setting forth an assessment of the plans for airfields in the United States that are required to support homeland defense and local disaster response missions.

(b) CONSIDERATIONS.—The report shall include the following items:

(1) The criteria used to determine the capabilities and locations of airfields in the United States needed to support safe operations of military aircraft in the execution of homeland defense and local disaster response missions.

(2) A description of the processes and procedures in place to ensure that contingency plans for the use of airfields in the United States that support both military and civilian air operations are coordinated among the Department of Defense and other Federal agencies with jurisdiction over those airfields.

(3) An assessment of the impact, if any, to logistics and resource planning as a result of the reduction of certain capabilities of airfields in the United States that support both military and civilian air operations.

(4) A review of the existing agreements and authorities between the Commander of the United States Northern Command and the Administrator of the Federal Aviation Administration that allow for consultation on decisions that impact the capabilities of airfields in the United States that support both military and civilian air operations.

(c) FORM.—The report under subsection (a) shall be submitted in unclassified form, but may include a classified annex.



(d) DEFINITIONS.—In this section:

(1) APPROPRIATE COMMITTEES OF CONGRESS.—The term “appropriate committees of Congress” means—

(A) the Committee on Armed Services, the Committee on Homeland Security and Government Affairs, and the Committee on Commerce, Science, and Transportation of the Senate; and

(B) the Committee on Armed Services, the Committee on Homeland Security, and the Committee on Transportation and Infrastructure of the House of Representatives.

(2) CAPABILITIES OF AIRFIELDS.—The term “capabilities of airfields” means the length and width of runways, taxiways, and aprons, the operation of navigation aids and lighting, the operation of fuel storage, distribution, and refueling systems, and the availability of air traffic control services.

(3) AIRFIELDS IN THE UNITED STATES THAT SUPPORT BOTH MILITARY AND CIVILIAN AIR OPERATIONS.—The term “airfields in the United States that support both military and civilian air operations” means the following:

(A) Airports that are designated as joint use facilities pursuant to section 47175 of title 49, United States Code, in which both the military and civil aviation have shared use of the airfield.

(B) Airports used by the military that have a permanent military aviation presence at the airport pursuant to a memorandum of agreement or tenant lease with the airport owner that is in effect on the date of the enactment of this Act.

#### AMENDMENT NO. 1739

(Purpose: To require a conflict of interest certification for Inspector General investigations relating to whistleblower retaliation)

At the appropriate place, insert the following:

#### SEC. \_\_\_\_ CONFLICT OF INTEREST CERTIFICATION FOR INVESTIGATIONS RELATING TO WHISTLEBLOWER RETALIATION.

(a) DEFINITION.—In this section—

(1) the term “covered employee” means a whistleblower who is an employee of the Department of Defense or a military department, or an employee of a contractor, subcontractor, grantee, or subgrantee thereof;

(2) the term “covered investigation” means an investigation carried out by an Inspector General of a military department or the Inspector General of the Department of Defense relating to—

(A) a retaliatory personnel action taken against a member of the Armed Forces under section 1034 of title 10, United States Code; or

(B) any retaliatory action taken against a covered employee; and

(3) the term “military department” means each of the departments described in section 104 of title 5, United States Code.

(b) CERTIFICATION REQUIREMENT.—

(1) IN GENERAL.—Each investigator involved in a covered investigation shall submit to the Inspector General of the Department of Defense or the Inspector General of the military department, as applicable, a certification that there was no conflict of interest between the investigator, any witness involved in the covered investigation, and the covered employee or member of the Armed Forces, as applicable, during the conduct of the covered investigation.

(2) STANDARDIZED FORM.—The Inspector General of the Department of Defense shall develop a standardized form to be used by each investigator to submit the certification required under paragraph (1).

(3) INVESTIGATIVE FILE.—Each certification submitted under paragraph (1) shall be included in the file of the applicable covered investigation.

#### AMENDMENT NO. 1744

(Purpose: To authorize the Secretary of Veterans Affairs to carry out certain major medical facility projects for which appropriations were made for fiscal year 2015)

At the end of subtitle G of title X, add the following:

#### SEC. 1085. AUTHORIZATION OF CERTAIN MAJOR MEDICAL FACILITY PROJECTS OF THE DEPARTMENT OF VETERANS AFFAIRS FOR WHICH AMOUNTS HAVE BEEN APPROPRIATED.

(a) FINDINGS.—Congress finds the following:

(1) The Consolidated and Further Continuing Appropriations Act, 2015 (Public Law 113-235) appropriated to the Department of Veterans Affairs—

(A) \$35,000,000 to make seismic corrections to Building 205 in the West Los Angeles Medical Center of the Department in Los Angeles, California, which, according to the Department, is a building that is designated as having an exceptionally high risk of sustaining substantial damage or collapsing during an earthquake;

(B) \$101,900,000 to replace the community living center and mental health facilities of the Department in Long Beach, California, which, according to the Department, are designated as having an exceptionally high risk of sustaining substantial damage or collapsing during an earthquake;

(C) \$187,500,000 to replace the existing spinal cord injury clinic of the Department in San Diego, California, which, according to the Department, is designated as having an extremely high risk of sustaining major damage during an earthquake; and

(D) \$122,400,000 to make renovations to address substantial safety and compliance issues at the medical center of the Department in Canandaigua, New York, and for the construction of a new clinic and community living center at such medical center.

(2) The Department is unable to obligate or expend the amounts described in paragraph (1) because it lacks an explicit authorization by an Act of Congress pursuant to section 8104(a)(2) of title 38, United States Code, to carry out the major medical facility projects described in such paragraph.

(3) Among the major medical facility projects described in paragraph (1), three are critical seismic safety projects in California.

(4) Every day that the critical seismic safety projects described in paragraph (3) are delayed puts the lives of veterans and employees of the Department at risk.

(5) According to the United States Geological Survey—

(A) California has a 99 percent chance or greater of experiencing an earthquake of magnitude 6.7 or greater in the next 30 years;

(B) even earthquakes of less severity than magnitude 6.7 can cause life threatening damage to seismically unsafe buildings; and

(C) in California, earthquakes of magnitude 6.0 or greater occur on average once every 1.2 years.

(b) AUTHORIZATION.—The Secretary of Veterans Affairs may carry out the major medical facility projects of the Department of Veterans Affairs specified in the explanatory statement accompanying the Consolidated and Further Continuing Appropriations Act, 2015 (Public Law 113-235) at the locations and in the amounts specified in such explanatory statement, including by obligating and expending such amounts.

#### AMENDMENT NO. 1781

(Purpose: To improve the report on the strategy to protect United States national security interests in the Arctic region)

On page 528, line 14, insert after “Arctic region” the following: “, as well as among the Armed Forces”.

On page 528, line 23, insert after “ture,” the following: “communications and domain awareness.”.

On page 529, line 5, insert before the period at the end the following: “, including by exploring opportunities for sharing installations and maintenance facilities”.

#### AMENDMENT NO. 1796

(Purpose: To express the sense of the Senate on finding efficiencies within the working capital fund activities of the Department of Defense)

At the end of subtitle A of title X, add the following:

#### SEC. 1005. SENSE OF SENATE ON FINDING EFFICIENCIES WITHIN THE WORKING CAPITAL FUND ACTIVITIES OF THE DEPARTMENT OF DEFENSE.

It is the sense of the Senate that the Secretary of Defense should, through the military departments, continue to find efficiencies within the working capital fund activities of the Department of Defense with specific emphasis on optimizing the existing workload plans of such activities to ensure a strong organic industrial base workforce.

Mr. MCCAIN. Mr. President, I defer to my colleague from North Carolina.

The PRESIDING OFFICER. The Senator from North Carolina.

#### AMENDMENT NO. 1569

Mr. BURR. Mr. President, I call for regular order with respect to amendment No. 1569.

The PRESIDING OFFICER. The amendment is now pending.

#### AMENDMENT NO. 1921 TO AMENDMENT NO. 1569

(Purpose: To improve cybersecurity in the United States through enhanced sharing of information about cybersecurity threats)

Mr. BURR. I send a second-degree amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The senior assistant legislative clerk read as follows:

The Senator from North Carolina [Mr. BURR] proposes an amendment numbered 1921 to amendment No. 1569.

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

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

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

Mr. BURR. I yield the floor.

The PRESIDING OFFICER (Ms. AYOTTE). The Senator from Mississippi.

Mr. WICKER. Madam President, I rise in support of the national defense authorization bill and would point out to my colleagues that this is a piece of legislation which for half a century has enjoyed bipartisan support—during Republican administrations, Democratic administrations, and during times of majority on the Democratic side and on the Republican side.

Regrettably, last year this Chamber did not take up the NDAA until December—months after it had been approved in committee. I commend Senator Levin, the former chairman of the Armed Services Committee, for reporting the bill out of his committee during Democratic majorities, and if he had his way, we would have taken up the bill much earlier.

I also want to commend Senator MCCAIN, our current Republican chairman of the Armed Services Committee

for again, in a timely way, reporting this bipartisan bill. And then I think commendation is due to the new leadership of this Senate for taking up this bill in a timely fashion in June rather than waiting until December.

It has been said by the distinguished minority leader that taking up this bill is a waste of time because the President has said he would veto this bill. It is curious that he would say so because this bill funds national security at the amount requested by the President of the United States. I think to people out there listening in the public, it is curious the President would say "I am going to veto a bill" that actually funds security items at the administration's requested level.

I would also point out to my colleagues that this is not the first time the President has issued a veto threat. This happened on the Iran nuclear negotiations bill, where at first the President said: If the House and Senate send me such a bill, I will veto it. But the more we talked about it and the more we brought the American people into the discussion and the more the light was shown on the issue and the American public opinion began to be known, the more popular the idea became in the Senate Foreign Relations Committee.

At the end of the day, it was unanimous or virtually unanimous in the Foreign Relations Committee that the Senate and the House should be heard on the issue of any negotiations this administration has, as the Secretary of State might have with the Iranian leadership. At the end of the day, it passed overwhelmingly, and the President actually changed his mind. Having said he would veto that Iranian nuclear bill, he changed his mind and sent word that he would, in fact, sign it.

I hope the same thing will happen in this situation. I hope the President will rescind his veto threat and, after we have worked our will and after this bill has gone over to a conference committee with the House of Representatives and we have come up with a compromise between the House and the Senate, I hope the President will, in fact, change his mind and change his position as he did on the Iranian bill and sign it. I do not think it is a waste of time. I think it is critical that we do this.

It is often that we start off on a partisan basis. I have the highest regard for the ranking member of the Armed Services Committee. He and I served together in the House of Representatives. It has been my privilege to serve on the committee with the distinguished ranking member for some time. I think he would acknowledge that we started off the defense markup with all Republicans saying they were going to vote for it and with all Democrats saying they would be a "no" vote. But the more we got into that issue and the more Senator MCCAIN began to work with Members on both sides of the aisle and amendments were offered

and debate was held, that opposition began to melt away.

At the end of the day, on this bill that is before us today, there were eight Democrats who voted aye in the committee and only four Democrats who voted no. As I recall, all of the Republicans on the committee voted yes. It was an overwhelmingly bipartisan support of something that started off dividing us, Republicans versus Democrats.

It is important that we continue to do that. The focus should be on our national security priorities. The focus should be on the troops. This bill funds the troops in a very meaningful and a very reform-oriented way. This is necessary under the current times.

I want to quote from an earlier Armed Services hearing we had, where in Director of National Intelligence James Clapper warned the committee. I will quote the Director of National Intelligence. He said that "unpredictable instability is the new normal." "Unpredictable instability is the new normal."

He pointed out that "last year was the most lethal year for global terrorism in 45 years." It so happens that we have only been keeping statistics on the lethal degree of terrorism for 45 years. In the recorded 45-year history of keeping tabs on this, this is the most lethal year, this past year—tough times, dangerous times.

This was underscored by former Secretary of State Henry Kissinger, when he testified at a hearing before the committee earlier this year. He said that "the United States has not faced a more diverse and complex array of crises since the end of the Second World War."

This is a dangerous world. This is a dangerous time. We have a bill that addresses these times, and I think we should move forward with it. The Obama administration may be unwilling to admit that the world is less safe, but there is no denying the extraordinary challenges. I think Members on both sides of the aisle would acknowledge this: ISIS or ISIL, the newly resurgent and aggressive Russia and what they have done in invading Crimea and eastern Ukraine, the havoc across the Middle East in nations such as Yemen and Syria, nations that are collapsing into chaos. These are serious times.

Yet our President said, on the European Continent yesterday, that "we don't have a complete strategy" for dealing with ISIS in Iraq.

This is not a time to block resources our military needs. As a matter of fact, it is a time for us to act as Americans and not as partisans. There are several reasons why passing this bill this month should not be controversial:

First, it would authorize the same amount of funding as requested by the President.

Second, it contains one of the most substantive defense reforms we have seen in years. It would adopt \$10 billion

worth of efficiencies that would pave the way for long-term savings at the Department of Defense.

Third, the bill champions greater efficiency by reducing bureaucracy at the Pentagon and reforming the weapons acquisition system. Just because we need to spend more money for defense does not mean we need to spend more money to hire bureaucrats and staffers at the Pentagon.

Fourth, it is very important to point out the reforms in this bill make sure that the men and women who fight for our country, including those who are wounded or who have retired, have the quality of life, health care and support they deserve.

Fifth, this bill would modernize the military retirement system. Something that has been recommended to us by experts in the military and by retired military people. It would not only extend benefits to more servicemembers, but also give them more value. It would give our servicemembers more choice in their retirement system. Too many of our members are being excluded from the current system. Maintaining our All-Volunteer Force requires taking care of those who have chosen to serve.

Let me give a big shout-out and thank-you to Senator MAZIE HIRONO, my ranking member on the Seapower Subcommittee. We have worked closely in the Seapower mark of this legislation. As a matter of fact, I regret that Senator HIRONO and I could not do our two speeches on this bill together. That was our intent, for me to speak as chair and for her to speak as ranking member because we have cooperated so much in our Seapower title.

Our title in the bill addresses shortfalls in the Navy's ability to meet requirements. We have 30 ships and our Navy's amphibious fleet is much smaller than the Marine Corps tells us is required. Last year, the Chief of Naval Operations, ADM Jonathan Greenert, said that more like 50 ships are required if we want to do everything the military is being asked to do. We need to address this and at least move from 30 ships toward that goal of 50 that Admiral Greenert suggested.

This year's NDAA would authorize \$199 million for an additional American-class amphibious assault ship as well as \$80 million in research and development. This sends a powerful message to anyone who would be our adversary. These ships are known as the "Swiss Army Knives" of the sea because they are so versatile and because they respond to so many of the threats, including counterterrorism, piracy, combat missions, and humanitarian crises.

We also recognize the need to modernize our submarine fleet. Again, thank you to Senator HIRONO, the ranking member, for working with us on this. The Seapower Subcommittee is preparing for the eventual construction of the Ohio-class replacement submarine program. This is an expensive

program. It is necessary. It is expensive. We are about the business of providing the necessary funds to mitigate higher costs for the submarine program on our shipbuilding budget.

I am so pleased we addressed these Seapower needs. In addition, we do our best to meet the needs of the National Guard, to support a modern fleet for the Army, for mental health services for our troops and veterans, and the protection for our servicemembers' religious convictions. It is a comprehensive reform bill that ought to have the same sort of bipartisan support we have had for last 50 years.

We need a bill, in conclusion, that takes an honest look at our current challenges and implements necessary reforms. I am pleased to say this bill does so, and I hope we move forward, get past this moment of suiting up in a partisan fashion, and send this bill with an overwhelming vote from the U.S. Senate.

I yield the floor.

The PRESIDING OFFICER. The Senator from Vermont.

#### YOUTH UNEMPLOYMENT

Mr. SANDERS. Madam President, it sometimes happens that issues of enormous consequence seem to be ignored and do not get anywhere near the discussion it requires. One such issue which needs to be put on the table that needs to be dealt with and needs to be resolved is the crisis of youth unemployment in America, in general, and specifically among Black and Hispanic youth.

Let me provide you with some new information that I recently received from the Economic Policy Institute, one of the important nonpartisan economic think tanks in our country. What this information tells us is that the level of youth unemployment in this country has reached tragic dimensions, and it is especially tragic for the African-American and Hispanic communities.

The Economic Policy Institute recently analyzed census data on unemployment among young people—those people who are either jobless, those people who have given up looking for work or those people who are working part time when they want to work full time; in other words, what real unemployment is about.

This is what they found. They found that during April of 2014 to March of 2015, the average real unemployment rate for Black high school graduates, ages 17 to 20, was 51.3 percent. Let me repeat. Over the last year, from April 2014 to March of 2015, the average real unemployment rate for Black high school graduates was 51.3 percent. The jobless figure for Hispanics in the same age group was 36.1 percent, and for young White high school graduates the number was 33.8 percent.

This is an issue which cannot be ignored. An entire generation of young people who are trying to get their lives together, trying to earn some money, and trying to become independent are

unable to find work. This is an issue which must be dealt with. Even young Americans with a college degree are finding it increasingly difficult to get a job. The real unemployment rate for young Black college graduates between the ages of 21 and 24 was 23 percent, the figure for Hispanics was 22.4 percent, and the figure for Whites was 12.9 percent.

Today in America, over 5½ million young people have either dropped out of high school or have graduated high school and do not have jobs. It is no great secret that without work, without education, and without hope, people get into trouble, and the result is—and this is not unrelated—that tragically in America today we have more people in jail than any other country on Earth, including China, an authoritarian, Communist country with a population four times our size. How does that happen? How is it that this great Nation has more people in jail than any other country and far more than a Communist, authoritarian society in China, a country that is four times our size?

Today, the United States is 5 percent of the world's population; yet, we have 25 percent of the world's prisoners. Incredibly, over 3 percent of our country's population is under some form of correctional control. According to the NAACP, from 1980 to 2008, the number of people incarcerated in America quadrupled from roughly half a million to 2.3 million people. If current trends continue, the estimate is that one in three Black males born today can expect to spend time in prison during his lifetime.

This is an unspeakable tragedy. This is an issue which has to be put on the table and has to be discussed. And this crisis is not just a destruction of human life, it is also a very costly issue to the taxpayers of our country. In America, we now spend nearly \$200 billion a year on public safety, including \$70 billion on correctional facilities each and every year.

It is beyond comprehension that we as a nation have not focused attention on the fact that millions of our young people are unable to find work or begin their careers in a productive economy. This is an issue which we must deal with—and I know I speak for the Senator from Michigan—and we will make sure this country pays attention to and deals with this issue.

Let me just say that it makes a lot more sense to invest in jobs and education for our young people than to spend incredible amounts of money on jails and incarceration. Let's give these kids a shot at life. Let's give them a chance. Let's not lock them up.

The time is long overdue for us to start investing in our young people, to help them get the jobs they need, the education they need, and the job training they need so they can be part of the American middle class.

The answer to unemployment and poverty is not and cannot be the mass

incarceration of young Americans of all races. It is time to bring hope and economic opportunity to communities throughout this country.

Last week, I introduced legislation with Congressman JOHN CONYERS and Senator DEBBIE STABENOW to provide \$5½ billion to immediately begin funding States and localities throughout this country to employ 1 million young people between the ages of 16 and 24 and provide job training to hundreds of thousands of young Americans.

Some people may say: Well, this is an expensive proposition.

I guarantee that this investment will save money because it costs a heck of a lot more money to put people in jail than to provide them with jobs and education. We will save lives and create taxpayers and a middle class rather than having more and more people in jail.

I just wanted to mention that this is an issue which has to be discussed. I look forward to working with the cosponsor of this legislation, Senator STABENOW, and we will bring attention to this issue.

I yield the floor.

The PRESIDING OFFICER. The Senator from Michigan.

Ms. STABENOW. Madam President, before the Senator from Vermont leaves, I have to say that I am very proud to be a partner with him on this legislation and how critically important it is that we give young people the opportunity to have a job. On the last immigration bill, we were able to add dollars to the bill, which helped to create funding for young people. Youth unemployment is a huge issue, and we need to give them a path forward on jobs, hope, and economic opportunity. I again thank the Senator from Vermont.

Madam President, I also have to say I am very disappointed that Senator REED's amendment was not successful. Unfortunately, it was voted down today on a partisan vote. We all know there are way too many budget gimmicks in this authorization, as important as it is, and what we ought to be doing is making sure all of the security needs of our families—not just those at the Department of Defense but those in other parts of the budget have the adequate resources they need so their families are truly safe.

#### HIGHWAY TRUST FUND

I wish to speak specifically about another piece of legislation which will help to ensure our safety, and that is economic safety and security. This is something which also deserves our time and attention, and time is running out right now. We have 52 days before the highway trust fund will be empty, shut down; 52 days and we have not yet done even one hearing in the Finance Committee. I respectfully ask that our chairman, for whom I have tremendous respect, have hearings and discussions so we can work together and talk about how we are going to fund this bill. We have not yet seen legislation on the floor that will allow us

to move forward on a long-term funding bill for economic security.

Our Republican colleagues need to join with us and provide leadership on this issue which affects millions of jobs and, frankly, affects every single American. There was a time when Republicans were the leaders of building our roads, bridges, airports, railroads, and all of our infrastructure, and that came in the form of President Eisenhower, who said in 1952 that “a network of modern roads is as necessary to defense as it is to our national economy and our personal safety.”

We are on the floor talking about legislation to authorize moving forward to support our troops and making sure we are authorizing programs for our national defense. Yet, in 1952 President Eisenhower said that “a network of modern roads is as necessary to our defense as it is to our national economy and our own personal safety.” But in only 52 days, there will be zero in our Nation’s highway trust fund.

By the late 1950s, our interstate highways were responsible for 31 percent of the annual economic growth of our country—an economic engine of our country. Thanks to President Eisenhower’s leadership, our roads in the mid-20th century were the envy of the world. Now we see other countries that want to be like America—a global economic power—and they are rushing to invest in their roads, bridges, airports, railroads, and other infrastructure, countries such as China and Brazil.

China is taking 9 percent of their GDP and using it to invest in jobs, and those things that will allow them to create jobs and be a world economic power. They are wooing businesses there because they have the most modern infrastructure, and frankly, we are playing catchup. There is absolutely no reason that should be happening.

Our European competitors spend twice what we do on transportation and funding for critical roads and bridges and other transportation needs. The Chinese Government spends four times what we are spending right now.

The World Economic Forum’s “Global Competitiveness Report” for 2014 and 2015 ranks America 16th in the quality of roads. We are one spot behind Luxembourg and one spot just ahead of Croatia. Can you imagine? Yay. We are just ahead of Croatia in investing in the future in transportation technology and safety for our roads, bridges, and airports—all of those things which create economic security and, in the words of President Eisenhower, national security.

The World Economic Forum has its own rankings. In 2002, America had the fifth best transportation system in the world. In their most recent rankings, we were 24th.

The American Society of Civil Engineers’ most recent report card for America’s infrastructure—our transportation, roads and bridges—gave us a D on our roads. I don’t think any of us would be happy if our children brought

home a report card that had a D on it; yet, that is what we are now seeing in Congress. The report card that we are presenting to the American people has a D on it. It says that 42 percent of major urban highways are congested and that it costs over \$101 billion in wasted time and fuel every year.

One of my constituents recently told me that he hit a pothole on the way to the Detroit Metro Airport, and he had to replace all four tires on his car. He actually went through seven tires in 1 year. That is a lot of money; that is a lot of tires. He went through seven tires in 1 year because of the bad roads in Michigan.

The average Michigan resident spends \$357 a year on repairing the damage to their automobiles caused by broken roads. That is more than twice the amount that average people pay in taxes to go to improving our roads and bridges. It is more than twice what it would take to actually fix our roads and bridges and actually be able to move forward. It is not fair. It is not fair to neglect responsibility to maintain our Nation’s basic roads and bridges and other infrastructure and let the American people pay for that neglect, which is exactly what is happening.

We can’t expect our workers and our companies to compete in the 21st-century global marketplace if they are forced to use 20th-century roads and bridges, and we are on our way to the 19th century. Some places are so crumbled up, we are going from pavement back to the dirt underneath it. It is crazy, and there is no excuse for it.

Every time we pass a short-term patch that goes 1 or 2 or 6 months down the road, we let our workers, businesses, and our families down. Congress needs to step up. We are ready, and we are looking for Republican partners to join with us in a long-term solution. The majority needs to step up.

We have 52 days and counting until the highway trust fund is empty—at zero. We shouldn’t see the majority kick the can down the road again or come up with some kind of short-term suggestion or crazy things such as cutting people’s pensions to pay for roads and bridges. Together, we need to do what the American people expect us to do and sit down and do what has been done over the course of history in the United States: Fund a long-term transportation bill that moves us forward in our economy, jobs, and creates the kind of competitive edge we have traditionally had in the United States.

A grade of D on roads is an embarrassment. We need our Republican majority to step up with us, because we are waiting. We are anxious to put together a long-term strategy on funding for our roads and bridges. This is pretty basic when we look at the responsibilities that Congress has on behalf of the American people—maintaining airports, railroads, short rail for agriculture, as well as our long distance rail, roads, bridges, and all of the other

things that comprise the basic format. We are 52 days away from the highway trust fund going empty.

Let’s get busy. It is time to make sure we are doing the right thing in moving the country forward.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

Mr. WHITEHOUSE. 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. WHITEHOUSE. I ask unanimous consent to speak as in morning business for up to 15 minutes.

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

#### GASPEE DAYS

Mr. WHITEHOUSE. Madam President, I am here on the floor today to celebrate a significant event in our country’s history and in Rhode Island. Every student of American history knows the story of the Boston Tea Party. We all learned about Samuel Adams and the Sons of Liberty dumping chests of tea into Boston Harbor to protest British taxation without representation.

What many students don’t know is that down in Rhode Island, more than a year earlier, a group of Rhode Island patriots made an even harsher challenge to the British Empire one dark night in June of 1772. I am here to tell their story.

The episode began when amid growing tensions with colonists, King George III moved the HMS *Gaspee*, an armed British customs vessel, into Rhode Island’s Narragansett Bay. The *Gaspee* and its captain, Lieutenant William Dudingston, were known for seizing cargo and flagging down ships only to harass, humiliate, and interrogate the colonials. As Nick Bunker, author of the book “An Empire on the Edge” wrote, this harassment did not sit well with Rhode Islanders, who had grown accustomed to a level of freedom unique in that time. “Even by American standards, Rhode Island was an extreme case of popular government.”

The chapter in his book in which he describes this is entitled “‘This Dark Affair’: The *Gaspee* Incident.” Bunker went on to say: “Out of all the colonies, Rhode Island was the one where the ocean entered most deeply into the lives of the people.” And we wanted it free.

In July of 1663, over 100 years before the *Gaspee* incident, King Charles II had granted a royal charter establishing the colony of Rhode Island and Providence Plantations in New England. And the charter said it was “to hold forth a lively experiment . . . that a most flourishing civil state may stand and best be maintained with full liberty in religious concerns.”

The “lively experiment” in Rhode Island blazed the path for American freedom of religion, a fundamental right of

our great Nation. In Rhode Island, what were then considered radical ideologies of freedom ran very deep. A century later, William Dudingston would learn just how deep, as he went about harassing American vessels and confiscating their cargo. "The British Armed Forces have come to regard almost every local merchant as a smuggler and a cheat," Bunker wrote. Rhode Islanders were fed up with the abuse. Something was bound to give.

In March of 1772, local seamen and traders led by John Brown signed a petition against the *Gaspee*. They brought it to Rhode Island Chief Justice Stephen Hopkins, a political leader in Providence and a relentless advocate for liberty.

Nick Bunker wrote:

For Brown and Hopkins, the only law they recognized was theirs, laid down by their assembly and their local courts. They saw no role in Rhode Island for the English laws that gave the navy its authority.

This is in 1772. Chief Justice Hopkins provided a legal opinion saying that British officers needed to present their orders and commission to Rhode Island's Governor before entering local waters. Well, Dudingston refused and, indeed, threatened to hang "any man who tried to oppose the *Gaspee*."

So the fuse was lit. It all came to a head on June 9, 1772. Rhode Island Captain Benjamin Lindsey was sailing to Providence from Newport in his ship, the *Hannah*. He was accosted and ordered to yield for inspection by the *Gaspee*. Well, Captain Lindsey refused. He raced up Narragansett Bay, despite warning shots fired at the *Hannah*.

The *Gaspee* gave chase and Captain Lindsey, who knew the waters of Rhode Island far better than did Dudingston, steered his ship north toward Pawtuxet Cove in Warwick, right over the shallow waters of Namquid Point. There, the lighter *Hannah* shot over the shallows, but the heavier *Gaspee* ran aground and stuck firm.

The British ship and her crew were caught, stranded in a falling tide. They would need to wait many hours for a rising tide to free them again. According to Nick Bunker, as night fell, the *Gaspee* crew turned in, leaving only one seaman on the deck. Spotting an irresponsible opportunity, Captain Lindsey sailed on to Providence. There he enlisted the help of John Brown, the respected merchant and statesman who had led that petition against the *Gaspee* back in March.

Brown was from one of the most prominent families in the city. He ultimately helped found what we know today as Brown University. Brown and Lindsey rallied a group of Rhode Island patriots at Sabin's Tavern, down in what is now the East Side of Providence, along the waterfront. Refreshments, no doubt, were served. Refreshed or not, the group resolved to end the *Gaspee*'s menace in Rhode Island waters. That night, those raiders, led by what Nick Bunker called the "maritime elite of Providence," set out

with blackened faces, in long boots, and rowed down the bay with their oars muffled to avoid detection. They made their way to the stranded *Gaspee* and surrounded it.

As Daniel Harrington recounted in a recent op-ed that he wrote in the *Providence Journal*, "Capt. Abraham Whipple spoke first for the Rhode Islanders, summoning Dudingston: 'I am sheriff of Kent county, [expletive]. I have a warrant to apprehend you, [expletive]; so surrender, [expletive].' It was a classic Rhode Island greeting!"

I ask unanimous consent that Mr. Harrington's article be printed in the *RECORD* at the conclusion of my remarks.

Lieutenant Dudingston, of course, refused Whipple's demand, and instead ordered his men to fire upon anyone who attempted to board the *Gaspee*. The Rhode Islanders saw their advantage. They outnumbered the British, and they swarmed on the *Gaspee*. Shots rang out in the dark. Lieutenant Dudingston fell wounded in the arm and the thigh. That night in the waters off Warwick, RI, the very first blood in the conflict that was to become the American Revolution was drawn by American arms—a little bit more than just tea over the side into Boston Harbor.

As the patriots commandeered the ship, Brown ordered one of his Rhode Islanders, a physician named John Mawney, to tend to Dudingston's wounds. Mawney was an able doctor and saved the lieutenant. Brown and Whipple took the captive English crew ashore, and then they returned to the despised *Gaspee* to rid Narragansett Bay of her detested presence once and for all. They set her afire. The blaze spread, reaching the ship's charges of gunpowder and cannons, setting off explosions like fireworks.

Ultimately, the flames reached the *Gaspee*'s powder magazine, and the resulting blast echoed across Narragansett Bay, as airborne fragments of the *Gaspee* splashed down into the water beneath a moonless sky. Nick Bunker wrote that the British had never seen anything quite like the *Gaspee* affair. Their attack on the ship amounted to a complete rejection of the empire's right to rule.

According to Dan Harrington's op-ed, King George III was furious and offered huge rewards for the capture of the rebels. Inquiries were made and nooses fashioned. But in the end, not one name was produced, as thousands of Rhode Islanders remained true to silence. The site of this historic victory is now named *Gaspee* Point in honor of this incident and the audacious Rhode Islanders who accomplished it.

According to Bunker, the Rhode Island patriots successfully organized "a military operation 3 years ahead of its time, that arose not merely from a private quarrel but also a matrix of ideas"—the ideas of liberty. Rhode Islanders have made a tradition of celebrating the *Gaspee* incident. This year

marks the 50th annual *Gaspee* Days celebration in Warwick. Over the years, we celebrate by marching in the annual parade, as we recall the courage of the men who fired the first shots and drew the first blood in the quest for American independence.

I would like to thank the *Gaspee* Days Committee for their continuing efforts to host this annual celebration and my friend, State Representative Joe McNamara, for his work each year in making this event so special. I come to the floor every year at this time to speak about the burning of the *Gaspee*, because as proud as I am of what those brave Rhode Islanders did back in 1772, I am also disappointed that their story has largely been lost to history outside our little State.

I hope these speeches will help new generations to learn about this important American event. In Rhode Island, of course, we will never forget. As Mr. Harrington wrote in his piece in the *Providence Journal*, "Through the ages, noble Rhode Islanders have named their daughters Hannah in honor of the ship that long ago led a fledgling young country toward independence and helped create the finest nation ever born of man."

I yield the floor.

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

[From the *Providence Journal*, June 2, 2015]

THE *GASPEE*, THE HERO AND THE DUD

(By Daniel F. Harrington)

Every story needs a good villain, and 243 years ago the British dropped a big one on us. His name was Dudingston. His job? Preventing piracy on Narragansett Bay—or, in layman's terms, shaking down every merchant he could catch.

Lt. William Dudingston, 31, and his dread- ed ship the HMS *Gaspee* arbitrarily halted and often seized the cargo of Rhode Island ships at will. And he did it all in the name of taxation. Think of him as an Internal Revenue Service agent and mob boss rolled into one.

He wore a gold-trimmed cap and had a proclivity for rum.

The governor of Rhode Island repeatedly challenged the Crown to check the lieutenant's brazen misbehavior, but his requests were largely ignored. So on Dudingston went.

Until he met our heroes.

The first was Capt. Benjamin Lindsey, who skippered a sloop called the *Hannah*. He had had enough. Returning from New York on June 9, 1772, he was greeted in Newport with cannon fire from the *Gaspee* after refusing Dudingston's command to strike his flag. Then, trusting "the Dud" knew more about extortion than navigation, Lindsey led him on a four-hour chase up Narragansett Bay. It was the Dud's guns versus Lindsey's guts.

Lindsey skillfully piloted his ship toward Pawtuxet Cove and specifically to a menacing sandbar, trusting the heavy *Gaspee* and its rum-fueled captain would run aground.

They did!

But Lindsey didn't stop there. He sailed north to Providence and informed fellow merchant John Brown about the sitting Dud. At dusk, Brown sent a town crier through the streets of Providence and assembled a raiding party of tavern-friendly professional men.

Rowing to the doomed ship in long boats, the Patriots reached the Gaspee around midnight.

Capt. Abraham Whipple spoke first for the Rhode Islanders, summoning Dudingston: "I am sheriff of Kent county, Goddamn you. I have a warrant to apprehend you, Goddamn you; so surrender, Goddamn you." It was a classic Rhode Island greeting!

Then a shot rang out. Dudingston fell when a ball hit him five inches below his navel. "Good God, I am done for!" he cried.

And then a miracle.

As the Dud lay bleeding to death, a raider stepped forward. It was 21-year-old physician—and genius—John Mawney, who performed life-saving surgery on him. Astonished, Dudingston then offered the doctor a gold buckle. Mawney refused it, but accepted a silver one.

The Rhode Islanders then set the Gaspee aflame and the warship exploded, lighting up Narragansett Bay as never before—or since.

King George III was furious and offered huge rewards for the capture of the rebels. Inquiries were made and nooses fashioned, but in the end, not one name was produced, as thousands of Rhode Islanders remained true to silence.

The burning of the Gaspee steeled the resolve of all the colonies and inspired the Boston Tea Party 18 months later. In 1922, The New York Times memorably editorialized that the boldness of the Gaspee incident made The Boston Tea Party look, by comparison, like a tea party!

Meanwhile, back in Britain, Dudingston would survive court martial for losing his ship, receive a disability pension and live another 45 years and become a rear admiral.

One man remains lost to history.

No one knows what happened to America's first hero, Captain Lindsey. The most wanted man in the world quickly disappeared and dissolved into time. We've never found his resting place—probably because he was buried at sea. So he eludes us still, although some say you can still hear him rousing the Hannah when the fog of Narragansett Bay is unusually thick . . .

Not all have forgotten. Through the ages, noble Rhode Islanders have named their daughters Hannah in honor of the ship that long ago led a fledgling young country toward independence and helped create the finest nation ever born of man. And her name is still sweet, for it echoes the refrain of liberty and recalls the powerful truth that "God hath chosen the weak things of the world to confound the things that are mighty."

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. MURPHY. Madam President, we are hopefully going to be able to vote very shortly on an amendment to the NDAA that I have submitted, No. 1901, which speaks to a pretty simple concept that when we spend taxpayer money and 70 percent of the goods that we purchase with taxpayer dollars come through the Defense Department, we should be spending that money on American companies.

We should be using our resources as a nation to purchase things from companies here in the United States. That has been the law on the books since the 1930s. The Buy America Act, for economic and national security reasons, directs the U.S. Government to buy at least 50 percent of the components of any good from U.S. companies. The problem is that over time, loophole after loophole and exception after ex-

ception have been built into the Buy America Act, such that today the exceptions really are the rule.

The consequences are pretty dire for American workers. It means that thousands, tens of thousands, hundreds of thousands of workers have lost their job because work that should have gone to American companies to build components for jet engines, tanks, and submarines are going overseas. But for our national security, we also are faced with issues as well, given the fact that as our supply chain becomes much more internationalized, we are relying on countries that today might be our allies to supply parts but that tomorrow might not. It puts us at risk potentially down the line.

So I am proposing a pretty simple amendment here, which is really just about sunlight. I had previously hoped to push an amendment that would have actually cut down on one of the waivers that is the most egregious. But I am hoping for a consensus on an amendment that would just make clear that we have to get some more information about some of the worst loopholes to the "Buy American" law. The worst of them, and, in fact, the majority of the waivers for the Buy American Act come through one specific waiver.

There are about eight ways to get around buying things in the United States for the U.S. military. But one of them is that if you can prove that the usage of the good is going to be primarily overseas, you can buy that good overseas. Now, that is an understandable exception if you are talking about the purchase of something such as fuel or food that simply does not make sense to import from the United States. But because there is really no oversight at all on this waiver and because over the last 10 years, having fought two wars in Afghanistan and Iraq, this relatively small loophole, as it appears on the written page, has become an enormous loophole.

So \$17 billion in goods were made overseas, and in 2014, 83 percent of them were done through this particular "Buy America" loophole. So I want to just talk for a second about what some of these waivers are being used to purchase. This is an Opel light-duty cargo van that has been purchased by the U.S. military for a variety of activities. This was not an emergency expenditure. Very clearly, you are buying this van for activities that you can plan for. It is not something that you could not import from the United States.

This contract, which was entered into at the height of the auto crisis, was \$2.9 million in total—\$2.9 million that went to a foreign auto company instead of going to a company in the United States. This is clearly something—a cargo van—not being used on the frontlines of our wars in Iraq and Afghanistan that could have been bought from an American auto company. Ford, Chevrolet, and Chrysler

make versions of this van that are produced by American workers.

There were \$39 million worth of waivers for jet engines and gas turbines. There was \$28 million worth of waivers simply for men's clothing. There were \$11 million of waivers that were used for shoes, for men's footwear. So it is clear that these waivers are being used not for goods that are urgently needed in the field that had to be purchased in a place such as Afghanistan or Iraq or in the region but simply to avoid the "Buy American" law.

I want to amend my previous statement. It was not \$17 billion in goods that were bought from foreign firms, it was \$176 billion in manufactured goods that were bought—and services—from foreign firms. So if it were up to me, we would tighten this loophole. We would bring billions of dollars of work back to the United States simply by saying that you have to have an urgent national security need in order to buy the good overseas.

But if it is not urgent, if you are just buying some vans to cart around equipment or people, then you should buy them from the United States. But amendment No. 1901 is a little bit simpler, in that it just requires that we continue to get reports from the Department of Defense detailing the waivers that they have been granted for the "Buy American" law, so that we have a pretty good idea as to how much work we have lost to foreign firms, how many U.S. workers have lost their jobs because taxpayer dollars are going overseas.

It adds a little new wrinkle to these reports so that when it comes to these waivers, the waiver for goods that are primarily used overseas, which was 83 percent in 2014 of all of the waivers that were granted, we get a little bit more information so that for waivers for contracts over \$5 million—these are pretty big contracts—we know what you are buying, why you need it, and why you are required to buy it overseas.

I think that this information is just sunlight on the waiver process. Again, a waiver process which is sending overseas \$176 billion worth of American taxpayer paid-for jobs should have more information so that we can make decisions. It is funny, when I talk to my constituents and I tell them that I am fighting for the "Buy American" law and that I am fighting to make sure that at least 50 percent of their dollars get spent to buy things from American companies when they are used by the U.S. military, they have a bewildered look on their face because they assume that is the policy of the U.S. Government to begin with.

Why on Earth would our taxpayer dollars be used to buy things overseas?

There are some commonsense reasons why that happens. Obviously, as I said, when you are buying something like food or fuel for the military's use in Afghanistan or in Iraq, it makes sense to buy that overseas. If you can't find it



in the United States, if there is not a single contractor that makes what you are looking for in the United States, then, by all means, you are going to have to buy that overseas. If there is such a price differential, such an enormous price differential that it is a waste of taxpayer dollars to buy it from American companies—and, frankly, those are fairly minute exceptions—then it makes sense to do a work-around on the “Buy American” law.

But we have seen hundreds of billions of dollars in waivers, waivers that are being used for reasons that you just can’t justify but also through a process that includes really no oversight. On that waiver that allows for goods to be purchased overseas when you can’t find it in the United States, there are examples where a simple Google search could have found the item in the United States, but a waiver was still signed, allowing it to be bought overseas because it wasn’t available here—just no oversight, making sure we are only giving these waivers in the right circumstances.

I have talked a number of times on this floor about a company that folded up shop in Waterbury, CT, a legacy company in the Naugatuck Valley, Ansonia Copper & Brass. It made the copper nickel tubing for the American submarine fleet. It was the only company in the United States that made this particular item.

It is out of business today because of the loopholes in the “Buy American” law. We are now buying our copper nickel tubing from a foreign company. Now, that put dozens of people out of work in Connecticut, but it also put in jeopardy our national security. If the supplier of this copper nickel tubing, which is not something you can make easily—it requires incredible expertise, complicated machinery. If the country we are getting it from today decides they are not going to supply it to us because they oppose the way in which we are using it, we can’t make it in the United States any longer. You can’t just reassemble the ability to make that particular good, complicated tubing that goes inside one of the most complicated pieces of machinery in the U.S. Navy, a submarine. You can’t just do that overnight. So at the very least, we should be getting all of the information we need to do proper oversight on this process of granting waivers.

I have been pleased at the willingness of Chairman McCain and his staff, along with the ranking member Senator Reed, to work with us on this amendment, this sunlight amendment, this disclosure amendment. Hopefully, over the course of today or tomorrow, we will be able to include this in one of the managers’ packages that we adopt on the Senate floor, and it will allow us to have a more robust conversation as to why on Earth we spent U.S. taxpayer dollars on this van, when \$3 million—at the height of the auto crisis—could have gone to an American company making a similar vehicle. That is

a conversation that on behalf of the literally hundreds of thousands of American workers who don’t have jobs today because we are spending taxpayer dollars overseas—for their sake, they deserve for us to have that debate.

I yield the floor.

I suggest the absence of a quorum.

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

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

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

(The remarks of Mr. CASSIDY and Ms. COLLINS pertaining to the introduction of S. 1531 are printed in today’s RECORD under “Statements on Introduced Bills and Joint Resolutions.”)

#### MORNING BUSINESS

Ms. COLLINS. 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.

Ms. COLLINS. Thank you, Mr. President.

The PRESIDING OFFICER. The Senator from Louisiana.

#### PATIENT FREEDOM ACT

Mr. CASSIDY. I wish to say briefly that I thank Senator COLLINS for her thoughtful review of the Patient Freedom Act, who after our office has probably reviewed it the most and made several substantial changes that have made it better. I also thank her for her speech, which was a very thoughtful critique of why we are replacing ObamaCare—not because it is the President’s bill but because of things that she described, where people have an incentive not to earn more money and a penalty if they do, which goes against the American values that if you work hard you can be more successful.

It should not be that the Federal Government is discouraging that. I thank her for her thoughtful speech, her thoughtful comments, and her great input into the final product.

I yield the floor.

The PRESIDING OFFICER. The Senator from Wyoming.

#### EXPORT OF AMERICAN LIQUEFIED NATURAL GAS

Mr. BARRASSO. Mr. President, for years, we have witnessed Vladimir Putin, the President of Russia, wreak havoc across Europe. Putin has invaded and carved up free, independent, and democratic countries, such as Georgia and Ukraine. He has bullied our friends in the European Union. He has intimidated our allies in the North Atlantic

Treaty Organization, NATO. A principal weapon of Putin’s has been Russia’s energy supplies—specifically, natural gas. Putin has used Russia’s natural gas to extort, to threaten, and to coerce our allies and our partners. He has repeatedly shut off natural gas supplies to Ukraine and has retaliated against countries that have come to Ukraine’s aid.

So 21 countries—21 countries—import more than 40 percent of their natural gas from Russia. Of these 21 nations, 13 are members of NATO and 5 of these NATO members import nearly 100 percent of their gas from Russia.

I recently returned from Eastern Europe. Our NATO allies and European partners are desperate to find alternative sources of natural gas. They are seeking to develop their own natural gas resources. But amazingly, Putin is funding activists who oppose hydraulic fracturing in Europe.

It is clear that Putin wants to keep our NATO allies dependent on Russian energy. Our NATO allies have publicly called on Congress to help them access America’s natural gas. We can do that by adopting my amendment, No. 1582. My amendment would help countries such as Ukraine, our NATO allies, and others access America’s vast supplies of natural gas. Specifically, it would ensure that the Secretary of Energy makes timely decisions on applications to export Liquefied Natural Gas, or LNG.

Under current law, exports of LNG to countries such as our NATO allies are presumed to be in the public interest, unless the Secretary finds otherwise. But over the last several years, the Secretary’s decisionmaking process has been, at best, unpredictable. My amendment would fix that. Specifically, my amendment would require the Secretary to approve or disapprove LNG export applications within 45 days after the environmental review process is complete.

My amendment would ensure that legal challenges to LNG export projects are resolved expeditiously. It would also require exporters to publicly disclose the countries to which LNG has been delivered.

In January of this year, the energy committee held a hearing on legislation that is identical to my amendment. At that hearing, the Department of Energy testified that my legislation is “a solution we will be able to comply with.”

I am encouraged by DOD’s support for this legislation. I am also encouraged by the support of the National Association of Manufacturers and others who testified that LNG exports would create thousands of jobs across America and help reduce our Nation’s trade deficit.

The United States is the world’s largest producer of natural gas. We have more than enough natural gas to meet our own needs and use our gas to bring about positive change throughout the world.

Do not take my word for it. Listen to what the Obama administration had to say. In February of this year, President Obama's Council of Economic Advisers stated that "an increase in U.S. exports of natural gas . . . would have a number of mostly beneficial effects on . . . employment, U.S. geopolitical security, and the environment."

The President's economic advisers said that LNG exports would create tens of thousands of jobs in the United States, jobs that "would arise . . . in natural gas production[,] manufacturing [and] a range of sectors, including . . . infrastructure investment, and transportation."

The President's economic advisers also stated that U.S. LNG exports would have "a positive geopolitical impact for the United States." Specifically, they explained that U.S. LNG "builds liquidity in the global natural gas market, and reduces European dependence on the current primary suppliers, Russia and Iran."

Again, these are not my words. This is from the White House.

Mr. President, Congress has a choice: We can watch Putin use natural gas as a weapon against our allies and partners or we can take a meaningful step to help our friends.

My amendment boosts the security of our NATO allies and friends around the world, and it does so through a peaceful means. It doesn't spend American tax dollars and all the while will help to grow America's economy. It is a commonsense amendment, and I ask all of the Members to support it.

I thank the Presiding Officer.

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

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

## MORNING BUSINESS

### SRI LANKA

Mr. LEAHY. Mr. President, I want to speak briefly about recent developments in Sri Lanka where the new government of President Maithrapala Sirisena has taken several important and encouraging steps to promote good governance, human rights, and reconciliation since his election on January 8.

Among the government's initial accomplishments are the adoption of the 19th Amendment to the Constitution, which curtails the extensive powers enjoyed by the executive and vests more power in the Parliament, limits the Presidential term to 5 years instead of 6, allows the President to hold office only for two terms instead of an unlimited number of terms, and provides for a Constitutional Council to make ap-

pointments to independent commissions on the judiciary, police, public service, elections, and audit, instead of the President as was previously the case. In addition, the right to information has been included as a fundamental right in the Constitution.

Sri Lanka's Foreign Minister Mangala Samaraweera has wisely called the attention of the Parliament to the need to review the individuals and entities that were listed under a U.N. regulation pursuant to U.N. Security Council Resolution 1373, adopted shortly after the 9/11 attacks. The regulation was used to ban several Tamil diaspora groups for their alleged links to the LTTE. However, the new government reportedly believes that some individuals and organizations may have been wrongly accused of terrorist links when they were merely advocating in support of their rights. The government intends to review the list in the interest of reconciliation and reaffirming its commitment to freedom of expression.

I am also encouraged that the government has revived its relationship with the United Nations, including with the U.N. Human Rights Council, and has invited the U.N. High Commissioner for Human Rights to visit Sri Lanka. I hope such a visit takes place soon.

The Special Rapporteur on the promotion of truth, justice, reparation and guarantees of non-recurrence visited Sri Lanka in March-April 2015, and I understand that the Working Group on Enforced and Involuntary Disappearances will visit Sri Lanka in August.

For years, impunity for serious crimes has been the norm in Sri Lanka. The government is working to establish what it describes as a "domestic mechanism" to deal with accountability for human rights violations. A purely domestic mechanism, however, is not likely to be sufficient. The Sri Lankan people, the United States and other governments, the United Nations, and international human rights groups have long called for justice for the victims of atrocities committed by the armed forces and the LTTE during the 30-year conflict. It is essential that the justice process is not only about truth telling, but is a credible, independent mechanism with authority to investigate, prosecute, and appropriately punish those responsible for war crimes and crimes against humanity, on both sides.

It is also important to the development of a credible accountability mechanism and to the success of this endeavor that Sri Lankan officials consult with local civil society organizations, including the families of the war's victims. They should also invite international bodies, such as the Office of the U.N. High Commissioner for Human Rights, to take part in this process, to provide technical assistance as well as substantive input and help with prosecutorial work, evidence-

gathering, and judicial decision-making. A hybrid mechanism, with international experts involved at the prosecutorial and judicial level, will help ensure that the failings and cynicism associated with past domestic accountability mechanisms are not repeated.

I am told that the government intends to work with humanitarian organizations on the issue of missing persons, including forensics, and to resolve the cases of remaining detainees. The United States and other international groups could assist this important humanitarian effort.

Under the government of former President Mahinda Rajapaksa, Armed Forces day was "Victory Day", a divisive, provocative celebration for the Sinhalese majority. President Sirisena, in his Armed Forces Day speech on May 19, said the policy of the new government will be "development and reconciliation", making clear the government's recognition that development projects alone will not heal the wounds and scars of the past. He also affirmed that the reconciliation process must involve truth seeking, justice, eliminating fear and suspicion among all communities and building trust among them, as well as the rebuilding of infrastructure. He expressed confidence that the Armed Forces would now dedicate themselves to the government's policy on reconciliation.

The return of land in the north and east currently occupied by the Armed Forces, and the resettlement of Tamils displaced by the war and the provision of basic services, is an urgent necessity. Some land in the east that had been allocated by the previous government for infrastructure projects has been released by President Sirisena for the resettlement of the displaced, and a small amount of land in the north has been provided to civilians who were uprooted by the war. But this is only a beginning. Sri Lanka is at peace, so it is time for the Armed Forces to return land, support the resettlement of families, and focus on external threats rather than domestic policing.

Unlike the previous government which vilified its critics and locked up after sham trials journalists who exposed corruption, President Sirisena has taken steps to reaffirm freedom of the press by unblocking media websites, inviting exiled journalists to return to the country, and ensuring freedom of expression for the media to operate without fear of reprisal.

Under the previous government, Sri Lanka's judicial system was politicized, manipulated, and corrupted. The new government is taking steps to reestablish the independence of the judiciary, which is fundamental to any democracy. Also significant was the appointment of the Chief Justice who is from the minority Tamil community immediately after the election of the new government.

The government has committed to fight corruption and ensure accountability for financial crimes even for the

most influential and powerful individuals, to end impunity at any level. It has established a Stolen Assets Recovery Task Force for this purpose. The United States is prepared to assist these efforts and those of civil society to combat corruption.

These are very encouraging steps for which we should commend President Sirisena. They should have been carried out by the previous government, but instead former President Rajapaksa and his brothers Basil and Gotabhaya, and their close associates, sought to dismantle the institutions of democracy, subvert the rule of law, and enrich themselves. Rather than support reconciliation, they encouraged corruption and exacerbated ethnic, religious, and political divisions.

Of course, these are only first steps, and there have been others that raise questions about the government's intentions. For example, MG Jagath Dias, who was appointed the new Army Chief of Staff, commanded a regiment that took part in the final battles of the war that were marked by widespread abuses including summary executions of prisoners and in which countless civilians died, reportedly from government artillery shelling. If the Sri Lankan government is serious about addressing the crimes of the past it will need to take up allegations against senior officers like General Dias. Failing to address the role of senior military commanders, in particular those who still serve, would seriously weaken the government's credibility.

Most immediately, the government's challenge is to hold parliamentary elections as soon as possible. Once a new Parliament is in place the processes of reconciliation, reconstruction, reform, and accountability can proceed apace.

After the elections, President Sirisena's government will need to work closely with the United Nations on plans to address the legacy of past abuses. The U.N. Human Rights Council is expected to take up this issue in its September session in Geneva. Thus, the Office of the U.N. High Commissioner for Human Rights needs to release its report before then, as called for by the U.N. Human Rights Council, with recommendations for Sri Lanka and the international community on how best to achieve accountability in Sri Lanka. The government should wait until the U.N. report is issued before finalizing its own plans.

Secretary of State Kerry's visit to Sri Lanka just 4 months after President Sirisena's election was not only symbolic of the revival of relations between our countries, but also illustrative of the Sri Lankan Government's efforts to realign its foreign relations more broadly. Over the last 6 years, the Obama administration has demonstrated leadership within the international community in addressing a range of issues in Sri Lanka. The administration's policy should follow the same trajectory and continue to play a leadership role.

Likewise, the U.S. Congress has long sought to support democracy, development, human rights, and the rule of law in Sri Lanka. A close friend of mine, the late James W. Spain, one of our most able diplomats, served as our Ambassador in Colombo from 1985 to 1988. He was a devoted friend of Sri Lanka. I look forward to doing what I can to assist the Secretary and the Sirisena government, on behalf of all the people of Sri Lanka, in the months ahead.

