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No. 174

## Senate

The Senate met at 3 p.m. and was called to order by the President pro tempore (Mr. HATCH).

### PRAYER

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

Let us pray.

Heavenly Father, help us today to become people whose lives will be productive for Your glory. Forgive us when we come short of Your will for us and for our Nation.

Lord, show our lawmakers how to do things Your way, embracing Your precepts and walking in Your path. Remind them that the narrow and difficult road often leads to life and abundant joy. As You teach them to live abundantly, replace their anxiety with calm, their confusion with clarity, and their doubts with faith. May Your heavenly peace, which transcends human understanding, guard their hearts and minds today and always.

We pray in Your Holy Name. Amen.

### PLEDGE OF ALLEGIANCE

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

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

### RECOGNITION OF THE MAJORITY LEADER

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

### WORK BEFORE THE SENATE

Mr. McCONNELL. Mr. President, last week the House overwhelmingly passed the bipartisan 21st Century Cures Act, the medical innovation bill. Now it is the Senate's turn to move this bill forward and send it to the President's desk for signature.

This legislation has earned wide support from both sides of the aisle, and it is one of the most important bills that will pass this year. It is not hard to see why. It will encourage investment in biomedical research to help deliver treatment and cures to patients. It will cut through redtape and burdensome regulations while also protecting safety, and it will build upon progress to support regenerative medicine and other innovative therapies.

Cures also includes provisions to strengthen mental health programs and to provide much needed resources to help combat the opioid epidemic. It is legislation that could have an impact on each of our States and on each of our constituents.

Later today, Senators will take the next step in advancing 21st Century Cures. With continued cooperation, we can pass this bipartisan bill very soon.

The Cures legislation is just one key area where the Senate has been working to complete its work before the holidays. Negotiations are ongoing on a continuing resolution, which we will consider this week.

This week we will also pass the Defense authorization conference report, and work continues to finalize other outstanding conference reports, including the Water Resources Development Act—the so-called WRDA bill—and the energy policy modernization bill.

As these efforts continue, I thank all of those who have been working around the clock to reach a conclusion on these important issues. We will have a busy week ahead. Let's keep working together to get it done.

### COMMENDING THE SENATOR FROM TENNESSEE

Mr. McCONNELL. Mr. President, I see the Senator from Tennessee on the floor. I particularly commend him for his outstanding work on the Cures bill. The Senator has had two major accomplishments this Congress—the rewrite

of No Child Left Behind last year and now this medical innovation bill. I may have more to say about that later, but I commend the Senator from Tennessee for his outstanding work on this important bill.

### AUTHORIZING THE SECRETARY OF THE TREASURY TO INCLUDE ALL FUNDS WHEN ISSUING CERTAIN GEOGRAPHIC TARGETING ORDERS

Mr. McCONNELL. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be discharged from further consideration of H.R. 5602 and the Senate proceed to its immediate consideration.

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

The clerk will report the bill by title.

The senior assistant legislative clerk read as follows:

A bill (H.R. 5602) to amend title 31, United States Code, to authorize the Secretary of the Treasury to include all funds when issuing certain geographic targeting orders, and for other purposes.

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

Mr. McCONNELL. Mr. President, I ask unanimous consent that the Shelby-Brown substitute amendment be agreed to and the bill, as amended, be considered read a third time.

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

The amendment (No. 5127) in the nature of a substitute was agreed to.

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

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

The bill was read the third time.

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

The bill (H.R. 5602), as amended, was passed.

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



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Mr. McCONNELL. Mr. President, I ask unanimous consent that the motion to reconsider be considered made and laid upon the table.

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

#### THE CALENDAR

Mr. McCONNELL. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar Nos. 675 through 683.

There being no objection, the Senate proceeded to consider the bills en bloc.

Mr. McCONNELL. 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, all en bloc.

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

#### SPECIAL WARFARE OPERATOR MASTER CHIEF PETTY OFFICER (SEAL) LOUIS "LOU" J. LANGLAIS POST OFFICE BUILDING

The bill (H.R. 3218) to designate the facility of the United States Postal Service located at 1221 State Street, Suite 12, Santa Barbara, California, as the "Special Warfare Operator Master Chief Petty Officer (SEAL) Louis 'Lou' J. Langlais Post Office Building," was ordered to a third reading, was read the third time, and passed.

#### RICHARD ALLEN CABLE POST OFFICE

The bill (H.R. 4887) to designate the facility of the United States Postal Service located at 23323 Shelby Road in Shelby, Indiana, as the "Richard Allen Cable Post Office," was ordered to a third reading, was read the third time, and passed.

#### LEONARD MONTALTO POST OFFICE BUILDING

The bill (H.R. 5150) to designate the facility of the United States Postal Service located at 3031 Veterans Road West in Staten Island, New York, as the "Leonard Montalto Post Office Building," was ordered to a third reading, was read the third time, and passed.

#### ARMY FIRST LIEUTENANT DONALD C. CARWILE POST OFFICE BUILDING

The bill (H.R. 5309) to designate the facility of the United States Postal Service located at 401 McElroy Drive in Oxford, Mississippi, as the "Army First Lieutenant Donald C. Carwile Post Office Building," was ordered to a third reading, was read the third time, and passed.

#### E. MARIE YOUNGBLOOD POST OFFICE

The bill (H.R. 5356) to designate the facility of the United States Postal Service located at 14231 TX-150 in Coldspring, Texas, as the "E. Marie Youngblood Post Office," was ordered to a third reading, was read the third time, and passed.

#### ZAPATA VETERANS POST OFFICE

The bill (H.R. 5591) to designate the facility of the United States Postal Service located at 810 N US Highway 83 in Zapata, Texas, as the "Zapata Veterans Post Office," was ordered to a third reading, was read the third time, and passed.

#### OFFICER JOSEPH P. CALI POST OFFICE BUILDING

The bill (H.R. 5676) to designate the facility of the United States Postal Service located at 6300 N. Northwest Highway in Chicago, Illinois, as the "Officer Joseph P. Cali Post Office Building," was ordered to a third reading, was read the third time, and passed.

#### ABNER J. MIKVA POST OFFICE BUILDING

The bill (H.R. 5798) to designate the facility of the United States Postal Service located at 1101 Davis Street in Evanston, Illinois, as the "Abner J. Mikva Post Office Building," was ordered to a third reading, was read the third time, and passed.

#### SEGUNDO T. SABLAN AND CNMI FALLEN MILITARY HEROES POST OFFICE BUILDING

The bill (H.R. 5889) to designate the facility of the United States Postal Service located at 1 Chalan Kanoa VLG in Saipan, Northern Mariana Islands, as the "Segundo T. Sablan and CNMI Fallen Military Heroes Post Office Building," was ordered to a third reading, was read the third time, and passed.

#### PROVIDING ARSENAL INSTALLATION REUTILIZATION AUTHORITY

Mr. McCONNELL. Mr. President, I ask unanimous consent that the Committee on Armed Services be discharged from further consideration of S. 3336 and the Senate proceed to its immediate consideration.

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

The clerk will report the bill by title. The senior assistant legislative clerk read as follows:

A bill (S. 3336) to provide arsenal installation reutilization authority.

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

Mr. McCONNELL. Mr. President, I ask unanimous consent that the Ernst amendment be agreed to; that the bill, as amended, be considered read a third time and passed; that the title amendment be agreed to; and that the motions to reconsider be considered made and laid upon the table.

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

The amendment (No. 5128) was agreed to, as follows:

(Purpose: To improve the bill)

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

#### SECTION 1. INSTALLATION REUTILIZATION AUTHORITY FOR ARSENALS, DEPOTS, AND PLANTS.

On page 1, line 6, strike "arsenal, the Secretary concerned" and insert "arsenal, depot, or plant, the Secretary of the Army".

On page 2, line 4, insert ", depot, or plant" after "arsenal".

On page 2, line 8, insert ", depot, or plant" after "arsenal".

On page 2, line 12, insert ", depot, or plant" after "arsenal".

On page 2, line 17, strike "Secretary concerned" and insert "Secretary of the Army".

On page 2, line 21, insert ", depot, or plant" after "arsenal".

On page 4, line 3, insert ", DEPOT, OR PLANT" after "ARSENAL".

On page 4, line 5, insert ", depot, or plant" after "arsenal".

On page 4, line 6, strike "Department of the Defense" and insert "Army".

The bill (S. 3336), as amended, was ordered to be engrossed for a third reading, was read the third time, and passed.

The amendment (No. 5129) was agreed to, as follows:

(Purpose: To amend the title)

Amend the title so as to read: "A bill to provide installation reutilization authority for arsenals, depots, and plants."

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

Mr. McCONNELL. Mr. President, I ask that the Chair lay before the Senate the conference report accompanying S. 2943.

The PRESIDING OFFICER. The Chair lays before the Senate the conference report to accompany S. 2943, which will be stated by title.

The legislative clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 2943), to authorize appropriations for fiscal year 2017 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes, having met, have agreed that the Senate recede from its disagreement to the amendment of the House and agree to the same with an amendment and the House agree to the same. Signed by a majority of the conferees on the part of both Houses.

#### CLOTURE MOTION

Mr. McCONNELL. Mr. President, I send a cloture motion to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the conference report to accompany S. 2943, National Defense Authorization Act for Fiscal Year 2017.

Mitch McConnell, Deb Fischer, Thom Tillis, Daniel Coats, James M. Inhofe, John Hoeven, Cory Gardner, Orrin G. Hatch, Mark Kirk, Tom Cotton, John Cornyn, Lindsey Graham, Mike Rounds, Lisa Murkowski, Dan Sullivan, John McCain.

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the mandatory quorum call be waived with respect to this cloture motion.

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

RECOGNITION OF THE MINORITY LEADER

The PRESIDING OFFICER. The Democratic leader is recognized.

COMMENDING THE SENIOR SENATOR FROM TENNESSEE

Mr. REID. Mr. President, before I give my remarks, as I planned, I wish to say a brief word about Senator ALEXANDER, the senior Senator from Tennessee.

During my time in Congress, he has always been one of the most pleasant people I have dealt with. He is always very thorough in whatever he wants to talk to you about, and I have found him to be a remarkably good Senator. He has a background that is stunningly important—a longtime Governor of the State of Tennessee and someone who has served in one of the Republican administrations as Secretary of Education.

This Cures bill is not everything I would wish it to be. I think it is too weak in some parts. I think we could have done better. But I have been around for a long time, and I understand what legislation is all about.

We have gotten money. We have been trying for a couple years to get money for opioids. There should be far more, and it should be given in a different way than we have it here, but it is money. We have people—as we are sitting here for a few minutes today—dying as a result of this scourge that is sweeping America. It is in Oklahoma, it is in Tennessee, and it is in places such as New Hampshire. It is all over. So that part of it is excellent.

As to the resources we give the National Institutes of Health, or NIH, there is not enough we can do. I would hope there would be much more. I am pleased to report that this is the beginning of the Moonshot that Senator BIDEN will lead in research to defeat cancer. It can be done. We have made tremendous progress, and we are making it on a monthly basis now.

There are a lot of good things in this legislation. One of the things that the

senior Senator from Tennessee and I have spoken about is clinical trials. Sometimes you don't understand the importance of those until they could personally affect you.

With the injury that I suffered almost 2 years ago, I am hopeful that in my lifetime there will be something done to be able to take care of retinas that are damaged. We have a lot of those that are damaged—a lot of retinas that are damaged as a result of diabetes and other maladies—but not a lot has been done on injuries to retinas. But there is work being done on that now.

I had a very good meeting on Saturday with one of the foremost people in the world dealing with retinas, Dr. Bressler of Johns Hopkins, and they are doing some stuff. They are doing stem cell work. They are doing some transplants. They are doing some good things.

On a very personal basis, Senator ALEXANDER came and talked to me one evening. He asked if I had time. Of course, I always have time for any Senator who wants to see me.

He came with tears in his eyes to talk to me about some things he had learned about people who had damaged their eyes and how some work is being done with these people who once could not see and, as in the Biblical passages, can now see.

It was a very wonderful meeting, and I had the opportunity to meet one individual he introduced me to—a man named Doug Oliver, who was basically blind. Because of work done with stem cells, he can now see. He is off disability, he can drive a car, and he can read. He could not do that before.

I appreciate it. It perhaps could have passed without him, but I doubt it, and I admire his legislative skills. I hope, with the new Congress coming, he will pull even those skills he doesn't have now out of his back pocket so perhaps we can do even more. There is going to be a lot more that needs to be done in the new Republican Congress.

So I express my public admiration to the senior Senator from Tennessee for the good work he has done for his State and for the country for many decades.

CELEBRATION AT STANDING ROCK

Mr. REID. Mr. President, in the bitter cold of a North Dakota December yesterday—and it can be cold up there—there was a celebration at Standing Rock. Why?

Along the banks of the Missouri River, in this heavy snow, there were hugs and tears of joy and drumming and dancing as the people of the Standing Rock Tribe and others heard the good news. The Army Corps of Engineers did not—did not—approve the easement for the Dakota Access oil pipeline. Instead, the Corps of Engineers determined that the pipeline must be rerouted. I am so glad. It is so important.

This is a victory for the Standing Rock Sioux. We know the long history

Native Americans have in the State of the Presiding Officer. We know that around the country—I have 26 Indian entities in Nevada—they have been treated so poorly. Nevada is no different from any other State. They were pushed off of the lands they dwelt on before we showed up, we White folks here in America. They have been pushed around. So when the Standing Rock people heard the good news that the Corps of Engineers had finally given them at least some small victory, it was very exciting for them. It is a victory for them. They have been objecting to this construction for more than 2 years.

The tribe was concerned about a number of issues, not the least of which were their ancestral grounds, some of which land has their ancestors buried there. They were afraid of water contamination and other problems.

In a statement to the press, the chairman of the Standing Rock Sioux Tribe said:

We wholeheartedly support the decision of the administration and commend with the utmost gratitude the courage it took on the part of President Obama, the Army Corps, the Department of Justice and the Department of Interior to take steps to correct the course of history and do the right thing.

The Standing Rock Sioux Tribe and all of Indian country will be forever grateful to the Obama administration for this historic decision.

Indians have taken one loss after another. Rare are there any victories for the Indians.

I agree with the chairman of the tribe. This is a historic decision, and it was a momentous step toward correcting the course of a disgraceful history.

As I said last week here on the floor, the treatment of the Standing Rock Sioux by our government has been shameful—not only recently but for more than a century. The Sioux were pushed to reservations first. I say “reservations”—plural. But even that land was taken—most of it—and then massive dams were built that put the tribe's best farmland underwater. The result of these actions was a crippling poverty that plagued the tribe for generations—even this generation.

This mistreatment was not unique, as I have indicated, to Standing Rock. Indeed, there are tribes all across the Nation with very similar histories. We have them in Nevada.

Yesterday's decision will not make up for the past, but the President's action was a huge step toward correcting a terrible wrong. Money, profits, and not human dignity, was the direction of the pipeline. The Obama administration changed that.

For far too long, the pleas for justice for Native Americans have gone unanswered. At least now, on this occasion, the Standing Rock Sioux and Native Americans throughout this country know that someone is listening and their concerns are being addressed by the U.S. Government.

I admire the support of those who locked arms with the Standing Rock

Sioux. Appropriately enough, these people call themselves water protectors. Native Americans from all over America, politicians from all over America, entertainers from all over America, and other celebrities were some of the water protectors, and we must recognize the more than 2,000 veterans who traveled to Standing Rock from across America to protect the protestors from violence.

It is also important to note that speech after speech and demonstration after demonstration were peaceful. All the leaders of this demonstration said time after time after time that it would be peaceful, and it has been. The only aggression has not been from the Indians but from those people who are pushing the pipeline.

It is no surprise that many of these veterans are Native Americans because American Indians serve in our Nation's Armed Forces in greater numbers per capita than any other ethnic group. Going back to World War II, of course, the great Ira Hayes, who was made famous by Johnny Cash—they have a long history of serving in all of our wars and stepping forward.

I am gratified at the strength of the Standing Rock Sioux. Their ancestral burial grounds will remain protected and their water clean.

I thank President Obama and his administration and the Army Corps of Engineers for their action. This victory was the culmination of months and months of analysis and deliberation. I appreciate the conclusion reached.

But everyone should know that this fight isn't over. We know from long experience that our decisionmakers keel over for fossil fuel interests. We must remain vigilant. My only hope is that the Trump administration will not undo the justice the Native Americans have finally received. All of us must support the Standing Rock Sioux and help them protect their history and their land and their water.

As one aside, many decades ago I was the Lieutenant Governor of the State of Nevada, and we had our Lieutenant Governors' conference in Oklahoma. It was a wonderful week that we spent in Oklahoma. One of the highlights of that trip was an education that I received one night of a—I assume it is still going on; I don't know—a wonderful pageant that took place in a place that I believe is called Tahlequah—I believe that was the name of the place—where in such detail and in such magnificence was described how Oklahoma has so many Native Americans who came from Florida. It was a wonderful story. I was very impressed with the Native Americans whom I met and have met since that time in Oklahoma. And a memento I was given there in Oklahoma—frankly, someone stole it from me, but each one of us, each Lieutenant Governor, was given a little painting by a famous Oklahoman—at the time, at least—whose time was Tiger. I don't know what his real name was, but he was a famous artist. It was

a beautiful Indian scene he had painted. We all got one. It was an original. I am sorry someone took it out of my office. But I have fond memories of that convention in Oklahoma where I learned so much about the people of Oklahoma.

Some of us in the West have had over the years kind of a negative impression of Oklahoma—the Okies coming into California, all of these uneducated people causing trouble—but that was a wonderful trip to Oklahoma. I was terribly impressed at the time and have always been impressed with the people of Oklahoma.

Just a little aside here: I have had some good fortune at being able to legislate things here in Washington. One of the things that can be looked at as good or bad—and maybe I won't get a lot of pats on the back for this with the new administration—but a Senator from Oklahoma and I did some very good work. The Congressional Review Act was Reid-Nichols legislation. That was hard to do, but what it basically said is if there is a regulation promulgated by an administration, we as a Congress have an opportunity to look it over again to determine if, in fact, we have the ability, with enough folks, to overturn that regulation.

So, again, as the Presiding Officer is from Oklahoma, I want him to understand my affection for the State of Oklahoma and the people of Oklahoma. I have had some difficult tussles with people from Oklahoma over the years. There is no better example of that than Dr. Coburn. But having said that, I have never found more of a gentleman than Dr. Coburn. Even though we disagreed on some policy issues, he was always a gentleman and I have appreciated the things I learned from him.

I yield the floor.

#### RESERVATION OF LEADER TIME

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

#### TSUNAMI WARNING, EDUCATION, AND RESEARCH ACT OF 2015

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of the House message to accompany H.R. 34, which the clerk will report.

The legislative clerk read as follows:

House message to accompany H.R. 34, an act to authorize and strengthen the tsunami detection, forecast, warning, research, and mitigation program of the National Oceanic and Atmospheric Administration, and for other purposes.

Pending:

McConnell motion to concur in the amendment of the House to the amendment of the Senate to the bill.

McConnell motion to concur in the amendment of the House to the amendment of the Senate to the bill, with McConnell amendment No. 5117, to change the enactment date.

McConnell amendment No. 5118 (to amendment No. 5117), of a perfecting nature.

McConnell motion to refer the message of the House on the bill to the Committee on Health, Education, Labor, and Pensions, with instructions, McConnell amendment No. 5119, to change the enactment date.

McConnell amendment No. 5120 (to the instructions (amendment No. 5119) of the motion to refer), of a perfecting nature.

McConnell amendment No. 5121 (to amendment No. 5120), of a perfecting nature.

The PRESIDING OFFICER. The Senator from Utah.

REMEMBERING JAMES TANCILL LYONS

Mr. HATCH. Mr. President, I rise today to pay tribute to Jim Lyons, a longtime staffer on Capitol Hill—my staffer—and a fixture in tax policy here in DC, who passed away on September 29 of this year.

James Tancill Lyons was born on March 7, 1973, to Stephen and Ann Lyons, both natives of the DC-Virginia area with longstanding ties to the local community. Growing up in Springfield, VA, Jim was an accomplished athlete, excelling in both baseball and basketball. Oddly, for a sports fan in the DC area, his favorite football team was the Dallas Cowboys—a decision he made consciously because his older brother, Stephen, was a big Redskins fan.

Jim was also a great student, eventually graduating summa cum laude from James Madison University. He went to law school at the University of Texas, where he made the Editing Committee of the Texas Journal of Business Law and won a scholarship for being the best tax law student in his class after pulling the top grade in his business associations, income tax, international tax, corporate tax, and estate and gift tax classes.

After law school, he earned a clerkship at the Fifth Circuit Court of Appeals and then got a job working for Cleary Gottlieb, one of the finest law firms in the country. Of course, you would never guess any of this if you knew Jim. While he was always an incredibly valuable and often brilliant attorney and congressional staffer, he talked about his college and law school days as though he spent most of his time having fun and just barely skating by. That, of course, was vintage Jim Lyons—incredibly outgoing but unbelievably humble.

Jim could have a long conversation with anyone about pretty much anything, but he was never one to spend all that much time touting his own accomplishments. Make no mistake, Jim Lyons was very accomplished. After his time at the law firm in New York, Jim made his way to the House Ways and Means Committee, and, following a brief subsequent and successful stint at the Department of Justice, he was hired by Chairman CHUCK GRASSLEY to serve as tax counsel on the Senate Finance Committee.

In his 8 years on the Finance Committee, he made a mark on every major tax bill, not to mention a number of debt and budget deals that went through the Senate, including many tax-extenders bills, some of which he seemed to be able to cobble together singlehandedly.

Jim was smart as a whip. He was a tremendously valuable congressional staffer because he had both a remarkable understanding of tax policy and an uncanny ability to see all the traps and pitfalls that stood ahead for any particular proposal or piece of legislation. He had an encyclopedic knowledge of the technical aspects of the Tax Code, as well as a clear understanding of the real-world implications, immediately seeing where a particular tax policy or bill would fit in the larger policy and, when necessary, the political landscape. Jim was one of those people who could go into the weeds to discuss, debate, and negotiate tax policy literally with anyone on the planet but also break that same policy down to its essential elements and explain it to lesser mortals, including, I have to say, more than a few of us U.S. Senators.

Of course, like all of us, Jim had his own ideological views and opinions, and he made no secret about the way he saw the world and his beliefs about the best path forward for our country. When necessary, he was a fierce advocate for his own views, but more importantly, for someone in his position, he was able, when necessary, to dispassionately apply his accrued knowledge and expertise to any tax proposal, whether it came from a conservative or liberal or a Republican or Democrat, and then break it down to its essence and give a clear and concise assessment of the policy and its chances for being enacted.

All of this made him an essential and indispensable part of our efforts on the Senate Finance Committee for close to a decade. As I think all of my colleagues will attest, staffers with that kind of knowledge and ability to evaluate policy and lay out its chances for success really can be hard to come by.

However, in the weeks since Jim's passing, it hasn't been his accomplishments or his knowledge of the Tax Code that people have most remembered; instead, most of the focus has been on his friendly demeanor, his mischievous sense of humor, and most of all, his kind heart.

Dozens of Jimmy's friends and colleagues visited Jim and his family in the hospital during his final days, and during the October recess, hundreds attended a memorial service held here in the Capitol. Each one of these people had at least one personal story to share about Jim. Sure, some of the stories did touch on his successes as a staffer and his professional disposition, but far more often the stories were about Jim's kindness, even to strangers, or his ability to make people feel at ease—and sometimes laugh uncontrollably—even in tense situations.

Jim was always quick to offer assistance and comfort to those in need and to provide a much needed laugh when things got really tough. He is one of very few people I have come across on Capitol Hill—and keep in mind I have been here a while—who will be remembered more or less equally for the bills

he successfully drafted and negotiated and for the way he cracked everyone up at the negotiating table.

I think my favorite story I have heard about Jim came from his mother Ann. In 2003, Jim was living in New York City when much of that part of the country suffered a massive blackout. It is difficult to be in a place like New York without power, and Jim noticed many people on his way home who were stranded and in need of assistance. Rather than look down at the ground and head quickly for home, as many would probably want to do in that situation, Jim offered help to a dozen or so people, bringing them all home to his apartment, giving them both food and a comfortable space to ride out the power outage. Most of these people were strangers. Yet Jim, ever the kind soul, offered his time and his home to help them through a difficult evening.

Mr. President, I ask unanimous consent that a copy of pages 14 and 15 from the August 2003 edition of *Cleargolaw News*, a newsletter for the law firm where Jim worked at that time, be printed in the RECORD following my remarks.

The article tells the story of Jim's efforts during the power blackout.

These are the types of stories that have constantly been shared since Jim's passing, and I know these memories and stories from people who knew and worked with Jim have been helpful to his family during this difficult time.

When I hear these accounts of people's interactions with Jim, I am reminded of a popular hymn in my church, which reads:

Each life that touches ours for good  
Reflects thine own great mercy, Lord;  
Thou sendest blessings from above  
Thru words and deeds of those who love.  
What greater gift dost thou bestow,  
What greater goodness can we know  
Than Christ-like friends, whose gentle ways  
Strengthen our faith, enrich our days.  
When such a friend from us departs,  
We hold forever in our hearts  
A sweet and hallowed memory,  
Bringing us nearer, Lord, to thee.

Jim Lyons led a life which touched many others for the better. His positive influence has been felt by countless people, pretty much anyone who had the opportunity to interact with him. I personally already miss Jim's stalwart presence on the Finance Committee. I miss his wise and plain-spoken advice and unequalled knowledge of tax policy. More than that, I miss the kind and humorous manner that endeared Jim to so many of us working in and around the Senate.

There is a simple quote—an anonymous proverb of sorts—that has often been attributed to Dr. Seuss, though its origin is ultimately in dispute: "Don't cry because it's over, smile because it happened."

Over the past couple of months, I think that has been the prevailing sentiment among those of us who were lucky enough to know Jim Lyons. While tears have been shed and great

sadness has been felt, the remembrances we have had of Jim's life and our interactions with him have given all of us reason to smile and even laugh.

I want to once again express my condolences to Jim's family, his parents Stephen and Ann, his brother Steve, his two nephews, Tyler and Blake, and of course his beloved dog Buddy. Recently, I have had the opportunity to spend time with and get to know Jim's wonderful family. They are truly extraordinary people, and my prayers continue to go out to them. I know I am not alone in that regard. I care for them. Everybody who knew Jim and has now known them cares for them. Our sympathy and our heartfelt thanks go out to them for allowing their son to become the great person he became, and, of course, allowing him to come and work with us on Capitol Hill.

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

THANK YOU FOR TAKING CARE OF US

(By Alice Steinert)

Here is a wonderfully refreshing story about a truly good, kind person.

The day of the blackout was scary for some, devastating for others, and just plain inconvenient for many. There are those of us who still have thighs and calves that ache from all those flights of stairs! Many people could not get home that night for a number of reasons—1) after walking down that many flights of stairs, some people were a bit lame and therefore could not walk the distance to their homes, or their homes were too far to walk to; 2) there were few, if any, buses, taxi cabs, cars, trains, ferries, no subways, and no hotel vacancies; 3) etc., etc., etc.

But, for those of us fortunate enough to know Jim Lyons, CGSH Associate extraordinaire, we certainly know the meaning of the true human spirit.

Jim invited many people to his home that day when we had to evacuate OLP. He provided an immediate "base" for people to relax, calm down, regroup, make contact with family/friends, eat, drink, whatever they needed. But, for nine of us (Ron Becton, Robert Franklin, Monica Gagnon, Glenville Hunter, Amy Menendez, Alice Steinert, Jason Steinert, Naj-Lah Toussaint and Carol Whatley), he provided much, much more. He provided a safe haven for the night.

At about 7:45 P.M. Jim walked from his home to OLP to see if there was anyone else in need of assistance. Well, he found nine of us who were seriously thinking about bunking down for the night in front of the lobby doors. Without hesitation Jim invited all of us to his home (he had never even met some of us before). Not only did he provide us with a roof over our heads, he also offered food and beverage, the use of his cell phone, pillows and blankets, and even gave up his bed to two of us ladies. Not only that, he bought toothbrushes for us; What ensued was a night we will all remember—good people, stimulating conversation, a lot of fun, and a great deal of bonding and camaraderie.

