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House of Representatives

The House was not in session today. Its next meeting will be held on Monday, April 11, 2016, at 3:30 p.m.

Senate

MONDAY, APRIL 4, 2016

The Senate met at 3 p.m. and was called to order by the Honorable BILL CASSIDY, a Senator from the State of Louisiana.

PRAYER

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

Let us pray.

Worthy God, unto whom all hearts are opened, all desires known, and from whom no secrets are hidden, we praise Your Holy Name. You commanded light to shine out of darkness and gave us the gift of this day. Lord, we borrow our heartbeats from You; great is Your faithfulness.

Help our lawmakers to take the long view of their work and to not become weary in doing Your will. Teach them to trust Your wisdom, opening their minds to the counsels of Your sacred Word. Give them the graciousness to humbly serve one another, following Your example of lowliness. Lord, keep them always within the circle of Your will.

We pray in Your loving Name. Amen.

PLEDGE OF ALLEGIANCE

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

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

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

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

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, April 4, 2016.

To the Senate:

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

ORRIN G. HATCH,
President pro tempore.

Mr. CASSIDY thereupon assumed the Chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

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

THANKING OUR CAPITOL POLICE OFFICERS AND WELCOMING CHIEF MATTHEW VERDEROSA

Mr. MCCONNELL. Mr. President, I welcome our colleagues back from their State work periods. The Senate has gotten a lot done under the new majority, and we will continue our work today.

First, I want to remember the daily sacrifice of our Capitol Police in light of the incident last Monday. Incidents like these remind us of the sacrifices officers make on our behalf each and every day. These brave men and women protect all who work here. They protect the countless visitors from across our Nation and across the world. They defend this symbol of our democracy, and that means putting themselves in harm's way day in and day out. Again, we thank them for it.

We also welcome Capitol Police Chief Matthew Verderosa. Chief Verderosa comes to us with more than three decades of law enforcement experience, and that is a good thing given that this incident occurred just days into his new position. The Chief inherits an able, brave team who works hard every day to keep us safe. We look forward to continuing our close working relationship with the Capitol Police under his leadership.

DEFEND TRADE SECRETS BILL

Mr. MCCONNELL. Mr. President, today the Senate will vote on the Defend Trade Secrets Act. This bipartisan legislation can help promote growth of the economy, help spur the increase and retention of American jobs, and help protect American innovation in the global economy. It aims to do so by providing tools for American companies both small and large to effectively protect some of their most valuable assets in today's international economy.

American companies spend billions every year on research and development and in the creation of products we use every day. But some thieves would rather not go through the trouble of developing products themselves; they would rather just steal the fruits of others' creativity and innovation. That is more than just wrong; it puts American jobs and the American economy at risk.

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

American businesses find themselves increasingly under attack from a sophisticated effort to steal the very things that give them a competitive edge in the 21st-century economy—things such as codes, formulas, and confidential manufacturing processes. While it has never been easier for these thieves to launch attacks on innovation, sometimes armed with little more than a jump drive, many American businesses now find themselves less able to protect their important assets under current law.

Senator HATCH knew we had to do something about this. He knew it was time to modernize our trade secret laws to keep pace with rapid advances in technology and in criminal techniques. He knew it was time to streamline and simplify the process for U.S. companies to effectively defend American jobs, American growth, and the American innovation that is increasingly at the heart of our modern economy. Senator HATCH worked across the aisle with Senator COONS to develop the Defend Trade Secrets Act. This bipartisan legislation eventually gained the cosponsorship of a majority of the Senate.

This bipartisan legislation also passed the Judiciary Committee unanimously. That is impressive, and it wouldn't have happened without the able leadership of the chairman of that committee, Senator GRASSLEY from Iowa. Since the new majority took office, Senator GRASSLEY has been a highly effective legislator as chairman of the Judiciary Committee. From comprehensive legislation to address America's opioid epidemic, to protecting the victims of modern slavery, to today's effort to support American innovation, he has received widespread praise from both sides of the aisle for leading a very productive committee. Senator GRASSLEY is a hard worker, and he is again winning kudos on this bill.

The organization that represents America's tech sector said that ''the committee's process has been very open and thoughtful.'' A broad cross section of American businesses wrote that ''the approach to the bill has been consensus-oriented.'' This, they said, ''led to broad and enthusiastic support from a wide range of American organizations and companies . . . representing the technology, medical device, agriculture, biotech, pharmaceutical, automobile, clean energy, consumer products and manufacturing sectors.''

Here is what I say: Today's trade secret theft is high-tech. It is fast moving, and it threatens America's economy, America's jobs, and America's innovation.

I ask that my colleagues join me this evening in voting to fight back on behalf of the American people. I ask them to join me in supporting the bipartisan Defend Trade Secrets Act.

TERRORIST THREATS

Mr. MCCONNELL. Mr. President, in recent weeks we have again been reminded of the pervasive threat posed by Islamic terrorists to the world. We have seen ghastly images in places as diverse as Brussels, Yemen, and Lahore. Attacks seem to be coming nearly weekly now, and it feels as if we hear of a new one almost every time we flip on the news.

Over the weekend, the chairman of the Intelligence Committee delivered an address focused on the threat facing us and what we can ultimately do to overcome it. Senator BURR noted that he could not remember a time when the United States and its allies faced a greater array of threats across the world, which is why, as he put it, ''we cannot simply focus our efforts on how to best respond to attacks once they've already happened.'' Senator BURR spoke on the significance of working with our allies to target threats at every level. He talked about the importance of ensuring that law enforcement has the tools and authorities needed to keep Americans safe. He also underlined the need for President Obama to do more in directly taking on ISIL and made clear that doing so would require leadership that reached beyond the administration's current containment strategy.

It is clear that defeating ISIL, Al Qaeda, and its affiliates will require concerted action by our military, the intelligence community, and international partners around the globe. That is why we have continued to press the administration for a serious plan to defeat these terrorist groups and not simply attempt to contain them. In addition to the ongoing air campaign, the President has lauded deploying special operations forces to target and pursue ISIL. It is a positive step, but a credible ground force will be needed to defeat ISIL.

As Senator BURR put it, ''We're beyond containment and must move decisively and with purpose to eliminate the Islamic State.''

''The President,'' he continued, has accurately stated ''that 'ISIL poses a threat to the entire civilized world.' Now is the time for our strategy to match that threat.''

AMERICA'S SMALL BUSINESS TAX RELIEF ACT OF 2015—MOTION TO PROCEED

Mr. MCCONNELL. Mr. President, I move to proceed to H.R. 636, the vehicle we will use for FAA reauthorization.

The ACTING PRESIDENT pro tempore. The clerk will report the motion.

The legislative clerk read as follows:

Motion to proceed to Calendar No. 55, H.R. 636, to amend the Internal Revenue Code of 1986 to permanently extend increased expensing limitations, and for other purposes.

RECOGNITION OF THE MINORITY LEADER

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

DEFEND TRADE SECRETS BILL

Mr. REID. Mr. President, I understand why my friend the Republican leader is doing everything he can to shine a bright light on the Judiciary Committee. It is kind of hard to do that considering everything that is going on today. The bill that we will vote on at 5:30 p.m. would have passed with unanimous consent, and everybody knows that. We don't need to take up the Senate's time on a bill that would pass just like that. We are doing it because it focuses less attention on the inadequacy of the Judiciary Committee. The Defend Trade Secrets Act was easily reported out of committee. There were no problems. It was a bill on which everybody agreed. There may be some reasons for it, but I don't see why the Judiciary Committee should be given a few pats on the back. The problem is that the committee does not deserve any pats on the back at this stage.

JUDICIAL NOMINATIONS

Mr. REID. Mr. President, as U.S. Senators we have a constitutional obligation to consider nominees to important positions. That is one of our constitutional responsibilities. Judges play an essential role in our society, and we should give qualified nominees the fair shot they deserve. Sadly, the Republican Senate has refused to do its job. They have a new standard: Unless the judge-to-be passes the test on the National Rifle Association, as stated by the Republican leader on national TV, they can't vote for him.

The Judiciary Committee has been hammered—and that is an understatement—day after day in the State of Iowa, the home State of the chairman of the committee. This is a headline from the largest newspaper in the State, the Des Moines Register: ''Grassley leads slowdown of judicial confirmations.'' Here is what this headline is all about:

The Republican-controlled Senate Judiciary Committee and its Chairman, Senator Grassley, have fallen far behind any comparable Senate in confirming judicial nominations.

Reading directly from the Des Moines Register article:

Even before the current controversy over consideration of a Supreme Court justice, action on federal court nominations has slowed markedly since U.S. Senator Chuck Grassley took control of the Senate Judiciary Committee.

Since Republicans won a Senate majority in 2014, the number of President Obama's nominees winning confirmation to the bench has fallen compared with previous years and long-term averages, as have the number advancing out of Grassley's Judiciary Committee, according to data from the Congressional Research Service and the federal judiciary.

The article also quotes Professor Sheldon Goldman, an expert on judicial confirmations from the University of Massachusetts Amherst. He said: ''With Republicans taking over the Senate, the strategy has been to obstruct, delay and slow-walk these

nominees at every stage of the process.''

Statistics from the nonpartisan Congressional Research Service confirmed Professor Goldman's assertion. Under Chairman GRASSLEY's leadership, the Judiciary Committee is grinding the nomination process to a halt. The number of judicial nominations confirmed in this Congress is the worst. To date, this Republican-controlled Senate has confirmed only 16 judicial nominations. That is one judge a month.

Contrast that with the last years of George W. Bush's Presidency. We had a Democratic Senate and we had a Republican President. Then-Democratic Chair LEAHY and his Senate colleagues confirmed 40 judges—40 confirmations compared to 16 under Chairman GRASSLEY. The numbers speak for themselves.

But to better understand the dysfunction of Senator GRASSLEY's committee, we have to consider the slow pace at which he and Republicans are reporting judicial nominations. We have to go back more than six decades to find a Senate Judiciary Committee that was less productive than Chairman GRASSLEY's committee is today.

Republicans will doubtless claim that their committee has stopped working because it is the last year of Obama's Presidency. That is simply nonsense. In 1988—President Reagan's last year—the Senate Judiciary Committee reported circuit and district court nominations as late as October. The Senate considered President Reagan's, President Clinton's, and President George W. Bush's judicial nominations in the eighth year of their terms, and many other Presidents were treated the same way.

The Republican leader is on the record advocating for the confirmation of judicial nominees in a President's last year in office. This is what the Republican leader said in July of 2008: ''Even with lameduck Presidents, there is a historical standard of fairness as to confirming judicial nominees, especially circuit court nominees.'' Those are the Republican leader's own words. Yet now he refuses to extend that ''historical standard of fairness'' to President Obama's nominees. Why are Republicans changing the rules for President Obama's nominees?

Given that the chairman of the Judiciary Committee refused to attend to the judiciary, how is the Republican Committee spending its time? We know Chairman GRASSLEY's committee is refusing to consider President Obama's Supreme Court nominee, Chief Judge Merrick Garland. We know Chairman GRASSLEY's committee is refusing to adequately report district and circuit court nominees.

This much is clear: The Republican Judiciary Committee is not doing its job. Instead, the senior Senator from Iowa is taking his marching orders from the Republican leader and has instituted a blockade of judicial nominations at every level. The once proud and powerful Judiciary Committee, established hundreds of years ago, has become a mere shadow of its former self. He has turned the once powerful and independent Judiciary Committee into an extension of the Republican leader's office.