#### IRAQ WAR'S IMPACT ON CURRENT NATIONAL SECURITY THREATS

Mr. LEAHY. Mr. President, we have the benefit of looking through the lens of history to learn from past mistakes in the hopes of making more informed decisions for the future. No example is more relevant today than the unintended effects of the 2003 invasion of Iraq, and their bearing on the threats of today. I opposed that war from the beginning, and we have paid, and continue to pay, a tremendous price—in American lives, in the unfathomable expense of taxpayer dollars, and in the escalation of strife in that region, and beyond.

There is no doubt that the terrorists of the Islamic State of Iraq and the Levant, ISIL, have emerged from Al Qaeda in Iraq, seizing upon instability, weak institutions, ethnic fractions, and general hostility toward Western forces that resulted from the post-9/11 Iraq invasion. Our personnel, allies, and interests abroad face significant threats from this terrorist group, which have arisen out of the ill-conceived invasion of Iraq.

We can be proud of the bravery, dedication, and sacrifice of our soldiers and their families. They are not at fault for the complex situation in which we now find ourselves. They served our Nation dutifully, and for that we are grateful. Rather, it serves as a reminder that policymakers cannot act recklessly—especially when taking military action. As we continue to address the very real threat that is ISIL, it is astounding to me how far in the past the hard lessons we learned now appear to be to some commentators and policymakers.

I ask unanimous consent that a perceptive and well-written analysis on this subject, written by the distinguished journalist and former foreign correspondent Barrie Dunsmore, that was published in the Rutland Herald and the Montpelier (Barre) Times Argus on May 24, 2015, be printed in the RECORD.

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

[From the Rutland Herald and the Montpelier (Barre) Times Argus; May 24, 2015]

#### SHORT MEMORIES

(By Barrie Dunsmore)

"I am running because I think the world is falling apart," Sen. Lindsey Graham of South Carolina said this past week. Senator

Graham is not alone among the many aspiring Republican presidential candidates. Not only do they want us to believe the world is falling apart. They also want us to believe it's not their fault.

As Robert Costa wrote in the Washington Post, "One by one, nearly a dozen GOP hopefuls took the stage (in Des Moines Iowa) for a Lincoln dinner, each different in style and stature but all joining a rising Republican chorus that lays blame for the Islamic State terrorist group squarely at the feet of President Barack Obama." Senator Lindsey Graham said to cheers, "If you fought in Iraq, it worked. It's not your fault it's going to hell. It's Obama's fault."

The Islamic State is but one of the Middle East's problems of recent years. The hopes for a more democratic region engendered by the Arab Spring, have been dashed. Egypt is now more of a military dictatorship than it was under President Hosni Mubarak. Without dictator Muammar Gaddafi, Libya is now awash with weapons, without a functioning government and ruled by tribes. Syria is still in the throes of a three year unresolved civil war, with an estimated 150,000, dead. As Iran and Saudi Arabia violently vie for dominance in Lebanon, Syria, Iraq and Yemen, indisputably the Middle East is more unstable than it was seven years ago.

Yet just as the world economy was in a deep depression after the market crash of '08, when Obama took office so too was the Middle East in turmoil—mostly because of the 2003 American invasion of Iraq.

As they seek to shift the blame of Iraq, which just last year conservative pundit George Will wrote was "the worst foreign policy decision in U.S. history," Republicans are asking us to forget the past. I don't doubt that some already have. In the era of Twitter, YouTube and Instagram, seven years may seem like an eternity. But not everyone will forget.

Former Florida Governor Jeb Bush found this out on a recent campaign stop, when Ivy Ziedrich, a Nevada college student confronted him with the charge, "Your brother created ISIS." Bush's response was, "ISIS didn't exist when my brother was president."

It is accurate that the name Islamic State was not in use during the George W. Bush presidency. But the movement that later became ISIS was a direct result of the American invasion. That group called itself "al Qaida in Iraq." It was led by the fanatic Abu Musab al-Zarkawi, and was responsible for hundreds of bombings, kidnappings and beheadings—yes beheadings—in a reign of terror which made Zarkawi the most wanted man in Iraq. His goal was to rid Iraq of foreign forces, and to provoke sectarian conflict between Iraq's Shiite majority and his own Sunni Muslim sect.

Zarkawi was killed in an American bombing raid in 2006. But nine years ago, the Washington Post reported, "Analysts warned that his death may not stem the tide of the insurgency and violence. . . . Zarkawi set up numerous semi-autonomous terrorist cells across Iraq, many of which could continue after his death."

Indeed they did. And joined by numerous bitter Sunni officers from Saddam Hussein's army, al-Qaida in Iraq eventually morphed into the Islamic State in Iraq and Syria (ISIS.) Its current leader is an Iraqi named Abu Bakr al Baghdadi, who claims to be the caliph (supreme leader) of the new Islamic State.

But ISIS is by no means the only bi-product of the American invasion of Iraq. When Iraqi President Saddam Hussein and his Sunni dominated regime were overthrown by American military might, there were no happier people than the Shiite mullahs of Iran. Saddam had initiated the bloody eight

year Iran-Iraq war. Without Saddam on its border to worry about, Iran was now free to encourage the Iraqi Shiite majority to assume power over their Sunni and Kurdish minorities. Thus a Shiite led Iraq became a major ally of Iran in its power struggle with Sunni Saudi Arabia. And that Sunni-Shiite battle for regional domination is at the root of most of the current sectarian violence in the Middle East.

(This reminds me of the credibly sourced story that surfaced years ago. Evidently after meeting with the president on the eve of the Iraq invasion, one of the Iraqi exiles who strongly encouraged American intervention was nevertheless shocked that Mr. Bush did not seem to understand the difference between Sunnis and Shiites.)

But let's set aside all this troublesome history. What is it that Republicans want to do—in the future—to resolve the problem of the Islamic State?

Most of them apparently feel that in 2016, American voters will want their president to get really tough with ISIS. So far, the rhetoric has been overblown and viable alternatives seem in short supply.

Senator Marco Rubio (R-FLA), when speaking to the Freedom Forum of South Carolina, used a line from the movie "Taken", in explaining what he would do with the terrorists. "We will look for you. We will find you. And we will kill you."

Former Senator Rick Santorum of Pennsylvania said at a recent meeting in Iowa. "They want to bring back the 7th century of jihad. So here's my suggestion: We load up our bombers, and we bomb them back to the 7th century."

Senator Graham and most of the other candidates, seem once again to be under the sway of the same neo-conservative, tough-guy thinking that gave us the Iraq War. Presidential wannabes might want to take a closer look at that war—eight years of fighting, at one point with 162,000 U.S. troops on the ground and substantial air and naval support nearby. The cost was at least \$2 trillion, nearly 4500 Americans killed and hundreds of thousands seriously wounded. Yet with all that military might and its enormous costs, the United States did not prevail.

#### ADDITIONAL STATEMENTS

#### RECOGNIZING THE 50TH ANNIVERSARY OF BOY SCOUT TROOP 6 OF BARRINGTON, RHODE ISLAND

• Mr. WHITEHOUSE. Mr. President, as the Boy Scout Law tells us, "A Scout is trustworthy, loyal, helpful, friendly, courteous, kind, obedient, cheerful, thrifty, brave, clean, and reverent." These values are always worth remembering. Even 8 out of 12 is an achievement. We all know people who don't get to six on their best day.

For 50 years, boys and young men have built these important traits under the direction of Boy Scout Troop 6 from Barrington, RI, part of the Narragansett Council of the Boy Scouts of America. The programs and traditions of Troop 6 help Scouts build moral fiber, engender responsible citizenship, and develop maturity and physical fitness.

Over the years, the troop has organized or participated in countless activities that have helped the community at large. Scouts from Troop 6 Bar-

rington carry out a community service project every month, including working with the Barrington Land Conservation Trust to clear hiking trails, contributing food and labor to food drives across New England, and assisting numerous nonprofit organizations throughout Rhode Island.

More than 100 Scouts from Troop 6 have earned the rank of Eagle Scout, the highest achievement in Scouting. They have distinguished themselves as community leaders, service volunteers, and mentors for their peers.

As Boy Scouts of America president Dr. Robert M. Gates put it last month in his address to the Boys Scouts National Annual Business Meeting, "Every day, in every community in America, scouting is changing the lives of boys and young men teaching them skills and leadership, helping them build character and integrity." Thanks to its many dedicated leaders, parents, and volunteers, Troop 6 has provided boys in Barrington with valuable tools and lifelong leadership skills for a half century.

I congratulate all the Scouts of Boy Scout Troop 6 and their families on this special anniversary, and I am grateful for their outstanding commitment to their community, to the State of Rhode Island, and to our country.

Mr. President, I ask that a list of Eagle Scouts, Scoutmasters, and committee chairmen of Troop 6 be printed in the RECORD.

The list follows:

EAGLE SCOUTS FROM TROOP 6, BARRINGTON, RHODE ISLAND (1973–2015)

James Pazera, Frederick Kennemar, Norman Mahoney, Kenneth Pazera, Kurt Sorenson, Richard Farynyk, Steven M. Eklund, David Strickland, Brian T. Culhane, Paul H. Ryden, Gerritt D. DeWitt, Gregory J. Amter, Timothy L. Culhane, Jeff D. Sanders, Jeffrey J. DiSandro, Sean M. Davis, Erich G. Stephens, Julio Friedman, John W. Rosevear, Jr., Anthony DeSpirito III, Dennis J. Wajda, Robert W. Weaver, Kurt Frederick Stephens, David B. Ryden, Kenneth F. Wajda, Bryce T. Hall, Brian H. Darakyan, Arie Daniel Lowenstein, Timothy A. Jarocki, Bryan J. Tamburro, Patrick Dolan Mara, Nathaniel H. Wetherbee, Robert J. Wilbur, Matthew David Mueller, William R. Thompson, Robert Andrew Mueller, Brendan Scott Mara, Scott R. Goff, Jonathan Thomas Belmont, Matthew Anton Steger.

Dereck Glenn Dowler, Peter Anthony DeLuca, James Alberts Charnley, Daniel V. Fitzgerald, Thomas Joseph Jarocki, Paul R. Gladney, Jr., Gregory F. Zavota, Thomas Joseph Peck, Jonathan Flynn Horton, Jonathan Matthew Webb, James Flynn Horton, Donald Lloyd Curtin, Adam Crawley, Sean M. Hackett, Alexander Robert Pease, Michael Anastasia, Alexander G. Raufi, Matthew John Lensing, Robert James Peck, Colin Black.

Patrick James Brickley, Jared Alexander Luther, Shane Barclay VanDeusen, Matthew Paul Maloney, Bradley Russell Holtz, Christopher C. Hoy, Andrew Thies, Joseph M. Codega, Brett Comer, Jonathon Scagos, Benjamin Glatter, Patrick Ryan McAree, Gregory Andrew Wright, Michael Jeffrey Oberg, Steven George Mercer, Ryan Joseph Hurley, Michael Bryan Brooks, Michael Brian Brickley, Christopher W. Halladay, Patrick W. Halladay.

Andrew Hart Dennis, Robert Christopher Preite, Justin Richard Cooper, Perry Tyler Schiff, Peter Southworth Burns, Christopher M. Scagos, Ethan A. Selinger, Christopher Dodd Antonelli, Matthew Evan Gamache, Zachary Lucky N. Luther, Benjamin Mathanie Orrall, Edward Page Codega, Ethan Philip Greene, Edward W. Mercer, Sean Patrick McMahon, Michael Alan Dupont, Gregory James Niguidula, Zachary D. Mumbauer, Matthew J. Brown, Ian G. Millsbaugh.

Joshua C. Eller, Matthew K. Greene, Dylan A. Vanasse, Marshall M. Heitke, Nicholas K. Sayegh, Andrew R. Anderson, Brandon Purcell, Scott N. Johnson, Alexander Greenberg, Robert B. Sasse, Gregory J. Shea, Jonathan W. Cavanagh, Michael Peck, Eric Goddole, Harry J. Lico, William A. Stockhecker.

SCOUTMASTERS OF TROOP 6, BARRINGTON, RHODE ISLAND (1965–2015)

William Maney, Robert Litchfield, James Perreault, Thomas Culhane, Karl Stephens, Edward Fitzgerald, Joseph Jarocki, James Halfyard, Cris Brooks, Richard Halladay, Gary DuPont, Dan Mumbauer, Greg Shea.

COMMITTEE CHAIRMEN OF TROOP 6, BARRINGTON, RHODE ISLAND (1965–2015)

Roy Ross, Edward Peck, Axel Sorensen, Alan DeWitt, Robert Litchfield, Walter Quertler, Donald Anderson, Joseph Jarocki, Rick Scagos, James Halfyard, Marc Millsbaugh, Mike Morrisette.●

#### REMEMBERING LAWRENCE GOULD

• Mr. KING. Mr. President, I stand before you today in solemn remembrance of Lawrence Gould, a founding member of Camp Sunshine, which is a truly remarkable and transformative sanctuary for children with life-threatening illnesses and their families. The camp has brought respite, support, hope, and joy to thousands of families for over three decades and will continue to do so for years to come. The State of Maine has lost a man of true integrity; Larry was 84.

Larry was an exceptionally intelligent and hard-working man who found countless successes in life. Equipped with a Ph.D. from the Massachusetts Institute of Technology at the age of 24, he went on to become president, chairman, and CEO of M/A-Com, Inc., a Fortune 500 company. After establishing himself as a prominent and distinguished businessman, Larry developed Point Sebago Resort, in Casco, ME—considered the first resort campground in the country.

Upon stepping down as chair of M/A-Com, Inc. in 1983, Larry and his wife Anna sought to share their successes with others and turned their dedication and devotion to charitable endeavors. A year later, Point Sebago Resort opened its doors to 43 children and their families, and the program was met with resounding enthusiasm from its pilot participants. Thus Camp Sunshine was created.

Over the years, more and more medical centers began referring their patients to Camp Sunshine. The camp's extraordinary emotional and medical support played a momentous role in the well-being of the children who spent their summers on the shores of Lake Sebago. As the camp became

widely revered in the medical community, Larry knew he needed to expand and find a permanent home for Camp Sunshine. In 2001, the Goulds donated 24 acres of land adjacent to Point Sebago. Camp Sunshine was now open year-round. Since then, the Goulds have continued to strengthen Camp Sunshine's services while ensuring that their families can attend free of charge.

Larry's idea for a camp that provides respite and psychosocial support for sick children was the first of its kind in the United States and is emblematic of his nature as a visionary philanthropist. His passion for improving the lives of those children and families who have stayed at Camp Sunshine is felt by all who knew him. In continuing to carry out Larry's mission, I am sure that Camp Sunshine's dedicated staff will also carry on his earnest enthusiasm for helping those around him.

Through his tireless efforts, Larry affected countless lives. I am deeply saddened by his passing, but I know that the impact of his work transcends life. His firm devotion to the betterment and care of Camp Sunshine's children will never be forgotten. I, along with all the people of Maine, am thankful for his immeasurable contributions to our State and the Nation.●

#### EXECUTIVE REPORTS OF COMMITTEE

The following executive reports of nominations were submitted:

By Mr. ISAKSON for the Committee on Veterans' Affairs.

\*LaVerne Horton Council, of New Jersey, to be an Assistant Secretary of Veterans Affairs (Information and Technology).

\*David J. Shulkin, of Pennsylvania, to be Under Secretary for Health of the Department of Veterans Affairs.

\*Nomination was reported with recommendation that it be confirmed subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

#### INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

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

By Ms. HIRONO (for herself and Mr. WYDEN):

S. 1528. A bill to improve energy savings by the Department of Defense, and for other purposes; to the Committee on Armed Services.

By Mr. DURBIN (for himself, Mr. WHITEHOUSE, Mr. BLUMENTHAL, Mr. MURPHY, Mr. REED, and Mrs. BOXER):

S. 1529. A bill to promote the tracing of firearms used in crimes, and for other purposes; to the Committee on the Judiciary.

By Ms. MIKULSKI (for herself and Mr. CARDIN):

S. 1530. A bill to renew certain Moving to Work agreements for a period of 10 years; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. CASSIDY (for himself, Mr. MCCONNELL, Mr. CORNYN, Ms. COLLINS, Mr. INHOFE, Mr. COATS, Mr. ROUNDS, Mr. VITTER, Mrs. CAPITO, and Mr. WICKER):

S. 1531. A bill to reform the provision of health insurance coverage by promoting health savings accounts, State-based alternatives to coverage under the Affordable Care Act, and price transparency, in order to promote a more market-based health care system, and for other purposes; to the Committee on Finance.

By Mrs. MURRAY (for herself, Mrs. BOXER, Mrs. SHAHEEN, Mr. REID, Mr. BLUMENTHAL, Ms. BALDWIN, Mr. BENNET, Mr. BOOKER, Mr. BROWN, Ms. CANTWELL, Mr. CARDIN, Mr. DURBIN, Mrs. FEINSTEIN, Mrs. GILLIBRAND, Mr. HEINRICH, Ms. HIRONO, Mr. KAINE, Ms. KLOBUCHAR, Mr. LEAHY, Mrs. MCCASKILL, Mr. MERKLEY, Ms. MIKULSKI, Mr. MURPHY, Mr. SANDERS, Mr. SCHATZ, Mr. SCHUMER, Mr. FRANKEN, Ms. STABENOW, Ms. WARREN, Mr. WYDEN, and Mr. MENENDEZ):

S. 1532. A bill to ensure timely access to affordable birth control for women; to the Committee on Health, Education, Labor, and Pensions.

By Mr. BARRASSO:

S. 1533. A bill to authorize the Secretary of the Interior to coordinate Federal and State permitting processes related to the construction of new surface water storage projects on lands under the jurisdiction of the Secretary of the Interior and the Secretary of Agriculture and to designate the Bureau of Reclamation as the lead agency for permit processing, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. CORNYN:

S. 1534. A bill to require the Secretary of Veterans Affairs to ensure that the medical center of the Department of Veterans Affairs located in Harlingen, Texas, includes a full-service inpatient health care facility, to redesignate such medical center, and for other purposes; to the Committee on Veterans' Affairs.

#### SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. BLUNT (for himself, Mrs. MCCASKILL, Mr. COCHRAN, Mr. WICKER, Mr. BROWN, Mr. PORTMAN, Mr. DURBIN, Mr. KIRK, Mr. SCHUMER, and Mrs. GILLIBRAND):

S. Res. 195. A resolution designating the Ulysses S. Grant Association as the organization to implement the bicentennial celebration of the birth of Ulysses S. Grant, Civil War General and 2-term President of the United States; to the Committee on the Judiciary.

By Mr. BURR (for himself and Mr. TESTER):

S. Res. 196. A resolution designating July 10, 2015, as Collector Car Appreciation Day and recognizing that the collection and restoration of historic and classic cars is an important part of preserving the technological achievements and cultural heritage of the United States; considered and agreed to.

By Mr. BLUMENTHAL (for himself, Ms. AYOTTE, Mr. MURPHY, Mr. MENENDEZ, Mr. BROWN, and Mr. SCHATZ):

S. Res. 197. A resolution recognizing the need to improve physical access to many federally funded facilities for all people of the United States, particularly people with disabilities; considered and agreed to.

#### ADDITIONAL COSPONSORS

S. 145

At the request of Mr. FLAKE, the name of the Senator from New Mexico (Mr. HEINRICH) was added as a cosponsor of S. 145, a bill to require the Director of the National Park Service to refund to States all State funds that were used to reopen and temporarily operate a unit of the National Park System during the October 2013 shutdown.

S. 218

At the request of Mr. ENZI, the name of the Senator from Illinois (Mr. KIRK) was added as a cosponsor of S. 218, a bill to facilitate emergency medical services personnel training and certification curriculums for veterans.

S. 311

At the request of Mr. CASEY, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 311, a bill to amend the Elementary and Secondary Education Act of 1965 to address and take action to prevent bullying and harassment of students.

S. 313

At the request of Mr. GRASSLEY, the name of the Senator from West Virginia (Mrs. CAPITO) was added as a cosponsor of S. 313, a bill to amend title XVIII of the Social Security Act to add physical therapists to the list of providers allowed to utilize locum tenens arrangements under Medicare.

At the request of Mr. CASEY, the name of the Senator from Colorado (Mr. BENNET) was added as a cosponsor of S. 313, supra.

S. 439

At the request of Mr. FRANKEN, the name of the Senator from New Mexico (Mr. HEINRICH) was added as a cosponsor of S. 439, a bill to end discrimination based on actual or perceived sexual orientation or gender identity in public schools, and for other purposes.

S. 491

At the request of Ms. KLOBUCHAR, the name of the Senator from North Dakota (Ms. HEITKAMP) was added as a cosponsor of S. 491, a bill to lift the trade embargo on Cuba.

S. 546

At the request of Ms. HEITKAMP, the name of the Senator from Iowa (Mrs. ERNST) was added as a cosponsor of S. 546, a bill to establish the Railroad Emergency Services Preparedness, Operational Needs, and Safety Evaluation (RESPONSE) Subcommittee under the Federal Emergency Management Agency's National Advisory Council to provide recommendations on emergency responder training and resources relating to hazardous materials incidents involving railroads, and for other purposes.

S. 586

At the request of Mrs. SHAHEEN, the name of the Senator from North Carolina (Mr. BURR) was added as a cosponsor of S. 586, a bill to amend the Public Health Service Act to foster more effective implementation and coordination of clinical care for people with

pre-diabetes, diabetes, and the chronic diseases and conditions that result from diabetes.

S. 637

At the request of Mr. CRAPO, the name of the Senator from West Virginia (Mrs. CAPITO) was added as a cosponsor of S. 637, a bill to amend the Internal Revenue Code of 1986 to extend and modify the railroad track maintenance credit.

S. 705

At the request of Mr. UDALL, his name was added as a cosponsor of S. 705, a bill to amend section 213 of title 23, United States Code, relating to the Transportation Alternatives Program.

S. 746

At the request of Mr. WHITEHOUSE, the name of the Senator from Vermont (Mr. SANDERS) was added as a cosponsor of S. 746, a bill to provide for the establishment of a Commission to Accelerate the End of Breast Cancer.

S. 763

At the request of Mr. REED, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 763, a bill to amend title XII of the Public Health Service Act to reauthorize certain trauma care programs, and for other purposes.

S. 797

At the request of Mr. BOOKER, the name of the Senator from Nevada (Mr. HELLER) was added as a cosponsor of S. 797, a bill to amend the Railroad Revitalization and Regulatory Reform Act of 1976, and for other purposes.

S. 804

At the request of Mrs. SHAHEEN, the name of the Senator from New York (Mrs. GILLIBRAND) was added as a cosponsor of S. 804, a bill to amend title XVIII of the Social Security Act to specify coverage of continuous glucose monitoring devices, and for other purposes.

S. 843

At the request of Mr. BROWN, the name of the Senator from Pennsylvania (Mr. CASEY) was added as a cosponsor of S. 843, a bill to amend title XVIII of the Social Security Act to count a period of receipt of outpatient observation services in a hospital toward satisfying the 3-day inpatient hospital requirement for coverage of skilled nursing facility services under Medicare.

S. 901

At the request of Mr. MORAN, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 901, a bill to establish in the 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 that are related to that exposure, to establish an advisory board on such health conditions, and for other purposes.

S. 1083

At the request of Mr. NELSON, the name of the Senator from Michigan

(Ms. STABENOW) was added as a cosponsor of S. 1083, a bill to amend title XVIII of the Social Security Act to require drug manufacturers to provide drug rebates for drugs dispensed to low-income individuals under the Medicare prescription drug benefit program.

S. 1140

At the request of Mr. BARRASSO, the name of the Senator from Iowa (Mrs. ERNST) was added as a cosponsor of S. 1140, a bill to require the Secretary of the Army and the Administrator of the Environmental Protection Agency to propose a regulation revising the definition of the term "waters of the United States", and for other purposes.

S. 1170

At the request of Mrs. FEINSTEIN, the name of the Senator from Nevada (Mr. REID) was added as a cosponsor of S. 1170, a bill to amend title 39, United States Code, to extend the authority of the United States Postal Service to issue a semipostal to raise funds for breast cancer research, and for other purposes.

S. 1316

At the request of Ms. MURKOWSKI, the name of the Senator from Alaska (Mr. SULLIVAN) was added as a cosponsor of S. 1316, a bill to provide for the retention and future use of certain land in Point Spencer, Alaska, to support the mission of the Coast Guard, to convey certain land in Point Spencer to the Bering Straits Native Corporation, to convey certain land in Point Spencer to the State of Alaska, and for other purposes.

S. 1380

At the request of Mrs. MURRAY, the name of the Senator from Montana (Mr. TESTER) was added as a cosponsor of S. 1380, a bill to support early learning.

S. 1407

At the request of Mr. HELLER, the name of the Senator from Montana (Mr. DAINES) was added as a cosponsor of S. 1407, a bill to promote the development of renewable energy on public land, and for other purposes.

S. 1421

At the request of Mr. HATCH, the name of the Senator from South Carolina (Mr. SCOTT) was added as a cosponsor of S. 1421, a bill to amend the Federal Food, Drug, and Cosmetic Act to authorize a 6-month extension of certain exclusivity periods in the case of approved drugs that are subsequently approved for a new indication to prevent, diagnose, or treat a rare disease or condition, and for other purposes.

S. 1495

At the request of Mr. TOOMEY, the name of the Senator from Alabama (Mr. SESSIONS) was added as a cosponsor of S. 1495, a bill to curtail the use of changes in mandatory programs affecting the Crime Victims Fund to inflate spending.

S. 1500

At the request of Mr. CRAPO, the name of the Senator from Louisiana

(Mr. VITTER) was added as a cosponsor of S. 1500, a bill to clarify Congressional intent regarding the regulation of the use of pesticides in or near navigable waters, and for other purposes.

S. 1512

At the request of Mr. CASEY, the names of the Senator from Wisconsin (Ms. BALDWIN), the Senator from Virginia (Mr. KAINE), the Senator from Massachusetts (Mr. MARKEY) and the Senator from Massachusetts (Ms. WARREN) were added as cosponsors of S. 1512, a bill to eliminate discrimination and promote women's health and economic security by ensuring reasonable workplace accommodations for workers whose ability to perform the functions of a job are limited by pregnancy, childbirth, or a related medical condition.

S. CON. RES. 17

At the request of Mr. ROUNDS, the name of the Senator from Georgia (Mr. ISAKSON) was added as a cosponsor of S. Con. Res. 17, a concurrent resolution establishing a joint select committee to address regulatory reform.

AMENDMENT NO. 1521

At the request of Mr. REED, the names of the Senator from Maryland (Ms. MIKULSKI), the Senator from Oregon (Mr. MERKLEY), the Senator from New Mexico (Mr. UDALL), the Senator from Vermont (Mr. LEAHY), the Senator from Indiana (Mr. DONNELLY), the Senator from California (Mrs. BOXER), the Senator from New Jersey (Mr. MENENDEZ), the Senator from New Jersey (Mr. BOOKER), the Senator from California (Mrs. FEINSTEIN), the Senator from Maryland (Mr. CARDIN), the Senator from Minnesota (Ms. KLOBUCHAR), the Senator from Michigan (Mr. PETERS) and the Senator from Oregon (Mr. WYDEN) were added as cosponsors of amendment No. 1521 proposed to H.R. 1735, an act to authorize appropriations for fiscal year 2016 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. 1550

At the request of Mrs. SHAHEEN, the name of the Senator from Montana (Mr. TESTER) was added as a cosponsor of amendment No. 1550 intended to be proposed to H.R. 1735, an act to authorize appropriations for fiscal year 2016 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. 1557

At the request of Mr. DURBIN, the name of the Senator from New York (Mrs. GILLIBRAND) was added as a cosponsor of amendment No. 1557 intended to be proposed to H.R. 1735, an act to authorize appropriations for fiscal year 2016 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. 1558

At the request of Mr. DURBIN, the name of the Senator from New York (Mrs. GILLIBRAND) was added as a cosponsor of amendment No. 1558 intended to be proposed to H.R. 1735, an act to authorize appropriations for fiscal year 2016 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. 1559

At the request of Mr. DURBIN, the name of the Senator from Massachusetts (Ms. WARREN) was added as a cosponsor of amendment No. 1559 proposed to H.R. 1735, an act to authorize appropriations for fiscal year 2016 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. 1564

At the request of Mr. BLUMENTHAL, the names of the Senator from Illinois (Mr. DURBIN), the Senator from Rhode Island (Mr. REED), the Senator from Rhode Island (Mr. WHITEHOUSE) and the Senator from Washington (Mrs. MURRAY) were added as cosponsors of amendment No. 1564 proposed to H.R. 1735, an act to authorize appropriations for fiscal year 2016 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. 1584

At the request of Mr. MURPHY, the name of the Senator from Wisconsin (Ms. BALDWIN) was added as a cosponsor of amendment No. 1584 intended to be proposed to H.R. 1735, an act to authorize appropriations for fiscal year 2016 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. 1614

At the request of Mr. CASEY, the name of the Senator from New York (Mrs. GILLIBRAND) was added as a cosponsor of amendment No. 1614 intended to be proposed to H.R. 1735, an act to authorize appropriations for fiscal year 2016 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. 1615

At the request of Mr. CASEY, the name of the Senator from Montana (Mr. TESTER) was added as a cosponsor of amendment No. 1615 intended to be proposed to H.R. 1735, an act to authorize appropriations for fiscal year 2016 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. 1619

At the request of Mrs. SHAHEEN, the name of the Senator from New York (Mrs. GILLIBRAND) was added as a cosponsor of amendment No. 1619 intended to be proposed to H.R. 1735, an act to authorize appropriations for fiscal year 2016 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. 1628

At the request of Ms. AYOTTE, the names of the Senator from New York (Mrs. GILLIBRAND), the Senator from Arkansas (Mr. BOOZMAN), the Senator from Missouri (Mr. BLUNT), the Senator from South Dakota (Mr. ROUNDS), the Senator from Utah (Mr. HATCH) and the Senator from Illinois (Mr. KIRK) were added as cosponsors of amendment No. 1628 intended to be proposed to H.R. 1735, an act to authorize appropriations for fiscal year 2016 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. 1647

At the request of Mr. MERKLEY, the name of the Senator from Montana (Mr. TESTER) was added as a cosponsor of amendment No. 1647 intended to be proposed to H.R. 1735, an act to authorize appropriations for fiscal year 2016 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. 1652

At the request of Mrs. SHAHEEN, the names of the Senator from Wisconsin (Ms. BALDWIN) and the Senator from Montana (Mr. TESTER) were added as cosponsors of amendment No. 1652 intended to be proposed to H.R. 1735, an act to authorize appropriations for fiscal year 2016 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. 1656

At the request of Mr. WHITEHOUSE, the name of the Senator from New

Hampshire (Mrs. SHAHEEN) was added as a cosponsor of amendment No. 1656 intended to be proposed to H.R. 1735, an act to authorize appropriations for fiscal year 2016 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. 1669

At the request of Mr. BOOZMAN, the names of the Senator from West Virginia (Mrs. CAPITO), the Senator from Delaware (Mr. COONS), the Senator from Iowa (Mr. GRASSLEY), the Senator from Kansas (Mr. ROBERTS), the Senator from Michigan (Ms. STABENOW) and the Senator from Montana (Mr. TESTER) were added as cosponsors of amendment No. 1669 intended to be proposed to H.R. 1735, an act to authorize appropriations for fiscal year 2016 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. 1690

At the request of Mr. CARDIN, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of amendment No. 1690 intended to be proposed to H.R. 1735, an act to authorize appropriations for fiscal year 2016 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. 1704

At the request of Mr. DURBIN, the names of the Senator from Wisconsin (Ms. BALDWIN) and the Senator from Massachusetts (Mr. MARKEY) were added as cosponsors of amendment No. 1704 intended to be proposed to H.R. 1735, an act to authorize appropriations for fiscal year 2016 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. 1725

At the request of Mr. WICKER, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of amendment No. 1725 intended to be proposed to H.R. 1735, an act to authorize appropriations for fiscal year 2016 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. 1752

At the request of Mr. HEINRICH, the names of the Senator from South Dakota (Mr. ROUNDS) and the Senator from Oregon (Mr. WYDEN) were added as cosponsors of amendment No. 1752

intended to be proposed to H.R. 1735, an act to authorize appropriations for fiscal year 2016 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. 1798

At the request of Mrs. BOXER, the names of the Senator from Michigan (Ms. STABENOW) and the Senator from California (Mrs. FEINSTEIN) were added as cosponsors of amendment No. 1798 intended to be proposed to H.R. 1735, an act to authorize appropriations for fiscal year 2016 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. 1799

At the request of Mrs. BOXER, the name of the Senator from Montana (Mr. TESTER) was added as a cosponsor of amendment No. 1799 intended to be proposed to H.R. 1735, an act to authorize appropriations for fiscal year 2016 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. 1811

At the request of Mr. HATCH, the name of the Senator from Oklahoma (Mr. LANKFORD) was added as a cosponsor of amendment No. 1811 intended to be proposed to H.R. 1735, an act to authorize appropriations for fiscal year 2016 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. 1855

At the request of Mr. DURBIN, the name of the Senator from New York (Mrs. GILLIBRAND) was added as a cosponsor of amendment No. 1855 intended to be proposed to H.R. 1735, an act to authorize appropriations for fiscal year 2016 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. DURBIN (for himself, Mr. WHITEHOUSE, Mr. BLUMENTHAL, Mr. MURPHY, Mr. REED, and Mrs. BOXER):

S. 1529. A bill to promote the tracing of firearms used in crimes, and for other purposes; to the Committee on the Judiciary.

Mr. DURBIN. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 1529

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

#### SECTION 1. SHORT TITLE.

This Act may be cited as the "Crime Gun Tracing Act of 2015".

#### SEC. 2. DEFINITION.

Section 1709 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796dd-8) is amended by—

(1) redesignating paragraphs (1) through (4) as paragraphs (2) through (5), respectively; and

(2) inserting before paragraph (2), as redesignated, the following:

"(1) 'Bureau' means the Bureau of Alcohol, Tobacco, Firearms, and Explosives."

#### SEC. 3. INCENTIVES FOR TRACING FIREARMS USED IN CRIMES.

Section 1701 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796dd) is amended by striking subsection (c) and inserting the following:

"(c) PREFERENTIAL CONSIDERATION OF APPLICATIONS FOR CERTAIN GRANTS.—In awarding grants under this part, the Attorney General, where feasible—

"(1) may give preferential consideration to an application for hiring and rehiring additional career law enforcement officers that involves a non-Federal contribution exceeding the 25-percent minimum under subsection (g); and

"(2) shall give preferential consideration to an application submitted by an applicant that has reported all firearms recovered during the previous 12 months by the applicant at a crime scene or during the course of a criminal investigation to the Bureau for the purpose of tracing, or to a State agency that reports such firearms to the Bureau for the purpose of tracing."

#### SEC. 4. REPORTING OF FIREARM TRACING BY APPLICANTS FOR COMMUNITY ORIENTED POLICING SERVICES GRANTS.

Section 1702(c) of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796dd-1(c)) is amended—

(1) in paragraph (10), by striking "and" at the end;

(2) in paragraph (11), by striking the period at the end and inserting "; and"; and

(3) by adding at the end the following:

"(12) specify—

"(A) whether the applicant recovered any firearms at a crime scene or during the course of a criminal investigation during the 12 months before the submission of the application;

"(B) the number of firearms described in subparagraph (A);

"(C) the number of firearms described in subparagraph (A) that were reported to the Bureau for tracing, or to a State agency that reports such firearms to the Bureau for tracing; and

"(D) the reason why any firearms described under subparagraph (A) were not reported to the Bureau for tracing, or to a State agency that reports such firearms to the Bureau for tracing."

By Mr. CASSIDY (for himself, Mr. MCCONNELL, Mr. CORNYN, Ms. COLLINS, Mr. INHOFE, Mr. COATS, Mr. ROUNDS, Mr. VITTER, Mrs. CAPITO, and Mr. WICKER):

S. 1531. A bill to reform the provision of health insurance coverage by promoting health savings accounts, State-

based alternatives to coverage under the Affordable Care Act, and price transparency, in order to promote a more market-based health care system, and for other purposes; to the Committee on Finance.

Mr. CASSIDY. Mr. President, the Supreme Court is about to rule on *King v. Burwell*. This decision is a question of a plain reading of the law, which is that subsidies shall only be given to those who reside in States which have established State exchanges. That is the plain reading of the law. The administration maintains that, no, "States" doesn't mean "States," but, rather, it can be an exchange set up either by the State or the Federal Government.

Presuming the Supreme Court decides that a plain reading of the law is correct—that for a resident of a State to receive a subsidy, they have to reside in a State that has established an exchange—there are 37 States in which those currently receiving subsidies will lose their subsidies. This is important because under ObamaCare we have seen a dramatic increase in the cost of health insurance premiums. So many people who formerly would have been able to afford an insurance premium no longer can without the subsidy. What this means for that person in a State such as Louisiana is there will be someone in the middle of chemotherapy who can no longer afford their insurance without a subsidy. The insurance has been made so high because of ObamaCare that that patient is no longer able to afford her insurance and she is at risk of losing her coverage because the administration illegally implemented the law.

This is where we are going into the Supreme Court decision. Let me kind of now start on a different tack.

The President's health care law, ObamaCare, the Affordable Care Act, has continued to be singularly unpopular. A recent ABC poll showed that only 39 percent of Americans approved of the law. That is an alltime low—10 percent lower than it has been.

One can ask why it would be unpopular and why it would be particularly unpopular now. I think the reason it is unpopular in general is that ObamaCare is a coercive Federal Government program, that if you don't bend your will to the Federal Government, the Federal Government will penalize you. That is not how Americans view their relationship to the Federal Government. We don't expect the government to tell us what to do. There might be income taxes, which we pay, and there will be drafts in times of war, such as World War II, but in general, aside from those two things, the Federal Government should just stay out of our lives. In this case—ObamaCare—the Federal Government gets right in the middle of that which is most personal, and that is our health care.

I think the reason ObamaCare is particularly unpopular now is because of the premium increases that have resulted because of ObamaCare. Here are

some headlines: CNN, “Obamacare sticker shock: Big rate hikes proposed for 2016”; AP, “Many health insurers go big with initial 2016 rate requests”; AP again, “8 Minnesota Health Plans Propose Big Premium Hikes for 2016”; the New York Times, “In Vermont, Frustrations Mount Over Affordable Care Act”; and the Washington Post, “Almost half of Obamacare exchanges face financial struggles in the future.”

In my own State, insurers are asking for 20 percent increases, and this is on top of premium increases that have resulted from the previous few years.

Indeed, the President likes to speak about how health care costs under ObamaCare have mitigated—health care costs. Actually, that began in 2007 before ObamaCare passed. But since ObamaCare passed, it has been true. Health care costs have not risen as they did in the past. Health insurance costs have gone up dramatically. The remarkable story of ObamaCare is that there is now no relationship between health insurance cost and health care cost. The insurance companies, with the regulations imposed by ObamaCare, are charging far more for insurance than one would expect because of the health care costs. Of course, the President chooses to speak of the cost of care, not the cost of premiums, but for the average person, it is the cost of premiums which is making her so frustrated with this law.

That brings us back to King v. Burwell. At this point, I am offering today, along with several original cosponsors, what we call the Patient Freedom Act. We give patients the power which ObamaCare took from them, and we give them the power by lowering the cost. We lower the cost by eliminating the mandates that are part of ObamaCare. We return power over insurance to the States, with the rationale that she who governs best governs closest to those who are governed. The insurance commissioner in that State should be able to decide what the person in their State wishes to have for their policy, not a Washington bureaucrat. And we give patients knowledge. We give them price transparency. They should know the cost of something that is ordered for them before they have the procedure performed as opposed to learning afterward. We give them portability, and we give them protection against preexisting conditions.

I and others—I think the Presiding Officer as well—have campaigned for several cycles that we were going to repeal and replace ObamaCare. In this situation, the Supreme Court will repeal a portion of ObamaCare—not all but a portion—in 37 States, and this is the plan that will replace that portion of ObamaCare which is repealed.

We like to look at it this way. We begin to plant the seeds. Now, in those 37 States, those 8 million people affected by the Obama administration’s illegal implementation of the subsidy law—we make it better for them. We

plant the seeds so that over time other aspects and eventually the entirety of ObamaCare will be replaced with something which gives the patient the power as opposed to a Washington bureaucrat.

Let me lay out what we do. King v. Burwell goes against the administration. The Supreme Court rules that the law has been implemented illegally. States will then have a choice: They can either establish a State exchange if they wish for the status quo of ObamaCare, the State can do nothing, which means in that State all of ObamaCare goes away for the private insurance market, or they can choose the Patient Freedom Act, which is the market-based reform that we think gives the patient the power and not the bureaucrat.

Now let me compare the two. I mentioned how under the Patient Freedom Act costs are lowered by repealing mandates. For example, under ObamaCare there is an individual mandate with a coercive penalty. The Patient Freedom Act does not have one. There is an employer mandate penalty. Yes, under ObamaCare the employer is penalized; under the Patient Freedom Act, no. There is the Federal essential health benefits mandate. Under ObamaCare, a Washington bureaucrat tells somebody that which they must purchase. In the Patient Freedom Act, we return that to the State insurance commissioner. We do not have these mandates. I can go on down the list, but the reality is that ObamaCare, coercive mandates; the Patient Freedom Act, no.

The money we make available to the States we take from the tax credits that ObamaCare would give to those in the State—those who are eligible and signed up—we take the Medicaid funding that would be available in the State for Medicaid expansion, and we combine those two for the total allocation that will go to that State.

Now, some would say: Wait a second. The Federal Government should not be in the business of helping people with health insurance. I say the Federal Government is deeply in that business already. If you look under public insurance, there is Medicare, Medicaid, CHIP, VA, TRICARE, and on and on where the Federal Government is providing health care benefits for a substantial portion—over 25 percent—of Americans. These are those Americans who get their insurance through the employer-sponsored insurance, where the employer and the employee can contribute to their insurance but they get a tax break on the purchase. That tax break averages about \$1,700. We are speaking about that remaining group who purchases their insurance for themselves. We lower their cost by equalizing the tax treatment between the two. It is the same sort of tax break that those with the employer-sponsored insurance receive. We will now offer that same tax break to these folks and in so doing achieve that con-

servative goal of equalizing the tax treatment of those purchasing employer-sponsored insurance as opposed to purchasing on their own.

The funding goes to the patient. I am a doctor. I have been working in a public hospital system for 25 years. I learned working as a physician in both the private setting but also principally in the public hospital setting that whoever controls the dollar has the power. That makes no sense whatsoever. It is one of the major flaws in ObamaCare. Since these subsidies are based upon estimated earnings that are later reconciled through tax returns, Americans are facing onerous tax liabilities and penalties as a consequence.

Let me explain further how this wage-lock occurs, because increasingly Americans are going to be running into this problem. Let me give you an example. Last year, the least expensive premium for a silver plan to cover a 50-year-old individual in Aroostook County, ME, cost \$6,300 through an Affordable Care Act exchange. But that, obviously, is not what most individuals pay. Instead, they receive a subsidy that phases out based on their estimated income. But again, the subsidy completely disappears at a sharp cliff at 400 percent of the Federal poverty level.

An individual whose estimated income is just less than this cliff, say, one that is earning \$46,500, will pay 9.5 percent of his or her income, or \$4,370, for insurance and the rest is covered by the Federal tax credits. But if it turns out that this individual actually made a bit more than 400 percent of the Federal poverty level—let’s say the individual made \$47,000—then, he or she would be on the hook for the entire \$6,300 premium. In other words, a 50-year-old who makes just \$500 more than he or she estimated will have to pay \$2,000 more at tax time for health insurance in the exchange.

Think about what this means for a self-employed individual whose income fluctuates not only from year to year but from month to month. This is a financial nightmare to try to figure out.

This cliff does not just affect individuals who get their coverage through the ACA. Cliffs appear over and over in the design of the subsidies under ObamaCare, and couples and families will face them at different levels of income as their household size changes. What will these bait-and-switch health insurance premiums do to incentives to work harder, to earn more, to accept promotions? If you accept a promotion at work and then your income goes over that magic 400 percent of poverty threshold, you are going to lose your entire subsidy. You might well decide to turn down that raise at work or that opportunity to be promoted to a better job. What kind of system has been designed to discourage people from moving ahead in the workplace?

In the State of Maine, so far we have learned that at least 1,000 Maine families have lost their subsidies completely because they were in that situation where their income went over that threshold. Another 1,000 Mainers are finding out that they are losing part of their subsidy and are going to be on the hook for paying more money.

I will say to my colleagues that you are going to start hearing this in your States, and it particularly is going to affect people who are self-employed and who have to estimate what their income is going to be. Through no fault of their own—unless they are going to turn down work—they may well go over the threshold amount and lose their subsidy altogether. Remember, it takes just \$1 in additional earnings at the 400 percent of poverty level to lose your subsidy altogether.

Let me give you an example of a Maine couple who contacted my office. They discovered to their horror that when they filed their taxes, they had earned more than the threshold and they owed \$13,000 to the IRS for the health insurance they received through the ObamaCare exchange, on top of the \$4,000 that they had been told their exchange coverage would cost.

Imagine finding out that because you worked a little harder, because you earned a bit more money, you now unexpectedly owe an extra \$13,000 to the IRS because you lost your subsidy. The Patient Freedom Act would put an end to the bait-and-switch premiums that are built into the ObamaCare exchanges.

One of the reasons I opposed the Affordable Care Act was that there was nothing affordable about it. I predicted at the time that it would lead to fewer choices and higher insurance costs for many middle-income Americans and small businesses.

A ruling in favor of the plaintiffs in *King v. Burwell* would prompt Congress to protect those who would lose their subsidies, but it would also provide the opportunity to give States the option to replace the Affordable Care Act's poorly crafted mandates with patient-directed reforms that contain costs, provide more choices, and still provide assistance to those who need it most.

The Patient Freedom Act does exactly that. I urge my colleagues to support it.

Now, if it is a bureaucrat who controls that dollar, then the bureaucrat will dictate the type of facility the patient is seen in. If the patient controls the dollar, the hospitals are going to compete for her business, and she dictates the type of facility in which she is seen. So in the Patient Freedom Act, the money goes directly to the patient. It can go through the State. The money can be granted to the State on a per-patient enrolled grant type; and in so doing, the State would then distribute—and there are advantages for the State to do the distribution—or, if the State does not want that responsibility, it can be a Federal tax credit

that goes into a health savings account that the patient controls. But either way, the patient controls the dollar. The patient has the power, not a bureaucrat.

Here is a brief example of how it will work: Here is the health savings deposit that goes into a health savings account. There will be some reforms in the bill that allow the patient to either use it as her contribution—as the employee's contribution on a employer-sponsored plan. She can directly contract with a provider network. She can purchase commercial insurance or, if she does nothing, the State has the option of creating a system, where someone is enrolled unless they choose not to be.

Again, I am going to call upon my experience as a physician. Think of a person who might be schizophrenic, homeless, living beneath a bridge. He is never going to do what ObamaCare mandates, which is to get on the Internet and fill out a 16-page form. It is just not going to happen. I have been there, I have done that. I have been in the ER in the middle of the night when a patient has come in with some acute medical or trauma condition. Under this system, though, the State could have this person enrolled unless they choose not to be.

So with the health savings account, they would have first-dollar coverage for a visit should they decide to go into an outpatient clinic for a foot that was infected. If they have some major issue and they are brought to the hospital, the catastrophic policy would then give them the coverage for that hospitalization but also protect the hospital, the doctors, and other providers from taking a total loss—which, by the way, society ends up paying for—because they have no coverage for that hospitalization. So with this system, we can achieve higher enrollments than are achieved under ObamaCare.

Last, let me talk about one more way in which we think patients will have the power. One, they will have power portability. Every year, in an open enrollment season, if the patient wishes to change plans, she may, without penalty. Secondly, she will be protected against preexisting conditions. The only rating that will be required for premiums will be for geography and age. A 57-year-old will get a bigger credit than a 20-year-old. But aside from age and, again, geographic—because it is more expensive to receive care in Manhattan, NY, than Manhattan, KS—that will be the only differences allowed. Lastly, there will be the power of price transparency.

Currently, a woman goes in with her daughter, the doctor orders a CT scan, and the patient has no clue what the cost of that CT scan is. Now, it can be anywhere from \$250 to \$2,500 or more. I pick those numbers because the *LA Times* had an article a couple years ago, they found that the difference in cash price for CT scans was \$250 to \$2,500. The only way someone could

know is if they were an investigative reporter and able to find out, not if you are a mom with a sick child who needed a CT scan. For me, it is going to be great when the mother can take her smart phone, scan a QR code, and pull up something which says: CT scan \$250 here, \$2,500 there. I am going to make my decision based on some combination of cost, quality, and convenience. I will pick based upon my values on where to go. It is not a Washington bureaucrat, it is a mother who is going to make that decision.

Again, continuous coverage protects those with preexisting conditions, and we mentioned the price transparency. In this way, Republicans will give States the option to choose. Again, they can stay in ObamaCare if they want. They have that option now. They can do nothing, and it goes away if the Supreme Court rules that the subsidies have been implemented illegally or they can go with the Patient Freedom Act—the Patient Freedom Act—which gives patients the power by lowering costs, lowering the cost by eliminating mandates, returning power over insurance back to the commissioners who govern closest to those who actually will be using the insurance, and then giving the patient the power of portability, protection against preexisting conditions, and the power of price transparency.

Ms. COLLINS. Mr. President, let me begin my remarks this evening by commending my friend and colleague the Senator from Louisiana for coming up with a creative and comprehensive health care bill that I am pleased to cosponsor.

As a physician, Senator CASSIDY knows far better than most of us in this body what it is like to deliver health care and has made a real effort to come up with a public policy response in anticipation of the Supreme Court's decision in *King v. Burwell*, which is expected to be handed down later this month. So I thank him for his work and his creativity in tackling a very complex issue.

As I mentioned, later this month, the Court is expected to rule in *King v. Burwell*, a case challenging the availability of premium tax credits under the Affordable Care Act in the 37 States that have not established a State-run health insurance exchange.

If the Supreme Court rules in favor of the plaintiffs, as many experts expect it will, 6.4 million Americans who are now receiving premium tax credits through the federally run exchanges will lose their subsidies, and, as a result, their health insurance may well become unaffordable. This includes almost 61,000 people in my State of Maine.

Such a decision will place responsibility on Congress and the President to work together to protect those individuals. Senator CASSIDY and I believe we can do this by extending the current subsidies for a transition period, as contemplated by the sense-of-Congress

language included in the Patient Freedom Act that we are introducing today.

But the Supreme Court's decision will also invite us to think anew about how to ensure that all Americans have access to affordable, high-quality health care. We can advance this goal by revamping and reforming the Affordable Care Act to improve the quality and affordability of health care while retaining the insurance market reforms that are so important to consumers.

Senator CASSIDY's Patient Freedom Act is precisely the type of new thinking we need. As the title of this bill suggests, the Patient Freedom Act is built on the premise that freeing people to take charge of their health care is superior to the one-size-fits-all approach of ObamaCare. A decision for the plaintiffs in *King v. Burwell* would essentially leave States with two options, absent congressional action. They could either set up a State-run exchange to ensure that their residents have access to the Affordable Care Act subsidies or do nothing and allow their residents to lose these ObamaCare subsidies. Under Senator CASSIDY's bill, however, States with federally run exchanges would have a third option. They would have the choice of participating in the new Patient Freedom Act.

Participating in the Patient Freedom Act would allow States to structure their health insurance market without an individual mandate or an employer mandate or many of the other expensive mandates under ObamaCare. In return, States would have to offer their citizens a basic health insurance plan that would include first-dollar coverage through a health savings account, basic prescription drug coverage, a high-deductible health plan to protect enrollees against medical bankruptcy, coverage for preexisting conditions—a good provision of the current law that we would retain—coverage through a parent's plan for children up to age 26—another good provision of the law that we would retain—and there could be no annual or lifetime limits on insurance claims, again a good provision of the current law that we would retain.

Here is how it would work: The Federal Government would provide funding directly into the health savings accounts of individuals insured through the Patient Freedom Act. These funds would be phased out for higher income individuals. The aggregate funding for these per-patient, per-capita grants would be determined based on the total amount of funding that the Federal Government would have provided in the form of ObamaCare subsidies in each State, plus any funding each State would have received had they chosen to expand their Medicaid Program, even if, like the State of Maine, they had chosen not to do so.

In addition to Federal funds, individuals and employers could make tax-ad-

vantaged contributions to these health savings accounts. The bill even provides for a partial tax credit for very low-income individuals who do receive employer-based coverage, but it would help these workers pay for their deductibles and copays.

Individuals who are insured under the Patient Freedom Act would receive debit cards tied to their health savings accounts, which they could use to purchase a high-deductible health plan to pay directly for medical expenses or pay premiums for a more generous health insurance policy. In addition, health care providers receiving payment from the health savings accounts would be required to publish cash prices for their services, which would add transparency that we desperately need to move toward a more patient-directed health care future.

The promise of patient-directed health care is one of the advantages of this approach, but it has other advantages as well. For example, residents of States that elect this option would no longer face the individual mandate penalty that can cost individuals 2.5 percent of their income and the typical American family of four an estimated \$2,100 next year. It would also codify the elimination of the employer mandate in these States, freeing these employers to add jobs and let their full-time employees work 40 hours a week. ObamaCare has been causing some employers to reduce hours for their employees. The result has been smaller paychecks for those workers.

Perhaps most important, however, the Patient Freedom Act would do away with what the superintendent of insurance in Maine refers to as "wage lock." That is caused by the fact that the subsidies in the ObamaCare exchanges phase out completely at 400 percent of the Federal poverty level. In other words, there is a cliff there. Now, 400 percent of the poverty level is about \$47,000 for an individual and \$64,000 for a couple. Taxpayers who earn just \$1 more than the threshold lose their entire subsidy.

By Mr. CORNYN:

S. 1534. A bill to require the Secretary of Veterans Affairs to ensure that the medical center of the Department of Veterans Affairs located in Harlingen, Texas, includes a full-service inpatient health care facility, to redesignate such medical center, and for other purposes; to the Committee on Veterans' Affairs.

Mr. CORNYN. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 1534

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

#### SECTION 1. SHORT TITLE.

This Act may be cited as the "Treto Garza South Texas Veterans Inpatient Care Act of 2015".

#### SEC. 2. DESIGNATION OF MEDICAL CENTER OF DEPARTMENT OF VETERANS AFFAIRS IN HARLINGEN, TEXAS, AND INCLUSION OF INPATIENT HEALTH CARE FACILITY AT SUCH MEDICAL CENTER.

(a) FINDINGS.—Congress makes the following findings:

(1) The current and future health care needs of veterans residing in South Texas are not being fully met by the Department of Veterans Affairs.

(2) According to recent census data, more than 108,000 veterans reside in South Texas.