While we will individually, and as a group, thank Jim, I think everyone in the firm should recognize what an exceptional person Jim is. If there were more "Jim's" in the world, what a different place it would be. God Bless You Jim.

REMEMBERING KING BHUMIBOL ADULYADEJ OF THAILAND

Mr. HATCH. Mr. President, I rise today, December 5, 2016, in commemoration of the 89th birthday of the late

King Bhumibol Adulyadej of Thailand and in recognition of the National Day of Thailand. In remembrance of the extraordinary life, steady leadership, and remarkable 70-year reign of the beloved King Bhumibol, I have introduced S. Con. Res. 57, along with Representative MATT SALMON in the House. This resolution honors the late King's lasting legacy, extends our collective condolences to the royal family and the people of Thailand, and celebrates the alliance and friendship between our two nations. I would like to thank the cosponsors of this resolution, Senators WHITEHOUSE, ROBERTS, MARKEY, FLAKE, COTTON, and GARDNER. Additionally, I express my appreciation to Chairman BOB CORKER for his assistance in receiving timely consideration of this bipartisan effort in the Senate Foreign Relations Committee.

His Majesty, King Bhumibol Adulyadej, enjoyed a special relationship with the United States, having been born in Cambridge, MA, in 1927, while his father was completing his medical studies at Harvard University. He was always a trusted friend of the United States in advancing a strong and enduring alliance and partnership between our two countries.

At the time of his death on October 13, 2016, King Bhumibol Adulyadej was the longest serving head of state in the world and the longest serving in the history of Thailand. He dedicated his life to the well-being of the Thai people and the sustainable development of his country. His Majesty was an anchor of peace and stability for Thailand and for the region, earning him the deep reverence of the Thai people and the respect of leaders around the world.

I hope my colleagues will join me tomorrow in passing S. Con. Res. 57 as a gesture of respect and appreciation for the life of this great leader and as a symbol of our continued commitment to and friendship with Thailand. Additionally, I am sure my colleagues in the Senate will join me in offering our warmest congratulations and best wishes to the new King of Thailand, His Majesty King Maha Vajiralongkorn.

Mr. President, I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

PASSAGE VITIATED—H.R. 5602, S. 3336, AND CALENDAR NOS. 675 THROUGH 683

Mr. HATCH. Mr. President, I ask unanimous consent to vitiate passage of H.R. 5602, S. 3336, and Calendar Nos. 675 through 683.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

FAREWELL TO THE SENATE

Mr. VITTER. Mr. President, I rise today to speak on the Senate floor for the last time. I am not generally big on nostalgic reminiscences, but I would like to briefly reflect on what is clearly the greatest honor of my professional life—my 12 years in the U.S. Senate and 5½ years in the U.S. House of Representatives and the enormous honor of serving the people of Louisiana to whom I will always be so deeply indebted.

In some ways it seems like just yesterday that I was on the floor of the U.S. House being sworn in, surrounded by our very young children, except for Jack, who wasn't born yet. I said then: "I am honored, humbled, awestruck to stand before you today." I stated my simple goal: to become at ease and comfortable as I learn the ways of Congress, as I hopefully become an effective representative and respected colleague and friend, but never to become so at ease and comfortable that I lose these feelings of honor, of humility, of awe, and, believe me, I haven't.

My very first year in the Senate was a very memorable one. That year Louisiana was struck by Hurricanes Rita and Katrina. After the initial shock of those cataclysmic events, I realized that for quite some time, my priorities as Louisiana Senator would be dominated by the desperate need to rebuild our State, including dramatically improving our hurricane and flood protection and restoring our coastline.

Katrina's devastation was hard to imagine, destroying much of Southeast Louisiana and Coastal Mississippi. Less than 1 month later, Hurricane Rita slammed into Southwest Louisiana as another one of the most intense hurricanes in history. I immediately went to work with Senator Landrieu and the rest of our Louisiana delegation as well as my good friends THAD COCHRAN, Trent Lott, and others to secure the necessary disaster recovery assistance and also to make reforms to the Army Corps of Engineers to better protect our families and communities from future natural disasters.

Louisiana has continued to face and survive other major disasters, including Hurricane Gustav in August and September 2008, Hurricane Ike in September of that same year, Hurricane Isaac in 2012, the Red River flooding in Northern and Central Louisiana, and the 1,000-year-flood event in greater Baton Rouge and Acadiana this past August.

As if all of that weren't enough, in April of 2010, the Deepwater Horizon oil rig exploded off the coast of Louisiana, killing 11 men and devastating our

coastline. The disaster, followed by the horribly misguided offshore drilling moratorium President Obama put in place, caused economic and environmental chaos in Louisiana.

Once again, I immediately went to work with so many others to increase and improve safety measures and reopen the Gulf of Mexico to energy exploration and put people back to work. We introduced legislation to dedicate a majority of the BP penalties toward restoring coastal ecosystems and economies damaged by the spill. It was an uphill battle to ensure Louisiana was fairly compensated, but we did, and we achieved substantial wins, including passage of that critical RESTORE Act that I described.

During the recovery fight following each of these disasters, I found that the most effective leadership involved communicating clearly and employing solutions based on Louisiana common sense, and what always inspired me and kept me going was the unbelievable resilience, faith, and determination of my fellow Louisianans. Their strength and optimism have been oh so powerful reminders of how blessed I have been to serve them.

On a host of other important issues, I always sought to further two sets of political values, really modeled after my two favorite Presidents, Ronald Reagan and Teddy Roosevelt. I always strove to further the central American tradition of limited government and individual freedom, and I was never afraid to shake things up, to demand needed reforms to ensure that leaders in Washington served the American people and not the other way around.

I have had the honor of protecting Louisiana's traditions and proud heritage while here in the Senate. Louisianans love the outdoors and want strong environmental conservation and sportsmen's policies to maintain that culture, and that certainly includes securing the rights afforded to each American by the Second Amendment, which I have fought to do.

Louisianans respect the sanctity of life, which has been one of my top priorities while serving in Congress. I have introduced many bills that end taxpayer funding of abortion and abortion mills and have proudly stood in the defense of life.

When it comes to our Nation's immigration policies, I have been an advocate for targeted reforms that fix the immigration crisis, starting with border security and enforcing the immigration laws already on the books. I fought President Obama's unconstitutional attempts to implement Executive amnesty, which only encourages more immigrants to come here illegally and insults the millions of fine immigrants who do follow U.S. law.

I was also the first to introduce legislation in 2007 to end dangerous sanctuary city policies and have continued to do so each Congress since. I have also been critical of too big to fail in the banking sector and have found



banking reform to be an area in which Republicans can absolutely find common ground with Democrats. That is where I found success in passing into law specific measures that restrict too-big-to-fail and tax-funded bailouts. Also during my time in Congress, I have introduced several important government reform bills so we can get back to the best traditions of our democracy, which includes electing citizen legislators, making sure they don't make themselves into a separate ruling class, and advocating for term limits so individuals don't remain in office for an eternity.

Americans of all backgrounds think Washington is on a different planet and Members of Congress just don't get it. That is why I fought to end Congress's automatic pay raises each year. I first introduced that language in 2009, and the raises have been successfully blocked each year since. Congress can be an effective representative body only when it lives under the same laws it imposes on the rest of the country, and one major way to support that is through term limits. When I was a member of the Louisiana State legislature, I was successful in establishing legislative term limits there, and I have offered the leading term limits measure for Congress here, as well as imposing it on myself.

I fought for commonsense legislation that helps all Americans have access to high-quality and affordable health care. That includes the work to dismantle ObamaCare and replace it with patient-centered health care reform, which I am very hopeful the incoming Trump administration will achieve. In the meantime, I have been fighting to end Washington's exemption from ObamaCare, an illegal Obama administration Executive order that allows Washington elites to avoid the most inconvenient, expensive aspects of the Affordable Care Act by giving themselves taxpayer subsidized health care through an exchange meant solely for small businesses. Also in the health care arena, I was able to pass into law the bipartisan Steve Gleason Act of 2015. It provided immediate relief for patients who have been denied access to lifesaving and life-altering medical equipment. It was about a 2014 Medicare policy change that we had to reverse. Our bill allowed these patients to have access to medical equipment that truly empowers them, that is a true lifeline, and it changes their lives absolutely for the better.

I have also fought against large drug manufacturing lobbies to allow for reimportation of safe and approved prescription medicine from other countries, which gives patients, especially our seniors, relief from rising health care costs.

I have been honored to serve in the Senate in additional ways as well, including as a top Republican on the Environment and Public Works Committee and most recently as chair of the Senate Committee on Small Busi-

ness and Entrepreneurship. I am very proud to say that we have accomplished so many of our goals in those two roles.

We worked in a bipartisan fashion on EPW to pass several major pieces of legislation, including the Water Resources and Development Act of 2007 and the even more significant WRDA of 2014, several reauthorizations of the highway bill, the bipartisan and historic rewrite of the 40-year-old Toxic Substances Control Act, which began as conversations between Senator Frank Lautenberg and myself, a partnership which Senator TOM UDALL continued after Frank's unfortunate passing.

We were also able to hold the administration accountable by conducting investigations into some outright corruption within the Obama EPA, and we advanced key transparency initiatives that shed light on government's attempts to implement policies that were not based on sound science or strategic needs.

As chair of the Small Business Committee, I have been advocating to make sure the voices and concerns of small business owners across the country are heard in Washington. We have held 23 hearings here, 18 field hearings, numerous roundtable discussions. We have heard testimony from over 175 witnesses, usually about the disastrous negative effects of Obama policies like the new waters of the United States rule, key and disastrous effects on small businesses and job creators and their employees.

At the very same time, we found common ground with Ranking Member SHAHEEN and other Democrats on the committee. During my tenure as chair, we passed 32 bipartisan bills out of the committee, which is 22 more than my predecessors did over a much longer period, and 8 of our bills have passed through the entire legislative process and have been signed into law.

These accomplishments are but a fraction of the years of hard work my staff and I have dedicated to the people of Louisiana and, indeed, the American people. I have worked hard to be a champion for them because the government should serve the taxpayer and not the other way around, and that includes by working hard to stay in touch through 398 townhall meetings, at least 5 in each parish of Louisiana, through 231 telephone townhalls, and through active, energetic casework and constituent service.

Clearly what I will treasure most about my service here is the people with whom I have been honored to serve; my colleagues, including my fellow Louisianian Senator BILL CASSIDY, mentors like former Senator Rick Santorum and Senator JEFF SESSIONS, and most especially each of the dedicated people who have been part of Team Vitter. I have come to the Senate floor several times this year to thank key departing staff members.

That is for a very simple reason. My staff has been the key ingredient—the

key—to every success we have enjoyed together in public service. Wendy and I consider them a part of the family. I truly thank my staff again for their tireless, dedicated service to Louisiana. I am so very grateful. Wendy joins me in that.

I want to specifically recognize some of our leaders: my chief of staff, Luke Bolar; my legislative director, Chris Stanley; my wonderful finance director, Courtney Guastela; our state director, Chip Layton; and committee staff director, Meredith West; our grants coordinator, Brenda Moore; my media head, John Brabender; and senior infrastructure policy advisor, Charles Brittingham; my senior economic adviser, David Stokes; campaign treasurer Bill Vanderbrook; and communications director, Cheyenne Klotz.

I know a few of our other former senior staff members are here or are watching, like Mac Abrams, Joel DiGrado, Bryan Zumwalt, Travis Johnson, and Michael Long. Last, and obviously not least, is my beloved family. My five wonderful brothers and sisters, our children, their children, the extended family, led by the ultimate leader of Team Vitter, my wife Wendy.

I can never thank them enough, and certainly I can never ever thank Wendy enough. Through it all, Wendy has been so enormously patient and supportive and understanding, not to mention being the life of every Team Vitter party, leading the rounds—rounds plural—of Fireball shots. She and our daughter Lise are in the Gallery today. I thank them and Sophie, Airey, and Jack for decades of love and support. Lise, up there, was in my arms as a 2-year-old when I was first sworn into the House of Representatives and made those previously quoted remarks: "I am honored, humbled, awestruck to stand before you." She has changed some, but as I said at the beginning of my reflections, those feelings certainly have not.

I would like to close as I did that day in the House over 17 years ago; that is, simply by recognizing the wonderful, loving forces that have brought me here today: God, family, led by my parents up above, and my wife Wendy, staff and friends, and of course the wonderful, wonderful people of Louisiana. They are here with me today. They are here with me always. I thank them from the depths of my heart.

For the last time, I yield the floor.

The PRESIDING OFFICER. The Senator from Louisiana.

TRIBUTE TO DAVID VITTER

Mr. CASSIDY. Mr. President, I have the honor to recognize and thank my colleague and friend, the Honorable Senator DAVID VITTER, for his 25 years of service to Louisiana. Our State has been fortunate to have him as its voice and advocate in this Chamber for the past 12 years.

On a personal note, when I arrived at the Senate, DAVID worked with me, sharing with me some of the privileges that normally he, as a senior Senator,

could have kept all to himself. With great graciousness, he worked with me and said: Listen, this is how I think the process should be set up. I would like you to have some of this privilege as well. I will do the same with whoever replaces DAVID. He has set a pattern that, again, by his graciousness and magnanimity, deserves repetition.

As a new Senator, I was fortunate to have him as a resource for advice and knowledge that comes from time and experience in this body. There are some things that happen here that you have to kind of have experience to follow. DAVID had both the experience, the sharpness, and the insight to recognize.

I again look forward to sharing what he has taught me with whoever takes his place. I will note, as DAVID did, he helped lead our State through some of our worst times. From Hurricane Katrina in 2005 to the great flood of 2016, all of the way in between, DAVID has worked hard to make sure Louisiana and the people of Louisiana have what they need to recover.

The hallmark of Senator VITTER's tenure is that he has always cared deeply about our State, constantly looking for what he could do that would benefit our State, not just in the short term but doing that which is consistent with his principles to help Louisiana and the United States thrive in the long term.

He has been on the side of that family whose father goes for 2 weeks, works on an oil rig in the middle of the Gulf of Mexico, working hard so his family has a better future. DAVID has been on the side of that mom juggling two jobs to earn enough to make sure her children's needs are met.

A recent example—again for the short-term and long-term perspective DAVID handled so well—he stayed persistent for years working across the aisle, first with Senator Frank Lautenberg, then Senator UDALL, to pass the much needed reform of the Toxic Substances Control Act, the first reform of its kind in 40 years.

This reform protects both the workers—those people on that rig, perhaps, at least the people who would be processing the products of that rig—but also gives the manufacturers of Louisiana and across the country the certainty they need to expand their businesses and create more jobs.

On a lighter note, DAVID is a great Saints fan. We in Louisiana kind of liked the fact that when the slogan “Who Dat” came up spontaneously, and people started to put it on their shirts and the NFL was going to go court to stop this from happening, DAVID wrote a letter to Roger Goddell. The letter started off by saying: “Who Dat.” So speaking truth to power on behalf of the “Who Dat Nation” is one credit of his.

Similarly, DAVID was tweeting before our President-elect made it perhaps as high profile. I remember during the 2013 Super Bowl in New Orleans—and again the context of this is, the Saints

had just been punished—of course Saints fans think unfairly—by Roger Goddell. So during the 2013 Super Bowl in New Orleans, when the power went out, DAVID's tweet, without missing a beat said: “Like most Saints fans, I am immediately assuming Roger Goddell is the chief suspect for the power outage.” The quick-witted quip cut to the emotion of the “Who Dat Nation.”

As the 114th Congress comes to a close, the Senate will be losing an important Member. DAVID brings a sound, strategic mind to this Chamber that will be missed. I wish him, Wendy, their children, Lise, Sophie, Airey, and Jack, the best of luck in their journey forward. On behalf of all Louisiana, I say thank you.

I yield the floor.

The PRESIDING OFFICER. The Senator from Louisiana.

Mr. VITTER. Mr. President, I thank the Senator from Louisiana for his very kind remarks. More importantly, I want to thank him for years of great partnership, great work on behalf of Louisiana. I know he will make an outstanding senior Senator. Thank you.

I yield the floor.

Mr. CASSIDY. 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.

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

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

Ms. COLLINS. Mr. President, I rise in strong support of the 21st Century Cures Act, and I commend the chairman and ranking member of the Senate Health, Education, Labor, and Pensions Committee, Senator LAMAR ALEXANDER and Senator PATTY MURRAY, for their unwavering commitment to this very significant bipartisan legislation.

The Senate HELP Committee, on which I am privileged to serve, has devoted considerable time and effort to this comprehensive legislation. It includes many reforms and priorities that will benefit so many families across our great country. The 21st Century Cures Act will support the research and development of safe treatments and cures for millions of Americans and their families who are coping with devastating diseases. It will improve the process of moving new discoveries from laboratory benches to patient bedsides.

I doubt that there is a family in America who will not be touched by this important legislation in some way. All of us have a family member, a co-worker, or a friend who has courageously faced the struggles of living with a debilitating chronic illness or a rare disease or who has received a devastating diagnosis and has passed away far too soon, leaving a hole in our hearts. Imagine how this could change with the passage of the 21st Century

Cures Act and strong support of the research and development that will lead to new treatments and therapies that can help us achieve our dream of conquering so many devastating diseases.

Simply put, this legislation matters. It matters to the children who know firsthand the burden of living with type 1 diabetes and who beg their parents for just one day off—their birthday or Christmas—from having to deal with the consequences of their juvenile diabetes. It matters to the family members who know the agonizing experience of looking into the eyes of a loved one suffering from Alzheimer's disease, only to receive a confused look in return. It matters to the parents of young boys who have Duchenne muscular dystrophy, who know what it is like to give their all in an effort to help their sons achieve their dreams, whether it is finishing college or driving a car, even as every day their children battle the progression of this debilitating and ultimately terminal illness. The 21st Century Cures Act will drive progress in medical innovation so that we can prevail against these diseases and many more that cause so much pain and suffering, so much fear and uncertainty, and so much heartbreak.

There simply is no investment that we can make that provides greater return for Americans than our investment in biomedical research. It not only leads to new discoveries and the development of better treatments and even cures but also can have a dramatic effect on the budgets of families, States, and the Federal Government. The bill before us will help direct \$4.8 billion to the National Institutes of Health, including \$1.6 billion for the BRAIN Initiative to improve our understanding of diseases such as ALS, Parkinson's, and Alzheimer's, our Nation's most costly disease.

We spend \$263 billion a year caring for people with Alzheimer's disease. Of that amount, approximately \$160 billion comes from the Medicare and Medicaid Programs. If the current trajectory continues as our population grows older, this disease will bankrupt the Medicare and Medicaid Programs. That is why I am so pleased to see the BRAIN Initiative funded in this bill and also the work we are doing in the Appropriations Committee to boost funding for Alzheimer's disease and other dementias so that we can finally find effective treatments, a means of prevention, or perhaps even a cure for this disease that brings so much heartache not only to those suffering from it but to their families as well.

Our bill will also help provide \$1.8 billion for the Vice President's Cancer Moonshot. We all know that Vice President BIDEN has taken on this cause—a very personal one for him—because he lost his beloved son Beau to cancer.

Another exciting field that will be funded by this bill is \$30 million for regenerative medicine, using adult stem



cells. How exciting it was to have an individual come before our policy lunch whose sight had been restored due to innovative stem cell surgery. This individual lives in Tennessee now but happens to be from Presque Isle, ME, just 13 miles from where I was born and grew up. How I wish so many older people in this country who are losing their vision to macular degeneration and glaucoma—in some cases, a combination of both—or injuries to their eyes could benefit from this exciting development with adult stem cells, which has restored the sight of someone who was legally blind. He now can drive. That is so exciting, and that is the promise of researching regenerative medicine.

In addition to support for NIH, the 21st Century Cures Act will help direct \$1 billion in much needed funding to address the horrendous heroin and opioid abuse problem in this country. Maine has been particularly hard hit by this epidemic. In just the first 9 months of this year, Maine experienced a record 286 overdose deaths. That is more than one a day. Tragically, that number already exceeds the 272 overdose deaths in Maine during all of 2015.

I am distressed when I hear about the lack of treatment options for Mainers who are struggling with drug addiction, particularly in rural areas. As a result of the shortage of treatment alternatives, this epidemic is playing out in emergency rooms, county jails, and on the main streets of my State. I can't tell you how many sheriffs have come to me pleading for help, telling me that the intake area of their jail looks like a detox center or an emergency room of a hospital. They are overwhelmed by these cases.

We can and must do more to support access to treatment and to alert people of all ages to the risks of opioid abuse and heroin use. The 21st Century Cures Act will provide a vital infusion of \$1 billion over 2 years to support grants to States to supplement treatment and prevention efforts.

I was talking with one of my colleagues earlier today. Both of us remember when we were in school hearing lectures from recovering heroin addicts who came into the schools, and I can state that it was highly effective. We would never have tried heroin. I can't even think of a proper analogy.

We know, unfortunately, that many of the people who are using heroin started with prescription opioids, and that is why I am encouraged by movements across our country and by actions taken, at my request and the request of other Senators, by the Centers for Medicare & Medicaid Services to make sure we are not putting pressure on providers to overprescribe opioids. Surely they are appropriate in certain cases, but the number of prescriptions has soared in this country and is twice the number prescribed on a per capita basis as in our neighboring country of Canada.

The 21st Century Cures Act also includes a bill that I introduced with sev-

eral of my colleagues—Senators WARREN, KIRK, BALDWIN, ALEXANDER, and MURRAY—that is called the Advancing NIH Strategic Planning and Improving Representation in Medical Research Act. Despite its extremely cumbersome name, it is an important bill that has been incorporated into this legislation. It will require the NIH to release periodically a strategic plan outlining how the agency will meet its mission statement, and it will provide us with important guidance and metrics as we continue to work together to increase this vital funding.

It will also help to ensure that study populations in clinical research are more representative of the diverse population in our country. For example, women face many of the same health threats as men, such as heart disease and cancer, but they react differently to various treatments.

I remember years ago an infamous study that was called MRFIT. It had only men enrolled in it. I believe, if memory serves me correctly, it was to look at heart disease. Well, women often have different symptoms of heart disease than do men, and they respond differently to different medications, therapies, and treatments. We also know that women are at higher risk for certain chronic health conditions, such as Alzheimer's disease and osteoporosis. They suffer from those diseases in far greater numbers than do men. With Alzheimer's disease, I am wondering whether it is simply a matter that the biggest risk factor is age and women live longer than men, but perhaps there are other factors at play.

My point is that by helping to ensure that women, African Americans, Latinos, and other demographic groups are appropriately represented in clinical research, we can increase our scientific understanding of the causes, risk factors, prevention strategies, and effects of treatments for diseases that commonly or disproportionately affect these populations.

The bill before us also includes legislation that I introduced with my colleague from Wisconsin, Senator BALDWIN, to help address the educational debt burden that many young researchers face. This is so important to help ensure that America's finest, up-and-coming young researchers continue to help lead the world in biomedical discovery in this country. I don't want to lose these young talented people to other countries. I want them to stay right here. If they come to work for the NIH or the CDC or other federally funded institutions and agencies and we can get them help with their medical school, college, their advanced degrees, and their debt, that is a very good agreement for us to be making.

It is also of tremendous importance that we were able to add mental health legislation to the 21st Century Cures Act. The reforms in this bill will enhance coordination, address a lack of resources, and develop real solutions to improve outcomes for individuals with

serious mental illness and to help their families, who are often desperate to get them the help they need.

I am pleased that the bill also includes the Mental Health on Campus Improvement Act, which I offered as an amendment when we considered the mental health legislation in committee. My colleague, Senator DICK DURBIN, and I introduced this legislation for the first time in 2009. I commend him for his leadership.

College students in Maine and across the country must have access to critical and often lifesaving mental health services. Despite growing demand for these critical services, far too many students still lack access. Without these services, students may experience detrimental effects that range from declining academic performance to drug dependence and to being at greater risk of suicide.

While millions of Americans suffer from mental illness, only a statistical few engage in unspeakable acts of violence against themselves or others. Suicide, however, is the leading cause of death among Americans between the ages of 15 and 34. In addition, recent tragedies on college campuses, such as the shooting at a community college in Roseburg, OR, or at Northern Illinois University, highlight the dire need for mental health outreach and counseling services on college campuses.

Perhaps some of the tragedies that we have witnessed might have been prevented had the resources been in place to support timely diagnosis, early intervention, and effective treatment for those struggling with severe mental illness.

One of the saddest meetings I have had in the last year was with a group of families from Maine who had adult children who were suffering from severe mental illness, yet these families felt powerless in getting them the help they needed. These adult children were not compliant with the medication they had been prescribed, and in many cases their families felt powerless to be able to get them the help they needed.

In one terrible case, a man's son was released from a hospital in the State of Maine—from a hospital for people with mental illness—and he killed his mother, thinking she was Al Qaeda. Only then could his father get his son the institutionalized help his son so desperately needed.

It was just such a painful, painful story to hear from this anguished father and husband. I believe the language in this bill will help to change that.

The 21st Century Cures Act passed the House last week by an overwhelming vote of 392 to 26. Think how few bills pass with that kind of strong, bipartisan support. It is supported by President Obama, who had an op-ed in Maine newspapers this weekend endorsing the bill. It is the product of years of bipartisan work on the Senate HELP Committee, and it has earned the support of more than 300 organizations.

Frankly, I am surprised that we are having a rollcall vote—a cloture vote on this bill. I am surprised because, while this bill may not be perfect—and no bill is—there is so much that is worthwhile, good, and significant in it that will make such a difference to so many American families.

I urge all of our colleagues to vote in support of this bill so that we can quickly send it to the President's desk, where he is eager to sign it into law. It may well be the most important, far-reaching legislation that we pass this year in terms of its benefits for families across this great Nation.

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

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

#### SUPPORTING OUR VETERANS

Mr. TESTER. Mr. President, I rise today on behalf of nearly 100,000 veterans who live in Montana. These are folks who have earned our deep respect and gratitude.

I have traveled the State many times, listened to their ideas, and I have listened to their concerns. Montana's veterans have not been shy about expressing their views.

What I have heard is this. There is no doubt that we must hold the VA accountable and work to improve access to health care, jobs, education, transportation, and housing for veterans.

That is why it is critically important that we are taking marching orders from veterans and the advocacy organizations that are led by veterans, because we know that their top priority is to do right by the folks who they serve.

Veterans in Montana also tell me that when it comes to solving the problems facing veterans, they expect folks in Washington, DC, to check their politics at the door and go to work.

Unfortunately, there are groups out there that are funded by dark money. They hide their out-of-touch political agenda behind the veil of our Nation's veterans.

As the incoming ranking member of the Veterans' Affairs Committee, I have serious concerns about who President-Elect Trump is listening to when it comes to honoring our veterans and this Nation's commitment to those who have worn the uniform. That is why it is so troubling that recent news reports have indicated that the Trump administration is relying heavily on guidance from Concerned Veterans for America. Concerned Veterans for America is a political advocacy group funded by the Koch brothers, who want to dump unlimited amounts of dark money to push dangerous policies that would privatize the VA or to convert the Veterans Health Administration

into an independent, nongovernment-chartered, for-profit corporation. CVA also wants to divert funds from the VA and cripple its ability to plan for the long term to recruit doctors and nurses and to invest in the information technology that can improve veterans' experiences at the VA. These cuts will undermine the quality of care at the VA.

There is nothing wrong with helping veterans get specialty care in the community in a timely fashion when the VA cannot do it. That often happens in rural communities, but CVA's push for wholesale dismantling of the VA is not what we want, and that is not what the veterans need.

We need to talk to the veterans—the veterans I have spoken to—and this is what we will see.

When folks volunteer to serve in the Armed Forces, this Nation is indebted to them. We must ensure that we deliver on those promises that are made. Privatizing the VA will fail our veterans and their families. It will reduce the quality of care that our veterans receive, and it will be more expensive for taxpayers. Privatizing the VA will ultimately mean that veterans will wait longer for doctors' appointments and the cost of care will go up.

All we have to do is take a look at the Veterans Choice Program, which allows veterans to access care at private facilities. It has resulted in longer wait times, and this is unacceptable.