This is the same gridlock the Republican leader has imposed upon the Senate for the last 8 years. Since his party assumed the majority in the Senate last January, the Republican leader's carefully orchestrated obstruction of judicial nominations has accelerated to historical levels and judicial emergencies have tripled.

My friend—we have served together in the Senate for decades—can come to the floor all the time to speak about the success of the Senate. No matter how many times you say a falsehood, it is still false.

Senator MCCONNELL once declared himself the ''proud guardian of gridlock.'' Senator GRASSLEY has become his most willing disciple. It is disappointing that the senior Senator from Iowa has surrendered his committee to the Republican leader.

The lack of progress on judges should alarm Members of the Senate—even Republican Senators. Take, for example, the nomination of a man by the name of Waverly Crenshaw, who was recommended by Senators ALEXANDER and CORKER to be a district judge in the Middle District of Tennessee. Mr. Crenshaw is a superb nominee who has broken barriers all of his life. He is currently a partner at a well-renowned law firm in Nashville where he became the first African-American partner in 1990. The senior Senator from Tennessee said that Mr. Crenshaw would be ''an excellent federal district judge.'' I agree. He was reported out of the Judiciary Committee unanimously in July of 2015—almost 10 months ago.

The vacancy in the Middle District of Tennessee is a judicial emergency, meaning there are more cases than the judges on the court can handle. The junior Senator from Tennessee said: ''I know there is a tremendous load of work in the Nashville office that needs to get done, and we've talked a great deal with the other judges there and know this position needs to be confirmed.''

Last month, the Senators from Maryland asked to bring the Crenshaw nomination to a vote, but the assistant Republican leader objected. Both Senators brought this forward. The objection was the same. The senior Senator from Texas said it will lead to ''chaos'' to schedule a vote on Mr. Crenshaw.

Chaos is exactly what the Republicans are bringing to the judiciary. From the Supreme Court, to the circuit courts, to the district courts, our entire judicial branch of government is under siege by this Republican Senate. After they have crippled the judiciary, the Republican leader and Chairman GRASSLEY want to hand it over to Donald Trump. That would be disastrous. That is not what the American people want. They want Republicans to do their constitutional duty and give these judges due consideration. That is not asking too much.

So I say to the chairman of the Judiciary Committee: Stop blocking these nominees. Do what other Judiciary chairs have done for 200 years and move the process forward. These nominations are important. Or, put simply, do your job. This—a historic slowdown of judicial confirmations—isn't your job, and it is not what the people of Iowa sent you here to do, as indicated by the Des Moines Register: ''Grassley leads slowdown of judicial confirmations.''

Mr. President, I see no one here wanting to speak. Would the Chair announce the business for the rest of the day.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

MORNING BUSINESS

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

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

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

The legislative clerk proceeded to call the roll.

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

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

REMEMBERING DR. JOSEPH MEDICINE CROW

Mr. DAINES. Mr. President, yesterday Dr. Joseph Medicine Crow passed away after a long life at the age of 102. Dr. Joseph Medicine Crow leaves an unmatched legacy as the Crow Tribe's historian and storyteller, a decorated World War II veteran, and the first member of the Crow Tribe to ever obtain a master's degree.

Medicine Crow lived a life filled with numerous accomplishments. He enlisted in the U.S. Army and joined the 103rd Infantry Division. As a proud member of the Crow Tribe, he never went into battle without his war paint beneath his uniform and a sacred Eagle feather beneath his helmet. In fact, during World War II he achieved the war deeds to be declared chief. In 2006 his personal memoir, ''Counting Coup'' was published by National Geographic. When he earned the Medal of Freedom in 2009, our Nation's highest civilian honor, the White House identified him as both ''a warrior and a living legend.'' He is considered one of the most

celebrated Native American soldiers due to his selfless service in World War II.

Medicine Crow's spirit, his humility, and his life achievements leave a lasting imprint on Montana's history. I personally will never forget the time I got to shake his hand and greet him and thank him for his service to our country.

I wish to express my deepest condolences to Dr. Joseph Medicine Crow's family and all of the Crow Nation.

REMEMBERING RUSS RITTER

Mr. DAINES. Mr. President, I wish to speak about Russ Ritter.

This past week longtime Helena mayor and dedicated public servant Russ Ritter passed away at the age of 83.

Russ was one of those guys who really made a notable difference in Montana, especially in our State capital of Helena. He was a true inspiration for Montanans seeking public office, and he was the first person to inspire others to run for mayor, including our current mayor, Jim Smith.

Russ was instrumental in the construction of a 10-mile water treatment plant. That was a big-ticket expenditure on the part of the city, and all bonds are now paid off and the plant is up and running. I might suggest that Washington, DC, could take a few lessons from Russ Ritter. During Russ's time, Helena transformed the solid waste system, and he also helped automate the system. He provided true management of the city and improved it for generations to come by helping prevent the spread of diseases and creating a healthier Helena.

Russ also had a soft spot in his heart for the USS *Helena*, the nuclear powered submarine. He went to the christening of the launch in 1986 and spent 9 days on the USS *Helena* underwater.

Another great story about Russ was reported recently in the Helena Independent Record:

> Russ met President Ronald Reagan in Billings on August 11, 1982. But this meeting, one for which their father had planned and prepared his remarks, the children said, did not go as envisioned. Russ greeted the President by saying, ''Hello, mister mayor, I'm the President of Helena,'' to which Reagan responded, ''No, I think you've got that wrong,'' Mike said. ''This left their father a bit flustered,'' Mike continued, adding that Russ made his living talking to people and always knew the right thing to say.

On behalf of Montanans and the people of Helena, we thank Russ for his selfless service and will never forget his legacy on the history of our State.

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

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

The legislative clerk proceeded to call the roll.

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

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

MADE-IN-MONTANA ENERGY

Mr. DAINES. Mr. President, made-in-Montana energy means good Montana jobs that on average pay two to three times more than the State average. In fact, Montana's ability to create more good-paying energy jobs is immense. Our State leads the Nation in recoverable coal deposits. We are the Nation's fifth largest producer of hydropower, with 23 hydroelectric dams across the State, and we are fifth in wind energy potential.

In fact, Montana was center stage in the national energy debate and provides our Nation a template of a true ''all of the above'' energy portfolio. We have coal, natural gas, oil, as well as renewables such as hydro, wind, biomass, and solar opportunities.

What makes our State most valuable are the people who make our energy systems work—towns such as Colstrip, MT, that build communities around livelihoods that are reliant on good-paying energy jobs. That is the good news.

Here is the bad news: Montana energy jobs are under assault. Over the past 2 weeks, I heard from Montanans about the future and importance of made-in-Montana energy and made-in-Montana good-paying jobs. During my week-long tour across our State, I once again saw our vast natural resources and our true energy potential, whether it was touring a wind farm near Baker, MT, on the far eastern side of our State, or seeing the hydropower facility at Helena's Hauser Dam, or hosting a townhall at Colstrip. I was hearing directly from the community about the devastating impacts that President Obama's anti-coal regulations will have on hard-working Montanans.

My statewide energy tour culminated this past week at Montana Energy 2016, where over 600 people gathered in Billings, MT, for a Montana family conversation about our State's energy future. During that 2½-day summit, we heard a consistent and powerful message about the need to maximize our opportunity for growth and expand made-in-Montana energy and the good-paying jobs it supports.

Montanans are leading American energy innovation; for example, Montanans such as Chrystal Cuniff, a Montana tech engineer from Choteau, who helped drill the deepest well in the Gulf of Mexico, or Ryan Lance, a Montana native, a graduate of Montana Tech, who is leading one of the largest oil and gas companies in the world, or Ashley Dennehey from Colstrip, who highlighted how the boilermakers, operators, and other hard-working labor groups in her community are working hard to keep the lights on in the face of adversity.

We must continue investing in our 2-year colleges that provide training in trades such as welding and heavy machine operations so we can keep our kids in Montana with good, high-paying energy jobs. In fact, Business Insider released a map that shows how hard these times are for millenials, highlighting their median income across the United States. Montana ranked 50th, dead last, at a median income of $18,000 a year for millenials.

We cannot forget that Montana coal provides tax revenues of $145 million a year which supports our teachers and our schools. Montana should lead the world in developing clean coal technology. We must continue to develop renewable technologies that will store the power created by wind.

The bottom line is, we should not allow Washington, DC, and the Obama administration to dictate and regulate coal and gas out of existence. We need more made-in-Montana energy, not more made-in-the-Middle-East energy. Make no mistake, President Obama's Environmental Protection Agency and their regulations are killing Montana energy.

Our country's future is very bright if we could unleash the power of innovation and rein in the overregulation of Washington, DC. I couldn't agree more with what Darrin Old Coyote, chairman of the Crow Nation tribes, said in his keynote address at Montana Energy 2016 in Billings just last Thursday. He said this: ''All of Montana citizens need to work together for a better tomorrow: renewable energy, fossil energy, conventional energy, Indian or non-Indian, regardless of political affiliation, whether we are Democrats, Republicans or Independents.''

Montanans can find better solutions than Washington, DC, bureaucrats.

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

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

The legislative clerk proceeded to call the roll.

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

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

Mr. GRASSLEY. Mr. President, I ask unanimous consent to speak for 15 minutes in morning business.

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

INSPECTOR GENERAL EMPOWERMENT ACT

Mr. GRASSLEY. Mr. President, this body was last in session during Sunshine Week, but the principle of government transparency is one that does not expire. So I would like to take a few moments now to reiterate my support for that timeless principle.

Open government is good government. And Americans have a right to a government that is accountable to its people. In 1978, following the lessons learned from the Watergate scandal, Congress created Inspectors General—or IGs—to be our eyes and ears within the executive branch. These independent watchdogs are designed to

keep Congress and the public informed about waste, fraud, and abuse in government. But they also help agency leaders identify problems and inefficiencies that they may not be aware of. So IGs are critical to good governance and to the rule of law.

But in order for these watchdogs to do their jobs, IGs need access to agency records. That is why the law authorizes IGs to access ''all'' records of the agency that they're charged with overseeing. However, since 2010, more and more agencies have refused to comply with this legal obligation. This obstruction has slowed down far too many important investigations—ranging from sexual assaults in the Peace Corps to the FBI's exercise of anti-terrorism authorities under the PATRIOT Act.

Last July, the Justice Department's Office of Legal Counsel aided and abetted the obstruction by issuing a memo defending it. That memo has given cover to other agencies to follow the FBI's lead and withhold records from their IGs.

According to OLC's 66-page opinion, Congress didn't really mean to give IGs access to ''all records''—even though that is literally what we spelled out in the law. Think about that for a second. One unelected bureaucrat in the Justice Department thinks he can overturn the will of 535 elected officials in Congress and the President who signed the bill into law. That is unacceptable, and Americans are tired of stunts like this that undermine democracy and the rule of law, and make a mockery of government transparency.

The public deserves robust scrutiny of the federal government. So, since September, a bipartisan group of Senators and I have been working to overturn the OLC opinion through S. 579, the Inspector General Empowerment Act. Among other things, this bill includes further clarification that Congress intended IGs to access all agency records, notwithstanding any other provision of law, unless other laws specifically state that IGs are not to receive such access.