(3) Travel times for veterans from the Valley Coastal Bend area from their homes to the nearest hospital of the Department for acute inpatient health care can exceed six hours.

(4) Even with the significant travel times, veterans from South Texas demonstrate a high demand for health care services from the Department.

(5) Ongoing overseas deployments of members of the Armed Forces from Texas, including members of the Armed Forces on active duty, members of the Texas National Guard, and members of the other reserve components of the Armed Forces, will continue to increase demand for medical services provided by the Department in South Texas.

(6) The Department employs an annual Strategic Capital Investment Planning process to "enable the VA to continually adapt to changes in demographics, medical and information technology, and health care delivery", which results in the development of a multi-year investment plan that determines where gaps in services exist or are projected and develops an appropriate solution to meet those gaps.

(7) According to the Department, final approval of the Strategic Capital Investment Planning priority list serves as the "building block" of the annual budget request for the Department.

(8) Arturo "Treto" Garza, a veteran who served in the Marine Corps, rose to the rank of Sergeant, and served two tours in the Vietnam War, passed away on October 3, 2012.

(9) Treto Garza, who was also a former chairman of the Veterans Alliance of the Rio Grande Valley, tirelessly fought to improve health care services for veterans in the Rio Grande Valley, with his efforts successfully leading to the creation of the medical center of the Department located in Harlingen, Texas.

(b) REDESIGNATION OF MEDICAL CENTER IN HARLINGEN, TEXAS.—

(1) IN GENERAL.—The medical center of the Department of Veterans Affairs located in Harlingen, Texas, shall after the date of the enactment of this Act be known and designated as the "Treto Garza South Texas Department of Veterans Affairs Health Care Center".

(2) REFERENCES.—Any reference in any law, regulation, map, document, paper, or other record of the United States to the medical center of the Department referred to in paragraph (1) shall be deemed to be a reference to the Treto Garza South Texas Department of Veterans Affairs Health Care Center.

(c) REQUIREMENT OF FULL-SERVICE INPATIENT FACILITY.—

(1) IN GENERAL.—The Secretary of Veterans Affairs shall ensure that the Treto Garza South Texas Department of Veterans Affairs Health Care Center, as designated under subsection (b), includes a full-service inpatient health care facility of the Department and shall modify the existing facility as necessary to meet that requirement.

(2) PLAN TO EXPAND FACILITY CAPABILITIES.—The Secretary shall include in the annual Strategic Capital Investment Plan of

the Department for fiscal year 2016 a project to expand the capabilities of the Treto Garza South Texas Department of Veterans Affairs Health Care Center, as so designated, by adding the following:

(A) Inpatient capability for 50 beds with appropriate administrative, clinical, diagnostic, and ancillary services needed for support.

(B) An urgent care center.

(C) The capability to provide a full range of services to meet the health care needs of women veterans.

(d) REPORT TO CONGRESS.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall submit to the Committee on Veterans' Affairs of the Senate and the Committee on Veterans' Affairs of the House of Representatives a report detailing a plan to implement the requirements in subsection (c), including an estimate of the cost of required actions and the time necessary for the completion of those actions.

(e) SOUTH TEXAS DEFINED.—In this section, the term "South Texas" means the following counties in Texas: Aransas, Bee, Brooks, Calhoun, Cameron, DeWitt, Dimmit, Duval, Goliad, Hidalgo, Jackson, Jim Hogg, Jim Wells, Kenedy, Kleberg, Nueces, Refugio, San Patricio, Starr, Victoria, Webb, Willacy, Zapata.

#### SUBMITTED RESOLUTIONS

#### SENATE RESOLUTION 195—DESIGNATING THE ULYSSES S. GRANT ASSOCIATION AS THE ORGANIZATION TO IMPLEMENT THE BICENTENNIAL CELEBRATION OF THE BIRTH OF ULYSSES S. GRANT, CIVIL WAR GENERAL AND 2-TERM PRESIDENT OF THE UNITED STATES

Mr. BLUNT (for himself, Mrs. MCCASKILL, Mr. COCHRAN, Mr. WICKER, Mr. BROWN, Mr. PORTMAN, Mr. DURBIN, Mr. KIRK, Mr. SCHUMER, and Mrs. GILLIBRAND) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 195

Whereas Ulysses S. Grant was born in southern Ohio on April 27, 1822, to Jesse Grant and Hannah Simpson Grant;

Whereas the first line of the memoirs of Ulysses S. Grant proudly states: "My Family is American, and has been for generations, in all its branches, direct and collateral.";

Whereas Ulysses S. Grant attended school in Georgetown, Ohio, graduated from the United States Military Academy in 1843, and entered the United States Army;

Whereas Ulysses S. Grant served in a variety of military posts from the Atlantic Coast to the Pacific Coast, including posts in New York, Michigan, and California, and a post at the famous Jefferson Barracks in Missouri;

Whereas Ulysses S. Grant distinguished himself in combat during the Mexican-American War and worked tirelessly to succeed in civilian life;

Whereas, as a civilian farmer in Missouri, Ulysses S. Grant—

(1) met and married his wife, Julia Dent, for whom Ulysses S. Grant built a home named Hardscrabble;

(2) worked alongside slaves and emancipated the only slave that Ulysses S. Grant owned; and

(3) continued to own land while Ulysses S. Grant was President;

Whereas when the Civil War erupted, Ulysses S. Grant left Galena, Illinois to rejoin the United States Army, gained the colonelcy of the 21st Illinois Volunteer Regiment, and began his meteoric military rise;

Whereas during the Civil War, Ulysses S. Grant led troops in numerous victorious battles including—

(1) in Tennessee, at Forts Henry and Donelson and at Shiloh and Chattanooga; and

(2) in Mississippi, at Vicksburg;

Whereas President Abraham Lincoln chose Ulysses S. Grant to be Commanding General during the Civil War, and in that role Ulysses S. Grant revolutionized warfare in Virginia to preserve the Union;

Whereas in gratitude, the people of the United States twice elected Ulysses S. Grant President of the United States;

Whereas during his Presidency from 1869 to 1877, Ulysses S. Grant worked valiantly to help former slaves become full citizens and became the first modern President of the United States;

Whereas after leaving the Presidency, Ulysses S. Grant became the first President of the United States to tour the world;

Whereas Ulysses S. Grant established a foreign policy that the United States followed into the 20th century and beyond;

Whereas Ulysses S. Grant authored his memoirs, the most significant piece of 19th-century nonfiction, while courageously battling cancer, which eventually took his voice and his life but did not silence the noble words that he left as a legacy;

Whereas the Ulysses S. Grant Association was founded during the Centennial of the Civil War in 1962 by the leading historians of that era and the Civil War Centennial Commissions of New York, Illinois, and Ohio, 3 States where Ulysses S. Grant lived;

Whereas, in the years since it was founded in 1962, the Ulysses S. Grant Association—

(1) has produced 32 volumes of "The Papers of Ulysses S. Grant", the major source for the study of the life of Ulysses S. Grant and the 19th century in which he lived; and

(2) has worked toward the publication of the first scholarly edition of the memoirs of Ulysses S. Grant, which as of May 2015, is nearing completion;

Whereas the Ulysses S. Grant Association was first headquartered at the Ohio Historical Society located on the campus of Ohio State University, later moved to Southern Illinois University, and relocated in 2008 to Mississippi State University; and

Whereas in 2012, the Ulysses S. Grant Association established the Ulysses S. Grant Presidential Library, the world center for Ulysses S. Grant scholars and tourists: Now, therefore, be it

*Resolved*, That the Senate—

(1) proclaims 2022 as the Bicentennial year for the celebration of the birth of Ulysses S. Grant, military leader and President;

(2) designates the Ulysses S. Grant Association, housed at the Ulysses S. Grant Presidential Library on the grounds of Mississippi State University, as the designated institution for organizing and leading the celebration of the bicentennial; and

(3) encourages the people of the United States to join in that bicentennial celebration to honor Ulysses S. Grant, 1 of the major historical figures of the United States.

#### SENATE RESOLUTION 196—DESIGNATING JULY 10, 2015, AS COLLECTOR CAR APPRECIATION DAY AND RECOGNIZING THAT THE COLLECTION AND RESTORATION OF HISTORIC AND CLASSIC CARS IS AN IMPORTANT PART OF PRESERVING THE TECHNOLOGICAL ACHIEVEMENTS AND CULTURAL HERITAGE OF THE UNITED STATES

Mr. BURR (for himself and Mr. TESTER) submitted the following resolution; which was considered and agreed to:

S. RES. 196

Whereas many people in the United States maintain classic automobiles as a pastime and do so with great passion and as a means of individual expression;

Whereas the Senate recognizes the effect that the more than 100-year history of the automobile has had on the economic progress of the United States and supports wholeheartedly all activities involved in the restoration and exhibition of classic automobiles;

Whereas the collection, restoration, and preservation of automobiles is an activity shared across generations and across all segments of society;

Whereas thousands of local car clubs and related businesses have been instrumental in preserving a historic part of the heritage of the United States by encouraging the restoration and exhibition of such vintage works of art;

Whereas automotive restoration provides well-paying, high-skilled jobs for people in all 50 States; and

Whereas automobiles have provided the inspiration for music, photography, cinema, fashion, and other artistic pursuits that have become part of the popular culture of the United States: Now, therefore, be it

*Resolved*, That the Senate—

(1) designates July 10, 2015, as "Collector Car Appreciation Day";

(2) recognizes that the collection and restoration of historic and classic cars is an important part of preserving the technological achievements and cultural heritage of the United States; and

(3) encourages the people of the United States to engage in events and commemorations of Collector Car Appreciation Day that create opportunities for collector car owners to educate young people about the importance of preserving the cultural heritage of the United States, including through the collection and restoration of collector cars.

#### SENATE RESOLUTION 197—RECOGNIZING THE NEED TO IMPROVE PHYSICAL ACCESS TO MANY FEDERALLY FUNDED FACILITIES FOR ALL PEOPLE OF THE UNITED STATES, PARTICULARLY PEOPLE WITH DISABILITIES

Mr. BLUMENTHAL (for himself, Ms. AYOTTE, Mr. MURPHY, Mr. MENENDEZ, Mr. BROWN, and Mr. SCHATZ) submitted the following resolution; which was considered and agreed to:

S. RES. 197

Whereas, in 2012, nearly 20 percent of the civilian population in the United States reported having a disability;

Whereas, in 2012, 16 percent of veterans, amounting to more than 3,500,000 people, received service-related disability benefits;



Whereas, in 2011, the percentage of working-age people in the United States who reported having a work limitation due to a disability was 7 percent, which is a 20-year high;

Whereas the Act entitled “An Act to insure that certain buildings financed with Federal funds are so designed and constructed as to be accessible to the physically handicapped”, approved August 12, 1968 (42 U.S.C. 4151 et seq.) (referred to in this preamble as the “Architectural Barriers Act of 1968”), was enacted to ensure that certain federally funded facilities are designed and constructed to be accessible to people with disabilities and requires that physically handicapped people have ready access to, and use of, post offices and other Federal facilities;

Whereas automatic doors, though not mandated by either the Architectural Barriers Act of 1968 or the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.), provide a greater degree of self-sufficiency and dignity for people with disabilities and the elderly, who may have limited strength to open a manually operated door;

Whereas a report commissioned by the Architectural and Transportation Barriers Compliance Board (referred to in this preamble as the “Access Board”), an independent Federal agency created to ensure access to federally funded facilities for people with disabilities, recommends that all new buildings for use by the public should have at least one automated door at an accessible entrance, except for small buildings where adding such doors may be a financial hardship for the owners of the buildings;

Whereas States and municipalities have begun to recognize the importance of automatic doors in improving accessibility;

Whereas the laws of the State of Connecticut require automatic doors in certain shopping malls and retail businesses, the laws of the State of Delaware require automatic doors or calling devices for newly constructed places of accommodation, and the laws of the District of Columbia have a similar requirement;

Whereas the Facilities Standards for the Public Buildings Service, published by the General Services Administration, requires automation of at least one exterior door for all newly constructed or renovated facilities managed by the General Services Administration, including post offices;

Whereas from 2006 to 2011, 71 percent of the complaints received by the Access Board regarding the Architectural Barriers Act of 1968 concerned a post office or other facility of the United States Postal Service;

Whereas the United States Postal Service employs approximately 522,000 people, making it the second-largest civilian employer in the United States;

Whereas approximately 3,200,000 people visit 1 of the 31,857 post offices in the United States each day; and

Whereas the United States was founded on principles of equality and freedom, and these principles require that all people, including people with disabilities, are able to engage as equal members of society: Now, therefore, be it

*Resolved*, That the Senate—

(1) recognizes the immense hardships that people with disabilities in the United States must overcome every day;

(2) reaffirms its support of the Act entitled “An Act to insure that certain buildings financed with Federal funds are so designed and constructed as to be accessible to the physically handicapped”, approved August 12, 1968 (42 U.S.C. 4151 et seq.), commonly known as the “Architectural Barriers Act of 1968”, and the Americans with Disabilities

Act of 1990 (42 U.S.C. 12101 et seq.), and encourages full compliance with such Acts;

(3) recommends that the United States Postal Service and Federal agencies install power-assisted doors at post offices and other federally funded facilities, respectively, to ensure equal access for all people of the United States; and

(4) pledges to continue to work to identify and remove the barriers that prevent all people of the United States from having equal access to the services provided by the Federal Government.

#### AMENDMENTS SUBMITTED AND PROPOSED

SA 1870. Mr. MURPHY (for himself, Mr. SCHATZ, Mr. UDALL, Mr. BLUMENTHAL, and Mr. TESTER) submitted an amendment intended to be proposed to amendment SA 1463 proposed by Mr. MCCAIN to the bill H.R. 1735, to authorize appropriations for fiscal year 2016 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 1871. Mr. WYDEN submitted an amendment intended to be proposed to amendment SA 1463 proposed by Mr. MCCAIN to the bill H.R. 1735, supra; which was ordered to lie on the table.

SA 1872. Ms. STABENOW (for herself, Mr. PETERS, and Mr. KING) submitted an amendment intended to be proposed to amendment SA 1463 proposed by Mr. MCCAIN to the bill H.R. 1735, supra; which was ordered to lie on the table.

SA 1873. Ms. HIRONO (for herself and Mr. WYDEN) submitted an amendment intended to be proposed to amendment SA 1463 proposed by Mr. MCCAIN to the bill H.R. 1735, supra; which was ordered to lie on the table.

SA 1874. Mr. BLUNT submitted an amendment intended to be proposed to amendment SA 1463 proposed by Mr. MCCAIN to the bill H.R. 1735, supra; which was ordered to lie on the table.

SA 1875. Mr. PAUL submitted an amendment intended to be proposed to amendment SA 1463 proposed by Mr. MCCAIN to the bill H.R. 1735, supra; which was ordered to lie on the table.

SA 1876. Mr. MORAN submitted an amendment intended to be proposed to amendment SA 1463 proposed by Mr. MCCAIN to the bill H.R. 1735, supra; which was ordered to lie on the table.

SA 1877. Mr. COATS submitted an amendment intended to be proposed to amendment SA 1463 proposed by Mr. MCCAIN to the bill H.R. 1735, supra; which was ordered to lie on the table.

SA 1878. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 1463 proposed by Mr. MCCAIN to the bill H.R. 1735, supra; which was ordered to lie on the table.

SA 1879. Mr. ALEXANDER submitted an amendment intended to be proposed to amendment SA 1463 proposed by Mr. MCCAIN to the bill H.R. 1735, supra; which was ordered to lie on the table.

SA 1880. Mrs. FEINSTEIN (for herself and Mr. BURR) submitted an amendment intended to be proposed to amendment SA 1463 proposed by Mr. MCCAIN to the bill H.R. 1735, supra; which was ordered to lie on the table.

SA 1881. Mrs. FEINSTEIN (for herself and Mr. BURR) submitted an amendment intended to be proposed to amendment SA 1463 proposed by Mr. MCCAIN to the bill H.R. 1735, supra; which was ordered to lie on the table.

SA 1882. Mr. UDALL submitted an amendment intended to be proposed to amendment

SA 1463 proposed by Mr. MCCAIN to the bill H.R. 1735, supra; which was ordered to lie on the table.

SA 1883. Mr. KAINE (for himself and Mr. FLAKE) submitted an amendment intended to be proposed to amendment SA 1463 proposed by Mr. MCCAIN to the bill H.R. 1735, supra; which was ordered to lie on the table.

SA 1884. Mr. SCHATZ submitted an amendment intended to be proposed to amendment SA 1463 proposed by Mr. MCCAIN to the bill H.R. 1735, supra; which was ordered to lie on the table.

SA 1885. Mr. PETERS (for himself, Ms. HIRONO, and Mr. WYDEN) submitted an amendment intended to be proposed to amendment SA 1463 proposed by Mr. MCCAIN to the bill H.R. 1735, supra; which was ordered to lie on the table.

SA 1886. Ms. MIKULSKI submitted an amendment intended to be proposed to amendment SA 1463 proposed by Mr. MCCAIN to the bill H.R. 1735, supra; which was ordered to lie on the table.

SA 1887. Ms. MIKULSKI submitted an amendment intended to be proposed to amendment SA 1463 proposed by Mr. MCCAIN to the bill H.R. 1735, supra; which was ordered to lie on the table.

SA 1888. Mrs. McCASKILL submitted an amendment intended to be proposed to amendment SA 1463 proposed by Mr. MCCAIN to the bill H.R. 1735, supra; which was ordered to lie on the table.

SA 1889. Mr. MCCAIN (for himself, Mrs. FEINSTEIN, Mr. REED, and Ms. COLLINS) submitted an amendment intended to be proposed to amendment SA 1463 proposed by Mr. MCCAIN to the bill H.R. 1735, supra.

SA 1890. Mr. DAINES submitted an amendment intended to be proposed to amendment SA 1463 proposed by Mr. MCCAIN to the bill H.R. 1735, supra; which was ordered to lie on the table.

SA 1891. Mr. SESSIONS submitted an amendment intended to be proposed to amendment SA 1463 proposed by Mr. MCCAIN to the bill H.R. 1735, supra; which was ordered to lie on the table.

SA 1892. Mr. DAINES (for himself and Mrs. GILLIBRAND) submitted an amendment intended to be proposed to amendment SA 1463 proposed by Mr. MCCAIN to the bill H.R. 1735, supra; which was ordered to lie on the table.

SA 1893. Mr. FLAKE (for himself, Mr. JOHNSON, Mr. MCCAIN, and Mr. SCHUMER) submitted an amendment intended to be proposed to amendment SA 1463 proposed by Mr. MCCAIN to the bill H.R. 1735, supra; which was ordered to lie on the table.

SA 1894. Mr. HELLER submitted an amendment intended to be proposed to amendment SA 1463 proposed by Mr. MCCAIN to the bill H.R. 1735, supra; which was ordered to lie on the table.

SA 1895. Mr. HELLER submitted an amendment intended to be proposed to amendment SA 1463 proposed by Mr. MCCAIN to the bill H.R. 1735, supra; which was ordered to lie on the table.

SA 1896. Mr. MENENDEZ submitted an amendment intended to be proposed to amendment SA 1463 proposed by Mr. MCCAIN to the bill H.R. 1735, supra; which was ordered to lie on the table.

SA 1897. Mrs. MURRAY submitted an amendment intended to be proposed to amendment SA 1463 proposed by Mr. MCCAIN to the bill H.R. 1735, supra; which was ordered to lie on the table.

SA 1898. Mrs. MURRAY submitted an amendment intended to be proposed to amendment SA 1463 proposed by Mr. MCCAIN to the bill H.R. 1735, supra; which was ordered to lie on the table.

SA 1899. Mr. REED submitted an amendment intended to be proposed to amendment SA 1463 proposed by Mr. MCCAIN to the bill

SA 1951. Mr. HEINRICH (for himself, Mr. ALEXANDER, Ms. BALDWIN, and Mr. WYDEN)

submitted an amendment intended to be proposed to amendment SA 1463 proposed by Mr. McCAIN to the bill H.R. 1735, supra; which was ordered to lie on the table.

SA 1952. Mr. BENNET submitted an amendment intended to be proposed to amendment SA 1463 proposed by Mr. McCAIN to the bill H.R. 1735, supra; which was ordered to lie on the table.

SA 1953. Mr. REED submitted an amendment intended to be proposed to amendment SA 1463 proposed by Mr. McCAIN to the bill H.R. 1735, supra; which was ordered to lie on the table.

SA 1954. Mrs. MURRAY submitted an amendment intended to be proposed to amendment SA 1463 proposed by Mr. McCAIN to the bill H.R. 1735, supra; which was ordered to lie on the table.

SA 1955. Mr. BROWN (for himself and Mr. BLUNT) submitted an amendment intended to be proposed to amendment SA 1463 proposed by Mr. McCAIN to the bill H.R. 1735, supra; which was ordered to lie on the table.

SA 1956. Mr. CARPER submitted an amendment intended to be proposed to amendment SA 1463 proposed by Mr. McCAIN to the bill H.R. 1735, supra; which was ordered to lie on the table.

SA 1957. Mr. CARPER submitted an amendment intended to be proposed to amendment SA 1463 proposed by Mr. McCAIN to the bill H.R. 1735, supra; which was ordered to lie on the table.

SA 1958. Mr. BOOKER submitted an amendment intended to be proposed to amendment SA 1463 proposed by Mr. McCAIN to the bill H.R. 1735, supra; which was ordered to lie on the table.

SA 1959. Mr. CORNYN submitted an amendment intended to be proposed to amendment SA 1463 proposed by Mr. McCAIN to the bill H.R. 1735, supra; which was ordered to lie on the table.

SA 1960. Ms. AYOTTE (for herself and Mrs. SHAHEEN) submitted an amendment intended to be proposed to amendment SA 1463 proposed by Mr. McCAIN to the bill H.R. 1735, supra; which was ordered to lie on the table.

SA 1961. Ms. AYOTTE (for herself and Mr. TILLIS) submitted an amendment intended to be proposed to amendment SA 1463 proposed by Mr. McCAIN to the bill H.R. 1735, supra; which was ordered to lie on the table.

SA 1962. Ms. AYOTTE (for herself and Mr. TILLIS) submitted an amendment intended to be proposed to amendment SA 1463 proposed by Mr. McCAIN to the bill H.R. 1735, supra; which was ordered to lie on the table.

SA 1963. Mr. FLAKE (for himself, Mr. McCAIN, and Mr. HEINRICH) submitted an amendment intended to be proposed to amendment SA 1463 proposed by Mr. McCAIN to the bill H.R. 1735, supra; which was ordered to lie on the table.

SA 1964. Mr. BROWN (for himself and Mr. TILLIS) submitted an amendment intended to be proposed to amendment SA 1463 proposed by Mr. McCAIN to the bill H.R. 1735, supra; which was ordered to lie on the table.

SA 1965. Mr. BROWN submitted an amendment intended to be proposed to amendment SA 1463 proposed by Mr. McCAIN to the bill H.R. 1735, supra; which was ordered to lie on the table.

SA 1966. Ms. STABENOW submitted an amendment intended to be proposed to amendment SA 1463 proposed by Mr. McCAIN to the bill H.R. 1735, supra; which was ordered to lie on the table.

SA 1967. Mr. CASEY (for himself and Ms. MURKOWSKI) submitted an amendment intended to be proposed to amendment SA 1463 proposed by Mr. McCAIN to the bill H.R. 1735, supra; which was ordered to lie on the table.

SA 1968. Mr. CORKER submitted an amendment intended to be proposed to amendment SA 1463 proposed by Mr. McCAIN to the bill

H.R. 1735, supra; which was ordered to lie on the table.

SA 1969. Mr. SESSIONS submitted an amendment intended to be proposed to amendment SA 1463 proposed by Mr. McCAIN to the bill H.R. 1735, supra; which was ordered to lie on the table.

SA 1970. Mr. SESSIONS submitted an amendment intended to be proposed to amendment SA 1463 proposed by Mr. McCAIN to the bill H.R. 1735, supra; which was ordered to lie on the table.

SA 1971. Mr. SESSIONS submitted an amendment intended to be proposed to amendment SA 1463 proposed by Mr. McCAIN to the bill H.R. 1735, supra; which was ordered to lie on the table.

SA 1972. Mr. SESSIONS (for Mr. VITTER) submitted an amendment intended to be proposed to amendment SA 1463 proposed by Mr. McCAIN to the bill H.R. 1735, supra; which was ordered to lie on the table.

SA 1973. Mr. SESSIONS (for Mr. VITTER) submitted an amendment intended to be proposed to amendment SA 1463 proposed by Mr. McCAIN to the bill H.R. 1735, supra; which was ordered to lie on the table.

#### TEXT OF AMENDMENTS

**SA 1870.** Mr. MURPHY (for himself, Mr. SCHATZ, Mr. UDALL, Mr. BLUMENTHAL, and Mr. TESTER) submitted an amendment intended to be proposed to amendment SA 1463 proposed by Mr. McCAIN to the bill H.R. 1735, to authorize appropriations for fiscal year 2016 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle G title XII, add the following:

#### **SEC. 1283. PROHIBITION ON DEPLOYMENT OF GROUND COMBAT TROOPS IN IRAQ AND SYRIA.**

No funds authorized to be appropriated by this Act may be used to support the deployment of the United States Armed Forces for the purpose of ground combat operations in Iraq or Syria, except as necessary—

(1) for the protection or rescue of members of the United States Armed Forces or United States citizens from imminent danger posed by ISIL; or

(2) to conduct missions not intended to result in ground combat operations by United States forces, such as—

- (A) intelligence collection and sharing;
- (B) enabling kinetic strikes;
- (C) operational planning; or
- (D) other forms of advice and assistance to forces fighting ISIL in Iraq or Syria.

**SA 1871.** Mr. WYDEN submitted an amendment intended to be proposed to amendment SA 1463 proposed by Mr. McCAIN to the bill H.R. 1735, to authorize appropriations for fiscal year 2016 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:

Beginning on page 818, strike “and the congressional defense committees” on line 25

and all that follows through page 819, line 3, and insert “, the congressional defense committees, the Committee on Energy and Natural Resources of the Senate, and the Committee on Energy and Commerce of the House of Representatives a report on the assistance provided by the owner’s agent to the Secretary under that subsection with respect to oversight of the contract described in subsection (b), and shall make that report available to the public.”.

**SA 1872.** Ms. STABENOW (for herself, Mr. PETERS, and Mr. KING) submitted an amendment intended to be proposed to amendment SA 1463 proposed by Mr. McCAIN to the bill H.R. 1735, to authorize appropriations for fiscal year 2016 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

#### **SEC. \_\_\_\_ . DOMESTIC REFUGEE RESETTLEMENT REFORM AND MODERNIZATION.**

(a) DEFINITIONS.—In this section:

(1) **COMMUNITY-BASED ORGANIZATION.**—The term “community-based organization” means a nonprofit organization providing a variety of social, health, educational and community services to a population that includes refugees resettled into the United States.

(2) **DIRECTOR.**—The term “Director” means the Director of the Office of Refugee Resettlement in the Department of Health and Human Services.

(3) **NATIONAL RESETTLEMENT AGENCIES.**—The term “national resettlement agencies” means voluntary agencies contracting with the Department of State to provide sponsorship and initial resettlement services to refugees entering the United States.

(b) **ASSESSMENT OF REFUGEE DOMESTIC RESETTLEMENT PROGRAMS.**—

(1) **IN GENERAL.**—As soon as practicable after the date of the enactment of this Act, the Comptroller General of the United States shall conduct a study regarding the effectiveness of the domestic refugee resettlement programs operated by the Office of Refugee Resettlement.

(2) **MATTERS TO BE STUDIED.**—In the study required under paragraph (1), the Comptroller General shall determine and analyze—

(A) how the Office of Refugee Resettlement defines self-sufficiency and integration and if these definitions adequately represent refugees’ needs in the United States;

(B) the effectiveness of Office of Refugee Resettlement programs in helping refugees to meet self-sufficiency and integration;

(C) technological solutions for consistently tracking secondary migration, including opportunities for interagency data sharing;

(D) the Office of Refugee Resettlement’s budgetary resources and project the amount of additional resources needed to fully address the unmet needs of refugees with regard to self-sufficiency and integration;

(E) the role of community-based organizations in serving refugees in areas experiencing a high number of new refugee arrivals;

(F) how community-based organizations can be better utilized and supported in the Federal domestic resettlement process;

(G) recertification processes for high-skilled refugees, specifically considering how to decrease barriers for Special Immigrant Visa holders to use their skills; and

(H) recommended statutory changes to improve the Office of Refugee Resettlement and the domestic refugee program in relation to the matters analyzed under subparagraphs (A) through (G).

(3) **REPORT.**—Not later than 2 years after the date of the enactment of this Act, the Comptroller General shall submit to Congress the results of the study required under this subsection.

(C) **REFUGEE ASSISTANCE.**—

(1) **ASSISTANCE MADE AVAILABLE TO SECONDARY MIGRANTS.**—Section 412(a)(1) of the Immigration and Nationality Act (8 U.S.C. 1522(a)(1)) is amended by adding at the end the following:

“(C) The Director shall ensure that assistance under this section is provided to refugees who are secondary migrants and meet all other eligibility requirements for such assistance.”.

(2) **REPORT ON SECONDARY MIGRATION.**—Section 412(a)(3) of such Act (8 U.S.C. 1522(a)(3)) is amended—

(A) by inserting “(A)” after “(3)”;

(B) by striking “periodic” and inserting “annual”; and

(C) by adding at the end the following:

“(B) At the end of each fiscal year, the Director shall submit a report to Congress that includes—

“(i) States experiencing departures and arrivals due to secondary migration;

“(ii) likely reasons for migration;

“(iii) the impact of secondary migration on States hosting secondary migrants;

“(iv) the availability of social services for secondary migrants in those States; and

“(v) unmet needs of those secondary migrants.”.

(3) **AMENDMENTS TO SOCIAL SERVICES FUNDING.**—Section 412(c)(1)(B) of such Act (8 U.S.C. 1522(c)(1)(B)) is amended—

(A) by inserting “a combination of—” after “based on”;

(B) by striking “the total number” and inserting the following:

“(i) the total number”; and

(C) by striking the period at the end and inserting the following:

“(ii) the total number of all other eligible populations served by the Office during the period described who are residing in the State as of the beginning of the fiscal year; and

“(iii) projections on the number and nature of incoming refugees and other populations served by the Office during the subsequent fiscal year.”.

(4) **NOTICE AND RULEMAKING.**—Not later than 90 days after the date of the enactment of this Act and not later than 30 days before the effective date set forth in paragraph (5), the Director shall—

(A) issue a proposed rule for a new formula by which grants and contracts are to be allocated pursuant to the amendments made by paragraph (3); and

(B) solicit public comment regarding such proposed rule.

(5) **EFFECTIVE DATE.**—The amendments made by this subsection shall become effective on the first day of the first fiscal year that begins after the date of the enactment of this Act.

(D) **RESETTLEMENT DATA.**—

(1) **IN GENERAL.**—The Director shall expand the Office of Refugee Resettlement's data analysis, collection, and sharing activities in accordance with the requirements set forth in paragraphs (2) through (5).

(2) **DATA ON MENTAL AND PHYSICAL MEDICAL CASES.**—The Director shall—

(A) coordinate with the Centers for Disease Control and Prevention, national resettlement agencies, community-based organizations, and State refugee health programs to track national and State trends on refugees

arriving with Class A medical conditions and other urgent medical needs;

(B) examine the information sharing process, from country of arrival through refugee resettlement, to determine if access to additional mental health data could—

(i) help determine placements; and

(ii) enable agencies to better prepare to meet refugee mental health needs; and

(C) in collecting information under this paragraph, utilize initial refugee health screening data, including—

(i) a history of severe trauma, torture, mental health symptoms, depression, anxiety, and posttraumatic stress disorder recorded during domestic and international health screenings; and

(ii) Refugee Medical Assistance utilization rate data.

(3) **DATA ON HOUSING NEEDS.**—The Director shall partner with State refugee programs, community-based organizations, and national resettlement agencies to collect data relating to the housing needs of refugees, including—

(A) the number of refugees who have become homeless; and

(B) the number of refugees who are at severe risk of becoming homeless.

(4) **DATA ON REFUGEE EMPLOYMENT AND SELF-SUFFICIENCY.**—The Director shall gather longitudinal information relating to refugee self-sufficiency, integration, and employment status during the 2-year period beginning 1 year after the date on which the refugees arrived in the United States.

(5) **AVAILABILITY OF DATA.**—The Director shall annually—

(A) update the data collected under this subsection; and

(B) submit a report to Congress that contains the updated data.

(E) **GUIDANCE REGARDING REFUGEE PLACEMENT DECISIONS.**—

(1) **CONSULTATION.**—The Secretary of State shall provide guidance to national resettlement agencies and State refugee coordinators on consultation with local stakeholders pertaining to refugee resettlement.

(2) **BEST PRACTICES.**—The Secretary of Health and Human Services, in collaboration with the Secretary of State, shall collect best practices related to the implementation of the guidance on stakeholder consultation on refugee resettlement from voluntary agencies and State refugee coordinators and disseminate such best practices to such agencies and coordinators.

(F) **EFFECTIVE DATE.**—This section (except for the amendments made by subsection (c)) shall take effect on the date that is 90 days after the date of the enactment of this Act.

**SA 1873.** Ms. HIRONO (for herself and Mr. WYDEN) submitted an amendment intended to be proposed to amendment SA 1463 proposed by Mr. MCCAIN to the bill H.R. 1735, to authorize appropriations for fiscal year 2016 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle B of title III, add the following:

**SEC. 314. SECURE ENERGY INNOVATION PROGRAM.**

(A) **IN GENERAL.**—The Secretary of Defense should continue to develop and support projects designed to foster secure and reliable sources of all types of energy for military installations, including energy metering, energy storage, and redundant power systems.

(b) **METRICS.**—The Secretary of Defense shall develop metrics for assessing the costs, risks, and benefits associated with secure energy projects. The metrics shall take into account financial and operational costs and risks associated with sustained losses of power resulting from natural or man-made disasters or attacks that impact military installations.

**SA 1874.** Mr. BLUNT submitted an amendment intended to be proposed to amendment SA 1463 proposed by Mr. MCCAIN to the bill H.R. 1735, to authorize appropriations for fiscal year 2016 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle A of title VII, add the following:

**SEC. 706. INCLUSION OF MEMBERS OF THE ARMED FORCES NOT SUBJECTED OR EXPOSED TO OPERATIONAL RISK FACTORS IN REQUIRED MENTAL HEALTH ASSESSMENT.**

Section 1074m(a)(2) of title 10, United States Code, is amended by striking “the Secretary determines that” and all that follows through the period at the end and inserting the following:

“(A) the member completes a mental health assessment under section 1074n of this title during any of the time periods specified under such subparagraphs; or

“(B) the Secretary determines that providing a mental health assessment under this section to the member during such time periods would remove the member from forward deployment or put members or operational objectives at risk.”.

**SA 1875.** Mr. PAUL submitted an amendment intended to be proposed to amendment SA 1463 proposed by Mr. MCCAIN to the bill H.R. 1735, to authorize appropriations for fiscal year 2016 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**SEC. \_\_\_\_\_. FEASIBILITY STUDY ON EXPANDING ACCESS TO POST-9/11 EDUCATIONAL ASSISTANCE BY INDIVIDUALS WITH POST-TRAUMATIC STRESS DISORDER OR TRAUMATIC BRAIN INJURY.**

Not later than January 31, 2016, the Secretary of Defense and the Secretary of Veterans Affairs shall jointly—

(1) complete a study on the feasibility of enabling individuals entitled to educational assistance under chapter 33 of title 38, United States Code, who have post-traumatic stress disorder or traumatic brain injury to pursue a program of education with such assistance on a less than full-time but more than half-time basis; and

(2) submit to the congressional defense committees, the Committee on Veterans' Affairs of the Senate, and the Committee on Veterans' Affairs of the House of Representatives a report on the study carried out under paragraph (1), which shall include the findings of the secretaries and recommendations

for such legislative or administrative action as the secretaries consider appropriate.

**SA 1876.** Mr. MORAN submitted an amendment intended to be proposed to amendment SA 1463 proposed by Mr. MCCAIN to the bill H.R. 1735, to authorize appropriations for fiscal year 2016 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of part II of subtitle H of title V, add the following:

**SEC. 593. REPORT ON EXEMPTION FROM FURLOUGH DURING A LAPSE IN APPROPRIATIONS FOR POSITIONS FILLED BY INDIVIDUALS ENGAGED IN MILITARY EQUIPMENT AND WEAPON SYSTEMS MAINTENANCE WITHIN THE DEPARTMENT OF DEFENSE.**

(a) **REPORT REQUIRED.**—Not later than March 1, 2016, the Secretary of Defense shall, in coordination with the Chief of the National Guard Bureau, submit to the congressional defense committees a report on the exemption from furlough during a lapse in appropriations for positions filled by individuals engaged in military equipment and weapon system maintenance within the Department of Defense, including the position of military technician (dual status) and positions of field and depot level maintenance and engineers.

(b) **ELEMENTS.**—The report required by subsection (a) shall include the following:

(1) An analysis of the Department of Defense positions described in subsection (a), and the personnel, that were exempted from furlough during the most recent lapse in appropriations for the Department.

(2) An analysis of positions filled by individuals engaged in military equipment and weapon system maintenance within the Department, and the personnel, that were not exempted from the furlough described in paragraph (1).

(3) A cost analysis of the exemption of positions from furlough as described in paragraph (1).

**SA 1877.** Mr. COATS submitted an amendment intended to be proposed to amendment SA 1463 proposed by Mr. MCCAIN to the bill H.R. 1735, to authorize appropriations for fiscal year 2016 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle B of title I, add the following:

**SEC. 119. REPORT ON POTENTIAL IMPACTS TO THE INDUSTRIAL BASE OF DELAYING OVERHAUL OF USS GEORGE WASHINGTON (CVN-73).**

Not later than 180 days after the date of the enactment of this Act, the Secretary of the Navy shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report detailing the potential impacts to the industrial base if the July 2017 start date for the refueling and complex overhaul (RCOH) of the USS GEORGE WASHINGTON (CVN-73) is delayed by six months, one year, or two years. The report shall assume the Navy and industrial

base have at least 18 months prior notice of the delay.

**SA 1878.** Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 1463 proposed by Mr. MCCAIN to the bill H.R. 1735, to authorize appropriations for fiscal year 2016 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**SEC. . . . THIRD-PARTY SERVICE PROVIDERS.**

Section 487(a)(20) of the Higher Education Act of 1965 (20 U.S.C. 1094(a)(20)) is amended by adding at the end the following: “Notwithstanding the preceding sentence, an institution may provide payment, based on the amount of tuition generated by the institution from student enrollment, to a third-party entity that provides a set of services to the institution that includes student recruitment services, regardless of whether the third-party entity is affiliated with an institution that provides educational services other than the institution providing such payment, if—

“(A) the third-party entity is not affiliated with the institution providing such payment;

“(B) the third-party entity does not make compensation payments to its employees that are prohibited under this paragraph;

“(C) the set of services provided to the institution by the third-party entity include services in addition to student recruitment services, and the institution does not pay the third-party entity solely or separately for student recruitment services provided by the third-party entity; and

“(D) any student recruitment information available to the third-party entity, including personally identifiable information, will not be used by, shared with, or sold to any other person or entity, including any institution that is affiliated with the third-party entity.”.

**SA 1879.** Mr. ALEXANDER submitted an amendment intended to be proposed to amendment SA 1463 proposed by Mr. MCCAIN to the bill H.R. 1735, to authorize appropriations for fiscal year 2016 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle G of title X, add the following:

**SEC. 1085. MINIMUM WAGE APPLICABLE TO AMERICAN SAMOA.**

Section 8103(b)(2)(C) of the Fair Minimum Wage Act of 2007 (29 U.S.C. 206(b)(2)(C)) note is amended—

(1) by striking “and 2014” and inserting “2014, 2015, 2016, and 2017”; and

(2) by striking “triennial report required” and inserting “triennial report required to be submitted in 2017”.

**SA 1880.** Mrs. FEINSTEIN (for herself and Mr. BURR) submitted an amendment intended to be proposed to amendment SA 1463 proposed by Mr.

MCCAIN to the bill H.R. 1735, to authorize appropriations for fiscal year 2016 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

On page 607, strike “submit to the congressional defense committees” and insert “, in consultation with the Director of National Intelligence, submit to the congressional defense committees, the Select Committee on Intelligence of the Senate, and the Permanent Select Committee on Intelligence of the House of Representatives”.

**SA 1881.** Mrs. FEINSTEIN (for herself and Mr. BURR) submitted an amendment intended to be proposed to amendment SA 1463 proposed by Mr. MCCAIN to the bill H.R. 1735, to authorize appropriations for fiscal year 2016 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

On page 682, beginning on line 8, strike “Committees” and all that follows through line 11 and insert the following: “Committee on Armed Services and the Select Committee on Intelligence of the Senate and the Committee on Armed Services and the Permanent Select Committee on Intelligence of the House of Representatives a report setting forth the policy developed pursuant to subsection (a).”.

**SA 1882.** Mr. UDALL submitted an amendment intended to be proposed to amendment SA 1463 proposed by Mr. MCCAIN to the bill H.R. 1735, to authorize appropriations for fiscal year 2016 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

On page 58, strike lines 14 through 17 and insert the following:

services of the Centers;

“(C) enhance capabilities by reducing the cost and improving the performance and efficiency of executing laboratory missions; and

“(D) expand commercial business ventures based on the core competencies of a Center, as determined by the director of the Center, to promote technology transfer.

**SA 1883.** Mr. Kaine (for himself and Mr. FLAKE) submitted an amendment intended to be proposed to amendment SA 1463 proposed by Mr. MCCAIN to the bill H.R. 1735, to authorize appropriations for fiscal year 2016 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle B of title XII, add the following:

**SEC. 1230. USE OF MILITARY FORCE AGAINST THE ISLAMIC STATE OF IRAQ AND THE LEVANT.**

Congress makes the following findings:

(1) The United States has been engaged in military operations against the Islamic State of Iraq and Levant (ISIL) since August 8, 2014.

(2) Thousands of members of the United States Armed Forces have been deployed to support military operations against ISIL in Iraq and Syria.

(3) The United States has conducted over 3,400 airstrikes against ISIL as of June 2015.

(4) The United States has spent more than \$2,600,000,000 American taxpayer dollars on this war as of June 2015—a number that continues to rise by approximately \$9,000,000 per day.

(5) Tragically, members of the Armed Forces have been killed in Operation Inherent Resolve, and United States hostages have been killed by ISIL in barbaric ways.

(6) The most solemn duty and responsibility Congress has is the authority, under article 1, section 8 of the Constitution, to “declare war”.

(7) While Congress has authorized appropriations for Operation Inherent Resolve, and authorized the training of anti-ISIL forces in Syria, Congress has taken no formal action to approve Operation Inherent Resolve.

(8) In testimony before the Committee on Foreign Relations of the Senate, the Secretary of State, the Secretary of Defense, and the Special Presidential Envoy for the Global Coalition to Counter ISIL agreed that congressional authorization of Operation Inherent Resolve is important for reinforcing the leadership of the United States with our coalition partners.

(9) President Barack Obama submitted an authorization for use of military force against ISIL in February 2015.

(10) Congress has a duty to debate and determine whether or not to authorize the use of military force against ISIL and to engage in a debate about whether it is in the nation's best interest to order United States troops to risk their lives in this mission.

(11) The American public deserves a congressional debate to educate them about the national security interests at stake and the advisability of this war.

(12) Authorizing Operation Inherent Resolve would send a strong message to our coalition partners and to our adversaries that the United States is united in the fight against ISIL and speaks with one voice in confronting ISIL.

**SA 1884.** Mr. SCHATZ submitted an amendment intended to be proposed to amendment SA 1463 proposed by Mr. MCCAIN to the bill H.R. 1735, to authorize appropriations for fiscal year 2016 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle G of title XII, add the following:

**SEC. 1283. MESSAGING PLAN FOR THE INTERNET TO COUNTERING VIOLENT EXTREMISM ABROAD.**

(a) FINDINGS.—Congress makes the following findings:

(1) Violent extremist groups abroad increasingly use social media and other infor-

mation technologies to intimidate, recruit, radicalize, and raise funds.

(2) The Islamic State of Iraq and the Levant (ISIL) has expertly exploited social media to spread its propaganda, intimidate its opposition, raise money, and recruit others into its ranks.

(3) The United States strategy to defeat the Islamic State of Iraq and the Levant must include a campaign to counter digital media to degrade and defeat the social media propaganda and recruitment networks of the Islamic State of Iraq and the Levant.

(4) This effort must include the empowering of moderate local voices and other non-United States attributed messaging to challenge the Islamic State of Iraq and the Levant through a coordinated and integrated Government-wide strategy online.

(b) MESSAGING PLAN.—The Secretary of Defense shall, in coordination with the Secretary of State, the Director of National Intelligence, the Broadcasting Board of Governors, and other appropriate public and private sector stakeholders, develop and implement a coordinated messaging plan for the Internet, including elements described in subsection (a)(4), to counter propaganda and recruitment media disseminated by the Islamic State of Iraq and the Levant and associated violent extremist groups abroad.

**SA 1885.** Mr. PETERS (for himself, Ms. HIRONO, and Mr. WYDEN) submitted an amendment intended to be proposed to amendment SA 1463 proposed by Mr. MCCAIN to the bill H.R. 1735, to authorize appropriations for fiscal year 2016 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title II, add the following:

**SEC. 314. AUTHORIZATION FOR RESEARCH TO IMPROVE MILITARY VEHICLE TECHNOLOGY TO INCREASE FUEL ECONOMY OR REDUCE FUEL CONSUMPTION OF MILITARY GROUND VEHICLES USED IN COMBAT.**

(a) RESEARCH AUTHORIZED.—The Secretary of Defense, acting through the Assistant Secretary of Defense for Research and Engineering and in collaboration with the Secretary of the Army, the Secretary of the Navy, and the Director of the Defense Advanced Research Projects Agency, may carry out research to improve military ground vehicle technology to increase fuel economy or reduce fuel consumption of military ground vehicles used in combat.

(b) PREVIOUS SUCCESSSES.—The Secretary of Defense shall ensure that research carried out under subsection (a) takes into account the successes of, and lessons learned during, previous Department of Defense, Department of Energy, and private sector efforts to identify, assess, develop, demonstrate, and prototype technologies that support increasing fuel economy or decreasing fuel consumption of military ground vehicles, while balancing survivability, in furtherance of military missions.

**SA 1886.** Ms. MIKULSKI submitted an amendment intended to be proposed to amendment SA 1463 proposed by Mr. MCCAIN to the bill H.R. 1735, to authorize appropriations for fiscal year 2016 for military activities of the Department of Defense, for military construc-

tion, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

On page 263, strike lines 6 through 13 and insert the following:

(1) in subsection (e)(3)(A), by striking “in the United States”; and

**SA 1887.** Ms. MIKULSKI submitted an amendment intended to be proposed to amendment SA 1463 proposed by Mr. MCCAIN to the bill H.R. 1735, to authorize appropriations for fiscal year 2016 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle A of title XIV, add the following:

**SEC. 1409. ADDITIONAL AMOUNT FOR OTHER AUTHORIZATIONS, WORKING CAPITAL FUNDS, FOR THE DEFENSE COMMISSARY AGENCY.**

(a) ADDITIONAL AMOUNT.—The amount authorized to be appropriated for fiscal year 2016 by section 1401 is hereby increased by \$322,000,000, with the amount of the increase to be available for working capital funds, Defense Commissary Agency, as specified in the funding table in section 4501.

(b) OFFSET.—The amount authorized to be appropriated for fiscal year 2016 by section 301 is hereby decreased by \$322,000,000, with the amount of the decrease to be applied to amounts available for operation and maintenance as specified in the funding table in section 4301 and achieved by limiting excessive and redundant purchases of spare parts.

**SA 1888.** Mrs. McCASKILL submitted an amendment intended to be proposed to amendment SA 1463 proposed by Mr. MCCAIN to the bill H.R. 1735, to authorize appropriations for fiscal year 2016 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

On page 564, after line 25, add the following:

(d) REPORT.—

(1) DEFINITION.—In this subsection, the term “covered employee” has the meaning given that term in section 1599e of title 10, United States Code, as added by subsection (a)(1).

(2) CONTENTS.—The Secretary of Defense shall submit to Congress a report regarding covered employees hired into a probationary status during the 10-year period ending on the date of enactment of this Act, which shall include the number of covered employees—

(A) hired during the period;

(B) whose appointment became final after the probationary period;

(C) who were subject to disciplinary action or termination during the 5-year period beginning on the date on which the appointment of the covered employee became final;

(D) who were subject to disciplinary action during the probationary period; and



(E) who were terminated before the appointment of the covered employee became final.

**SA 1889.** Mr. MCCAIN (for himself, Mrs. FEINSTEIN, Mr. REED, and Ms. COLLINS) submitted an amendment intended to be proposed to amendment SA 1463 proposed by Mr. MCCAIN to the bill H.R. 1735, to authorize appropriations for fiscal year 2016 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; as follows:

At the end of subtitle D of title X, add the following:

**SEC. 1040. REAFFIRMATION OF THE PROHIBITION ON TORTURE.**

(a) LIMITATION ON INTERROGATION TECHNIQUES TO THOSE IN THE ARMY FIELD MANUAL.—

(1) ARMY FIELD MANUAL 2-22.3 DEFINED.—In this subsection, the term “Army Field Manual 2-22.3” means the Army Field Manual 2-22.3 entitled “Human Intelligence Collector Operations” in effect on the date of the enactment of this Act or any similar successor Army Field Manual.

(2) RESTRICTION.—

(A) IN GENERAL.—An individual described in subparagraph (B) shall not be subjected to any interrogation technique or approach, or any treatment related to interrogation, that is not authorized by and listed in the Army Field Manual 2-22.3.

(B) INDIVIDUAL DESCRIBED.—An individual described in this subparagraph is an individual who is—

(i) in the custody or under the effective control of an officer, employee, or other agent of the United States Government; or

(ii) detained within a facility owned, operated, or controlled by a department or agency of the United States, in any armed conflict.

(3) IMPLEMENTATION.—Interrogation techniques, approaches, and treatments described in Army Field Manual 2-22.3 shall be implemented strictly in accord with the principles, processes, conditions, and limitations prescribed by Army Field Manual 2-22.3.

(4) AGENCIES OTHER THAN THE DEPARTMENT OF DEFENSE.—If a process required by Army Field Manual 2-22.3, such as a requirement of approval by a specified Department of Defense official, is inapposite to a department or an agency other than the Department of Defense, the head of such department or agency shall ensure that a process that is substantially equivalent to the process prescribed by Army Field Manual 2-22.3 for the Department of Defense is utilized by all officers, employees, or other agents of such department or agency.

(5) INTERROGATION BY FEDERAL LAW ENFORCEMENT.—Nothing in this subsection shall preclude an officer, employee, or other agent of the Federal Bureau of Investigation or other Federal law enforcement agency from continuing to use authorized, non-coercive techniques of interrogation that are designed to elicit voluntary statements and do not involve the use of force, threats, or promises.

(6) UPDATE OF THE ARMY FIELD MANUAL.—

(A) REQUIREMENT TO UPDATE.—

(i) IN GENERAL.—Not later than one year after the date of the enactment of this Act, and once every three years thereafter, the Secretary of Defense, in coordination with the Attorney General, the Director of the Federal Bureau of Investigation, and the Di-

rector of National Intelligence, shall complete a thorough review of Army Field Manual 2-22.3, and revise Army Field Manual 2-22.3, as necessary to ensure that Army Field Manual 2-22.3 complies with the legal obligations of the United States and reflects current, evidence-based, best practices for interrogation that are designed to elicit reliable and voluntary statements and do not involve the use or threat of force.

(ii) AVAILABILITY TO THE PUBLIC.—Army Field Manual 2-22.3 shall remain available to the public and any revisions to the Army Field Manual 2-22.3 adopted by the Secretary of Defense shall be made available to the public 30 days prior to the date the revisions take effect.

(B) REPORT ON BEST PRACTICES OF INTERROGATIONS.—

(i) REQUIREMENT FOR REPORT.—Not later than 120 days after the date of the enactment of this Act, the interagency body established pursuant to Executive Order 13491 (commonly known as the High-Value Detainee Interrogation Group) shall submit to the Secretary of Defense, the Director of National Intelligence, the Attorney General, and other appropriate officials a report on current, evidence-based, best practices for interrogation that are designed to elicit reliable and voluntary statements and do not involve the use of force.

(ii) RECOMMENDATIONS.—The report required by clause (i) may include recommendations for revisions to Army Field Manual 2-22.3 based on the body of research commissioned by the High-Value Detainee Interrogation Group.

(iii) AVAILABILITY TO THE PUBLIC.—Not later than 30 days after the report required by clause (i) is submitted such report shall be made available to the public.

(b) INTERNATIONAL COMMITTEE OF THE RED CROSS ACCESS TO DETAINEES.—

(1) REQUIREMENT.—The head of any department or agency of the United States Government shall provide the International Committee of the Red Cross with notification of, and prompt access to, any individual detained in any armed conflict in the custody or under the effective control of an officer, employee, contractor, subcontractor, or other agent of the United States Government or detained within a facility owned, operated, or effectively controlled by a department, agency, contractor, or subcontractor of the United States Government, consistent with Department of Defense regulations and policies.

(2) CONSTRUCTION.—Nothing in this subsection shall be construed—

(A) to create or otherwise imply the authority to detain; or

(B) to limit or otherwise affect any other individual rights or state obligations which may arise under United States law or international agreements to which the United States is a party, including the Geneva Conventions, or to state all of the situations under which notification to and access for the International Committee of the Red Cross is required or allowed.

**SA 1890.** Mr. DAINES submitted an amendment intended to be proposed to amendment SA 1463 proposed by Mr. MCCAIN to the bill H.R. 1735, to authorize appropriations for fiscal year 2016 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

On page 213, between lines 9 and 10, insert the following:

(3) PRESERVATION OF CURRENT BAH FOR CERTAIN OTHER MARRIED MEMBERS.—Notwithstanding paragraph (1), the amount of basic allowance for housing payable to a member of the uniformed services under section 403 of title 37, United States Code, as of September 30, 2015, shall not be reduced by reason of the amendment made by subsection (a) unless—

(A) the member and the member's spouse undergo a permanent change of station requiring a change of residence;

(B) the member and the member's spouse move into or commence living in on-base housing; or

**SA 1891.** Mr. SESSIONS submitted an amendment intended to be proposed to amendment SA 1463 proposed by Mr. MCCAIN to the bill H.R. 1735, to authorize appropriations for fiscal year 2016 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title XII, add the following:

**SEC. 1242. SENSE OF CONGRESS ON IRAN NEGOTIATIONS.**

(a) FINDINGS.—Congress makes the following findings:

(1) President Barack Obama and administration officials have routinely spoken about taking a hard line when dealing with Iran on the subject of their nuclear program and related sanctions.