Under this program, veterans are actually waiting longer to see doctors. Hospitals are increasingly frustrated and refusing to see veterans, and costs are going through the roof. Imagine this program on steroids. That is what the CVA wants to do—all while starving the VA's existing workforce and infrastructure. In fact, what CVA is pushing for is similar to what Speaker RYAN wants to do with Medicare, and we have seen the backlash to that proposal by seniors across this Nation.

The same is true with the veterans and proposals to privatize the VA. It is simply bad policy. Groups such as the VFW, the American Legion, Disabled American Veterans, Iraq and Afghanistan Veterans of America, and many others oppose privatization, and they oppose it for good reason.

The American Legion national commander, Dale Barnett, said it best:

The private sector didn't send our heroes to war. Uncle Sam did.

Barnett is right. The Federal Government has an obligation to honor those incredible sacrifices. When we shirk that responsibility, it dishonors those brave men and women. We need to listen to the American Legion and countless other veterans groups, whose mission is to help the veterans, not unravel the VA. Veterans service organizations are very different and have a very different mission and tax structure than Concerned Veterans for America, the first being that VSOs take their cues from the veterans they represent, not from billionaire political

activists who fund their operation. Groups such as the Legion, the VFW, and Iraq and Afghanistan Veterans of America are organized as nonprofit groups whose missions are simply to help veterans.

Concerned Veterans for America is an issue advocacy group with a political mission. VSOs disclose their donors. CVA doesn't have to. Yet CVA has incredible influence and the ear of the President-elect. This is deeply concerning to me and, more importantly, it is deeply concerning to the veterans across this Nation.

I talk to veterans every week when I am home in Montana. They universally tell me that they like the care they receive from the VA once they get in the door; the problem is getting in the door. They don't want to see a private doc; they want to be seen by a VA doc. They know that the VA understands their unique issues. They know that doctors and nurses at the VA are attentive to the wounds of war.

My hope is that President-elect Donald Trump starts talking with the folks who want to help veterans and not to organizations with a political agenda. My hope is that he will work with Chairman ISAKSON and me and countless other reputable veterans groups to hold the VA accountable while increasing access to care. My hope is that he will work with Democrats, Republicans, and Independents to reform our campaign finance laws so that we can increase transparency and know who is trying to influence this government. My hope is that he will put veterans first as he chooses the next VA Secretary.

I remain hopeful that we can find common ground to work together to hold the VA accountable, to improve care, and to ensure that we are all delivering for veterans. When our brothers and sisters and sons and daughters are sent to war, we make promises to them—promises we must keep. When they come home, they are changed people, and we cannot expect the private sector to address these seen and unseen wounds of war.

In this upcoming Congress, there will be incredible opportunities to make progress, and I am fully committed to Montana's veterans and veterans across this country and their families, and I will push back against those who attempt to undermine the noble mission of the Veterans' Administration.

Mr. President, I yield the floor.

Mrs. FEINSTEIN. Mr. President, I wish to support the 21st Century Cures Act, which would make vital investments in research to develop new treatments for deadly diseases, including cancer. The bill would also dedicate desperately needed funding to address some of our country's most pressing public health problems—opioid addiction and mental illness.

First, I would like to speak about the bill's provisions for cancer and rare diseases. Cancer touches the lives of all Americans; it doesn't discriminate. We

have all experienced the grief and pain that comes with losing a loved one, friend, or colleague to this terrible disease.

Cancer is the second leading cause of death in our country. Nearly 40 percent of Americans will be diagnosed with cancer at some point in their lives, according to the National Cancer Institute. We have made great strides in improving detection, treatment, and survival rates for many cancers, including early-stage breast cancer, prostate cancer, and melanoma.

Despite this progress, other cancers like pancreatic and certain brain cancers remain extremely deadly, with very low 5-year survival rates. These cancers are typically detected in late stages, and even the most cutting-edge treatments may result in just a few more months of life.

The Cures Act designates nearly \$4.8 billion in additional funds for medical research through the National Institutes of Health, \$1.8 billion of which will expand and accelerate cancer research, in line with Vice President BIDEN's Cancer Moonshot Initiative. This research funding also supports important initiatives focused on precision medicine and neurological research.

Next, I would like to talk about the bill's funding to combat opioid addiction, which is an epidemic in this country. Nearly 2 million Americans are addicted to opioids, and 19,000 Americans overdosed and died in 2014. This epidemic stems from a surge in the use of prescription drugs. It is not a coincidence that prescription overdose deaths quadrupled during the same period that opioid prescriptions quadrupled.

In 2012, 259 million prescriptions for opioids were written. That means 80 percent of Americans could have a bottle of pills. Prescription drug abuse frequently leads to heroin addiction because these drugs affect the brain in the same way. This problem is exacerbated because heroin is significantly cheaper than prescription opioids like OxyContin or fentanyl.

This crisis demands an immediate, comprehensive, national response. Congress took a first step earlier this year, passing the Comprehensive Addiction and Recovery Act in May. This bill authorizes grants to expand access to substance use disorder treatment, strengthen prescription drug monitoring programs, and supply first responders with naloxone, which can reverse the effects of an overdose. However, this bill didn't include any funding for the initiatives it authorized. The Cures Act takes that step, providing \$1 billion for the Department of Health and Human Services to fund many of the prevention and treatment programs authorized by Congress earlier this year.

Lastly, I would like to highlight the bill's provisions to improve our country's mental health system. This is an area where we fall far short. We don't do nearly enough to ensure those with

mental illness are able to access appropriate treatment and this has ripple effects throughout society.

In October, I was briefed on the homelessness crisis in Los Angeles and toured a shelter for homeless women. A significant percentage of the city's homeless population is battling mental illness. So, by improving our mental health system, we are also going to address connected issues like homelessness.

Under the bill, Health and Human Services will develop a strategic plan to address mental health priorities. There is increased funding to train our doctors and nurses to better integrate substance abuse and mental health treatment into primary care visits.

The bill also reauthorizes many important existing programs, including the National Suicide Prevention Lifeline and the National Child Traumatic Stress Network, and increases support for mental health and drug courts. These innovative approaches to criminal justice provide an alternative process for individuals to receive and comply with needed treatment and are supported by the law enforcement community.

The bill further provides for police training when police officers encounter individuals who exhibit mental illness. I recently convened meetings in Los Angeles and San Francisco with law enforcement and community leaders, and they all stressed the importance of deescalating situations with mentally ill individuals to make sure that situations do not end with violent encounters.

In closing, I reiterate my support for the 21 Century Cures Act and urge its swift passage. This is a great opportunity to spur this century's medical innovation, improve access to needed treatments, and strengthen public health.

The PRESIDING OFFICER (Mr. COATS). The Senator from Tennessee.

Mr. ALEXANDER. Mr. President, I ask unanimous consent that Senator KIRK be recognized next and then Senator MURPHY following him and that after that, I be recognized. We will be voting at 5:30.

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

The Senator from Illinois.

Mr. KIRK. Mr. President, 4 years ago I climbed the Capitol steps for those who could not. I vowed to return to the Senate to create and establish a standard of care for rehabilitation in this legislation to make sure many people can have access to the best rehab, as I did. With the passage of the Cures Act tomorrow, we will achieve this lofty goal.

The Cures Act also contains bipartisan provisions to provide accelerated approval of regenerative medicines and therapies. The Regrow Act, which is also in this bill, is a major step forward so that Americans will not have to go to other countries for their own stem cells to be used in their own therapy.

Making sure this faster approval process happens in this bill means that many more people will be able to receive advanced stem cell therapies that are also available overseas, right here at home.

I would like to thank everybody. We have made progress with the FDA. I championed with Senators COLLINS and MANCHIN on this. I thank my senior colleague from Tennessee for all of his action on the Regrow Act so we can make the fundamental point of using your own stem cells to accelerate healing. In the case of using your own stem cells, they already have your exact DNA match. I think it is wise that we go through a shorter process. I thank the Senator for putting the Kirk language in the Regrow Act.

I yield the floor.

Mr. ALEXANDER. Mr. President, while we are waiting for Senator MURPHY, let me salute Senator KIRK for his leadership from the very beginning. He has pointed out to the committee and the Senate that, as the Mayo Clinic has said, regenerative medicine is a game changer for stroke victims, for heart disease, and for people with retinal disease.

Thanks to Senator KIRK, Senator COLLINS, Senator MANCHIN, and Senator MCCONNELL, we have legislation that takes an important and responsible step forward to recognize the promise of regenerative medicine.

This bill includes \$30 million to the National Institutes of Health for clinical trials to support regenerative medicine. Then there are two other provisions in the bill. One of them allows the Food and Drug Administration to make regenerative therapeutic products eligible for the FDA's existing accelerated drug approval pathway. We have had great success over the last 4 or 5 years with an accelerated pathway for drugs, similar to what Senators BURR and BENNET and others got enacted into law. We are doing the same thing with combination drugs and devices in this legislation. Now Senator KIRK has added regenerative medicine to the accelerated pathway, and I salute him for that leadership.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. KIRK. Mr. President, I wish to remind my colleague, who is also the chairman of the Appropriations Energy Subcommittee that controls the exascale funding, one of the most complicated things we can face in our world is biological systems when we look at the new Aurora computer that is going to be built in the Argonne National Laboratories. I know that at Oak Ridge, we have exascale computers. My goal is to make sure we are always way ahead of the Chinese. In the case of Aurora, we now have \$165 million to make sure that we have a computer that is far faster than the computer in China. With that, we will be able to model proteins themselves to make sure we make these advances much faster. My hope is that we will be

stunned at how much biological work is being done at the Oak Ridge lab with their leading computer to make sure we accelerate progress on this.

Let me say one thing about the work of the Senator. Every piece of legislation that he touches goes through by a couple hundred votes. When we see LAMAR take over a bill, we know it is going to be going through on a big wall-opping. He got a huge vote in the Senate, and I hope he gets a big vote again. Everything he touches turns to gold, and we cannot have a better friend in medical care than we have in LAMAR ALEXANDER.

Mr. ALEXANDER. Mr. President, the Senator from Illinois is very generous, and I thank him, but I would remind him that he was the persistent agent for the change in support for regenerative medicine. That wasn't easy to do, and he has been the leader, along with others of us who cared about the same thing, in making sure the United States maintains its lead in supercomputing competition around the world.

Senator MURPHY, the Senator from Connecticut, is coming. I think what I will do is begin, and when he comes I will stop and let him make his 5 minutes of remarks and then resume so I don't delay the vote because I know everyone is looking forward to casting a great big "yes" vote in a few minutes.

The U.S. Senate majority leader, whose position in the Senate this is, has said more than once in private meetings I attended and on the floor of this body that the 21st Century Cures bill on which we will be voting in a few minutes is the most important legislation Congress will pass this year.

In his address to the Nation this past weekend, President Obama urged us to vote for the bill today and tomorrow. "It could help us find a cure for Alzheimer's," the President said. "It could end cancer as we know it and help those seeking treatment for opioid addiction." The President continued: "It's an opportunity to save lives and an opportunity we just can't miss."

Vice President BIDEN has been telephoning Senators urging support for 21st Century Cures because, in the Vice President's words, it is a big step for cancer research and the Cancer Moonshot that is so close to his heart.

Speaker PAUL RYAN in the House of Representatives has made 21st Century Cures explicitly a centerpiece of his vision for our country's future, describing it as "bipartisan legislation that would accelerate the discovery, development, and delivery of lifesaving treatments."

With such bipartisan support from the President of the United States, the Vice President of the United States, the Speaker of the House, the Senate majority leader—two Democrats, two Republicans—it is no wonder that on last Wednesday, the House of Representatives approved 21st Century Cures by the overwhelming vote of 392 to 26.

This legislation holds the promise of improving the life and health of virtually every family in the country.

It will provide \$4.8 billion in a one-time surge of funding for biomedical research in a time of breathtaking opportunity.

It will advance Vice President BIDEN's Cancer Moonshot to find cures for cancer and President Obama's Precision Medicine Initiative, as well as the BRAIN Initiative.

It will help move safe and effective treatments and cures through the development and regulatory process more rapidly, and it will lower costs, making medicines available sooner and hopefully also at lower costs to patients.

It will provide \$1 billion in grants to help deal with the raging opioid epidemic.

It includes legislation to help the one in five adults in this country suffering from a mental illness, help them receive treatment by updating many of our country's mental health programs for the first time in a decade.

It will improve health information technology for doctors who are eager to get rid of the overdocumentation of hospitals and their patients and help get the Nation's electronic health records system out of the ditch.

From a taxpayer's point of view, it does all of these things in a fiscally responsible way by reducing other spending to pay for every penny of the \$6.3 billion cost.

I see the Senator from Connecticut on the floor, so I would like to suspend my remarks for 5 minutes so that he can make his, and then I would ask unanimous consent that the totality of my remarks follow his remarks.

Before he speaks, let me just say once again how much I appreciate his leadership and that of Senator CASSIDY and Senator CORNYN. One reason the majority leader calls this the most important piece of legislation Congress will act on this year is because it includes the mental health legislation that these Senators, including Senator MURPHY, Senator CORNYN, and Senator CASSIDY, have offered.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. MURPHY. Mr. President, I appreciate Senator ALEXANDER's kindness in allowing me to say a few words in support of this bill on behalf of myself and Senator MURRAY. I wish to congratulate Senator ALEXANDER for once again showing how the Senate can work properly, how we can bring together Republicans and Democrats for a priority that really has nothing to do with whether one is a Republican or a Democrat or whether one voted for Hillary Clinton or Donald Trump. If people are out there suffering from a life-altering or potentially terminal disease or suffering from mental illness or addiction, they need help, and we are coming together in maybe one of the most important pieces of health legislation that has passed this Congress in a very long time to deliver that help.

So I am not going to endeavor to recreate the remarks of Senator ALEXANDER when it comes to describing the important aspects of this bill except to say that after passage of this bill, it is going to be a whole heck of a lot more likely that a life-changing, lifesaving drug is going to be able to make it to market in time to save a life.

Every single one of the underlying reforms in this bill to the drug discovery process is bipartisan. I think about Senators BENNET and HATCH's bill, the promise for antibiotics and therapeutics for health, which establishes a new pathway for antibacterial and antifungal drugs that will treat serious, life-threatening infections for patients. I think about Senator CASEY and Senator ISAKSON working on the Advancing Hope Act, which will extend the pediatric priority review voucher program until 2020. It incentivizes drug companies to research treatment for life-altering diseases that impact pediatric patients.

Inside this bill are all sorts of good, important, bipartisan achievements. As Senator ALEXANDER noted, there is also help on the way for people suffering from addiction. In my tiny little State—only 1 percent of the Nation's population—we are going to have over 800 people die this year from drug overdoses. Yes, we need to get to the source of that epidemic and stop people from getting addicted to pain medications in the first place, but, boy, we have an awful lot of people showing up with overdoses in our emergency rooms who have no place to go, have no detox programs, no long-term residential programs. The \$1 billion authorized in this legislation to fight the opioid epidemic is going to save lives in my little State.

Finally, when it comes to the issue of mental health—Senator ALEXANDER, Senator CASSIDY, and I were on the floor last week talking about this legislation; the focus on funding prevention, the focus on making sure parents are part of the care for their adult children, the focus on ensuring that insurance companies really do pay attention to the Parity Act we passed 10 years ago in this Congress to assure that you get covered for mental illness just like physical illness. A broken leg really isn't any different than a broken brain when we think about it. We can treat both. These are important advances in mental health as well.

I know this place has a bad reputation; that people pay attention to the fights here more often than they do to the moments where we get together and cooperate. The 21st Century Cures Act that Senator MURRAY and Senator ALEXANDER, with help from Senator CORNYN, me, Senator CASSIDY, and in the House Congressmen UPTON, PALLONE, TIM MURPHY, and EDDIE BERNICE JOHNSON—this is an example of how this place can work better.

As we head in to what may be a very charged atmosphere in January, I hope we remember this moment. I wanted to

come down on behalf of Senator MURRAY, who has helped shepherd this process, to congratulate Senator ALEXANDER on it and recommend its passage to all of my colleagues.

I yield the floor.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. ALEXANDER. Mr. President, I thank the Senator for his words, support, and his leadership this year. I thank also Senator MURRAY from Washington. She would be here, except her plane is delayed. The vote will be held open to make sure she can be here, but Senator MURRAY is a Member of the Democratic leadership and well respected on that side of the aisle but also on this side of the aisle because, when she can, she creates an environment where we can do today exactly what we are doing today. I think the American people appreciate that, and Senator MURPHY and I both benefit from that. I thank the Senator for those remarks and will now continue my remarks.

At a Senate hearing earlier this year, Dr. Francis Collins, the distinguished head of the National Institutes of Health—an agency he calls the “National Institutes of Hope”—offered “bold predictions” about major advances to expect in the next 10 years from sustained investments in biomedical research, such as we are doing with this bill.

One prediction is that scientists will find ways to identify individuals at risk for Alzheimer’s even before symptoms appear, as well as how to slow or even prevent the disease. Today, Alzheimer’s causes untold family grief and costs \$236 billion a year. Left unchecked, the cost in 2050 would be more than our Nation spends on national defense.

Dr. Collins’ other predictions are equally breathtaking. Using stem cells, doctors could use a patient’s own cells to rebuild his or her heart. This personalized rebuilt heart, Dr. Collins says, would make transplant waiting lists and anti-rejection drugs obsolete. He expects development of an artificial pancreas to help diabetes patients by tracking blood glucose levels and creating precise doses of insulin. He says a Zika vaccine should be widely available by 2018, with universal flu vaccine and HIV/AIDS vaccine available within the decade. To relieve suffering and deal with the epidemic of opioid addiction that led to 28,000 overdose deaths in America in 2014, he predicts new nonaddictive medicines to manage pain, an even more effective antidote than the \$1 billion we would be authorizing by our votes today. These truly would be miracles.

The bill has taken more than 2 years to assemble both in the Senate and the House. There have been major differences of opinion, but the resolution of those differences—thanks to Senator MURRAY and many other Senators—has been bipartisan every step of the way. We saw that on display in the work of

the President, the Vice President, the Speaker of the House, and the Senate majority leader. We saw it in the House with its vote of 392 to 26 last week, thanks especially to the leadership of Chairman UPTON, Ranking Member PALLONE, and Representative DEGETTE. We saw it in our Senate Health Committee, where we approved 19 bills that include 50 proposals, and every one with both a Democratic and Republican sponsor, except for 1 bill offered solely by Senator MURRAY, who is the ranking Democratic member of our committee.

We have a diverse committee of 22 Members—that would be an understatement, actually—some of the most liberal Members and some of the most conservative Members, but when our committee considered these 19 bills during our 3 markups held over several months, the largest number of votes against any one of these 19 bipartisan bills was 2. Let me say that again. The largest number of votes—recorded votes—against any one of these 19 bipartisan bills was 2 in our committee of 22.

Here is what some of those 19 bipartisan bills—again, approved unanimously or by a wide margin—would do to help move safe and effective treatments and cures more rapidly through the regulatory process and into patients’ medicine cabinets and into doctors’ offices.

For example, Senators BENNET, WARREN, BURR, and HATCH’s act would allow researchers to use their own data from previously approved therapies when they submit for review a treatment or cure for serious rare genetic diseases, like Duchenne’s, a rare kind of muscular dystrophy that could impact children as young as 3.

Senators BURR and FRANKEN’s legislation will help to bring innovative medical devices—such as artificial knees, insulin pumps, and heart stents—to patients more quickly by getting rid of unnecessary burdens in medical device evaluations and streamlining the review process for clinical trials.

Senators BALDWIN and COLLINS have a bill to improve opportunities for our young researchers, essential to advancing biomedical research.

Senator KIRK just talked about his legislation with BENNET, HATCH, MURKOWSKI, ISAKSON, and COLLINS to improve rehabilitation research and help the approximately 800,000 Americans who suffer a stroke each year.

Senators ISAKSON, MURPHY, CASEY, WICKER, and VITTER will help advance our understanding of neurological diseases.

Senator MURRAY, as I mentioned earlier, will clarify that the FDA requires cleaning and validation data for reusable medical devices.

Senators MURRAY, HATCH, BENNET, CASSIDY and WHITEHOUSE’s bill will improve health information technology for doctors and their patients. We had six hearings on medical information

technology programs in a ditch. We think we are helping to get them out of the ditch. We have been working with the Obama administration to do that, and I look forward to working with the Trump administration to continue that.

Senators BURR, BENNET, HATCH, and DONNELLY would speed safe breakthrough devices, putting senior people in charge of the review process.

CASEY, ISAKSON, BROWN, and KIRK’s legislation. If you are the parent of a child with a rare disease like brain cancer, their bill would increase the likelihood that your child will be able to take a drug that will help by giving a drug company that develops a drug for such a disease a voucher they could keep or sell that would speed up the review of another drug.

One may say this is getting boring. This is too long. It is not boring to the millions of Americans who stand to benefit from this, and it is exactly the kind of work we ought to be doing in the United States Senate and what the American people would like to see us do more of.

The Medical Electronic Data Technology Enhancement Act, with Senators BENNET and HATCH and many others interested in that.

Senators BURR and CASEY and ISAKSON and ROBERTS have important legislation for planning ahead for events like bioterror attacks, to help protect against anthrax, for example, or smallpox.

The Combination Products Innovation Act, with a number of Senators involved on the committee, will help prevent the growing field of combination products—like band-aids with Neosporin built in or a heart stent that can be implanted to deliver blood thinners to prevent clots—from being caught in redtape.

Then there is legislation that will give patients and their families a voice in drug development. There is one that is a top priority for the heads of FDA and NIH which will help those agencies attract and keep the kind of talent they need to approve all these exciting advances that are coming.

There is legislation to shorten the development of new treatments to help those affected with life-threatening superbugs.

The Advancing Precision Medicine Act, which Senator MURRAY and I cosponsored, is in direct support of President Obama’s initiative to map 1 million genomes so researchers can develop treatments and cures tailored to a patient’s genome.

There are five or six other major pieces of legislation that I will include in the RECORD but not read at this time because we are approaching the time for a vote, but let me conclude by saying that in addition to these bipartisan policies, the 21st Century Cures bill includes \$6.3 billion in funding. We usually don’t attach such funding to a bill authorizing programs. We usually work

along two tracks; one track for authorizing programs and one deciding how much to spend on those programs.

During the last 2 years, while we have been working on our authorizing legislation, our appropriations committees have recommended major increases in support for biomedical research, and it is important that every Senator know this. In the current year, at the urging of Senators BLUNT and Senator MURRAY, Congress added \$2 billion a year to the \$32 billion budget of the National Institutes of Health, which could total \$20 billion over 10 years. Then, the Senate Appropriations Committee recommended another \$2 billion increase for the next fiscal year, 2017, which could total another \$20 billion over 10 years. This 21st Century Cures legislation adds \$4.8 billion in a surge of one-time spending for the National Institutes of Health on top of the regular appropriated money toward key objectives: \$1.8 billion for the Cancer Moonshot, \$1.4 billion for precision medicine, \$1.6 for the BRAIN Initiative, and it adds \$1 billion for State grants to help States fight the opioid abuse epidemic. I believe that for every State represented by a Senator here tonight, the opioid epidemic is on the front pages of the newspapers. It adds \$500 million for the Food and Drug Administration, and 21st Century Cures also gives the National Institutes of Health \$30 million for clinical trials to support regenerative medicine, which the Mayo Clinic has described as a “game-changing area of medicine with the potential to fully heal damaged tissues and organs, offering solutions and hope for people who have conditions that are beyond repair.” It gives the FDA authority to allow regenerative therapeutic products to be eligible for FDA’s existing accelerated drug approval pathway.

I wish to acknowledge the work of Speaker RYAN and Leader MCCONNELL in designing a way to secure funding that both Democrats and Republicans can accept. That is not always easy. For those concerned about additional spending—often on our side of the aisle—Speaker RYAN and House Budget Chairman TOM PRICE made sure the funding is one time, not mandatory, paid for, and approved each year by Appropriations Committees. It doesn’t add one penny to the overall budget because for every increase in the discretionary budget, we reduce the same amount in the mandatory ledger.

For those who worry that Congress might not approve the \$6.3 billion in additional spending in later years—I have heard a little of that from the other side of the aisle—my answer is that the best way to ensure the money is spent in the following years is a big vote today and tomorrow when we finally pass the bill, just as the House did last week.

In conclusion, it will be hard to explain why you voted to spend \$6.3 billion for cancer, the Precision Medicine Initiative, and opioids this year but then voted not to spend it next year,

and the legislation provides that the money cannot be diverted for any other purpose than what we vote for today and tomorrow.

In addition, this year’s portion of Cures funding—including one-half billion for opioid grants—is included in the continuing resolution that we will vote on later this week.

This is the kind of lasting legacy the President of the United States and our Congress can be proud of. The next administration or the next Congress will not be repealing this law because we have taken the time to work out our differences and create a consensus of support. We did this at this time last year with an equally complicated bill to fix No Child Left Behind, which, despite its complexities, received 85 votes in this body. When he signed it, the President called it a “Christmas miracle.”

The 21st Century Cures bill will present President Obama with another Christmas miracle, one that will help virtually every family. When we pass this legislation, the real winners will be the American families whose lives will be improved by this bipartisan legislation.

Mr. President, I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

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

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

Mr. WHITEHOUSE. Mr. President, with the permission of my distinguished chairman, who has worked very hard on this bill and whose efforts I appreciate very much, I wanted to add, very briefly, that I hope very much and look forward to working with my colleagues to assure that the second tranche of the opioid funding is aligned with the CARA bill, or the Comprehensive Addiction and Recovery Act, which we just passed in such bipartisan fashion a few months ago.

We have not achieved that alignment yet, and I hope that we do very soon. I appreciate the terrific efforts of my chairman.

With that, I yield.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

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

The VICE PRESIDENT. Without objection, it is so ordered.

**DIRECTING THE CLERK OF THE HOUSE OF REPRESENTATIVES TO MAKE A CORRECTION IN THE ENROLLMENT OF H.R. 34**

Mr. MCCONNELL. Mr. President, it is a rare day when we see the Vice Presi-

dent presiding. We welcome him here today. We look forward to welcoming him back later in the week. I know Members will have plenty to say about his life and his legacy later in the week, but today the Senate would like to specifically acknowledge his efforts to help Americans struggling with cancer.

He has known the cruel toll this disease can take, but he hasn’t let it defeat him. He has chosen to fight back. He has taken a leading role, and the Senate will soon pass the 21st Century Cures Act as a testament to his tremendous effort.

I think it is fitting to dedicate this bill’s critical cancer initiatives in honor of someone who would be proud of the Presiding Officer today, and that is his son Beau. In just a moment, that is exactly what the Senate will do—renaming the NIH’s cancer initiatives in this bill after Beau Biden.

Mr. REID. Will the Senator yield for a brief statement?

Mr. MCCONNELL. If I could say to my friend the Democratic leader, I have one more thing here.

Therefore, Mr. President, I ask unanimous consent that the Senate proceed to the consideration of H. Con. Res. 174, which is at the desk.

The VICE PRESIDENT. The clerk will report the concurrent resolution by title.

The senior assistant legislative clerk read as follows:

A concurrent resolution (H. Con. Res. 174) directing the Clerk of the House of Representatives to make a correction in the enrollment of H.R. 34.

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

#### AMENDMENT NO. 5137

(Purpose: To make additional corrections in the enrollment of H.R. 34)

Mr. MCCONNELL. I call up an amendment, which would rename a title of the bill.

I would say to the clerk that I would like for her to read it in its entirety.

The VICE PRESIDENT. The clerk will report.

The senior assistant legislative clerk read as follows:

The Senator from Kentucky [Mr. MCCONNELL] proposes an amendment numbered 5137.

Beginning on page 1, line 7, strike “following correction:” and all that follows and insert the following: “following corrections:

“(1) Amend the long title so as to read: ‘An Act to accelerate the discovery, development, and delivery of 21st century cures, and for other purposes.’

“(2) Amend the section heading for section 1001 so as to read: ‘BEAU BIDEN CANCER MOONSHOT AND NIH INNOVATION PROJECTS’.

“(3) Amend the table of contents in section 1 so that the item relating to section 1001 reads as follows:

“‘1001. Beau Biden Cancer Moonshot and NIH innovation projects.’”

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the amendment be agreed to, the concurrent resolution, as amended, be agreed



to, and the motion to reconsider be laid upon the table with no intervening action or debate.

The VICE PRESIDENT. Without objection, it is so ordered.