We attempted to pass this bill by unanimous consent in September. Since then, the cosponsors and I have worked hard in good faith to accommodate the concerns of any and all Senators willing to work with us. As a result, this bill now has a total of 17 cosponsors, including 7 of my esteemed Democratic colleagues: Senators MCCASKILL, CARPER, MIKULSKI, WYDEN, BALDWIN, MANCHIN, and PETERS. I want to thank each and every one of them for standing up with me for Inspectors General and for the principles of good governance.

In December, we attempted to pass this bipartisan bill by unanimous consent. The bill cleared the Republican side with no objection, but the bill was objected to on the Democratic side.

So, let's do the math. None of the 54 Republican Senators objected. There are seven Democrat cosponsors. That is at least 61 votes—at least. If this bill came up for a vote, it would certainly pass easily. It was developed hand-in-hand over many months with both Democrats and Republicans in the House of Representatives, which is ready to move an identical bill as soon as we act here in the Senate.

So, on December 15, Senators MCCASKILL, JOHNSON, and I attempted to pass this bill by a process known as a live unanimous consent. Our goal was to pass the bill right then and there, and we could have, had a Senator not objected. However, the minority leader, Senator REID stood up and objected. The minority leader obstructed a bill sponsored by seven Senators of his own party. Senator REID refused to give any reason for obstructing this bipartisan bill, both at that time and later when questioned by reporters. All he would say publicly was that a Senator on his side of the aisle had concerns.

Apparently, Senator REID is now telling the press that his concerns relate to provisions of the bill that give IGs the power to subpoena testimony from former federal employees. In a moment, I will explain why this authority is absolutely vital to the ability of IGs to conduct effective investigations. But before I do that, I want to make one thing crystal clear. My bipartisan cosponsors and I have been working in good faith to address these concerns for 5 months—since November 2015. In those 5 months, we have offered at least half a dozen accommodations that would limit the subpoena authority in question. So we have offered reasonable compromises, but the one or two Senators who object to this provision appear to be demanding it be removed from the bill entirely.

Let me tell you why we cannot do that. When employees of the U.S. government are accused of wrongdoing or misconduct, IGs should be able to conduct a full and thorough investigation of those allegations. Getting to the bottom of these allegations is necessary to restore the public trust. Unfortunately, employees who may have violated that trust are often allowed to evade the IG's inquiry, by simply retiring from the government. So the bill empowers IGs to obtain testimony from employees like this.

Similarly, the bill helps IGs better expose waste, fraud, and abuse by those who receive Federal funds. It enables IGs to require testimony from government contractors and subcontractors and grantees and sub-grantees. Currently, most IGs can subpoena documents from entities from outside their agency. However, most cannot subpoena testimony, although a few can. For example, the Inspectors General for the Defense Department and the Department of Health and Human Services already have this authority.

The ability to require witnesses outside the agency to talk to the IG can be critical in carrying out an inspector general's statutory duties or recovering wasted federal funds. But I want to be clear: the bill also imposes limitations on the authority of IGs to require testimony.

There are several procedural protections in place to ensure that this authority is exercised wisely. For example, the subpoena must first be approved by a majority of a designated panel of three other IGs. It is then referred to the Attorney General. For those IGs that can already subpoena witness testimony, I am not aware of any instance in which it has been misused.

In fact, the Inspector General for the Department of Defense has established a policy that spells out additional procedures and safeguards to ensure that subjects of subpoenas are treated fairly. I am confident that the rest of the IG community will be just as scrupulous in providing appropriate protections for the use of this authority as well. You see, we all win when IGs can do their jobs. And most importantly, the public is better served when IGs are able to shine light into government operations and stewardship of taxpayer dollars.

This is a common sense, bipartisan bill that should have passed by unanimous consent. It overturns an OLC opinion that has been roundly criticized by nearly everyone who has read it. For example, the New York Times editorial board recently urged us to pass this bill so that we can allow IGs to do their jobs. But Senator REID is standing in the way of the Senate doing its job.

The Washington Post editorial board and the Project on Government Oversight have also called on us to fix this IG access problem. At a Judiciary Committee hearing in August, Senator LEAHY said that this access problem is ''blocking what was once a free flow of information.'' Senator LEAHY also called for a permanent legislative solution.

Even the Justice Department witness at that hearing disagreed with the results of the OLC opinion and supported legislative action to solve the problem. But, to all of that, Senator REID said ''no.''

Make no mistake: by blocking this bipartisan, good-government bill, Senator REID is muzzling watchdogs, and the public is being robbed of their right to an accountable government. What is it about independent Inspector General oversight that the minority leader is afraid of? Remember, the public is better served when IGs are able to shine light into government operations and stewardship of taxpayer dollars.

And the public is beginning to take notice of Senator REID'S obstruction. Just last week, the Las Vegas Review-Journal—which is the largest circulating daily newspaper in the minority leader's home State—published an article discussing his obstruction. Let me just take a moment to read a quote from this article:

U.S. Senate Democratic leader Harry Reid of Nevada received a government watchdog

group's dubious honor . . . for blocking a bill to back inspectors general in their battles against waste, fraud, abuse, and mismanagement and refusing to provide a full explanation on why he did so.

Then, just over this weekend, the editorial board of this same newspaper wrote an opinion piece entitled, ''Let the sun shine in.'' Let me just read an excerpt from this article:

Because Sen. Grassley's bill has attracted bipartisan support, and because Republicans and Democrats jointly have objected to efforts to thwart IGs from doing their jobs, we're confident that compromise is possible . . . . We urge Sens. Reid and Grassley to work together to pass this important legislation as quickly as possible.

As I mentioned earlier, the bipartisan group of cosponsors and I have already offered half a dozen accommodations to address the concerns related to the subpoena authority provision. All of those offers are still on the table, and we stand ready to work with Senator REID and the other Senator to get this bill done; in a way that improves IG access to both documents and witness testimony.

Remember, the Inspector General Act was passed in 1978, following one of the worst political scandals in American history. Today, at least 61 Senators, the Las Vegas Review-Journal, the New York Times, the Washington Post, and good governance groups like POGO and Citizens Against Government Waste, all support restoring the intent of that act—through S. 579. This bill would redeem the free flow of information that Senator LEAHY advocated in August. And every day that goes by without overturning the OLC opinion is another day that watchdogs across the government can be stonewalled.

Let me be clear. Only one Senator is publicly standing in the way of fixing this problem. Who is the obstructionist here? Who is not doing their job? We need to find a way to get this bill done. Especially now, we need to focus on the things we can agree on. When there is something with this much bipartisan support, it should be a no-brainer. One or two Senators should not be allowed to stand in the way.

I urge my colleagues to work with me to get S. 579 passed so that IGs can resume doing the work that we asked them to do in 1978.

Mr. President, I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Minnesota.

DEFEND TRADE SECRETS BILL

Ms. KLOBUCHAR. Mr. President, I rise today to speak in support of the Defend Trade Secrets Act, which is before us today. I thank Senators HATCH and COONS for their important work on this bill and Chairman GRASSLEY and Ranking Member LEAHY for their leadership as well.

Stolen trade secrets cost American companies—and thus their workers—billions of dollars each year and threaten their ability to innovate and compete globally. This bill will help protect vital intellectual property, and I am pleased to be a cosponsor.

Trade secrets are the lifeblood of so many businesses in American. Stealing those ideas can wipe out years of research by employees and development and cost millions of dollars in losses because competitors—those that steal the secrets—reap the benefits of innovation without putting in any of the work. Although measuring the total cost of trade secret theft is difficult, one study using multiple approaches estimates the yearly cost at 1 to 3 percent of the U.S. gross domestic product.

Today, as much as 80 percent of companies' assets are intangible, the majority of them in the form of trade secrets. This includes everything from financial, business, scientific, technical, economic, and engineering information to formulas, designs, prototypes, processes, procedures, and computer code. Trade secret theft poses a particular risk for my home State of Minnesota, which has a strong tradition of innovation and bringing technological advances to the marketplace. Our companies have brought the world everything from the pacemaker to the Post-it Notes. Protecting their intellectual property is critical to their economic success, critical to our businesses, and, most importantly, critical to the workers and employees who make their living in American businesses.

Here are some examples of what we are talking about and the costs when trade secret thefts occur.

In 2011 a former employee of the Minnesota agricultural company Cargill stole trade secrets of Cargill and Dow Chemical regarding a product and gave them to a Chinese university. The two companies suffered combined losses of over $7 million. Fortunately, the former employee was caught, convicted, and received 87 months in prison—the strongest sentence possible. But look at the loss that occurred—$7 million.

That same year, an employee of a Minnesota paint company, Valspar, tried to steal $20 million worth of chemical formulas to give to a Chinese company in exchange for a high-ranking job. That really happened. The authorities caught him before he completed his theft, and he received a sentence of 15 months in jail.

But too many thefts go unprosecuted, and the costs go beyond simply dollars and cents. Medical device makers Medtronic and Boston Scientific hope to bring advanced care to patients in China. These companies would like to do even more but fear they won't be able to protect sensitive proprietary technology, and that holds them back. Stronger protection of trade secrets will benefit consumers across the world as well as trade secret owners.

In 1996 Congress enacted the Economic Espionage Act, which made economic espionage and trade secret theft a Federal crime. Nearly 20 years later, the threat of trade secret theft has grown. Thumb drives and the cloud have replaced file cabinets for storage information, making stealing a trade secret as easy as clicking a button or touching a screen. Trade secret theft threatens not just businesses but jobs and, certainly, innovation.

Protecting the intellectual property of American businesses needs 21st century solutions. The Defend Trade Secrets Act demonstrates our commitment at the Federal level to protect all forms of a business's intellectual property. This balanced bill gives companies two more tools to effectively protect their trade secrets.

First, a party can seek an ex parte court order to seize stolen trade secrets to prevent their destruction or dissemination. To prevent abuse, the requirements to obtain an order are rigorous, access to the seized material is limited, and it is only available in what are considered ''extraordinary circumstances.''

Second, the bill creates a Federal private right of action for trade secret theft. Companies will be able to rely on a national standard to efficiently protect their intellectual property.

Securing the trade secrets of American businesses and their employees is a serious issue and needs to be addressed, and I urge my colleagues to support the Defend Trade Secrets Act.

I yield the floor.

I suggest the absence of a quorum.

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

The bill clerk proceeded to call the roll.

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

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

DEFEND TRADE SECRETS BILL

Mr. HATCH. Mr. President, later this evening, the Senate will vote on the Defend Trade Secrets Act, a bill that will enable U.S. businesses to protect their trade secrets in Federal court. Senator CHRIS COONS and I have been working on this legislation in a bipartisan way for nearly 2 years, so it is really satisfying to see the Senate poised to vote on this important bill.

To date, the legislation has 65 bipartisan cosponsors, including the distinguished Senate Judiciary Committee chairman, CHUCK GRASSLEY, and ranking member, the distinguished Senator PAT LEAHY. I appreciate their support for this bill.

I also commend our House colleagues, Representatives DOUG COLLINS and JERROLD NADLER, for their tireless efforts—and others over there as well. They have been invaluable partners in advancing this legislation in the House of Representatives. Working under the capable leadership of my dear friend, House Judiciary Committee Chairman

BOB GOODLATTE, we have come together to right an inequity facing U.S. businesses by creating a civil remedy for trade secret misappropriation.