(2) On September 25, 2012, in a speech to the United Nations General Assembly, President Obama stated: “Make no mistake: A nuclear-armed Iran is not a challenge that can be contained. . . the United States will do what we must to prevent Iran from obtaining a nuclear weapon.”

(3) On April 2, 2015, in an address in the Rose Garden, President Obama stated that “Iran has also agreed to the most robust and intrusive inspections and transparency regime,” and declared, “This deal was not based on trust. It's based on unprecedented verification.”

(4) On April 2, 2015, in an interview with Andrea Mitchell of NBC, in Lausanne, Switzerland, Secretary of State John Kerry when asked, “Mr. Secretary, President Obama said if Iran cheats, we will know it. How can you be so sure? They've cheated before”; stated, “Well, we have extraordinary, extensive verification measures that have not been applied before. We will have state-of-the-art television cameras within centrifuge production facilities. We will have cradle-to-grave tracking of uranium—uranium from the mine to the mill to the yellowcake to gas to the centrifuge to out and where it goes in spent fuel. So we have—that is an amazing amount—and we have a new dispute process which will allow us to be able to finalize access where we need it.”

(5) April 8, 2015, on the “PBS NewsHour,” Secretary Kerry said that in any final agreement, Iran would also have to resolve outstanding questions with the International Atomic Energy Agency over suspected military dimensions of the nuclear program. “It will be part of a final agreement,” he said. “It has to be.”

(6) Iran's supreme leader, Ayatollah Ali Khamenei, has routinely spoken out openly against the United States and any sanctions against Iran's nuclear program.

(7) On April 9, 2015, the Wall Street Journal, in response to the nuclear deal, reported, "The 75-year-old cleric also said Iran's government and security forces wouldn't permit outside inspections of the country's military sites, which are officially nonnuclear but where United Nations investigators suspect Tehran conducted tests related to atomic weapons development."

(8) On May 20, 2015, in a graduation speech at the Imam Hussein Military University in Tehran, Ayatollah Ali Khamenei ruled out allowing international inspectors to interview Iranian nuclear scientists as part of any potential deal on its nuclear program, and reiterated that "regarding inspections, we have said that we will not let foreigners inspect any military center".

(9) The stated positions of the United States requiring "robust and intrusive" inspections of Iran's nuclear sites and any other sites where nuclear activities may be carried out or may have been conducted previously is essential to any effective agreement that would provide relief from sanctions.

(10) The public statements of Ayatollah Ali Khamenei and other top Iranian leaders suggest they may refuse to grant such inspections as are required to ensure the nuclear agreement is complied with.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the Government of Iran's stated opposition to inspections represents decisive questions and suggest a verifiable agreement may be unachievable; and

(2) no nuclear agreement with Iran that does not include robust inspections and proper verification of all Iran's nuclear programs and related military installations and access to nuclear supporting scientists should be accepted.

**SA 1892.** Mr. DAINES (for himself and Mrs. GILLIBRAND) submitted an amendment intended to be proposed to amendment SA 1463 proposed by Mr. MCCAIN to the bill H.R. 1735, to authorize appropriations for fiscal year 2016 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle G of title X, add the following:

**SEC. 1085. CLARIFICATION OF PRESUMPTIONS OF EXPOSURE FOR VETERANS WHO SERVED IN VICINITY OF REPUBLIC OF VIETNAM.**

(a) COMPENSATION.—Subsections (a)(1) and (f) of section 1116 of title 38, United States Code, are amended by inserting "(including the territorial seas of such Republic)" after "served in the Republic of Vietnam" each place it appears.

(b) HEALTH CARE.—Section 1710(e)(4) of such title is amended by inserting "(including the territorial seas of such Republic)" after "served on active duty in the Republic of Vietnam".

(c) EFFECTIVE DATE.—The amendments made by subsections (a) and (b) shall take effect as of September 25, 1985.

(d) OFFSET.—Increased Government expenditures resulting from enactment of this section shall be paid from savings achieved by section 605 of this Act.

**SA 1893.** Mr. FLAKE (for himself, Mr. JOHNSON, Mr. MCCAIN, and Mr. SCHUMER) submitted an amendment in-

tended to be proposed to amendment SA 1463 proposed by Mr. MCCAIN to the bill H.R. 1735, to authorize appropriations for fiscal year 2016 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**SEC. —. RECRUITING SEPARATING SERVICE MEMBERS AS CUSTOMS AND BORDER PATROL OFFICERS.**

(a) FINDINGS.—Congress finds that—

(1) Customs and Border Protection Officers at United States ports of entry carry out critical law enforcement duties associated with screening foreign visitors, returning United States citizens, and imported cargo entering the United States;

(2) it is in the national interest for United States ports of entry to be adequately staffed with Customs and Border Protection Officers in a timely fashion, including meeting the congressionally mandated staffing level of 23,775 officers for fiscal year 2015;

(3) an estimated 250,000 to 300,000 members of the Armed Forces separate from military service every year; and

(4) recruiting efforts and expedited hiring procedures should be undertaken to ensure that individuals separating from military service are aware of, and partake in, opportunities to fill vacant Customs and Border Protection Officer positions.

(b) EXPEDITED HIRING OF APPROPRIATE SEPARATING SERVICE MEMBERS.—

(1) IDENTIFICATION OF TRANSFERABLE QUALIFICATIONS.—Not later than 60 days after the date of the enactment of this Act, the Secretary of Homeland Security, in conjunction with the Secretary of Defense, shall jointly identify Military Occupational Safety Codes, Air Force Specialty Codes, and Naval Enlisted Classifications and Officer Designators and Coast Guard Competencies that are transferable to the requirements, qualifications, and duties assigned to Customs and Border Protection Officers.

(2) HIRING.—The Secretary of Homeland Security shall consider hiring qualified candidates with the Military Occupational Safety Codes, Air Force Specialty Codes, and Naval Enlisted Classifications and Officer Designators identified as transferable under paragraph (1) who are eligible for veterans recruitment appointment authorized under section 4214 of title 38, United States Code.

(c) ESTABLISHING A PROGRAM FOR RECRUITING SERVICE MEMBERS SEPARATING FROM MILITARY SERVICE FOR CUSTOMS AND BORDER PROTECTION OFFICER VACANCIES.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Homeland Security, in conjunction with the Secretary of Defense, shall establish a program to actively recruit members of the Armed Forces who are separating from military service to serve as Customs and Border Protection Officers.

(2) ELEMENTS.—The program established under paragraph (1) shall—

(A) include Customs and Border Protection Officer opportunities in relevant job assistance efforts under the Transition Assistance Program;

(B) place Customs and Border Protection Officers at recruiting events and jobs fairs involving members of the Armed Forces who are separating from military service;

(C) provide opportunities for local U.S. Customs and Border Protection field offices to partner with military bases in the region;

(D) conduct outreach efforts to educate members of the Armed Forces with Military Occupational Safety Codes, Air Force Specialty Codes, and Naval Enlisted Classifications and Officer Designators that are transferable to the requirements, qualifications, and duties assigned to Customs and Border Protection Officers;

(E) require the Secretary of Defense and the Secretary of Homeland Security to work cooperatively to identify shared activities and opportunities for reciprocity related to steps in hiring U.S. Customs and Border Patrol officers with the goal of minimizing the time required to hire qualified applicants;

(F) require the Secretary of Defense and the Secretary of Homeland Security to work cooperatively to ensure the streamlined interagency transfer of relevant background investigations and security clearances; and

(G) include such other elements as may be necessary to ensure that members of the Armed Forces who are separating from military service are aware of opportunities to fill vacant Customs and Border Protection Officer positions.

(d) REPORT TO CONGRESS.—

(1) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, and December 31 of each year thereafter, the Secretary of Homeland Security and the Secretary of Defense shall jointly submit a report to the appropriate congressional committees that includes a description and assessment of the program established under subsection (c).

(2) CONTENT.—The report required under paragraph (1) shall include—

(A) a detailed description of the program established under subsection (c), including—

(i) programmatic elements;

(ii) goals associated with those elements; and

(iii) a description of how the elements and goals will assist in meeting statutorily mandated staffing levels and agency hiring benchmarks;

(B) a detailed description of the program elements that have been implemented under subsection (c);

(C) a detailed summary of the actions taken under subsection (c) to implement such program elements;

(D) the number of separating service members made aware of Customs and Border Protection Officer vacancies;

(E) the Military Occupational Safety Codes, Air Force Specialty Codes, and Naval Enlisted Classifications and Officer Designators identified as transferable under subsection (b)(1) and a rationale for such identifications;

(F) the number of Customs and Border Protection Officer vacancies filled with separating service members;

(G) the number of Customs and Border Protection Officer vacancies filled with separating service members under Veterans' Recruitment Appointment authorized under the Veterans Employment Opportunity Act of 1998 (Public Law 105-339); and

(H) the results of any evaluations or considerations of additional elements included or not included in the program established under subsection (c).

(e) RULES OF CONSTRUCTION.—Nothing in this section may be construed—

(1) as superseding, altering, or amending existing Federal veterans' hiring preferences or Federal hiring authorities; or

(2) to authorize the appropriation of additional amounts to carry out this section.

**SA 1894.** Mr. HELLER submitted an amendment intended to be proposed to amendment SA 1463 proposed by Mr. MCCAIN to the bill H.R. 1735, to authorize appropriations for fiscal year 2016

for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title V, add the following:

**SEC. 524. SENSE OF SENATE ON SECRETARY OF DEFENSE REVIEW OF SECTION 504 OF TITLE 10, UNITED STATES CODE, REGARDING ENLISTING CERTAIN ALIENS IN THE ARMED FORCES.**

It is the sense of the Senate that the Secretary of Defense should review section 504 of title 10, United States Code, for the purpose of making a determination and authorization pursuant to subsection (b)(2) of such section regarding the enlistment in the Armed Forces of aliens who—

- (1) were unlawfully present in the United States on December 31, 2011;
- (2) have been continuously present in the United States since that date;
- (3) were younger than 16 years of age on the date the aliens initially entered the United States; and
- (4) disregarding such unlawful status, are otherwise eligible for original enlistment in a regular component of the Army, Navy, Air Force, Marine Corps, or Coast Guard.

**SA 1895.** Mr. HELLER submitted an amendment intended to be proposed to amendment SA 1463 proposed by Mr. MCCAIN to the bill H.R. 1735, to authorize appropriations for fiscal year 2016 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title V, add the following:

**SEC. 524. EVALUATION OF THE IMPACT OF THE ENLISTMENT OF CERTAIN ALIENS IN THE ARMED FORCES ON MILITARY READINESS.**

(a) **EVALUATION REQUIRED.**—The Secretary of Defense shall evaluate—

- (1) whether permitting covered aliens to enlist in the Armed Forces could expand the pool of potential enlistees in the Armed Forces; and
- (2) how making covered aliens eligible for enlistment in the Armed Forces would impact military readiness.

(b) **COVERED ALIENS DEFINED.**—In this section, the term “covered aliens” means aliens who—

- (1) were unlawfully present in the United States on December 31, 2011;
- (2) have been continuously present in the United States since that date;
- (3) were younger than 16 years of age on the date the aliens initially entered the United States; and
- (4) disregarding such unlawful status, are otherwise eligible for original enlistment in a regular component of the Army, Navy, Air Force, Marine Corps, or Coast Guard.

**SA 1896.** Mr. MENENDEZ submitted an amendment intended to be proposed to amendment SA 1463 proposed by Mr. MCCAIN to the bill H.R. 1735, to authorize appropriations for fiscal year 2016 for military activities of the Department of Defense, for military con-

struction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**SEC. \_\_\_\_ . REPORT ON THE ROLE OF THE MINISTRY OF THE REVOLUTIONARY ARMED FORCES AND THE MINISTRY OF THE INTERIOR IN CUBA IN THE ECONOMY AND FOREIGN RELATIONS OF CUBA.**

(a) **IN GENERAL.**—Not later than 180 days after the date of the enactment of this Act, and not less frequently than annually thereafter, the President shall submit a report to Congress that describes the role of the Ministry of the Revolutionary Armed Forces and the Ministry of the Interior of the Republic of Cuba with respect to the economy of Cuba.

(b) **CONTENTS.**—The report required under subsection (a) shall—

(1) identify the entities that the United States considers to be owned, operated, or controlled (in whole or in part) by—

(A) the Ministry of the Revolutionary Armed Forces or the Ministry of the Interior of Cuba; or

(B) any senior member of the Ministry of the Revolutionary Armed Forces or the Ministry of the Interior of Cuba;

(2) include an assessment of the business dealings with countries and entities outside of Cuba that are conducted by—

(A) either of the entities identified under paragraph (1)(A); or

(B) officers of such entities; and

(3) include an assessment of the relationship of the Ministry of the Revolutionary Armed Forces and the Ministry of the Interior of Cuba with the militaries of foreign countries, including whether either Cuban Ministry has—

(A) conducted any joint training, exercises, financial dealings, or weapons purchases or sales with such foreign militaries; or

(B) provided advisors to such foreign militaries.

(c) **FORM OF REPORT.**—Each report submitted under subsection (a) shall be submitted in unclassified form, but may include a classified annex.

**SA 1897.** Mrs. MURRAY submitted an amendment intended to be proposed to amendment SA 1463 proposed by Mr. MCCAIN to the bill H.R. 1735, to authorize appropriations for fiscal year 2016 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle E of title V, add the following:

**SEC. 558. ADDITIONAL RECIPIENTS OF CONFIDENTIAL DISCLOSURES OF SEXUAL ASSAULT IN THE ARMED FORCES THAT DO NOT TRIGGER AN OFFICIAL INVESTIGATION.**

(a) **ADDITIONAL RECIPIENTS.**—Section 1565b(b)(2) of title 10, United States Code, is modified by adding at the end the following new subparagraphs:

“(D) The Senators representing the State in which the victim resides, and the Member, Delegate, or Resident Commissioner of the House of Representatives representing the district in which the victim resides.

“(E) A Special Victims’ Counsel pursuant to section 1044e of this title.”.

(b) **REGULATIONS.**—The Secretary of Defense shall revise the regulations required by section 1565b(b) of title 10, United States Code, to establish procedures to ensure that Members of Congress can engage with the Department of Defense on behalf of a member of the Armed Forces who is a victim of sexual assault, pursuant to a request for assistance from the victim to such Member of Congress, in a confidential manner. Under the regulations as so revised, neither a request by a victim to a Member of Congress for assistance nor subsequent engagement with the victim by such Member of Congress shall jeopardize the Restricted status of any report filed by the victim in connection with the sexual assault.

**SA 1898.** Mrs. MURRAY submitted an amendment intended to be proposed to amendment SA 1463 proposed by Mr. MCCAIN to the bill H.R. 1735, to authorize appropriations for fiscal year 2016 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle G of title X, add the following:

**SEC. 1085. NOTICE REGARDING MAXIMUM RATE OF INTEREST ON STUDENT LOANS UNDER SERVICEMEMBERS CIVIL RELIEF ACT.**

Section 105 of the Servicemembers Civil Relief Act (50 U.S.C. App. 515) is amended—

(1) by striking “The Secretary” and inserting the following:

“(a) **IN GENERAL.**—The Secretary”; and

(2) by adding at the end the following new subsection:

“(b) **STUDENT LOANS.**—Each servicer of a loan made, insured, or guaranteed under Part B, D, or E of title IV of the Higher Education Act of 1965 (20 U.S.C. 1071 et seq., 1087a et seq., 1087aa et seq.) shall, not later than 30 days after the date on which a servicemember with a student loan serviced by such servicer that is subject to subsection (a) of section 207 begins a period of military service, notify such servicemember of the servicemember’s rights under this act.”.

**SA 1899.** Mr. REED submitted an amendment intended to be proposed to amendment SA 1463 proposed by Mr. MCCAIN to the bill H.R. 1735, to authorize appropriations for fiscal year 2016 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:

The table in section 2614(b) is amended by adding after the item relating to Camp Smith, New York, the following new item:

Puerto Rico.	Gurabo .....	Readiness Center ...	\$14,218,000
--------------	--------------	----------------------	--------------

**SA 1900.** Mrs. MURRAY submitted an amendment intended to be proposed to amendment SA 1463 proposed by Mr. MCCAIN to the bill H.R. 1735, to authorize appropriations for fiscal year 2016 for military activities of the Department of Defense, for military construction, and for defense activities of the

Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

Strike section 1103 and insert the following:

**SEC. 1103. SENSE OF CONGRESS ON IMPLEMENTATION OF THE "NEW BEGINNINGS" PERFORMANCE MANAGEMENT AND WORKFORCE INCENTIVE SYSTEM OF THE DEPARTMENT OF DEFENSE.**

(a) FINDINGS.—Congress makes the following findings:

(1) Section 1113 of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111-84) required the Department of Defense to institute a fair, credible, and transparent performance appraisal system, given the name "New Beginnings", for employees which—

(A) links employee bonuses and other performance-based action to employee performance appraisals;

(B) ensured ongoing performance feedback and dialogue among supervisors, managers, and employees throughout the appraisal period, with timetables for review; and

(C) developed performance assistance plans to give employees formal training, on-the-job training, counseling, mentoring, and other assistance.

(2) The military components and Defense Agencies of the Department are currently reviewing the proposed "New Beginnings" performance management and workforce incentive system developed in response to section 1113 of the National Defense Authorization Act for Fiscal Year 2010.

(3) The Department anticipates it will begin implementation of the "New Beginnings" performance management and workforce incentive system in April 2016.

(4) The authority in section 1113 of the National Defense Authorization Act for Fiscal Year 2010 provided the Secretary, in coordination with the Director of the Office of Personnel Management, flexibilities in promulgating regulations to redesign the procedures which are applied by the Department in making appointments to positions within the competitive service in order to—

(A) better meet mission needs;

(B) respond to manager needs and the needs of applicants;

(C) produce high-quality applicants;

(D) support timely decisions;

(E) uphold appointments based on merit system principles; and

(F) promote competitive job offers.

(5) In implementing the "New Beginnings" performance management and workforce incentive system, section 1113 of the National Defense Authorization Act for Fiscal Year 2010 requires the Secretary to comply with veterans' preference requirements.

(6) Among the criteria for the "New Beginnings" performance management and workforce incentive system authorized by section 1113 of the National Defense Authorization Act for Fiscal Year 2010, the Secretary is required to—

(A) adhere to merit principles;

(B) include a means for ensuring employee involvement (for bargaining unit employees, through their exclusive representatives) in the design and implementation of the performance management and workforce incentive system;

(C) provide for adequate training and retraining for supervisors, managers, and employees in the implementation and operation of the performance management and workforce incentive system;

(D) develop a comprehensive management succession program to provide training to employees to develop managers for the De-

partment and a program to provide training to supervisors on actions, options, and strategies a supervisor may use in administering the performance management and workforce incentive system;

(E) include effective transparency and accountability measures and safeguards to ensure that the management of the performance management and workforce incentive system is fair, credible, and equitable, including appropriate independent reasonableness reviews, internal assessments, and employee surveys;

(F) utilize the annual strategic workforce plan required by section 115b of title 10, United States Code; and

(G) ensure that adequate resources are allocated for the design, implementation, and administration of the performance management and workforce incentive system.

(7) Section 1113 of the National Defense Authorization Act for Fiscal Year 2010 also requires the Secretary to develop a program of training—to be completed by a supervisor every three years—on the actions, options, and strategies a supervisor may use in—

(A) developing and discussing relevant goals and objectives with employees, communicating and discussing progress relative to performance goals and objectives, and conducting performance appraisals;

(B) mentoring and motivating employees, and improving employee performance and productivity;

(C) fostering a work environment characterized by fairness, respect, equal opportunity, and attention to the quality of the work of employees;

(D) effectively managing employees with unacceptable performance;

(E) addressing reports of a hostile work environment, reprisal, or harassment of or by another supervisor or employee; and

(F) allowing experienced supervisors to mentor new supervisors by sharing knowledge and advice in areas such as communication, critical thinking, responsibility, flexibility, motivating employees, teamwork, leadership, and professional development, and pointing out strengths and areas of development.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the Secretary of Defense should proceed with the collaborative work with employee representatives on the "New Beginnings" performance management and workforce incentive system and begin implementation of the new system at the earliest possible date.

**SA 1901.** Mr. MURPHY submitted an amendment intended to be proposed to amendment SA 1463 proposed by Mr. MCCAIN to the bill H.R. 1735, to authorize appropriations for fiscal year 2016 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle E of title VIII, add the following:

**SEC. 884. ANNUAL REPORT ON FOREIGN PROCUREMENTS.**

(a) IN GENERAL.—Chapter 137 of title 10, United States Code, is amended by adding at the end the following new section:

**"§ 2338. Reporting on foreign purchases**

"(a) IN GENERAL.—Not later than 60 days after the end of fiscal year 2016, and each fiscal year thereafter, the Secretary of Defense shall submit to the appropriate congres-

sional defense committees a report listing specific procurements by the Department of Defense in that fiscal year of articles, materials, or supplies valued greater than \$5,000,000, indexed to inflation, using the exception under section 8302(a)(2)(A) of title 41. This report may be submitted as part of the report required under section 8305 of such title.

"(b) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term 'appropriate congressional committees' means the congressional defense committees, the Committee on Homeland Security and Governmental Affairs of the Senate, and the Committee on Oversight and Government Reform of the House of Representatives."

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 137 of title 10, United States Code, is amended by inserting after the item relating to section 2337 the following new item:

"2338. Reporting on foreign purchases."

**SA 1902.** Ms. WARREN (for herself and Mr. MERKLEY) submitted an amendment intended to be proposed to amendment SA 1463 proposed by Mr. MCCAIN to the bill H.R. 1735, to authorize appropriations for fiscal year 2016 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title VII, add the following:

**SEC. 738. COMPTROLLER GENERAL STUDY ON GAMBLING AND PROBLEM GAMBLING BEHAVIOR AMONG MEMBERS OF THE ARMED FORCES.**

(a) IN GENERAL.—The Comptroller General of the United States shall conduct a study on gaming facilities at military installations and problem gambling among members of the Armed Forces.

(b) MATTERS INCLUDED.—The study conducted under subsection (a) shall include the following:

(1) With respect to gaming facilities at military installations, disaggregated by each branch of the Armed Forces—

(A) the number, type, and location of such gaming facilities;

(B) the total amount of cash flow through such gaming facilities; and

(C) the amount of revenue generated by such gaming facilities for morale, welfare, and recreation programs of the Department of Defense.

(2) An assessment of the prevalence of and particular risks for problem gambling among members of the Armed Forces, including such recommendations for policies and programs to be carried out by the Department to address problem gambling as the Secretary considers appropriate.

(3) An assessment of the ability and capacity of military health care personnel to adequately diagnose and provide dedicated treatment for problem gambling, including—

(A) a comparison of treatment programs of the Department for alcohol abuse, illegal substance abuse, and tobacco addiction with treatment programs of the Department for problem gambling; and

(B) an assessment of whether additional training for military health care personnel on providing treatment for problem gambling would be beneficial.

(4) An assessment of the financial counseling and related services that are available to members of the Armed Forces and their

dependents who are impacted by problem gambling.

(c) REPORT.—

(1) IN GENERAL.—Not later than one year after the date of the enactment of this Act, the Comptroller General shall submit to the appropriate committees of Congress a report on the results of the study conducted under subsection (a).

(2) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this section, the term “appropriate committees of Congress” means—

(A) the Committee on Armed Services and the Committee on Appropriations of the Senate; and

(B) the Committee on Armed Services and the Committee on Appropriations of the House of Representatives.

**SA 1903.** Ms. CANTWELL (for herself, Mr. SULLIVAN, and Ms. MURKOWSKI) submitted an amendment intended to be proposed to amendment SA 1463 proposed by Mr. MCCAIN to the bill H.R. 1735, to authorize appropriations for fiscal year 2016 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title X, add the following:

**SEC. 1024. MULTIYEAR PROCUREMENT AUTHORITY FOR POLAR ICEBREAKERS.**

(a) MULTIYEAR PROCUREMENT.—Subject to section 2306b of title 10, United States Code, the Secretary of the Navy shall enter into multiyear contracts for the procurement of three heavy polar icebreakers and any systems and equipment associated with those vessels.

(b) AUTHORITY FOR ADVANCE PROCUREMENT.—The Secretary may enter into one or more contracts, beginning in fiscal year 2016, for advance procurement associated with the vessels, systems, and equipment for which authorization to enter into a multiyear contract is provided under subsection (a).

(c) CONDITION FOR OUT-YEAR CONTRACT PAYMENTS.—A contract entered into under subsection (a) shall provide that any obligation of the United States to make a payment under the contract for a fiscal year after fiscal year 2016 is subject to the availability of appropriations or funds for that purpose for such later fiscal year.

(d) MEMORANDUM OF AGREEMENT.—Not later than 180 days after the date of the enactment of this Act, the Secretary of the Navy and the Secretary of the Department in which the Coast Guard is operating shall enter into a memorandum of agreement establishing a process by which the Coast Guard, in concurrence with the Navy, shall—

(1) identify the vessel specifications, capabilities, systems, equipment, and other details required for the design of heavy polar icebreakers capable of fulfilling Navy and Coast Guard mission requirements, with the Coast Guard, as the sole operator of United States Government polar icebreaking assets, retaining final decision authority in the establishment of vessel requirements;

(2) oversee the construction of heavy polar icebreakers authorized to be procured under this section; and

(3) to the extent not adequately addressed in the 1965 Revised Memorandum of Agreement between the Department of the Navy and the Department of the Treasury on the Operation of Icebreakers, transfer heavy polar icebreakers procured through contracts authorized under this section from the

Navy to the Coast Guard to be maintained and operated by the Coast Guard.

**SA 1904.** Mr. MCCAIN (for himself and Mr. KAINE) submitted an amendment intended to be proposed to amendment SA 1463 proposed by Mr. MCCAIN to the bill H.R. 1735, to authorize appropriations for fiscal year 2016 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle E of title X, add the following:

**SEC. 1049. PROGRAM TO COMMEMORATE THE 100TH ANNIVERSARY OF THE TOMB OF THE UNKNOWN SOLDIER.**

(a) FINDINGS AND PURPOSE.—

(1) FINDINGS.—Congress makes the following findings:

(A) At the end of World War I, Congressman Hamilton Fish championed legislation to create a national focus for Americans to honor the memory of all people who served in the Armed Forces, but especially for those who died unknown and lost to history. The legislation created the Tomb of the Unknown Soldier. Since that time, the remains of a single unknown member of the Armed Forces from World War II and from the Korean War have been entombed at the same memorial. (The remains of an unknown Vietnam War veteran were subsequently identified and removed from the Tomb).

(B) These additions transformed the Tomb of the Unknown Soldier into a transcendent place of honor and reflection. Now known as the Tomb of the Unknowns, the Tomb represents that one place where every American can go to honor every member of our country who has ever worn the uniform of the Nation. Today at the Tomb, American citizens and citizens from other countries come daily to remember and honor the ideals of sacrifice and service.

(C) The Tomb of the Unknown Soldier was formally consecrated on November 11, 1921. Now is the time to prepare for the 100th anniversary of the consecration of the Tomb.

(2) PURPOSE.—The purposes of this section is to provide for the conduct of a formal program to commemorate the 100th anniversary of the consecration of the Tomb of the Unknown Soldier, including authorizing private sector efforts to create nationwide commemorations on the day of the Washington National Commemoration of the Tomb.

(b) COMMEMORATIVE PROGRAM AUTHORIZED.—The Secretary of Defense may conduct a program to commemorate the 100th anniversary of the consecration of the Tomb of the Unknown Soldier. In conducting the commemorative program, the Secretary shall coordinate, support, and facilitate other programs and activities of the Federal Government, State, and local governments, and other persons and organizations in commemoration of the Tomb.

(c) SCHEDULE.—The Secretary of Defense shall determine the schedule of major events and priority of efforts for the commemorative program in order to ensure achievement of the objectives specified in subsection (d).

(d) COMMEMORATIVE ACTIVITIES AND OBJECTIVES.—The commemorative program may include activities and ceremonies to achieve the following objectives:

(1) To honor the commitment of the United States to never forget or forsake the members of the Armed Forces who served and sacrificed for our Country, including personnel who were held as prisoners of war or

listed as missing in action, and to thank and honor the families of these veterans.

(2) To highlight the service of the Armed Forces in times of war or armed conflict and the contributions of Federal agencies and governmental and nongovernmental organizations that served with, or in support of, the Armed Forces.

(3) To pay tribute to the contributions made on the home front by the people of the United States in times of war or armed conflict.

(4) To educate the American public about service and sacrifice on behalf of the United States and the principles that define and unite the United States.

(5) To recognize the contributions and sacrifices made by the allies of the United States during times of war or armed conflict.

(6) To apply the advances in technology to communicate the activities at the Tomb of the Unknowns to people across the United States.

(7) To facilitate the participation of the American people in the centennial commemoration of the Tomb of the Unknown Soldier.

(8) To educate the youth of America on the importance of our citizens' commitment of service and sacrifice to secure and to keep safe, now and in the future, and on America's founding principles and promise of freedom for all who abide in the United States.

(e) NAMES AND SYMBOLS.—The Secretary shall have the sole and exclusive right to use the name “The United States of America Tomb of the Unknown Soldier Commemoration”, and such seal, emblems, and badges incorporating such name as the Secretary may lawfully adopt. Nothing in this section may be construed to supersede rights that are established or vested before the date of the enactment of this Act.

(f) COMMEMORATIVE FUND.—

(1) ESTABLISHMENT AND ADMINISTRATION.—Upon the commencement of the commemorative program, the Secretary of the Treasury shall establish on the books of the Treasury an account to be known as the “Tomb of the Unknown Soldier Commemoration Fund” (in this section referred to as the “Fund”). The Fund shall be administered by the Secretary of Defense.

(2) DEPOSITS.—Subject to paragraph (3), there shall be deposited into the Fund the following:

(A) Amounts appropriated to the Fund.

(B) Proceeds derived from the use by the Secretary of the exclusive rights described in subsection (e).

(C) Donations made in support of the commemorative program by private and corporate donors.

(D) Any other amounts authorized to deposit into the Fund by law.

(3) LIMITATION ON EXPENDITURES.—Total contributions from the Federal Government to the Fund may not exceed \$5,000,000.

(4) USE OF FUND.—Amounts in the Fund shall be available to the Secretary of Defense only for the purpose of conducting the commemorative program. The Secretary shall prescribe such regulations regarding the use of the Fund as the Secretary considers appropriate.

(5) AVAILABILITY.—Amounts in the Fund shall remain available until expended.

(6) TREATMENT OF UNOBLIGATED FUNDS.—Any unobligated amounts in the Fund as of the end of the [commemorative period specified in subsection (b)] shall remain in the Fund until transferred by law.

(7) BUDGET REQUEST.—The Secretary of Defense may establish a separate budget line for the commemorative program. In the budget justification materials submitted by the Secretary in support of the budget of the President for any fiscal year for which the

Secretary establishes the separate budget line, the Secretary shall—

(A) identify and explain any amounts expended for the commemorative program in the fiscal year preceding the budget request;

(B) identify and explain the amounts being requested to support the commemorative program for the fiscal year of the budget request; and

(C) present a current summary of the fiscal status of the Fund.

(g) ACCEPTANCE OF VOLUNTARY SERVICES.—

(1) AUTHORITY TO ACCEPT SERVICES.—Notwithstanding section 1342 of title 31, United States Code, the Secretary of Defense may accept from any person voluntary services to be provided in furtherance of the commemorative program. The Secretary shall prohibit the solicitation of any voluntary services if the nature or circumstances of such solicitation would compromise the integrity or the appearance of integrity of any program of the Department of Defense or of any individual involved in the program.

(2) REIMBURSEMENT OF INCIDENTAL EXPENSES.—The Secretary may provide for reimbursement of incidental expenses incurred by a person providing voluntary services under this subsection. The Secretary shall determine which expenses are eligible for reimbursement under this paragraph.

(h) FINAL REPORT.—Not later than 60 days after the end of the commemorative program, the Secretary of Defense shall submit to Congress a report containing an accounting of the following:

(1) All of the amounts deposited into and expended from the Fund.

(2) Any other amounts expended pursuant to this section.

(3) Any unobligated funds remaining in the Fund as of the date of the report.

**SA 1905.** Mr. MCCAIN (for himself, Mr. REED, Mr. SULLIVAN, Mr. WICKER, Mr. INHOFE, Mr. GRAHAM, Mrs. ERNST, Mr. COTTON, and Ms. HIRONO) submitted an amendment intended to be proposed to amendment SA 1463 proposed by Mr. MCCAIN to the bill H.R. 1735, to authorize appropriations for fiscal year 2016 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of part II of subtitle H of title V, add the following:

**SEC. 593. SENSE OF CONGRESS ON THE CUMULATIVE IMPACT OF EFFORTS TO SLOW THE GROWTH OF PERSONNEL COSTS ON JUNIOR ENLISTED PERSONNEL OF THE ARMED FORCES AND THEIR FAMILIES.**

Congress—

(1) remains concerned about the cumulative impact of Department of Defense efforts to slow the growth of personnel costs on junior enlisted personnel of the Armed Forces and their families; and

(2) encourages the Department to specifically consider these impacts when developing legislative proposals for consideration by Congress.

**SA 1906.** Mr. INHOFE submitted an amendment intended to be proposed to amendment SA 1463 proposed by Mr. MCCAIN to the bill H.R. 1735, to authorize appropriations for fiscal year 2016 for military activities of the Department of Defense, for military construction,

and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title II, add the following:

**SEC. 236. ASSESSMENT OF EFFECT OF BETTER BUYING POWER 3.0 INITIATIVE ON INDEPENDENT RESEARCH AND DEVELOPMENT.**

(a) ASSESSMENT ON CHANGES MADE TO BETTER.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees an assessment of the Better Buying Power 3.0 initiative and its management of independent research and development activities by contractors of the Department of Defense.

(b) ELEMENTS.—The assessment required under subsection (a) shall include the following:

(1) An assessment of the implementation of Better Buying Power 3.0 and how it balances the need for management of reimbursement of Department contractor independent research and development costs with the need to preserve the independence of a contractor to choose which technologies to pursue in its independent research and development program.

(2) An assessment of the costs, risks and benefits of proposed changes to the current guidelines of the Department for authorizing independent research and development by contractors and reimbursing such contractors for expenses relating to such independent research and development.

(3) Recommendations for legislative or administrative action to improve the ways in which the Department authorizes independent research and development by contractors of the Department and reimburses such contractors for expenses relating to such independent research and development.

**SA 1907.** Mr. CASSIDY submitted an amendment intended to be proposed to amendment SA 1463 proposed by Mr. MCCAIN to the bill H.R. 1735, to authorize appropriations for fiscal year 2016 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

On page 38, between lines 10 and 11, insert the following:

(c) RE-ENGINEING STUDY.—Notwithstanding any other provision of law, the Air Force shall submit their B-52 re-engine analysis to the congressional defense committees not later than 90 days after the date of the enactment of this Act.

**SA 1908.** Mr. ENZI submitted an amendment intended to be proposed to amendment SA 1463 proposed by Mr. MCCAIN to the bill H.R. 1735, to authorize appropriations for fiscal year 2016 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle E of title VIII, add the following:

**SEC. 884. SMALL BUSINESS PROCUREMENT OMBUDSMAN.**

(a) IN GENERAL.—The small business offices in the Office of the Secretary of Defense and the military departments shall serve as intermediaries between small businesses and contracting officials prior to the award of contracts in cases where a small business prospective contractor notifies the small business office that it has reason to believe that the contracting process has been modified to preclude a small business from bidding on the contract or would give another contractor an unfair competitive advantage.

(b) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to preclude a contractor from exercising the right to initiate a bid protest under a contract.

**SA 1909.** Mr. TOOMEY submitted an amendment intended to be proposed to amendment SA 1463 proposed by Mr. MCCAIN to the bill H.R. 1735, to authorize appropriations for fiscal year 2016 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle F of title X, add the following:

**SEC. 1065. STUDY ON RADIATION EXPOSURE FROM ATOMIC TESTING CLEANUP ON THE ENEWETAK ATOLL.**

(a) STUDY REQUIRED.—The Secretary of Defense shall, in coordination with the Secretary of Veterans Affairs, the Secretary of Energy, the Director of the National Cancer Institute, and such others as the Secretary of Defense considers appropriate, conduct a study on radiation exposure from the atomic testing cleanup that occurred on the Enewetak Atoll during the period of years beginning with 1977 and ending with 1980.

(b) ELEMENTS.—The study conducted under subsection (a) shall include the following:

(1) A determination of the amount of radiation that members of the Armed Forces and civilians were exposed to as a result of the atomic testing cleanup that described in subsection (a), especially with respect to those who were located on Runit Island during such cleanup.

(2) Identification of the effects of the exposure described in paragraph (1).

(3) An estimate of the number of surviving veterans and other civilians who were exposed as described in paragraph (1).

**SA 1910.** Mr. TOOMEY (for himself and Mr. CORNYN) submitted an amendment intended to be proposed to amendment SA 1463 proposed by Mr. MCCAIN to the bill H.R. 1735, to authorize appropriations for fiscal year 2016 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle B of title IV, add the following:

**SEC. 417. CHIEF OF THE NATIONAL GUARD BUREAU AUTHORITY RELATING TO ALLOCATIONS TO STATES OF AUTHORIZED NUMBERS OF MEMBERS OF THE NATIONAL GUARD.**

(a) MANDATORY REVIEW AND AUTHORIZED REDUCTION.—



(1) IN GENERAL.—The Chief of the National Guard Bureau—

(A) shall review each fiscal year the number of members of the Army National Guard of the United States and the Air National Guard of the United States serving in each State; and

(B) if the Chief of the National Guard Bureau makes the determination described in paragraph (2) with respect to a State in a fiscal year, may reduce the number of members of the Army National Guard of the United States or the Air National Guard of the United States, as applicable, to be allocated to serve in such State during the succeeding fiscal years.

(2) DETERMINATION.—A determination described in this paragraph is a determination with respect to a State that, during any three of the five fiscal years ending in the fiscal year in which such determination is made, the number of members of the Army National Guard of the United States or the Air National Guard of the United States serving in such State is or was fewer than the number authorized for the applicable fiscal year

(b) ADMINISTRATION OF REDUCTIONS.—In administering reductions under subsection (a)(1)(B), the Chief of the National Guard Bureau shall seek to ensure that—

(1) the number of members of the Army National Guard of the United States and the Air National Guard of the United States serving in each State each fiscal year is commensurate with the National Guard force structure in such State during such fiscal year; and

(2) the number of members of the National Guard serving on full-time duty for the purpose of organizing, administering, recruiting, instructing, or training the National Guard serving in each State during each fiscal year is commensurate with the National Guard force structure in such State during such fiscal year.

**SA 1911.** Mr. HATCH submitted an amendment intended to be proposed to amendment SA 1463 proposed by Mr. MCCAIN to the bill H.R. 1735, to authorize appropriations for fiscal year 2016 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**SEC. \_\_\_\_ . REPORT ON DEPARTMENT OF DEFENSE DEFINITION OF AND POLICY REGARDING SOFTWARE SUSTAINMENT.**

(a) REPORT ON ASSESSMENT OF DEFINITION AND POLICY.—Not later than March 15, 2016, the Secretary of Defense shall submit to the congressional defense committees and the President pro tempore of the Senate a report setting forth an assessment, obtained by the Secretary for purposes of the report, on the definition used by the Department of Defense for and the policy of the Department regarding software maintenance, particularly with respect to the totality of the term “software sustainment” in the definition of “depot-level maintenance and repair” under section 2460 of title 10, United States Code.

(b) INDEPENDENT ASSESSMENT.—The assessment obtained for purposes of subsection (a) shall be conducted by a federally funded research and development center (FFRDC), or another appropriate independent entity with expertise in matters described in subsection

(a), selected by the Secretary for purposes of the assessment.

(c) ELEMENTS.—

(1) IN GENERAL.—The assessment obtained for purposes of subsection (a) shall address, with respect to software and weapon systems of the Department of Defense (including space systems), each of the following:

(A) Fiscal ramifications of current programs with regard to the size, scope, and cost of software to the program’s overall budget, including embedded and support software, percentage of weapon systems’ functionality controlled by software, and reliance on proprietary data, processes, and components.

(B) Legal status of the Department in regards to adhering to section 2464(a)(1) of such title with respect to ensuring a ready and controlled source of maintenance and sustainment on software for its weapon systems.

(C) Operational risks and reduction to materiel readiness of current Department weapon systems related to software costs, delays, re-work, integration and functional testing, defects, and documentation errors.

(D) Other matters as identified by the Secretary.

(2) ADDITIONAL MATTERS.—For each of subparagraphs (A) through (C) of paragraph (1), the assessment obtained for purposes of subsection (a) shall include review and analysis regarding sole-source contracts, range of competition, rights in technical data, public and private capabilities, integration lab initial costs and sustaining operations, and total obligation authority costs of software, disaggregated by armed service, for the Department.

(d) DEPARTMENT OF DEFENSE SUPPORT.—The Secretary of Defense shall provide the independent entity described in subsection (b) with timely access to appropriate information, data, resources, and analysis so that the entity may conduct a thorough and independent assessment as required under such subsection.

**SA 1912.** Mr. WARNER (for himself, Ms. HIRONO, and Mr. KING) submitted an amendment intended to be proposed to amendment SA 1463 proposed by Mr. MCCAIN to the bill H.R. 1735, to authorize appropriations for fiscal year 2016 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle A of title XVI, add the following:

**SEC. 1614. STRATEGY FOR COMPREHENSIVE INTERAGENCY REVIEW OF THE UNITED STATES NATIONAL SECURITY OVERHEAD SATELLITE ARCHITECTURE.**

(a) REQUIREMENT FOR STRATEGY.—The Director of National Intelligence, the Secretary of Defense, and the Chairman of the Joint Chiefs of Staff shall develop a strategy, with milestones and benchmarks, to ensure that there is a comprehensive interagency review of policies and practices for planning and acquiring national security satellite systems and architectures, including capabilities of commercial systems and partner countries, consistent with the National Space Policy issued on June 28, 2010, and section 1601 of this Act. Such strategy shall, where applicable, account for the unique missions and authorities vested in the Department of Defense and the intelligence community.

(b) ELEMENTS.—The strategy required by subsection (a) shall ensure that the United States national security overhead satellite architecture—

(1) meets the needs of the United States in peace time and is resilient in war time;

(2) responsibly stewards the taxpayers’ dollars;

(3) accurately takes into account cost and performance tradeoffs;

(4) meets realistic requirements;

(5) produces excellence, innovation, competition, and a robust industrial base;

(6) aims to produce innovative satellite systems in less than 5 years that are able to leverage common, standardized design elements and commercially available technologies;

(7) takes advantage of rapid advances in commercial technology, innovation, and commercial-like acquisition practices;

(8) is open to innovative concepts such as distributed, disaggregated architectures that could allow for better resiliency, reconstitution, replenishment, and rapid technological refresh; and

(9) emphasizes deterrence and recognizes the importance of offensive and defensive space control capabilities.

(c) REPORT ON STRATEGY.—Not later than February 28, 2016, the Director of National Intelligence, the Secretary of Defense, and the Chairman of the Joint Chiefs of Staff shall report to the congressional defense committees, the Select Committee on Intelligence of the Senate, and the Permanent Select Committee on Intelligence of the House of Representatives on the strategy required by subsection (a).

**SA 1913.** Mrs. SHAHEEN submitted an amendment intended to be proposed to amendment SA 1463 proposed by Mr. MCCAIN to the bill H.R. 1735, to authorize appropriations for fiscal year 2016 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**SEC. \_\_\_\_ . REPEAL OF DUPLICATIVE INSPECTION AND GRADING PROGRAM.**

(a) FOOD, CONSERVATION, AND ENERGY ACT OF 2008.—Effective June 18, 2008, section 11016 of the Food, Conservation, and Energy Act of 2008 (Public Law 110-246; 122 Stat. 2130) is repealed.

(b) AGRICULTURAL ACT OF 2014.—Effective February 7, 2014, section 12106 of the Agricultural Act of 2014 (Public Law 113-79; 128 Stat. 981) is repealed.

(c) APPLICATION.—The Federal Meat Inspection Act (21 U.S.C. 601 et seq.) and the Agricultural Marketing Act of 1946 (7 U.S.C. 1621 et seq.) shall be applied and administered as if the provisions of law struck by this section had not been enacted.

**SA 1914.** Mr. SANDERS submitted an amendment intended to be proposed to amendment SA 1463 proposed by Mr. MCCAIN to the bill H.R. 1735, to authorize appropriations for fiscal year 2016 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

After section 1002, insert the following:

**SEC. 1002A. AUDIT READINESS OF THE FINANCIAL STATEMENTS OF THE DEPARTMENT OF DEFENSE.**

(a) FINDINGS.—Congress makes the following findings:

(1) Article 1, Section 9 of the Constitution of the United States requires of the agencies of the Federal Government, including the Department of Defense, that “a regular Statement and Account of the Receipts and Expenditures of all public Money shall be published from time to time”.

(2) Congress passed a series of laws in the 1990s, beginning with the Chief Financial Officers Act of 1990, to require that all Government agencies and departments obtain opinions on their financial statements.

(3) On September 10, 2001, former Secretary of Defense Donald Rumsfeld, stated that “[a]ccording to some estimates, we cannot track \$2,300,000,000 in transactions. We cannot share information from floor to floor in this building because it's stored on dozens of technological systems that are inaccessible or incompatible”.

(4) The National Defense Authorization Act for Fiscal Year 2010 codified a statutory requirement that the Department of Defense financial statements be validated as ready for audit not later than September 30, 2017.

(5) On April 21, 2015, the Deputy Chief Management Officer of the Department of Defense testified before the Committee on Armed Services of the Senate that “I have long been skeptical of the ability of the Department to achieve the statutory timeline for producing auditable financial statements”.

(6) In September 2010, the Government Accountability Office stated that past expenditures by the Department of Defense of \$5,800,000,000 to improve financial information, and billions of dollars more of anticipated expenditures on new information technology systems for that purpose, may not suffice to achieve full audit readiness of the financial statement of the Department.

(7) During his confirmation hearing in 2015, Secretary of Defense Ashton Carter submitted testimony stating that “[i]t is time that DoD finally lives up to its moral and legal obligation to be accountable to those who pay its bills. I intend to do everything we can—including holding people to account—to get this done”.

(8) The financial management practices of the Department of Defense have been on the “High Risk” list of the Government Accountability Office since 1995. As a result of poor financial management, the Department is unable to “control costs; ensure basic accountability; anticipate future costs and claims on the budget; measure performance; maintain funds control; and prevent and detect fraud, waste, and abuse”.

(b) FINANCIAL AUDIT FUND.—The Secretary of Defense shall establish a fund to be known as the “Financial Audit Fund” (in this section referred to as the “Fund”) for the purpose of supporting initiatives, programs, and activities that will assist the organizations, components, and elements of the Department of Defense in—

(1) improving the audit readiness of the financial statements of such organizations, components, and elements;

(2) obtaining unmodified audit opinions of the financial statements of such organizations, components, and elements; and

(3) maintaining unmodified audit opinions of the financial statements of such organizations, components, and elements.

(c) ELEMENTS.—Amounts in the Fund shall include the following:

(1) Amounts appropriated to the Fund.

(2) Amounts transferred to the Fund under subsection (e).

(3) Any other amounts authorized for transfer or deposit into the Fund by law.

(d) AVAILABILITY.—

(1) IN GENERAL.—Amounts in the Fund shall be available for initiatives, programs, and activities described in subsection (b) that are approved by the Secretary to support and maintain the audit readiness of the financial statement of the organizations, components, and elements of the Department of Defense.

(2) TRANSFER.—Amounts in the Fund may be transferred to any other account of the Department in order to fund initiatives, programs, and activities described in paragraph (1). Any amounts transferred from the Fund to an account shall be merged with amounts in the account to which transferred and shall be available subject to the same terms and conditions as amounts in such account, except that amounts so transferred shall remain available until expended. The authority to transfer amounts under this paragraph is in addition to any other authority of the Secretary to transfer amounts by law.

(3) PRIORITY.—In approving initiatives, programs, and activities to be funded with amounts in the Fund, the Secretary shall accord a priority to initiatives, programs, and activities that are designed to maintain unmodified audit opinions of financial statement of organizations, components, and elements of the Department that have previously obtained unmodified audit opinions of their financial statements.

(e) FAILURE TO ACHIEVE AUDIT READINESS.—

(1) REDUCTION IN AMOUNT AVAILABLE.—Subject to paragraph (2), if during any fiscal year after fiscal year 2017 the Secretary determines that an organization, component, or element of the Department has not achieved audit readiness of its financial statements for the calendar year ending during such fiscal year—

(A) the amount available to such organization, component, or element for the fiscal year in which such determination is made shall be equal to—

(i) the amount otherwise authorized to be appropriated for such organization, component, or element for the fiscal year, minus

(ii) an amount equal to 0.5 percent of the amount described in clause (i); and

(B) the Secretary shall deposit in the Fund pursuant to subsection (b)(2) all amounts unavailable to organizations, components, and elements of the Department in the fiscal year pursuant to determinations made under subparagraph (A).

(2) INAPPLICABILITY TO AMOUNTS FOR MILITARY PERSONNEL.—Any reduction applicable to an organization, component, or element of the Department under paragraph (1) for a fiscal year shall not apply to amounts, if any, available to such organization, component, or element for the fiscal year for military personnel.

**SA 1915.** Mr. BENNET submitted an amendment intended to be proposed to amendment SA 1463 proposed by Mr. MCCAIN to the bill H.R. 1735, to authorize appropriations for fiscal year 2016 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle G of title X, add the following:

**SEC. 1085. SENSE OF SENATE ON THE IMPORTANCE OF INTERAGENCY COOPERATION FOR THE UNITED STATES NORTHERN COMMAND.**

(a) FINDINGS.—The Senate makes the following findings:

(1) The Commander of United States Northern Command (USNORTHCOM) testified before the Committee on Armed Services of the Senate that since September 11, 2001, “resurgent state actors have invested in new capabilities that make North America vulnerable in ways not seen in a generation” and particularly that the “unpredictable cascading impacts of a cyberspace attack have the potential to easily outpace those of a natural disaster”.

(2) The Joint Cyber Center was established in the United States Northern Command to integrate cybersecurity efforts into headquarters missions by improving situational awareness in the cyber domain, improving the defense of the networks of the Command, and providing cyber consequence response and recovery support to civil authorities.

(3) The responsibilities of United States Northern Command for homeland defense (including countering illegal drugs and combating transnational organized crime) and defense support of civil authorities (including domestic disaster relief operations during wildfires, hurricanes, earthquakes, and floods) depend on interagency partnerships and cooperation.

(4) During the past fire season, Air Force Reserve and Air National Guard C-130 aircraft equipped with the United States Forest Service Modular Airborne Fire Fighting System made 132 airdrops, releasing nearly 250,000 gallons of fire retardant to combat wildfires.

(5) The regional partnership of United States Northern Command with Mexico and the Bahamas in combating the trafficking of illegal drugs and persons and in training law enforcement and disaster relief personnel depends on cooperation with other agencies of the United States Government such as the Department of State, Department of Homeland Security, and the Federal Bureau of Investigation.

(6) The Commander of United States Northern Command is also the Commander of the North American Aerospace Defense Command (NORAD), the bi-national command with Canada. For more than 57 years, the United States has partnered with our vital ally to the north to provide aerospace warning, aerospace defense, and maritime warning in defense of North America. Since September 11, 2001, North American Aerospace Defense Command fighters have responded to more than 5,000 possible air threats in the United States and flown more than 62,500 sorties in defense of our homeland. Successful execution on the North American Aerospace Defense Command mission relies heavily on timely communication and seamless integration with numerous agencies of the United States Government such as the Federal Aviation Administration, the Department of Homeland Security, and Federal law enforcement agencies.

(b) SENSE OF SENATE.—It is the sense of the Senate that—

(1) continued interagency cooperation is vital to the successful discharge of the missions of the United States Northern Command, including homeland defense, cybersecurity, counterterrorism, counterdrug efforts, and defense support of civil authorities; and

(2) the United States Northern Command should continue its efforts to integrate cyberspace operations into its contingency plans and training exercises to understand better how cyber-attacks could be mitigated or prevented and how other Federal and

State government partners can effectively respond should such attacks occur.

**SA 1916.** Mr. BENNET submitted an amendment intended to be proposed to amendment SA 1463 proposed by Mr. MCCAIN to the bill H.R. 1735, to authorize appropriations for fiscal year 2016 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle G of title X, add the following:

**SEC. 1085. DESIGNATION OF CONSTRUCTION AGENT FOR CERTAIN CONSTRUCTION PROJECTS BY DEPARTMENT OF VETERANS AFFAIRS.**

(a) IN GENERAL.—The Secretary of Veterans Affairs shall seek to enter into an agreement subject to subsections (b), (c), and (e) of section 1535 of title 31, United States Code, with the Army Corps of Engineers or another entity of the Federal Government to serve, on a reimbursable basis, as the construction agent on all construction projects of the Department of Veterans Affairs specifically authorized by Congress after the date of the enactment of this Act that involve a total expenditure of more than \$100,000,000, excluding any acquisition by exchange.

(b) AGREEMENT.—Under the agreement entered into under subsection (a), the construction agent shall provide design, procurement, and construction management services for the construction, alteration, and acquisition of facilities of the Department.

**SA 1917.** Mr. REED (for himself and Ms. HIRONO) submitted an amendment intended to be proposed to amendment SA 1463 proposed by Mr. MCCAIN to the bill H.R. 1735, to authorize appropriations for fiscal year 2016 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle B of title III, add the following:

**SEC. 314. REPORT ON USE OF DEMAND RESPONSE PROGRAMS.**

(a) REPORT.—Not later than September 30, 2016, the Secretary of Defense shall submit to the congressional defense committees a report on the use of demand response programs at military installations.

(b) ELEMENTS.—The report required under subsection (a) shall include the following elements:

(1) A description of the progress made in identifying installations where the use of demand response can be economically beneficial to the Department of Defense.

(2) A description of challenges to participation in demand response programs.

(3) A description of effective incentives for the participation of installations in these programs, including options for installations to gain access to the funds they earn for their participation.

(4) An assessment of possibilities for future expansion of demand response participation by the Department.

(5) An assessment of methods for receiving direct payments from utilities, independent

system operators, and third party aggregators for participation in demand response programs and utilizing these payments for energy-related purposes at the participating installations.

(c) FORM.—The report required under subsection (a) shall be submitted in unclassified form, but may contain a classified annex as necessary.