The amendment (No. 5137) was agreed to.

The concurrent resolution, as amended, was agreed to.

(Applause.)

The VICE PRESIDENT. Thank you. The Democratic leader.

Mr. REID. Mr. President, I say to all my colleagues, the Presiding Officer served in the Senate for 36 years. During that time he was here, he was about as much a man of the Senate as anyone could be. He was a Democrat, but he was also available to anybody anytime, and I so admire him. I know that he has worked very closely with the Republican leader on some very important issues the last 8 years.

I want the record to be spread with the fact that the Presiding Officer is as proud of his family as anyone could be, and doing this for Beau only furthers the effect that this man, the Presiding Officer, has had on this country. I am grateful to the Republican leader for allowing me to cosponsor this important amendment, changing the name of this bill to the Beau Biden Memorial Moonshot.

I am grateful to you, the Republican leader. All of the Senators understand that the man presiding is really a man of the Senate and always will be.

(Applause.)

# TSUNAMI WARNING, EDUCATION, AND RESEARCH ACT OF 2015—Continued

## CLOTURE MOTION

The VICE PRESIDENT. Pursuant to rule XXII, the Chair lays before the Senate the pending cloture motion, which the clerk will state.

The senior assistant legislative clerk read as follows:

## CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the motion to concur in the House amendment to the Senate amendment to H.R. 34, an act to authorize and strengthen the tsunami detection, forecast, warning, research, and mitigation program of the National Oceanic and Atmospheric Administration, and for other purposes.

Mitch McConnell, Johnny Isakson, Bob Corker, Richard Burr, Pat Roberts, Roy Blunt, Thom Tillis, Lindsey Graham, Lamar Alexander, John Cornyn, Chuck Grassley, Michael B. Enzi, John Barrasso, Shelley Moore Capito, John McCain, Bill Cassidy.

The VICE PRESIDENT. By unanimous consent, the mandatory quorum call has been waived.

The question is, Is it the sense of the Senate that debate on the motion to concur in the House amendment to the Senate amendment to H.R. 34 shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The bill clerk called the roll.

Mr. DURBIN. I announce that the Senator from Washington (Mrs. MURRAY) and the Senator from Oregon (Mr. WYDEN) are necessarily absent.

The VICE PRESIDENT. Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 85, nays 13, as follows:

[Rollcall Vote No. 156 Leg.]

## YEAS—85

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

## NAYS—13

Boxer	Manchin	Schumer
Brown	Merkley	Udall
Capito	Murkowski	Warren
Gillibrand	Portman	
Lee	Sanders	

## NOT VOTING—2

Murray	Wyden
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The VICE PRESIDENT. On this vote, the yeas are 85, the nays are 13.

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

Cloture having been invoked, the motion to refer and the amendments thereto fall.

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

The VICE PRESIDENT. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

## DACA

Mr. DURBIN. Mr. President, last Friday I had a meeting in Chicago with about 50 in attendance. It was Friday morning, and we gathered groups of people from across the city of Chicago and the State of Illinois who were focusing on one make-or-break issue for many of us. It was an emotional issue, one that caused many to break down in tears as they told me their stories. It is the reason I have come back to the floor of the Senate today and every day

since the election to talk about one specific issue that I believe is important for this Nation to reflect on.

Mr. President, 16 years ago a young lady contacted my office. Her name is Tereza Lee. She had been brought to the United States from Korea at the age of 2. She had grown up in Chicago with a family of modest means.

During the course of her childhood, she signed up for what is known as the Merit music program in Chicago. They offered free instruments and free musical instruction to kids from low-income families. It is a great program. Tereza Lee signed up, and it turned out she had an extraordinary talent at piano. When she came to contact my office, it was as she was leaving high school and applying to be accepted at the best music schools in the America—Juilliard in New York and the Conservatory of Music in Manhattan.

She went to fill out the application, and when it came to a question of her citizenship and nationality, she wasn't certain what to put. Her mother suggested that she call our office, and she did. We told her that under the law she was undocumented, brought here at the age of 2 on a visitor visa. Her mother had never filed any papers for her. She had grown up in America thinking she was an American citizen like her brother and sister who were born here, and she came to realize at the age of 17 or 18 that in the eyes of the law she had no legal standing in America.

The law is pretty harsh for people like Tereza. The law says she needs to leave the United States for 10 years and apply to return to the United States.

Where would she go—to Korea? She had never been there. She grew up in Brazil for a short period of time. She didn't speak the language. She doesn't speak Portuguese.

She was caught in the middle. That is why I introduced the DREAM Act. It said that young people brought to the United States by their parents before the age of 16, if they finish school and have no serious criminal issues, should be given a chance to go to school further and have a legal status in America and, ultimately, to earn their way to citizenship—going to the back of the line and waiting their turn but at least setting that as their goal. I introduced that bill 15 years ago. It has never become law, but there are 2.5 million people in that circumstance in America.

Six years ago, the President of the United States created something called DACA, the Deferred Action for Childhood Arrivals program, by an Executive action. As a result of that action, President Obama allowed these eligible DREAMers—as they have come to be known—to receive DACA status.

In order to do it, they have to apply, come out of the shadows, declare themselves, file a fee of about \$500 with the government, go through a criminal background check, and then be given temporary—only temporary—legal status so they can't be deported and can

legally work, which is renewable every 2 years. As of today, 744,000 young people have done that. Many of them were in the room—at least some of them were in the room in Chicago last Friday.

They are not certain what is going to happen next. The new President has promised to end DACA. If he ends it, what happens to these young people? For instance, there are 28 of these DACA young people who are in medical school at Loyola University in Chicago—28 students who are undocumented who are there without any Federal Government assistance, and most of them have promised to give a year of service to the State of Illinois in rural areas and poor neighborhoods when they become doctors. If they lose their DACA status, they lose their ability to work legally in the United States and they cannot go through the clinical experience, which is part of becoming a doctor. They would have to drop out of medical school. There is one thing we can say for certain: We don't have an oversupply of doctors serving inner cities and rural areas in my State and across the Nation. We need these doctors.

If DACA changes, if it is eliminated, what will happen to these young people? That is a challenge which I face, and other Members have as well. I salute Senator LINDSEY GRAHAM of South Carolina. He is working with me on legislation to address this, to at least give a temporary status to these DACA-eligible young people while we debate immigration reform in a larger context.

There are important issues at stake, but the most fundamental issue is one of fairness and justice. These young people did nothing wrong. They were brought to this country by their parents. They have grown up in this country, gone to our schools, and there are some amazing stories of what they have done with their lives. I wish to tell you one of those stories. I have done this over 100 times now on the floor of the Senate.

This is Barbara Olachea. In 2002, when Barbara was 5 years old, her family brought her to the United States from Mexico. She grew up in Phoenix, AZ, and she knew she would face challenges, being undocumented. Her older sister had been accepted to Arizona State University but couldn't afford to go to school there. As an undocumented immigrant, she is not eligible for Federal financial assistance. Arizona law specifically prohibits State financial assistance to DREAMers such as Barbara and her sister.

During her freshman year in high school, a mentor told her that as a DREAMer, "You're going to have to try harder than everybody else."

Barbara said:

Those words confirmed what I had known all along. Although I was only starting high school, I began to dread what most students anticipate with excitement: graduation day. What if I got into my dream school, but I still couldn't go because I couldn't afford it?

In high school, Barbara was a great student and was involved in many extracurricular and volunteer activities. She was a member of the Academic Decathlon team for 4 years and team captain when she was a senior. She was a member of student government, yearbook, and homecoming. She volunteered to tutor middle school students and worked part time to save money for her education. She participated in a number of programs at Arizona State University, including the Walter Cronkite School of Journalism. She recorded a story about her life that was aired on National Public Radio. This experience sparked her interest in journalism and led to an internship at KJZZ, the Phoenix affiliate for NPR.

Last year Barbara graduated as valedictorian of her high school class with a 4.5 grade point average. As a result of her accomplishments, Barbara was accepted at Dartmouth College, an Ivy League school, where she is now a sophomore.

Barbara wrote a letter to me and said this about DACA:

I am very grateful for DACA, as it allowed me to work and not be deported to a country I do not know and have not been to since I was five. Just like thousands of other undocumented students in the United States, I have grown up and become accustomed to the culture here. The U.S. is where I belong and I want to be a contributing member of society, as I have proved in my 13 years here.

Barbara and other DREAMers have so much to give. They are young, they are idealistic, they are energetic, and they are amazing. These young people have overcome odds that many young people never face in their lives. To think that in your freshman year of high school, you are reflecting on the fact that even if accepted to college, you may not be able to go—that was her future as she saw it then.

If DACA is eliminated, Barbara will lose her legal status and could be deported to Mexico—a country where she hasn't lived since she was 5. Will America be a better country if Barbara is deported or if she stays here and uses her talent, her determination, her energy, and her inspiration, for our future? I think the answer is clear.

Now is the time for America, this Nation of immigrants, to come together and heal the wounds that divided us in this election. I am just hoping that this President-elect, when he reflects on Barbara and 700,000-plus other DACA eligibles, will realize that they can bring important values and achievements to America's future. I am hoping that in the Senate, we can overcome our differences—and there are many deep differences, political differences—and give these young people a chance.

Senator GRAHAM and I are basically working on a bill that says at least suspend their status so they won't be deported, so they can continue to work. Do that while we do our business here on the issue of immigration. That is only fair. It is only right. It is the right American way to approach an

issue that can affect so many innocent American people.

I yield the floor.

The PRESIDING OFFICER. The Senator from West Virginia.

#### MINERS PROTECTION ACT

Mrs. CAPITO. Mr. President, I rise today to talk about an issue of great urgency—the fate of tens of thousands of American workers.

In just a matter of weeks, 16,000 coal miners and their dependents will lose their health care coverage and roughly 6,000 others will join that group in the year 2017, and here we are just days away from Congress wrapping up its work for the year. This should be a time to motivate us to action.

I have served in Congress a long time, and I know nothing motivates Congress more than a deadline, being up against a deadline, as we are today. This time should be no different, and here is why: Without some resolution before Congress adjourns, the men and women who have powered our Nation and spurred economic growth for generations will have the carpet ripped out from under them. They will lose the health care benefits they so rely on and have been promised.

It is important to recognize the risks our coal miners take to better our lives every day. When you visit a coal mine, which I have done—I have been underground in a coal mine—you see the rigorous and often very dangerous working conditions where these men and women do their job every day to provide the energy we need to light this Chamber, to warm our homes, and to keep our classrooms lit. These miners are the pillars of our communities, and many of them are veterans of our Nation. For decades they have worked hard and played by the rules. Yet the realities facing these men and women are stark. They are up against the wall, and we are up against the wall with them. The challenges they face will only grow if we fail to accommodate and have immediate action.

We can talk about the realities of the War on Coal, but this is about more than that. This is about people—tens of thousands of people, mostly older, many suffering health issues—who rely on health care, and many are in need. This is about tens of thousands of coal jobs that have been lost, devastating my region of the country, forcing miners to rely on these modest benefits more than ever before. This is about employers who are bankrupt who can no longer fund these benefit plans.

We have a solution right here in front of us that is ready for a vote to prevent any lapse in benefits. It is a solution that has support from both sides of the aisle. We passed the Miners Protection Act out of the Finance Committee in a bipartisan way, and it is a solution that could make a difference in the livelihoods of tens of thousands of Americans.

I had really hoped that we could offer the Miners Protection Act as an amendment to the 21st Century Cures

bill. The 21st Century Cures bill is all about health. The Miners Protection Act is a lot about the health and well-being of our miners.

That is why, despite the many good things and benefits in the 21st Century Cures Act, such as funding for the opioid epidemic that hit my State of West Virginia and many of our States very hard, advanced medicine, and Cancer Moonshot, I had to oppose us moving forward on the Cures Act tonight without an amendment process. That is how important this issue is to our miners.

Before Friday we will move forward on a bill to fund our government. We must take action in that bill—which I consider mostly our last chance, the continuing resolution—to protect these important benefits for our miners. If we don't, we will be failing to act for the benefit of thousands of American workers.

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. MORAN. 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

Mr. MORAN. 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.

#### DACA

Mr. REID. Mr. President, 15 years ago Senator DICK DURBIN introduced the DREAM Act in the U.S. Senate. This legislation provided a path to citizenship for young people brought to the U.S. as children.

These young people call themselves DREAMers. And they are as American as you or me. They belong to this country culturally and linguistically and are American in all but paperwork. For many of them, this is the only country they have ever known.

In 2010, the DREAM Act passed the House and came to the Senate for a vote. Sadly, Republicans killed the bill—eliminating the hopes and dreams of hundreds of thousands of DREAMers. Because Republicans refused to act, it was up to President Obama.

In 2011, I joined 21 other Senators in asking President Obama to grant deferred action to immigrant youth who would have qualified under the DREAM Act and who are not an enforcement priority. And in 2012, President Obama's administration did just that. They announced that young people who were brought to the United States as children could apply for Deferred Ac-

tion for Childhood Arrivals, also known as DACA.

This brought nearly 800,000 young people out of the shadows. These young men and women are our newest college students, teachers, engineers, and small business owners. They contribute to our communities and make America better.

In Nevada alone, DACA has helped over 12,000 DREAMers—DREAMers like Brenda Romero. Brenda was just 2 years old when she crossed the border in southern California with her mother to reunite with members of their family.

Growing up in Las Vegas, Brenda was like any other American kid. She excelled in school, participated in student government and played the cello in the orchestra. But soon enough, she realized what it truly meant to be undocumented. Her friends could get their driver's licenses; Brenda could not. Her peers could get legally paying jobs; Brenda could not. Her classmates could speak with recruiters from the Armed Services about career opportunities; Brenda could not. Brenda described the months after graduating high school as one of the lowest points in her life.

But that all changed with DACA. She was finally able to get a job and enrolled in the College of Southern Nevada as soon as she saved enough money. Brenda became student body president her second year at the College of Southern Nevada, working to help other students who faced struggles similar to hers. During her time as student body president, Brenda helped award \$10,000 to her fellow classmates in scholarship funds.

Brenda graduated from CSN with an associate's degree in art and is currently pursuing a bachelor's degree in human services at the University of Nevada, Las Vegas. She wants to be a higher education counselor, and she is already well on her way. She is already making her mark on the UNLV campus. As part of the Undocu-network Club, Brenda is helping to bring counseling and services to students in need and promoting visibility for undocumented students to the school administration.

Brenda's story is impressive, but it is not unique. Every Senator has a story to tell like Brenda's. There are young men and women just like her in all 50 states.

In addition to the moral reasons for supporting DACA, there are strong economic reasons. DACA recipients will add \$433 billion to the economy over 10 years. After DACA, more than two-thirds of recipients were able to secure a job and their wages rose by 42 percent. Six percent of recipients started their own businesses, a rate that is nearly double the rate among the entire U.S. population. Fifty-four percent of recipients bought cars, and 12 percent bought houses, all of which means significant new tax revenue for States and localities. DACA recipients will

add \$433 billion to the economy over 10 years. It is not surprising that the majority of Americans—almost 60 percent—oppose repeal of DACA.

As with Brenda, DACA has opened doors of opportunity for hundreds of thousands of young people.

We hoped that it would be a stop-gap measure until we passed immigration reform. The Senate overwhelmingly passed a bipartisan bill but the House refused to bring it to a vote. With the outcome of the election, it isn't likely that comprehensive immigration reform will happen over the next 4 years. That is why it is so important for the next administration to continue this vital program. For Brenda and hundreds of thousands like her, losing DACA status means being adrift in the only country she calls home.

I urge the next administration: Don't put almost 800,000 young people back in the shadows where they are afraid. Don't force hundreds of thousands of DREAMers to lose their jobs. And don't squander the huge economic benefits to this country.

If Republicans want to do something, then they should pass the DREAM Act.

#### ARMS SALES NOTIFICATION

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

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

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

DEFENSE SECURITY  
COOPERATION AGENCY,  
Arlington, VA.

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

DEAR MR. CHAIRMAN: Pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended, we are forwarding herewith Transmittal No. 16-76, concerning the Department of the Army's proposed Letter(s) of Offer and Acceptance for the Government of Peru for defense articles and services estimated to cost \$668 million. After this letter is delivered to your office, we plan to issue a news release to notify the public of this proposed sale.

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

Enclosures.

TRANSMITTAL NO. 16-76

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

(i) Prospective Purchaser: Government of Peru.

(ii) Total Estimated Value:

Major Defense Equipment\* \$434 million.

Other \$234 million.

Total \$668 million.

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

Major Defense Equipment (MDE):

One hundred and seventy-eight (178) Reconditioned Stryker Infantry Carrier Vehicles.

One hundred and seventy-eight (178) M2 Flex .50 Cal Machine Guns.

One hundred and seventy-eight (178) Remote Weapon Stations (RWS).

Non-MDE includes: Driver's vision enhancers; Global Positioning System (GPS) navigational capability; sets of special tools testing equipment; associated M2 Flex spare parts and tripods; M6 Smoke Grenade launchers and associated spares; VIC-3 systems; Operators New Equipment Training (OPNET) and Field Level Maintenance Training (FLMNET); publications; training manuals; Contractor Field Service Representative support; contractor and concurrent spare parts; project office technical support; U.S. Government technical assistance; packaging, crating, and handling; de-processing services for shipment; and associated transportation.

(iv) Military Department: Army.

(v) Prior Related Cases, if any: None.

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

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

(viii) Date Report Delivered to Congress: December 2, 2016.

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

#### POLICY JUSTIFICATION

Government of Peru—Reconditioned Stryker Infantry Carrier Vehicles

The Government of Peru has requested a possible sale of one hundred and seventy-eight (178) Reconditioned Stryker Infantry Carrier Vehicles; one hundred and seventy-eight (178) M2 Flex .50 Cal Machine Guns; and one hundred and seventy-eight (178) Remote Weapon Stations (RWS). Also included are driver's vision enhancers; Global Positioning System (GPS) navigation capability; sets of special tools testing equipment; associated M2 Flex spare parts and tripods; M6 Smoke Grenade launchers and associated spares; VIC-3 systems; Operators New Equipment Training (OPNET) and Field Level Maintenance Training (FLMNET); publications; training manuals; Contractor Field Service Representative support; contractor and concurrent spare parts; project office technical support; U.S. Government technical assistance; packaging, crating, and handling; de-processing services for shipment; and associated transportation. Total estimated program cost is \$668 million.

This proposed sale will contribute to the foreign policy objectives of the United States by helping to improve the security of an important partner which has been and continues to be an important force for political stability, peace, and economic progress in South America. It is in the U.S. national security interest for Peru to field capable forces and multi-role equipment for border security, disaster response, and to confront de-stabilizing internal threats, such as the terrorist group Sendero Luminoso (Shining Path).

Peru intends to use these defense articles and services to modernize its armed forces. This will contribute to the Peruvian military's goal of updating its capabilities while further enhancing interoperability between Peru, the United States, and other allies and partners. This acquisition would support the first major step in Peru's acquisition strategy to build a multi-dimensional brigade by 2030. Peru will have no difficulty absorbing this equipment into its armed forces.

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

The prime contractor for this program is General Dynamics Land Systems. There are no known offset agreements in connect with this potential sale.

Implementation of this proposed sale will require the temporary assignment of U.S. Government or contractor representatives to Peru for up to three years.

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

TRANSMITTAL NO. 16-76

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

Annex Item No. vii

(vii) Sensitivity of Technology:

1. The following Major Defense Equipment items do not contain any sensitive technologies or classified material: 178 M1126 Stryker Infantry Carrier Vehicles with M2 Flex .50 Cal machine guns and Remote Weapon Stations. The M1126 Stryker is an infantry carrier vehicle transporting nine soldiers, their mission equipment and a crew of two consisting of a driver and vehicle commander. It is equipped with armor protection, M2 machine guns and M6 smoke grenade launchers for self-protection. The Stryker is an eight-wheeled vehicle powered by a 350hp diesel engine. It incorporates a central tire inflation system, run-flat tires, and a vehicle height management system. The Stryker is capable of supporting a communications suite, a Global Positioning System (GPS), and a high frequency and near-term digital radio systems. The Stryker is deployable by C-130 aircraft and combat capable upon arrival. The Stryker is capable of self-deployment by highway and self-recovery. It has a low noise level that reduces crew fatigue and enhances survivability. It moves about the battlefield quickly and is optimized for close, complex, or urban terrain. The Stryker program leverages non-developmental items with common subsystems and components to quickly acquire and field these systems.

2. The AN/VAS-5 Driver's Vision Enhancer (DVE) is a compact thermal camera providing armored vehicle drivers with day or night time visual awareness in clear or reduced vision (fog, smoke, dust) situations. The system provides the driver a 180 degree viewing angle using a high resolution infrared sensor and image stabilization to reduce the effect of shock and vibration. The viewer and monitor are ruggedized for operation in tactical environments. The system is UNCLASSIFIED but considered sensitive technology. If a technically advanced adversary were to obtain knowledge of the AN/VAS-5, the information could be used to identify ways to countering the system or improve the adversary's ability to avoid detection by the system in low-visibility environments. This is a low-level concern because the thermal imaging technology used in the AN/VAS-5 is considered mature and available in other industrial nation's comparable performance thresholds.

3. A determination has been made that the recipient country can provide the same de-

gree of protection for the sensitive technology being released as the U.S. Government. This sale is necessary in furtherance of the U.S. foreign policy and national security objectives outlined in the Policy Justification.

4. All defense articles and services listed in this transmittal have been authorized for release and export to Peru.

DEFENSE SECURITY

COOPERATION AGENCY,

Arlington, VA.

Hon. BOB CORKER,

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

DEAR MR. CHAIRMAN: Pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended, we are forwarding herewith Transmittal No. 16-54, concerning the Department of the Navy's proposed Letter(s) of Offer and Acceptance to the Government of Australia for defense articles and services estimated to cost \$115 million. After this letter is delivered to your office, we plan to issue a news release to notify the public of this proposed sale.

Sincerely,

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

Enclosures.

TRANSMITTAL NO. 16-54

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

(i) Prospective Purchaser: Government of Australia.

(ii) Total Estimated Value:

Major Defense Equipment (MDE)\* \$ 0.00 million.

Basic Case (GUW) \$ 79.07 million.

Amendment Funding \$ 35.93 million.

Total \$115.00 million.

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

Non-MDE: FMS case AT-P-GUW, originally offered below congressional notification threshold at \$79.07 million, was for acquisition of two Range Systems to conduct Electronic Warfare (EW), Electronic Surveillance, and Airborne Electronic Attack for Royal Australian Air Force aircrew training on its twelve (12) Australian EA-18G aircraft. An amendment to AT-P-GUW is required to add \$35.93 million in funding, to provide for unfunded requirements to meet the scope of the basic case and provide for the sale of additional classified technical data and software, system integration and testing, tools and test equipment, support equipment, spare and repair parts, publications, operations manuals, and technical documents, personnel training, U.S. Government and contractor technical assistance, and other related elements of engineering, logistics, and program management. This amendment will push the original case value above notification threshold and thus requires notification of the entire case.

Military Department: Navy (AT-P-GUW-A1).

Prior Related Cases, if any:

FMS case AT-P-LEN: \$992M September 13, 2012 (Airborne Electronic Attack Kits).

FMS case AT-P-SCI \$1.3B July 4, 2013 (twelve EA-18G aircrafts).

FMS case AT-P-GUW \$79M February 12, 2015 (Electronic Warfare Range System).

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

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

(viii) Date Report Delivered to Congress: December 2, 2016.

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

#### POLICY JUSTIFICATION

##### Government of Australia—AEA-18G Electronic Warfare Range System

The Government of Australia has requested additional funding to a previously implemented case for two Electronic Warfare Range Systems to conduct Electronic Warfare and Electronic Surveillance training within the borders of Australia. The original FMS case, valued at \$79.07 million, includes non-MDE costs for all support elements required to provide for system integration testing, tools and test equipment, support equipment, spare and repair parts, publications, operations manuals, technical documents, personnel training, U.S. Government and contractor technical assistance, and other related elements of logistics and program support. The addition of \$35.93 million in non-MDE funding to the basic case will provide for unfunded requirements to meet the scope of the basic case and provide for the sale of additional classified technical data and software, system integration and testing, tools and test equipment, support equipment, spare and repair parts, publications, operations manuals, and technical documents, personnel training, U.S. Government and contractor technical assistance, and other related elements of engineering, logistics, and program management. This amendment will push the original case value above notification threshold and thus requires notification of the entire case. The total overall estimated value is \$115 million.

This sale will contribute to the foreign policy and national security of the United States by helping to improve the security of a major contributor to political stability, security, and economic development in the Western Pacific. Australia is an important Major non-NATO Ally and partner that contributes significantly to peacekeeping and humanitarian operations around the world. It is vital to the U.S. national interest to assist our ally in developing and maintaining a strong and ready self-defense capability. By enabling Australian Defense Force (ADF) ranges, the U.S. Government will ensure consistency in training across platforms and theaters, whether the exercises are conducted in the United States or in Australia, where U.S. aircrews will be able to participate in training exercises alongside their Australian counterparts. The proposed sale will allow continued efforts to improve Australia's capability in current and future coalition operations. Australia will use the range to enhance Electronic Warfare capabilities as a deterrent to regional threats and to strengthen its homeland defense. Australia will have no difficulty absorbing these items into its armed forces.

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

The prime contractors will be Leidos (hardware) and General Dynamics Mission Systems (software). The U.S. Government is not aware of any known offsets associated with this sale.

Implementation of this sale will require ten (10) temporary U.S. Government or contractor representatives to Australia for assistance in integration and range operational and maintenance training.

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

#### TRANSMITTAL NO. 16-54

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

#### Annex Item No. vii

(vii) Sensitivity of Technology:

1. Provides two (2) in-country Electronic Warfare (EW) ranges for EA-18G aircrew training to detect, identify, locate, and suppress hostile emitters. Range technology transfers programmable equipment able to emulate generic Integrated Air Defense Systems, threat and other emitters, along with authentic threat emitters purchased from vendors in Former Soviet Block states. The range hardware is Unclassified either stand-alone or integrated. The range software is unclassified with the exception of one (1) Secret Digital Integrated Air Defense System (DIADS) software suite. The amendment facilitates transfer of classified information such as software, classified threat and fly-out models, user event captured data, range operations manuals, and security classification guidance. The classified information enhances the usefulness of the range technology being transferred and provides guidance on safeguarding sensitive information.

2. When EW range hardware and software work together against a particular aircraft platform, the visual and recorded information becomes classified Secret. The range capability is unclassified until the networks touch a Secret network (e.g., Link 16) or perform against real world training missions. The customer may capture intelligence regarding the authentic threat emitters that is classified Confidential or Secret, as well as other training artifacts and debrief products capturing weapons capability and tactics.

3. If a technologically advanced adversary were to obtain knowledge of the specific hardware and software elements, the information could be used to develop countermeasures that might reduce EA-18G weapon system effectiveness or be used in the development of a system with similar or advanced capabilities.

4. All defense articles and services listed in this transmittal are authorized for release and export to the Government of Australia.

#### DEFENSE SECURITY COOPERATION AGENCY, Arlington, VA.

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

DEAR MR. CHAIRMAN: Pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended, we are forwarding herewith Transmittal No. 16-65, concerning the Department of the Navy's proposed Letter(s) of Offer and Acceptance for the Government of Finland for defense articles and services estimated to cost \$156 million. After this letter is delivered to your office, we plan to issue a news release to notify the public of this proposed sale.

Sincerely,

JAMES WORM, *Acting Deputy Director*,  
(for J.W. Rixey, Vice Admiral, USN,  
Director).

Enclosures.

#### TRANSMITTAL NO. 16-65

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

(i) Prospective Purchaser: Government of Finland.

(ii) Total Estimated Value:  
Major Defense Equipment \* \$ 57 million.  
Other \$ 99 million.  
Total \$156 million.

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

Major Defense Equipment (MDE):  
Ninety (90) Multifunctional Information Distribution System Joint Tactical Radio System (MIDS-JTRS) Variant(s).

Non-MDE includes: Follow-on equipment and support for Finland's F/A-18 Mid-Life

Upgrade (MLU) program includes software test and integration center upgrades, flight testing, spare and repair parts, support and test equipment, transportation, publications and technical documentation, personnel training and training equipment, U.S. Government and contractor technical and logistics support services, and other related elements of logistics support.