Trade secrets—such as customer lists, formulas, algorithms, software codes, unique designs, industrial techniques, and manufacturing processes—are an essential form of intellectual property. Other forms of intellectual property, such as patents, copyrights, and trademarks, are covered by Federal civil law. Trade secrets, by contrast, are the only form of U.S. intellectual property where the owner does not have access to a Federal civil remedy for misuse or misappropriation. As a result, billions of dollars each year are lost to trade secret theft, which stifles innovation by deterring companies from investing in research and development.

Currently, the only Federal vehicle for trade secret protection is the 1996 Economic Espionage Act, which makes trade secret theft by foreign nationals a criminal offense. But this remedy criminalizes only a small subset of trade secret theft and relies on the thinly stretched resources of the Department of Justice to investigate and prosecute such offenses.

One experienced trade secret practitioner told me recently that the Justice Department typically only considers prosecuting cases with more than $100,000 in damages. This is because trade secret investigations and prosecutions are more resource intensive and complex than most other Federal crimes, requiring a deep technological and scientific background. Given these constraints, the Justice Department and the FBI are reluctant to commit scarce resources to investigate and prosecute a single matter, especially when the same effort could result in the prosecution and conviction of other Federal crimes.

Therefore, it is not surprising that in the 20 years since the Economic Espionage Act became law, Federal prosecutors have charged only about 300 defendants for economic espionage or trade secret theft. And because these cases frequently involve multiple defendants, this equates to an average of about 10 prosecutions annually. Clearly, current Federal law is inadequate in resolving the many challenges our businesses face in today's innovation economy.

State laws have proven inadequate to protect victims of trade secret theft. Since most businesses today operate across one or more State lines, having a uniform set of standards that defines legal protections for trade secrets is crucial. That was the rationale behind creating the Uniform Trade Secrets Act, which sought to achieve nationwide uniformity in trade secret law. But over time, most States have adopted their own trade secret laws. In fact, State laws today are perhaps even more variable in their treatment of trade secrets than they were at the time the Uniform Trade Secrets Act was proposed in 1979. This next mixed bag of differing legal regimes forces victims of trade secret theft to wade through a quagmire of procedural hurdles in order to recover their losses.

For example, if an attorney needs testimony from a witness in another State, she must first apply to her local court, asking that it request the other State to issue its own subpoena for the document or deposition. This process can take weeks, which is an eternity in a trade secret case. Under a uniform Federal standard, the process would be far more efficient. That is because all Federal courts apply the Federal Rules of Civil Procedure, allowing attorneys to obtain documents and testimony from a witness in another State without having to apply to that State's court system. Essentially, enabling businesses to protect their trade secrets in Federal court removes an unnecessary and time-consuming layer of bureaucracy.

Streamlining access to remedies is critical in trade secret cases where an expedited judicial process may be necessary to deal with thieves who pose a flight risk. Unfortunately, once a company's intellectual property is leaked and the information is made public, the trade secret loses its legal protection.

Put simply, State law is designed for intrastate litigation and offers limited practical recourse to victims of interstate trade secret theft—the contrast between intrastate and interstate. Maintaining the status quo is woefully insufficient to safeguard against misappropriation. U.S. companies must be able to protect their trade secrets in Federal court.

The Defend Trade Secrets Act will do precisely that by providing trade secret owners access to both a uniform national law and the ability to make their case in Federal courts. Likewise, the bill allows victims of trade secret theft to obtain a seizure order in extraordinary circumstances. This type of order would allow misappropriated property to be seized so that it isn't abused during the pendency of litigation. To ensure that companies do not use the seizure authority for anti-competitive purposes, this legislation requires those seeking redress to make a rigorous showing that they own the trade secret, that the trade secret was stolen, and that third parties would not be harmed if an ex parte order were granted. The bill also allows for employees to move from one job to another without fear of being wrongfully charged with trade secret theft.

In addition to the overwhelming bipartisan support among my Senate colleagues, more than 50 companies and associations have endorsed the Defend Trade Secrets Act. Leaders in the technology, life sciences, manufacturing, energy, automotive, agricultural, and telecommunications sectors support this bill, among others.

Many letters and opinion pieces have been written in support of the bill. Let me briefly share some of the comments from our Nation's business leaders.

In an op-ed published in The Hill, Aric Newhouse from the National Association of Manufacturers states, ''The [Defend Trade Secrets Act] encourages investment in cutting-edge research and development and will have an immediate, positive impact on our innovative sector, ultimately creating jobs and opportunity in manufacturing in the United States.''

In a piece published by the Washington Times, David Hirschmann from the U.S. Chamber of Commerce writes, ''The Defend Trade Secrets Act creates a federal civil cause of action that currently does not exist. Creating a new federal civil cause of action will help industry help itself.''

In an op-ed in the Washington Examiner, Mark Lauroesch from the Intellectual Property Owners Association writes, ''Every day without this law, our companies are losing millions of dollars to trade secret theft.''

Victoria Espinel from the BSA Software Alliance writes in the Huffington Post, ''The Defend Trade Secrets Act would provide that important, missing remedy, and help usher in the harmonized system that will benefit not only software innovation but our entire American economy.''

Guy Blalock from Utah's IM Flash writes in the Salt Lake Tribune, ''Enacting the bill will have an immediate, positive impact on innovative companies that create jobs in this country.''

In a joint op-ed published in the Salt Lake Tribune, Rich Nelson from the Utah Technology Council and Lane Beattie from the Salt Lake Chamber of Commerce write that the Defend Trade Secrets Act ''equips business owners with the tools they need to combat trade secret theft.''

Finally, Eli Lilly's Michael Harrington and Microsoft's Erich Andersen in an op-ed published in Forbes write, ''This thoughtful and carefully considered legislation will adapt America's trade secret regime to reflect 21st Century realities and will strengthen this critical form of intellectual property.''

Mr. President, I ask unanimous consent to have printed in the RECORD the op-eds from which I have quoted following my remarks.

Throughout my 40 years of service, I have been a part of almost every significant intellectual property initiative that has come before the Senate—from the Digital Millennium Copyright Act, which sought to streamline our copyright system for the digital era, to the America Invents Act, which overhauled our patent system to help ensure American innovators' property rights are adequately protected in the 21st century.

Legislating in the area of intellectual property requires patience and perseverance. The bill on which we are voting tonight has been 2 years in the making. Initially, providing a Federal standard and civil remedies for trade secrets had little support. It took much effort not only to identify the precise nature of the problem—a problem that

amounts to hundreds of billions of dollars in economic loss for U.S. companies annually—but also to develop a solution that could garner the support of virtually all stakeholders. This required soliciting input from a broad range of interests and working closely with dozens of trade associations, affected businesses, and policymakers on both sides of the aisle. The final version of the legislation that the Senate will pass later this evening reflects input and additions from a broad coalition of interested parties.

It also reflects a number of instances where a careful balance had to be struck between competing interests. As has been true of several recent intellectual property efforts, the interests of the technology sector and the pharmaceutical industry are not always aligned. The same was true when it came to trade secrets. Yet we worked hard to develop a solution that could meet the needs of both. This balance is perhaps best exemplified by the joint op-ed I mentioned a moment ago, coauthored by the general counsel of one of America's leading pharmaceutical companies and a senior executive from one of America's prominent tech companies.

As chairman of the Senate Republican High-Tech Task Force and coauthor of the Hatch-Waxman Act, I know how critical it is to strike the right balance such that both high-tech and life science industries can support a bill. We have struck that balance with the Defend Trade Secrets Act.

Not only will we succeed in defending the trade secrets of American businesses, I hope the passage of the bill will serve as a springboard to spur congressional action in other areas of intellectual property, including patent litigation reforms. I commend in particular House Judiciary Committee Chairman BOB GOODLATTE for his steadfast work in this regard, and I stand ready to do everything in my power to help him in this endeavor.

Tonight's passage of fundamental trade secret law reform would be a significant achievement at any time, let alone in the challenging partisan environment we face today. Indeed, today's Senate vote is not only a watershed moment for the intellectual property and business communities; it is also an example of what Congress can accomplish when we put our party politics aside and focus on areas of agreement. Throughout my Senate service, I have always sought, whenever possible, to seek common ground in order to advance public policy priorities that will benefit the American people and the American economy. With this bill, we have done just that.

I want to thank Senate Majority Leader MITCH MCCONNELL for leading the Senate in such a way to make constructive bipartisan legislating possible. I appreciate his support for this legislation and his willingness to devote valuable floor time to help ensure its passage. Tonight we will add the Defend Trade Secrets Act to a long list of legislation the Senate has passed in the last 15 months since the senior Senator from Kentucky assumed leadership of the U.S. Senate. This is yet another example that the Senate is back to work for the American people.

I also want to take this moment to thank the staff members who have been instrumental in getting us to this point. Let me start by thanking my senior judiciary counsel, Matt Sandgren, whose relentless determination helped make tonight a reality. I also thank my chief of staff, Rob Porter, for his unmatchable leadership in shepherding this bill forward. Together, Matt and Rob have been an invincible team, working hand in glove throughout this process. I personally appreciate their excellent work.

I also recognize my superb press team for their efforts, J.P. Freire, Matt Whitlock, and Sam Lyman. I am also appreciative of my dedicated law clerks, Ryan Karr and Jaclyn D'Esposito.

I also acknowledge the important contributions of Senator COONS' current and former staff: Ted Schroeder, Andrew Crawford, Erica Songer, and Jonathan Stahler.

There are also several staff on the Senate Judiciary Committee who have been instrumental in helping with this key intellectual property bill: Rita Lari Jochum, Jonathan Nabavi, Alexandra Givens, Danielle Cutrona, Eric Haren, Lee Holmes, Lartease Tiffith, Gary Barnett, Daniel Swanson, Ray Starling, Ethan Arenson, Chad Rhoades, and Sam Simon.

I also acknowledge the following House staff for their hard work and commitment to this bill: Shelley Husband, Branden Ritchie, Jennifer Choudhry, Sally Larson, Jason Everett, and David Greengrass.

Finally, I thank the many staff members from majority leader MITCH MCCONNELL and minority leader HARRY REID who helped to make this bill's passage a reality. I wish to especially thank Laura Dove, Sharon Soderstrom, Hazen Marshall, John Abegg, Chris Tuck, and Ayesha Khanna.

Enacting meaningful public policy reform in the midst of a contentious Presidential election is something to celebrate. In very real ways, this bill will help strengthen our economy and allow businesses to grow and create additional jobs for hard-working Americans. I hope my colleagues will join me in safeguarding American ingenuity by voting for the Defend Trade Secrets Act. They will not be sorry by doing that.

I understand Senator COONS is here, and I want to recognize him and all the work he has done with me on this bill. He is a wonderful partner on the Judiciary Committee, and I personally appreciate him very much.

With that, I yield the floor.

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

[From The Hill, Mar. 10, 2016]

US MANUFACTURERS TO CONGRESS: KEEP US COMPETITIVE, PASS TRADE SECRETS LEGISLATION

(By Aric Newhouse)

Trade secrets, an essential form of intellectual property, are among the most valued business assets for manufacturers. They can include everything from the special recipe for a food or beverage to the formula for a chemical or pharmaceutical. This proprietary information powers the innovation on a shop floor, which drives job creation at facilities in communities across our country.