**SA 1918.** Mr. GRASSLEY submitted an amendment intended to be proposed to amendment SA 1463 proposed by Mr. MCCAIN to the bill H.R. 1735, to authorize appropriations for fiscal year 2016 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**SEC. \_\_\_\_ . JUDICIAL REVIEW OF VISA REVOCATION.**

(a) IN GENERAL.—Section 221(i) of the Immigration and Nationality Act (8 U.S.C. 1201(i)) is amended by striking “There shall be no means of judicial review” and all that follows and inserting the following: “Notwithstanding any other provision of law, including section 2241 of title 28, United States Code, any other habeas corpus provision, and sections 1361 and 1651 of such title, no court has jurisdiction to review a revocation under this subsection or to hear any claim arising from such a revocation.”.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall—

(1) take effect on the date of the enactment of this Act;

(2) apply to all visas issued before, on, or after such date; and

(3) apply to any claim pending on, or filed after, the date of the enactment of this Act.

**SA 1919.** Mr. SESSIONS submitted an amendment intended to be proposed to amendment SA 1463 proposed by Mr. MCCAIN to the bill H.R. 1735, to authorize appropriations for fiscal year 2016 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**Subtitle \_\_\_\_—Safe Communities**

**SEC. \_\_\_\_ 1. SHORT TITLE.**

This subtitle may be cited as the “Keep Our Communities Safe Act of 2015”.

**SEC. \_\_\_\_ 2. SENSE OF CONGRESS.**

It is the sense of Congress that—

(1) Constitutional rights should be upheld and protected;

(2) Congress intends to uphold the Constitutional principle of due process; and

(3) due process of the law is a right afforded to everyone in the United States.

**SEC. \_\_\_\_ 3. DETENTION OF DANGEROUS ALIENS DURING REMOVAL PROCEEDINGS.**

Section 236 of the Immigration and Nationality Act (8 U.S.C. 1226) is amended—

(1) by striking “Attorney General” each place such term appears (except in the second place it appears in subsection (a)) and inserting “Secretary of Homeland Security”;

(2) in subsection (a)—

(A) in the matter preceding paragraph (1), by inserting “the Secretary of Homeland Security or” before “the Attorney General—”; and

(B) in paragraph (2)(B), by striking “conditional parole” and inserting “recognizance”;

(3) in subsection (b)—

(A) in the subsection heading, by striking “PAROLE” and inserting “RECOGNIZANCE”; and

(B) by striking “parole” and inserting “recognizance”;

(4) in subsection (c)(1), by striking the undesignated matter following subparagraph (D) and inserting the following:

“any time after the alien is released, without regard to whether an alien is released related to any activity, offense, or conviction described in this paragraph; to whether the alien is released on parole, supervised release, or probation; or to whether the alien may be arrested or imprisoned again for the same offense. If the activity described in this paragraph does not result in the alien being taken into custody by any person other than the Secretary, then when the alien is brought to the attention of the Secretary or when the Secretary determines it is practical to take such alien into custody, the Secretary shall take such alien into custody.”;

(5) in subsection (e), by striking “Attorney General’s” and inserting “Secretary of Homeland Security’s”; and

(6) by adding at the end the following:

“(f) LENGTH OF DETENTION.—(1) Notwithstanding any other provision of this section, an alien may be detained under this section for any period, without limitation, except as provided in subsection (h), until the alien is subject to a final order of removal.

“(2) The length of detention under this section shall not affect a detention under section 241.

“(g) ADMINISTRATIVE REVIEW.—(1) The Attorney General’s review of the Secretary’s custody determinations under subsection (a) shall be limited to whether the alien may be detained, released on bond (of at least \$1,500 with security approved by the Secretary), or released with no bond. Any review involving an alien described in paragraph (2)(D) shall be limited to a determination of whether the alien is properly included in such category.

“(2) The Attorney General shall review the Secretary’s custody determinations for the following classes of aliens:

“(A) Aliens in exclusion proceedings.

“(B) Aliens described in section 212(a)(3) or 237(a)(4).

“(C) Aliens described in subsection (c).

“(D) Aliens in deportation proceedings subject to section 242(a)(2) (as in effect between April 24, 1996 and April 1, 1997).

“(h) RELEASE ON BOND.—(1) Subject to paragraphs (2) and (3), an alien detained under subsection (a) may seek release on bond.

“(2) No bond may be granted under this subsection except to an alien who establishes, by clear and convincing evidence, that the alien is not a flight risk or a risk to another person or the community.

“(3) No alien detained under subsection (c) may seek release on bond.”.

“(2) The length of detention under this section shall not affect a detention under section 241.

“(g) ADMINISTRATIVE REVIEW.—(1) The Attorney General’s review of the Secretary’s custody determinations under subsection (a) shall be limited to whether the alien may be detained, released on bond (of at least \$1,500 with security approved by the Secretary), or released with no bond. Any review involving an alien described in paragraph (2)(D) shall be limited to a determination of whether the alien is properly included in such category.

“(2) The Attorney General shall review the Secretary’s custody determinations for the following classes of aliens:

“(A) Aliens in exclusion proceedings.

“(B) Aliens described in section 212(a)(3) or 237(a)(4).

“(C) Aliens described in subsection (c).

“(D) Aliens in deportation proceedings subject to section 242(a)(2) (as in effect between April 24, 1996 and April 1, 1997).

“(h) RELEASE ON BOND.—(1) Subject to paragraphs (2) and (3), an alien detained under subsection (a) may seek release on bond.

“(2) No bond may be granted under this subsection except to an alien who establishes, by clear and convincing evidence, that the alien is not a flight risk or a risk to another person or the community.

“(3) No alien detained under subsection (c) may seek release on bond.”.

**SEC. \_\_\_\_ 4. ALIENS ORDERED REMOVED.**

Section 241(a) of the Immigration and Nationality Act (8 U.S.C. 1231(a)) is amended—

(1) by striking “Attorney General” each place it appears, except for the first place it appears in paragraph (4)(B)(i), and inserting “Secretary of Homeland Security”;

(2) in paragraph (1)—

(A) by striking subparagraphs (B) and (C) and inserting the following:

“(B) BEGINNING OF PERIOD.—The removal period begins on the latest of—

“(i) the date on which the order of removal becomes administratively final;

“(ii) the date on which the alien is taken into such custody if the alien is not in the custody of the Secretary on the date on which the order of removal becomes administratively final; and

“(iii) the date on which the alien is taken into the custody of the Secretary after the alien is released from detention or confinement if the alien is detained or confined (except for an immigration process) on the date on which the order of removal becomes administratively final.

“(C) SUSPENSION OF PERIOD.—

“(i) EXTENSION.—The removal period shall be extended beyond a period of 90 days and the Secretary may, in the Secretary's sole discretion, keep the alien in detention during such extended period, if—

“(I) the alien fails or refuses to make all reasonable efforts to comply with the removal order, or to fully cooperate with the Secretary's efforts to establish the alien's identity and carry out the removal order, including making timely application in good faith for travel or other documents necessary to the alien's departure or conspires or acts to prevent the alien's removal that is subject to an order of removal;

“(II) a court, the Board of Immigration Appeals, or an immigration judge orders a stay of removal of an alien who is subject to an administratively final order of removal;

“(III) the Secretary transfers custody of the alien pursuant to law to another Federal agency or a State or local government agency in connection with the official duties of such agency; or

“(IV) a court or the Board of Immigration Appeals orders a remand to an immigration judge or the Board of Immigration Appeals, during the time period when the case is pending a decision on remand (with the removal period beginning anew on the date that the alien is ordered removed on remand).

“(ii) RENEWAL.—If the removal period has been extended under clause (i), a new removal period shall be deemed to have begun on the date on which—

“(I) the alien makes all reasonable efforts to comply with the removal order, or to fully cooperate with the Secretary's efforts to establish the alien's identity and carry out the removal order;

“(II) the stay of removal is no longer in effect; or

“(III) the alien is returned to the custody of the Secretary.

“(iii) MANDATORY DETENTION FOR CERTAIN ALIENS.—The Secretary shall keep an alien described in subparagraphs (A) through (D) of section 236(c)(1) in detention during the extended period described in clause (i).

“(iv) SOLE FORM OF RELIEF.—An alien may only seek relief from detention under this subparagraph by filing an application for a writ of habeas corpus in accordance with chapter 153 of title 28, United States Code. No alien whose period of detention is extended under this subparagraph shall have the right to seek release on bond.”;

(3) in paragraph (3)—

(A) in the matter preceding subparagraph (A), by inserting “or is not detained pursuant to paragraph (6)” after “the removal period”; and

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

“(D) to obey reasonable restrictions on the alien's conduct or activities that the Secretary prescribes for the alien—

“(i) to prevent the alien from absconding;

“(ii) for the protection of the community; or

“(iii) for other purposes related to the enforcement of immigration laws.”;

(4) in paragraph (4)(A), by striking “paragraph (2)” and inserting “subparagraph (B)”; and

(5) by amending paragraph (6) to read as follows:

“(6) ADDITIONAL RULES FOR DETENTION OR RELEASE OF CERTAIN ALIENS.—

“(A) DETENTION REVIEW PROCESS FOR COOPERATIVE ALIENS ESTABLISHED.—

“(i) IN GENERAL.—The Secretary of Homeland Security shall establish an administrative review process to determine whether an alien who is not otherwise subject to mandatory detention, who has made all reasonable efforts to comply with a removal order and to cooperate fully with the Secretary's efforts to establish the alien's identity and carry out the removal order, including making timely application in good faith for travel or other documents necessary to the alien's departure, and who has not conspired or acted to prevent removal should be detained or released on conditions.

“(ii) DETERMINATION.—The Secretary shall make a determination whether to release an alien after the removal period in accordance with subparagraph (B), which—

“(I) shall include consideration of any evidence submitted by the alien; and

“(II) may include consideration of any other evidence, including—

“(aa) any information or assistance provided by the Secretary of State or other Federal official; and

“(bb) any other information available to the Secretary of Homeland Security pertaining to the ability to remove the alien.

“(B) AUTHORITY TO DETAIN BEYOND REMOVAL PERIOD.—

“(i) IN GENERAL.—The Secretary of Homeland Security may continue to detain an alien for 90 days beyond the removal period (including any extension of the removal period under paragraph (1)(C)). An alien whose detention is extended under this subparagraph shall not have the right to seek release on bond.

“(ii) SPECIFIC CIRCUMSTANCES.—The Secretary may continue to detain an alien beyond the 90 days authorized under clause (i)—

“(I) until the alien is removed, if the Secretary determines that there is a significant likelihood that the alien—

“(aa) will be removed in the reasonably foreseeable future;

“(bb) would be removed in the reasonably foreseeable future; or

“(cc) would have been removed if the alien had not—

“(AA) failed or refused to make all reasonable efforts to comply with the removal order;

“(BB) failed or refused to cooperate fully with the Secretary's efforts to establish the alien's identity and carry out the removal order, including making timely application in good faith for travel or other documents necessary to the alien's departure; or

“(CC) conspired or acted to prevent removal;

“(II) until the alien is removed, if the Secretary of Homeland Security certifies in writing—

“(aa) in consultation with the Secretary of Health and Human Services, that the alien has a highly contagious disease that poses a threat to public safety;

“(bb) after receipt of a written recommendation from the Secretary of State, that release of the alien is likely to have serious adverse foreign policy consequences for the United States;

“(cc) based on information available to the Secretary of Homeland Security (including classified, sensitive, or national security information, and without regard to the grounds upon which the alien was ordered re-

moved), that there is reason to believe that the release of the alien would threaten the national security of the United States; or

“(dd) that the release of the alien will threaten the safety of the community or any person, conditions of release cannot reasonably be expected to ensure the safety of the community or of any person; and

“(AA) the alien has been convicted of 1 or more aggravated felonies (as defined in section 101(a)(43)(A)) or of 1 or more crimes identified by the Secretary of Homeland Security by regulation, or of 1 or more attempts or conspiracies to commit any such aggravated felonies or such identified crimes, if the aggregate term of imprisonment for such attempts or conspiracies is at least 5 years; or

“(BB) the alien has committed 1 or more crimes of violence (as defined in section 16 of title 18, United States Code, but not including a purely political offense) and, because of a mental condition or personality disorder and behavior associated with that condition or disorder, the alien is likely to engage in acts of violence in the future; or

“(III) pending a certification under subclause (II), if the Secretary of Homeland Security has initiated the administrative review process not later than 30 days after the expiration of the removal period (including any extension of the removal period under paragraph (1)(C)).

“(iii) NO RIGHT TO BOND HEARING.—An alien whose detention is extended under this subparagraph shall not have a right to seek release on bond, including by reason of a certification under clause (ii)(II).

“(C) RENEWAL AND DELEGATION OF CERTIFICATION.—

“(i) RENEWAL.—The Secretary of Homeland Security may renew a certification under subparagraph (B)(ii)(II) every 6 months after providing an opportunity for the alien to request reconsideration of the certification and to submit documents or other evidence in support of that request. If the Secretary does not renew a certification, the Secretary may not continue to detain the alien under subparagraph (B)(ii)(II).

“(ii) DELEGATION.—Notwithstanding section 103, the Secretary may not delegate the authority to make or renew a certification described in item (bb), (cc), or (dd) of subparagraph (B)(ii)(II) below the level of the Assistant Secretary for Immigration and Customs Enforcement.

“(iii) HEARING.—The Secretary may request that the Attorney General or the Attorney General's designee provide for a hearing to make the determination described in subparagraph (B)(ii)(II)(dd)(BB).

“(D) RELEASE ON CONDITIONS.—If it is determined that an alien should be released from detention by a Federal court, the Board of Immigration Appeals, or if an immigration judge orders a stay of removal, the Secretary of Homeland Security may impose conditions on release in accordance with paragraph (3).

“(E) REDETENTION.—

“(i) IN GENERAL.—The Secretary of Homeland Security, without any limitations other than those specified in this section, may detain any alien subject to a final removal order who is released from custody if—

“(I) removal becomes likely in the reasonably foreseeable future;

“(II) the alien fails to comply with the conditions of release or to continue to satisfy the conditions described in subparagraph (A); or

“(III) upon reconsideration, the Secretary determines that the alien can be detained under subparagraph (B).

“(ii) APPLICABILITY.—This section shall apply to any alien returned to custody pursuant to this subparagraph as if the removal

period terminated on the day of the redetention.

“(F) REVIEW OF DETERMINATIONS BY SECRETARY.—A determination by the Secretary under this paragraph shall not be subject to review by any other agency.”.

#### SEC. 5. SEVERABILITY.

If any of the provisions of this subtitle, any amendment made by this subtitle, or the application of any such provision to any person or circumstance, is held to be invalid for any reason, the remainder of this subtitle, the amendments made by this subtitle, and the application of the provisions and amendments made by this subtitle to any other person or circumstance shall not be affected by such holding.

#### SEC. 6. EFFECTIVE DATES.

(a) APPREHENSION AND DETENTION OF ALIENS.—The amendments made by section 3 shall take effect on the date of the enactment of this Act. Section 236 of the Immigration and Nationality Act, as amended by section 3, shall apply to any alien in detention under the provisions of such section on or after such date of enactment.

(b) ALIENS ORDERED REMOVED.—The amendments made by section 4 shall take effect on the date of the enactment of this Act and shall apply to—

(1) all aliens subject to a final administrative removal, deportation, or exclusion order that was issued before, on, or after the date of the enactment of this Act; and

(2) acts and conditions occurring or existing before, on, or after such date of enactment.

**SA 1920.** Mr. SESSIONS submitted an amendment intended to be proposed to amendment SA 1463 proposed by Mr. MCCAIN to the bill H.R. 1735, to authorize appropriations for fiscal year 2016 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

#### Subtitle E-Verify

#### SEC. 1. SHORT TITLE.

This subtitle may be cited as the “Accountability Through Electronic Verification Act”.

#### SEC. 2. PERMANENT REAUTHORIZATION.

Section 401(b) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (division C of Public Law 104-208; 8 U.S.C. 1324a note) is amended by striking “Unless the Congress otherwise provides, the Secretary of Homeland Security shall terminate a pilot program on September 30, 2015.”.

#### SEC. 3. MANDATORY USE OF E-VERIFY.

(a) FEDERAL GOVERNMENT.—Section 402(e)(1) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1324a note) is amended—

(1) by amending subparagraph (A) to read as follows:

“(A) EXECUTIVE DEPARTMENTS AND AGENCIES.—Each department and agency of the Federal Government shall participate in E-Verify by complying with the terms and conditions set forth in this section.”; and

(2) in subparagraph (B), by striking “, that conducts hiring in a State” and all that follows and inserting “shall participate in E-Verify by complying with the terms and conditions set forth in this section.”.

(b) FEDERAL CONTRACTORS; CRITICAL EMPLOYERS.—Section 402(e) of the Illegal Immi-

gration Reform and Immigrant Responsibility Act of 1996, as amended by subsection (a), is further amended—

(1) by redesignating paragraphs (2) and (3) as paragraphs (4) and (5), respectively; and

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

“(2) UNITED STATES CONTRACTORS.—Any person, employer, or other entity that enters into a contract with the Federal Government shall participate in E-Verify by complying with the terms and conditions set forth in this section.

“(3) DESIGNATION OF CRITICAL EMPLOYERS.—Not later than 7 days after the date of the enactment of this paragraph, the Secretary of Homeland Security shall—

“(A) conduct an assessment of employers that are critical to the homeland security or national security needs of the United States;

“(B) designate and publish a list of employers and classes of employers that are deemed to be critical pursuant to the assessment conducted under subparagraph (A); and

“(C) require that critical employers designated pursuant to subparagraph (B) participate in E-Verify by complying with the terms and conditions set forth in this section not later than 30 days after the Secretary makes such designation.”.

(c) ALL EMPLOYERS.—Section 402 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996, as amended by this section, is further amended—

(1) by redesignating subsection (f) as subsection (g); and

(2) by inserting after subsection (e) the following:

“(f) MANDATORY PARTICIPATION IN E-VERIFY.—

“(1) IN GENERAL.—Subject to paragraphs (2) and (3), all employers in the United States shall participate in E-Verify, with respect to all employees recruited, referred, or hired by such employer on or after the date that is 1 year after the date of the enactment of this subsection.

“(2) USE OF CONTRACT LABOR.—Any employer who uses a contract, subcontract, or exchange to obtain the labor of an individual in the United States shall certify in such contract, subcontract, or exchange that the employer uses E-Verify. If such certification is not included in a contract, subcontract, or exchange, the employer shall be deemed to have violated paragraph (1).

“(3) INTERIM MANDATORY PARTICIPATION.—

“(A) IN GENERAL.—Before the date set forth in paragraph (1), the Secretary of Homeland Security shall require any employer or class of employers to participate in E-Verify, with respect to all employees recruited, referred, or hired by such employer if the Secretary has reasonable cause to believe that the employer is or has been engaged in a material violation of section 274A of the Immigration and Nationality Act (8 U.S.C. 1324a).

“(B) NOTIFICATION.—Not later than 14 days before an employer or class of employers is required to begin participating in E-Verify pursuant to subparagraph (A), the Secretary shall provide such employer or class of employers with—

“(i) written notification of such requirement; and

“(ii) appropriate training materials to facilitate compliance with such requirement.”.

#### SEC. 4. CONSEQUENCES OF FAILURE TO PARTICIPATE.

(a) IN GENERAL.—Section 402(e)(5) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1324a note), as redesignated by section 3(b)(1), is amended to read as follows:

“(5) CONSEQUENCES OF FAILURE TO PARTICIPATE.—If a person or other entity that is required to participate in E-Verify fails to

comply with the requirements under this title with respect to an individual—

“(A) such failure shall be treated as a violation of section 274A(a)(1)(B) with respect to such individual; and

“(B) a rebuttable presumption is created that the person or entity has violated section 274A(a)(1)(A).”.

(b) PENALTIES.—Section 274A of the Immigration and Nationality Act (8 U.S.C. 1324a) is amended—

(1) in subsection (e)—

(A) in paragraph (4)—

(i) in subparagraph (A), in the matter preceding clause (i), by inserting “, subject to paragraph (10),” after “in an amount”; and

(ii) in subparagraph (A)(i), by striking “not less than \$250 and not more than \$2,000” and inserting “not less than \$2,500 and not more than \$5,000”; and

(iii) in subparagraph (A)(ii), by striking “not less than \$2,000 and not more than \$5,000” and inserting “not less than \$5,000 and not more than \$10,000”; and

(iv) in subparagraph (A)(iii), by striking “not less than \$3,000 and not more than \$10,000” and inserting “not less than \$10,000 and not more than \$25,000”; and

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

“(B) may require the person or entity to take such other remedial action as is appropriate.”;

(B) in paragraph (5)—

(i) by inserting “, subject to paragraphs (10) through (12),” after “in an amount”; and

(ii) by striking “\$100” and inserting “\$1,000”; and

(iii) by striking “\$1,000” and inserting “\$25,000”; and

(iv) by striking “the size of the business of the employer being charged, the good faith of the employer” and inserting “the good faith of the employer being charged”; and

(v) by adding at the end the following: “Failure by a person or entity to utilize the employment eligibility verification system as required by law, or providing information to the system that the person or entity knows or reasonably believes to be false, shall be treated as a violation of subsection (a)(1)(A).”; and

(C) by adding at the end the following:

“(10) EXEMPTION FROM PENALTY.—In the case of imposition of a civil penalty under paragraph (4)(A) with respect to a violation of paragraph (1)(A) or (2) of subsection (a) for hiring or continuation of employment or recruitment or referral by person or entity and in the case of imposition of a civil penalty under paragraph (5) for a violation of subsection (a)(1)(B) for hiring or recruitment or referral by a person or entity, the penalty otherwise imposed may be waived or reduced if the violator establishes that the violator acted in good faith.

“(11) AUTHORITY TO DEBAR EMPLOYERS FOR CERTAIN VIOLATIONS.—

“(A) IN GENERAL.—If a person or entity is determined by the Secretary of Homeland Security to be a repeat violator of paragraph (1)(A) or (2) of subsection (a), or is convicted of a crime under this section, such person or entity may be considered for debarment from the receipt of Federal contracts, grants, or cooperative agreements in accordance with the debarment standards and pursuant to the debarment procedures set forth in the Federal Acquisition Regulation.

“(B) DOES NOT HAVE CONTRACT, GRANT, AGREEMENT.—If the Secretary of Homeland Security or the Attorney General wishes to have a person or entity considered for debarment in accordance with this paragraph, and such a person or entity does not hold a Federal contract, grant or cooperative agreement, the Secretary or Attorney General shall refer the matter to the Administrator

of General Services to determine whether to list the person or entity on the List of Parties Excluded from Federal Procurement, and if so, for what duration and under what scope.

“(C) HAS CONTRACT, GRANT, AGREEMENT.—If the Secretary of Homeland Security or the Attorney General wishes to have a person or entity considered for debarment in accordance with this paragraph, and such person or entity holds a Federal contract, grant or cooperative agreement, the Secretary or Attorney General shall advise all agencies or departments holding a contract, grant, or cooperative agreement with the person or entity of the Government’s interest in having the person or entity considered for debarment, and after soliciting and considering the views of all such agencies and departments, the Secretary or Attorney General may waive the operation of this paragraph or refer the matter to any appropriate lead agency to determine whether to list the person or entity on the List of Parties Excluded from Federal Procurement, and if so, for what duration and under what scope.

“(D) REVIEW.—Any decision to debar a person or entity under in accordance with this paragraph shall be reviewable pursuant to part 9.4 of the Federal Acquisition Regulation.”; and

(2) in subsection (f)—

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

“(1) CRIMINAL PENALTY.—Any person or entity which engages in a pattern or practice of violations of subsection (a)(1) or (2) shall be fined not more than \$15,000 for each unauthorized alien with respect to which such a violation occurs, imprisoned for not less than 1 year and not more than 10 years, or both, notwithstanding the provisions of any other Federal law relating to fine levels.”; and

(B) in paragraph (2), by striking “Attorney General” each place it appears and inserting “Secretary of Homeland Security”.

#### SEC. 5. PREEMPTION; LIABILITY.

Section 402 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1324a note), as amended by this subtitle, is further amended by adding at the end the following:

“(h) LIMITATION ON STATE AUTHORITY.—

“(1) PREEMPTION.—A State or local government may not prohibit a person or other entity from verifying the employment authorization of new hires or current employees through E-Verify.

“(2) LIABILITY.—A person or other entity that participates in E-Verify may not be held liable under any Federal, State, or local law for any employment-related action taken with respect to the wrongful termination of an individual in good faith reliance on information provided through E-Verify.”.

#### SEC. 6. EXPANDED USE OF E-VERIFY.

Section 403(a)(3)(A) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1324a note) is amended to read as follows:

“(A) IN GENERAL.—

“(i) BEFORE HIRING.—The person or other entity may verify the employment eligibility of an individual through E-Verify before the individual is hired, recruited, or referred if the individual consents to such verification. If an employer receives a tentative nonconfirmation for an individual, the employer shall comply with procedures prescribed by the Secretary, including—

“(I) providing the individual employees with private, written notification of the finding and written referral instructions;

“(II) allowing the individual to contest the finding; and

“(III) not taking adverse action against the individual if the individual chooses to contest the finding.

“(ii) AFTER EMPLOYMENT OFFER.—The person or other entity shall verify the employment eligibility of an individual through E-Verify not later than 3 days after the date of the hiring, recruitment, or referral, as the case may be.

“(iii) EXISTING EMPLOYEES.—Not later than 3 years after the date of the enactment of the Accountability Through Electronic Verification Act, the Secretary shall require all employers to use E-Verify to verify the identity and employment eligibility of any individual who has not been previously verified by the employer through E-Verify.”.

#### SEC. 7. REVERIFICATION.

Section 403(a) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1324a note) is amended by adding at the end the following:

“(5) REVERIFICATION.—Each person or other entity participating in E-Verify shall use the E-Verify confirmation system to reverify the work authorization of any individual not later than 3 days after the date on which such individual’s employment authorization is scheduled to expire (as indicated by the Secretary or the documents provided to the employer pursuant to section 274A(b) of the Immigration and Nationality Act (8 U.S.C. 1324a(b))), in accordance with the procedures set forth in this subsection and section 402.”.

#### SEC. 8. HOLDING EMPLOYERS ACCOUNTABLE.

(a) CONSEQUENCES OF NONCONFIRMATION.—Section 403(a)(4)(C) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1324a note) is amended to read as follows:

“(C) CONSEQUENCES OF NONCONFIRMATION.—

“(i) TERMINATION AND NOTIFICATION.—If the person or other entity receives a final nonconfirmation regarding an individual, the employer shall immediately—

“(I) terminate the employment, recruitment, or referral of the individual; and

“(II) submit to the Secretary any information relating to the individual that the Secretary determines would assist the Secretary in enforcing or administering United States immigration laws.

“(ii) CONSEQUENCE OF CONTINUED EMPLOYMENT.—If the person or other entity continues to employ, recruit, or refer the individual after receiving final nonconfirmation, a rebuttable presumption is created that the employer has violated section 274A of the Immigration and Nationality Act (8 U.S.C. 1324a).”.

(b) INTERAGENCY NONCONFIRMATION REPORT.—Section 405 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1324a note) is amended by adding at the end the following:

“(c) INTERAGENCY NONCONFIRMATION REPORT.—

“(1) IN GENERAL.—The Director of U.S. Citizenship and Immigration Services shall submit a weekly report to the Assistant Secretary of Immigration and Customs Enforcement that includes, for each individual who receives final nonconfirmation through E-Verify—

“(A) the name of such individual;

“(B) his or her Social Security number or alien file number;

“(C) the name and contact information for his or her current employer; and

“(D) any other critical information that the Assistant Secretary determines to be appropriate.

“(2) USE OF WEEKLY REPORT.—The Secretary of Homeland Security shall use information provided under paragraph (1) to enforce compliance of the United States immigration laws.”.

#### SEC. 9. INFORMATION SHARING.

The Commissioner of Social Security, the Secretary of Homeland Security, and the Secretary of the Treasury shall jointly establish a program to share information among such agencies that may or could lead to the identification of unauthorized aliens (as defined in section 274A(h)(3) of the Immigration and Nationality Act), including any no-match letter and any information in the earnings suspense file.

#### SEC. 10. FORM I-9 PROCESS.

Not later than 9 months after the date of the enactment of this Act, the Secretary of Homeland Security shall submit a report to Congress that contains recommendations for—

(1) modifying and simplifying the process by which employers are required to complete and retain a Form I-9 for each employee pursuant to section 274A of the Immigration and Nationality Act (8 U.S.C. 1324a); and

(2) eliminating the process described in paragraph (1).

#### SEC. 11. ALGORITHM.

Section 404(d) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1324a note) is amended to read as follows:

“(d) DESIGN AND OPERATION OF SYSTEM.—E-Verify shall be designed and operated—

“(1) to maximize its reliability and ease of use by employers;

“(2) to insulate and protect the privacy and security of the underlying information;

“(3) to maintain appropriate administrative, technical, and physical safeguards to prevent unauthorized disclosure of personal information;

“(4) to respond accurately to all inquiries made by employers on whether individuals are authorized to be employed;

“(5) to register any times when E-Verify is unable to receive inquiries;

“(6) to allow for auditing use of the system to detect fraud and identify theft;

“(7) to preserve the security of the information in all of the system by—

“(A) developing and using algorithms to detect potential identity theft, such as multiple uses of the same identifying information or documents;

“(B) developing and using algorithms to detect misuse of the system by employers and employees;

“(C) developing capabilities to detect anomalies in the use of the system that may indicate potential fraud or misuse of the system; and

“(D) auditing documents and information submitted by potential employees to employers, including authority to conduct interviews with employers and employees;

“(8) to confirm identity and work authorization through verification of records maintained by the Secretary, other Federal departments, States, the Commonwealth of the Northern Mariana Islands, or an outlying possession of the United States, as determined necessary by the Secretary, including—

“(A) records maintained by the Social Security Administration;

“(B) birth and death records maintained by vital statistics agencies of any State or other jurisdiction in the United States;

“(C) passport and visa records (including photographs) maintained by the Department of State; and

“(D) State driver’s license or identity card information (including photographs) maintained by State department of motor vehicles;

“(9) to electronically confirm the issuance of the employment authorization or identity document; and

“(10) to display the digital photograph that the issuer placed on the document so that



the employer can compare the photograph displayed to the photograph on the document presented by the employee or, in exceptional cases, if a photograph is not available from the issuer, to provide for a temporary alternative procedure, specified by the Secretary, for confirming the authenticity of the document.”.

#### SEC. 12. IDENTITY THEFT.

Section 1028 of title 18, United States Code, is amended—

(1) in subsection (a)(7), by striking “of another person” and inserting “that is not his or her own”; and

(2) in subsection (b)(3)—

(A) in subparagraph (B), by striking “or” at the end;

(B) in subparagraph (C), by adding “or” at the end; and

(C) by adding at the end the following:

“(D) to facilitate or assist in harboring or hiring unauthorized workers in violation of section 274, 274A, or 274C of the Immigration and Nationality Act (8 U.S.C. 1324, 1324a, and 1324c).”.

#### SEC. 13. SMALL BUSINESS DEMONSTRATION PROGRAM.

Section 403 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1324a note) is amended—

(1) by redesignating subsection (d) as subsection (e); and

(2) by inserting after subsection (c) the following:

“(d) **SMALL BUSINESS DEMONSTRATION PROGRAM.**—Not later than 9 months after the date of the enactment of the Accountability Through Electronic Verification Act, the Director of U.S. Citizenship and Immigration Services shall establish a demonstration program that assists small businesses in rural areas or areas without internet capabilities to verify the employment eligibility of newly hired employees solely through the use of publicly accessible internet terminals.”.

**SA 1921.** Mr. BURR (for himself and Mr. MCCAIN) proposed an amendment to amendment SA 1569 proposed by Mr. BURR (for himself and Mrs. BOXER) to the amendment SA 1463 proposed by Mr. MCCAIN to the bill H.R. 1735, to authorize appropriations for fiscal year 2016 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; as follows:

Strike line 2 and all that follows and insert the following:

#### TITLE XVII—CYBERSECURITY INFORMATION SHARING

##### SECTION 1701. SHORT TITLE.

This title may be cited as the “Cybersecurity Information Sharing Act of 2015”.

##### SEC. 1702. DEFINITIONS.

In this title:

(1) **AGENCY.**—The term “agency” has the meaning given the term in section 3502 of title 44, United States Code.

(2) **ANTITRUST LAWS.**—The term “antitrust laws”—

(A) has the meaning given the term in section 1 of the Clayton Act (15 U.S.C. 12);

(B) includes section 5 of the Federal Trade Commission Act (15 U.S.C. 45) to the extent that section 5 of that Act applies to unfair methods of competition; and

(C) includes any State law that has the same intent and effect as the laws under subparagraphs (A) and (B).

(3) **APPROPRIATE FEDERAL ENTITIES.**—The term “appropriate Federal entities” means the following:

(A) The Department of Commerce.

(B) The Department of Defense.

(C) The Department of Energy.

(D) The Department of Homeland Security.

(E) The Department of Justice.

(F) The Department of the Treasury.

(G) The Office of the Director of National Intelligence.

(4) **CYBERSECURITY PURPOSE.**—The term “cybersecurity purpose” means the purpose of protecting an information system or information that is stored on, processed by, or transiting an information system from a cybersecurity threat or security vulnerability.

(5) **CYBERSECURITY THREAT.**—

(A) **IN GENERAL.**—Except as provided in subparagraph (B), the term “cybersecurity threat” means an action, not protected by the First Amendment to the Constitution of the United States, on or through an information system that may result in an unauthorized effort to adversely impact the security, availability, confidentiality, or integrity of an information system or information that is stored on, processed by, or transiting an information system.

(B) **EXCLUSION.**—The term “cybersecurity threat” does not include any action that solely involves a violation of a consumer term of service or a consumer licensing agreement.

(6) **CYBER THREAT INDICATOR.**—The term “cyber threat indicator” means information that is necessary to describe or identify—

(A) malicious reconnaissance, including anomalous patterns of communications that appear to be transmitted for the purpose of gathering technical information related to a cybersecurity threat or security vulnerability;

(B) a method of defeating a security control or exploitation of a security vulnerability;

(C) a security vulnerability, including anomalous activity that appears to indicate the existence of a security vulnerability;

(D) a method of causing a user with legitimate access to an information system or information that is stored on, processed by, or transiting an information system to unwittingly enable the defeat of a security control or exploitation of a security vulnerability;

(E) malicious cyber command and control;

(F) the actual or potential harm caused by an incident, including a description of the information exfiltrated as a result of a particular cybersecurity threat;

(G) any other attribute of a cybersecurity threat, if disclosure of such attribute is not otherwise prohibited by law; or

(H) any combination thereof.

(7) **DEFENSIVE MEASURE.**—

(A) **IN GENERAL.**—Except as provided in subparagraph (B), the term “defensive measure” means an action, device, procedure, signature, technique, or other measure applied to an information system or information that is stored on, processed by, or transiting an information system that detects, prevents, or mitigates a known or suspected cybersecurity threat or security vulnerability.

(B) **EXCLUSION.**—The term “defensive measure” does not include a measure that destroys, renders unusable, or substantially harms an information system or data on an information system not belonging to—

(i) the private entity operating the measure; or

(ii) another entity or Federal entity that is authorized to provide consent and has provided consent to that private entity for operation of such measure.

(8) **ENTITY.**—

(A) **IN GENERAL.**—Except as otherwise provided in this paragraph, the term “entity”

means any private entity, non-Federal government agency or department, or State, tribal, or local government (including a political subdivision, department, or component thereof).

(B) **INCLUSIONS.**—The term “entity” includes a government agency or department of the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, the Northern Mariana Islands, and any other territory or possession of the United States.

(C) **EXCLUSION.**—The term “entity” does not include a foreign power as defined in section 101 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801).

(9) **FEDERAL ENTITY.**—The term “Federal entity” means a department or agency of the United States or any component of such department or agency.

(10) **INFORMATION SYSTEM.**—The term “information system”—

(A) has the meaning given the term in section 3502 of title 44, United States Code; and

(B) includes industrial control systems, such as supervisory control and data acquisition systems, distributed control systems, and programmable logic controllers.

(11) **LOCAL GOVERNMENT.**—The term “local government” means any borough, city, county, parish, town, township, village, or other political subdivision of a State.

(12) **MALICIOUS CYBER COMMAND AND CONTROL.**—The term “malicious cyber command and control” means a method for unauthorized remote identification of, access to, or use of, an information system or information that is stored on, processed by, or transiting an information system.

(13) **MALICIOUS RECONNAISSANCE.**—The term “malicious reconnaissance” means a method for actively probing or passively monitoring an information system for the purpose of discerning security vulnerabilities of the information system, if such method is associated with a known or suspected cybersecurity threat.

(14) **MONITOR.**—The term “monitor” means to acquire, identify, or scan, or to possess, information that is stored on, processed by, or transiting an information system.

(15) **PRIVATE ENTITY.**—

(A) **IN GENERAL.**—Except as otherwise provided in this paragraph, the term “private entity” means any person or private group, organization, proprietorship, partnership, trust, cooperative, corporation, or other commercial or nonprofit entity, including an officer, employee, or agent thereof.

(B) **INCLUSION.**—The term “private entity” includes a State, tribal, or local government performing electric utility services.

(C) **EXCLUSION.**—The term “private entity” does not include a foreign power as defined in section 101 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801).

(16) **SECURITY CONTROL.**—The term “security control” means the management, operational, and technical controls used to protect against an unauthorized effort to adversely affect the confidentiality, integrity, and availability of an information system or its information.

(17) **SECURITY VULNERABILITY.**—The term “security vulnerability” means any attribute of hardware, software, process, or procedure that could enable or facilitate the defeat of a security control.

(18) **TRIBAL.**—The term “tribal” has the meaning given the term “Indian tribe” in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b).

#### SEC. 1703. SHARING OF INFORMATION BY THE FEDERAL GOVERNMENT.

(a) **IN GENERAL.**—Consistent with the protection of classified information, intelligence sources and methods, and privacy

and civil liberties, the Director of National Intelligence, the Secretary of Homeland Security, the Secretary of Defense, and the Attorney General, in consultation with the heads of the appropriate Federal entities, shall develop and promulgate procedures to facilitate and promote—

(1) the timely sharing of classified cyber threat indicators in the possession of the Federal Government with cleared representatives of relevant entities;

(2) the timely sharing with relevant entities of cyber threat indicators or information in the possession of the Federal Government that may be declassified and shared at an unclassified level;

(3) the sharing with relevant entities, or the public if appropriate, of unclassified, including controlled unclassified, cyber threat indicators in the possession of the Federal Government; and

(4) the sharing with entities, if appropriate, of information in the possession of the Federal Government about cybersecurity threats to such entities to prevent or mitigate adverse effects from such cybersecurity threats.

(b) DEVELOPMENT OF PROCEDURES.—

(1) IN GENERAL.—The procedures developed and promulgated under subsection (a) shall—

(A) ensure the Federal Government has and maintains the capability to share cyber threat indicators in real time consistent with the protection of classified information;

(B) incorporate, to the greatest extent practicable, existing processes and existing roles and responsibilities of Federal and non-Federal entities for information sharing by the Federal Government, including sector specific information sharing and analysis centers;

(C) include procedures for notifying entities that have received a cyber threat indicator from a Federal entity under this title that is known or determined to be in error or in contravention of the requirements of this title or another provision of Federal law or policy of such error or contravention;

(D) include requirements for Federal entities receiving cyber threat indicators or defensive measures to implement and utilize security controls to protect against unauthorized access to or acquisition of such cyber threat indicators or defensive measures; and

(E) include procedures that require a Federal entity, prior to the sharing of a cyber threat indicator—

(i) to review such cyber threat indicator to assess whether such cyber threat indicator contains any information that such Federal entity knows at the time of sharing to be personal information of or identifying a specific person not directly related to a cybersecurity threat and remove such information; or

(ii) to implement and utilize a technical capability configured to remove any personal information of or identifying a specific person not directly related to a cybersecurity threat.

(2) COORDINATION.—In developing the procedures required under this section, the Director of National Intelligence, the Secretary of Homeland Security, the Secretary of Defense, and the Attorney General shall coordinate with appropriate Federal entities, including the National Laboratories (as defined in section 1702 of the Energy Policy Act of 2005 (42 U.S.C. 15801)), to ensure that effective protocols are implemented that will facilitate and promote the sharing of cyber threat indicators by the Federal Government in a timely manner.

(c) SUBMITTAL TO CONGRESS.—Not later than 60 days after the date of the enactment of this title, the Director of National Intelligence, in consultation with the heads of the

appropriate Federal entities, shall submit to Congress the procedures required by subsection (a).

**SEC. 1704. AUTHORIZATIONS FOR PREVENTING, DETECTING, ANALYZING, AND MITIGATING CYBERSECURITY THREATS.**

(a) AUTHORIZATION FOR MONITORING.—

(1) IN GENERAL.—Notwithstanding any other provision of law, a private entity may, for cybersecurity purposes, monitor—

(A) an information system of such private entity;

(B) an information system of another entity, upon the authorization and written consent of such other entity;

(C) an information system of a Federal entity, upon the authorization and written consent of an authorized representative of the Federal entity; and

(D) information that is stored on, processed by, or transiting an information system monitored by the private entity under this paragraph.

(2) CONSTRUCTION.—Nothing in this subsection shall be construed—

(A) to authorize the monitoring of an information system, or the use of any information obtained through such monitoring, other than as provided in this title; or

(B) to limit otherwise lawful activity.

(b) AUTHORIZATION FOR OPERATION OF DEFENSIVE MEASURES.—

(1) IN GENERAL.—Notwithstanding any other provision of law, a private entity may, for cybersecurity purposes, operate a defensive measure that is applied to—

(A) an information system of such private entity in order to protect the rights or property of the private entity;

(B) an information system of another entity upon written consent of such entity for operation of such defensive measure to protect the rights or property of such entity; and

(C) an information system of a Federal entity upon written consent of an authorized representative of such Federal entity for operation of such defensive measure to protect the rights or property of the Federal Government.

(2) CONSTRUCTION.—Nothing in this subsection shall be construed—

(A) to authorize the use of a defensive measure other than as provided in this subsection; or

(B) to limit otherwise lawful activity.

(c) AUTHORIZATION FOR SHARING OR RECEIVING CYBER THREAT INDICATORS OR DEFENSIVE MEASURES.—

(1) IN GENERAL.—Except as provided in paragraph (2) and notwithstanding any other provision of law, an entity may, for the purposes permitted under this title and consistent with the protection of classified information, share with, or receive from, any other entity or the Federal Government a cyber threat indicator or defensive measure.

(2) LAWFUL RESTRICTION.—An entity receiving a cyber threat indicator or defensive measure from another entity or Federal entity shall comply with otherwise lawful restrictions placed on the sharing or use of such cyber threat indicator or defensive measure by the sharing entity or Federal entity.

(3) CONSTRUCTION.—Nothing in this subsection shall be construed—

(A) to authorize the sharing or receiving of a cyber threat indicator or defensive measure other than as provided in this subsection; or

(B) to limit otherwise lawful activity.

(d) PROTECTION AND USE OF INFORMATION.—

(1) SECURITY OF INFORMATION.—An entity monitoring an information system, operating a defensive measure, or providing or receiving a cyber threat indicator or defensive measure under this section shall imple-

ment and utilize a security control to protect against unauthorized access to or acquisition of such cyber threat indicator or defensive measure.

(2) REMOVAL OF CERTAIN PERSONAL INFORMATION.—An entity sharing a cyber threat indicator pursuant to this title shall, prior to such sharing—

(A) review such cyber threat indicator to assess whether such cyber threat indicator contains any information that the entity knows at the time of sharing to be personal information of or identifying a specific person not directly related to a cybersecurity threat and remove such information; or

(B) implement and utilize a technical capability configured to remove any information contained within such indicator that the entity knows at the time of sharing to be personal information of or identifying a specific person not directly related to a cybersecurity threat.

(3) USE OF CYBER THREAT INDICATORS AND DEFENSIVE MEASURES BY ENTITIES.—

(A) IN GENERAL.—Consistent with this title, a cyber threat indicator or defensive measure shared or received under this section may, for cybersecurity purposes—

(i) be used by an entity to monitor or operate a defensive measure on—

(I) an information system of the entity; or

(II) an information system of another entity or a Federal entity upon the written consent of that other entity or that Federal entity; and

(ii) be otherwise used, retained, and further shared by an entity subject to—

(I) an otherwise lawful restriction placed by the sharing entity or Federal entity on such cyber threat indicator or defensive measure; or

(II) an otherwise applicable provision of law.

(B) CONSTRUCTION.—Nothing in this paragraph shall be construed to authorize the use of a cyber threat indicator or defensive measure other than as provided in this section.

(4) USE OF CYBER THREAT INDICATORS BY STATE, TRIBAL, OR LOCAL GOVERNMENT.—

(A) LAW ENFORCEMENT USE.—

(i) PRIOR WRITTEN CONSENT.—Except as provided in clause (ii), a cyber threat indicator shared with a State, tribal, or local government under this section may, with the prior written consent of the entity sharing such indicator, be used by a State, tribal, or local government for the purpose of preventing, investigating, or prosecuting any of the offenses described in section 1705(d)(5)(A)(vi).

(ii) ORAL CONSENT.—If exigent circumstances prevent obtaining written consent under clause (i), such consent may be provided orally with subsequent documentation of the consent.

(B) EXEMPTION FROM DISCLOSURE.—A cyber threat indicator shared with a State, tribal, or local government under this section shall be—

(i) deemed voluntarily shared information; and

(ii) exempt from disclosure under any State, tribal, or local law requiring disclosure of information or records.

(C) STATE, TRIBAL, AND LOCAL REGULATORY AUTHORITY.—

(i) IN GENERAL.—Except as provided in clause (ii), a cyber threat indicator or defensive measure shared with a State, tribal, or local government under this title shall not be directly used by any State, tribal, or local government to regulate, including an enforcement action, the lawful activity of any entity, including an activity relating to monitoring, operating a defensive measure, or sharing of a cyber threat indicator.

(ii) REGULATORY AUTHORITY SPECIFICALLY RELATING TO PREVENTION OR MITIGATION OF

CYBERSECURITY THREATS.—A cyber threat indicator or defensive measures shared as described in clause (i) may, consistent with a State, tribal, or local government regulatory authority specifically relating to the prevention or mitigation of cybersecurity threats to information systems, inform the development or implementation of a regulation relating to such information systems.

(e) ANTITRUST EXEMPTION.—

(1) IN GENERAL.—Except as provided in section 1708(e), it shall not be considered a violation of any provision of antitrust laws for 2 or more private entities to exchange or provide a cyber threat indicator, or assistance relating to the prevention, investigation, or mitigation of a cybersecurity threat, for cybersecurity purposes under this title.

(2) APPLICABILITY.—Paragraph (1) shall apply only to information that is exchanged or assistance provided in order to assist with—

(A) facilitating the prevention, investigation, or mitigation of a cybersecurity threat to an information system or information that is stored on, processed by, or transiting an information system; or

(B) communicating or disclosing a cyber threat indicator to help prevent, investigate, or mitigate the effect of a cybersecurity threat to an information system or information that is stored on, processed by, or transiting an information system.

(f) NO RIGHT OR BENEFIT.—The sharing of a cyber threat indicator with an entity under this title shall not create a right or benefit to similar information by such entity or any other entity.

**SEC. 1705. SHARING OF CYBER THREAT INDICATORS AND DEFENSIVE MEASURES WITH THE FEDERAL GOVERNMENT.**

(a) REQUIREMENT FOR POLICIES AND PROCEDURES.—

(1) INTERIM POLICIES AND PROCEDURES.—Not later than 60 days after the date of the enactment of this title, the Attorney General, in coordination with the heads of the appropriate Federal entities, shall develop and submit to Congress interim policies and procedures relating to the receipt of cyber threat indicators and defensive measures by the Federal Government.

(2) FINAL POLICIES AND PROCEDURES.—Not later than 180 days after the date of the enactment of this title, the Attorney General shall, in coordination with the heads of the appropriate Federal entities, promulgate final policies and procedures relating to the receipt of cyber threat indicators and defensive measures by the Federal Government.

(3) REQUIREMENTS CONCERNING POLICIES AND PROCEDURES.—Consistent with the guidelines required by subsection (b), the policies and procedures developed and promulgated under this subsection shall—

(A) ensure that cyber threat indicators are shared with the Federal Government by any entity pursuant to section 1704(c) through the real-time process described in subsection (c) of this section—

(i) are shared in an automated manner with all of the appropriate Federal entities;

(ii) are not subject to any delay, modification, or any other action that could impede real-time receipt by all of the appropriate Federal entities; and

(iii) may be provided to other Federal entities;

(B) ensure that cyber threat indicators shared with the Federal Government by any entity pursuant to section 1704 in a manner other than the real-time process described in subsection (c) of this section—

(i) are shared as quickly as operationally practicable with all of the appropriate Federal entities;

(ii) are not subject to any unnecessary delay, interference, or any other action that

could impede receipt by all of the appropriate Federal entities; and

(iii) may be provided to other Federal entities;

(C) consistent with this title, any other applicable provisions of law, and the fair information practice principles set forth in appendix A of the document entitled “National Strategy for Trusted Identities in Cyberspace” and published by the President in April 2011, govern the retention, use, and dissemination by the Federal Government of cyber threat indicators shared with the Federal Government under this title, including the extent, if any, to which such cyber threat indicators may be used by the Federal Government; and

(D) ensure there is—

(i) an audit capability; and

(ii) appropriate sanctions in place for officers, employees, or agents of a Federal entity who knowingly and willfully conduct activities under this title in an unauthorized manner.

**(4) GUIDELINES FOR ENTITIES SHARING CYBER THREAT INDICATORS WITH FEDERAL GOVERNMENT.—**

(A) IN GENERAL.—Not later than 60 days after the date of the enactment of this title, the Attorney General shall develop and make publicly available guidance to assist entities and promote sharing of cyber threat indicators with Federal entities under this title.

(B) CONTENTS.—The guidelines developed and made publicly available under subparagraph (A) shall include guidance on the following:

(i) Identification of types of information that would qualify as a cyber threat indicator under this title that would be unlikely to include personal information of or identifying a specific person not directly related to a cybersecurity threat.

(ii) Identification of types of information protected under otherwise applicable privacy laws that are unlikely to be directly related to a cybersecurity threat.

(iii) Such other matters as the Attorney General considers appropriate for entities sharing cyber threat indicators with Federal entities under this title.

**(b) PRIVACY AND CIVIL LIBERTIES.—**

(1) GUIDELINES OF ATTORNEY GENERAL.—Not later than 60 days after the date of the enactment of this title, the Attorney General shall, in coordination with heads of the appropriate Federal entities and in consultation with officers designated under section 1062 of the National Security Intelligence Reform Act of 2004 (42 U.S.C. 2000ee-1), develop, submit to Congress, and make available to the public interim guidelines relating to privacy and civil liberties which shall govern the receipt, retention, use, and dissemination of cyber threat indicators by a Federal entity obtained in connection with activities authorized in this title.

**(2) FINAL GUIDELINES.—**

(A) IN GENERAL.—Not later than 180 days after the date of the enactment of this title, the Attorney General shall, in coordination with heads of the appropriate Federal entities and in consultation with officers designated under section 1062 of the National Security Intelligence Reform Act of 2004 (42 U.S.C. 2000ee-1) and such private entities with industry expertise as the Attorney General considers relevant, promulgate final guidelines relating to privacy and civil liberties which shall govern the receipt, retention, use, and dissemination of cyber threat indicators by a Federal entity obtained in connection with activities authorized in this title.

(B) PERIODIC REVIEW.—The Attorney General shall, in coordination with heads of the appropriate Federal entities and in consulta-

tion with officers and private entities described in subparagraph (A), periodically review the guidelines promulgated under subparagraph (A).

(3) CONTENT.—The guidelines required by paragraphs (1) and (2) shall, consistent with the need to protect information systems from cybersecurity threats and mitigate cybersecurity threats—

(A) limit the impact on privacy and civil liberties of activities by the Federal Government under this title;

(B) limit the receipt, retention, use, and dissemination of cyber threat indicators containing personal information of or identifying specific persons, including by establishing—

(i) a process for the timely destruction of such information that is known not to be directly related to uses authorized under this title; and

(ii) specific limitations on the length of any period in which a cyber threat indicator may be retained;

(C) include requirements to safeguard cyber threat indicators containing personal information of or identifying specific persons from unauthorized access or acquisition, including appropriate sanctions for activities by officers, employees, or agents of the Federal Government in contravention of such guidelines;

(D) include procedures for notifying entities and Federal entities if information received pursuant to this section is known or determined by a Federal entity receiving such information not to constitute a cyber threat indicator;

(E) protect the confidentiality of cyber threat indicators containing personal information of or identifying specific persons to the greatest extent practicable and require recipients to be informed that such indicators may only be used for purposes authorized under this title; and

(F) include steps that may be needed so that dissemination of cyber threat indicators is consistent with the protection of classified and other sensitive national security information.

**(c) CAPABILITY AND PROCESS WITHIN THE DEPARTMENT OF HOMELAND SECURITY.—**

(1) IN GENERAL.—Not later than 90 days after the date of the enactment of this title, the Secretary of Homeland Security, in coordination with the heads of the appropriate Federal entities, shall develop and implement a capability and process within the Department of Homeland Security that—

(A) shall accept from any entity in real time cyber threat indicators and defensive measures, pursuant to this section;

(B) shall, upon submittal of the certification under paragraph (2) that such capability and process fully and effectively operates as described in such paragraph, be the process by which the Federal Government receives cyber threat indicators and defensive measures under this title that are shared by a private entity with the Federal Government through electronic mail or media, an interactive form on an Internet website, or a real time, automated process between information systems except—

(i) communications between a Federal entity and a private entity regarding a previously shared cyber threat indicator; and

(ii) communications by a regulated entity with such entity's Federal regulatory authority regarding a cybersecurity threat;

(C) ensures that all of the appropriate Federal entities receive in an automated manner such cyber threat indicators shared through the real-time process within the Department of Homeland Security;

(D) is in compliance with the policies, procedures, and guidelines required by this section; and

(E) does not limit or prohibit otherwise lawful disclosures of communications, records, or other information, including—

(i) reporting of known or suspected criminal activity, by an entity to any other entity or a Federal entity;

(ii) voluntary or legally compelled participation in a Federal investigation; and

(iii) providing cyber threat indicators or defensive measures as part of a statutory or authorized contractual requirement.

(2) CERTIFICATION.—Not later than 10 days prior to the implementation of the capability and process required by paragraph (1), the Secretary of Homeland Security shall, in consultation with the heads of the appropriate Federal entities, certify to Congress whether such capability and process fully and effectively operates—

(A) as the process by which the Federal Government receives from any entity a cyber threat indicator or defensive measure under this title; and

(B) in accordance with the policies, procedures, and guidelines developed under this section.