(iv) Military Department: Navy.

(v) Prior Related Cases, if any:

FMS case FI-P-SAA \$2.4 billion—9 Jun 1992.

FMS case FI-P-SAB \$675 million—7 Feb 1994.

FMS case FI-P-GAD \$25 million—13 Jul 2001.

FMS case FI-P-LBB \$63 million—4 Aug 2001.

FMS case FI-P-LBC \$127 million—1 Jan 2004.

FMS case FI-P-LBD \$252 million—25 Jul 2007.

FMS case FI-P-LBH \$307 million—3 Apr 2009.

FMS case FI-P-GAU \$170 million—27 Jun 2013.

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

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

(viii) Date Report Delivered to Congress: December 2, 2016.

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

#### POLICY JUSTIFICATION

##### Government of Finland—F-18 Mid-Life Upgrade Program

The Government of Finland has requested a possible sale of follow-on equipment and support for Finland's F/A-18 Mid-Life Upgrade (MLU) program, consisting of: Ninety (90) Multifunctional Information Distribution System Joint Tactical Radio System (MIDS-JTRS) variant(s). The proposed program support also includes software test and integration center upgrades, flight testing, spare and repair parts, support and test equipment, transportation, publications and technical documentation, personnel training and training equipment, U.S. Government and contractor technical and logistics support services, and other related elements of logistics support. Total estimated program cost is \$156 million.

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

The Finnish Air Force (FAF) intend to purchase this MLU program equipment and services to extend the useful life of its F/A-18 fighter aircraft and enhance their survivability and communications connectivity. The FAF needs this upgrade to keep pace with technology advances in sensors, weaponry, and communications. Finland has extensive experience operating the F/A-18 aircraft and will have no difficulty incorporating the upgraded capabilities into its forces.

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

The principal contractors will be Raytheon in Waltham, Massachusetts; Lockheed Martin in Bethesda, Maryland; The Boeing Company in St. Louis, Missouri; BAE North America in Arlington, Virginia; General Electric in Fairfield, Connecticut; General Dynamics in West Falls Church, Virginia; Northrop Grumman in Falls Church, Virginia; Rockwell Collins in Cedar Rapids,

Iowa; ViaSat in Carlsbad, California; and Data Link Solutions in Cedar Rapids, Iowa. There are no known offset agreements proposed in connection with this potential sale.

Implementation of this proposed sale will require multiple trips to Finland involving U.S. Government and contractor representatives for technical reviews, support, and training.

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

TRANSMITTAL NO. 16-65

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

Annex Item No. vii

(vii) Sensitivity of Technology:

1. The Multifunctional Information Distribution System Joint Tactical Radio System (MIDS-JTRS) is not classified but is considered a COMSEC Controlled Item (CCI). There are no training devices, associated documentation, or services to be provided with the sale of these MIDS-JTRS units. No sensitive information is provided or associated with this sale.

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

#### TRIBUTE TO GENERAL RAHEEL SHARIF

Mr. MCCAIN. Mr. President, today I wish to recognize the accomplishments of General Raheel Sharif and to express my gratitude to him upon his retirement as Pakistan's Chief of Army Staff. General Sharif has been a vital partner for the United States in the battle against terrorism. Since taking office in November 2013, General Sharif has continued to target terrorists operating within the borders of Pakistan. He has carried the fight to the northwest frontier provinces of Pakistan, as well as promised to eliminate safe havens for terrorists from the country completely. In taking these actions, General Sharif has demonstrated that fighting against extremist groups is firmly in the national security interests of Pakistan.

General Sharif comes from a military family, with a long tradition of patriotism and service to country. Among his many brave military family members, his older brother Major Rana Shabbir Sharif, who was killed in action, is regarded as the most decorated officer of the Pakistan Army, having received the three most coveted awards of the Army, and is fondly addressed as the army's "Superman." This is a legacy difficult to live up to, but General Sharif has done so, honoring his brother and family's service, and continuing to serve and protect his country and its institutions.

Since taking on the role of Chief of Army Staff, General Sharif has been at the forefront of fighting the Taliban and other terrorist groups inside Pakistan. In 2014, he initiated the launch of Operation Zarb-e-Azb in North Waziristan, a tribal area along the Afghanistan-Pakistan border where militants had operated with impunity for

decades. This operation didn't eliminate every terrorist, nor has it denied safe haven to many who continue to operate from Pakistan. But it has led to security improvements in the country, and this area is now safer than ever before. And importantly, the Pakistani Army is continuing to secure the gains it has achieved by building roads, border posts, schools, and healthcare facilities across North Waziristan to promote economic development and give citizens a more prosperous and peaceful future.

In the south, General Sharif also took on the task of clearing Karachi, one of Pakistan's largest cities, of an array of terrorist organizations, criminal groups, and even political corruption. The results were equally impressive, leading to a dramatic decline in militant attacks and ending the kind of targeted killings, kidnappings for ransom, and extortion that had become a feature of life in the city.

Much of the credit for the success of these operations is due to General Sharif and the service and sacrifice of tens of thousands of Pakistani soldiers who followed his lead. What was remarkable about General Sharif was not only the commitment he demonstrated to rooting out terrorism, but also his efforts to improve economic development, political life, and civic services for citizens throughout the country. He recognized that failure to focus on the root causes of radicalization, including economic and political corruption, had exacerbated the growth of extremism in Pakistan, and he showed foresight in seeking to remedy both cause and effect.

This is the kind of leadership that is imperative for the continued improvement of relations between the United States and Pakistan, which is important for the stability of the entire region, and for the national security of both Pakistan and the United States.

But despite the progress I witnessed firsthand when I visited Pakistan this past summer, the U.S.-Pakistan relationship has become strained. Among other things, limitations on U.S. assistance to Pakistan and congressional opposition to approve funding for the sale of defense articles have added to tensions between our two governments. But even with these difficulties, U.S. and Pakistani leaders cannot allow ambivalence and suspicion to fester in our relationship. Our common interests in counterterrorism, nuclear security, and regional stability are too important and too urgent. Both sides share responsibility to improve U.S.-Pakistan relations, and the United States must continue to make clear its enduring commitment to Pakistan's stability and economic growth.

As we look to the future, there remains much to be done. While Pakistan has made progress in its fight against terrorism, the Haqqani Network continues to operate within its border, increasing cross-border attacks are carried out by armed militants on neigh-

boring countries, and political corruption has stilted economic growth. Pakistan must demonstrate that the commitment to fighting terrorism and improving conditions in the country is not dependent on a single individual. In that spirit, I look forward to working with General Qamar Javed Bajwa, Prime Minister Nawaz Sharif's selection to be the next Chief of Army Staff. By taking on all terrorist groups operating in its country, Pakistan will find that the United States remains willing and able to assist in this fight and develop an enduring strategic partnership.

I congratulate Pakistan on carrying out a second consecutive transition of power in the military, and I wish General Sharif well as he enters a well-earned retirement. He has vowed to serve Pakistan even after his retirement, and I would expect nothing less.

#### SECRETARY KERRY'S REMARKS AT COP22

Mr. MARKEY. Mr. President, last year the world came together in Paris to support a truly historic agreement on climate change. And 2015 was also historic for another reason: It was the hottest year in an observational record that stretches back to the 1880s. In fact, 15 of the 16 hottest years on the planet have occurred since 2000. Recently, July and August 2016 tied the global record for the hottest month, and 2016 is on track to be the warmest year yet. The evidence on climate change is overwhelming. Scientists have understood the fundamental physics for over a century. And the world agrees that we must take action to curb dangerous carbon pollution and reduce the effects of climate change. A majority of the United States agrees that we must take action.

The swiftness with which the Paris Climate Accord came into force demonstrates the global commitment to addressing the serious concerns of climate change. It is also a testament to the leadership of President Barack Obama and Secretary of State John Kerry. This year, the world again came together at the United Nations Climate Change Conference in Marrakesh, Morocco, to begin forging the path towards a lower-emissions world and clean energy future. And while there is much work to be done, we are heading in the right direction. We have seen the price of solar energy reach record lows and the rate of new solar installation reach record highs. We have seen States, regions, and countries reduce their carbon pollution while growing their economies. These positive steps will not only curb carbon pollution, but also create good, well-paying clean energy jobs.

Climate change is a challenge for the entire world. Through the Paris Climate Accord, the international community has decided to face this challenge head on, and the United States must continue to be the global leader.



Under the leadership of Secretary of State John Kerry, the United States has carried this mantle. In the speech that Secretary Kerry delivered last month in Marrakesh, Morocco, at the 22nd meeting of the Conference of Parties to the United Nations Framework Convention on Climate Change and first session of the Conference of Parties to the Paris Agreement, Secretary Kerry shared his vision for our future: a brighter, cleaner, healthier and more prosperous one.

He said:

Thank you so much, everybody. I apologize for being a few moments late. There was a fire and then there was some traffic backed up, and so here I am and here are you, and thank you for being here.

Let me begin by thanking our terrific U.S. Special Envoy for Climate Change Jonathan Pershing. I couldn't be luckier than to have him in this job. He was over at the Energy Department for a while. We stole him from Ernie Moniz, who is a great colleague and was gracious in my theft. And he has done a spectacular job working with all of our international partners as we begin the hard work of implementing the Paris Agreement. And I also want to thank Ambassador Jennifer Haverkamp, who, along with Jonathan and a lot of the team that I see sitting here, has done an absolutely terrific job in leading the State Department's efforts to advance our climate goals this year. And I have to tell you—well, let me just divert for a minute. I also want to thank Brian Deese—I don't know if he's here—but I'm grateful for President Obama's senior advisor on climate issues and the entire intrepid U.S. delegation to the COP, whom I had a chance to meet with earlier this morning, but we've kind of traveled this road together.

I also thank our international partners, and particularly the executive secretary of the UNFCCC, Patricia Espinosa; the outgoing president of the COP, Minister Segolene Royal of France; and the incoming COP president, my friend and our host this week, Minister Salaheddine Mezouar, the foreign minister of Morocco. And I also want to thank our partners from Fiji, who will serve as president for the next COP, which I intend hopefully to attend as Citizen Kerry.

It's a great pleasure for me to be able to be here in Marrakech. I'm reminded of one of the 20th century's most outsized figures whose connection with this city is so famous—Sir Winston Churchill. He loved to paint the landscapes here and to absorb the beauty and the culture.

And in fact, at the very height of World War II, as he and President Franklin Roosevelt and Allied leaders gathered in Casablanca to plan the strategy for the European Theater, Churchill was absolutely stunned to learn that Roosevelt had never been to this part of Morocco.

So in a move that perhaps only Winston Churchill would get away with in the middle of a global war—world war—Churchill convinced Roosevelt to extend his visit and drive through what was still, at the time, a country engulfed in active combat.

So after several hours on the loose, and because we're talking about Winston Churchill, plenty of Scotch—(laughter)—the two leaders arrived in Marrakech in time to see the sun set on the Atlas Mountains.

And Churchill said it was the loveliest view on Earth.

So I think it's fitting, therefore, that almost three-quarters of a century later, friends and allies meet again in Marrakech in order to undertake a very important discussion—a discussion about the natural

world that surrounds us and the importance of preserving it for generations to come.

As Jonathan mentioned, climate change is deeply personal to me, but it's personal to everyone in this room. I know that. And we obviously want it to be just as personal for everyone in every room: men, women, children, businesspeople, consumers, parents, teachers, students, grandparents. Wherever we live, whatever our calling, whatever our background must be, this is an imperative.

Now, I know the danger of preaching to the choir—and, obviously, all of us here are the proverbial choir. But I'm actually grateful for that, because here at the 22nd COP, no one can deny the remarkable progress that we have made—progress that actually was pretty hard to imagine even a few years ago. The global community is more united than ever not just in accepting the challenge, but in confronting it with real action, in making a difference. And no one should doubt the overwhelming majority of the citizens of the United States who know climate change is happening and who are determined to keep our commitments that were made in Paris. (Applause.)

None of us will forget the moment last December at Le Bourget, when the former foreign minister of France, with Segolene and a bunch of you there, led by our friend Laurent Fabius, who gaveled in the strongest, most ambitious global climate agreement ever negotiated. It was an accord that took literally decades to achieve—the proud work product of principled diplomacy, and ultimately, a deeply held, shared understanding that we're all in this together.

And when we left Paris, no one rested on their laurels. Instead, the world—unified—moved expeditiously to begin the—to pull the agreement permanently into force, crossing the thresholds of 55 countries representing 55 percent of global emissions, and doing so far faster than even the most optimistic among us might have predicted. In a powerful statement of the whole world's broad commitment to this agreement, in less than a year, 109 countries representing nearly 75 percent of the world's emissions have now formally committed to bold, decisive action—and we are determined to affirm that action and to stick with it out of Marrakech.

Now, we have in place—(applause)—so we have in place a foundation, based on national climate goals—109 nations, each of them have come up with their own plan, each of us setting goals that are based on our own abilities and our own circumstances. This agreement is, in fact, the essence of common but differentiated responsibilities. It provides support to countries that need help meeting the targets. It leaves no country to weather the storm of climate change alone. It marshals an array of tools in order to help developing nations to invest in infrastructure, technology, and the science to get the job done. It supports the most vulnerable countries, so they can better adapt to the climate impacts that many of those countries are already confronting.

And finally, it enables us to ratchet up ambition over time as technology develops and as the price of clean energy comes down. This is critical: the agreement calls on the parties to revisit their national pledges every five years, in order to ensure that we keep pace with the technology and that we accelerate the global transition to a clean energy economy.

This process—a cornerstone of our agreement—gives us a framework that is built to last, and a degree of global accountability that has never before existed. But I want to share with you that the progress that we've made this year goes well beyond Paris.

In early October, the International Civil Aviation Organization established a sector-

wide agreement for carbon-neutral growth. Why is this so important? Because international aviation wasn't covered by what we did in Paris, and if that aviation was a country, it would rank among the top dozen greenhouse gas emitters in the world.

A few weeks later, I was pleased to be in Kigali, Rwanda, when representatives from again nearly 200 countries came together to phase down the global use and production of hydrofluorocarbons—which has been expected to increase very rapidly with a danger that is multiple of times more damaging than carbon dioxide. The Kigali agreement could singlehandedly help us to avoid an entire half a degree centigrade of warming by the end of the century—while at the same time opening up new opportunities for growth in a range of industries.

All of these steps combine to move the needle in the direction that we need to. And in large part because global leaders have woken up to the enormity of this challenge, the world is now beginning to move forward together towards a clean energy future.

Over the past decade, the global renewable energy market has expanded more than six-fold. Last year, investment in renewable energy was at an all-time high—nearly \$350 billion. But that only tells you part of the story. An average of—that 350 billion is the first time that we've been able to see that money outpacing what is being put into fossil fuels. An average of half a million new solar panels were installed every single day last year. And for the first time since the Pre-Industrial Era, despite the fact that you have global prices of oil and gas and coal that are lower than ever, still more of the world's money was invested in renewable energy technologies than in new fossil fuel plants.

And like many of you, I've seen this transformation take hold in my own country. That's why I'm confident about the future, regardless of what policy might be chosen, because of the marketplace. I've met with leaders and innovators in the energy industry all across our nation, and I am excited about the path that they are on. America's wind generation has tripled since 2008 and that will continue, and solar generation has increased 30 times over. And the reason both of those will continue is that the marketplace will dictate that, not the government. I can tell you with confidence that the United States is right now, today, on our way to meeting all of the international targets that we've set, and because of the market decisions that are being made, I do not believe that that can or will be reversed. (Applause.)

Now, much of this is due to President Obama's leadership, and our Congress also moving in a bipartisan fashion on things like tax credits for renewable energy. This leadership has helped to inspire targeted investment from the private sector. Today our emissions are being driven down because market-based forces are taking hold all over the world. And that's what we said we would do in Paris. None of us pretended that in Paris, the agreement itself was going to achieve two degrees. What we knew is we were sending that critical message to the marketplace, and businesses have responded, as I just described. Most businesspeople have come to understand: investing in clean energy simply makes good economic sense. You can make money. You can do good and do well at the same time.

Now, significantly, the renewable energy boom isn't limited to industrialized countries, and that's important to note. In fact, emerging economies like China, India, and Brazil invested even more in renewable technologies last year than the developed world.

China alone invested more than 100 billion dollars. Ultimately, clean energy is expected

to be a multitrillion dollar market—the largest market the world has ever known. And no nation will do well if it sits on the sidelines, handicapping its new businesses from reaping the benefits of the clean-tech explosion.

My friends, we are in the midst of a global renewable energy surge, and as a result, in many places, clean energy has already reached cost parity with fossil fuels. Millions around the world are currently employed by the renewable energy industry. And if we make the right choices, millions more people will be put to work.

So good things are happening. The energy curve is bending towards sustainability. The market is clearly headed towards clean energy, and that trend will only become more pronounced.

Now, for those of us who have been working on this challenge for decades, this really is a turning point. It is a cause for optimism, notwithstanding what you see in different countries with respect to politics and change. In no uncertain terms, the question now is not whether we will transition to energy economy—to a clean energy economy. That we've already begun to do. The question now is whether or not we are going to have the will to get this job done. That's the question now—whether we will make the transition in time to be able to do what we have to do to prevent catastrophic damage.

Ladies and gentlemen, I'm not a Cassandra. You can tell from what I've said. But I'm a realist. Time is not on our side. The world is already changing at an increasingly alarming rate with increasingly alarming consequences. The last time that Morocco hosted the COP was in 2001, and the intervening 15 years have been among the 16 hottest years in recorded history. 2016 is going to be the warmest year of all. Every month so far has broken a record. And this year will contribute its record-breaking heat to the hottest decade in recorded history, which was, by the way, preceded by the second-hottest decade, which was preceded by the third hottest decade. At some point, even the strongest skeptic has to acknowledge that something disturbing is happening.

We have seen record-breaking droughts everywhere—from India to Brazil to the west coast of the United States. Storms that used to happen once every 500 years are becoming relatively normal. In recent years, an average of 22.5 million people have been displaced by extreme weather events annually. We never saw that in the 20th Century.

Communities in island states like Fiji have already been forced to take steps to relocate permanently, because the places they have called home for generations are now uninhabitable. And there are many, many more who know it's only a matter of time before rising oceans begin to inundate their cities.

I know this is a lot for anyone to process—hard to process. That's why I have found that whenever possible, the best way to try to understand and to see whether people are pushing the envelope of thinking on this or not is to see for oneself what is happening. That's why this summer I went to Greenland to visit the incredible Jakobshavn glacier. Scientists pointed out to me the lines many meters above the water today that mark the glacier's retreat which it has done more in the past 15 years than it did in the entire previous century. And while I was there, I boarded a Danish naval vessel and I traveled through the ice fjord. I saw the massive ice chunks that had just broken off from the glacier to melt inexorably into the sea. And because they come off Greenland, which is on rock, every bit of that ice contributes to the rise of the ocean.

Since the 1990s, the painful pace of that melting has nearly tripled. Every day, 86

million metric tons of ice makes its way down that fjord into the ocean. And the total flow that comes off that glacier in a single year is enough water to meet the needs of New York City for two decades.

But experts in Greenland and elsewhere have always warned me, and they warned me on this trip this summer, if you really want to understand what's happening and what the threat is, go to Antarctica. Nowhere on the planet are the stakes as high as they are on the opposite end of the globe. For half a century, climate scientists have believed the West Antarctic Ice Sheet is a sword of Damocles hanging over our entire way of life. Should it break apart and melt into the sea, it alone could raise global sea levels by four to five meters. And the scientists down there described to me how the pressure of the ice and the weight of the ice pushes the entire continent down so that it's grounded on the base of Earth's crust and rock. But that allows warmer sea water to creep in under the glacier and speed up the process of the melting and destabilize the glacier.

Antarctica contains ice sheets that are, in some places, on the East Antarctic Ice Sheet three miles deep. And if all that ice were somehow able to melt away completely because we are irresponsible about climate change, in the coming centuries, sea level would rise somewhere over 100 to 200 feet.

That's why I flew last week to McMurdo Station in Antarctica to meet with our scientists and to understand better what is taking place. I flew by helicopter over the West Antarctic Ice Sheet. I walked out onto the Ross Sea ice shelf. And I talked with the scientists who are on the front lines, not people involved in day to day politics, but people who are making scientific judgment and doing extensive research. And they were crystal clear: The more they learn, the more alarmed they become about the speed with which these changes are happening. A scientist from New Zealand named Gavin Dunbar described what they're seeing there as the quote, "canary in the coal mine" and warned that some thresholds, if we cross them, cannot be reversed.

In other words, we can't wait too long to translate the science that we have today into the policies that are necessary to address this challenge. These scientists urged me to remind my own government and governments around the world and everyone here that what we do right now—today—matters, because if we don't go far enough and if we don't go fast enough, the damage we inflict could take centuries to undo—if it can be undone at all.

I underscore today: We don't get a second chance. The consequences of failure would in most cases be irreversible. And if we lose this moment for action, there's no speech decades from now that will put these massive ice sheets back together. There's no magic wand in any capital in the world that you can wave to refill all of the lakes and rivers that will dry up, or make farm—arid farm land fertile again. And we certainly won't have the power to hold back rising tides as they encroach on our shores. So we have to get this right, and we have to get it right now.

The scientists in Antarctica told me that they are still trying to figure out how quickly this is all happening. But they know for certain that it's happening, and it's happening faster than we previously thought possible. The alarm bells ought to be going off everywhere. As an American glacial geologist told me down there, a fellow by the name of John Stone, he said, "The catastrophic period could already be underway." That's why wise public policy demands that we take precautionary measures now.

Still, despite the real-life changes that are being done and the threat of more to come,

it's important to remind ourselves that we are not on a pre-ordained path to disaster. This is not pre-ordained. It's not written in the stars. This is about choices—choices that we still have. This is a test of willpower, not capacity. It's within our power to put the planet back on a better track. But doing that requires holding ourselves accountable to the hard truth. It requires holding ourselves accountable to facts, not opinion; to science, not theories that haven't been proven and can't be proven; and certainly not to political bromides and slogans.

For all the progress that we are making, at the current pace we will not meet our goal. I said that earlier. We knew in Paris that what we were doing was trying to start down a road. But we also knew it doesn't get us to the end of the journey. Yes, renewables make up more than half of all the new electricity installation last year. That's progress. But the reality is because of the existing energy infrastructure already in place, that new energy only generated a little more than 10 percent of the world's total energy. That is nowhere near what we need in order to achieve our goals.

If we're going to have the ability to stave off the worst impacts of climate change, we have to dramatically accelerate the transition that is already starting. We need to get to a point where clean sources are generating most of the world's energy, and we need to get there fast. Certainly experts tell us by the middle of this century we have to get there.

Now, I've said many times, and I'll say it again today: It is not going to be governments alone, or even principally, that solve the climate challenge. The private sector is the most important player. And already we are seeing real solutions coming from entrepreneurs and academia. It's going to be innovators, workers, and business leaders, many of whom have been hammering away at this challenge for years who are going to continue to create the technological advances that forever revolutionize the way that we power our world.

But make no mistake, government leadership is absolutely essential. And because today is the last opportunity I will have to address the COP as Secretary of State, I just want to take a moment to underscore the work that government leaders can do and should do, especially the 200—almost 200 nations represented here.

Now, we know that we have not come to Marrakech to bask in the glow of Paris. We've come here to move forward. In doing so, we cannot forget that the contributions we've each made thus far were never meant to be the ceiling. They're a foundation on which we expect to build. And unless our nations voluntarily ratchet up our ambition, and unless we continue to put sustained pressure on one another to act wisely, we will have difficulty meeting the current mitigation needs, let alone holding temperature increases at 2 degrees warming, which science tells us is a tipping point.

And if we fall short, it will be the single greatest instance in modern history of a generation in a time of crisis abdicating responsibility for the future. And it won't just be a policy failure; because of the nature of this challenge, it will be a moral failure, a betrayal of devastating consequence.

Now, I know not—that's not what any of us here signed up for. As Pope Francis said, "We receive this world as an inheritance from past generations, but also as a loan for future generations, to whom we will have to return it."

Now, I fully recognize the challenges that a number of countries face because they have a big population, they have a growing economy, they have a lot of people in poverty,

they're determined to maintain stability and pull those people into the economy. And of course, they're concerned about stability—we all are. Access to affordable energy is a key part of providing that stability. And the dirtiest sources of energy are, unfortunately, some of the cheapest. But I emphasize this: Only in the short term. In the long term, it's an entirely different story, folks. In the long term, carbon-intensive energy is actually today, right now, one of the costliest and most foolhardy investments any nation can possibly make. And that is because the final invoice for carbon-based energy includes a lot more than just the price of the oil or the coal, or the natural gas; it—or the price of building the power plant. The real cost accounting needs to fully consider all of the downstream consequences, which, in the case of dirty fuels, are enough to at least double or triple the initial expenses.

That's the kind of accounting that we need to do today. Just think about the price of environmental and agricultural degradation. Think about the loss of an ability of farmers in one area because of the lack of water or too much heat to be able to grow their crops today. Think of the hospital bills for asthma and emphysema patients, and the millions of deaths that are linked to air pollution caused by the use of fossil fuels.

In 2014, a study found that up to six million people in China have black lung because they lived and worked so close to coal-fired power plants. There are nearly 20 million new asthma cases a year in India linked to coal-related air pollution, and in the United States, asthma costs taxpayers more than \$55 billion annually. The greatest cause of children being hospitalized in the summer in the United States is environmentally induced asthma. These are real costs, and they need to be added to the tally.

We also have to include the price tag of rebuilding after devastating storms and flooding. Just in the first three quarters of this year alone, extreme weather events have cost the United States—have cost American taxpayers \$27 billion in damage. In August alone, Louisiana experienced flooding that resulted in roughly \$10 billion worth of damage.

So none of us can afford to be oblivious to these expenses, and these initial costs are in reality just a glimpse of what the future could hold in store for us if we fail to respond. Just imagine: Sea barriers that have to be built. Go down to Miami—in south Miami, they're building—they're raising streets to deal with flooding that's already occurring, building new storm drains and assessing people additional tax in order to do it. Massive increases in cost of maintaining infrastructure to control flooding, withstand storms. Power outages. All of this and more has to be added to any honest assessment of high-carbon energy sources. And in an age of increasing transparency and public demand for accountability, citizens in the long run will not accept phony accounting or an obfuscation of the consequences of the decisions.

So everyone needs to make smarter choices—with the long game, not the short game, in mind.

Coal, unfortunately, is the single biggest contributor to global carbon pollution. It provides about 30 percent of the world's energy, but it produces nearly 50 percent of the world's greenhouse gases. The unprecedented investments that we are now seeing in clean energy will mean very, very little if, at the same time, new coal fire plants without carbon capture are coming online and at a rate dumping into the atmosphere more and more of the very pollution that we're all working so hard to reduce.

Some of these projections, I have to tell you, are deeply troubling. For example, be-

tween now and 2040, the demand for electricity in Southeast Asia is likely to triple—and the bulk of that demand is currently expected to be met by growth—where? In the coal-fired power sector, rather than clean energy. That threatens everything we're trying to achieve here.

We literally cannot use one hand to pat ourselves on the back for what we've done to take steps to address climate change, and then turn around and use the other hand to write a big fat check enabling the widespread development of the dirtiest source of fuel in an outdated way. It just doesn't make sense. That's suicide. And that's how we all lose this fight.

Make no mistake: People all over the world are working for victory in this. And this issue is increasingly capturing the attention of citizens everywhere, and certainly the private sector. The private sector welcomed the signals that we sent in Paris, but they are demanding even stronger signals now—the private sector—so that they can invest clean energy solutions with even greater confidence.

One of the strongest signals that government can send, one of the most powerful ways to reduce emissions at the lowest possible course—cost—is to move toward carbon pricing that puts basic, free-market economics to work in addressing this challenge.

Now obviously, this is not a new idea. Many have come to this conclusion already. The share of global emissions that are covered by a carbon price has tripled over the last decade. Last year, more than 1,000 businesses and investors—including sectors that might be surprising to some of you—all came together to voice their support for carbon pricing. The long list of supporters includes energy companies like BP, Royal Dutch Shell, utilities like PG&E, transportation companies like British Airways, construction firms like Cemex, financial institutions like Deutsche Bank, like Swiss Re, and consumer goods corporations like Unilever and Nokia. These companies all believe that carbon pricing will establish the necessary certainty in the marketplace that helps the private sector to move the capital that helps to solve the problem.