Trade secrets can comprise as much as 80 percent of the value of a company's knowledge portfolio, and according to one estimate, theft costs businesses in this country some $250 billion a year. The current system desperately needs to be updated to provide the owners of trade secrets the ability to pursue intellectual property thieves aggressively and efficiently, in full cooperation with the federal government.

While patent, copyright and trademark owners can protect their rights in federal court, trade secret owners must instead rely on an array of state law remedies that were designed with small-scale, intrastate theft in mind. Although those laws may be sufficient and appropriate when, for example, an employee takes a former employer's customer list to a competitor down the street, they are ill-suited for the fast-moving, multijurisdictional cases in today's global economy.

Fortunately, there is important, bipartisan legislation that would fill this gap and assist manufacturers in pursuing trade secret thieves and protecting intellectual property. The Defend Trade Secrets Act of 2016 (DTSA)—a bipartisan, bicameral bill led by Sens. Orrin Hatch (R–Utah) and Chris Coons (D–Del.) and Reps. Doug Collins (R–Ga.) and Jerrold Nadler (D–N.Y.)—creates a federal civil cause of action for trade secret misappropriation to unify trade secrets law nationwide. The bill would also offer trade secrets owners the same legal options as owners of other forms of intellectual property.

The National Association of Manufacturers has long supported a federal civil remedy for trade secret theft and urges passage of DTSA. The consensus-oriented approach of the legislation has drawn strong support from all industry groups and manufacturing subsectors, including biotech, pharmaceutical, medical device, automotive, agriculture and beyond.

Trade secrets are vital to the competitiveness of companies throughout our economy, and the threat to these innovations is becoming more serious and more complex. By creating a strong, uniform body of trade secrets law nationwide, the DTSA ensures that our laws keep pace.

Congress should move quickly to pass this important legislation because strong trade secrets protection is critical to the American economy and to manufacturers' competitive advantage in the global economy. The DTSA encourages investment in cutting-edge research and development and will have an immediate, positive impact on our innovative sector, ultimately creating jobs and opportunity in manufacturing in the United States.

[From the Washington Times, Mar. 17, 2016]

PROTECTING AMERICAN INTELLECTUAL PROPERTY

(By David Hirschmann)

American innovation has brought consumers across the globe many of the cutting edge products and technologies that have, quite literally, changed the world. From lifesaving medicines to computer software to incredibly efficient ways to generate energy,

American companies are at the forefront of the ''innovation economy'' and the creators of millions of domestic jobs.

But our position as a global leader in innovation is under attack. Individuals, organizations and even some countries, want to take shortcuts and gain a competitive edge by stealing our ideas and manufacturing know-how—the ''secret-sauce'' that separates American industry from those who seek to duplicate our success. This theft of America's trade secrets is a growing—and increasingly alarming—threat to our economic security.

What separates a Coca-Cola from a store-brand counterpart is its secret formula, and Kentucky Fried Chicken relies on its unique blend of 11 herbs and spices to distinguish itself in the market. Both are examples of trade secrets.

But trade secrets are also used to designate propriety manufacturing processes or highly technical algorithms for biologic formulas that may one day be eligible for patent protections. This form of intellectual property (IP) encompasses a wide range of information and processes across virtually every industry sector and among companies large and small.

Trade secrets are often the crown-jewels of a small, innovative start-up that has neither the expertise nor budget to seek patent protection because their limited capital is spent developing the next big idea and putting people to work building the next must-have product.

The Defend Trade Secrets Act currently under consideration in Congress would give American companies another tool to fight trade secrets theft.

This is a rare piece of legislation with broad and diverse support. Introduced by Sens. Orrin Hatch, Utah Republican and Chris Coons, Delaware Democrat, and Reps. Chris Collins, New York Republican and Jerrold Nadler, New York Democrat this is a truly bipartisan and bicameral bill. Currently, the bill enjoys the support of 62 senators and 127 representatives, along with thousands of companies, industry associations, and think tanks.

As well stated by White House Intellectual Property Enforcement Coordinator Daniel Marti, ''Trade secret theft is a serious and pervasive problem that threatens the economic health and competitiveness of this country. The Administration is committed to protecting the innovation which drives the American economy and supports American jobs.''

Examples include foreign nationals digging new hybrid seeds out of cornfields in the heartland, embedded employees walking out the door with proprietary manufacturing processes, and hackers downloading secret research data. Once in possession of the trade secret, criminals want to get out of Dodge fast, and will typically flee the country to peddle these precious corporate assets to the highest bidder. To stop such theft, companies must be able to act quickly and effectively.

Unfortunately, current remedies alone are not enough to prevent the flight of these thieves. While law enforcement is a willing partner and often very helpful, too often they lack the bandwidth or resources to act quickly enough and stop these criminals before it's too late.

Currently, a patchwork of state laws and federal criminal penalties are available to companies or individuals confronted with trade secrets theft. The Defend Trade Secrets Act creates a federal civil cause of action that currently does not exist.

Creating a new federal civil cause of action will help industry help itself. The bill has many provisions to make sure that this new federal cause of action is not abused and employees are protected—including whistleblowers.

In an increasingly competitive global marketplace, it is critical that the right tools are in place to ensure that American ideas and jobs are not stolen and sold overseas. The U.S. Chamber of Commerce urges Congress to move this much needed legislation quickly so that it may become law and our industry and workers can remain at the forefront of the innovation economy.

[From Forbes, Apr. 4, 2016]

WE NEED TO SAFEGUARD THE SECRETS OF AMERICA'S INNOVATION ECONOMY

(By Michael Harrington and Erich Andersen)

America has long been recognized as a world leader in innovation. Not only does the unending flow of new inventions make life better for consumers, it also helps create new jobs and opportunities for millions of American families. The ''intellectual property'' associated with American innovation is protected by a network of laws, including patents, copyrights, trademarks and trade secrets. These legal protections are essential to reward innovation and encourage continued investment in American research and development. Unfortunately, trade secrets are the only form of intellectual property that do not receive robust federal protection. This needs to change.

Trade secrets include secret formulas, customer lists and methods of manufacturing developed at great expense and that have significant value to companies, which take steps to ensure their confidentiality. American businesses, regardless of size, must be able to continue to invest the enormous resources required to develop the products of the future, from the latest in cloud computing and artificial intelligence to the next generation of life-saving medicines. The Defend Trade Secrets Act, bipartisan legislation pending before the Senate and House, would provide 21st century protection for America's trade secrets. It has the strong support of our companies and scores of others representing a diverse cross section of industries.

In the digitally networked world, the need for robust trade secret protection has only increased. Businesses no longer compete against the company across the street—they sell products across the country and around the world. Gone are the days when a business kept its know-how on paper—its business plans, its manufacturing process, the secret sauce that gave the business a competitive edge—and locked it in a desk drawer or a safe. Today, companies store their data and business-critical information electronically, primarily in the cloud. Decentralization has allowed companies to rely on networks of manufacturers and service providers who must all be able to access, use and store this trade secret information. The ability to share secrets confidentially with such providers, with the knowledge they can be protected, is vital to the continuing growth of the American economy. While digitalization of information has facilitated the access to trade secrets essential to the conduct of business, it has also enabled anyone intent on doing harm to purloin vast amounts of information with no more than a computer key stroke to a thumb drive or the cloud.

Trade secrets are also unique among forms of intellectual property in how they are legally protected. They are governed under state law rather than by federal statute. That is, although it is a federal crime to steal a trade secret, a business that has its trade secrets stolen must rely on state law to pursue a civil remedy. Owners of copyrights, patents, and trademarks can go to federal court to protect their property and seek damages when their property has been infringed, but trade secret owners do not have access to such a federal remedy. This can prove unwieldy and ineffective when the trade secret thief crosses state lines—and all too often these thieves are ultimately heading overseas so that the unscrupulous can unfairly exploit and profit from the fruits of American know how in the global economy. This can result in significant loss of American prosperity and jobs.

Our state-by-state system for trade secret protection was simply not built with the digital world in mind where one device containing purloined information can literally destroy a hard-earned competitive edge. In today's global economy, however, trade secrets are increasingly stored and used across state line and even national borders. A uniform, national standard for protection will greatly benefit innovative enterprises of all sizes.

We commend Senators Orrin Hatch and Christopher Coons and Representatives Doug Collins and Jerrold Nadler for introducing the bipartisan Defend Trade Secrets Act. This thoughtful and carefully considered legislation will adapt America's trade secret regime to reflect 21st Century realities and will strengthen this critical form of intellectual property. We urge favorable and expeditious consideration by both the Senate and House.

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

Mr. COONS. Mr. President, I begin my remarks by thanking my colleague, good friend, and the leader in this effort to pass the Defend Trade Secrets Act in the Senate today, the President pro tem of the Senate, Senator ORRIN HATCH. In his four decades of service in this body, Senator HATCH has become well known for his ability and willingness to work across the aisle, to be a genuine leader in intellectual property matters, and to fight tirelessly for America's inventors and inventions. I am grateful for the small role I have been able to play in partnering with Senator HATCH to bring this important piece of legislation through the Judiciary Committee and to the floor today.

Our country has long been the unquestioned world leader in the creation and production of innovative ideas. Simply put, for over two centuries we understood the critical connection between preserving intellectual property rights and creating sustained economic growth. As a result, we are second to none when it comes to innovation. Yet a critical form of IP, intellectual property, has somehow slipped through the cracks of Federal protection. Of course, I am talking about trade secrets, such as the secret formula for Coca-Cola, Kentucky Fried Chicken, customer lists, pricing strategies, and key stages in a vital manufacturing process. They are the lifeblood of great companies that can lead to the creation of products that make a company unique and uniquely profitable. It should come as no surprise that they are a major contributor to our economy. By some estimates, trade secrets are worth $5 trillion to publicly listed American companies alone.

Despite the importance of trade secrets to our economy and our innovation ecosystem, trade secrets remain

the only form of intellectual property not protected from theft under Federal civil law. More specifically, a misuse of trade secrets doesn't provide the owner with a Federal private right of action to seek redress. This means companies today have to rely on State courts or on Federal prosecutors to protect their rights. The multi-State procedural and jurisdictional issues and the hurdles you have to clear that arise in such cases are oftentimes intensive, costly, and complicated.

Meanwhile, the Department of Justice, currently empowered to protect trade secrets on the Federal level, lacks the resources to prosecute many of the cases that arise. By the time the existing protections catch up with bad actors who have taken off with a customer list, formula, or recipe, it is often too late. Unlike physical goods, you simply can't take back trade secrets once they have been shared with the public. Once a trade secret is no longer secret, it loses its legal protection.

This glaring oversight in our Federal legal system has become increasingly problematic in recent years as technology has made it easier and easier to steal trade secrets. Today a foreign competitor can steal a vital trade secret from an American manufacturer with just a few key strokes through a cyber attack. This hasn't gone unnoticed. The rate of cyber trade secret theft is at an alltime high, and our foreign competitors are stealing American innovation with woefully inadequate repercussions. This uptick and steady rise in trade secret theft is affecting American businesses large and small across our country. Today the misappropriation of trade secrets is estimated to cost American companies between $160 and $480 billion annually. That money would be so much better spent by investing in new products, growing businesses, and creating jobs.