(3) PUBLIC NOTICE AND ACCESS.—The Secretary of Homeland Security shall ensure there is public notice of, and access to, the capability and process developed and implemented under paragraph (1) so that—

(A) any entity may share cyber threat indicators and defensive measures through such process with the Federal Government; and

(B) all of the appropriate Federal entities receive such cyber threat indicators and defensive measures in real time with receipt through the process within the Department of Homeland Security.

(4) OTHER FEDERAL ENTITIES.—The process developed and implemented under paragraph (1) shall ensure that other Federal entities receive in a timely manner any cyber threat indicators and defensive measures shared with the Federal Government through such process.

(5) REPORT ON DEVELOPMENT AND IMPLEMENTATION.—

(A) IN GENERAL.—Not later than 60 days after the date of the enactment of this title, the Secretary of Homeland Security shall submit to Congress a report on the development and implementation of the capability and process required by paragraph (1), including a description of such capability and process and the public notice of, and access to, such process.

(B) CLASSIFIED ANNEX.—The report required by subparagraph (A) shall be submitted in unclassified form, but may include a classified annex.

(C) INFORMATION SHARED WITH OR PROVIDED TO THE FEDERAL GOVERNMENT.—

(1) NO WAIVER OF PRIVILEGE OR PROTECTION.—The provision of cyber threat indicators and defensive measures to the Federal Government under this title shall not constitute a waiver of any applicable privilege or protection provided by law, including trade secret protection.

(2) PROPRIETARY INFORMATION.—Consistent with section 1704(c)(2), a cyber threat indicator or defensive measure provided by an entity to the Federal Government under this title shall be considered the commercial, financial, and proprietary information of such entity when so designated by the originating entity or a third party acting in accordance with the written authorization of the originating entity.

(3) EXEMPTION FROM DISCLOSURE.—Cyber threat indicators and defensive measures provided to the Federal Government under this title shall be—

(A) deemed voluntarily shared information and exempt from disclosure under section 552 of title 5, United States Code, and any State,

tribal, or local law requiring disclosure of information or records; and

(B) withheld, without discretion, from the public under section 552(b)(3)(B) of title 5, United States Code, and any State, tribal, or local provision of law requiring disclosure of information or records.

(4) EX PARTE COMMUNICATIONS.—The provision of a cyber threat indicator or defensive measure to the Federal Government under this title shall not be subject to a rule of any Federal agency or department or any judicial doctrine regarding ex parte communications with a decisionmaking official.

(5) DISCLOSURE, RETENTION, AND USE.—

(A) AUTHORIZED ACTIVITIES.—Cyber threat indicators and defensive measures provided to the Federal Government under this title may be disclosed to, retained by, and used by, consistent with otherwise applicable provisions of Federal law, any Federal agency or department, component, officer, employee, or agent of the Federal Government solely for—

(i) a cybersecurity purpose;

(ii) the purpose of identifying a cybersecurity threat, including the source of such cybersecurity threat, or a security vulnerability;

(iii) the purpose of identifying a cybersecurity threat involving the use of an information system by a foreign adversary or terrorist;

(iv) the purpose of responding to, or otherwise preventing or mitigating, an imminent threat of death, serious bodily harm, or serious economic harm, including a terrorist act or a use of a weapon of mass destruction;

(v) the purpose of responding to, or otherwise preventing or mitigating, a serious threat to a minor, including sexual exploitation and threats to physical safety; or

(vi) the purpose of preventing, investigating, disrupting, or prosecuting an offense arising out of a threat described in clause (iv) or any of the offenses listed in—

(I) section 3559(c)(2)(F) of title 18, United States Code (relating to serious violent felonies);

(II) sections 1028 through 1030 of such title (relating to fraud and identity theft);

(III) chapter 37 of such title (relating to espionage and censorship); and

(IV) chapter 90 of such title (relating to protection of trade secrets).

(B) PROHIBITED ACTIVITIES.—Cyber threat indicators and defensive measures provided to the Federal Government under this title shall not be disclosed to, retained by, or used by any Federal agency or department for any use not permitted under subparagraph (A).

(C) PRIVACY AND CIVIL LIBERTIES.—Cyber threat indicators and defensive measures provided to the Federal Government under this title shall be retained, used, and disseminated by the Federal Government—

(i) in accordance with the policies, procedures, and guidelines required by subsections (a) and (b);

(ii) in a manner that protects from unauthorized use or disclosure any cyber threat indicators that may contain personal information of or identifying specific persons; and

(iii) in a manner that protects the confidentiality of cyber threat indicators containing personal information of or identifying a specific person.

(D) FEDERAL REGULATORY AUTHORITY.—

(i) IN GENERAL.—Except as provided in clause (ii), cyber threat indicators and defensive measures provided to the Federal Government under this title shall not be directly used by any Federal, State, tribal, or local government to regulate, including an enforcement action, the lawful activities of any entity, including activities relating to monitoring, operating defensive measures, or sharing cyber threat indicators.

(ii) EXCEPTIONS.—

(I) REGULATORY AUTHORITY SPECIFICALLY RELATING TO PREVENTION OR MITIGATION OF CYBERSECURITY THREATS.—Cyber threat indicators and defensive measures provided to the Federal Government under this title may, consistent with Federal or State regulatory authority specifically relating to the prevention or mitigation of cybersecurity threats to information systems, inform the development or implementation of regulations relating to such information systems.

(II) PROCEDURES DEVELOPED AND IMPLEMENTED UNDER THIS TITLE.—Clause (i) shall not apply to procedures developed and implemented under this title.

#### SEC. 1706. PROTECTION FROM LIABILITY.

(a) MONITORING OF INFORMATION SYSTEMS.—No cause of action shall lie or be maintained in any court against any private entity, and such action shall be promptly dismissed, for the monitoring of information systems and information under section 1704(a) that is conducted in accordance with this title.

(b) SHARING OR RECEIPT OF CYBER THREAT INDICATORS.—No cause of action shall lie or be maintained in any court against any entity, and such action shall be promptly dismissed, for the sharing or receipt of cyber threat indicators or defensive measures under section 1704(c) if—

(1) such sharing or receipt is conducted in accordance with this title; and

(2) in a case in which a cyber threat indicator or defensive measure is shared with the Federal Government, the cyber threat indicator or defensive measure is shared in a manner that is consistent with section 1705(c)(1)(B) and the sharing or receipt, as the case may be, occurs after the earlier of—

(A) the date on which the interim policies and procedures are submitted to Congress under section 1705(a)(1); or

(B) the date that is 60 days after the date of the enactment of this title.

(c) CONSTRUCTION.—Nothing in this section shall be construed—

(1) to require dismissal of a cause of action against an entity that has engaged in gross negligence or willful misconduct in the course of conducting activities authorized by this title; or

(2) to undermine or limit the availability of otherwise applicable common law or statutory defenses.

#### SEC. 1707. OVERSIGHT OF GOVERNMENT ACTIVITIES.

(a) BIENNIAL REPORT ON IMPLEMENTATION.—

(1) IN GENERAL.—Not later than 1 year after the date of the enactment of this title, and not less frequently than once every 2 years thereafter, the heads of the appropriate Federal entities shall jointly submit and the Inspector General of the Department of Homeland Security, the Inspector General of the Intelligence Community, the Inspector General of the Department of Justice, the Inspector General of the Department of Defense, and the Inspector General of the Department of Energy, in consultation with the Council of Inspectors General on Financial Oversight, shall jointly submit to Congress a detailed report concerning the implementation of this title.

(2) CONTENTS.—Each report submitted under paragraph (1) shall include the following:

(A) An assessment of the sufficiency of the policies, procedures, and guidelines required by section 1705 in ensuring that cyber threat indicators are shared effectively and responsibly within the Federal Government.

(B) An evaluation of the effectiveness of real-time information sharing through the capability and process developed under section 1705(c), including any impediments to such real-time sharing.

(C) An assessment of the sufficiency of the procedures developed under section 1703 in ensuring that cyber threat indicators in the possession of the Federal Government are shared in a timely and adequate manner with appropriate entities, or, if appropriate, are made publicly available.

(D) An assessment of whether cyber threat indicators have been properly classified and an accounting of the number of security clearances authorized by the Federal Government for the purposes of this title.

(E) A review of the type of cyber threat indicators shared with the Federal Government under this title, including the following:

(i) The degree to which such information may impact the privacy and civil liberties of specific persons.

(ii) A quantitative and qualitative assessment of the impact of the sharing of such cyber threat indicators with the Federal Government on privacy and civil liberties of specific persons.

(iii) The adequacy of any steps taken by the Federal Government to reduce such impact.

(F) A review of actions taken by the Federal Government based on cyber threat indicators shared with the Federal Government under this title, including the appropriateness of any subsequent use or dissemination of such cyber threat indicators by a Federal entity under section 1705.

(G) A description of any significant violations of the requirements of this title by the Federal Government.

(H) A summary of the number and type of entities that received classified cyber threat indicators from the Federal Government under this title and an evaluation of the risks and benefits of sharing such cyber threat indicators.

(3) RECOMMENDATIONS.—Each report submitted under paragraph (1) may include recommendations for improvements or modifications to the authorities and processes under this title.

(4) FORM OF REPORT.—Each report required by paragraph (1) shall be submitted in unclassified form, but may include a classified annex.

(b) REPORTS ON PRIVACY AND CIVIL LIBERTIES.—

(1) BIENNIAL REPORT FROM PRIVACY AND CIVIL LIBERTIES OVERSIGHT BOARD.—Not later than 2 years after the date of the enactment of this title and not less frequently than once every 2 years thereafter, the Privacy and Civil Liberties Oversight Board shall submit to Congress and the President a report providing—

(A) an assessment of the effect on privacy and civil liberties by the type of activities carried out under this title; and

(B) an assessment of the sufficiency of the policies, procedures, and guidelines established pursuant to section 1705 in addressing concerns relating to privacy and civil liberties.

(2) BIENNIAL REPORT OF INSPECTORS GENERAL.—

(A) IN GENERAL.—Not later than 2 years after the date of the enactment of this title and not less frequently than once every 2 years thereafter, the Inspector General of the Department of Homeland Security, the Inspector General of the Intelligence Community, the Inspector General of the Department of Justice, the Inspector General of the Department of Defense, and the Inspector General of the Department of Energy shall, in consultation with the Council of Inspectors General on Financial Oversight, jointly submit to Congress a report on the receipt, use, and dissemination of cyber threat indicators and defensive measures that have

been shared with Federal entities under this title.

(B) CONTENTS.—Each report submitted under subparagraph (A) shall include the following:

(i) A review of the types of cyber threat indicators shared with Federal entities.

(ii) A review of the actions taken by Federal entities as a result of the receipt of such cyber threat indicators.

(iii) A list of Federal entities receiving such cyber threat indicators.

(iv) A review of the sharing of such cyber threat indicators among Federal entities to identify inappropriate barriers to sharing information.

(3) RECOMMENDATIONS.—Each report submitted under this subsection may include such recommendations as the Privacy and Civil Liberties Oversight Board, with respect to a report submitted under paragraph (1), or the Inspectors General referred to in paragraph (2)(A), with respect to a report submitted under paragraph (2), may have for improvements or modifications to the authorities under this title.

(4) FORM.—Each report required under this subsection shall be submitted in unclassified form, but may include a classified annex.

#### SEC. 1708. CONSTRUCTION AND PREEMPTION.

(a) OTHERWISE LAWFUL DISCLOSURES.—Nothing in this title shall be construed—

(1) to limit or prohibit otherwise lawful disclosures of communications, records, or other information, including reporting of known or suspected criminal activity, by an entity to any other entity or the Federal Government under this title; or

(2) to limit or prohibit otherwise lawful use of such disclosures by any Federal entity, even when such otherwise lawful disclosures duplicate or replicate disclosures made under this title.

(b) WHISTLE BLOWER PROTECTIONS.—Nothing in this title shall be construed to prohibit or limit the disclosure of information protected under section 2302(b)(8) of title 5, United States Code (governing disclosures of illegality, waste, fraud, abuse, or public health or safety threats), section 7211 of title 5, United States Code (governing disclosures to Congress), section 1034 of title 10, United States Code (governing disclosure to Congress by members of the military), section 1104 of the National Security Act of 1947 (50 U.S.C. 3234) (governing disclosure by employees of elements of the intelligence community), or any similar provision of Federal or State law.

(c) PROTECTION OF SOURCES AND METHODS.—Nothing in this title shall be construed—

(1) as creating any immunity against, or otherwise affecting, any action brought by the Federal Government, or any agency or department thereof, to enforce any law, executive order, or procedure governing the appropriate handling, disclosure, or use of classified information;

(2) to affect the conduct of authorized law enforcement or intelligence activities; or

(3) to modify the authority of a department or agency of the Federal Government to protect classified information and sources and methods and the national security of the United States.

(d) RELATIONSHIP TO OTHER LAWS.—Nothing in this title shall be construed to affect any requirement under any other provision of law for an entity to provide information to the Federal Government.

(e) PROHIBITED CONDUCT.—Nothing in this title shall be construed to permit price-fixing, allocating a market between competitors, monopolizing or attempting to monopolize a market, boycotting, or exchanges of price or cost information, customer lists, or

information regarding future competitive planning.

(f) INFORMATION SHARING RELATIONSHIPS.—Nothing in this title shall be construed—

(1) to limit or modify an existing information sharing relationship;

(2) to prohibit a new information sharing relationship;

(3) to require a new information sharing relationship between any entity and the Federal Government; or

(4) to require the use of the capability and process within the Department of Homeland Security developed under section 1705(c).

(g) PRESERVATION OF CONTRACTUAL OBLIGATIONS AND RIGHTS.—Nothing in this title shall be construed—

(1) to amend, repeal, or supersede any current or future contractual agreement, terms of service agreement, or other contractual relationship between any entities, or between any entity and a Federal entity; or

(2) to abrogate trade secret or intellectual property rights of any entity or Federal entity.

(h) ANTI-TASKING RESTRICTION.—Nothing in this title shall be construed to permit the Federal Government—

(1) to require an entity to provide information to the Federal Government;

(2) to condition the sharing of cyber threat indicators with an entity on such entity's provision of cyber threat indicators to the Federal Government; or

(3) to condition the award of any Federal grant, contract, or purchase on the provision of a cyber threat indicator to a Federal entity.

(i) NO LIABILITY FOR NON-PARTICIPATION.—Nothing in this title shall be construed to subject any entity to liability for choosing not to engage in the voluntary activities authorized in this title.

(j) USE AND RETENTION OF INFORMATION.—Nothing in this title shall be construed to authorize, or to modify any existing authority of, a department or agency of the Federal Government to retain or use any information shared under this title for any use other than permitted in this title.

(k) FEDERAL PREEMPTION.—

(1) IN GENERAL.—This title supersedes any statute or other provision of law of a State or political subdivision of a State that restricts or otherwise expressly regulates an activity authorized under this title.

(2) STATE LAW ENFORCEMENT.—Nothing in this title shall be construed to supersede any statute or other provision of law of a State or political subdivision of a State concerning the use of authorized law enforcement practices and procedures.

(1) REGULATORY AUTHORITY.—Nothing in this title shall be construed—

(1) to authorize the promulgation of any regulations not specifically authorized by this title;

(2) to establish or limit any regulatory authority not specifically established or limited under this title; or

(3) to authorize regulatory actions that would duplicate or conflict with regulatory requirements, mandatory standards, or related processes under another provision of Federal law.

(m) AUTHORITY OF SECRETARY OF DEFENSE TO RESPOND TO CYBER ATTACKS.—Nothing in this title shall be construed to limit the authority of the Secretary of Defense to develop, prepare, coordinate, or, when authorized by the President to do so, conduct a military cyber operation in response to a malicious cyber activity carried out against the United States or a United States person by a foreign government or an organization sponsored by a foreign government or a terrorist organization.

**SEC. 1709. REPORT ON CYBERSECURITY THREATS.**

(a) **REPORT REQUIRED.**—Not later than 180 days after the date of the enactment of this title, the Director of National Intelligence, in coordination with the heads of other appropriate elements of the intelligence community, shall submit to the Select Committee on Intelligence of the Senate and the Permanent Select Committee on Intelligence of the House of Representatives a report on cybersecurity threats, including cyber attacks, theft, and data breaches.

(b) **CONTENTS.**—The report required by subsection (a) shall include the following:

(1) An assessment of the current intelligence sharing and cooperation relationships of the United States with other countries regarding cybersecurity threats, including cyber attacks, theft, and data breaches, directed against the United States and which threaten the United States national security interests and economy and intellectual property, specifically identifying the relative utility of such relationships, which elements of the intelligence community participate in such relationships, and whether and how such relationships could be improved.

(2) A list and an assessment of the countries and nonstate actors that are the primary threats of carrying out a cybersecurity threat, including a cyber attack, theft, or data breach, against the United States and which threaten the United States national security, economy, and intellectual property.

(3) A description of the extent to which the capabilities of the United States Government to respond to or prevent cybersecurity threats, including cyber attacks, theft, or data breaches, directed against the United States private sector are degraded by a delay in the prompt notification by private entities of such threats or cyber attacks, theft, and breaches.

(4) An assessment of additional technologies or capabilities that would enhance the ability of the United States to prevent and to respond to cybersecurity threats, including cyber attacks, theft, and data breaches.

(5) An assessment of any technologies or practices utilized by the private sector that could be rapidly fielded to assist the intelligence community in preventing and responding to cybersecurity threats.

(c) **FORM OF REPORT.**—The report required by subsection (a) shall be made available in classified and unclassified forms.

(d) **INTELLIGENCE COMMUNITY DEFINED.**—In this section, the term “intelligence community” has the meaning given that term in section 3 of the National Security Act of 1947 (50 U.S.C. 3003).

**SEC. 1710. CONFORMING AMENDMENTS.**

(a) **PUBLIC INFORMATION.**—Section 552(b) of title 5, United States Code, is amended—

(1) in paragraph (8), by striking “or” at the end;

(2) in paragraph (9), by striking “wells.” and inserting “wells; or”; and

(3) by inserting after paragraph (9) the following:

“(10) information shared with or provided to the Federal Government pursuant to the Cybersecurity Information Sharing Act of 2015.”.

(b) **MODIFICATION OF LIMITATION ON DISSEMINATION OF CERTAIN INFORMATION CONCERNING PENETRATIONS OF DEFENSE CONTRACTOR NETWORKS.**—Section 941(c)(3) of the National Defense Authorization Act for Fiscal Year 2013 (Public Law 112-239; 10 U.S.C. 2224 note) is amended by inserting at the end the following: “The Secretary may share such information with other Federal entities if such information consists of cyber threat indicators and defensive measures and such

information is shared consistent with the policies and procedures promulgated by the Attorney General under section 1705 of the Cybersecurity Information Sharing Act of 2015.”.

**SEC. 1711. CRIMINAL BACKGROUND CHECKS OF EMPLOYEES OF THE MILITARY CHILD CARE SYSTEM AND PROVIDERS OF CHILD CARE SERVICES AND YOUTH PROGRAM SERVICES FOR MILITARY DEPENDENTS.**

(a) **EMPLOYEES OF MILITARY CHILD CARE SYSTEM.**—Section 1792 of title 10, United States Code, is amended—

(1) by redesignating subsection (d) as subsection (e); and

(2) by inserting after subsection (c) the following new subsection (d):

“(d) **CRIMINAL BACKGROUND CHECK.**—The criminal background check of child care employees under this section that is required pursuant to section 231 of the Crime Control Act of 1990 (42 U.S.C. 13041) shall be conducted pursuant to regulations prescribed by the Secretary of Defense in accordance with the provisions of section 658H of the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858f).”.

(b) **PROVIDERS OF CHILD CARE SERVICES AND YOUTH PROGRAM SERVICES.**—Section 1798 of such title is amended—

(1) by redesignating subsection (c) as subsection (d); and

(2) by inserting after subsection (b) the following new subsection (c):

“(c) **CRIMINAL BACKGROUND CHECK.**—A provider of child care services or youth program services may not provide such services under this section unless such provider complies with the requirements for criminal background checks under section 658H of the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858f) for the State in which such services are provided.”.

(c) **FUNDING.**—Amounts for activities required by reason of the amendments made by this section during fiscal year 2016 shall be derived from amounts otherwise authorized to be appropriated for fiscal year 2016 by section 301 and available for operation and maintenance for the Yellow Ribbon Reintegration Program as specified in the funding tables in section 4301.

**SA 1922.** Mr. WARNER (for himself and Mr. COCHRAN) submitted an amendment intended to be proposed to amendment SA 1463 proposed by Mr. MCCAIN to the bill H.R. 1735, to authorize appropriations for fiscal year 2016 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle G of title X, add the following:

**SEC. 1085. UNMANNED AERIAL SYSTEMS RESEARCH PROGRAM.**

(a) **REQUIREMENT TO DEVELOP AND DEPLOY UAS TECHNOLOGIES.**—The Secretary of Defense and the Director of National Intelligence shall work in conjunction with the Secretary of Homeland Security, the Secretary of Transportation, the Administrator of the National Aeronautics and Space Administration, the heads of other Federal agencies, existing UAS test sites and centers of excellence designated by the Federal Aviation Administration, the private sector, and academia on the research and development of technologies to safely detect, identify, and classify potentially threatening UAS in the

national air space and to develop mitigation technologies—

(1) to ensure that, as the commercial use of UAS technologies increases and such technologies are safely integrated into the national air space, the United States is taking full advantage of existing and developmental technologies to detect, identify, classify, track, and counteract potentially threatening UAS, including in and around restricted and controlled air space, such as airports, military training areas, National Special Security Events, and sensitive national security locations; and

(2) to contribute to the development of intelligence, reconnaissance, and surveillance capabilities for national security over widely dispersed and expansive territories.

(b) **UAS DEFINED.**—In this section, the term “UAS” means unmanned aerial systems.

**SA 1923.** Mr. INHOFE (for himself and Mr. COONS) submitted an amendment intended to be proposed to amendment SA 1463 proposed by Mr. MCCAIN to the bill H.R. 1735, to authorize appropriations for fiscal year 2016 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle G of title XII, add the following:

**SEC. 1283. FREE TRADE AGREEMENTS WITH SUB-SAHARAN AFRICAN COUNTRIES.**

(a) **PLAN REQUIREMENTS AND REPORTING.**—Section 116 of the African Growth and Opportunity Act (19 U.S.C. 3723) is amended by adding at the end the following:

“(d) **PLAN REQUIREMENT.**—

“(1) **IN GENERAL.**—The President shall develop a plan for the purpose of negotiating and entering into one or more free trade agreements with all eligible sub-Saharan African countries. The plan shall identify the 10 to 15 eligible sub-Saharan African countries or groups of such countries that are most ready for a free trade agreement with the United States.

“(2) **ELEMENTS OF PLAN.**—The plan required by paragraph (1) shall include, for each eligible sub-Saharan African country, the following:

“(A) The steps each such country needs to be equipped and ready to enter into a free trade agreement with the United States, including the effective implementation of the WTO Agreements and the development of a bilateral investment treaty.

“(B) Milestones for accomplishing each step identified in subparagraph (A) for each such country, with the goal of establishing a free trade agreement with each such country not later than 10 years after the date of the enactment of the National Defense Authorization Act for Fiscal Year 2016.

“(C) A description of the resources required to assist each such country in accomplishing each milestone described in subparagraph (B).

“(D) The extent to which steps described in subparagraph (A), the milestones described in subparagraph (B), and resources described in subparagraph (C) may be accomplished through regional or subregional organizations in sub-Saharan Africa, including the East African Community, the Economic Community of West African States, the Common Market for Eastern and Southern Africa, and the Economic Community of Central African States.



“(E) Procedures to ensure the following:

“(i) Adequate consultation with Congress and the private sector during the negotiations.

“(ii) Consultation with Congress regarding all matters relating to implementation of the agreement or agreements.

“(iii) Approval by Congress of the agreement or agreements.

“(iv) Adequate consultations with the relevant African governments and African regional and subregional intergovernmental organizations during the negotiation of the agreement or agreements.

“(3) REPORTING REQUIREMENT.—Not later than 12 months after the date of the enactment of the National Defense Authorization Act for Fiscal Year 2016, and every 5 years thereafter, the President shall prepare and submit to Congress a report containing the plan developed pursuant to paragraph (1).

“(4) DEFINITIONS.—In this subsection:

“(A) ELIGIBLE SUB-SAHARAN AFRICAN COUNTRY.—The term ‘eligible sub-Saharan African country’ means a country designated as an eligible sub-Saharan African country under section 104.

“(B) WTO.—The term ‘WTO’ means the World Trade Organization.

“(C) WTO AGREEMENT.—The term ‘WTO Agreement’ has the meaning given that term in section 2(9) of the Uruguay Round Agreements Act (19 U.S.C. 3501(9)).

“(D) WTO AGREEMENTS.—The term ‘WTO Agreements’ means the WTO Agreement and agreements annexed to that Agreement.”

(b) COORDINATION OF USAID WITH FREE TRADE AGREEMENT POLICY.—

(1) AUTHORIZATION OF FUNDS.—Funds made available to the United States Agency for International Development under section 496 of the Foreign Assistance Act of 1961 (22 U.S.C. 2293) after the date of the enactment of this Act may be used, in consultation with the United States Trade Representative—

(A) to assist eligible countries, including by deploying resources to such countries, in addressing the steps and milestones identified in the plan developed under subsection (d) of section 116 of the African Growth and Opportunity Act (19 U.S.C. 3723), as added by subsection (a); and

(B) to assist eligible countries in the implementation of the commitments of those countries under agreements with the United States and the WTO Agreements (as defined in subsection (d)(4) of such section 116).

(2) DEFINITIONS.—In this subsection:

(A) ELIGIBLE COUNTRY.—The term “eligible country” means a sub-Saharan African country that receives—

(i) benefits under for the African Growth and Opportunity Act (19 U.S.C. 3701 et seq.); and

(ii) funding from the United States Agency for International Development.

(B) SUB-SAHARAN AFRICAN COUNTRY.—The term “sub-Saharan African country” has the meaning given that term in section 107 of the African Growth and Opportunity Act (19 U.S.C. 3706).

(c) COORDINATION WITH MILLENNIUM CHALLENGE CORPORATION.—After the date of the enactment of this Act, the United States Trade Representative and the Administrator of the United States Agency for International Development shall consult and coordinate with the Chief Executive Officer of the Millennium Challenge Corporation regarding countries that have entered into a Millennium Challenge Compact pursuant to section 609 of the Millennium Challenge Act of 2003 (22 U.S.C. 7708) that have been declared eligible to enter into such a Compact for the purpose of developing and carrying out the plan required by subsection (d) of section 116 of the African Growth and Oppor-

tunity Act (19 U.S.C. 3723), as added by subsection (a).

**SA 1924.** Mr. DAINES submitted an amendment intended to be proposed to amendment SA 1463 proposed by Mr. MCCAIN to the bill H.R. 1735, to authorize appropriations for fiscal year 2016 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle G of title X, add the following:

**SEC. 1085. EXEMPTION OF INDIAN TRIBAL GOVERNMENTS FROM EMPLOYER MANDATE.**

(a) IN GENERAL.—Paragraph (2) of section 4980H(c) of the Internal Revenue Code of 1986 is amended by adding at the end the following new subparagraph:

“(F) CERTAIN INDIAN EMPLOYERS.—The term ‘applicable large employer’ does not include—

(i) any Indian tribal government (as defined in section 7701(a)(40)), or

(ii) any enterprise or institution owned and operated by an Indian tribe (as defined in section 45A(c)(6)).”

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to calendar years beginning after December 31, 2014

**SA 1925.** Mr. COATS submitted an amendment intended to be proposed to amendment SA 1463 proposed by Mr. MCCAIN to the bill H.R. 1735, to authorize appropriations for fiscal year 2016 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle B of title XII, add the following:

**SEC. 1230. PLAN FOR DEFEATING THE ISLAMIC STATE OF IRAQ AND THE LEVANT.**

(a) IN GENERAL.—Not later than 60 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report detailing a realistic plan to confront, degrade, and defeat the Islamic State of Iraq and the Levant first in Iraq and Syria and then in any country where its forces or allies are operating.

(b) ELEMENTS.—The plan submitted under subsection (a) shall include—

(1) realistic, well-substantiated estimates of timeframes, resources required, expected allies, and anticipated obstacles; and

(2) clear definitions of milestones, metrics of success, and personal accountability.

**SA 1926.** Mr. LEAHY (for himself and Mr. GRASSLEY) submitted an amendment intended to be proposed to amendment SA 1463 proposed by Mr. MCCAIN to the bill H.R. 1735, to authorize appropriations for fiscal year 2016 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such

fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

On page 492, line 2, after “Appropriations,” insert “the Committee on the Judiciary.”

On page 492, line 5, after “Appropriations,” insert “the Committee on the Judiciary.”

On page 500, line 21, after “Appropriations,” insert “the Committee on the Judiciary.”

On page 500, line 24, after “Appropriations,” insert “the Committee on the Judiciary.”

On page 509, line 8, after “Appropriations,” insert “the Committee on the Judiciary.”

On page 509, line 11, after “Appropriations,” insert “the Committee on the Judiciary.”

On page 512, line 11, after “Appropriations,” insert “the Committee on the Judiciary.”

On page 512, line 16, after “Appropriations,” insert “the Committee on the Judiciary.”

On page 514, line 14, after “Appropriations,” insert “the Committee on the Judiciary.”

On page 514, line 18, after “Appropriations,” insert “the Committee on the Judiciary.”

On page 514, line 18, after “Appropriations,” insert “the Committee on the Judiciary.”

On page 514, line 18, after “Appropriations,” insert “the Committee on the Judiciary.”

**SA 1927.** Mr. ISAKSON submitted an amendment intended to be proposed to amendment SA 1463 proposed by Mr. MCCAIN to the bill H.R. 1735, to authorize appropriations for fiscal year 2016 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle B of title V, add the following:

**SEC. 515. AUTHORITY TO ORDER UNITS AND MEMBERS OF THE SELECTED RESERVE TO ACTIVE DUTY FOR PREPLANNED MISSIONS IN SUPPORT OF THE MILITARY DEPARTMENTS.**

(a) IN GENERAL.—Subsection (a) of section 12304b of title 10, United States Code, is amended—

(1) by inserting “(1)” before “When the Secretary”;

(2) in paragraph (1), as so designated—

(A) by inserting “or the military department” after “a combatant command”;

(B) by inserting “or any individual member of the Selected Reserve,” after “title,”; and

(3) by adding at the end the following new paragraph:

“(2) Support provided under paragraph (1) may include the following:

“(A) Support to a geographic combatant command or other combatant command for which regular forces are inadequate at the time such support is provided, including support to training exercises sponsored by the combatant command and non-combat missions related to a named operation.

“(B) Support to a military department for non-combat missions for which regular forces are inadequate at the time such support is provided, including support to training exercises sponsored by the military department and non-combat missions related to a named operation.”

(b) LIMITATIONS.—Subsection (b)(1) of such section is amended—

(1) by redesignating subparagraphs (A) and (B) as clauses (i) and (ii) and redesignating the margins of such clauses, as so redesignated, four ems from the left margin;

(2) by striking “if—” and inserting “if—  
“(A) both—”;

(3) in clause (ii), as so redesignated, by striking the period and inserting “; or”; and  
(4) by adding at the end the following new subparagraph:

“(B) the military department to which the unit or individual members are assigned reprograms funds in the fiscal year in which support is provided in order to provide for the manpower and associated costs of the members ordered to active duty.”.

(c) TREATMENT OF MEMBERS.—

(1) IN GENERAL.—Such section is further amended—

(A) by redesignating subsections (f) through (i) as subsections (g) through (j), respectively; and

(B) by inserting after subsection (e) the following new subsection (f):

“(f) TREATMENT OF MEMBERS.—Any member ordered to active duty pursuant to this section shall be entitled while on and in connection with such duty to the benefits to which members of the Ready Reserve are entitled while on and in connection with duty to which ordered pursuant to section 12302 of this title.”.

(2) RETIRED PAY FOR NON-REGULAR SERVICE.—Section 12731(f)(2)(B)(i) of such title is amended by inserting “or 12304b” after “12301(d)”.

(3) EFFECTIVE DATE.—The amendments made by this subsection shall take effect on the date of the enactment of this Act, and shall apply to members of the Selected Reserve ordered to active duty pursuant to section 12304b of title 10, United States Code, on or after that date.

(d) CONFORMING AMENDMENTS.—Section 12304b of such title is further amended—

(1) in subsections (d) and (e), by inserting “or member” after “any unit”; and

(2) in subsection (h), as redesignated by subsection (c)(1) of this section, by inserting “or members” after “which units”.

(e) HEADING AND CLERICAL AMENDMENTS.—

(1) HEADING AMENDMENT.—The heading of such section is amended to read as follows:

**“§ 12304b. Selected Reserve: order to active duty for preplanned missions in support of the combatant commands and the military departments”.**

(2) TABLE OF SECTIONS.—The table of sections at the beginning of chapter 1209 of such title is amended by striking the item relating to section 12304b and inserting the following new item:

“12304b. Selected Reserve: order to active duty for preplanned missions in support of the combatant commands and the military departments.”.

(f) EXCLUSION FROM DISCRETIONARY SPENDING LIMITS.—The Office of Management and Budget shall not include amounts appropriated for manpower costs or associated costs of performing duty under the amendments to section 12304b of title 10, United States Code, made by this section in determining whether there has been a breach of the discretionary spending limits under the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 900 et seq.) during any fiscal year.

**SA 1928.** Mr. CASSIDY submitted an amendment intended to be proposed to amendment SA 1463 proposed by Mr. MCCAIN to the bill H.R. 1735, to authorize appropriations for fiscal year 2016 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe

military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

On page 38, between lines 10 and 11, insert the following:

(c) RE-ENGINEING STUDY.—the Air Force shall submit their B-52 re-engine analysis to the congressional defense committees not later than 90 days after the date of the enactment of this Act.

**SA 1929.** Mr. WYDEN submitted an amendment intended to be proposed to amendment SA 1463 proposed by Mr. MCCAIN to the bill H.R. 1735, to authorize appropriations for fiscal year 2016 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

Strike section 535.

**SA 1930.** Mr. LEAHY (for himself and Mr. GRAHAM) submitted an amendment intended to be proposed to amendment SA 1463 proposed by Mr. MCCAIN to the bill H.R. 1735, to authorize appropriations for fiscal year 2016 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

On page 530, line 11, insert “, since November 1, 2013,” before “have been transferred”.

**SA 1931.** Mr. LEAHY submitted an amendment intended to be proposed to amendment SA 1463 proposed by Mr. MCCAIN to the bill H.R. 1735, to authorize appropriations for fiscal year 2016 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle F of title X, add the following:

**SEC. 1065. ANNUAL REPORTS OF THE CHIEF OF THE NATIONAL GUARD BUREAU ON THE ABILITY OF THE NATIONAL GUARD TO MEET ITS MISSIONS.**

Section 10504(a) of title 10, United States Code, is amended—

(1) by inserting “(1)” before “The Chief of the National Guard Bureau”;:

(2) in paragraph (1), as so designated, by striking “, through the Secretaries of the Army and the Air Force.”;

(3) by striking the second sentence; and

(4) by adding at the end the following new paragraphs:

“(2) Each report shall include the following:

“(A) An assessment, prepared in conjunction with the Secretaries of the Army and the Air Force, of the ability of the National Guard to carry out its Federal missions.

“(B) An assessment, prepared in conjunction with the chief executive officers of the States and territories, of the ability of the National Guard to carry out emergency sup-

port functions of the National Response Framework.

“(3) Each report may be submitted in classified and unclassified versions.”.

**SA 1932.** Mr. REED submitted an amendment intended to be proposed to amendment SA 1463 proposed by Mr. MCCAIN to the bill H.R. 1735, to authorize appropriations for fiscal year 2016 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

On page 510, line 25, strike “, in unclassified form.”.

On page 511, between lines 13 and 14, insert the following:

(3) Whether, as of the date of the report, the basis for the first designation or assessment remains valid.

On page 511, beginning on line 21, strike “and the designation or assessment to which changed” and insert “, the designation or assessment to which changed, and information on, and a justification for, the change in the designation or assessment”.

On page 512, between lines 6 and 7, insert the following:

(c) FORM.—The report under subsection (a) shall be submitted in unclassified form, but may include a classified annex.

**SA 1933.** Mr. WARNER submitted an amendment intended to be proposed to amendment SA 1463 proposed by Mr. MCCAIN to the bill H.R. 1735, to authorize appropriations for fiscal year 2016 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title VII, add the following:

**SEC. 738. REPORT ON CREDENTIALING OF PHYSICIANS SERVING ON ACTIVE DUTY IN THE ARMED FORCES.**

Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense, in consultation with the Secretary of Veterans Affairs, shall submit to Congress a report on—

(1) the full credentialing process for a member of the Armed Forces on active duty serving as a physician, including any uniform standards used throughout the Department of Defense for such process; and

(2) the feasibility and advisability of the Department of Veterans Affairs recognizing a credential issued under such process in order to facilitate the transition of such member to employment in the Department of Veterans Affairs upon the retirement, separation, or release of such member from the Armed Forces.

**SA 1934.** Mr. WARNER submitted an amendment intended to be proposed to amendment SA 1463 proposed by Mr. MCCAIN to the bill H.R. 1735, to authorize appropriations for fiscal year 2016 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe

military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title VII, add the following:

**SEC. 738. REPORT ON SHARING OF PHYSICIAN WORKFORCE AMONG DEPARTMENT OF DEFENSE AND DEPARTMENT OF VETERANS AFFAIRS.**

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense and the Secretary of Veterans Affairs shall jointly submit to Congress a report on the use and efficacy of memoranda of understanding entered into between the Department of Defense and the Department of Veterans Affairs that allow for the sharing of physicians between each such Department.

(b) ELEMENTS.—The report required by subsection (a) shall include the following:

(1) Information on—

(A) the location of each physician shared by the Department of Defense and the Department of Veterans Affairs, including the name of the facility or facilities at which the physician works;

(B) the specialty, if any, of each physician described in subparagraph (A); and

(C) the purpose, if any, stated by the Department of Defense and the Department of Veterans Affairs for sharing each physician described in subparagraph (A).

(2) The total number of physicians shared by the Department of Defense and the Department of Veterans Affairs, disaggregated by Department.

(3) A description of the administrative actions required to be taken by the Secretary of Defense and the Secretary of Veterans Affairs to ensure the sharing of scheduling records and medical records between the Department of Defense and the Department of Veterans Affairs for physicians shared between each such Department.

(4) The impact of sharing physicians on wait times and patient loads at each medical facility of the Department of Defense and the Department of Veterans Affairs.

(5) An assessment of the policies of the Department of Defense and the Department of Veterans Affairs that hinder the sharing of physicians between each such Department.

(6) An identification of any excess capacity among physicians of the Department of Defense or the Department of Veterans Affairs.

**SA 1935.** Mr. MCCONNELL (for Mr. RUBIO) submitted an amendment intended to be proposed to amendment SA 1463 proposed by Mr. MCCAIN to the bill H.R. 1735, to authorize appropriations for fiscal year 2016 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

On page 209, line 19, strike “1.3 percent” and insert “2.3 percent”.

On page 210, between lines 4 and 5, insert the following:

(d) FUNDING.—

(1) INCREASE IN AMOUNT FOR MILITARY PERSONNEL.—The amount authorized to be appropriated for fiscal year 2016 by section 421 is hereby increased by the amount necessary to provide an increase in military basic pay under subsection (b) by 2.3 percent rather than 1.3 percent, with the amount to be available for military personnel to provide such increase.

(2) OFFSET.—The aggregate amount authorized to be appropriated for fiscal year 2016 by this division, other than the amount authorized to be appropriated by section 421, is hereby reduced by the amount necessary to provide an increase in military basic pay under subsection (b) by 2.3 percent rather than 1.3 percent, with the amount of the reduction to be achieved by terminating funding for projects determined to be low-priority projects by the Joint Chiefs of Staff.

**SA 1936.** Mr. MCCONNELL (for Mr. RUBIO) submitted an amendment intended to be proposed to amendment SA 1463 proposed by Mr. MCCAIN to the bill H.R. 1735, to authorize appropriations for fiscal year 2016 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle D of title X, add the following:

**SEC. 1040. LIMITATION OF THE TRANSFER OF UNITED STATES NAVAL STATION, GUANTANAMO BAY, CUBA, TO THE GOVERNMENT OF CUBA.**

(a) IN GENERAL.—No portion of the land or water listed by Article I of the United States-Cuba Agreements and Treaty of 1934 shall be transferred to the Government of Cuba, unless—

(1) a democratically-elected Government of Cuba and the United States Government mutually agree to new lease terms for such land or water;

(2) the elections of the Government of Cuba were—

(A) free and fair;

(B) conducted under internationally recognized observers; and

(C) carried out so that opposition parties had ample time to organize and campaign using full access media available to every candidate;

(3) the Government of Cuba has committed itself to constitutional change that would ensure regular free and fair elections;

(4) the Government of Cuba has made a public commitment to respect, and is respecting, internationally recognized human rights and basic democratic freedoms;

(5) the President certifies to Congress that Cuba is no longer a state sponsor of terrorism and no longer harbors members of recognized foreign terrorist organizations; and

(6) the Secretary of Defense certifies that the United States Naval Station, Guantanamo Bay, Cuba, is not advantageous to United States national security or to the operation of the Navy and the Coast Guard in the Caribbean Sea.

(b) CONTINUATION OF CURRENT LEASE.—It shall be the policy of the United States to continue to lease the land or waterways that encompass the United States Naval Station, Guantanamo Bay, Cuba, unless the criteria set out in paragraphs (1) through (6) of subsection (a) are met.

**SEC. 1040A. LIMITATION ON MODIFICATION OR ABANDONMENT OF LEASED LAND AND WATER CONTAINING UNITED STATES NAVAL STATION, GUANTANAMO BAY, CUBA.**

(a) LIMITATION.—The United States may not modify the 45 square mile lease of land or waterways that encompass the United States Naval Station, Guantanamo Bay, Cuba, in effect on the date of the enactment of this Act, unless—

(1) the President notifies Congress not later than 90 days prior to the proposed modification of such lease; and

(2) after such notification, Congress enacts a law authorizing a modification of such lease.

(b) RETENTION.—The United States may not abandon any portion of the land or water that contains the United States Naval Station, Guantanamo Bay, Cuba, unless—

(1) the President notifies Congress not less than 90 days prior to the proposed abandonment of such land or water; and

(2) after such notification, Congress enacts a law authorizing such abandonment.

(c) NO NEW GRANT OF AUTHORITY.—This section may not be construed to grant the President any authority not already provided by the Cuban Liberty and Democratic Solidarity (LIBERTAD) Act of 1996 (22 U.S.C. 6021 et seq.).

**SA 1937.** Ms. AYOTTE (for herself and Mrs. GILLIBRAND) submitted an amendment intended to be proposed to amendment SA 1463 proposed by Mr. MCCAIN to the bill H.R. 1735, to authorize appropriations for fiscal year 2016 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

On page 210, strike lines 9 through 12 and insert the following:

(a) MODIFICATION OF PERCENTAGE USABLE.—Section 403(b)(3)(B) of title 37, United States Code, is amended by striking “may not exceed one percent.” and inserting “may not exceed the following:

“(i) In the case of members in pay grades E-5 and above, five percent.

“(ii) In the case of members in pay grades E-1 through E-4—

“(I) one percent; or

“(II) if the Secretary determines that one percent would result in a monthly amount of basic allowance for housing for such area for such members that is greater than the monthly amount of basic allowance for housing for such area for members in pay grade E-5, the lesser of—

“(aa) five percent; or

“(bb) a percent (determined by the Secretary) such that the monthly amount of basic allowance for housing for such area for members in pay grades E-1 through E-4 is equal to the monthly amount of basic allowance for housing for such area for members in pay grade E-5 minus \$1”.

(b) FUNDING.—The amount authorized to be appropriated for fiscal year 2016 by section 421 for military personnel is hereby increased by \$75,000,000.

(c) OFFSET.—The aggregate amount authorized to be appropriated for fiscal year 2016 by division A is hereby reduced by \$75,000,000, with the amount of the reduction to be achieved through anticipated foreign currency gains in addition to any other anticipated foreign currency gains specified in the funding tables in division D.

**SA 1938.** Mr. MORAN submitted an amendment intended to be proposed to amendment SA 1463 proposed by Mr. MCCAIN to the bill H.R. 1735, to authorize appropriations for fiscal year 2016 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe

military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle E of title VIII, add the following:

**SEC. 884. REPORT ON ARMY ACQUISITION STRATEGY FOR THE TACTICAL NETWORK MODERNIZATION AND TRANSPORTABLE TACTICAL COMMAND COMMUNICATIONS TERRESTRIAL TRANSMISSION SYSTEM.**

(a) IN GENERAL.—Not later than 60 days after the date of the enactment of this Act, the Secretary of the Army shall submit to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives a report on the Army's acquisition strategy for the Tactical Network Modernization and Transportable Tactical Command Communications Terrestrial Transmission System.

(b) ELEMENTS.—The report required under subsection (a) shall include the following elements:

(1) An explanation of the rationale for delaying the TriLOS radio modernization until the fiscal year 2018-2020 period.

(2) An estimate of the total costs associated with delaying the modernization with regard to costs associated with additional prototyping and Initial Operational Test and Evaluation (IOT&E).

(3) An assessment of the GRC-245C immediate utilization potential to meet the program objectives required by Expeditionary Signal Battalions (ESBs) and Army units to meet the TriLOS radio modernization as defined in the requirements for a Terrestrial Transmission System outlined in the operational requirements of the G-3/5/7 Directed Requirement and Transmission Capabilities Production Document (CPD).

**SA 1939.** Ms. MURKOWSKI submitted an amendment intended to be proposed to amendment SA 1463 proposed by Mr. MCCAIN to the bill H.R. 1735, to authorize appropriations for fiscal year 2016 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title VI, add the following:

**SEC. 622. TRAVEL ON DEPARTMENT OF DEFENSE AIRCRAFT ON A SPACE-AVAILABLE BASIS FOR MEMBERS OF THE NATIONAL GUARD AND THE RESERVES.**

(a) ELIGIBILITY.—Subsection (c) of section 2641b of title 10, United States Code, is amended—

(1) by redesignating paragraph (5) as paragraph (6); and

(2) by inserting after paragraph (4) the following new paragraph (5):

“(5) Members of the reserve components not otherwise eligible for travel under the program pursuant to this subsection.”.

(b) CONDITIONS.—Subsection (d) of such section is amended—

(1) in paragraph (2), by striking “and” at the end;

(2) in paragraph (3), by striking the period at the end and inserting “; and”; and

(3) by adding at the end the following new paragraph:

“(4) in the case of members eligible for travel under the program pursuant to subsection (c)(5)—

“(A) travel under the program shall be available on all contract flights operated by

the Department of Defense for the transportation of passengers;

“(B) in the case of travel on any military or contract aircraft traveling from outside the continental United States (CONUS) to the continental United States (CONUS), eligibility shall cease at the first point of entry to the continental United States; and

“(C) in the case of travel on any military or contract aircraft traveling from the continental United States to outside the continental United States, eligibility shall cease at the first point of entry outside the continental United States.”.

**SA 1940.** Ms. MURKOWSKI submitted an amendment intended to be proposed to amendment SA 1463 proposed by Mr. MCCAIN to the bill H.R. 1735, to authorize appropriations for fiscal year 2016 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title XXVIII, add the following:

**SEC. 2822. LAND CONVEYANCE, CAMPION AIR FORCE RADAR STATION, GALENA, ALASKA.**

(a) CONVEYANCE AUTHORIZED.—The Secretary of the Air Force may convey, without consideration, to the Town of Galena, Alaska (in this section referred to as the “Town”), all right, title, and interest of the United States in and to real property, including improvements thereon, at the former Campion Air Force Station, Alaska, as further described in subsection (b), for the purpose of permitting the Town to use the conveyed property for public purposes.

(b) DESCRIPTION OF PROPERTY.—The real property to be conveyed under subsection (a) consists of approximately 1290 acres of the approximately 1613 acres of land withdrawn under Public Land Order 843 for use by the Secretary of the Air Force as the former Campion Air Force Station. The portions of the former Air Force Station that are not authorized to be conveyed under subsection (a) are those portions that are subject to environmental land use restrictions or are currently undergoing environmental remediation by the Secretary of the Air Force.

(c) CONSULTATION.—The Secretary of the Air Force shall consult with the Secretary of the Interior on the exact acreage and legal description of the real property to be conveyed under subsection (a) and conditions to be included in the conveyance that are necessary to protect human health and the environment.

(d) PAYMENT OF COSTS OF CONVEYANCE.—

(1) PAYMENT REQUIRED.—The Secretary of the Air Force shall require the Town to cover all costs (except costs for environmental remediation of the property) to be incurred by the Secretary of the Air Force and by the Secretary of the Interior, or to reimburse the appropriate Secretary for such costs incurred by the Secretary, to carry out the conveyance under this section, including survey costs, costs for environmental documentation, and any other administrative costs related to the conveyance. If amounts are collected in advance of the Secretary incurring the actual costs, and the amount collected exceeds the costs actually incurred by the Secretary to carry out the conveyance, the appropriate Secretary shall refund the excess amount to the Town.

(2) TREATMENT OF AMOUNTS RECEIVED.—

(A) SECRETARY OF THE AIR FORCE.—Amounts received by the Secretary of the

Air Force as reimbursement under paragraph (1) shall be credited, at the option of the Secretary, to the appropriation, fund, or account from which the expenses were paid, or to an appropriate appropriation, fund, or account currently available to the Secretary for the purposes for which the expenses were paid. Amounts so credited shall be merged with funds in such appropriation, fund, or account and shall be available for the same purposes and subject to the same limitations as the funds with which merged.

(B) SECRETARY OF THE INTERIOR.—Amounts received by the Secretary of the Interior as reimbursement under paragraph (1) shall be credited, at the option of the Secretary, to the appropriation, fund, or account from which the expenses were paid, or to an appropriate appropriation, fund, or account currently available to the Secretary for the purposes for which the expenses were paid. Amounts so credited shall be merged with funds in such appropriation, fund, or account and shall be available for the same purposes and subject to the same limitations as the funds with which merged.

(e) CONVEYANCE AGREEMENT.—The conveyance of public land under this section shall be accomplished using a quit claim deed or other legal instrument and upon terms and conditions mutually satisfactory to the Secretary of the Air Force, after consulting with the Secretary of the Interior, and the Town, including such additional terms and conditions as the Secretary of the Air Force, after consulting with the Secretary of the Interior, considers appropriate to protect the interests of the United States.

**SA 1941.** Mr. BLUNT submitted an amendment intended to be proposed to amendment SA 1463 proposed by Mr. MCCAIN to the bill H.R. 1735, to authorize appropriations for fiscal year 2016 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title VII, add the following:

**SEC. 738. REPORT ON IMPLEMENTATION OF ANNUAL MENTAL HEALTH SCREENINGS FOR MEMBERS OF THE ARMED FORCES.**

(a) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the annual mental health assessment for members of the Armed Forces provided under section 1074n of title 10, United States Code, may be improved by providing members undergoing such an assessment with a record of events, including non-combat related events, to substantiate latent mental health issues that appear months or years after the causal incident;

(2) some members may not know how to request help with mental health concerns in connection with such assessment and not all health care providers fully discuss mental health concerns during such assessment;

(3) the majority of mild traumatic brain injury inducing incidents are not diagnosed during combat deployment, so when symptoms do appear, there may be no mechanism for health care providers to link the injury back to the causal incident;

(4) the provision of such assessment may not recognize incidents described in paragraph (3) unless the member provides information regarding those incidents to a health care provider;

(5) when latent mental health symptoms appear after a member is discharged, the

member may not be eligible to receive treatment from the Department of Veterans Affairs without a record of causal justification;

(6) the Secretary of Defense has an obligation to identify as quickly and efficiently as possible without disrupting military readiness the mental health concerns that persist among members of the Armed Forces unbeknownst to those members and the health care providers of those members; and

(7) the Department of Defense and the Defense Health Agency are currently developing a standardized periodic health assessment tool that incorporates a screening for depression, post-traumatic stress, substance use, and risk for suicide through a person-to-person dialogue using the same question set used for mental health assessments provided to members of the Armed Forces undergoing deployment.

(b) **REPORT.**—Not later than one year after the date of the enactment of this Act, the Secretary of Defense shall submit to Congress a report on the implementation of mental health assessments provided to members of the Armed Forces under section 1074n of title 10, United States Code, that includes a description of—

(1) the reliability of such assessments;

(2) any significant changes in mental health concerns among members of the Armed Forces as a result of such assessments;

(3) any areas in which the provision of such assessments to members of the Armed Forces needs to improve; and

(4) such additional information as the Secretary considers necessary relating to mental health screening and treatment of members of the Armed Forces.

**SA 1942.** Mr. BOOZMAN submitted an amendment intended to be proposed to amendment SA 1463 proposed by Mr. MCCAIN to the bill H.R. 1735, to authorize appropriations for fiscal year 2016 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**SEC. \_\_\_\_ . RETURN OF HUMAN REMAINS BY THE NATIONAL MUSEUM OF HEALTH AND MEDICINE.**

The National Museum of Health and Medicine shall facilitate the relocation of the human cranium that is in the possession of the National Museum of Health and Medicine and that is associated with the Mountain Meadows Massacre of 1857 for interment at the Mountain Meadows grave site.

**SA 1943.** Mrs. MURRAY submitted an amendment intended to be proposed to amendment SA 1463 proposed by Mr. MCCAIN to the bill H.R. 1735, to authorize appropriations for fiscal year 2016 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**SEC. \_\_\_\_ . ASSESSMENT OF THE ABILITY OF INDUSTRIAL BASE TO MANUFACTURE ANCHOR AND MOORING CHAIN.**

(a) **ASSESSMENT.**—The Secretary of Defense shall conduct an assessment of the ability of the industrial base to manufacture and support anchor and mooring chain for the Department of Defense.

(b) **SCOPE.**—In conducting the assessment required under subsection (a), the Secretary shall examine the potential cost, schedule, and performance impacts if procurement of the anchor and mooring chain described in such subsection were limited to manufacturers in the National Technology and Industrial Base.

(c) **DETERMINATION REQUIRED.**—Upon completion of the assessment required under subsection (a), the Secretary shall make a determination whether manufacturers of the anchor and mooring chain described in such subsection should be included in the National Technology and Industrial Base.

(d) **REPORT.**—Not later than February 15, 2016, the Secretary of Defense shall submit to the congressional defense committees a report including the results of the assessment required under subsection (a) and the determination required under subsection (c).