Carbon pricing allows citizens, innovators, and companies—it allows the market to make independent decisions free from the government to be able to best drive their emission reductions. And this is also, by the way, the chief reason that carbon pricing has received support from leaders and economists on both sides of the aisle in the United States of America. A price on carbon, coupled with government support for innovation in key sectors, is easily one of the most compelling tools for the world to accelerate the clean energy transformation that we are working to achieve. Now, while it may be some time before we see this ideal outcome, the effort to improve carbon markets ought to be a priority going forward.

The bottom line is that there are many tools at the world's disposal. The COP itself is an important tool, in a sense. It has become much more of a—much more than just a gathering of government officials. It's really a yearly summit, 25,000 people strong this year from all over the world, for all sectors to showcase their commitment to climate action and to discuss ways to expand shared efforts. It's a regular reminder of exactly how much this movement has grown—and how many people, in how many countries, are committed to action.

Walking around the conference here before I was coming in here and seeing this site in Marrakech, and seeing the delegations and the business leaders, the entrepreneurs and the activists who have traveled from near and far to be here, it's abundantly clear we

have the ability to prevent the worst impacts of climate change.

But again, we're forced to ask: Do we have the collective will? Because our success is not going to happen by accident. It won't happen without sustained commitment, without cooperation and creative thinking. And it won't happen without confident investors and innovative entrepreneurs. And it certainly won't happen without leadership.

For those in power in all parts of the world, including my own, who may be confronted with decisions about which road to take at this critical juncture, I ask you, on behalf of billions of people around the world: Don't take my word for it. Don't take just the existence of this COP as the stamp of approval for it. I ask you to see for yourselves. Do your own due diligence before making irrevocable choices.

Examine closely what it is that has persuaded the Pope, presidents, and prime ministers all over the world, leaders around the world, to take on the responsibility of responding to this threat. Talk to the business leaders of Fortune 500 companies and smaller innovative companies, all of whom are eager to invest in the energy markets of the future. Get the best economists' judgment on the risk of inaction, of what the cost would be to global economies, versus the opportunities that are to be found in the clean energy market of the future. Speak with the military leaders who view climate change as a global security concern, as a threat multiplier. Ask farmers about—and fisherman about the impact of dramatic changes in weather patterns on their current ability to make a living and to support their families or on what they see for the future. Listen to faith leaders talk about the moral responsibility that human beings have to act as stewards of the planet that we have to share, the only planet we have. Bring in the activists and civil society, groups who have worked for years with communities all over the world to raise awareness and to respond to this threat. Ask young people about their legitimate concerns for the planet that their children will inherit in reducing emissions worldwide.

And above all, consult with the scientists who have dedicated their entire lives to expanding our understanding of this challenge, and whose work will be in vain unless we sound the alarm loud enough for everyone to hear. No one has a right to make decisions that affect billions of people based on solely ideology or without proper input.

Anyone who has these conversations, who takes the time to learn from these experts, who gets the full picture of what we're facing—I believe they can only come to one legitimate decision, and that is to act boldly on climate change and encourage others to do the same.

Now, I want to acknowledge that since this COP started, obviously, an election took place in my country. And I know it has left some here and elsewhere feeling uncertain about the future. I obviously understand that uncertainty. And while I can't stand here and speculate about what policies our president-elect will pursue, I will tell you this: In the time that I have spent in public life, one of the things I have learned is that some issues look a little bit different when you're actually in office compared to when you're on the campaign trail.

And the truth is that climate change shouldn't be a partisan issue in the first place. It isn't a partisan issue for our military leaders at the Pentagon who call climate change a threat multiplier. (Applause.) It isn't a partisan issue for those military leaders because of the way that climate change exacerbates conflicts all over the world and who view it as a threat to military

readiness at their bases and could suffer the consequences of rising seas and stronger storms. It isn't a partisan issue for our intelligence community, who just this year released a report detailing the implications of climate change for U.S. national security: threats to the stability of fragile nations, heightened social and political tensions, rising food prices, increased risks to human health, and more.

It isn't a partisan issue for mayors from New Orleans to Miami, who are already working hard to manage sunny-day floods and stronger storm surges caused by climate change. It isn't partisan for liberal and conservative business leaders alike who are investing unprecedented amounts of money into renewables, voluntarily committing to reduce their own emissions, and even holding their supply chains accountable to their overall carbon footprint.

And there's nothing partisan about climate change for the world scientists who are near unanimous in their conclusion that climate change is real, it is happening, human beings for the most part are causing it, and we will have increasing catastrophic impacts on our way of life if we don't take the dramatic steps necessary to reduce the carbon footprint of our civilization.

Now, whether we are able to meet this moment is a big test—probably as big a test of courage and vision as you'll ever find. Every nation has a responsibility to do its part if we are going to pass that test—and only those nations who step up and respond to this threat can legitimately lay claim to a mantle of global leadership. That's a fact.

More than his love of Marrakech, Winston Churchill was known for his hard-nosed insight and the way that he expressed it. He once argued, tellingly: "It's not always enough that we do our best; sometimes we have to do what is required."

We know today what is required. And with all of the real-world evidence, with all of the peer-reviewed science, with all of the plain just old common sense, there isn't anyone who can credibly argue otherwise. So we have to continue this fight, my friends. We have to continue to defy expectations. We have to continue to accelerate the global transition to a clean energy economy. And we have to continue to hold one another accountable for the choices that our nations makes.

Earlier this year, on Earth Day, I had the great privilege of signing the Paris Agreement on behalf of President Obama and the United States. It was a special day. And because my daughter lives in New York, I invited her to join me at the UN. She surprised me by bringing my 2-year-old granddaughter, Isabelle, along as well.

And that morning, I had been thinking about the history that had brought us to that day. I thought about the first Earth Day in 1970 that I mentioned earlier, when I joined with millions of Americans in teach-ins to educate the public about the environmental challenges we faced. I thought about the first UN climate conference in Rio, which is actually where I met my wife Teresa, and I thought of the urgency that we all felt way back then in 1992. And of course, I thought about that December night at Le Bourget, when it seemed—for the first time—that the world had finally found the path forward.

But as I sat and I played with my granddaughter, waiting for my turn to go out and sign the Agreement, I thought, not of the past, but I thought of the future. Her future. The world her children would one day inherit.

And when it was time for me to go up on that stage, I scooped her up and I brought her out with me. I wanted to share that moment with her. And I'll never forget it.

But to my surprise, people responded to her presence that day, and since then so many people have said to me, they've conveyed to me how that moment conveyed something special and moved them. They told me they thought of their own children, their own grandchildren. They thought of the future. They were reminded of the stakes.

Ladies and gentlemen, here in Marrakech, in the next hours, let us make clear to the world that we will always remember the stakes. Let us stand firm in support of the goals that we set in Paris and recommit ourselves to double our efforts to meet them. Let us say that when it comes to climate change, we will commit not just to doing our best, but as Winston Churchill admonished, we will do what is required.

I look forward to working with you in this important work for whatever number of years ahead I have a chance to. Thank you.

#### TRIBUTE TO CARDINAL JOSEPH WILLIAM TOBIN

Mr. DONNELLY. Mr. President, today I wish to recognize Archbishop Joseph William Tobin of Indianapolis on his recent elevation to cardinal by Pope Francis and for his extraordinary service to Indiana. As a leader in our State, Cardinal Tobin has demonstrated his lifelong, faith-filled commitment to serving others and giving a voice to the voiceless.

Born in Detroit, MI, Cardinal Tobin is the eldest of Joseph W. Tobin and Marie Terese Kerwin's 13 children. From an early age, it was apparent to his family that he was intellectually and spiritually gifted and wanted to use those talents by becoming a priest. Cardinal Tobin's family instilled in him the importance of faith and family, and he pursued the priesthood with purpose and determination. He received a bachelor of arts in philosophy from Holy Redeemer College in Waterford, WI, and a masters in religious education, as well as a masters in divinity from Mount Saint Alphonsus Seminary in Esopus, NY.

Cardinal Tobin professed first vows as a Redemptorist missionary on August 5, 1973, and he was ordained to the priesthood on June 1, 1978. Over the next 12 years, Cardinal Tobin served communities in the Midwest, including in his hometown of Detroit and in Chicago. He then was elected general consultor to the Superior General of the Redemptorists and moved to Rome, Italy. During his 21 years in Italy, he was recognized for his efforts to promote dialogue and resolve tensions between the Vatican and U.S. nuns. He was elected and reelected as superior general and later named archbishop by Pope Benedict XVI, as well as secretary of the Congregation for Institutes of Consecrated Life and Societies of Apostolic Life on August 2, 2010. Soon thereafter, he was ordained to the episcopacy on October 9, 2010, and approximately 2 years later, he was named Metropolitan Archbishop of Indianapolis.

For 4 years, the Indianapolis archdiocese benefited greatly from Cardinal

Tobin's leadership. His commitment to serving those in the greatest need and his tireless dedication to sharing the teachings of the Catholic Church with the people of central and southern Indiana have benefited countless Hoosiers.

Pope Francis announced Archbishop Tobin's selection as cardinal on October 9, 2016, from the steps of St. Peter's Basilica in the Vatican. Less than a month later, the Pope selected him to lead the archdiocese of Newark, NJ, which serves 1.5 million Catholics and is among the 10 largest dioceses in the country.

Outside of the church, Cardinal Tobin has dedicated himself to various organizations including the Canon Law Society of America and the North American Orthodox-Catholic Theological Consultation. He also is a member of United States Conference of Catholic Bishops, USCCB, subcommittee on the Church in Africa and a consultant to the committee on ecumenical and interreligious affairs.

On behalf of Hoosiers, I congratulate Cardinal Tobin and thank him for blessing us with his leadership. Let us honor Cardinal Tobin for his selfless commitment to serving his fellow citizens of the world and steadfast efforts to make Indiana and the world a better place.

#### TRIBUTE TO LIEUTENANT COLONEL WADE E. WIEGEL

Mr. GRASSLEY. Mr. President, I would like to take a moment to recognize Lt. Col. Wade E. Wiegel for his 22 years of service in the U.S. Marine Corps. Wade is a native of Iowa, and I am proud to say that I nominated him for the U.S. Naval Academy in 1990. In May 1994, he earned a bachelor of science degree in mechanical engineering and reported to the Marine Corps' The Basic School. From there he completed flight training and was designated a naval aviator in March 1997. He deployed aboard the USS *Enterprise* in support of Operation Iraqi Freedom and Operation Enduring Freedom.

Wade later served as the commanding officer for the VMFA-122 "Crusaders" and forward deployed the squadron for 6 months into the Pacific Theater in support of theater security cooperation activities with Japan, South Korea, and the Philippines. After graduating from the National War College, he served as a military adviser in the Office of the Under Secretary of Defense for Policy. Most recently, Wade has served in the Office of Legislative Affairs as a congressional affairs officer. His personal decorations include the Defense Meritorious Service Medal, Meritorious Service Medal with Gold Star, the Navy and Marine Corps Commendation Medal, and the Navy and Marine Corps Achievement Medal with Gold Star.

As he prepares to retire from the Marine Corps, I would like to take this opportunity to thank him for his service to our country and to wish him well in his future endeavors.

## REMEMBERING JIM LYONS

Mr. GRASSLEY. Mr. President, I would like to pay tribute to Jim Lyons.

Jim was a tax counsel for Chairman HATCH on the Finance Committee. Before that, he served as a tax counsel for the committee when I was ranking member.

Jim had a medical emergency during a basketball game for charity which, unfortunately for us all, he did not survive.

Those who knew Jim would not be surprised that he was spending an evening at an event to help others.

He was well known for his generosity, whether it was donating holiday gifts for children in foster care or sharing his extensive knowledge of the Tax Code with younger staff who were learning the ropes.

He was incredibly smart and had a zest for his work and for life that was joyous and inspiring to all of those around him.

He loved to laugh and had a gift for making others laugh. Jim's quick wit is legendary, and he drew others to his company to hear what funny story or observation he might share next.

Devising clever floor charts that made an insightful point about tax policy was a Jim Lyons specialty. He was extremely gifted in using humor to draw attention to a serious policy concern or to point out a political absurdity.

It is a rare skill and one that Jim used to great effect. People liked to hear what he had to say. The tragedy of his loss in the prime of his life is immeasurable. Those of us who knew him take comfort in learning from his example. We can do serious work without taking ourselves too seriously. In fact, we might be much more successful by finding room to share a laugh with others. I wish Jim eternal peace and send my best wishes to his loving family.

## ADDITIONAL STATEMENTS

## TRIBUTE TO VINCENT VESPIA, JR.

• Mr. WHITEHOUSE. Mr. President, South Kingstown Police Chief Vincent Vespia, Jr., has dedicated his career to protecting and serving the people of Rhode Island. He retired this month after nearly 60 years of exceptional service.

The State's longest serving police chief began his career in 1959 as a trooper with the Rhode Island State police. Chief Vespia would eventually go on to become a State police organized crime investigator. His work helped bring down New England's top organized crime family. There are many stories about Vin Vespia. One of the most famous was when he crashed through a second floor window of a Federal Hill crap game from a bucket of a cherry picker, brandishing a machine gun at the surprised dice players. As Pulitzer Prize winning author Mike

Stanton wrote in his book "The Prince of Providence," "Vespia was a kick-ass cop who had grown up on the Hill, playing in the street with some of the wise guys he now pursued." As a young trooper, Vespia had busted a former playmate with a truckload of stolen furs. "How can you arrest me?" the man asked. "We played kick the can together." Replied Vespia: "You went one way, I went another."

After retiring from the State police, Vin was appointed chief of the South Kingstown Police Department in 1981. He would spend the next 35 years of his career building an effective, professional force with strong ties to the community. He created new leadership programs within the department's detective bureau and oversaw the construction of an innovative public safety facility with state-of-the-art information technology.

Chief Vespia will be remembered for his leadership and fairness. Those he led describe him as dedicated, rational, and respectable. He has been called "probably the most admired law enforcement officer in Rhode Island." I was honored to have worked with him when I was attorney general and am proud to call him my friend. Chief Vespia's 57 years of commitment and service to the people of Rhode Island represent the very best in law enforcement.

I commend him and his family for the sacrifices they have made. On behalf of those he has served throughout the years, I offer my thanks. I wish Vin and Judith-Ann, his wife of 40 years, a happy retirement and the best of luck in all future endeavors.●

MESSAGE FROM THE HOUSE  
RECEIVED DURING ADJOURNMENT

## ENROLLED BILLS SIGNED

Under the authority of the order of the Senate of January 6, 2015, the Secretary of the Senate, on December 2, 2016, during the adjournment of the Senate, received a message from the House of Representatives announcing that the Speaker had signed the following enrolled bills:

S. 1808. An act to require the Secretary of Homeland Security to conduct a Northern Border threat analysis, and for other purposes.

S. 1915. An act to direct the Secretary of Homeland Security to make anthrax vaccines available to emergency response providers, and for other purposes.

H.R. 3471. An act to amend title 38, United States Code, to make certain improvements in the provision of automobiles and adaptive equipment by the Department of Veterans Affairs.

H.R. 5111. An act to prohibit the use of certain clauses in form contracts that restrict the ability of a consumer to communicate regarding the goods or services offered in interstate commerce that were the subject of the contract, and for other purposes.

H.R. 6297. An act to reauthorize the Iran Sanctions Act of 1996.

Under the authority of the order of the Senate of January 6, 2015, the enrolled bills were signed on December 2,

2016, during the adjournment of the Senate, by the President pro tempore (Mr. HATCH).

## MESSAGES FROM THE HOUSE

## ENROLLED BILLS SIGNED

At 3:06 p.m., a message from the House of Representatives, delivered by Mr. Novotny, one of its reading clerks, announced that the Speaker has signed the following enrolled bills:

S. 1550. An act to amend title 31, United States Code, to establish entities tasked with improving program and project management in certain Federal agencies, and for other purposes.

H.R. 5509. An act to name the Department of Veterans Affairs temporary lodging facility in Indianapolis, Indiana, as the "Dr. Otis Bowen Veteran House".

H.R. 5995. An act to strike the sunset on certain provisions relating to the authorized protest of a task or delivery order under section 4106 of title 41, United States Code.

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

At 3:07 p.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 6392. An act to amend the Dodd-Frank Wall Street Reform and Consumer Protection Act to specify when bank holding companies may be subject to certain enhanced supervision, and for other purposes.

The message further announced that the House agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the House of Representatives to the bill (S. 2943) to authorize appropriations for fiscal year 2017 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

The message also announced that the House agrees to the amendments of the Senate to the resolution (H.Con.Res. 122) supporting efforts to stop the theft, illegal possession or sale, transfer, and export of tribal cultural items of American Indians, Alaska Natives, and Native Hawaiians in the United States and internationally.

## ENROLLED BILLS PRESENTED

The Secretary of the Senate reported that on December 2, 2016, she had presented to the President of the United States the following enrolled bills:

S. 1808. An act to require the Secretary of Homeland Security to conduct a Northern Border threat analysis, and for other purposes.

S. 1915. An act to direct the Secretary of Homeland Security to make anthrax vaccines available to emergency response providers, and for other purposes.

The Secretary of the Senate reported that on today, December 5, 2016, she

had presented to the President of the United States the following enrolled bill:

S. 1550. An act to amend title 31, United States Code, to establish entities tasked with improving program and project management in certain Federal agencies, and for other purposes.

### REPORTS OF COMMITTEES

The following reports of committees were submitted:

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

S. 3346. A bill to authorize the programs of the National Aeronautics and Space Administration, and for other purposes (Rept. No. 114-390).

By Mr. THUNE, from the Committee on Commerce, Science, and Transportation:

Report to accompany S. 3183, A bill to prohibit the circumvention of control measures used by Internet ticket sellers to ensure equitable consumer access to tickets for any given event, and for other purposes (Rept. No. 114-391).

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

S. 1403. A bill to amend the Magnuson-Stevens Fishery Conservation and Management Act to promote sustainable conservation and management for the Gulf of Mexico and South Atlantic fisheries and the communities that rely on them, and for other purposes.

### INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

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

By Mr. FLAKE (for himself and Ms. HEITKAMP):

S. 3494. A bill to provide U.S. Customs and Border Protection with adequate flexibility in its employment authorities; to the Committee on Homeland Security and Governmental Affairs.

By Mr. DAINES (for himself and Mr. TESTER):

S. 3495. A bill to amend the Food, Agriculture, Conservation, and Trade Act of 1990 to designate certain research and extension grants to increase participation by women and underrepresented minorities in the fields of science, technology, engineering, and mathematics as "Jeannette Rankin Women and Minorities in STEM Fields Grants"; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. CORNYN (for himself and Mr. CASEY):

S. 3496. A bill to amend the Internal Revenue Code of 1986 to allow members of the Ready Reserve of a reserve component of the Armed Forces to make elective deferrals on the basis of their service to the Ready Reserve and on the basis of their other employment; to the Committee on Finance.

By Mr. COTTON (for himself, Mr. WICKER, Mr. BOOZMAN, Mr. COCHRAN, and Mr. SHELBY):

S. 3497. A bill to provide the force and effect of law for certain regulations relating to the taking of double-crested cormorants to reduce depredation at aquaculture facilities and protect public resources; to the Committee on Environment and Public Works.

By Mrs. BOXER:

S. 3498. A bill to ensure that the Secretary of the Army obtains consent from certain entities before granting certain permits, case-ments, or rights-of-way; to the Committee on Environment and Public Works.

By Mr. LEE (for himself, Mr. LEAHY, Mr. HOEVEN, and Mr. CRUZ):

S. 3499. A bill to establish the Daniel Webster Congressional Clerkship Program; to the Committee on Rules and Administration.

By Mr. WICKER (for himself and Mr. COCHRAN):

S. 3500. A bill to require the appropriate Federal banking agencies to treat certain non-significant investments in the capital of unconsolidated financial institutions as qualifying capital instruments, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. BLUMENTHAL (for himself and Mr. BOOKER):

S. 3501. A bill to require the Federal Communications Commission to submit to Congress a report on promoting broadband Internet access service for veterans; to the Committee on Commerce, Science, and Transportation.

By Mr. DAINES (for himself and Mr. BOOKER):

S. 3502. A bill to require the Federal Aviation Administration to establish annual performance objectives and to hold the Chief NextGen Officer accountable for meeting such objectives; to the Committee on Commerce, Science, and Transportation.

### SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. COONS (for himself and Mr. GRAHAM):

S. Res. 629. A resolution recognizing the 225th anniversary of Alexander Hamilton's seminal Report on the Subject of Manufactures; to the Committee on Commerce, Science, and Transportation.

By Mr. CORNYN (for himself, Mr. GRASSLEY, Mr. HATCH, Mr. LEE, Mr. SCOTT, and Mr. CRUZ):

S. Res. 630. A resolution recognizing the historical importance of Associate Justice Clarence Thomas; to the Committee on the Judiciary.

### ADDITIONAL COSPONSORS

S. 298

At the request of Mr. GRASSLEY, the name of the Senator from North Dakota (Ms. HEITKAMP) was added as a cosponsor of S. 298, a bill to amend titles XIX and XXI of the Social Security Act to provide States with the option of providing services to children with medically complex conditions under the Medicaid program and Children's Health Insurance Program through a care coordination program focused on improving health outcomes for children with medically complex conditions and lowering costs, and for other purposes.

S. 313

At the request of Mr. GRASSLEY, the name of the Senator from Idaho (Mr. RISCH) 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 al-

lowed to utilize locum tenens arrangements under Medicare.

S. 626

At the request of Mr. GRASSLEY, the name of the Senator from Idaho (Mr. RISCH) was added as a cosponsor of S. 626, a bill to amend title XIX of the Social Security Act to cover physician services delivered by podiatric physicians to ensure access by Medicaid beneficiaries to appropriate quality foot and ankle care, to amend title XVIII of such Act to modify the requirements for diabetic shoes to be included under Medicare, and for other purposes.

S. 1169

At the request of Mr. GRASSLEY, the name of the Senator from North Carolina (Mr. TILLIS) was added as a cosponsor of S. 1169, a bill to reauthorize and improve the Juvenile Justice and Delinquency Prevention Act of 1974, and for other purposes.

S. 2216

At the request of Ms. COLLINS, the name of the Senator from North Dakota (Mr. HOEVEN) was added as a cosponsor of S. 2216, a bill to provide immunity from suit for certain individuals who disclose potential examples of financial exploitation of senior citizens, and for other purposes.

S. 2268

At the request of Mr. CORNYN, the name of the Senator from Wisconsin (Ms. BALDWIN) was added as a cosponsor of S. 2268, a bill to award a Congressional Gold Medal to the United States Army Dust Off crews of the Vietnam War, collectively, in recognition of their extraordinary heroism and life-saving actions in Vietnam.

S. 2800

At the request of Mr. COONS, the name of the Senator from Idaho (Mr. RISCH) was added as a cosponsor of S. 2800, a bill to amend the Internal Revenue Code of 1986 and the Higher Education Act of 1965 to provide an exclusion from income for student loan forgiveness for students who have died or become disabled.

S. 2817

At the request of Mr. PETERS, the name of the Senator from Minnesota (Ms. KLOBUCHAR) was added as a cosponsor of S. 2817, a bill to improve understanding and forecasting of space weather events, and for other purposes.

S. 2957

At the request of Mr. NELSON, the name of the Senator from Arkansas (Mr. COTTON) was added as a cosponsor of S. 2957, a bill to require the Secretary of the Treasury to mint commemorative coins in recognition of the 50th anniversary of the first manned landing on the Moon.

S. 2989

At the request of Ms. MURKOWSKI, the name of the Senator from Missouri (Mr. BLUNT) was added as a cosponsor of S. 2989, a bill to award a Congressional Gold Medal, collectively, to the United States merchant mariners of



World War II, in recognition of their dedicated and vital service during World War II.

S. 3198

At the request of Mr. HATCH, the name of the Senator from South Dakota (Mr. ROUNDS) was added as a cosponsor of S. 3198, a bill to amend title 38, United States Code, to improve the provision of adult day health care services for veterans.

S. 3328

At the request of Mr. KAINE, his name was added as a cosponsor of S. 3328, a bill to amend title 38, United States Code, to reform the rights and processes relating to appeals of decisions regarding claims for benefits under the laws administered by the Secretary of Veterans Affairs, and for other purposes.

S. 3405

At the request of Mr. DAINES, the name of the Senator from Idaho (Mr. CRAPO) was added as a cosponsor of S. 3405, a bill to transfer certain items from the United States Munitions List to the Commerce Control List.

S. 3435

At the request of Mr. ROBERTS, the name of the Senator from West Virginia (Mrs. CAPITO) was added as a cosponsor of S. 3435, a bill to amend title XVIII of the Social Security Act to protect and preserve access of Medicare beneficiaries in rural areas to health care providers under the Medicare program, and for other purposes.

S. 3478

At the request of Mr. RUBIO, the name of the Senator from Arkansas (Mr. BOOZMAN) was added as a cosponsor of S. 3478, a bill to require continued and enhanced annual reporting to Congress in the Annual Report on International Religious Freedom on anti-Semitic incidents in Europe, the safety and security of European Jewish communities, and the efforts of the United States to partner with European governments, the European Union, and civil society groups, to combat anti-Semitism, and for other purposes.

S. RES. 616

At the request of Mrs. SHAHEEN, the name of the Senator from South Dakota (Mr. ROUNDS) was added as a cosponsor of S. Res. 616, a resolution supporting the goals and ideals of American Diabetes Month.

#### STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. CORNYN (for himself and Mr. CASEY):

S. 3496. A bill to amend the Internal Revenue Code of 1986 to allow members of the Ready Reserve of a reserve component of the Armed Forces to make elective deferrals on the basis of their service to the Ready Reserve and on the basis of their other employment; to the Committee on Finance.

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. 3496

*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 "Service-member Retirement Improvement Act".

#### SEC. 2. ELECTIVE DEFERRALS BY MEMBERS OF THE READY RESERVE OF A RESERVE COMPONENT OF THE ARMED FORCES.

(a) IN GENERAL.—Section 402(g) of the Internal Revenue Code of 1986 is amended by adding at the end the following new paragraph:

"(9) ELECTIVE DEFERRALS BY MEMBERS OF READY RESERVE.—

"(A) IN GENERAL.—In the case of a qualified ready reservist (other than a specified Federal employee ready reservist) for any taxable year, the limitations of subparagraphs (A) and (C) of paragraph (1) shall be applied separately with respect to—

"(i) elective deferrals of such qualified ready reservist with respect to the Thrift Savings Fund (as defined in section 7701(j)), and

"(ii) any other elective deferrals of such qualified ready reservist.

"(B) SPECIAL RULE FOR FEDERAL EMPLOYEES IN THE READY RESERVE NOT ELIGIBLE TO MAKE ELECTIVE DEFERRALS TO A PLAN OTHER THAN THE THRIFT SAVINGS PLAN.—In the case of a specified Federal employee ready reservist for any taxable year—

"(i) the applicable dollar amount in effect under paragraph (1)(B) for such taxable year shall be twice such amount (as determined without regard to this subclause), and

"(ii) for purposes of paragraph (1)(C), the applicable dollar amount under section 414(v)(2)(B)(i) (as otherwise determined for purposes of paragraph (1)(C)) shall be twice such amount (as determined without regard to this subclause).

"(C) DEFINITIONS.—For purposes of this paragraph—

"(i) QUALIFIED READY RESERVIST.—The term 'qualified ready reservist' means any individual for any taxable year if such individual received compensation for service as a member of the Ready Reserve of a reserve component (as defined in section 101 of title 37, United States Code) during such taxable year.

"(ii) SPECIFIED FEDERAL EMPLOYEE READY RESERVIST.—The term 'specified Federal employee ready reservist' means any individual for any taxable year if such individual—

"(I) is a qualified ready reservist for such taxable year,

"(II) would be eligible to make elective deferrals with respect to the Thrift Savings Fund (as defined in section 7701(j)) during such taxable year determined without regard to the service of such individual described in clause (i), and

"(III) is not eligible to make elective deferrals with respect to any plan other than such Thrift Savings Fund during such taxable year."