For example, my home State of Delaware has felt the impact of trade secret theft. Many are familiar with DuPont's signature product Kevlar, an extraordinarily strong and lightweight synthetic fiber that is best known for its use in lifesaving body armor. It is worn by dedicated police officers and the brave men and women in our Armed Forces. It has literally saved thousands of lives, including more than 3,000 law enforcement officers across this country.

About 10 years ago, DuPont developed a next generation of Kevlar, which was even lighter and better able to withstand penetrating trauma from a wide range of rifle rounds or IED-generated shrapnel. This technology represented a real breakthrough in safety, but it cost millions upon millions to develop. You see, chemically the spun polyaromatic fibers that make up Kevlar are not that complicated, but the fabrication and production method that give the fiber strength and flexibility is incredibly difficult to develop and then execute.

One day about 6 years ago—just 4 years after DuPont had developed this next-generation protective technology—a rogue employee took the trade secrets and the know-how behind manufacturing this new product and went and gave it to a rival manufacturing company in Korea by using DuPont's trade secrets. The potential loss to DuPont from this one instance of trade secret theft cost roughly $1 billion.

Not only does trade secret theft cost American businesses revenue, which puts American jobs at risk, but it also discourages businesses from investing in critical research and development, and of all the sectors in the American economy, trade secrets are most central for manufacturing and for manufacturing in advanced materials. If you know an employee can steal your company's trade secret, potentially resulting in a loss of up to $1 billion, that trade secret that was the product of years of research and development, as was the case for DuPont with their next-generation Kevlar, it becomes harder and harder to justify investing substantial sums in the R&D needed to continue to produce technological breakthroughs and cutting-edge manufacturing in the United States.

This trade secret theft can have a devastating, long-term impact on our country's ability to innovate and compete. It is also of particular concern in my home State of Delaware, where R&D is critical to our economy and sustaining our manufacturing sector. These protections in today's Defend Trade Secrets Act will only grow in importance as our country continues to cultivate advanced manufacturing.

Delaware has a proud legacy of encouraging cutting-edge science. We are home to hundreds of basement inventors who have tinkered, designed, and perfected inventions. Some have become well known internationally, such as Kevlar, and others are not as well known but are critical to our economy. That is why I introduced, along with my friend and senior colleague Senator HATCH, the Defend Trade Secrets Act. This bill creates a new Federal private right of action for the misappropriation of trade secrets. It uses an existing Federal criminal law, the Economic Espionage Act, to define trade secrets, and it draws heavily from the existing Uniform Trade Secrets Act which has been enacted by many States to define misappropriation.

Simply put, our bill will harmonize U.S. law. Each State has a slightly different trade secret law, and they vary in many different ways. Not all of these differences are major, but they affect the definition of what a trade secret is or what an owner must do to keep a secret or what constitutes misappropriation or what damages and remedies are available.

Our Defend Trade Secrets Act creates a single national baseline, or a minimal level of protection, and gives trade secret owners access to both a uniform national law and to the reach of Federal courts, which provide nationwide service of process and execution of judgments. However, it is important to know this bill does not preempt State law because States are, of course, free to continue to add further protections.

In my view, this bill is a commonsense solution to a very serious problem. Senator HATCH and I first introduced this bill in April of 2014, and we reintroduced it last July with just four original cosponsors. The bill before us today now has 65 bipartisan cosponsors in the Senate. An identical version in the House, introduced by DOUG COLLINS of Georgia and JERRY NADLER of New York, now has 128 cosponsors. Congressmen COLLINS and NADLER have been great partners in this effort. Congressman JOHN CONYERS has also provided invaluable support.

In addition to the broad bipartisan support we have collected on this bill from our colleagues, we have gained endorsements from dozens and dozens of companies as diverse as Boeing, Corning, Microsoft, and DuPont. I believe it is also a testament to the hard work and esteem in which Senator HATCH is held by his colleagues. Senator HATCH has long been a leader in intellectual property and has been able to lead a successful, open, and collaborative process that has allowed us to move the bill to this point today.

Many of our colleagues, Republicans and Democrats, had suggestions for ways to improve the original draft. I am proud many of the Senators who originally raised concerns or questions have now become cosponsors of the bill as a result of Senator HATCH's leadership and our collaboration.

In today's political climate, it is easy to forget that to get things done, we don't have to agree on everything, we just have to agree on one thing. In this case, we have all agreed that losing hundreds of billions of dollars annually to trade secret theft and misappropriation has been hurting American businesses and our economy.

This bill is truly bipartisan. Frankly, it has united industry, practitioners, and Members of this body in a way we don't see often enough today. I rarely have an opportunity to work closely with the Heritage Foundation, the National Association of Manufacturers, and intellectual property owners on the same bill, but good policy can make for unique partnerships. With the bill before us today, the good policy is a commonsense proposal that creates a clear national standard and facilitates businesses' protection of their trade secrets in Federal court.

I thank all of my colleagues who have cosponsored and supported this bill. It has been a pleasure to work with them as we worked to ensure that this final bill is bipartisan and achieves our goal of protecting American trade secrets.

The formula for how we, together, got to this point is simple. Senator HATCH and I saw a problem, we found a

coalition that wanted to fix it, and we came together to find a solution.

I thank former Senator Kohl, with whom I first discussed this issue when I came to the Senate. I thank him for his early interest and involvement in trade secret protections. Of course, I am particularly grateful to Senator HATCH for his championship of this bill and leadership in finding consensus. I wish to join him in thanking Chairman GRASSLEY and Ranking Member LEAHY for their critical support and commend my colleagues for their focus on this issue. I wish to specifically thank Senators WHITEHOUSE, FEINSTEIN, GRAHAM, and FLAKE for their contributions to this bill that has strengthened it.

I would be remiss if I didn't recognize and thank the tremendous efforts our staff contributed together to get this bill to where it is today. Senator HATCH has thanked many of the floor staff, leadership staff, and staff in the House, and I would like to add to my thanks to Matt Sandgren in Senator HATCH's office and to my tireless, dedicated, and recently departed from my office chief counsel, Ted Schroeder, as well as Jonathan Stahler, Andrew Crawford, and Erica Songer on my staff.

This major achievement is the product of many contributions, and that is how the Senate is supposed to work. Given the wide support this bill enjoys today in the Senate and the fact that there is already an identical House version with bipartisan support, I am hopeful the House will act and pass this bill without delay.

I was pleased to learn earlier today that the administration has issued a Statement of Administration Policy urging the passage of this bill and its rapid enactment into law. The sooner this bill becomes law, the sooner American businesses and companies can get back to creating jobs and producing new, life-changing products and services. Our country's legacy of innovation depends on it.

With that, I yield the floor and thank my colleague Senator HATCH.

The PRESIDING OFFICER. The Senator from Tennessee.

REMEMBERING JUSTIN AND STEPHANIE SHULTS

Mr. CORKER. Mr. President, I rise to honor the lives of Tennessean Justin Shults and his wife Stephanie, who were killed in the attacks in Brussels, Belgium, on the morning of March 22.

I thank our senior Senator LAMAR ALEXANDER for joining me this afternoon.

We are heartbroken by this tragedy, which once again hit too close to home. Not long ago, Senator ALEXANDER and I came to this body to mourn the loss of five American heroes we lost in a terror attack in my hometown of Chattanooga. We are here again today, heartbroken that two more outstanding individuals were taken by evil, and we are reminded that terrorism knows no borders or boundaries.

Justin Shults was a native of Gatlinburg, TN. He attended Gatlinburg-Pittman High School, where he was valedictorian of his class. A bright young man, Justin received an undergraduate degree from Vanderbilt University before attending Vanderbilt's Owen Graduate School of Management where he met Stephanie, a native of Lexington, KY.

Justin and Stephanie's journey is inspiring. Two young people from small towns, they set out on a journey to explore the world and to broaden their horizons.

They moved to Brussels in 2014. Justin worked for Clarcor, a Franklin, TN, manufacturing company, and Stephanie worked for Mars. They had a bright future ahead of them—a future that was stolen by terror.

To their family members and to all who loved them, we offer our prayers and deepest sympathies as we mourn their passing. We also extend condolences to all of the families who lost loved ones and to the people of Belgium.

I also thank the many individuals and organizations that were instrumental in helping Justin's and Stephanie's families in the aftermath of the attack. They include the State Department, the FBI, the consulate in Brussels, Delta Airlines, Justin's and Stephanie's companies, Clarcor and Mars, and members of my staff, especially Bess McWherter.

From Chattanooga to Paris, San Bernardino, Brussels, and beyond, we have seen unimaginable events unfold before our eyes. It is clear the fight against evil will be a long-term struggle. To protect our citizens, we must deepen our partnership with Europe and other allies to defeat ISIS and other terrorists so no more families will have to deal with the heartbreak Justin's and Stephanie's families face today.

We mourn their passing, we honor their lives, and we renew our commitment to fight against this evil.

With that, I yield the floor to our distinguished senior Senator LAMAR ALEXANDER.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. ALEXANDER. Mr. President, I join Senator CORKER in expressing to the families of Justin and Stephanie our deepest sympathy and our horror at what happened to them in Brussels.

I wish to thank Senator CORKER as well. Because of his position as chairman of the Senate Foreign Relations Committee, he was able to do some things all of us would have liked to have been able to do. He was able to help the family by being a liaison with the families and the State Department. These are things he wouldn't say about himself, but I would like to say. He and his staff worked to help the family get expedited passports, and they have stayed in touch with the families. I hope the families of Justin and Stephanie will know that when Senator CORKER and his staff are in touch with them, that they are in touch with them for all of us in the U.S. Senate and all of us as citizens of the State of Tennessee.

There is so much on television today that is horrible and violent and terroristic that we have become immune to it. It is almost an unreality. We don't want to believe any of it is true, until it hits home in Gatlinburg, TN, and happens to a bright young man whom everyone in the community seems to have known, one of those young men whom everybody looks at and says he is going to amount to something, we are going to watch him one day, and to a young woman from Lexington, KY, who met this young man at Vanderbilt's graduate school of management, not just in Sevier County, TN, and not just in Lexington, where so many people knew these two promising young Americans, but also in Nashville and the Vanderbilt community.

This is actually the third promising young life taken from the Vanderbilt school family. Taylor Force, a student there, was killed on a class visit to Israel a few weeks ago. At any time that is a horrifying, terrible thought, but this is a generation of young Americans who have grown up with the idea of living in the whole world, of making a contribution to the entire world. That is what Justin and Stephanie were doing when they went to Brussels with their companies, and now their lives are cut short by an evil act.

Our hearts go out to their families and to the communities from which they come in Gatlinburg, in Lexington, and in the Nashville Vanderbilt Owen school community. My personal thanks to Senator CORKER for doing what all of us want to do as well as we can, which is to be helpful to the families and express to them our appreciation for the lives of their children and our sorrow at what has happened to them.

Thank you, Mr. President.

I yield the floor.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is now closed.

DEFEND TRADE SECRETS ACT OF 2015

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to the consideration of S. 1890, which the clerk will report.

The bill clerk read as follows:

A bill (S. 1890) to amend chapter 90 of title 18, United States Code, to provide Federal jurisdiction for the theft of trade secrets, and for other purposes.

The Senate proceeded to consider the bill, which had been reported from the Committee on the Judiciary, with an amendment to strike all after the enacting clause and insert in lieu thereof the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Defend Trade Secrets Act of 2016''.

SEC. 2. FEDERAL JURISDICTION FOR THEFT OF TRADE SECRETS.