**SA 1944.** Mr. TESTER submitted an amendment intended to be proposed to amendment SA 1463 proposed by Mr. MCCAIN to the bill H.R. 1735, to authorize appropriations for fiscal year 2016 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle G of title X, add the following:

**SEC. 1085. REFORM AND IMPROVEMENT OF PERSONNEL SECURITY, INSIDER THREAT DETECTION AND PREVENTION, AND PHYSICAL SECURITY.**

(a) **PERSONNEL SECURITY AND INSIDER THREAT PROTECTION IN DEPARTMENT OF DEFENSE.**—

(1) **PLANS AND SCHEDULES.**—Consistent with the Memorandum of the Secretary of Defense dated March 18, 2014, regarding the recommendations of the reviews of the Washington Navy Yard shooting, the Secretary of Defense shall develop plans and schedules—

(A) to implement a continuous evaluation capability for the national security population for which clearance adjudications are conducted by the Department of Defense Central Adjudication Facility, in coordination with the Director of the Office of Personnel Management, the Director of National Intelligence, and the Director of the Office of Management and Budget;

(B) to produce a Department-wide insider threat strategy and implementation plan, which includes—

(i) resourcing for the Defense Insider Threat Management and Analysis Center (DITMAC) and component insider threat programs; and

(ii) alignment of insider threat protection programs with continuous evaluation capabilities and processes for personnel security;

(C) to centralize the authority, accountability, and programmatic integration responsibilities, including fiscal control, for personnel security and insider threat protection under the Under Secretary of Defense for Intelligence;

(D) to align the Department's consolidated Central Adjudication Facility under the Under Secretary of Defense for Intelligence;

(E) to develop a defense security enterprise reform investment strategy to ensure a consistent, long-term focus on funding to strengthen all of the Department's security and insider threat programs, policies, functions, and information technology capabilities, including detecting threat behaviors conveyed in the cyber domain, in a manner that keeps pace with evolving threats and risks;

(F) to resource and expedite deployment of the Identity Management Enterprise Services Architecture (IMESA); and

(G) to implement the recommendations contained in the study conducted by the Director of Cost Analysis and Program Evaluation required by section 907 of the National Defense Authorization Act for Fiscal Year 2014 (Public Law 113-66; 10 U.S.C. 1564 note), including, specifically, the recommendations to centrally manage and regulate Department of Defense requests for personnel security background investigations.

(2) **REPORTING REQUIREMENT.**—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the appropriate committees of Congress a report describing the plans and schedules required under paragraph (1).

(b) **PHYSICAL AND LOGICAL ACCESS.**—Not later than 270 days after the date of the enactment of this Act—

(1) the Secretary of Defense shall define physical and logical access standards, capabilities, and processes applicable to all personnel with access to Department of Defense installations and information technology systems, including—

(A) periodic or regularized background or records checks appropriate to the type of physical or logical access involved, the security level, the category of individuals authorized, and the level of access to be granted;

(B) standards and methods for verifying the identity of individuals seeking access; and

(C) electronic attribute-based access controls that are appropriate for the type of access and facility or information technology system involved;

(2) the Director of the Office of Management and Budget and the Chair of the Performance Accountability Council, in coordination with the Secretary of Defense, the Director of the Office of Personnel Management, and the Administrator of General Services, and in consultation with representatives from organizations representing Federal and contractor employees who each have access to more than 1 secured facility, shall design a capability to share and apply electronic identity information across the Government to enable real-time, risk-managed physical and logical access decisions; and

(3) the Director of the Office of Management and Budget, in conjunction with the Director of the Office of Personnel Management and in consultation with representatives from organizations representing Federal and contractor employees who each have access to more than 1 secured facility, shall establish investigative and adjudicative standards for the periodic or regularized reevaluation of the eligibility of an individual to retain credentials issued pursuant to Homeland Security Presidential Directive 12 (dated August 27, 2004), as appropriate, but not less frequently than the authorization period of the issued credentials.

(c) **SECURITY ENTERPRISE MANAGEMENT.**—Not later than 180 days after the date of enactment of this Act, the Director of the Office of Management and Budget shall—

(1) formalize the Security, Suitability, and Credentialing Line of Business;

(2) submit a report to the appropriate congressional committee that describes plans—

(A) for oversight by the Office of Management and Budget of activities of the executive branch of the Government for personnel security, suitability, and credentialing;

(B) to designate enterprise shared services to optimize investments;

(C) to define and implement data standards to support common electronic access to critical Government records; and

(D) to reduce the burden placed on Government data providers by centralizing requests for records access and ensuring proper sharing of the data with appropriate investigative and adjudicative elements.

(d) **RECIPROCITY MANAGEMENT.**—Not later than 2 years after the date of enactment of this Act, the Director of the Office of Personnel Management, in consultation with the Director of the Office of Management and Budget, the Director of National Intelligence, and the Secretary of Defense, shall enhance the Central Verification System to—

(1) serve as the reciprocity management system for the Government; and

(2) ensure that the Central Verification System is aligned with continuous evaluation and other enterprise reform initiatives.

(e) **REPORTING REQUIREMENTS IMPLEMENTATION.**—Not later than 180 days after the date of enactment of this Act, the Director of National Intelligence, the Director of the Office of Management and Budget, the Director of the Office of Personnel Management, and the Secretary of Defense shall jointly develop a plan to—

(1) implement the Security Executive Agent Directive on common, standardized employee and contractor security reporting requirements;

(2) establish and implement uniform reporting requirements for employees and Federal contractors, according to risk, relative to the safety of the workforce and protection of the most sensitive information of the Government; and

(3) ensure that reported information is shared appropriately.

(f) **ACCESS TO CRIMINAL HISTORY RECORDS FOR NATIONAL SECURITY AND OTHER PURPOSES.**—

(1) **DEFINITION.**—Section 9101(a) of title 5, United States Code, is amended by adding at the end the following:

“(7) The terms ‘Security Executive Agent’ and ‘Suitability Executive Agent’ mean the Security Executive Agent and the Suitability Executive Agent, respectively, established under Executive Order 13467 (73 Fed. Reg. 38103), or any successor thereto.”.

(2) **COVERED AGENCIES.**—Section 9101(a)(6) of title 5, United States Code, is amended by adding at the end the following:

“(G) The Department of Homeland Security.

“(H) The Office of the Director of National Intelligence.

“(I) An Executive agency that—

“(i) is authorized to conduct background investigations under a Federal statute; or

“(ii) is delegated authority to conduct background investigations in accordance with procedures established by the Security Executive Agent or the Suitability Executive Agent under subsection (b) or (c)(iv) of section 2.3 of Executive Order 13467 (73 Fed. Reg. 38103), or any successor thereto.

“(J) A contractor that conducts a background investigation on behalf of an agency described in subparagraphs (A) through (I).”.

(3) **APPLICABLE PURPOSES OF INVESTIGATIONS.**—Section 9101(b)(1) of title 5, United States Code, is amended—

(A) by redesignating subparagraphs (A) through (D) as clauses (i) through (iv), re-

spectively, and adjusting the margins accordingly;

(B) in the matter preceding clause (i), as redesignated—

(i) by striking “the head of”;

(ii) by inserting “all” before “criminal history record information”; and

(iii) by striking “for the purpose of determining eligibility for any of the following:” and inserting “, in accordance with Federal Investigative Standards jointly promulgated by the Suitability Executive Agent and Security Executive Agent, for the purpose of—“(A) determining eligibility for—”;

(C) in clause (i), as redesignated—

(i) by striking “Access” and inserting “access”; and

(ii) by striking the period and inserting a semicolon;

(D) in clause (ii), as redesignated—

(i) by striking “Assignment” and inserting “assignment”; and

(ii) by striking the period and inserting “or positions”;;

(E) in clause (iii), as redesignated—

(i) by striking “Acceptance” and inserting “acceptance”; and

(ii) by striking the period and inserting “; or”;

(F) in clause (iv), as redesignated—

(i) by striking “Appointment” and inserting “appointment”;;

(ii) by striking “or a critical or sensitive position”; and

(iii) by striking the period and inserting “; or”;

(G) by adding at the end the following:

“(B) conducting a basic suitability or fitness assessment for Federal or contractor employees, using Federal Investigative Standards jointly promulgated by the Security Executive Agent and the Suitability Executive Agent in accordance with—

“(i) Executive Order 13467 (73 Fed. Reg. 38103), or any successor thereto; and

“(ii) the Office of Management and Budget Memorandum ‘Assignment of Functions Relating to Coverage of Contractor Employee Fitness in the Federal Investigative Standards’, dated December 6, 2012;

“(C) credentialing under the Homeland Security Presidential Directive 12 (dated August 27, 2004); and

“(D) Federal Aviation Administration checks required under—

“(i) the Federal Aviation Administration Drug Enforcement Assistance Act of 1988 (subtitle E of title VII of Public Law 100-690; 102 Stat. 4424) and the amendments made by that Act; or

“(ii) section 44710 of title 49.”.

(4) **BIOMETRIC AND BIOGRAPHIC SEARCHES.**—Section 9101(b)(2) of title 5, United States Code, is amended to read as follows:

“(2)(A) A State central criminal history record depository shall allow a covered agency to conduct both biometric and biographic searches of criminal history record information.

“(B) Nothing in subparagraph (A) shall be construed to prohibit the Federal Bureau of Investigation from requiring a request for criminal history record information to be accompanied by the fingerprints of the individual who is the subject of the request.”.

(5) **USE OF MOST COST-EFFECTIVE SYSTEM.**—Section 9101(e) of title 5, United States Code, is amended by adding at the end the following:

“(6) If a criminal justice agency is able to provide the same information through more than 1 system described in paragraph (1), a covered agency may request information under subsection (b) from the criminal justice agency, and require the criminal justice agency to provide the information, using the system that is most cost-effective for the Federal Government.”.

(6) **SEALED OR EXPUNGED RECORDS; JUVENILE RECORDS.**—

(A) **IN GENERAL.**—Section 9101(a)(2) of title 5, United States Code, is amended—

(i) in the first sentence, by inserting before the period the following: “, and includes any analogous juvenile records”; and

(ii) by striking the third sentence and inserting the following: “The term includes those records of a State or locality sealed pursuant to law if such records are accessible by State and local criminal justice agencies for the purpose of conducting background checks.”.

(B) **SENSE OF CONGRESS.**—It is the sense of Congress that the Federal Government should not uniformly reject applicants for employment with the Federal Government or Federal contractors based on—

(i) sealed or expunged criminal records; or

(ii) juvenile records.

(7) **INTERACTION WITH LAW ENFORCEMENT AND INTELLIGENCE AGENCIES ABROAD.**—Section 9101 of title 5, United States Code, is amended by adding at the end the following:

“(g) Upon request by a covered agency and in accordance with the applicable provisions of this section, the Deputy Assistant Secretary of State for Overseas Citizens Services shall make available criminal history record information collected by the Deputy Assistant Secretary with respect to an individual who is under investigation by the covered agency regarding any interaction of the individual with a law enforcement agency or intelligence agency of a foreign country.”.

(8) **CLARIFICATION OF SECURITY REQUIREMENTS FOR CONTRACTORS CONDUCTING BACKGROUND INVESTIGATIONS.**—Section 9101 of title 5, United States Code, as amended by this subsection, is amended by adding at the end the following:

“(h) If a contractor described in subsection (a)(6)(J) uses an automated information delivery system to request criminal history record information, the contractor shall comply with any necessary security requirements for access to that system.”.

(9) **CLARIFICATION REGARDING ADVERSE ACTIONS.**—Section 7512 of title 5, United States Code, is amended—

(A) in subparagraph (D), by striking “or”;

(B) in subparagraph (E), by striking the period and inserting “, or”;

(C) by adding at the end the following:

“(F) a suitability action taken by the Office under regulations prescribed by the Office, subject to the rules prescribed by the President under this title for the administration of the competitive service.”.

(10) **ANNUAL REPORT BY SUITABILITY AND SECURITY CLEARANCE PERFORMANCE ACCOUNTABILITY COUNCIL.**—Section 9101 of title 5, United States Code, as amended by this subsection, is amended by adding at the end the following:

“(i) The Suitability and Security Clearance Performance Accountability Council established under Executive Order 13467 (73 Fed. Reg. 38103), or any successor thereto, shall submit to the Committee on Armed Services, the Committee on Homeland Security and Governmental Affairs, the Committee on Appropriations, and the Select Committee on Intelligence of the Senate, and the Committee on Armed Services, the Committee on Oversight and Government Reform, the Committee on Appropriations, and the Permanent Select Committee on Intelligence of the House of Representatives, an annual report that—

“(1) describes efforts of the Council to integrate Federal, State, and local systems for sharing criminal history record information;

“(2) analyzes the extent and effectiveness of Federal education programs regarding criminal history record information;



“(3) provides an update on the implementation of best practices for sharing criminal history record information, including ongoing limitations experienced by investigators working for or on behalf of a covered agency with respect to access to State and local criminal history record information; and

“(4) provides a description of limitations on the sharing of information relevant to a background investigation, other than criminal history record information, between—

“(A) investigators working for or on behalf of a covered agency; and

“(B) State and local law enforcement agencies.”.

(11) GAO REPORT ON ENHANCING INTEROPERABILITY AND REDUCING REDUNDANCY IN FEDERAL CRITICAL INFRASTRUCTURE PROTECTION ACCESS CONTROL, BACKGROUND CHECK, AND CREDENTIALING STANDARDS.—

(A) IN GENERAL.—Not later than 6 months after the date of enactment of this Act, the Comptroller General of the United States shall submit to the congressional defense committees, the Committee on Homeland Security of the House of Representatives, and the Committee on Homeland Security and Governmental Affairs of the Senate a report on the background check, access control, and credentialing requirements of Federal programs for the protection of critical infrastructure and key resources.

(B) CONTENTS.—The Comptroller General shall include in the report required under subparagraph (A)—

(i) a summary of the major characteristics of each such Federal program, including the types of infrastructure and resources covered;

(ii) a comparison of the requirements, whether mandatory or voluntary in nature, for regulated entities under each such program to—

(I) conduct background checks on employees, contractors, and other individuals;

(II) adjudicate the results of a background check, including the utilization of a standardized set of disqualifying offenses or the consideration of minor, non-violent, or juvenile offenses; and

(III) establish access control systems to deter unauthorized access, or provide a security credential for any level of access to a covered facility or resource;

(iii) a review of any efforts that the Screening Coordination Office of the Department of Homeland Security has undertaken or plans to undertake to harmonize or standardize background check, access control, or credentialing requirements for critical infrastructure and key resource protection programs overseen by the Department; and

(iv) recommendations, developed in consultation with appropriate stakeholders, regarding—

(I) enhancing the interoperability of security credentials across critical infrastructure and key resource protection programs;

(II) eliminating the need for redundant background checks or credentials across existing critical infrastructure and key resource protection programs;

(III) harmonizing, where appropriate, the standards for identifying potentially disqualifying criminal offenses and the weight assigned to minor, nonviolent, or juvenile offenses in adjudicating the results of a completed background check; and

(IV) the development of common, risk-based standards with respect to the background check, access control, and security credentialing requirements for critical infrastructure and key resource protection programs.

(g) DEFINITIONS.—In this section—

(1) the term “appropriate committees of Congress” means—

(A) the congressional defense committees;

(B) the Select Committee on Intelligence and the Committee on Homeland Security and Governmental Affairs of the Senate; and

(C) the Permanent Select Committee on Intelligence, the Committee on Oversight and Government Reform, and the Committee on Homeland Security of the House of Representatives; and

(2) the term “Performance Accountability Council” means the Suitability and Security Clearance Performance Accountability Council established under Executive Order 13467 (73 Fed. Reg. 38103), or any successor thereto.

**SA 1945.** Ms. CANTWELL (for herself, Mr. SULLIVAN, and Mr. BLUMENTHAL) submitted an amendment intended to be proposed to amendment SA 1463 proposed by Mr. MCCAIN to the bill H.R. 1735, to authorize appropriations for fiscal year 2016 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

On page 123, strike line 9 and insert the following:

(7) The Coast Guard Reserve, 7,300.

**SA 1946.** Ms. BALDWIN submitted an amendment intended to be proposed to amendment SA 1463 proposed by Mr. MCCAIN to the bill H.R. 1735, to authorize appropriations for fiscal year 2016 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:

Beginning on page 30, strike line 16 and all that follows through page 33, line 13, and insert the following:

(a) IN GENERAL.—Of the funds authorized to be appropriated by this Act or otherwise made available for fiscal year 2016 for research and development, design, construction, procurement or advanced procurement of materials for the Littoral Combat Ships designated as LCS 33 or subsequent, not more than 75 percent may be obligated or expended until the Secretary of the Navy submits to the Committees on Armed Services of the Senate and the House of Representatives each of the following:

(1) A Capabilities Based Assessment or equivalent report to assess capability gaps and associated capability requirements and risks for the upgraded Littoral Combat Ship, which is proposed to commence with LCS 33. This assessment or equivalent report shall conform with the Joint Capabilities Integration and Development System, including Chairman of the Joint Chiefs of Staff Instruction 3170.01H.

(2) A certification that the Joint Requirements Oversight Council has validated an updated Capabilities Development Document for the upgraded Littoral Combat Ship.

(3) A report describing the upgraded Littoral Combat Ship modernization, which shall, at a minimum, include the following elements:

(A) A description of capabilities that the LCS program delivers, and a description of how these relate to the characteristics of the future joint force identified in the Capstone Concept for Joint Operations, concept of op-

erations, and integrated architecture documents.

(B) A summary of analyses and studies conducted on LCS modernization.

(C) A concept of operations for LCS modernization ships at the operational level and tactical level describing how they integrate and synchronize with joint and combined forces to achieve the Joint Force Commander's intent.

(D) A description of threat systems of potential adversaries that are projected or assessed to reach initial operational capability within 15 years against which the lethality and survivability of the LCS should be determined.

(E) A plan and timeline for LCS modernization program execution.

(F) A description of system capabilities required for LCS modernization, including key performance parameters and key system attributes.

(G) A plan for family of systems or systems of systems synchronization.

(H) A plan for information technology and national security systems supportability.

(I) A plan for intelligence supportability.

(J) A plan for electromagnetic environmental effects (E3) and spectrum supportability.

(K) A description of assets required to achieve initial operational capability (IOC) of an LCS modernization increment.

(L) A schedule and initial operational capability and full operational capability definitions.

(M) A description of doctrine, organization, training, materiel, leadership, education, personnel, facilities, and policy considerations.

(N) A description of other system attributes.

(4) A plan for future periodic combat systems upgrades, which are necessary to ensure relevant capability throughout the Littoral Combat Ship or Frigate class service lives, using the process described in paragraph (3).

(b) WAIVER.—The Secretary of the Navy may waive the funding limitation under subsection (a) upon submission of a determination to Congress that—

(1) application of the limitation would impede the timely acquisition of LCS 33 or subsequent ships in a manner that would undermine the national security of the United States; and

(2) application of the limitation would result in a gap in production or additional procurement costs;

(c) RULE OF CONSTRUCTION.—Nothing in subsection (b) shall be construed as authorizing the Secretary of the Navy to not submit the information required under paragraphs (1) through (4) of subsection (a).

**SA 1947.** Ms. BALDWIN (for herself and Mr. WYDEN) submitted an amendment intended to be proposed to amendment SA 1463 proposed by Mr. MCCAIN to the bill H.R. 1735, to authorize appropriations for fiscal year 2016 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**SEC. \_\_\_\_\_. CLARIFICATION ON PROHIBITION ON SEARCHING OF COLLECTIONS OF COMMUNICATIONS TO CONDUCT WARRANTLESS SEARCHES FOR THE COMMUNICATIONS OF UNITED STATES PERSONS.**

Section 702(b) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1881a(b)) is amended—

(1) by redesignating paragraphs (1) through (5) as subparagraphs (A) through (E), respectively, and indenting such subparagraphs, as so redesignated, an additional two ems from the left margin;

(2) by striking “An acquisition” and inserting the following:

“(1) IN GENERAL.—An acquisition”; and

(3) by adding at the end the following:

“(2) CLARIFICATION ON PROHIBITION ON SEARCHING OF COLLECTIONS OF COMMUNICATIONS OF UNITED STATES PERSONS.—

“(A) IN GENERAL.—Except as provided in subparagraph (B), no officer or employee of the United States may conduct a search of a collection of communications acquired under this section in an effort to find communications of a particular United States person (other than a corporation).

“(B) CONCURRENT AUTHORIZATION AND EXCEPTION FOR EMERGENCY SITUATIONS.—Subparagraph (A) shall not apply to a search for communications related to a particular United States person if—

“(i) such United States person is the subject of an order or emergency authorization authorizing electronic surveillance or physical search under section 105, 304, 703, 704, or 705 of this Act, or under title 18, United States Code, for the effective period of that order;

“(ii) the entity carrying out the search has a reasonable belief that the life or safety of such United States person is threatened and the information is sought for the purpose of assisting that person; or

“(iii) such United States person has consented to the search.”.

**SA 1948.** Mr. WHITEHOUSE (for himself, Mr. FRANKEN, and Mr. MARKEY) submitted an amendment intended to be proposed to amendment SA 1463 proposed by Mr. MCCAIN to the bill H.R. 1735, to authorize appropriations for fiscal year 2016 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle G of title X, add the following:

**SEC. 1085. SENSE OF CONGRESS ON NATIONAL SECURITY IMPLICATIONS OF CLIMATE CHANGE.**

(a) FINDINGS.—Congress makes the following findings:

(1) The 2015 National Security Strategy states that climate change is “an urgent and growing threat to our national security”.

(2) The 2014 Quadrennial Defense Review describes long-term strategies and initiatives for the Department of Defense and states that—

(A) “the pressures caused by climate change will influence resource competition while placing additional burdens on economies, societies, and governance institutions around the world”; and

(B) the effects of climate change are “threat multipliers” that aggravate stressors abroad that can “enable terrorist activity and other violence”.

(3) The 2014 Department of Defense Climate Change Adaptation Roadmap asserts that

climate change will “be felt across the full range of Department activities, including plans, operations, training, infrastructure, and acquisition” and that among the potential effects of climate change are—

(A) “instability within and among other nations”;;

(B) “decreased training/testing land-carrying capacity to support current testing and training rotation types or levels”;;

(C) “increased inundation, erosion, and flooding damage” to Department of Defense infrastructure; and

(D) “reduced availability of or access to the materials, resources, and industrial infrastructure needed to manufacture the Department’s weapon systems and supplies”.

(4) The 2014 United States Government Accountability Office report entitled “Climate Change Adaptation: DOD Can Improve Infrastructure Planning and Processes to Better Account for Potential Impacts” assessed 15 sites at defense installations in the United States for vulnerability to the effects of climate change. The report found that climate change could affect Department of Defense readiness and fiscal exposure in the following ways:

(A) “According to DOD officials, the combination of thawing permafrost, decreasing sea ice, and rising sea levels on the Alaskan coast has increased coastal erosion at several Air Force radar early warning and communication installations”.

(B) “Impacts on DOD’s infrastructure from this erosion have included damaged roads, seawalls, and runways”.

(C) “Officials on a Navy installation told GAO that sea level rise and resulting storm surge are the two largest threats to their waterfront infrastructure”.

(D) “Officials provided examples of impacts from reduced precipitation—such as drought and wildfire risk—and identified potential mission vulnerabilities—such as reduced live-fire training”.

(5) The 2014 CNA Corporation released a report entitled “National Security Risks and the Accelerating Risks of Climate Change”. The report by the Corporation, the Military Advisory Board of which was comprised of 15 generals and admirals retired from the Army, the Navy, the Air Force, and the Marine Corps, found that—

(A) “climate change impacts are already accelerating instability in vulnerable areas of the world and are serving as catalysts for conflict”; and

(B) “actions by the United States and the international community have been insufficient to adapt to the challenges associated with projected climate change”.

(6) The Military Advisory Board also wrote that “[w]e are dismayed that discussions of climate change have become so polarizing and have receded from the arena of informed public discourse and debate. Political posturing and budgetary woes cannot be allowed to inhibit discussion and debate over what so many believe to be a salient national security concern for our Nation”.

(b) SENSE OF CONGRESS.—It is the sense of Congress that it is in the national security interests of the United States to assess, plan for, and mitigate the security and strategic implications of climate change.

**SA 1949.** Mr. WHITEHOUSE submitted an amendment intended to be proposed to amendment SA 1463 proposed by Mr. MCCAIN to the bill H.R. 1735, to authorize appropriations for fiscal year 2016 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel

strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle A of title XII, add the following:

**SEC. 1209. REPORT ON FEASIBILITY AND ADVISABILITY OF ESTABLISHING PERMANENT FOREIGN DISASTER ASSISTANCE FORCE WITHIN THE DEPARTMENT OF DEFENSE.**

(a) IN GENERAL.—Not later than one year after the date of the enactment of this Act, the Secretary of Defense, in consultation with the Secretaries of the military departments, the Chairman of the Joint Chiefs of Staff, and the commander of each combatant command, shall submit to the congressional defense committees a report on the feasibility and advisability of establishing a permanent command structure along with permanently assigned forces (from either the active duty or reserve components) to respond to requests for foreign disaster assistance.

(b) ELEMENTS.—The report required under subsection (a) should include a description of—

(1) the funding mechanism and amount required to stand up and sustain a foreign assistance disaster force;

(2) the authorities and policies related to the role of the Department of Defense in foreign disaster assistance;

(3) the organizational and functional requirements of establishing a foreign disaster assistance force; and

(4) the requisite skills, experience, and training needed to sustain an effective disaster assistance response force that would be tasked with—

(A) planning and executing disaster response missions;

(B) coordinating with the Department of State, the United States Agency for International Development, and international and nongovernmental partners; and

(C) training partner countries in preparedness and response.

**SA 1950.** Mrs. McCASKILL submitted an amendment intended to be proposed to amendment SA 1463 proposed by Mr. MCCAIN to the bill H.R. 1735, to authorize appropriations for fiscal year 2016 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:

Beginning on page 419, strike line 23 and all that follows through page 420, line 3 and insert the following:

(2) establish a process by which the contractor may appeal a determination by a contracting officer that an earlier determination was made in error or was based on inadequate information to the head of contracting for the agency; and

(3) establish a process by which a commercial item determination can be revoked in cases where the contracting officer has determined that an item may no longer meet the definition of a commercial item and through a price-reasonableness determination it is found that the Department of Defense would pay more for the item than it had previously or another source could provide a similar item for a lower price.

**SA 1951.** Mr. HEINRICH (for himself, Mr. ALEXANDER, Ms. BALDWIN, and Mr. WYDEN) submitted an amendment intended to be proposed to amendment

SA 1463 proposed by Mr. MCCAIN to the bill H.R. 1735, to authorize appropriations for fiscal year 2016 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle D of title VIII, add the following:

**SEC. 884. TREATMENT OF HIGH-PERFORMANCE COMPUTING SYSTEMS AT DEPARTMENT OF DEFENSE AND DEPARTMENT OF ENERGY NATIONAL LABORATORIES AS NATIONAL SECURITY SYSTEMS.**

(a) **TREATMENT AS NATIONAL SECURITY SYSTEMS.**—Consistent with the exceptions to certain requirements under subchapter II of chapter 35 of title 44, United States Code, applicable to national security systems, high-performance computing (HPC) systems at Department of Defense and Department of Energy laboratories shall, as national security systems, be exempt from requirements under section 11319 of title 40, United States Code.

(b) **INFORMATION SHARING.**—The head of each relevant agency shall develop procedures to ensure that the Chief Information Officer of the agency has access to all necessary and appropriate information on HPC programs and investments to fulfill the Chief Information Officer's duties.

**SA 1952.** Mr. BENNET submitted an amendment intended to be proposed to amendment SA 1463 proposed by Mr. MCCAIN to the bill H.R. 1735, to authorize appropriations for fiscal year 2016 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle B of title XVI, add the following:

**SEC. 1628. SENSE OF CONGRESS ON CYBER WARFARE.**

(a) **FINDINGS.**—Congress makes the following findings:

(1) As an instrument of power, information is a powerful tool to influence, disrupt, corrupt, or usurp an adversary's ability to make and share decisions.

(2) Within the information environment, actions taken in cyberspace are increasingly part of the battlefield.

(3) State and non-state adversaries deliver propaganda through publicly available social media capabilities.

(b) **SENSE OF CONGRESS.**—It is the sense of Congress that—

(1) military information support operations should support Department of Defense communications efforts and act to augment efforts to degrade adversary combat power, reduce recruitment, minimize collateral damage, and maximize local support for operations; and

(2) the Secretary of Defense should develop advanced concepts to degrade adversary organizations using both traditional and emerging forms of communication and information related capabilities.

**SA 1953.** Mr. REED submitted an amendment intended to be proposed to amendment SA 1463 proposed by Mr.

MCCAIN to the bill H.R. 1735, to authorize appropriations for fiscal year 2016 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

Strike section 535 and insert the following:  
**SEC. 535. LIMITATION ON RECEIPT OF UNEMPLOYMENT INSURANCE WHILE RECEIVING POST-9/11 EDUCATION ASSISTANCE.**

Section 8525 of title 5, United States Code, is amended—

(1) in subsection (b)—

(A) in paragraph (1), by striking “or” after the semicolon;

(B) in paragraph (2), by striking the period and inserting “; or”; and

(C) by adding at the end the following:

“(3) except for an individual described in subsection (c), an educational assistance allowance under chapter 33 of title 38,”; and

(2) by adding at the end the following:

“(c) An individual described in this subsection is an individual—

“(1) who is otherwise entitled to compensation under this subchapter;

“(2) who is an individual described in section 3311(b) of title 38; and

“(3)(A) who—

“(i) did not voluntarily separate from service in the Armed Forces or the Commissioned Corps of the National Oceanic and Atmospheric Administration (including through a reduction in force); and

“(ii) was discharged or released from such service under conditions other than dishonorable; or

“(B) who—

“(i) voluntarily separated from service in the Armed Forces or the Commissioned Corps of the National Oceanic and Atmospheric Administration;

“(ii) was employed after such separation from such service; and

“(iii) was terminated from such employment other than for cause due to misconduct connected with work.”.

**SA 1954.** Mrs. MURRAY submitted an amendment intended to be proposed to amendment SA 1463 proposed by Mr. MCCAIN to the bill H.R. 1735, to authorize appropriations for fiscal year 2016 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

Strike section 3115 and insert the following:

**SEC. 3115. HANFORD WASTE TREATMENT AND IMMOBILIZATION PLANT CONTRACT OVERSIGHT.**

(a) **IN GENERAL.**—Subtitle C of title XLIV of the Atomic Energy Defense Act (50 U.S.C. 2621 et seq.) is amended by adding at the end the following new section:

**“SEC. 4446. HANFORD WASTE TREATMENT AND IMMOBILIZATION PLANT CONTRACT OVERSIGHT.**

“(a) **IN GENERAL.**—Not later than 180 days after the date of the enactment of the National Defense Authorization Act for Fiscal Year 2016, the Secretary of Energy shall arrange to have an owner's representative assist in carrying out the oversight responsibilities of the Department of Energy with

respect to the contract described in subsection (b). The owner's representative shall report to the Office of River Protection of the Department of Energy.

“(b) **CONTRACT DESCRIBED.**—The contract described in this subsection is the contract between the Office of River Protection of the Department of Energy and Bechtel National, Inc. or its successor relating to the Hanford Waste Treatment and Immobilization Plant (contract number DE-AC27-01RV14136).

“(c) **DUTIES.**—The duties of the owner's representative under subsection (a) may include the following:

“(1) Assisting the Department of Energy with performing design, construction, commissioning, nuclear safety, and operability oversight of each facility covered by the contract described in subsection (b).

“(2) Beginning not later than one year after the date of the enactment of the National Defense Authorization Act for Fiscal Year 2016, assisting the Department of Energy to ensure that the preliminary documented safety analyses for the Low-Activity Waste Vitrification Facility, the Balance of Facilities, and the Analytical Laboratory covered by the contract described in subsection (b) meet the requirements of all applicable regulations and orders of the Department of Energy as required by the contract.

“(d) **REPORT REQUIRED.**—

“(1) **IN GENERAL.**—Not later than one year after the date of the enactment of the National Defense Authorization Act for Fiscal Year 2016, and annually thereafter, the Secretary of Energy shall submit to the congressional defense committees a report on the assistance provided by the owner's representative to the Department of Energy under subsection (a) with respect to the contract described in subsection (b).

“(2) **ELEMENTS.**—The report required by paragraph (1) shall include the following:

“(A) An identification of any instance of the contractor not meeting the requirements of the applicable regulations or orders of the Department of Energy as required by the contract described in subsection (b) and the plan for and status of correcting any such instance.

“(B) Information on the status of and the plan for resolving significant unresolved technical issues at the Low-Activity Waste Vitrification Facility, the Balance of Facilities, and the Analytical Laboratory.

“(e) **DEFINITIONS.**—In this section:

“(1) The term ‘contractor’ means Bechtel National, Inc. or its successor.

“(2) The terms ‘preliminary documented safety analysis’ has the meaning given that term in section 830.3 of title 10, Code of Federal Regulations (or any corresponding similar ruling or regulation).

“(3) The term ‘owner's representative’ means a third-party entity with expertise in nuclear design, construction, commissioning, and safety management and without any contractual relationship with the contractor.”.

(b) **CLERICAL AMENDMENT.**—The table of contents for the Atomic Energy Defense Act is amended by inserting after the item relating to section 4445 the following new item:

“Sec. 4446. Hanford Waste Treatment and Immobilization Plant contract oversight.”.

**SA 1955.** Mr. BROWN (for himself and Mr. BLUNT) submitted an amendment intended to be proposed to amendment SA 1463 proposed by Mr. MCCAIN to the bill H.R. 1735, to authorize appropriations for fiscal year 2016 for military activities of the Department of Defense, for military construction, and

for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle B of title VII, add the following:

**SEC. 721. PILOT PROGRAM ON INTEGRATION OF CERTAIN NON-MEDICAL REPORTS AND RECORDS INTO THE MEDICAL RECORD OF MEMBERS OF THE ARMED FORCES.**

(a) **IN GENERAL.**—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense, in coordination with the Secretary of Veterans Affairs, shall commence the conduct of a pilot program to assess the feasibility and advisability of integrating into the medical record of a member of the Armed Forces non-medical reports and records of the Department of Defense relating to the member that are relevant to the medical condition of the member.

(b) **PARTICIPATION IN PILOT PROGRAM.**—

(1) **UNIT BASIS.**—Members of the Armed Forces shall participate in the pilot program on a unit basis.

(2) **PARTICIPATION BY EACH ARMED FORCE.**—The units participating in the pilot program shall include not less than one unit of the regular component, and of each reserve component, of each Armed Force selected by the Secretary of Defense for purposes of the pilot program.

(c) **REPORTS AND RECORDS USED.**—The non-medical reports and records to be integrated by the Secretary under the pilot program shall include the following:

(1) Unit combat action or significant action reports.

(2) Reports or records relating to accident, injury, or mortality investigations.

(3) Reports or records relating to sexual assault investigations conducted by military criminal investigation services.

(4) Such other reports or records as the Secretary of Defense and the Secretary of Veterans Affairs jointly consider appropriate for purposes of the pilot program.

(d) **EXCEPTION.**—If the Secretary of Defense determines that carrying out the pilot program with respect to a particular unit is no longer feasible or advisable because of the operational necessity of the Department of Defense or because it would create an unreasonable burden on the Department, the Secretary—

(1) shall notify the appropriate committees of Congress; and

(2) may, not earlier than 30 days after such notification, terminate carrying out the pilot program with respect to such unit.

(e) **PROTECTION OF CERTAIN INFORMATION.**—The Secretary of Defense, in coordination with the Secretary of Veterans Affairs, shall ensure that any sensitive, classified, or personally identifiable information included in a report or record integrated by the Secretary of Defense under the pilot program is protected from disclosure in accordance with all laws applicable to such information.

(f) **TERMINATION.**—The pilot program shall terminate on the date that is one year after the commencement of the pilot program under subsection (a).

(g) **REPORTS.**—

(1) **INITIAL REPORT.**—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense and the Secretary of Veterans Affairs shall jointly submit to the appropriate committees of Congress a report on—

(A) the units selected for participation in the pilot program;

(B) the guidance provided to such units in carrying out the pilot program; and

(C) the methods to be used by the Secretary of Defense in carrying out the pilot program.

(2) **FINAL REPORT.**—

(A) **IN GENERAL.**—Not later than 180 days after the termination of the pilot program under subsection (f), the Secretary of Defense and the Secretary of Veterans Affairs shall jointly submit to the appropriate committees of Congress a report on the pilot program.

(B) **ELEMENTS.**—The report required by subparagraph (A) shall include the following:

(i) An assessment of the feasibility and advisability of integrating into the medical record of a member of the Armed Forces non-medical reports and records of the Department of Defense relating to the member that are relevant to the medical condition of the member.

(ii) The number and types of non-medical reports and records that were integrated into the medical records of members of the Armed Forces under the pilot program.

(iii) A summary of the activities of the units during the period in which the pilot program was carried out.

(iv) Such other information and metrics relating to the pilot program as the Secretary of Defense and the Secretary of Veterans Affairs jointly consider appropriate.

(h) **FUNDING.**—Such sums as may be necessary to carry out the pilot program shall be derived from amounts appropriated to the Department of Defense for purposes of honoring members of the Armed Forces at sporting events.

(i) **APPROPRIATE COMMITTEES OF CONGRESS DEFINED.**—In this section, the term “appropriate committees of Congress” means—

(1) the Committee on Armed Services and the Committee on Veterans’ Affairs of the Senate; and

(2) the Committee on Armed Services and the Committee on Veterans’ Affairs of the House of Representatives.

**SA 1956.** Mr. CARPER submitted an amendment intended to be proposed to amendment SA 1463 proposed by Mr. MCCAIN to the bill H.R. 1735, to authorize appropriations for fiscal year 2016 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title XI, add the following:

**SEC. 1116. PERSONNEL APPOINTMENT AUTHORITY.**

(a) **IN GENERAL.**—Section 306 of the Homeland Security Act of 2002 (6 U.S.C. 186) is amended by adding at the end the following:

“(e) **PERSONNEL APPOINTMENT AUTHORITY.**—

“(1) **IN GENERAL.**—In appointing employees to positions in the Directorate of Science and Technology, the Secretary shall have the hiring and management authorities described in section 1101 of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (5 U.S.C. 3104 note; Public Law 105-261) (referred to in this subsection as ‘section 1101’).

“(2) **TERM OF APPOINTMENTS.**—The term of appointments for employees under subsection (c)(1) of section 1101 may not exceed 5 years before the granting of any extension under subsection (c)(2) of that section.

“(3) **TERMINATION.**—The authority under this subsection shall terminate on the date on which the authority to carry out the program under section 1101 terminates under section 1101(e)(1).”.

(b) **CONFORMING AMENDMENTS.**—Section 307(b) of the Homeland Security Act of 2002 (6 U.S.C. 187(b)) is amended by—

(1) striking paragraph (6); and

(2) redesignating paragraph (7) as paragraph (6).

(c) **RULE OF CONSTRUCTION.**—Nothing in the amendments made by this section shall be construed to limit the authority granted under paragraph (6) of section 307(b) of the Homeland Security Act of 2002 (6 U.S.C. 187(b)), as in effect on the day before the date of enactment of this Act.

**SA 1957.** Mr. CARPER submitted an amendment intended to be proposed to amendment SA 1463 proposed by Mr. MCCAIN to the bill H.R. 1735, to authorize appropriations for fiscal year 2016 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:

Beginning on page 712, line 24, strike “Act,” and all that follows “Security,” on page 713, line 1, and insert “Act, consistent with section 227 of the Homeland Security Act of 2002 (6 U.S.C. 149), the Secretary of Homeland Security and the Secretary of Defense shall, in coordination with”.

On page 713, line 12, insert “of Defense” after “Secretary”.

On page 714, line 13, insert “of Homeland Security and the Secretary of Defense” after “Secretary”.

On page 714, line 19, strike “Department of Defense” and insert “United States”.

On page 714, line 23, insert “full spectrum of cyber defense and mitigation capabilities available to the Federal Government, including the” before “National”.

On page 715, line 6, insert “of Homeland Security and the Secretary of Defense” after “Secretary”.

On page 715, lines 7 and 8, strike “is required to coordinate under subsection (a)” and insert “of Homeland Security and the Secretary of Defense are required to coordinate under subsection (a) to leverage existing National Cyber Exercise programs, such as the Department of Homeland Security Biennial Cyber Storm Program and”.

**SA 1958.** Mr. BOOKER submitted an amendment intended to be proposed to amendment SA 1463 proposed by Mr. MCCAIN to the bill H.R. 1735, to authorize appropriations for fiscal year 2016 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title VII, add the following:

**SEC. 738. SENSE OF CONGRESS ON USE BY DEPARTMENT OF DEFENSE OF PEER-TO-PEER SUPPORT NETWORKS.**

It is the sense of Congress that the Department of Defense should use peer-to-peer support networks that are staffed 24 hours per day and seven days per week by veterans to provide counseling in a confidential environment to active duty members of the Armed Forces and veterans.

**SA 1959.** Mr. CORNYN submitted an amendment intended to be proposed to

amendment SA 1463 proposed by Mr. MCCAIN to the bill H.R. 1735, to authorize appropriations for fiscal year 2016 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle G of title X, add the following:

**SEC. 1085. DESIGNATION OF MEDICAL CENTER OF DEPARTMENT OF VETERANS AFFAIRS IN HARLINGEN, TEXAS, AND INCLUSION OF INPATIENT HEALTH CARE FACILITY AT SUCH MEDICAL CENTER.**

(a) FINDINGS.—Congress makes the following findings:

(1) The current and future health care needs of veterans residing in South Texas are not being fully met by the Department of Veterans Affairs.

(2) According to recent census data, more than 108,000 veterans reside in South Texas.

(3) Travel times for veterans from the Valley Coastal Bend area from their homes to the nearest hospital of the Department for acute inpatient health care can exceed six hours.

(4) Even with the significant travel times, veterans from South Texas demonstrate a high demand for health care services from the Department.

(5) Ongoing overseas deployments of members of the Armed Forces from Texas, including members of the Armed Forces on active duty, members of the Texas National Guard, and members of the other reserve components of the Armed Forces, will continue to increase demand for medical services provided by the Department in South Texas.

(6) The Department employs an annual Strategic Capital Investment Planning process to “enable the VA to continually adapt to changes in demographics, medical and information technology, and health care delivery”, which results in the development of a multi-year investment plan that determines where gaps in services exist or are projected and develops an appropriate solution to meet those gaps.

(7) According to the Department, final approval of the Strategic Capital Investment Planning priority list serves as the “building block” of the annual budget request for the Department.

(8) Arturo “Treto” Garza, a veteran who served in the Marine Corps, rose to the rank of Sergeant, and served two tours in the Vietnam War, passed away on October 3, 2012.

(9) Treto Garza, who was also a former chairman of the Veterans Alliance of the Rio Grande Valley, tirelessly fought to improve health care services for veterans in the Rio Grande Valley, with his efforts successfully leading to the creation of the medical center of the Department located in Harlingen, Texas.

(b) REDESIGNATION OF MEDICAL CENTER IN HARLINGEN, TEXAS.—

(1) IN GENERAL.—The medical center of the Department of Veterans Affairs located in Harlingen, Texas, shall after the date of the enactment of this Act be known and designated as the “Treto Garza South Texas Department of Veterans Affairs Health Care Center”.

(2) REFERENCES.—Any reference in any law, regulation, map, document, paper, or other record of the United States to the medical center of the Department referred to in paragraph (1) shall be deemed to be a reference to

the Treto Garza South Texas Department of Veterans Affairs Health Care Center.

(c) REQUIREMENT OF FULL-SERVICE INPATIENT FACILITY.—

(1) IN GENERAL.—The Secretary of Veterans Affairs shall ensure that the Treto Garza South Texas Department of Veterans Affairs Health Care Center, as designated under subsection (b), includes a full-service inpatient health care facility of the Department and shall modify the existing facility as necessary to meet that requirement.

(2) PLAN TO EXPAND FACILITY CAPABILITIES.—The Secretary shall include in the annual Strategic Capital Investment Plan of the Department for fiscal year 2016 a project to expand the capabilities of the Treto Garza South Texas Department of Veterans Affairs Health Care Center, as so designated, by adding the following:

(A) Inpatient capability for 50 beds with appropriate administrative, clinical, diagnostic, and ancillary services needed for support.

(B) An urgent care center.

(C) The capability to provide a full range of services to meet the health care needs of women veterans.

(d) REPORT TO CONGRESS.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall submit to the Committee on Veterans’ Affairs of the Senate and the Committee on Veterans’ Affairs of the House of Representatives a report detailing a plan to implement the requirements in subsection (c), including an estimate of the cost of required actions and the time necessary for the completion of those actions.

(e) SOUTH TEXAS DEFINED.—In this section, the term “South Texas” means the following counties in Texas: Aransas, Bee, Brooks, Calhoun, Cameron, DeWitt, Dimmit, Duval, Goliad, Hidalgo, Jackson, Jim Hogg, Jim Wells, Kenedy, Kleberg, Nueces, Refugio, San Patricio, Starr, Victoria, Webb, Willacy, Zapata.

**SA 1960.** Ms. AYOTTE (for herself and Mrs. SHAHEEN) submitted an amendment intended to be proposed to amendment SA 1463 proposed by Mr. MCCAIN to the bill H.R. 1735, to authorize appropriations for fiscal year 2016 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle B of title VIII, add the following:

**SEC. 832. PREFERENCE FOR FIRM FIXED PRICE CONTRACTS FOR FOREIGN MILITARY SALES.**

(a) ESTABLISHMENT OF PREFERENCE.—Not later than 180 days after the date of the enactment of this Act, the Defense Federal Acquisition Regulation Supplement shall be revised to establish a preference for firm fixed price contracts for foreign military sales.

(b) WAIVER AUTHORITY.—The preference established pursuant to subsection (a) shall include a waiver that may be exercised by the military service’s acquisition executive responsible or the Under Secretary of Defense for Acquisition, Technology, and Logistics if such official or the Under Secretary certifies that a different contract type is more appropriate and in the best interest of the United States.

**SA 1961.** Ms. AYOTTE (for herself and Mr. TILLIS) submitted an amendment

intended to be proposed to amendment SA 1463 proposed by Mr. MCCAIN to the bill H.R. 1735, to authorize appropriations for fiscal year 2016 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle G of title X, add the following:

**SEC. 1085. DEPARTMENT OF HOMELAND SECURITY PROCUREMENTS INVOLVING SMALL PURCHASES.**

Subsection (f) of section 604b of the American Recovery and Investment Act of 2009 (6 U.S.C. 453b) is amended to read as follows:

“(f) EXCEPTION FOR CERTAIN PURCHASES.—Subsection (a) does not apply to purchases for amounts not greater than \$150,000.”.

**SA 1962.** Ms. AYOTTE (for herself and Mr. TILLIS) submitted an amendment intended to be proposed to amendment SA 1463 proposed by Mr. MCCAIN to the bill H.R. 1735, to authorize appropriations for fiscal year 2016 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle B of title VIII, add the following:

**SEC. 832. PROCUREMENTS INVOLVING SMALL PURCHASES.**

(a) PROCUREMENTS OF CERTAIN ARTICLES.—Subsection (h) of section 2533a of title 10, United States Code, is amended to read as follows:

“(h) EXCEPTION FOR CERTAIN PURCHASES.—Subsection (a) does not apply to purchases for amounts not greater than \$150,000.”.

(b) PROCUREMENTS OF STRATEGIC MATERIALS.—Subsection (f) of section 2533b of title 10, United States Code, is amended to read as follows:

“(f) EXCEPTION FOR CERTAIN PURCHASES.—Subsection (a) does not apply to purchases for amounts not greater than \$150,000.”.

**SA 1963.** Mr. FLAKE (for himself, Mr. MCCAIN, and Mr. HEINRICH) submitted an amendment intended to be proposed to amendment SA 1463 proposed by Mr. MCCAIN to the bill H.R. 1735, to authorize appropriations for fiscal year 2016 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle A of title XVI, add the following:

**SEC. 1614. REPORT ON FEASIBILITY, COSTS, AND COST SAVINGS OF ALLOWING FOR COMMERCIAL APPLICATIONS OF EXCESS BALLISTIC MISSILE SOLID ROCKET MOTORS.**

(a) IN GENERAL.—Not later than one year after the date of the enactment of this Act, the Comptroller General of the United States shall submit to the appropriate congressional committees a report assessing—

(1) the feasibility of permitting excess ballistic missile solid rocket motors, including

excess ballistic missile solid rocket motors from the Minotaur launch vehicle, to be made available for commercial applications;

(2) the costs of, and the cost savings anticipated to result from, making such motors available for commercial applications;

(3) the effects of making such motors available for commercial applications on programs of the Department of Defense; and

(4) any implications of making such motors available for commercial applications for the international obligations of the United States.

(b) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term “appropriate congressional committees” means—

(1) the congressional defense committees; and

(2) the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Energy and Commerce of the House of Representatives.

**SA 1964.** Mr. BROWN (for himself and Mr. TILLIS) submitted an amendment intended to be proposed to amendment SA 1463 proposed by Mr. MCCAIN to the bill H.R. 1735, to authorize appropriations for fiscal year 2016 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle G of title X, add the following:

**SEC. 1085. PRIORITY ENROLLMENT FOR VETERANS IN CERTAIN COURSES OF EDUCATION.**

(a) PRIORITY ENROLLMENT.—

(1) IN GENERAL.—Chapter 36 of title 38, United States Code, is amended by inserting after section 3680A the following new section:

**“§ 3680B. Priority enrollment in certain courses**

“(a) IN GENERAL.—Notwithstanding section 3672(b)(2)(A) of this title or any other provision of law, with respect to an educational assistance program provided for in chapter 30, 31, 32, 33, or 35 of this title or chapter 1606 or 1607 of title 10, if an educational institution administers a priority enrollment system that allows certain students to enroll in courses earlier than other students, the Secretary or a State approving agency may not approve a program of education offered by such institution unless such institution allows a covered individual to enroll in courses at the earliest possible time pursuant to such priority enrollment system.

“(b) COVERED INDIVIDUAL DEFINED.—In this section, the term ‘covered individual’ means an individual using educational assistance under chapter 30, 31, 32, 33, or 35 of this title or chapter 1606 or 1607 of title 10, including—

“(1) a veteran;

“(2) a member of the Armed Forces serving on active duty or a member of a reserve component (including the National Guard);

“(3) a dependent to whom such assistance has been transferred pursuant to section 3319 of this title; and

“(4) any other individual using such assistance.

“(c) DISAPPROVAL.—An educational institution described in subsection (a) that has a program of education approved for purposes of this chapter and fails to meet the requirements of such subsection shall be immediately disapproved by the Secretary or the appropriate State approving agency in accordance with section 3679 of this title.”.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 3680A the following new item:

“3680B. Priority enrollment in certain courses.”.

(b) EFFECTIVE DATE.—Section 3680B of such title, as added by subsection (a)(1), shall take effect on August 1, 2017.

**SA 1965.** Mr. BROWN submitted an amendment intended to be proposed to amendment SA 1463 proposed by Mr. MCCAIN to the bill H.R. 1735, to authorize appropriations for fiscal year 2016 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**SEC. —. ASSIGNMENT OF CERTAIN NEW REQUIREMENTS BASED ON DETERMINATIONS OF COST-EFFICIENCY.**

(a) AMENDMENT.—Chapter 146 of title 10, United States Code, is amended by inserting after section 2463 the following new section:

**“§ 2463a. Assignment of certain new requirements based on determinations of cost-efficiency**

“(a) ASSIGNMENTS BASED ON DETERMINATIONS OF COST-EFFICIENCY.—(1) Except as provided in paragraph (2) and subject to subsection (b), the assignment of performance of a new requirement by the Department of Defense to members of the armed forces, civilian employees, or contractors shall be based on a determination of which sector of the Department’s workforce can perform the new requirement in the most cost-efficient manner, based on an analysis of the costs to the Federal Government in accordance with Department of Defense Instruction 7041.04 (‘Estimating and Comparing the Full Costs of Civilian and Active Duty Military Manpower and Contract Support’) or successor guidance, consistent with the needs of the Department with respect to factors other than cost, including quality, reliability, and timeliness.

“(2) Paragraph (1) shall not apply in the case of a new requirement that is inherently governmental, closely associated with inherently governmental functions, critical, or required by law to be performed by members of the armed forces or Department of Defense civilian employees.

“(3) Nothing in this section may be construed as affecting the requirements of the Department of Defense under policies and procedures established by the Secretary of Defense under section 129a of this title for determining the most appropriate and cost-efficient mix of military, civilian, and contractor personnel to perform the mission of the Department of Defense.

“(b) WAIVER DURING AN EMERGENCY OR EXIGENT CIRCUMSTANCES.—The head of an agency may waive subsection (a) for a specific new requirement in the event of an emergency or exigent circumstances, as long as the head of an agency, within 60 days of exercising the waiver, submits to the Committees on Armed Services of the Senate and the House of Representatives notice of the specific new requirement involved, where such new requirement is being performed, and the date on which it would be practical to subject such new requirement to the requirements of subsection (a).

“(c) PROVISIONS RELATING TO ASSIGNMENT OF CIVILIAN PERSONNEL.—If a new require-

ment is assigned to a Department of Defense civilian employee consistent with the requirements of this section—

“(1) the Secretary of Defense may not—

“(A) impose any constraint or limitation on the size of the civilian workforce in terms of man years, end strength, full-time equivalent positions, or maximum number of employees; or

“(B) require offsetting funding for civilian pay or benefits or require a reduction in civilian full-time equivalents or civilian end-strengths; and

“(2) the Secretary may assign performance of such requirement without regard to whether the employee is a temporary, term, or permanent employee.

“(d) NEW REQUIREMENT DESCRIBED.—For purposes of this section, a new requirement is an activity or function that is not being performed, as of the date of consideration for assignment of performance under this section, by military personnel, civilian personnel, or contractor personnel at a Department of Defense component, organization, installation, or other entity. For purposes of the preceding sentence, an activity or function that is performed at such an entity and that is re-engineered, reorganized, modernized, upgraded, expanded, or changed to become more efficient but is still essentially providing the same service shall not be considered a new requirement.”.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 2463 the following new item:

“2463a. Assignment of certain new requirements based on determinations of cost-efficiency.”.

**SA 1966.** Ms. STABENOW submitted an amendment intended to be proposed to amendment SA 1463 proposed by Mr. MCCAIN to the bill H.R. 1735, to authorize appropriations for fiscal year 2016 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title VII, add the following:

**SEC. 738. COMPTROLLER GENERAL REPORT ON CARE FOR ALZHEIMER’S DISEASE AND RELATED DEMENTIAS UNDER TRICARE PROGRAM.**

(a) SENSE OF CONGRESS.—

(1) FINDINGS.—Congress makes the following findings:

(A) Alzheimer’s disease is a progressive and ultimately fatal neurodegenerative disease with no known cure and is the sixth leading cause of death in the United States.