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after the date of the enactment of this Act.

By Mr. DAINES (for himself and Mr. BOOKER):

S. 3502. A bill to require the Federal Aviation Administration to establish annual performance objectives and to hold the Chief NextGen Officer accountable for meeting such objectives;

to the Committee on Commerce, Science, and Transportation.

Mr. DAINES. Mr. President, in 2003, Congress mandated the Next Generation Air Transportation System known as NextGen, transitioning our radar-based system with radio communication to a satellite-based one, to increase safety and efficiency. NextGen deployment has been bogged with delays and cost overruns, highlighted by Government Accountability Office reports. Final implementation is to be completed by 2025. This legislation would simply create measurable annual performance goals and hold federal officials accountable to meeting these goals through the remainder of implementation.

I want to thank Senator BOOKER for being original cosponsors of this bill and I ask my other Senate colleagues to join us in support of this legislation.

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. 3502

*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 "NextGen Accountability Act".

#### SEC. 2. NEXTGEN ANNUAL PERFORMANCE GOALS.

Section 214 of the FAA Modernization and Reform Act of 2012 (Public Law 112-95; 49 U.S.C. 40101 note) is amended—

(1) by redesignating subsection (d) as subsection (e); and

(2) by inserting after subsection (c) the following:

"(d) ANNUAL PERFORMANCE GOALS.—The Administrator shall establish annual NextGen performance goals for each of the performance metrics set forth in subsection (a) to meet the performance metric baselines identified under subsection (b). Such goals shall be established in consultation with public and private NextGen stakeholders, including the NextGen Advisory Committee."

#### SEC. 3. NEXTGEN METRICS REPORT.

Section 710(e)(2) of the Vision 100—Century of Aviation Reauthorization Act (Public Law 108-176; 49 U.S.C. 40101 note) is amended—

(1) in subparagraph (D), by striking "and" at the end;

(2) in subparagraph (E), by striking the period at the end and inserting "; and"; and

(3) by adding at the end the following:

"(F) a description of the progress made in meeting the annual NextGen performance goals relative to the performance metrics established under section 214 of the FAA Modernization and Reform Act of 2012 (Public Law 112-95; 49 U.S.C. 40101 note)."

#### SEC. 4. CHIEF NEXTGEN OFFICER.

Section 106(s) of title 49, United States Code, is amended—

(1) in paragraph (2)(B), by adding at the end the following: "In evaluating the performance of the Chief NextGen Officer for the purpose of awarding a bonus under this subparagraph, the Administrator shall consider the progress toward meeting the NextGen performance goals established pursuant to section 214(d) of the FAA Modernization and Reform Act of 2012 (Public Law 112-95; 49 U.S.C. 40101 note)"; and

(2) in paragraph (3), by adding at the end the following: "The annual performance

goals set forth in the agreement shall include quantifiable NextGen airspace performance objectives regarding efficiency, productivity, capacity, and safety, which shall be established in consultation with public and private NextGen stakeholders, including the NextGen Advisory Committee.”.

### SUBMITTED RESOLUTIONS

#### SENATE RESOLUTION 629—RECOGNIZING THE 225TH ANNIVERSARY OF ALEXANDER HAMILTON’S SEMINAL REPORT ON THE SUBJECT OF MANUFACTURES

Mr. COONS (for himself and Mr. GRAMHAM) submitted the following resolution; which was referred to the Committee on Commerce, Science, and Transportation:

S. RES. 629

Whereas December 5, 2016, is the 225th anniversary of Alexander Hamilton’s landmark Report on the Subject of Manufactures (referred to in this preamble as the “Hamilton report”), which he delivered on December 5, 1791;

Whereas the groundbreaking Hamilton report stressed the importance of a diversified national economy in which manufacturing, alongside agriculture, contributes significantly to economic health;

Whereas Alexander Hamilton promoted a modern economic vision years ahead of his time based on investment, industry, internal improvements, and expanded commerce;

Whereas the Hamilton report had its roots in President George Washington’s first annual message to Congress on January 8, 1790, when he argued that the people of the United States should promote manufacturing to make the United States independent of other nations for essential supplies, particularly military supplies;

Whereas the House of Representatives then requested the Secretary of the Treasury prepare a report describing plans to encourage “manufactories” that would promote that independence;

Whereas the Hamilton report recognized that the Federal Government could take steps to encourage innovation in the manufacturing sector, and recommended government promotion of manufacturing through incentives to encourage risk taking and innovation, as well as reasonable and flexible tariffs to counter Great Britain’s mercantilist system;

Whereas Alexander Hamilton was one of the Founding Fathers, a delegate to the Constitutional Convention, a major author of the Federalist papers, a signatory to the Constitution of the United States, the first Secretary of the Treasury, and the founder of the First Bank of the United States and the Coast Guard;

Whereas Alexander Hamilton founded the Society for the Establishment of Useful Manufactures in Paterson, New Jersey, which became an important center for manufacturing production and innovation;

Whereas Alexander Hamilton used his influence to define the role of the Federal Government in promoting a sound financial foundation for the young nation;

Whereas manufacturing is critical to the United States economy, and contributes approximately \$2,170,000,000,000 to the United States economy annually;

Whereas manufacturing makes an outsized contribution to the United States economy in terms of total output and employment, and supports more than 17,000,000 indirect

jobs in the United States and approximately 12,000,000 individuals directly employed in manufacturing, more than ⅓ (21.3 percent) of total employment in the United States in 2013;

Whereas manufacturing represents more than 11 percent of the United States economy, and accounts for approximately 70 percent of industry-funded research and development;

Whereas manufacturing is entering a dynamic new phase, with new market opportunities in the developing world, game-changing innovations in materials and processes (including composites and nanomaterials, 3-D printing, and advanced robotics), and increased competition across the world;

Whereas manufacturing makes substantial contributions in the United States economy to research and development, exports, and productivity growth;

Whereas the number of manufacturing jobs coming into the United States, through reshoring and foreign direct investment, is now equal to or slightly higher than the number of jobs leaving the United States, which contributes to the manufacturing rebound;

Whereas manufacturing firms have a critical role in innovation, engaging new technologies that improve processes, support product innovation, and create well-paying jobs; and

Whereas the brand “Made in the USA” carries tremendous weight and appeal across the world: Now, therefore, be it

*Resolved*, That the Senate—

(1) recognizes the 225th anniversary of Alexander Hamilton’s seminal Report on the Subject of Manufactures;

(2) recognizes the vision of Alexander Hamilton to make a case for a strong and diversified economy, which has withstood the test of time;

(3) expresses admiration and appreciation for the variety of ways in which Alexander Hamilton contributed to the success of the young United States;

(4) acknowledges the importance of the manufacturing industry’s contributions to the United States in promoting innovation, job creation, and opportunity for the middle class; and

(5) supports efforts to grow and sustain United States manufacturing industries by creating a healthy business climate and establishing the level playing field vital to United States manufacturing success.

#### SENATE RESOLUTION 630—RECOGNIZING THE HISTORICAL IMPORTANCE OF ASSOCIATE JUSTICE CLARENCE THOMAS

Mr. CORNYN (for himself, Mr. GRASSLEY, Mr. HATCH, Mr. LEE, Mr. SCOTT, and Mr. CRUZ) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 630

Whereas, in 1948, Clarence Thomas was born outside of Savannah, Georgia, in the small community of Pin Point, Georgia;

Whereas Clarence Thomas was born into poverty and under segregation;

Whereas, notwithstanding his humble beginnings and the many impediments he faced, Clarence Thomas demonstrated incredible intellect, discipline, and strength in attending and graduating from St. Benedict the Moor Catholic School, St. John Vianney Minor Seminar, the College of the Holy Cross, and Yale Law School;

Whereas Clarence Thomas had a distinguished legal career with service in State

government and all branches of the Federal Government, including the Senate, the Department of Education, the Equal Employment Opportunity Commission, and the United States Court of Appeals for the District of Columbia Circuit;

Whereas, on July 1, 1991, President George Herbert Walker Bush nominated Clarence Thomas to be an Associate Justice of the Supreme Court of the United States (in this preamble referred to as the “Supreme Court”);

Whereas Justice Thomas is the second African American to serve on the Supreme Court;

Whereas, during his quarter century on the Supreme Court, Justice Thomas has made a unique and indelible contribution to the jurisprudence of the United States;

Whereas Justice Thomas has propounded a jurisprudence that seeks to faithfully apply the original meaning of the text of the Constitution of the United States;

Whereas Justice Thomas has brought renewed focus to constitutional doctrines that the Framers intended to undergird our republican form of government, including federalism and the separation of powers;

Whereas, in fostering this philosophy of law, Justice Thomas reinvigorated not only the jurisprudence of the United States, but also the democracy of the United States;

Whereas Justice Thomas has been a remarkably prolific Associate Justice, writing influential opinions on topics including constitutional law, administrative law, and civil rights;

Whereas, on August 10, 1846, in the name of founding an establishment for the increase and diffusion of knowledge, Congress established the Smithsonian Institution as a trust to be administered by a Board of Regents and a Secretary of the Smithsonian Institution;

Whereas diversity, including intellectual diversity, is a core value of the Smithsonian Institution and the museums of the Smithsonian Institution should capitalize on the richness inherent in differences;

Whereas, upon opening, the National Museum of African American History and Culture (in this preamble referred to as the “Museum”) is the only national museum devoted exclusively to the documentation of African American life, history, and culture;

Whereas the Museum omits the contribution made by Justice Thomas to the United States; and

Whereas the Senate is hopeful that the Museum will reflect that important contribution: Now, therefore, be it

*Resolved*, That it is the sense of the Senate that—

(1) Associate Justice Clarence Thomas is a historically significant African American who has—

(A) overcome great challenges;

(B) served his country honorably for more than 35 years; and

(C) made an important contribution to the United States, in particular the jurisprudence of the United States; and

(2) the life and work of Justice Thomas are an important part of the story of African Americans in the United States and should have a prominent place in the National Museum of African American History and Culture.

### AMENDMENTS SUBMITTED AND PROPOSED

SA 5127. Mr. MCCONNELL (for Mr. SHELBY (for himself and Mr. BROWN)) proposed an amendment to the bill H.R. 5602, to amend title 31, United States Code, to authorize the Secretary of the Treasury to include all

funds when issuing certain geographic targeting orders, and for other purposes.

SA 5128. Mr. MCCONNELL (for Mrs. ERNST) proposed an amendment to the bill S. 3336, to provide installation reutilization authority for arsenals, depots, and plants.

SA 5129. Mr. MCCONNELL (for Mrs. ERNST) proposed an amendment to the bill S. 3336, *supra*.

SA 5130. Mr. MANCHIN (for himself and Mr. BROWN) submitted an amendment intended to be proposed by him to the bill H.R. 34, to authorize and strengthen the tsunami detection, forecast, warning, research, and mitigation program of the National Oceanic and Atmospheric Administration, and for other purposes; which was ordered to lie on the table.

SA 5131. Ms. WARREN (for herself and Mr. MERKLEY) submitted an amendment intended to be proposed by her to the bill H.R. 34, *supra*; which was ordered to lie on the table.

SA 5132. Ms. WARREN submitted an amendment intended to be proposed by her to the bill H.R. 34, *supra*; which was ordered to lie on the table.

SA 5133. Mr. FLAKE submitted an amendment intended to be proposed by him to the bill H.R. 34, *supra*; which was ordered to lie on the table.

SA 5134. Mr. MERKLEY (for himself and Ms. WARREN) submitted an amendment intended to be proposed by him to the bill H.R. 34, *supra*; which was ordered to lie on the table.

SA 5135. Mr. MERKLEY submitted an amendment intended to be proposed by him to the bill H.R. 34, *supra*; which was ordered to lie on the table.

SA 5136. Mr. LEAHY (for himself, Mr. GRASSLEY, Ms. KLOBUCHAR, and Mr. LEE) submitted an amendment intended to be proposed by him to the bill H.R. 34, *supra*; which was ordered to lie on the table.

SA 5137. Mr. MCCONNELL (for himself and Mr. REID) proposed an amendment to the concurrent resolution H. Con. Res. 174, directing the Clerk of the House of Representatives to make a correction in the enrollment of H.R. 34.

## TEXT OF AMENDMENTS

SA 5127. Mr. MCCONNELL (for Mr. SHELBY (for himself and Mr. BROWN)) proposed an amendment to the bill H.R. 5602, to amend title 31, United States Code, to authorize the Secretary of the Treasury to include all funds when issuing certain geographic targeting orders, and for other purposes; as follows:

Strike all after the enacting clause and insert the following:

### TITLE I—ENHANCING ANTITERRORISM TOOLS OF THE DEPARTMENT OF THE TREASURY

#### SEC. 101. INCLUSION OF ALL FUNDS.

(a) IN GENERAL.—Section 5326 of title 31, United States Code, is amended—

(1) in the heading of such section, by striking “coin and currency”;

(2) in subsection (a)—

(A) by striking “subtitle and” and inserting “subtitle or to”; and

(B) in paragraph (1)(A), by striking “United States coins or currency (or such other monetary instruments as the Secretary may describe in such order)” and inserting “funds (as the Secretary may describe in such order).”; and

(3) in subsection (b)—

(A) in paragraph (1)(A), by striking “coins or currency (or monetary instruments)” and inserting “funds”; and

(B) in paragraph (2), by striking “coins or currency (or such other monetary instruments as the Secretary may describe in the regulation or order)” and inserting “funds (as the Secretary may describe in the regulation or order)”.

(b) CLERICAL AMENDMENT.—The table of contents for chapter 53 of title 31, United States Code, is amended in the item relating to section 5326 by striking “coin and currency”.

#### SEC. 102. IMPROVING ANTITERROR FINANCE MONITORING OF FUNDS TRANSFERS.

(a) STUDY.—

(1) IN GENERAL.—To improve the ability of the Department of the Treasury to better track cross-border fund transfers and identify potential financing of terrorist or other forms of illicit finance, the Secretary shall carry out a study to assess—

(A) the potential efficacy of requiring banking regulators to establish a pilot program to provide technical assistance to depository institutions and credit unions that wish to provide account services to money services businesses serving individuals in Somalia;

(B) whether such a pilot program could be a model for improving the ability of United States persons to make legitimate funds transfers through transparent and easily monitored channels while preserving strict compliance with the Bank Secrecy Act (Public Law 91–508; 84 Stat. 1114) and related controls aimed at stopping money laundering and the financing of terrorism; and

(C) consistent with current legal requirements regarding confidential supervisory information, the potential impact of allowing money services businesses to share certain State examination information with depository institutions and credit unions, or whether another appropriate mechanism could be identified to allow a similar exchange of information to give the depository institutions and credit unions a better understanding of whether an individual money services business is adequately meeting its anti-money laundering and counter-terror financing obligations to combat money laundering, the financing of terror, or related illicit finance.

(2) PUBLIC INPUT.—The Secretary should solicit and consider public input as appropriate in developing this study.

(b) REPORT.—Not later than 270 days after the date of the enactment of this Act, the Secretary shall submit to the Committee on Financial Services and the Committee on Foreign Affairs of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs and the Committee on Foreign Relations of the Senate a report that contains all findings and determinations made in carrying out the study required under subsection (a).

#### SEC. 103. SENSE OF CONGRESS ON INTERNATIONAL COOPERATION REGARDING TERRORIST FINANCING INTELLIGENCE.

It is the sense of the Congress that the Secretary, acting through the Under Secretary for Terrorism and Financial Crimes, should intensify work with foreign partners to help the foreign partners develop intelligence analytic capacities, in a finance ministry or other appropriate agency, that are—

(1) commensurate to the threats faced by the foreign partner; and

(2) designed to better integrate intelligence efforts with the anti-money laundering and counter-terrorist financing regimes of the foreign partner.

#### SEC. 104. EXAMINING THE COUNTER-TERROR FINANCING ROLE OF THE DEPARTMENT OF THE TREASURY IN EMBASSIES.

Not later than 180 days after the enactment of this Act, the Secretary shall submit to the Committee on Financial Services and the Committee on Foreign Affairs of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs and the Committee on Foreign Relations of the Senate a report that contains—

(1) a list of the United States embassies in which a full-time Department of the Treasury financial attaché is stationed and a description of how the interests of the Department of the Treasury relating to terrorist financing and money laundering are addressed (via regional attachés or otherwise) at US embassies where no such attachés are present;

(2) a list of the United States embassies at which the Department of the Treasury has assigned a technical assistance advisor from the Office of Technical Assistance of the Department of the Treasury;

(3) an overview of how Department of the Treasury financial attachés and technical assistance advisors assist in efforts to counter illicit finance, to include money laundering, terrorist financing, and proliferation financing; and

(4) an overview of patterns, trends, or other issues identified by Department of the Treasury attachés and whether resources are sufficient to address these issues.

### TITLE II—NATIONAL STRATEGY FOR COMBATING TERRORIST AND OTHER ILLICIT FINANCING

#### SEC. 201. DEVELOPMENT OF NATIONAL STRATEGY.

(a) IN GENERAL.—The President, acting through the Secretary shall, in consultation with the Attorney General, the Secretary of State, the Secretary of Homeland Security, the Director of National Intelligence, and the appropriate Federal banking agencies, develop a national strategy for combating the financing of terrorism and related forms of illicit finance.

(b) TRANSMITTAL TO CONGRESS.—

(1) IN GENERAL.—Not later than January 31, 2018, the President shall submit to the appropriate congressional committees a comprehensive national strategy developed in accordance with subsection (a).

(2) UPDATES.—Not later than January 31, 2020, and January 31, 2022, the President shall submit to the appropriate congressional committees updated versions of the national strategy submitted under paragraph (1).

(c) SEPARATE PRESENTATION OF CLASSIFIED MATERIAL.—Any part of the national strategy that involves information that is properly classified under criteria established by the President shall be submitted to the Congress separately in a classified annex and, if requested by the chairman or ranking Member of one of the appropriate congressional committees, as a briefing at an appropriate level of security.

#### SEC. 202. CONTENTS.

(a) IN GENERAL.—The strategy described in section 201 shall contain the following:

(1) EVALUATION OF EXISTING EFFORTS.—An assessment of the effectiveness of and ways in which the United States is currently addressing the highest levels of risk of various forms of illicit finance, including those identified in the documents entitled “2015 National Money Laundering Risk Assessment” and “2015 National Terrorist Financing Risk Assessment”, published by the Department of the Treasury and a description of how the strategy is integrated into, and supports, the broader counter terrorism strategy of the United States.

(2) **GOALS, OBJECTIVES, AND PRIORITIES.**—A comprehensive, research-based, long-range, quantifiable discussion of goals, objectives, and priorities for disrupting and preventing illicit finance activities within and transiting the financial system of the United States that outlines priorities to reduce the incidence, dollar value, and effects of illicit finance.

(3) **THREATS.**—An identification of the most significant illicit finance threats to the financial system of the United States.

(4) **REVIEWS AND PROPOSED CHANGES.**—Reviews of enforcement efforts, relevant regulations and relevant provisions of law and, if appropriate, discussions of proposed changes determined to be appropriate to ensure that the United States pursues coordinated and effective efforts at all levels of government, and with international partners of the United States, in the fight against illicit finance.

(5) **DETECTION AND PROSECUTION INITIATIVES.**—A description of efforts to improve detection and prosecution of illicit finance, including efforts to ensure that—

(A) subject to legal restrictions, all appropriate data collected by the Federal Government that is relevant to the efforts described in this section be available in a timely fashion to—

(i) all appropriate Federal departments and agencies; and

(ii) as appropriate and consistent with section 314 of the International Money Laundering Abatement and Financial Anti-Terrorism Act of 2001 (31 U.S.C. 5311 note), to financial institutions to assist the financial institutions in efforts to comply with laws aimed at curbing illicit finance; and

(B) appropriate efforts are undertaken to ensure that Federal departments and agencies charged with reducing and preventing illicit finance make thorough use of publicly available data in furtherance of this effort.

(6) **THE ROLE OF THE PRIVATE FINANCIAL SECTOR IN PREVENTION OF ILLICIT FINANCE.**—A discussion of ways to enhance partnerships between the private financial sector and Federal departments and agencies with regard to the prevention and detection of illicit finance, including—

(A) efforts to facilitate compliance with laws aimed at stopping such illicit finance while maintaining the effectiveness of such efforts; and

(B) providing guidance to strengthen internal controls and to adopt on an industry-wide basis more effective policies.

(7) **ENHANCEMENT OF INTERGOVERNMENTAL COOPERATION.**—A discussion of ways to combat illicit finance by enhancing—

(A) cooperative efforts between and among Federal, State, and local officials, including State regulators, State and local prosecutors, and other law enforcement officials;

(B) cooperative efforts with and between governments of countries and with and between multinational institutions, including the Financial Action Task Force, with expertise in fighting illicit finance.

(8) **TREND ANALYSIS OF EMERGING ILLICIT FINANCE THREATS.**—A discussion of and data regarding trends in illicit finance, including evolving forms of value transfer such as so-called cryptocurrencies, other methods that are computer, telecommunications, or Internet-based, cyber crime, or any other threats that the Secretary may choose to identify.

(9) **BUDGET PRIORITIES.**—A multiyear budget plan that identifies sufficient resources needed to successfully execute the full range of missions called for in this section.

(10) **TECHNOLOGY ENHANCEMENTS.**—An analysis of current and developing ways to leverage technology to improve the effectiveness of efforts to stop the financing of terrorism

and other forms of illicit finance, including better integration of open-source data.

### TITLE III—DEFINITIONS

#### SEC. 301. DEFINITIONS.

In this Act—

(1) the term “appropriate congressional committees” means—

(A) the Committee on Financial Services, the Committee on Foreign Affairs, the Committee on Armed Services, the Committee on the Judiciary, Committee on Homeland Security, and the Permanent Select Committee on Intelligence of the House of Representatives; and

(B) the Committee on Banking, Housing, and Urban Affairs, the Committee on Foreign Relations, Committee on Armed Services, Committee on the Judiciary, Committee on Homeland Security and Governmental Affairs, and the Select Committee on Intelligence of the Senate;

(2) the term “appropriate Federal banking agencies” has the meaning given the term in section 3 of the Federal Deposit Insurance Act (12 U.S.C. 1813);

(3) the term “Bank Secrecy Act” means—

(A) section 21 of the Federal Deposit Insurance Act (12 U.S.C. 1829b);

(B) chapter 2 of title I of Public Law 91-508 (12 U.S.C. 1951 et seq.); and

(C) subchapter II of chapter 53 of title 31, United States Code;

(4) the term “illicit finance” means the financing of terrorism, money laundering, or other forms of illicit financing domestically or internationally, as defined by the President;

(5) the term “money services business” has the meaning given the term under section 1010.100 of title 31, Code of Federal Regulations;

(6) the term “Secretary” means the Secretary of the Treasury; and

(7) the term “State” means each of the several States, the District of Columbia, and each territory or possession of the United States.

**SA 5128.** Mr. MCCONNELL (for Mrs. ERNST) proposed an amendment to the bill S. 3336, to provide installation reutilization authority for arsenals, depots, and plants; as follows:

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

#### SECTION 1. INSTALLATION REUTILIZATION AUTHORITY FOR ARSENALS, DEPOTS, AND PLANTS.

On page 1, line 6, strike “arsenal, the Secretary concerned” and insert “arsenal, depot, or plant, the Secretary of the Army”.

On page 2, line 4, insert “, depot, or plant” after “arsenal”.

On page 2, line 8, insert “, depot, or plant” after “arsenal”.

On page 2, line 12, insert “, depot, or plant” after “arsenal”.

On page 2, line 17, strike “Secretary concerned” and insert “Secretary of the Army”.

On page 2, line 21, insert “, depot, or plant” after “arsenal”.

On page 4, line 3, insert “, DEPOT, OR PLANT” after “ARSENAL”.

On page 4, line 5, insert “, depot, or plant” after “arsenal”.

On page 4, line 6, strike “Department of the Defense” and insert “Army”.

**SA 5129.** Mr. MCCONNELL (for Mrs. ERNST) proposed an amendment to the bill S. 3336, to provide installation reutilization authority for arsenals, depots, and plants; as follows:

Amend the title so as to read: “A bill to provide installation reutilization authority for arsenals, depots, and plants.”.

**SA 5130.** Mr. MANCHIN (for himself and Mr. BROWN) submitted an amendment intended to be proposed by him to the bill H.R. 34, to authorize and strengthen the tsunami detection, forecast, warning, research, and mitigation program of the National Oceanic and Atmospheric Administration, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

### TITLE XIX—MINERS PROTECTION

#### SEC. 19001. SHORT TITLE.

This title may be cited as the “Miners Protection Act of 2016”.

#### SEC. 19002. INCLUSION OF CERTAIN RETIREES IN THE MULTIEMPLOYER HEALTH BENEFIT PLAN.

(a) **IN GENERAL.**—Section 402 of the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1232) is amended—

(1) in subsection (h)(2)(C)—

(A) by striking “A transfer” and inserting the following:

“(i) **TRANSFER TO THE PLAN.**—A transfer”;

(B) by redesignating clauses (i) and (ii) as subclauses (I) and (II), respectively, and moving such subclauses 2 ems to the right; and

(C) by striking the matter following such subclause (II) (as so redesignated) and inserting the following:

“(ii) **CALCULATION OF EXCESS.**—The excess determined under clause (i) shall be calculated by taking into account only—

“(I) those beneficiaries actually enrolled in the Plan as of the date of the enactment of the Miners Protection Act of 2016 who are eligible to receive health benefits under the Plan on the first day of the calendar year for which the transfer is made, other than those beneficiaries enrolled in the Plan under the terms of a participation agreement with the current or former employer of such beneficiaries; and

“(II) those beneficiaries whose health benefits, defined as those benefits payable directly following death or retirement or upon a finding of disability by an employer in the bituminous coal industry under a coal wage agreement (as defined in section 9701(b)(1) of the Internal Revenue Code of 1986), would be denied or reduced as a result of a bankruptcy proceeding commenced in 2012 or 2015.

“(iii) **ELIGIBILITY OF CERTAIN RETIREES.**—Individuals referred to in clause (ii)(II) shall be treated as eligible to receive health benefits under the Plan.

“(iv) **REQUIREMENTS FOR TRANSFER.**—The amount of the transfer otherwise determined under this subparagraph for a fiscal year shall be reduced by any amount transferred for the fiscal year to the Plan, to pay benefits required under the Plan, from a voluntary employees’ beneficiary association established as a result of a bankruptcy proceeding described in clause (ii).

“(v) **VEBA TRANSFER.**—The administrator of such voluntary employees’ beneficiary association shall transfer to the Plan any amounts received as a result of such bankruptcy proceeding, reduced by an amount for administrative costs of such association.”; and

(2) in subsection (i)—

(A) by redesignating paragraph (4) as paragraph (5); and

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

“(4) **ADDITIONAL AMOUNTS.**—

“(A) **CALCULATION.**—If the dollar limitation specified in paragraph (3)(A) exceeds the aggregate amount required to be transferred under paragraphs (1) and (2) for a fiscal year, the Secretary of the Treasury shall transfer an additional amount equal to the difference

between such dollar limitation and such aggregate amount to the trustees of the 1974 UMW Pension Plan to pay benefits required under that plan.

“(B) CESSATION OF TRANSFERS.—The transfers described in subparagraph (A) shall cease as of the first fiscal year beginning after the first plan year for which the funded percentage (as defined in section 432(i)(2) of the Internal Revenue Code of 1986) of the 1974 UMW Pension Plan is at least 100 percent.

“(C) PROHIBITION ON BENEFIT INCREASES, ETC.—During a fiscal year in which the 1974 UMW Pension Plan is receiving transfers under subparagraph (A), no amendment of such plan which increases the liabilities of the plan by reason of any increase in benefits, any change in the accrual of benefits, or any change in the rate at which benefits become nonforfeitable under the plan may be adopted unless the amendment is required as a condition of qualification under part I of subchapter D of chapter 1 of the Internal Revenue Code of 1986.

“(D) TREATMENT OF TRANSFERS FOR PURPOSES OF WITHDRAWAL LIABILITY UNDER ERISA.—The amount of any transfer made under subparagraph (A) (and any earnings attributable thereto) shall be disregarded in determining the unfunded vested benefits of the 1974 UMW Pension Plan and the allocation of such unfunded vested benefits to an employer for purposes of determining the employer's withdrawal liability under section 4201.