(a) IN GENERAL.—Section 1836 of title 18, United States Code, is amended by striking subsection (b) and inserting the following:

''(b) PRIVATE CIVIL ACTIONS.—

''(1) IN GENERAL.—An owner of a trade secret that is misappropriated may bring a civil action under this subsection if the trade secret is related to a product or service used in, or intended for use in, interstate or foreign commerce.

''(2) CIVIL SEIZURE.—

''(A) IN GENERAL.—

''(i) APPLICATION.—Based on an affidavit or verified complaint satisfying the requirements of this paragraph, the court may, upon ex parte application but only in extraordinary circumstances, issue an order providing for the seizure of property necessary to prevent the propagation or dissemination of the trade secret that is the subject of the action.

''(ii) REQUIREMENTS FOR ISSUING ORDER.—The court may not grant an application under clause (i) unless the court finds that it clearly appears from specific facts that—

''(I) an order issued pursuant to Rule 65 of the Federal Rules of Civil Procedure or another form of equitable relief would be inadequate to achieve the purpose of this paragraph because the party to which the order would be issued would evade, avoid, or otherwise not comply with such an order;

''(II) an immediate and irreparable injury will occur if such seizure is not ordered;

''(III) the harm to the applicant of denying the application outweighs the harm to the legitimate interests of the person against whom seizure would be ordered of granting the application and substantially outweighs the harm to any third parties who may be harmed by such seizure;

''(IV) the applicant is likely to succeed in showing that—

''(aa) the information is a trade secret; and

''(bb) the person against whom seizure would be ordered—

''(AA) misappropriated the trade secret of the applicant by improper means; or

''(BB) conspired to use improper means to misappropriate the trade secret of the applicant;

''(V) the person against whom seizure would be ordered has actual possession of—

''(aa) the trade secret; and

''(bb) any property to be seized;

''(VI) the application describes with reasonable particularity the matter to be seized and, to the extent reasonable under the circumstances, identifies the location where the matter is to be seized;

''(VII) the person against whom seizure would be ordered, or persons acting in concert with such person, would destroy, move, hide, or otherwise make such matter inaccessible to the court, if the applicant were to proceed on notice to such person; and

''(VIII) the applicant has not publicized the requested seizure.

''(B) ELEMENTS OF ORDER.—If an order is issued under subparagraph (A), it shall—

''(i) set forth findings of fact and conclusions of law required for the order;

''(ii) provide for the narrowest seizure of property necessary to achieve the purpose of this paragraph and direct that the seizure be conducted in a manner that minimizes any interruption of the business operations of third parties and, to the extent possible, does not interrupt the legitimate business operations of the person accused of misappropriating the trade secret;

''(iii)(I) be accompanied by an order protecting the seized property from disclosure by prohibiting access by the applicant or the person against whom the order is directed, and prohibiting any copies, in whole or in part, of the seized property, to prevent undue damage to the party against whom the order has issued or others, until such parties have an opportunity to be heard in court; and

''(II) provide that if access is granted by the court to the applicant or the person against whom the order is directed, the access shall be consistent with subparagraph (D);

''(iv) provide guidance to the law enforcement officials executing the seizure that clearly delineates the scope of the authority of the officials, including—

''(I) the hours during which the seizure may be executed; and

''(II) whether force may be used to access locked areas;

''(v) set a date for a hearing described in subparagraph (F) at the earliest possible time, and not later than 7 days after the order has issued, unless the party against whom the order is directed and others harmed by the order consent to another date for the hearing, except that a party against whom the order has issued or any person harmed by the order may move the court at any time to dissolve or modify the order after giving notice to the applicant who obtained the order; and

''(vi) require the person obtaining the order to provide the security determined adequate by the court for the payment of the damages that any person may be entitled to recover as a result of a wrongful or excessive seizure or wrongful or excessive attempted seizure under this paragraph.

''(C) PROTECTION FROM PUBLICITY.—The court shall take appropriate action to protect the person against whom an order under this paragraph is directed from publicity, by or at the behest of the person obtaining the order, about such order and any seizure under such order.

''(D) MATERIALS IN CUSTODY OF COURT.—

''(i) IN GENERAL.—Any materials seized under this paragraph shall be taken into the custody of the court. The court shall secure the seized material from physical and electronic access during the seizure and while in the custody of the court.

''(ii) STORAGE MEDIUM.—If the seized material includes a storage medium, or if the seized material is stored on a storage medium, the court shall prohibit the medium from being connected to a network or the Internet without the consent of both parties, until the hearing required under subparagraph (B)(v) and described in subparagraph (F).

''(iii) PROTECTION OF CONFIDENTIALITY.—The court shall take appropriate measures to protect the confidentiality of seized materials that are unrelated to the trade secret information ordered seized pursuant to this paragraph unless the person against whom the order is entered consents to disclosure of the material.

''(iv) APPOINTMENT OF SPECIAL MASTER.—The court may appoint a special master to locate and isolate all misappropriated trade secret information and to facilitate the return of unrelated property and data to the person from whom the property was seized. The special master appointed by the court shall agree to be bound by a non-disclosure agreement approved by the court.

''(E) SERVICE OF ORDER.—The court shall order that service of a copy of the order under this paragraph, and the submissions of the applicant to obtain the order, shall be made by a Federal law enforcement officer who, upon making service, shall carry out the seizure under the order. The court may allow State or local law enforcement officials to participate, but may not permit the applicant or any agent of the applicant to participate in the seizure. At the request of law enforcement officials, the court may allow a technical expert who is unaffiliated with the applicant and who is bound by a court-approved non-disclosure agreement to participate in the seizure if the court determines that the participation of the expert will aid the efficient execution of and minimize the burden of the seizure.

''(F) SEIZURE HEARING.—

''(i) DATE.—A court that issues a seizure order shall hold a hearing on the date set by the court under subparagraph (B)(v).

''(ii) BURDEN OF PROOF.—At a hearing held under this subparagraph, the party who obtained the order under subparagraph (A) shall have the burden to prove the facts supporting the findings of fact and conclusions of law necessary to support the order. If the party fails to meet that burden, the seizure order shall be dissolved or modified appropriately.

''(iii) DISSOLUTION OR MODIFICATION OF ORDER.—A party against whom the order has been issued or any person harmed by the order may move the court at any time to dissolve or modify the order after giving notice to the party who obtained the order.

''(iv) DISCOVERY TIME LIMITS.—The court may make such orders modifying the time limits for discovery under the Federal Rules of Civil Procedure as may be necessary to prevent the frustration of the purposes of a hearing under this subparagraph.

''(G) ACTION FOR DAMAGE CAUSED BY WRONGFUL SEIZURE.—A person who suffers damage by reason of a wrongful or excessive seizure under this paragraph has a cause of action against the applicant for the order under which such seizure was made, and shall be entitled to the same relief as is provided under section 34(d)(11) of the Trademark Act of 1946 (15 U.S.C. 1116(d)(11)). The security posted with the court under subparagraph (B)(vi) shall not limit the recovery of third parties for damages.

''(H) MOTION FOR ENCRYPTION.—A party or a person who claims to have an interest in the subject matter seized may make a motion at any time, which may be heard ex parte, to encrypt any material seized or to be seized under this paragraph that is stored on a storage medium. The motion shall include, when possible, the desired encryption method.

''(3) REMEDIES.—In a civil action brought under this subsection with respect to the misappropriation of a trade secret, a court may—

''(A) grant an injunction—

''(i) to prevent any actual or threatened misappropriation described in paragraph (1) on such terms as the court deems reasonable, provided the order does not—

''(I) prevent a person from entering into an employment relationship, and that conditions placed on such employment shall be based on evidence of threatened misappropriation and not merely on the information the person knows; or

''(II) otherwise conflict with an applicable State law prohibiting restraints on the practice of a lawful profession, trade, or business;

''(ii) if determined appropriate by the court, requiring affirmative actions to be taken to protect the trade secret; and

''(iii) in exceptional circumstances that render an injunction inequitable, that conditions future use of the trade secret upon payment of a reasonable royalty for no longer than the period of time for which such use could have been prohibited;

''(B) award—

''(i)(I) damages for actual loss caused by the misappropriation of the trade secret; and

''(II) damages for any unjust enrichment caused by the misappropriation of the trade secret that is not addressed in computing damages for actual loss; or

''(ii) in lieu of damages measured by any other methods, the damages caused by the misappropriation measured by imposition of liability for a reasonable royalty for the misappropriator's unauthorized disclosure or use of the trade secret;

''(C) if the trade secret is willfully and maliciously misappropriated, award exemplary damages in an amount not more than 2 times the amount of the damages awarded under subparagraph (B); and

''(D) if a claim of the misappropriation is made in bad faith, which may be established by circumstantial evidence, a motion to terminate an injunction is made or opposed in bad faith, or the trade secret was willfully and maliciously

misappropriated, award reasonable attorney's fees to the prevailing party.

''(c) JURISDICTION.—The district courts of the United States shall have original jurisdiction of civil actions brought under this section.

''(d) PERIOD OF LIMITATIONS.—A civil action under subsection (b) may not be commenced later than 3 years after the date on which the misappropriation with respect to which the action would relate is discovered or by the exercise of reasonable diligence should have been discovered. For purposes of this subsection, a continuing misappropriation constitutes a single claim of misappropriation.''.

(b) DEFINITIONS.—Section 1839 of title 18, United States Code, is amended—

(1) in paragraph (3)—

(A) in subparagraph (B), by striking ''the public'' and inserting ''another person who can obtain economic value from the disclosure or use of the information''; and

(B) by striking ''and'' at the end;

(2) in paragraph (4), by striking the period at the end and inserting a semicolon; and

(3) by adding at the end the following:

''(5) the term 'misappropriation' means—

''(A) acquisition of a trade secret of another by a person who knows or has reason to know that the trade secret was acquired by improper means; or

''(B) disclosure or use of a trade secret of another without express or implied consent by a person who—

''(i) used improper means to acquire knowledge of the trade secret;

''(ii) at the time of disclosure or use, knew or had reason to know that the knowledge of the trade secret was—

''(I) derived from or through a person who had used improper means to acquire the trade secret;

''(II) acquired under circumstances giving rise to a duty to maintain the secrecy of the trade secret or limit the use of the trade secret; or

''(III) derived from or through a person who owed a duty to the person seeking relief to maintain the secrecy of the trade secret or limit the use of the trade secret; or

''(iii) before a material change of the position of the person, knew or had reason to know that—

''(I) the trade secret was a trade secret; and

''(II) knowledge of the trade secret had been acquired by accident or mistake;

''(6) the term 'improper means'—

''(A) includes theft, bribery, misrepresentation, breach or inducement of a breach of a duty to maintain secrecy, or espionage through electronic or other means; and

''(B) does not include reverse engineering, independent derivation, or any other lawful means of acquisition; and

''(7) the term 'Trademark Act of 1946' means the Act entitled 'An Act to provide for the registration and protection of trademarks used in commerce, to carry out the provisions of certain international conventions, and for other purposes, approved July 5, 1946 (15 U.S.C. 1051 et seq.) (commonly referred to as the ''Trademark Act of 1946'' or the ''Lanham Act'')'.''.

(c) EXCEPTIONS TO PROHIBITION.—Section 1833 of title 18, United States Code, is amended, in the matter preceding paragraph (1), by inserting ''or create a private right of action for'' after ''prohibit''.