(B) Only 45 percent of people with Alzheimer’s disease or their caregivers report ever being told of the diagnosis.

(C) Accumulating evidence suggests a strong link between head injury and future risk of Alzheimer’s disease.

(D) During the years of conflict in Iraq and Afghanistan, the Defense and Veterans Brain Injury Center reports 327,299 documented cases of traumatic brain injury among active duty members of the Armed Forces.

(E) Care planning can improve health outcomes for both the diagnosed individual and caregivers of those individuals.

(2) SENSE OF CONGRESS.—It is the sense of Congress that—

(A) covered beneficiaries diagnosed with Alzheimer’s disease or a related dementia and their families should have access to a



comprehensive care planning session from the Department of Defense;

(B) the Secretary of Defense should take appropriate action to provide eligible individuals with a care planning session with respect to diagnosis of Alzheimer's disease or a related dementia; and

(C) the care planning session should include, at minimum, a comprehensive care plan, information on the diagnosis and treatment options, and information on relevant medical and community services.

(b) REPORT.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Comptroller General of the United States shall submit to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives a report on care planning services for Alzheimer's disease and related dementias for all members of the Armed Forces and covered beneficiaries.

(2) ELEMENTS.—The report required by paragraph (1) shall include the following:

(A) A description and assessment of care planning services for Alzheimer's disease and related dementias currently provided for members of the Armed Forces and covered beneficiaries, including access to care, scope of available care, availability of specialty care, and use of care planning sessions with beneficiaries and caregivers.

(B) An assessment of the incidence and prevalence of Alzheimer's disease and related dementias during the five-year period preceding the submittal of the report for members of the Armed Forces and covered beneficiaries.

(C) A description of how the Department of Defense would implement a service for members of the Armed Forces and covered beneficiaries who are diagnosed with Alzheimer's disease or a related dementia that provides a one-time care planning session to a beneficiary and caregivers of the beneficiary to design a comprehensive care plan that includes information about the diagnosis, medical and non-medical options for ongoing treatment, and available services and support.

(c) COVERED BENEFICIARIES DEFINED.—In this section, the term “covered beneficiaries” has the meaning given that term in section 1072(5) of title 10, United States Code.

**SA 1967.** Mr. CASEY (for himself and Ms. MURKOWSKI) submitted an amendment intended to be proposed to amendment SA 1463 proposed by Mr. MCCAIN to the bill H.R. 1735, to authorize appropriations for fiscal year 2016 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title IX, add the following:

**SEC. 904. GUIDELINES FOR CONVERSION OF FUNCTIONS PERFORMED BY CIVILIAN OR CONTRACTOR PERSONNEL TO PERFORMANCE BY MILITARY PERSONNEL.**

Section 129a of title 10, United States Code, is amended by adding at the end the following new subsection:

“(g) GUIDELINES FOR PERFORMANCE OF CERTAIN FUNCTIONS BY MILITARY PERSONNEL.—(1) Except as provided in paragraph (2), no functions performed by civilian personnel or contractors may be converted to performance by military personnel unless—

“(A) there is a direct link between the functions to be performed and a military occupational specialty; and

“(B) the conversion to performance by military personnel is cost effective, based on Department of Defense instruction 7041.04 (or any successor administrative regulation, directive, or policy).

“(2) Paragraph (1) shall not apply to the following functions:

“(A) Functions required by law or regulation to be performed by military personnel.

“(B) Functions related to—

“(i) missions involving operation risks and combatant status under the law of war;

“(ii) specialized collective and individual training requiring military-unique knowledge and skills based on recent operational experience;

“(iii) independent advice to senior civilian leadership in the Department of Defense requiring military-unique knowledge and skills based on recent operational experience; and

“(iv) command and control arrangements under chapter 47 of this title (the Uniform Code of Military Justice).

“(3) A function being performed by civilian personnel or contractors may not be—

“(A) modified, reorganized, divided, expanded, or in any way changed for the purpose of exempting a conversion of the function from the requirements of this subsection; or

“(B) converted to performance by military personnel because of a civilian personnel ceiling.

“(4) A conversion of performance is covered by this subsection only if the conversion changes performance of a function designated for performance by civilian personnel or contractors to performance by military personnel for a period in excess of 30 days.

“(5) The requirements of this subsection may be waived by the head of an agency for a specific function in the event of an emergency or exigent circumstances if the head of the agency notifies the Committees on Armed Services of the Senate and the House of Representatives that the specific function designated for performance by civilian personnel or contractors will instead be performed by military personnel because of an emergency or exigent circumstances. The period of any waiver under this paragraph with respect to a specific function may not exceed 90 days.”.

**SA 1968.** Mr. CORKER submitted an amendment intended to be proposed to amendment SA 1463 proposed by Mr. MCCAIN to the bill H.R. 1735, to authorize appropriations for fiscal year 2016 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

On page 597, between lines 18 and 19, insert the following:

(b) NOTICE TO CONGRESS ON CERTAIN ASSISTANCE.—Section 1204(e) of such Act is amended by striking “the congressional defense committees” and inserting “the appropriate committees of Congress specified in subsection (g)(2)”.

On page 600, line 6, strike “in coordination with the Secretary of State” and insert “with the concurrence of the Secretary of State”.

On page 600, beginning on line 21, strike “the congressional defense committees” and

insert “the appropriate committees of Congress”.

On page 601, line 20, strike “the congressional defense committees” and insert “the appropriate committees of Congress”.

On page 602, between lines 11 and 12, insert the following:

(3) An assessment by the Department of State of the impact of such support on internal security and stability in the countries provided support.

On page 602, strike lines 12 through 15 and insert the following:

(e) DEFINITIONS.—In this section:

(1) The term “appropriate committees of Congress” means—

(A) the Committee on Armed Services, the Committee on Foreign Relations, and the Committee on Appropriations of the Senate; and

(B) the Committee on Armed Services, the Committee on Foreign Affairs, and the Committee on Appropriations of the House of Representatives.

(2) The term “logistic support, supplies, and services” has the meaning given that term in section 2350(1) of title 10, United States Code.

On page 606, line 15, insert “the Secretary of State and” before “the Director of National Intelligence”.

On page 606, beginning on line 21, strike “the congressional defense committees” and insert “the appropriate committees of Congress”.

On page 607, between lines 7 and 8, insert the following:

(c) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this section, the term “appropriate committees of Congress” means—

(1) the Committee on Armed Services, the Committee on Foreign Relations, and the Committee on Appropriations of the Senate; and

(2) the Committee on Armed Services, the Committee on Foreign Affairs, and the Committee on Appropriations of the House of Representatives.

On page 607, beginning on line 12, strike “the congressional defense committees” and insert “the appropriate committees of Congress”.

On page 608, after line 22, add the following:

(e) CONCURRENCE OF SECRETARY OF STATE REQUIRED IN USE OF AUTHORITY.—Subsections (a) and (b)(1) of section 1209 of the Carl Levin and Howard P. “Buck” McKeon National Defense Authorization Act for Fiscal Year 2015 are each amended by striking “in coordination with the Secretary of State” and inserting “with the concurrence of the Secretary of State”.

(f) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this section, the term “appropriate committees of Congress” means—

(1) the Committee on Armed Services, the Committee on Foreign Relations, and the Committee on Appropriations of the Senate; and

(2) the Committee on Armed Services, the Committee on Foreign Affairs, and the Committee on Appropriations of the House of Representatives.

On page 621, after line 22, add the following:

(e) CONCURRENCE OF SECRETARY OF STATE REQUIRED IN USE OF AUTHORITY.—Subsections (a) and (b)(1) of section 1236 of such Act (128 Stat. 3558) are each amended by striking “in coordination with the Secretary of State” and inserting “with the concurrence of the Secretary of State”.

On page 625, beginning on line 19, strike “the Committee on Armed Services” and all that follows through “of the House of Representatives” on line 22 and insert “the Committee on Armed Services, the Committee on

the Judiciary, and the Committee on Foreign Relations of the Senate and the Committee on Armed Services, the Committee on the Judiciary, and the Committee on Foreign Affairs of the House of Representatives”.

On page 626, beginning 16, strike “the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives” and insert “the Committee on Armed Services and the Committee on Foreign Relations of the Senate and the Committee on Armed Services and the Committee on Foreign Affairs of the House of Representatives”.

On page 634, line 21, strike “in coordination with the Secretary of State” and insert “with the concurrence of the Secretary of State”.

On page 640, beginning on line 19, strike “the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives” and insert “the appropriate committees of Congress”.

On page 641, strike lines 4 through 11, and insert the following:

(g) DEFINITIONS.—In this section:

(1) The term “appropriate committees of Congress” means—

(A) the Committee on Armed Services and the Committee on Foreign Relations of the Senate; and

(B) the Committee on Armed Services and the Committee on Foreign Affairs of the House of Representatives.

(2) The term “incremental expenses” means the reasonable and proper cost of the goods and services that are consumed by a country as a direct result of that country’s participation in training under the authority of this section, including rations, fuel, training ammunition, and transportation. Such term does not include pay, allowances, and other normal costs of a country’s personnel.

On page 642, beginning on line 25, strike “in consultation with the Secretary of State” and insert “with the concurrence of the Secretary of State”.

On page 643, beginning on line 1, strike “the congressional defense committees” and insert “the appropriate committees of Congress”.

On page 644, between lines 13 and 14, insert the following:

(c) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this section, the term “appropriate committees of Congress” means—

(1) the Committee on Armed Services, the Committee on Foreign Relations, and the Committee on Appropriations of the Senate; and

(2) the Committee on Armed Services, the Committee on Foreign Affairs, and the Committee on Appropriations of the House of Representatives.

On page 652, line 20, insert after “the Secretary of Defense” the following: “, with the concurrence of the Secretary of State.”.

On page 654, line 12, strike “the congressional defense committees” and insert “the appropriate committees of Congress”.

On page 655, between lines 14 and 15, insert the following:

(h) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this section, the term “appropriate committees of Congress” means—

(1) the Committee on Armed Services, the Committee on Foreign Relations, and the Committee on Appropriations of the Senate; and

(2) the Committee on Armed Services, the Committee on Foreign Affairs, and the Committee on Appropriations of the House of Representatives.

On page 661, beginning on line 24, strike “in consultation with the Secretary of State” and insert “with the concurrence of the Secretary of State”.

On page 663, beginning on line 11, strike “in consultation with the Secretary of State” and insert “with the concurrence of the Secretary of State”.

On page 677 between lines 2 and 3, insert the following:

(c) INCLUSION OF FOREIGN RELATIONS COMMITTEES IN REPORTS.—Section 1513 of the National Defense Authorization Act for Fiscal Year 2008 is amended—

(1) in subsections (e) and (g), by striking “the congressional defense committees” and insert “the appropriate committees of Congress”;

(2) by redesignating subsection (h) as subsection (i); and

(3) by inserting after subsection (g) the following new subsection (h):

“(h) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this section, the term ‘appropriate committees of Congress’ means—

“(1) the Committee on Armed Services, the Committee on Foreign Relations, and the Committee on Appropriations of the Senate; and

“(2) the Committee on Armed Services, the Committee on Foreign Affairs, and the Committee on Appropriations of the House of Representatives.”.

On page 682, beginning on line 8, strike “the Committees on Armed Services of the Senate and the House of Representatives” and insert “the appropriate committees of Congress”.

On page 682, beginning on line 16, strike “the Committees on Armed Services of the Senate and the House of Representatives” and insert “the appropriate committees of Congress”.

On page 683, between lines 3 and 4, insert the following:

(4) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this subsection, the term “appropriate committees of Congress” means—

(A) the Committee on Armed Services and the Committee on Foreign Relations of the Senate; and

(B) the Committee on Armed Services and the Committee on Foreign Affairs of the House of Representatives.

**SA 1969.** Mr. SESSIONS submitted an amendment intended to be proposed to amendment SA 1463 proposed by Mr. MCCAIN to the bill H.R. 1735, to authorize appropriations for fiscal year 2016 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**SEC. \_\_\_\_ . PRESERVING THE INTEGRITY OF THE EARNED INCOME TAX CREDIT.**

(a) IN GENERAL.—Paragraph (1) of section 32(c) of the Internal Revenue Code of 1986 is amended by adding at the end the following new subparagraph:

“(G) PROHIBITION ON PROVISION OF CREDIT TO CERTAIN IMMIGRANTS.—

“(1) IN GENERAL.—In the case of any alien not described in clause (ii), no credit shall be allowed under this section for any taxable year.

“(ii) AUTHORIZED ALIENS.—An alien is described in this clause if such alien—

“(I) is lawfully admitted for permanent residence,

“(II) otherwise has lawful status and is authorized to be employed in the United States pursuant to an affirmative grant of such authority under the immigration laws, or

“(III) is otherwise lawfully present in the United States, but only if such lawful presence is based on an affirmative grant of withholding of removal pursuant to section 214(b)(3) of the Immigration and Nationality Act (8 U.S.C. 1231(b)(3)) or an affirmative grant of withholding or deferral of removal pursuant to Article 3 of the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment, done at New York December 10, 1984.”.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2014.

**SA 1970.** Mr. SESSIONS submitted an amendment intended to be proposed to amendment SA 1463 proposed by Mr. MCCAIN to the bill H.R. 1735, to authorize appropriations for fiscal year 2016 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**Subtitle \_\_\_\_—PROTECTION OF CHILDREN**

**SEC. \_\_\_\_ 1. SHORT TITLE.**

This subtitle may be cited as the “Protection of Children Act of 2015”.

**SEC. \_\_\_\_ 2. REPATRIATION OF UNACCOMPANIED ALIEN CHILDREN.**

(a) IN GENERAL.—Section 235 of the William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008 (8 U.S.C. 1232) is amended—

(1) in subsection (a)—

(A) in paragraph (2)—

(i) by amending the heading to read as follows: “RULES FOR UNACCOMPANIED ALIEN CHILDREN.”;

(ii) in subparagraph (A);

(I) in the matter preceding clause (i), by striking “who is a national or habitual resident of a country that is contiguous with the United States”;

(II) in clause (i), by inserting “and” at the end;

(III) in clause (ii), by striking “; and” and inserting a period; and

(IV) by striking clause (iii);

(iii) in subparagraph (B)—

(I) in the matter preceding clause (i), by striking “(8 U.S.C. 1101 et seq.) may—” and inserting “(8 U.S.C. 1101 et seq.)—”;

(II) in clause (i), by inserting before “permit such child to withdraw” the following: “may”; and

(III) in clause (ii), by inserting before “return such child” the following: “shall”; and

(iv) in subparagraph (C)—

(I) by amending the heading to read as follows: “AGREEMENTS WITH FOREIGN COUNTRIES.”; and

(II) in the matter preceding clause (i), by striking “The Secretary of State shall negotiate agreements between the United States and countries contiguous to the United States” and inserting “The Secretary of State may negotiate agreements between the United States and any foreign country that the Secretary determines appropriate”; and

(B) in paragraph (5)(D)—

(i) in the matter preceding clause (i), by striking “, except for an unaccompanied alien child from a contiguous country subject to the exceptions under subsection (a)(2),” and inserting “who does not meet the criteria listed in paragraph (2)(A)”; and

(ii) in clause (i), by inserting before the semicolon at the end the following: “, which

shall include a hearing before an immigration judge not later than 14 days after being screened under paragraph (4)";

(2) in subsection (b)—

(A) in paragraph (2)—

(i) in subparagraph (A), by inserting before the semicolon the following: "believed not to meet the criteria listed in subsection (a)(2)(A)"; and

(ii) in subparagraph (B), by inserting before the period the following: "and does not meet the criteria listed in subsection (a)(2)(A)"; and

(B) in paragraph (3), by striking "an unaccompanied alien child in custody shall" and all that follows, and inserting the following: "an unaccompanied alien child in custody—

"(A) in the case of a child who does not meet the criteria listed in subsection (a)(2)(A), shall transfer the custody of such child to the Secretary of Health and Human Services not later than 30 days after determining that such child is an unaccompanied alien child who does not meet such criteria; or

"(B) in the case of child who meets the criteria listed in subsection (a)(2)(A), may transfer the custody of such child to the Secretary of Health and Human Services after determining that such child is an unaccompanied alien child who meets such criteria."; and

(3) in subsection (c)—

(A) in paragraph (3), by inserting at the end the following:

"(D) INFORMATION ABOUT INDIVIDUALS WITH WHOM CHILDREN ARE PLACED.—

"(i) INFORMATION TO BE PROVIDED TO HOMELAND SECURITY.—Before placing a child with an individual, the Secretary of Health and Human Services shall provide to the Secretary of Homeland Security, regarding the individual with whom the child will be placed, the following information:

"(I) The name of the individual.

"(II) The social security number of the individual.

"(III) The date of birth of the individual.

"(IV) The location of the individual's residence where the child will be placed.

"(V) The immigration status of the individual, if known.

"(VI) Contact information for the individual.

"(ii) SPECIAL RULE.—In the case of a child who was apprehended on or after June 15, 2012, and before the date of the enactment of the Protection of Children Act of 2015, who the Secretary of Health and Human Services placed with an individual, the Secretary shall provide the information listed in clause (i) to the Secretary of Homeland Security not later than 90 days after the date of the enactment of the Protection of Children Act of 2015.

"(iii) ACTIVITIES OF THE SECRETARY OF HOMELAND SECURITY.—Not later than 30 days after receiving the information listed in clause (i), the Secretary of Homeland Security shall—

"(I) in the case that the immigration status of an individual with whom a child is placed is unknown, investigate the immigration status of that individual; and

"(II) upon determining that an individual with whom a child is placed is unlawfully present in the United States, initiate removal proceedings pursuant to chapter 4 of title II of the Immigration and Nationality Act (8 U.S.C. 1221 et seq.)."; and

(B) in paragraph (5)—

(i) by inserting after "to the greatest extent practicable" the following: "(at no expense to the Government)"; and

(ii) by striking "have counsel to represent them" and inserting "have access to counsel to represent them".

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to any unauthorized alien child apprehended on or after June 15, 2012.

### SEC. 3. SPECIAL IMMIGRANT JUVENILE STATUS FOR IMMIGRANTS UNABLE TO REUNITE WITH EITHER PARENT.

Section 101(a)(27)(J)(i) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(27)(J)(i)) is amended by striking "1 or both of the immigrant's parents" and inserting "either of the immigrant's parents".

### SEC. 4. JURISDICTION OF ASYLUM APPLICATIONS.

Section 208(b)(3) of the Immigration and Nationality Act (8 U.S.C. 1158) is amended by striking subparagraph (C).

**SA 1971.** Mr. SESSIONS submitted an amendment intended to be proposed to amendment SA 1463 proposed by Mr. MCCAIN to the bill H.R. 1735, to authorize appropriations for fiscal year 2016 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

#### Subtitle Asylum Reform and Border Protection

##### SEC. 1. SHORT TITLE.

This subtitle may be cited as the "Asylum Reform and Border Protection Act of 2015".

##### SEC. 2. CLARIFICATION OF INTENT REGARDING TAXPAYER-PROVIDED COUNSEL.

Section 292 of the Immigration and Nationality Act (8 U.S.C. 1362) is amended—

(1) by striking "(at no expense to the Government)"; and

(2) by adding at the end the following:

"Notwithstanding any other provision of law, in no instance shall the Government bear any expense for counsel for any person in removal proceedings or in any appeal proceedings before the Attorney General from any such removal proceedings."

##### SEC. 3. SPECIAL IMMIGRANT JUVENILE VISAS.

Section 101(a)(27)(J)(i) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(27)(J)(i)) is amended by striking "and whose reunification with 1 or both of the immigrant's parents is not viable due" and inserting "and who cannot be reunified with either of the immigrant's parents due".

##### SEC. 4. CREDIBLE FEAR INTERVIEWS.

Section 235(b)(1)(B)(v) of the Immigration and Nationality Act (8 U.S.C. 1225(b)(1)(B)(v)) is amended by striking "208." and inserting "208, and it is more probable than not that the statements made by the alien in support of the alien's claim are true."

##### SEC. 5. RECORDING EXPEDITED REMOVAL AND CREDIBLE FEAR INTERVIEWS.

(a) IN GENERAL.—The Secretary of Homeland Security shall establish quality assurance procedures and take steps to effectively ensure that questions by employees of the Department of Homeland Security exercising expedited removal authority under section 235(b) of the Immigration and Nationality Act (8 U.S.C. 1225(b)) are asked in a uniform manner, and that both these questions and the answers provided in response to them are recorded in a uniform fashion.

(b) FACTORS RELATING TO SWORN STATEMENTS.—Where practicable, any sworn or signed written statement taken of an alien as part of the record of a proceeding under section 235(b)(1)(A) of the Immigration and

Nationality Act (8 U.S.C. 1225(b)(1)(A)) shall be accompanied by a recording of the interview which served as the basis for that sworn statement.

(c) INTERPRETERS.—The Secretary of Homeland Security shall ensure that a competent interpreter, not affiliated with the government of the country from which the alien may claim asylum, is used when the interviewing officer does not speak a language understood by the alien and there is no other Federal, State, or local government employee available who is able to interpret effectively, accurately, and impartially.

(d) RECORDINGS IN IMMIGRATION PROCEEDINGS.—Recordings of interviews of aliens subject to expedited removal shall be included in the record of proceeding and shall be considered as evidence in any further proceedings involving the alien.

(e) NO PRIVATE RIGHT OF ACTION.—Nothing in this section may be construed to create any right, benefit, trust, or responsibility, whether substantive or procedural, enforceable in law or equity by a party against the United States, its departments, agencies, instrumentalities, entities, officers, employees, or agents, or any person, nor does this section create any right of review in any administrative, judicial, or other proceeding.

##### SEC. 6. PAROLE REFORM.

(a) IN GENERAL.—Section 212(d)(5) of the Immigration and Nationality Act (8 U.S.C. 1182(d)(5)) is amended to read as follows:

"(5) HUMANITARIAN AND PUBLIC INTEREST PAROLE.—

"(A) IN GENERAL.—Subject to the provisions of this paragraph and section 214(f)(2), the Secretary of Homeland Security, in the sole discretion of the Secretary of Homeland Security, may on a case-by-case basis parole an alien into the United States temporarily, under such conditions as the Secretary of Homeland Security may prescribe, only—

"(i) for an urgent humanitarian reason (as described under subparagraph (B)); or

"(ii) for a reason deemed strictly in the public interest (as described under subparagraph (C)).

"(B) HUMANITARIAN PAROLE.—The Secretary of Homeland Security may parole an alien based on an urgent humanitarian reason described in this subparagraph only if—

"(i) the alien has a medical emergency and the alien cannot obtain necessary treatment in the foreign state in which the alien is residing or the medical emergency is life-threatening and there is insufficient time for the alien to be admitted through the normal visa process;

"(ii) the alien is needed in the United States in order to donate an organ or other tissue for transplant into a close family member;

"(iii) the alien has a close family member in the United States whose death is imminent and the alien could not arrive in the United States in time to see such family member alive if the alien were to be admitted through the normal visa process;

"(iv) the alien is a lawful applicant for adjustment of status under section 245; or

"(v) the alien was lawfully granted status under section 208 or lawfully admitted under section 207.

"(C) PUBLIC INTEREST PAROLE.—The Secretary of Homeland Security may parole an alien based on a reason deemed strictly in the public interest described in this subparagraph only if the alien has assisted the United States Government in a matter, such as a criminal investigation, espionage, or other similar law enforcement activity, and either the alien's presence in the United States is required by the Government or the alien's life would be threatened if the alien were not permitted to come to the United States.

“(D) LIMITATION ON THE USE OF PAROLE AUTHORITY.—The Secretary of Homeland Security may not use the parole authority under this paragraph to permit to come to the United States aliens who have applied for and have been found to be ineligible for refugee status or any alien to whom the provisions of this paragraph do not apply.

“(E) PAROLE NOT AN ADMISSION.—Parole of an alien under this paragraph shall not be considered an admission of the alien into the United States. When the purposes of the parole of an alien have been served, as determined by the Secretary of Homeland Security, the alien shall immediately return or be returned to the custody from which the alien was paroled and the alien shall be considered for admission to the United States on the same basis as other similarly situated applicants for admission.

“(F) REPORT TO CONGRESS.—Not later than 90 days after the end of each fiscal year, the Secretary of Homeland Security shall submit a report to the Committees on the Judiciary of the House of Representatives and the Senate describing the number and categories of aliens paroled into the United States under this paragraph. Each such report shall contain information and data concerning the number and categories of aliens paroled, the duration of parole, and the current status of aliens paroled during the preceding fiscal year.”.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on the first day of the first month beginning more than 60 days after the date of the enactment of this Act.

#### SEC. 7. REPORT TO CONGRESS ON PAROLE PROCEDURES AND STANDARDIZATION OF PAROLE PROCEDURES.

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, and annually thereafter, the Attorney General and the Secretary of Homeland Security shall jointly conduct a review, and submit a report to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives regarding the effectiveness of parole and custody determination procedures applicable to aliens who have established a credible fear of persecution and are awaiting a final determination regarding their asylum claim by the immigration courts. The report shall include the following:

(1) An analysis of the rate at which release from detention (including release on parole) is granted to aliens who have established a credible fear of persecution and are awaiting a final determination regarding their asylum claim by the immigration courts throughout the United States, and any disparity that exists between locations or geographical areas, including explanation of the reasons for this disparity and what actions are being taken to have consistent and uniform application of the standards for granting parole.

(2) An analysis of the effect of the procedures and policies applied with respect to parole and custody determinations both by the Attorney General and the Secretary on the alien's pursuit of their asylum claim before an immigration court.

(3) An analysis of the effectiveness of the procedures and policies applied with respect to parole and custody determinations both by the Attorney General and the Secretary in securing the alien's presence at the immigration court proceedings.

(b) RECOMMENDATIONS.—The report submitted under subsection (a) should include—

(1) recommendations with respect to whether the existing parole and custody determination procedures applicable to aliens who have established a credible fear of persecution and are awaiting a final determina-

tion regarding their asylum claim by the immigration courts—

(A) respect the interests of aliens; and  
(B) ensure the presence of the aliens at the immigration court proceedings; and  
(2) an assessment on corresponding failure to appear rates, in absentia orders, and absconders.

#### SEC. 8. UNACCOMPANIED ALIEN CHILD DEFINED.

Section 462(g)(2) of the Homeland Security Act of 2002 (6 U.S.C. 279(g)(2)) is amended to read as follows:

“(2) the term ‘unaccompanied alien child’—

“(A) means an alien who—

“(i) has no lawful immigration status in the United States;

“(ii) has not attained 18 years of age; and

“(iii) with respect to whom—

“(I) there is no parent or legal guardian in the United States;

“(II) no parent or legal guardian in the United States is available to provide care and physical custody; or

“(III) no sibling over 18 years of age, aunt, uncle, grandparent, or cousin over 18 years of age is available to provide care and physical custody; except that

“(B) such term shall cease to include an alien if at any time a parent, legal guardian, sibling over 18 years of age, aunt, uncle, grandparent, or cousin over 18 years of age of the alien is found in the United States and is available to provide care and physical custody (and the Secretary of Homeland Security and the Secretary of Health and Human Services shall revoke accordingly any prior designation of the alien under this paragraph).”.

#### SEC. 9. MODIFICATIONS TO PREFERENTIAL AVAILABILITY FOR ASYLUM FOR UNACCOMPANIED ALIEN MINORS.

Section 208 of the Immigration and Nationality Act (8 U.S.C. 1158) is amended—

(1) by striking subsection (a)(2)(E); and

(2) by striking subsection (b)(3)(C).

#### SEC. 10. NOTIFICATION AND TRANSFER OF CUSTODY REGARDING UNACCOMPANIED ALIEN MINORS.

Section 235(b) of the William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008 (8 U.S.C. 1232(b)) is amended—

(1) in paragraph (2), by striking “48 hours” and inserting “7 days”; and

(2) in paragraph (3), by striking “72 hours” and inserting “30 days”.

#### SEC. 11. INFORMATION SHARING BETWEEN DEPARTMENT OF HEALTH AND HUMAN SERVICES AND DEPARTMENT OF HOMELAND SECURITY.

Section 235(b) of the William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008 (8 U.S.C. 1232(b)) is amended by adding at the end the following:

“(5) INFORMATION SHARING.—The Secretary of Health and Human Services shall share with the Secretary of Homeland Security any information requested on a child who has been determined to be an unaccompanied alien child and who is or has been in the custody of the Secretary of Health and Human Services, including the location of the child and any person to whom custody of the child has been transferred, for any legitimate law enforcement objective, including enforcement of the immigration laws.”.

#### SEC. 12. SAFE THIRD COUNTRY.

Section 208(a)(2)(A) of the Immigration and Nationality Act (8 U.S.C. 1158(a)(2)(A)) is amended—

(1) by striking “Attorney General” and inserting “Secretary of Homeland Security”; and

(2) by striking “removed, pursuant to a bilateral or multilateral agreement, to” and inserting “removed to”.

#### SEC. 13. ADDITIONAL IMMIGRATION JUDGES AND ICE PROSECUTORS.

(a) EXECUTIVE OFFICE FOR IMMIGRATION REVIEW.—Subject to the availability of appropriations, in each of fiscal years 2015 through 2017, the Attorney General shall increase by not less than 50 the number of positions for full-time immigration judges within the Executive Office for Immigration Review above the number of such positions for which funds were allotted for fiscal year 2014.

(b) IMMIGRATION AND CUSTOMS ENFORCEMENT OFFICE OF THE PRINCIPAL LEGAL ADVISOR.—Subject to the availability of appropriations, in each of the fiscal years 2015 through 2017, the Secretary of Homeland Security shall increase by not less than 60 the number of positions for full-time trial attorneys within the Immigration and Customs Enforcement Office of the Principal Legal Advisor above the number of such positions for which funds were allotted for fiscal year 2014.

#### SEC. 14. MINORS IN DEPARTMENT OF HEALTH AND HUMAN SERVICES CUSTODY.

Section 235(c)(2)(A) of the William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008 (8 U.S.C. 1232(c)(2)(A)) is amended by striking the last two sentences.

#### SEC. 15. FOREIGN ASSISTANCE FOR REPATRIATION.

(a) SUSPENSION OF FOREIGN ASSISTANCE.—The Secretary of State shall immediately suspend all foreign assistance, including under United States Agency for International Development programs, the Central American Regional Security Initiative, or the International Narcotic Control Law Enforcement program, to any large sending country that—

(1) refuses to negotiate an agreement under section 235(a)(2) of the William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008 (8 U.S.C. 1232(a)(2)); or

(2) refuses to accept from the United States repatriated unaccompanied alien children (as defined in section 462(g)(2) of the Homeland Security Act of 2002 (6 U.S.C. 279(g))) who are nationals or residents of the sending country.

(b) USE OF FOREIGN ASSISTANCE FOR REPATRIATION.—The Secretary of State shall provide any additional foreign assistance from the United States that such Secretary determines is needed to implement an agreement under section 235(a)(2) of the William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008 (8 U.S.C. 1232(a)(2)) or safely to repatriate or reintegrate nationals or residents of a large sending country without increasing the total quantity of foreign assistance to such country. Such country may use any earlier foreign assistance for the purpose of repatriation or implementation of any agreement under such section 235(a)(2).

(c) DEFINITION OF LARGE SENDING PROGRAM.—In this section, the term “large sending country” means—

(1) any country which was the country of nationality or last habitual residence for 1,000 or more unaccompanied alien children (as defined in section 462(g)(2) of the Homeland Security Act of 2002 (6 U.S.C. 279(g))) who entered the United States in a single fiscal year in any of the prior 3 fiscal years; and

(2) any other country which the Secretary of Homeland Security deems appropriate.

(d) EFFECTIVE DATE.—This section shall take effect on the date of the enactment of this Act and shall apply with respect to any unaccompanied alien child (as defined in section 462(g)(2) of the Homeland Security Act of 2002 (6 U.S.C. 279(g))) apprehended on or after such date.

**SEC. 16. REPORTS.**

(a) IN GENERAL.—Not later than 6 months after the date of the enactment of this Act, and annually thereafter, the Secretary of State and the Secretary of Health and Human Services, with assistance from the Secretary of Homeland Security, shall submit a report to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives on efforts to improve repatriation programs for unaccompanied alien children (as defined in section 462(g)(2) of the Homeland Security Act of 2002 (6 U.S.C. 279(g))). Such reports shall include the following:

(1) The average time that such a child is detained after apprehension until removal.

(2) The number of such children detained improperly beyond the required time periods under paragraphs (2) and (3) of section 235(b) of the William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008 (8 U.S.C. 1232(b)).

(3) A statement of the funds used to effectuate the repatriation of such children, including any funds that were reallocated from foreign assistance accounts as of the date of the enactment of this Act.

(b) EFFECTIVE DATE.—This section shall take effect on the date of the enactment of this Act and shall apply with respect to any unaccompanied alien child (as defined in section 462(g)(2) of the Homeland Security Act of 2002 (6 U.S.C. 279(g))) apprehended on or after such date.

**SEC. 17. WITHHOLDING OF REMOVAL.**

(a) IN GENERAL.—Section 241(b)(3) of the Immigration and Nationality Act (8 U.S.C. 1231(b)(3)) is amended—

(1) by adding at the end of subparagraph (A) the following:

“The burden of proof shall be on the alien to establish that the alien’s life or freedom would be threatened in that country, and that race, religion, nationality, membership in a particular social group, or political opinion would be at least one central reason for such threat.”; and

(2) in subparagraph (C), by striking “In determining whether an alien has demonstrated that the alien’s life or freedom would be threatened for a reason described in subparagraph (A),” and inserting “For purposes of this paragraph.”.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect as if enacted on May 11, 2005, and shall apply to applications for withholding of removal made on or after such date.

**SEC. 18. GROSS VIOLATIONS OF HUMAN RIGHTS.**

(a) INADMISSIBILITY OF CERTAIN ALIENS.—Section 212(a)(3)(E)(iii) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(3)(E)(iii)) is amended to read as follows:

“(iii) COMMISSION OF ACTS OF TORTURE, EXTRAJUDICIAL KILLINGS, WAR CRIMES, OR WIDESPREAD OR SYSTEMATIC ATTACKS ON CIVILIANS.—Any alien who planned, ordered, assisted, aided and abetted, committed, or otherwise participated in, including through command responsibility and without regard to motivation or intent, the commission of—

“(I) any act of torture (as defined in section 2340 of title 18, United States Code);

“(II) any extrajudicial killing (as defined in section 3(a) of the Torture Victim Protection Act of 1991 (28 U.S.C. 1350 note)) under color of law of any foreign nation;

“(III) a war crime (as defined in section 2441 of title 18, United States Code); or

“(IV) a widespread or systematic attack directed against a civilian population, with knowledge of the attack, murder, extermination, enslavement, forcible transfer of population, arbitrary detention, rape, sexual

slavery, enforced prostitution, forced pregnancy, enforced sterilization, or any other form of sexual violence of comparable gravity;

“(V) persecution on political racial, national, ethnic, cultural, religious, or gender grounds;

“(VI) enforced disappearance of persons; or

“(VII) other inhumane acts of a similar character intentionally causing great suffering or serious bodily or mental injury, is in admissible.”.

(b) NONAPPLICABILITY OF CONFIDENTIALITY REQUIREMENT WITH RESPECT TO VISA RECORDS.—The President may make public, without regard to the requirements under section 222(f) of the Immigration and Nationality Act (8 U.S.C. 1202(f)), with respect to confidentiality of records pertaining to the issuance or refusal of visas or permits to enter the United States, the names of aliens deemed inadmissible on the basis of section 212(a)(3)(E)(iii) of the Immigration and Nationality Act, as amended by subsection (a).

**SEC. 19. FIRM RESETTLEMENT.**

Section 208(b)(2)(A)(vi) of the Immigration and Nationality Act (8 U.S.C. 1158(b)(2)(A)(vi)) is amended by striking “States.” and inserting “States, which shall be considered demonstrated by evidence that the alien can live in such country (in any legal status) without fear of persecution.”.

**SEC. 20. TERMINATION OF ASYLUM STATUS PURSUANT TO RETURN TO HOME COUNTRY.**

(a) TERMINATION OF STATUS.—Except as provided in subsections (b) and (c), any alien who is granted asylum or refugee status under the Immigration and Nationality Act (8 U.S.C. 1101 et seq.), who, without a compelling reason as determined by the Secretary, subsequently returns to the country of such alien’s nationality or, in the case of an alien having no nationality, returns to any country in which such alien last habitually resided, and who applied for such status because of persecution or a well-founded fear of persecution in that country on account of race, religion, nationality, membership in a particular social group, or political opinion, shall have his or her status terminated.

(b) WAIVER.—The Secretary has discretion to waive subsection (a) if it is established to the satisfaction of the Secretary that the alien had a compelling reason for the return. The waiver may be sought prior to departure from the United States or upon return.

(c) EXCEPTION FOR CERTAIN ALIENS FROM CUBA.—Subsection (a) shall not apply to an alien who is eligible for adjustment to that of an alien lawfully admitted for permanent residence pursuant to the Cuban Adjustment Act of 1966 (Public Law 89-732).

**SEC. 21. ASYLUM CASES FOR HOME SCHOOLERS.**

(a) IN GENERAL.—Section 101(a)(42) (8 U.S.C. 1101(a)(42)) is amended by adding at the end the following: “For purposes of determinations under this Act, a person who has been persecuted for failure or refusal to comply with any law or regulation that prevents the exercise of the individual right of that person to direct the upbringing and education of a child of that person (including any law or regulation preventing homeschooling), or for other resistance to such a law or regulation, shall be deemed to have been persecuted on account of membership in a particular social group, and a person who has a well founded fear that he or she will be subject to persecution for such failure, refusal, or resistance shall be deemed to have a well founded fear of persecution on account of membership in a particular social group.”.

(b) NUMERICAL LIMITATION.—Section 207(a) of the Immigration and Nationality Act (8

U.S.C. 1157(a)) is amended by adding at the end the following:

“(5) For any fiscal year, not more than 500 aliens may be admitted under this section, or granted asylum under section 208, pursuant to a determination under section 101(a)(42) that the alien is described in the final sentence of section 101(a)(42) (as added by section 21 of the Asylum Reform and Border Protection Act of 2015).”.

**(c) EFFECTIVE DATES.—**

(1) IN GENERAL.—The amendment made by subsection (a) shall take effect on the date of the enactment of this Act and shall apply to failure or refusal to comply with a law or regulation, or other resistance to a law or regulation, occurring before, on, or after such date.

(2) NUMERICAL LIMITATION.—The amendment made by subsection (b) shall take effect beginning on the first day of the first fiscal year beginning after the date of the enactment of this Act.

**SEC. 22. NOTICE CONCERNING FRIVOLOUS ASYLUM APPLICATIONS.**

(a) IN GENERAL.—Section 208(d)(4) of the Immigration and Nationality Act (8 U.S.C. 1158(d)(4)) is amended—

(1) in the matter preceding subparagraph (A), by inserting “the Secretary of Homeland Security or” before “the Attorney General”;

(2) in subparagraph (A), by striking “and of the consequences, under paragraph (6), of knowingly filing a frivolous application for asylum”;

(3) in subparagraph (B), by striking the period and inserting “; and”;

(4) by adding at the end the following:

“(C) ensure that a written warning appears on the asylum application advising the alien of the consequences of filing a frivolous application.”; and

(5) by inserting after subparagraph (C) the following:

“The written warning referred to in subparagraph (C) shall serve as notice to the alien of the consequences of filing a frivolous application.”.

(b) CONFORMING AMENDMENT.—Section 208(d)(6) of the Immigration and Nationality Act (8 U.S.C. 1158(d)(6)) is amended by striking “paragraph (4)(A)” and inserting “paragraph (4)(C)”.

**SEC. 23. TERMINATION OF ASYLUM STATUS.**

Section 208(c) of the Immigration and Nationality Act (8 U.S.C. 1158(c)) is amended by adding at the end the following:

“(4) If an alien’s asylum status is subject to termination under paragraph (2), the immigration judge shall first determine whether the conditions specified under paragraph (2) have been met, and if so, terminate the alien’s asylum status before considering whether the alien is eligible for adjustment of status under section 209.”.

**SA 1972.** Mr. SESSIONS (for Mr. VITTER) submitted an amendment intended to be proposed to amendment SA 1463 proposed by Mr. MCCAIN to the bill H.R. 1735, to authorize appropriations for fiscal year 2016 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle G of title X, add the following:

**SEC. 1085. CITIZENSHIP AT BIRTH FOR CERTAIN PERSONS BORN IN THE UNITED STATES.**

(a) IN GENERAL.—Section 301 of the Immigration and Nationality Act (8 U.S.C. 1401) is amended—

(1) by inserting “(a) IN GENERAL.—” before “The following”;

(2) by redesignating subsections (a) through (h) as paragraphs (1) through (8), respectively, and indenting such paragraphs, as redesignated, an additional 2 ems to the right; and

(3) by adding at the end the following:

“(b) DEFINITION.—Acknowledging the right of birthright citizenship established by section 1 of the 14th Amendment to the Constitution of the United States, a person born in the United States shall be considered ‘subject to the jurisdiction’ of the United States for purposes of subsection (a)(1) only if the person is born in the United States and at least 1 of the person’s parents is—

“(1) a citizen or national of the United States;

“(2) an alien lawfully admitted for permanent residence in the United States whose residence is in the United States; or

“(3) an alien performing active service in the armed forces (as defined in section 101 of title 10, United States Code).”

(b) APPLICABILITY.—The amendment made by subsection (a)(3) may not be construed to affect the citizenship or nationality status of any person born before the date of the enactment of this Act.

(c) SEVERABILITY.—If any provision of this section or any amendment made by this section, or any application of such provision or amendment to any person or circumstance, is held to be unconstitutional, the remainder of the provisions of this Act and the amendments made by this Act and the application of the provision or amendment to any other person or circumstance shall not be affected.

**SA 1973.** Mr. SESSIONS (for Mr. VITTER) submitted an amendment intended to be proposed to amendment SA 1463 proposed by Mr. McCain to the bill H.R. 1735, to authorize appropriations for fiscal year 2016 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title V, add the following:

**SEC. 524. REPEAL OF DISCRETIONARY AUTHORITY TO AUTHORIZE CERTAIN ENLISTMENTS IN THE ARMED FORCES.**

Section 504(b) of title 10, United States Code, is amended—

(1) by striking paragraph (2);

(2) by striking “(1)”; and

(3) by redesignating subparagraphs (A), (B), and (C) as paragraphs (1), (2), and (3), respectively.

**AUTHORITY FOR COMMITTEES TO MEET**

**COMMITTEE ON ENERGY AND NATURAL RESOURCES**

Mr. ENZI. 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 9, 2015, at 9:30 a.m., in room SD-366 of the Dirksen Senate Office Building.

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

**COMMITTEE ON FOREIGN RELATIONS**

Mr. ENZI. Mr. President, I ask unanimous consent that the Committee on

Foreign Relations be authorized to meet during the session of the Senate on June 9, 2015, at 2:30 p.m.

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

**COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS**

Mr. ENZI. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs be authorized to meet during the session of the Senate on June 9, 2015, at 10:30 a.m. to conduct a hearing entitled “Oversight of the Transportation Security Administration: First-Hand and Government Watchdog Accounts of Agency Challenges.”

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

**COMMITTEE ON VETERANS’ AFFAIRS**

Mr. ENZI. Mr. President, I ask unanimous consent that the Committee on Veterans’ Affairs be authorized to meet during the session of the Senate on June 9, 2015.

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

**SELECT COMMITTEE ON INTELLIGENCE**

Mr. ENZI. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on June 9, 2015, at 2:30 p.m.

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

**PRIVILEGES OF THE FLOOR**

Mr. NELSON. Mr. President, I ask unanimous consent that Shaun Easley, a Defense fellow serving on my staff, during consideration of the bill H.R. 1735, the Defense authorization bill.

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

Mr. WICKER. Mr. President, it is my privilege to ask unanimous consent that Capt. Matthew T. Reeder, a U.S. Marine Corps national security fellow in Senator AYOTTE’s office, be granted floor privileges for the remainder of this Congress.

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

Mr. SCHUMER. Mr. President, I ask unanimous consent that Kathleen Perry, a fellow in my office, be granted the privileges of the floor during the consideration of H.R. 1735, the Defense authorization bill.

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

Mr. SESSIONS. Mr. President, I ask unanimous consent that CDR Eddie Pilcher, the defense legislative fellow assigned to my office, be granted floor privileges for the remainder of the calendar year.

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

**EXECUTIVE SESSION**

**EXECUTIVE CALENDAR**

Mr. BARRASSO. Mr. President, I ask unanimous consent that the Senate

proceed to executive session to consider Executive Calendar No. 77; that the nomination be confirmed and the motion to reconsider be considered made and laid upon the table with no intervening action or debate; that no further motions be in order; that any statements related to the nomination be printed in the RECORD; that the President be immediately notified of the Senate’s action and the Senate then resume legislative session.

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

The nomination considered and confirmed is as follows:

**IN THE ARMY**

The following named officers for appointment in the United States Army to the grade indicated under title 10, U.S.C., section 624:

*To be major general*

Brig. Gen. Anthony C. Funkhouser  
Brig. Gen. Donald E. Jackson, Jr.  
Brig. Gen. Kent D. Savre

**LEGISLATIVE SESSION**

The PRESIDING OFFICER. The Senate will now resume legislative session.

**COLLECTOR CAR APPRECIATION DAY**

Mr. BARRASSO. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of S. Res. 196, submitted earlier today.

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

The bill clerk read as follows:

A bill (S. Res. 196) designating July 10, 2015, as Collector Car Appreciation Day and recognizing that the collection and restoration of historic and classic cars is an important part of preserving the technological achievements and cultural heritage of the United States.

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

Mr. BARRASSO. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motions to reconsider be laid upon the table with no intervening action or debate.

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

The resolution (S. Res. 196) was agreed to.

The preamble was agreed to.

(The resolution, with its preamble, is printed in today’s RECORD under “Submitted Resolutions.”)

**RECOGNIZING THE NEED TO IMPROVE PHYSICAL ACCESS TO MANY FEDERALLY FUNDED FACILITIES**

Mr. BARRASSO. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 197, submitted earlier today.

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



A bill (S. Res. 197) recognizing the need to improve physical access to many federally funded facilities for all people of the United States, particularly people with disabilities.

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

Mr. BARRASSO. 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. 197) was agreed to.

The preamble was agreed to.

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

## GRASSROOTS RURAL AND SMALL COMMUNITY WATER SYSTEMS ASSISTANCE ACT

### WATER RESOURCES RESEARCH AMENDMENTS ACT OF 2015

Mr. BARRASSO. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 83, S. 611, and Calendar No. 84, S. 653, en bloc.

The PRESIDING OFFICER. The clerk will report the bills by title en bloc.

The bill clerk read as follows:

A bill (S. 611) to amend the Safe Drinking Water Act to reauthorize technical assistance to small public water systems, and for other purposes.

A bill (S. 653) to amend the Water Resources Research Act of 1984 to reauthorize grants for and require applied water supply research regarding the water resources research and technology institutes established under that Act.

There being no objection, the Senate proceeded to consider the bills en bloc.

Mr. BARRASSO. Mr. President, I ask unanimous consent that the bills be read a third time and passed and the motions to reconsider be considered made and laid upon the table.

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

The bill (S. 611) was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 611

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

#### SECTION 1. SHORT TITLE.

This Act may be cited as the "Grassroots Rural and Small Community Water Systems Assistance Act".

#### SEC. 2. FINDINGS.

Congress finds that—

(1) the Safe Drinking Water Act Amendments of 1996 (Public Law 104-182) authorized technical assistance for small and rural communities to assist those communities in complying with regulations promulgated pursuant to the Safe Drinking Water Act (42 U.S.C. 300f et seq.);

(2) technical assistance and compliance training—

(A) ensures that Federal regulations do not overwhelm the resources of small and rural communities; and

(B) provides small and rural communities lacking technical resources with the necessary skills to improve and protect water resources;

(3) across the United States, more than 90 percent of the community water systems serve a population of less than 10,000 individuals;

(4) small and rural communities have the greatest difficulty providing safe, affordable public drinking water and wastewater services due to limited economies of scale and lack of technical expertise; and

(5) in addition to being the main source of compliance assistance, small and rural water technical assistance has been the main source of emergency response assistance in small and rural communities.

#### SEC. 3. SENSE OF CONGRESS.

It is the sense of Congress that—

(1) to assist small and rural communities most effectively, the Administrator of the Environmental Protection Agency should prioritize the types of technical assistance that are most beneficial to those communities, based on input from those communities; and

(2) local support is the key to making Federal assistance initiatives work in small and rural communities to the maximum benefit.

#### SEC. 4. FUNDING PRIORITIES.

Section 1442(e) of the Safe Drinking Water Act (42 U.S.C. 300j-1(e)) is amended—

(1) by designating the first through seventh sentences as paragraphs (1) through (7), respectively;

(2) in paragraph (5) (as so designated), by striking "1997 through 2003" and inserting "2015 through 2020"; and

(3) by adding at the end the following:

“(8) NONPROFIT ORGANIZATIONS.—

“(A) IN GENERAL.—The Administrator may use amounts made available to carry out this section to provide grants or cooperative agreements to nonprofit organizations that provide to small public water systems onsite technical assistance, circuit-rider technical assistance programs, multistate, regional technical assistance programs, onsite and regional training, assistance with implementing source water protection plans, and assistance with implementing monitoring plans, rules, regulations, and water security enhancements.

“(B) PREFERENCE.—To ensure that technical assistance funding is used in a manner that is most beneficial to the small and rural communities of a State, the Administrator shall give preference under this paragraph to nonprofit organizations that, as determined by the Administrator, are the most qualified and experienced in providing training and technical assistance to small public water systems and that the small community water systems in that State find to be the most beneficial and effective.

“(C) LIMITATION.—No grant or cooperative agreement provided or otherwise made available under this section may be used for litigation pursuant to section 1449.”.

The bill (S. 653) was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 653

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

#### SECTION 1. SHORT TITLE.

This Act may be cited as the "Water Resources Research Amendments Act of 2015".

#### SEC. 2. WATER RESOURCES RESEARCH ACT AMENDMENTS.

(a) CONGRESSIONAL FINDINGS AND DECLARATIONS.—Section 102 of the Water Resources

Research Act of 1984 (42 U.S.C. 10301) is amended—

(1) by redesignating paragraphs (7) through (9) as paragraphs (8) through (10), respectively;

(2) in paragraph (8) (as so redesignated), by striking "and" at the end; and

(3) by inserting after paragraph (6) the following:

“(7) additional research is required into increasing the effectiveness and efficiency of new and existing treatment works through alternative approaches, including—

“(A) nonstructural alternatives;

“(B) decentralized approaches;

“(C) energy use efficiency;

“(D) water use efficiency; and

“(E) actions to extract energy from wastewater.”.

(b) CLARIFICATION OF RESEARCH ACTIVITIES.—Section 104(b)(1) of the Water Resources Research Act of 1984 (42 U.S.C. 10303(b)(1)) is amended—

(1) in subparagraph (B)(ii), by striking "water-related phenomena" and inserting "water resources"; and

(2) in subparagraph (D), by striking the period at the end and inserting "; and".

(c) COMPLIANCE REPORT.—Section 104(c) of the Water Resources Research Act of 1984 (42 U.S.C. 10303(c)) is amended—

(1) by striking "(c) From the" and inserting the following:

“(c) GRANTS.—

“(1) IN GENERAL.—From the”; and

(2) by adding at the end the following:

“(2) REPORT.—Not later than December 31 of each fiscal year, the Secretary shall submit to the Committee on Environment and Public Works of the Senate, the Committee on the Budget of the Senate, the Committee on Transportation and Infrastructure of the House of Representatives, and the Committee on the Budget of the House of Representatives a report regarding the compliance of each funding recipient with this subsection for the immediately preceding fiscal year.”.

(d) EVALUATION OF WATER RESOURCES RESEARCH PROGRAM.—Section 104 of the Water Resources Research Act of 1984 (42 U.S.C. 10303) is amended by striking subsection (e) and inserting the following:

“(e) EVALUATION OF WATER RESOURCES RESEARCH PROGRAM.—

“(1) IN GENERAL.—The Secretary shall conduct a careful and detailed evaluation of each institute at least once every 3 years to determine—

“(A) the quality and relevance of the water resources research of the institute;

“(B) the effectiveness of the institute at producing measured results and applied water supply research; and

“(C) whether the effectiveness of the institute as an institution for planning, conducting, and arranging for research warrants continued support under this section.

“(2) PROHIBITION ON FURTHER SUPPORT.—If, as a result of an evaluation under paragraph (1), the Secretary determines that an institute does not qualify for further support under this section, no further grants to the institute may be provided until the qualifications of the institute are reestablished to the satisfaction of the Secretary.”.

(e) AUTHORIZATION OF APPROPRIATIONS.—Section 104(f)(1) of the Water Resources Research Act of 1984 (42 U.S.C. 10303(f)(1)) is amended by striking "\$12,000,000 for each of fiscal years 2007 through 2011" and inserting "\$7,500,000 for each of fiscal years 2015 through 2020".

(f) ADDITIONAL APPROPRIATIONS WHERE RESEARCH FOCUSED ON WATER PROBLEMS OF INTERSTATE NATURE.—Section 104(g)(1) of the Water Resources Research Act of 1984 (42 U.S.C. 10303(g)(1)) is amended in the first sentence by striking "\$6,000,000 for each of fiscal

years 2007 through 2011'' and inserting ''\$1,500,000 for each of fiscal years 2015 through 2020''.

---

ORDERS FOR WEDNESDAY, JUNE  
10, 2015

Mr. BARRASSO. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 9:30 a.m. on Wednesday, June 10; 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 for 1 hour, with Sen-

ators permitted to speak therein for up to 10 minutes each; further, that the time be equally divided, with the Democrats controlling the first half and the majority controlling the second half; finally, that following morning business, the Senate resume consideration of H.R. 1735.

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

---

ADJOURNMENT UNTIL 9:30 A.M.  
TOMORROW

Mr. BARRASSO. Mr. President, if there is no further business to come before the Senate, I ask unanimous con-

sent that it stand adjourned under the previous order.

There being no objection, the Senate, at 6:34 p.m., adjourned until Wednesday, June 10, 2015, at 9:30 a.m.

---

CONFIRMATIONS

Executive nominations confirmed by the Senate June 9, 2015:

IN THE ARMY

The following named officers for appointment in the United States Army to the grade indicated under title 10, U.S.C., section 624:

*To be major general*

Brig. Gen. Anthony C. Funkhouser  
Brig. Gen. Donald E. Jackson, Jr.  
Brig. Gen. Kent D. Savre