“(E) REQUIREMENT TO MAINTAIN CONTRIBUTION RATE.—A transfer under subparagraph (A) shall not be made for a fiscal year unless the persons that are obligated to contribute to the 1974 UMW Pension Plan on the date of the transfer are obligated to make the contributions at rates that are no less than those in effect on the date which is 30 days before the date of enactment of the Miners Protection Act of 2016.

“(F) ENHANCED ANNUAL REPORTING.—

“(i) IN GENERAL.—Not later than the 90th day of each plan year beginning after the date of enactment of the Miners Protection Act of 2016, the trustees of the 1974 UMW Pension Plan shall file with the Secretary of the Treasury or the Secretary's delegate and the Pension Benefit Guaranty Corporation a report (including appropriate documentation and actuarial certifications from the plan actuary, as required by the Secretary of the Treasury or the Secretary's delegate) that contains—

“(I) whether the plan is in endangered or critical status under section 305 of the Employee Retirement Income Security Act of 1974 and section 432 of the Internal Revenue Code of 1986 as of the first day of such plan year;

“(II) the funded percentage (as defined in section 432(i)(2) of such Code) as of the first day of such plan year, and the underlying actuarial value of assets and liabilities taken into account in determining such percentage;

“(III) the market value of the assets of the plan as of the last day of the plan year preceding such plan year;

“(IV) the total value of all contributions made during the plan year preceding such plan year;

“(V) the total value of all benefits paid during the plan year preceding such plan year;

“(VI) cash flow projections for such plan year and either the 6 or 10 succeeding plan years, at the election of the trustees, and the assumptions relied upon in making such projections;

“(VII) funding standard account projections for such plan year and the 9 succeeding plan years, and the assumptions relied upon in making such projections;

“(VIII) the total value of all investment gains or losses during the plan year preceding such plan year;

“(IX) any significant reduction in the number of active participants during the plan year preceding such plan year, and the reason for such reduction;

“(X) a list of employers that withdrew from the plan in the plan year preceding such plan year, and the resulting reduction in contributions;

“(XI) a list of employers that paid withdrawal liability to the plan during the plan year preceding such plan year and, for each employer, a total assessment of the withdrawal liability paid, the annual payment amount, and the number of years remaining in the payment schedule with respect to such withdrawal liability;

“(XII) any material changes to benefits, accrual rates, or contribution rates during the plan year preceding such plan year;

“(XIII) any scheduled benefit increase or decrease in the plan year preceding such plan year having a material effect on liabilities of the plan;

“(XIV) details regarding any funding improvement plan or rehabilitation plan and updates to such plan;

“(XV) the number of participants and beneficiaries during the plan year preceding such plan year who are active participants, the number of participants and beneficiaries in pay status, and the number of terminated vested participants and beneficiaries;

“(XVI) the information contained on the most recent annual funding notice submitted by the plan under section 101(f) of the Employee Retirement Income Security Act of 1974;

“(XVII) the information contained on the most recent Department of Labor Form 5500 of the plan; and

“(XVIII) copies of the plan document and amendments, other retirement benefit or ancillary benefit plans relating to the plan and contribution obligations under such plans, a breakdown of administrative expenses of the plan, participant census data and distribution of benefits, the most recent actuarial valuation report as of the plan year, copies of collective bargaining agreements, and financial reports, and such other information as the Secretary of the Treasury or the Secretary's delegate, in consultation with the Secretary of Labor and the Director of the Pension Benefit Guaranty Corporation, may require.

“(i) ELECTRONIC SUBMISSION.—The report required under clause (i) shall be submitted electronically.

“(iii) INFORMATION SHARING.—The Secretary of the Treasury or the Secretary's delegate shall share the information in the report under clause (i) with the Secretary of Labor.

“(iv) PENALTY.—Any failure to file the report required under clause (i) on or before the date described in such clause shall be treated as a failure to file a report required to be filed under section 6058(a) of the Internal Revenue Code of 1986, except that section 6652(e) of such Code shall be applied with respect to any such failure by substituting ‘\$100’ for ‘\$25’. The preceding sentence shall not apply if the Secretary of the Treasury or the Secretary's delegate determines that reasonable diligence has been exercised by the trustees of such plan in attempting to timely file such report.

“(G) 1974 UMW PENSION PLAN DEFINED.—For purposes of this paragraph, the term ‘1974 UMW Pension Plan’ has the meaning given the term in section 9701(a)(3) of the Internal Revenue Code of 1986, but without regard to the limitation on participation to individuals who retired in 1976 and thereafter.”.

(b) EFFECTIVE DATES.—

(1) IN GENERAL.—The amendments made by this section shall apply to fiscal years beginning after September 30, 2016.

(2) REPORTING REQUIREMENTS.—Section 402(i)(4)(F) of the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1232(i)(4)(F)), as added by this section, shall apply to plan years beginning after the date of the enactment of this Act.

#### SEC. 19003. CLARIFICATION OF FINANCING OBLIGATIONS.

(a) IN GENERAL.—Subsection (a) of section 9704 of the Internal Revenue Code of 1986 is amended—

(1) by striking paragraph (3),

(2) by striking “three premiums” and inserting “two premiums”, and

(3) by striking “, plus” at the end of paragraph (2) and inserting a period.

(b) CONFORMING AMENDMENTS.—

(1) Section 9704 of the Internal Revenue Code of 1986 is amended—

(A) by striking subsection (d), and

(B) by redesignating subsections (e) through (j) as subsections (d) through (i), respectively.

(2) Subsection (d) of section 9704 of such Code, as so redesignated, is amended—

(A) by striking “3 separate accounts for each of the premiums described in subsections (b), (c), and (d)” in paragraph (1) and inserting “2 separate accounts for each of the premiums described in subsections (b) and (c)”, and

(B) by striking “or the unassigned beneficiary premium account” in paragraph (3)(B).

(3) Subclause (I) of section 9703(b)(2)(C)(ii) of such Code is amended by striking “9704(e)(3)(B)(i)” and inserting “9704(d)(3)(B)(i)”.

(4) Paragraph (3) of section 9705(a) of such Code is amended—

(A) by striking “the unassigned beneficiary premium under section 9704(a)(3) and” in subparagraph (B), and

(B) by striking “9704(i)(1)(B)” and inserting “9704(h)(1)(B)”.

(5) Paragraph (2) of section 9711(c) of such Code is amended—

(A) by striking “9704(j)(2)” in subparagraph (A)(i) and inserting “9704(i)(2)”,

(B) by striking “9704(j)(2)(B)” in subparagraph (B) and inserting “9704(i)(2)(B)”, and

(C) by striking “9704(j)” and inserting “9704(i)”.

(6) Paragraph (4) of section 9712(d) of such Code is amended by striking “9704(j)” and inserting “9704(i)”.

(c) ELIMINATION OF ADDITIONAL BACKSTOP PREMIUM.—

(1) IN GENERAL.—Paragraph (1) of section 9712(d) of the Internal Revenue Code of 1986 is amended by striking subparagraph (C).

(2) CONFORMING AMENDMENT.—Paragraph (2) of section 9712(d) of such Code is amended—

(A) by striking subparagraph (B),

(B) by striking “, and” at the end of subparagraph (A) and inserting a period, and

(C) by striking “shall provide for—” and all that follows through “annual adjustments” and inserting “shall provide for annual adjustments”.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to plan years beginning after September 30, 2016.

#### SEC. 19004. CUSTOMS USER FEES.

(a) IN GENERAL.—Section 13031(j)(3)(A) of the Consolidated Omnibus Budget Reconciliation Act of 1985 (19 U.S.C. 58c(j)(3)(A)) is amended by striking “September 30, 2025” and inserting “May 6, 2026”.

(b) RATE FOR MERCHANDISE PROCESSING FEES.—Section 503 of the United States-Korea Free Trade Agreement Implementation Act (Public Law 112-41; 19 U.S.C. 3805

note) is amended by striking “September 30, 2025” and inserting “May 6, 2026”.

**SA 5131.** Ms. WARREN (for herself and Mr. MERKLEY) submitted an amendment intended to be proposed by her to the bill H.R. 34, to authorize and strengthen the tsunami detection, forecast, warning, research, and mitigation program of the National Oceanic and Atmospheric Administration, and for other purposes; which was ordered to lie on the table; as follows:

Strike section 3037.

**SA 5132.** Ms. WARREN submitted an amendment intended to be proposed by her to the bill H.R. 34, to authorize and strengthen the tsunami detection, forecast, warning, research, and mitigation program of the National Oceanic and Atmospheric Administration, and for other purposes; which was ordered to lie on the table; as follows:

Strike section 3033.

**SA 5133.** Mr. FLAKE submitted an amendment intended to be proposed by him to the bill H.R. 34, to authorize and strengthen the tsunami detection, forecast, warning, research, and mitigation program of the National Oceanic and Atmospheric Administration, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

**DIVISION C—FEDERAL RESEARCH TRANSPARENCY AND ACCOUNTABILITY**

**SEC. 20001. SHORT TITLE.**

This division may be cited as the “Federal Research Transparency and Accountability Act of 2016”.

**SEC. 20002. DEFINITIONS.**

In this division—

(1) the term “agency” has the meaning given the term in section 551 of title 5, United States Code; and

(2) the term “covered study” means any study that—

(A) is carried out in whole or in part with Federal funds; and

(B) is published, presented at a conference or meeting, or otherwise made publicly available.

**SEC. 20003. FEDERALLY FUNDED RESEARCH DISCLOSURES AND DATABASE.**

(a) **PREVENTION OF DUPLICATIVE RESEARCH FUNDING.**—The Director of the Office of Management and Budget shall coordinate with each agency that provides funding to entities to carry out research and development to establish a system to detect potential duplicative applications for funding in order to prevent duplicative funding.

(b) **DATABASE OF FEDERALLY FUNDED RESEARCH AND DEVELOPMENT.**—

(1) **IN GENERAL.**—Each agency shall include in a publicly accessible database a searchable listing of each unclassified research and development project that is funded by the agency, including a contract, grant, cooperative agreement, or task order.

(2) **CONTENTS.**—A database described in paragraph (1) shall, with respect to each unclassified research and development project of an agency, contain—

(A) the agency component that is carrying out or providing funding or other assistance for the project;

(B) the name of the project;

(C) an abstract or summary of the project;

(D) the funding level for the project;

(E) the duration of the project;

(F) the name of any contractor, subcontractor, or grantee;

(G) the title of any published study funded by or related to the project; and

(H) expected objectives and milestones for the project.

(3) **EXISTING DATABASE.**—An agency may satisfy the requirements under this subsection if the Director of the Office of Management and Budget determines that the agency maintains a publicly accessible database, including a database operated by or shared with another agency, that substantially meets the requirements of this subsection.

(c) **REQUIREMENT FOR ACKNOWLEDGMENT IN COVERED STUDIES.**—The acknowledgment section in each covered study shall include—

(1) the name of each agency that provided funding for the covered study;

(2) the project or award number associated with the covered study; and

(3) an estimate of the total cost of the covered study.

(d) **STUDY.**—Not later than 2 years after the date of enactment of this Act, the Comptroller General of the United States shall conduct a study and make publicly available a report, which shall—

(1) analyze the compliance of agencies, contractors, subcontractors, and grantees with the requirements of this division;

(2) identify any obstacles that remain to prevent the public from accessing the cost and findings of covered studies and other research and development projects funded by agencies; and

(3) analyze efforts by agencies to prevent duplicative spending.

**SA 5134.** Mr. MERKLEY (for himself and Ms. WARREN) submitted an amendment intended to be proposed by him to the bill H.R. 34, to authorize and strengthen the tsunami detection, forecast, warning, research, and mitigation program of the National Oceanic and Atmospheric Administration, and for other purposes; which was ordered to lie on the table; as follows:

Strike sections 5009 and 5011.

**SA 5135.** Mr. MERKLEY submitted an amendment intended to be proposed by him to the bill H.R. 34, to authorize and strengthen the tsunami detection, forecast, warning, research, and mitigation program of the National Oceanic and Atmospheric Administration, and for other purposes; which was ordered to lie on the table; as follows:

Strike sections 5002, 5003, 5004, and 5012 of division A.

**SA 5136.** Mr. LEAHY (for himself, Mr. GRASSLEY, Ms. KLOBUCHAR, and Mr. LEE) submitted an amendment intended to be proposed by him to the bill H.R. 34, to authorize and strengthen the tsunami detection, forecast, warning, research, and mitigation program of the National Oceanic and Atmospheric Administration, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title III of division A, add the following:

**Subtitle K—CREATES Act**

**SEC. 3201. SHORT TITLE.**

This subtitle may be cited as the “Creating and Restoring Equal Access to Equivalent Samples Act of 2016” or the “CREATES Act of 2016”.

**SEC. 3202. FINDINGS.**

Congress finds the following:

(1) It is the policy of the United States to promote competition in the market for drugs and biological products by facilitating the timely entry of low-cost generic and biosimilar versions of those drugs and biological products.

(2) Since their enactment in 1984 and 2010, respectively, the Drug Price Competition and Patent Term Restoration Act of 1984 (Public Law 98–417; 98 Stat. 1585) and the Biologics Price Competition and Innovation Act of 2009 (Subtitle A of title VII of Public Law 111–148; 124 Stat. 804), have provided pathways for making lower-cost versions of previously approved drugs and previously licensed biological products available to the people of the United States in a timely manner, thereby lowering overall prescription drug costs for patients and taxpayers by billions of dollars each year.

(3) In order for these pathways to function as intended, developers of generic drugs and biosimilar biological products (referred to in this section as “generic product developers”) must be able to obtain quantities of the reference listed drug or biological product with which the generic drug or biosimilar biological product is intended to compete (referred to in this section as a “covered product”) for purposes of supporting an application for approval by the Food and Drug Administration, including for testing to show that—

(A) a prospective generic drug is bioequivalent to the covered product in accordance with subsection (j) of section 505 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355), or meets the requirements for approval of an application submitted under subsection (b)(2) of that section; or

(B) a prospective biosimilar biological product is biosimilar to or interchangeable with its reference biological product under section 351(k) of the Public Health Service Act (42 U.S.C. 262(k)), as applicable.

(4) For drugs and biological products that are subject to a risk evaluation and mitigation strategy, another essential component in the creation of low-cost generic and biosimilar versions of covered products is the ability of generic product developers to join the manufacturer of the covered product (referred to in this section as the “license holder”) in a single, shared system of elements to assure safe use and supporting agreements, or secure a variance therefrom, as required by section 505–1 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355–1).

(5) Contrary to the policy of the United States to promote competition in the market for drugs and biological products by facilitating the timely entry of lower-cost generic and biosimilar versions of those drugs and biological products, certain license holders are preventing generic product developers from obtaining quantities of the covered product necessary for the generic product developer to support an application for approval by the Food and Drug Administration, including testing to show bioequivalence, biosimilarity, or interchangeability to the covered product, in some instances based on the justification that the covered product is subject to a risk evaluation and mitigation strategy with elements to assure safe use under section 505–1 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355–1).

(6) The Director of the Center for Drug Evaluation and Research at the Food and Drug Administration has testified that some manufacturers of covered products have used REMS and distribution restrictions adopted by the manufacturer on their own behalf as reasons to not sell quantities of a covered product to generic product developers, causing barriers and delays in getting generic products on the market. The Food and Drug



Administration has reported receiving significant numbers of inquiries from generic product developers who were unable to obtain samples of covered products to conduct necessary testing and otherwise meet requirements for approval of generic drugs.

(7) The Chairwoman of the Federal Trade Commission has testified that the Federal Trade Commission continues to be very concerned about potential abuses by manufacturers of brand drugs of REMS or other closed distribution systems to impede generic competition.

(8) Also contrary to the policy of the United States to promote competition in the market for drugs and biological products by facilitating the timely entry of lower-cost generic and biosimilar versions of those drugs and biological products, certain license holders are impeding the prompt negotiation and development on commercially reasonable terms of a single, shared system of elements to assure safe use, which may be necessary for the generic product developer to gain approval for its drug or licensing for its biological product.

(9) While the antitrust laws may address the refusal by some license holders to provide quantities of a covered product to a generic product developer, a more tailored legal pathway would help ensure that generic product developers can obtain necessary quantities of a covered product in a timely way for purposes of developing a generic drug or biosimilar biological product, facilitating competition in the marketplace for drugs and biological products.

(10) The antitrust laws may address actions by license holders who impede the prompt negotiation and development of a single, shared system of elements to assure safe use, and the Food and Drug Administration has some authority to waive the requirement of a single, shared system. Clearer regulatory authority to approve different systems that meet the statutory requirements to ensure patient safety, however, would limit the effectiveness of bad faith negotiations over single, shared systems to delay generic approval. At the same time, clearer regulatory authority would ensure all systems protect patient safety.

#### **SEC. 3203. ACTIONS FOR DELAYS OF GENERIC DRUGS AND BIOSIMILAR BIOLOGICAL PRODUCTS.**

(a) **DEFINITIONS.**—In this section—

(1) the term “covered product”—

(A) means—

(i) any drug approved under subsection (b) or (j) of section 505 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355) or biological product licensed under subsection (a) or (k) of section 351 of the Public Health Service Act (42 U.S.C. 262);

(ii) any combination of a drug or biological product described in clause (i); or

(iii) when reasonably necessary to demonstrate sameness, biosimilarity, or interchangeability for purposes of section 505 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355), or section 351 of the Public Health Service Act (42 U.S.C. 262), as applicable, any product, including any device, that is marketed or intended for use with such drug or biological product; and

(B) does not include any drug or biological product that the Secretary has determined to be currently in shortage and that appears on the drug shortage list in effect under section 506E of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 356e), unless the shortage will not be promptly resolved—

(i) as demonstrated by the fact that the drug or biological product has been in shortage for more than 6 months; or

(ii) as otherwise determined by the Secretary;

(2) the term “device” has the meaning given the term in section 201 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321);

(3) the term “eligible product developer” means a person that seeks to develop a product for approval pursuant to an application for approval under subsection (b)(2) or (j) of section 505 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355) or for licensing pursuant to an application under section 351(k) of the Public Health Service Act (42 U.S.C. 262(k));

(4) the term “license holder” means the holder of an application approved under subsection (c) or (j) of section 505 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355) or the holder of a license under subsection (a) or (k) of section 351 of the Public Health Service Act (42 U.S.C. 262) for a covered product;

(5) the term “REMS” means a risk evaluation and mitigation strategy under section 505-1 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355-1);

(6) the term “REMS with ETASU” means a REMS that contains elements to assure safe use under section 505-1 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355-1);

(7) the term “Secretary” means the Secretary of Health and Human Services;

(8) the term “single, shared system of elements to assure safe use” means a single, shared system of elements to assure safe use under section 505-1 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355-1); and

(9) the term “sufficient quantities” means an amount of a covered product that allows the eligible product developer to—

(A) conduct testing to support an application—

(i) for approval under subsection (b)(2) or (j) of section 505 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355); or

(ii) for licensing under section 351(k) of the Public Health Service Act (42 U.S.C. 262(k)); and

(B) fulfill any regulatory requirements relating to such an application for approval or licensing.

(b) **CIVIL ACTION FOR FAILURE TO PROVIDE SUFFICIENT QUANTITIES OF A COVERED PRODUCT.**—

(1) **IN GENERAL.**—An eligible product developer may bring a civil action against the license holder for a covered product seeking relief under this subsection in an appropriate district court of the United States alleging that the license holder has declined to provide sufficient quantities of the covered product to the eligible product developer on commercially reasonable, market-based terms.

(2) **ELEMENTS.**—

(A) **IN GENERAL.**—To prevail in a civil action brought under paragraph (1), an eligible product developer shall prove, by a preponderance of the evidence—

(i) that—

(I) the covered product is not subject to a REMS with ETASU; or

(II) if the covered product is subject to a REMS with ETASU—

(aa) the eligible product developer has obtained a covered product authorization from the Secretary in accordance with subparagraph (B); and

(bb) the eligible product developer has provided a copy of the covered product authorization to the license holder;

(ii) that, as of the date on which the civil action is filed, the product developer has not obtained sufficient quantities of the covered product on commercially reasonable, market-based terms;

(iii) that the eligible product developer has requested to purchase sufficient quantities of the covered product from the license holder; and

(iv) that the license holder has not delivered to the eligible product developer sufficient quantities of the covered product on commercially reasonable, market-based terms—

(I) for a covered product that is not subject to a REMS with ETASU, by the date that is 31 days after the date on which the license holder received the request for the covered product; and

(II) for a covered product that is subject to a REMS with ETASU, by 31 days after the later of—

(aa) the date on which the license holder received the request for the covered product; or

(bb) the date on which the license holder received a copy of the covered product authorization issued by the Secretary in accordance with subparagraph (B).

(B) **AUTHORIZATION FOR COVERED PRODUCT SUBJECT TO A REMS WITH ETASU.**—

(i) **REQUEST.**—An eligible product developer may submit to the Secretary a written request for the eligible product developer to be authorized to obtain sufficient quantities of an individual covered product subject to a REMS with ETASU.

(ii) **AUTHORIZATION.**—Not later than 90 days after the date on which a request under clause (i) is received, the Secretary shall, by written notice, authorize the eligible product developer to obtain sufficient quantities of an individual covered product subject to a REMS with ETASU for purposes of—

(I) development and testing that does not involve human clinical trials, if the eligible product developer has agreed to comply with any conditions the Secretary determines necessary; or

(II) development and testing that involves human clinical trials, if the eligible product developer has—

(aa)(AA) submitted protocols, informed consent documents, and informational materials for testing that include protections that provide safety protections comparable to those provided by the REMS for the covered product; or

(BB) otherwise satisfied the Secretary that such protections will be provided; and

(bb) met any other requirements the Secretary may establish.

(iii) **NOTICE.**—A covered product authorization issued under this subparagraph shall state that the provision of the covered product by the license holder under the terms of the authorization will not be a violation of the REMS for the covered product.

(3) **AFFIRMATIVE DEFENSE.**—In a civil action brought under paragraph (1), it shall be an affirmative defense, on which the defendant has the burden of persuasion by a preponderance of the evidence—

(A) that, on the date on which the eligible product developer requested to purchase sufficient quantities of the covered product from the license holder—

(i) neither the license holder nor any of its agents, wholesalers, or distributors was engaged in the manufacturing or commercial marketing of the covered product; and

(ii) neither the license holder nor any of its agents, wholesalers, or distributors otherwise had access to inventory of the covered product to supply to the eligible product developer on commercially reasonable, market-based terms; or

(B) that—

(i) the license holder sells the covered product through agents, distributors, or wholesalers;

(ii) the license holder has placed no restrictions, explicit or implicit, on its agents, distributors, or wholesalers to sell covered products to eligible product developers; and

(iii) the covered product can be purchased by the eligible product developer in sufficient quantities on commercially reasonable, market-based terms from the agents, distributors, or wholesalers of the license holder.

(4) REMEDIES.—

(A) IN GENERAL.—If an eligible product developer prevails in a civil action brought under paragraph (1), the court shall—

(i) order the license holder to provide to the eligible product developer without delay sufficient quantities of the covered product on commercially reasonable, market-based terms;

(ii) award to the eligible product developer reasonable attorney fees and costs of the civil action; and

(iii) award to the eligible product developer a monetary amount sufficient to deter the license holder from failing to provide other eligible product developers with sufficient quantities of a covered product on commercially reasonable, market-based terms, if the court finds, by a preponderance of the evidence—

(I) that the license holder delayed providing sufficient quantities of the covered product to the eligible product developer without a legitimate business justification; or

(II) that the license holder failed to comply with an order issued under clause (i).

(B) MAXIMUM MONETARY AMOUNT.—A monetary amount awarded under subparagraph (A)(iii) shall not be greater than the revenue that the license holder earned on the covered product during the period—

(i) beginning on—

(I) for a covered product that is not subject to a REMS with ETASU, the date that is 31 days after the date on which the license holder received the request; or

(II) for a covered product that is subject to a REMS with ETASU, the date that is 31 days after the later of—

(aa) the date on which the license holder received the request; or

(bb) the date on which the license holder received a copy of the covered product authorization issued by the Secretary in accordance with paragraph (2)(B); and

(ii) ending on the date on which the eligible product developer received sufficient quantities of the covered product.

(C) AVOIDANCE OF DELAY.—The court may issue an order under subparagraph (A)(i) before conducting further proceedings that may be necessary to determine whether the eligible product developer is entitled to an award under clause (ii) or (iii) of subparagraph (A), or the amount of any such award.

(C) LIMITATION OF LIABILITY.—A license holder for a covered product shall not be liable for any claim arising out of the failure of an eligible product developer to follow adequate safeguards to assure safe use of the

covered product during development or testing activities described in this section, including transportation, handling, use, or disposal of the covered product by the eligible product developer.

(d) RULE OF CONSTRUCTION.—

(1) DEFINITION.—In this subsection, the term “antitrust laws” —

(A) has the meaning given the term in subsection (a) of the first section of the Clayton Act (15 U.S.C. 12); and

(B) includes section 5 of the Federal Trade Commission Act (15 U.S.C. 45) to the extent that such section applies to unfair methods of competition.

(2) ANTITRUST LAWS.—Nothing in this section shall be construed to limit the operation of any provision of the antitrust laws.

**SEC. 3204. REMS APPROVAL PROCESS FOR SUBSEQUENT FILERS.**

Section 505-1 of the Federal Food Drug and Cosmetic Act (21 U.S.C. 355-1) is amended—

(1) in subsection (g)(4)(B)—

(A) in clause (i) by striking “or” after the semicolon;

(B) in clause (ii) by striking the period at the end and inserting “; or”; and

(C) by adding at the end the following:

“(iii) accommodate different approved risk evaluation and mitigation strategies for a reference drug product and a drug that is the subject of an abbreviated new drug application.”; and

(2) in subsection (i)(1), by striking subparagraph (B) and inserting the following:

“(B) Elements to assure safe use, if required under subsection (f) for the listed drug.

“(1) Subject to clause (ii), a drug that is the subject of an abbreviated new drug application may use—

“(I) a single, shared system with the listed drug under subsection (f); or

“(II) a different, comparable aspect of the elements to assure safe use under subsection (f).

“(ii) The Secretary may require a drug that is the subject of an abbreviated new drug application and the listed drug to use a single, shared system under subsection (f), if the Secretary determines that no different, comparable aspect of the elements to assure safe use could satisfy the requirements of subsection (f).”.

**SA 5137.** Mr. McCONNELL (for himself and Mr. REID) proposed an amendment to the concurrent resolution H. Con. Res. 174, directing the Clerk of the House of Representatives to make a correction in the enrollment of H.R. 34; as follows:

Beginning on page 1, line 7, strike “following correction:” and all that follows and insert the following:  
“following corrections:

“(1) Amend the long title so as to read: ‘An Act to accelerate the discovery, development, and delivery of 21st century cures, and for other purposes.’.

“(2) Amend the section heading for section 1001 so as to read: ‘**BEAU BIDEN CANCER MOONSHOT AND NIH INNOVATION PROJECTS**’.

“(3) Amend the table of contents in section 1 so that the item relating to section 1001 reads as follows:

“‘1001. Beau Biden Cancer Moonshot and NIH innovation projects.’”.

**ACTION VITIATED—H.R. 5602, S. 3336, AND CALENDAR NOS. 675 THROUGH 683**

Mr. MORAN. Mr. President, I ask unanimous consent to vitiate all action taken during today’s session of the Senate on H.R. 5602, S. 3336, and Calendar Nos. 675 through 683.

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

**ORDERS FOR TUESDAY,  
DECEMBER 6, 2016**

Mr. MORAN. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 10 a.m., Tuesday, December 6; that following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, and the time for the two leaders be reserved for their use later in the day; further, that following leader remarks, the Senate resume consideration of the House message to accompany H.R. 34 postcloture; finally, that all time during adjournment and recess of the Senate count postcloture on the motion to concur.

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

**ADJOURNMENT UNTIL 10 A.M.  
TOMORROW**

Mr. MORAN. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that it stand adjourned under the previous order.

There being no objection, the Senate, at 6:52 p.m., adjourned until Tuesday, December 6, 2016, at 10 a.m.