(d) CONFORMING AMENDMENTS.—

(1) The section heading for section 1836 of title 18, United States Code, is amended to read as follows:

''§ 1836. Civil proceedings''.

(2) The table of sections for chapter 90 of title 18, United States Code, is amended by striking the item relating to section 1836 and inserting the following:

''1836. Civil proceedings.''.

(e) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to any misappropriation of a trade secret (as defined in section 1839 of title 18, United States Code, as amended by this section) for which any act occurs on or after the date of the enactment of this Act.

(f) RULE OF CONSTRUCTION.—Nothing in the amendments made by this section shall be construed to modify the rule of construction under section 1838 of title 18, United States Code, or to preempt any other provision of law.

(g) APPLICABILITY TO OTHER LAWS.—This section and the amendments made by this section shall not be construed to be a law pertaining to intellectual property for purposes of any other Act of Congress.

SEC. 3. TRADE SECRET THEFT ENFORCEMENT.

(a) IN GENERAL.—Chapter 90 of title 18, United States Code, is amended—

(1) in section 1832(b), by striking ''$5,000,000'' and inserting ''the greater of $5,000,000 or 3 times the value of the stolen trade secret to the organization, including expenses for research and design and other costs of reproducing the trade secret that the organization has thereby avoided''; and

(2) in section 1835—

(A) by striking ''In any prosecution'' and inserting the following:

''(a) IN GENERAL.—In any prosecution''; and

(B) by adding at the end the following:

''(b) RIGHTS OF TRADE SECRET OWNERS.—The court may not authorize or direct the disclosure of any information the owner asserts to be a trade secret unless the court allows the owner the opportunity to file a submission under seal that describes the interest of the owner in keeping the information confidential. No submission under seal made under this subsection may be used in a prosecution under this chapter for any purpose other than those set forth in this section, or otherwise required by law. The provision of information relating to a trade secret to the United States or the court in connection with a prosecution under this chapter shall not constitute a waiver of trade secret protection, and the disclosure of information relating to a trade secret in connection with a prosecution under this chapter shall not constitute a waiver of trade secret protection unless the trade secret owner expressly consents to such waiver.''.

(b) RICO PREDICATE OFFENSES.—Section 1961(1) of title 18, United States Code, is amended by inserting ''sections 1831 and 1832 (relating to economic espionage and theft of trade secrets),'' before ''section 1951''.

SEC. 4. REPORT ON THEFT OF TRADE SECRETS OCCURRING ABROAD.

(a) DEFINITIONS.—In this section:

(1) DIRECTOR.—The term ''Director'' means the Under Secretary of Commerce for Intellectual Property and Director of the United States Patent and Trademark Office.

(2) FOREIGN INSTRUMENTALITY, ETC.—The terms ''foreign instrumentality'', ''foreign agent'', and ''trade secret'' have the meanings given those terms in section 1839 of title 18, United States Code.

(3) STATE.—The term ''State'' includes the District of Columbia and any commonwealth, territory, or possession of the United States.

(4) UNITED STATES COMPANY.—The term ''United States company'' means an organization organized under the laws of the United States or a State or political subdivision thereof.

(b) REPORTS.—Not later than 1 year after the date of enactment of this Act, and biannually thereafter, the Attorney General, in consultation with the Intellectual Property Enforcement Coordinator, the Director, and the heads of other appropriate agencies, shall submit to the Committees on the Judiciary of the House of Representatives and the Senate, and make publicly available on the Web site of the Department of Justice and disseminate to the public through such other means as the Attorney General may identify, a report on the following:

(1) The scope and breadth of the theft of the trade secrets of United States companies occurring outside of the United States.

(2) The extent to which theft of trade secrets occurring outside of the United States is sponsored by foreign governments, foreign instrumentalities, or foreign agents.

(3) The threat posed by theft of trade secrets occurring outside of the United States.

(4) The ability and limitations of trade secret owners to prevent the misappropriation of trade secrets outside of the United States, to enforce any judgment against foreign entities for theft of trade secrets, and to prevent imports based on theft of trade secrets overseas.

(5) A breakdown of the trade secret protections afforded United States companies by each country that is a trading partner of the United States and enforcement efforts available and undertaken in each such country, including a list identifying specific countries where trade secret theft, laws, or enforcement is a significant problem for United States companies.

(6) Instances of the Federal Government working with foreign countries to investigate, arrest, and prosecute entities and individuals involved in the theft of trade secrets outside of the United States.

(7) Specific progress made under trade agreements and treaties, including any new remedies enacted by foreign countries, to protect against theft of trade secrets of United States companies outside of the United States.

(8) Recommendations of legislative and executive branch actions that may be undertaken to—

(A) reduce the threat of and economic impact caused by the theft of the trade secrets of United States companies occurring outside of the United States;

(B) educate United States companies regarding the threats to their trade secrets when taken outside of the United States;

(C) provide assistance to United States companies to reduce the risk of loss of their trade secrets when taken outside of the United States; and

(D) provide a mechanism for United States companies to confidentially or anonymously report the theft of trade secrets occurring outside of the United States.

SEC. 5. SENSE OF CONGRESS.

It is the sense of Congress that—

(1) trade secret theft occurs in the United States and around the world;

(2) trade secret theft, wherever it occurs, harms the companies that own the trade secrets and the employees of the companies;

(3) chapter 90 of title 18, United States Code (commonly known as the ''Economic Espionage Act of 1996''), applies broadly to protect trade secrets from theft; and

(4) it is important when seizing information to balance the need to prevent or remedy misappropriation with the need to avoid interrupting the—

(A) business of third parties; and

(B) legitimate interests of the party accused of wrongdoing.

SEC. 6. BEST PRACTICES.

(a) IN GENERAL.—Not later than 2 years after the date of enactment of this Act, the Federal Judicial Center, using existing resources, shall develop recommended best practices for—

(1) the seizure of information and media storing the information; and

(2) the securing of the information and media once seized.

(b) UPDATES.—The Federal Judicial Center shall update the recommended best practices developed under subsection (a) from time to time.

(c) CONGRESSIONAL SUBMISSIONS.—The Federal Judicial Center shall provide a copy of the recommendations developed under subsection (a), and any updates made under subsection (b), to the—

(1) Committee on the Judiciary of the Senate; and

(2) Committee on the Judiciary of the House of Representatives.

SEC. 7. IMMUNITY FROM LIABILITY FOR CONFIDENTIAL DISCLOSURE OF A TRADE SECRET TO THE GOVERNMENT OR IN A COURT FILING.

(a) AMENDMENT.—Section 1833 of title 18, United States Code, is amended—

(1) by striking ''This chapter'' and inserting ''(a) IN GENERAL.—This chapter'';

(2) in subsection (a)(2), as designated by paragraph (1), by striking ''the reporting of a suspected violation of law to any governmental entity of the United States, a State, or a political subdivision of a State, if such entity has lawful authority with respect to that violation'' and inserting ''the disclosure of a trade secret in accordance with subsection (b)''; and

(3) by adding at the end the following:

''(b) IMMUNITY FROM LIABILITY FOR CONFIDENTIAL DISCLOSURE OF A TRADE SECRET TO THE GOVERNMENT OR IN A COURT FILING.—

''(1) IMMUNITY.—An individual shall not be held criminally or civilly liable under any Federal or State trade secret law for the disclosure of a trade secret that—

''(A) is made—

''(i) in confidence to a Federal, State, or local government official, either directly or indirectly, or to an attorney; and

''(ii) solely for the purpose of reporting or investigating a suspected violation of law; or

''(B) is made in a complaint or other document filed in a lawsuit or other proceeding, if such filing is made under seal.

''(2) USE OF TRADE SECRET INFORMATION IN ANTI-RETALIATION LAWSUIT.—An individual who files a lawsuit for retaliation by an employer for reporting a suspected violation of law may disclose the trade secret to the attorney of the individual and use the trade secret information in the court proceeding, if the individual—

''(A) files any document containing the trade secret under seal; and

''(B) does not disclose the trade secret, except pursuant to court order.

''(3) NOTICE.—

''(A) IN GENERAL.—An employer shall provide notice of the immunity set forth in this subsection in any contract or agreement with an employee that governs the use of a trade secret or other confidential information.

''(B) POLICY DOCUMENT.—An employer shall be considered to be in compliance with the notice requirement in subparagraph (A) if the employer provides a cross-reference to a policy document provided to the employee that sets forth the employer's reporting policy for a suspected violation of law.

''(C) NON-COMPLIANCE.—If an employer does not comply with the notice requirement in subparagraph (A), the employer may not be awarded exemplary damages or attorney fees under subparagraph (C) or (D) of section 1836(b)(3) in an action against an employee to whom notice was not provided.

''(D) APPLICABILITY.—This paragraph shall apply to contracts and agreements that are entered into or updated after the date of enactment of this subsection.

''(4) EMPLOYEE DEFINED.—For purposes of this subsection, the term 'employee' includes any individual performing work as a contractor or consultant for an employer.

''(5) RULE OF CONSTRUCTION.—Except as expressly provided for under this subsection, nothing in this subsection shall be construed to authorize, or limit liability for, an act that is otherwise prohibited by law, such as the unlawful access of material by unauthorized means.''.

(b) TECHNICAL AND CONFORMING AMENDMENT.—Section 1838 of title 18, United States Code, is amended by striking ''This chapter'' and inserting ''Except as provided in section 1833(b), this chapter''.

The PRESIDING OFFICER. Under the previous order, there will be 30 minutes of debate equally divided in the usual form.

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

Mr. COONS. Mr. President, I made long remarks earlier this afternoon, along with my colleague and friend Senator HATCH.

I want to briefly reiterate my thanks to the many staff who worked tirelessly to make it possible for the Defense Trade Secrets Act to move forward today. I greatly appreciate the leadership and hard work of the chairman and ranking member of the Judiciary Committee, Senators GRASSLEY and LEAHY, for their hard work and their staffs' work.

I want to personally thank Ted Schroeder, who was my chief counsel for many years, for his terrific work on this bill and the dozens of staffs here in the Senate and the House and outside groups who have come together to make it possible for this strong bipartisan bill to move forward today.

Thank you, Mr. President.

With that, I yield the floor.

The PRESIDING OFFICER. The Senator from Iowa.

EX PARTE SEIZURE PROVISION

Mr. GRASSLEY. Mr. President, as the Senate is prepared to vote on the Defend Trade Secrets Act, I rise today to enter into a colloquy with my longtime friend and colleague from Utah, Senator ORRIN HATCH.

Does the Senator agree that the ex parte seizure provision is a vital element of the bill?

Mr. HATCH. I thank my colleague and longtime friend from Iowa, Senator CHUCK GRASSLEY, for the question.

Indeed, the Defend Trade Secrets Act provides a trade secret owner with a right of action to go to court ex parte to have the trade secret seized and returned before the misappropriator can divulge it and cause it to lose its protection or before significant destruction of evidence.

The provision is tailored to prevent abuse—balancing the need to recover a stolen trade secret with the rights of defendants and third parties.

We drafted the bill to require the party seeking ex parte review to make a rigorous showing that they owned the secret, that it was stolen, and that third parties would not be harmed if an order were granted. We required a hearing at the earliest possible date. We also included damages for wrongful seizure, including attorney's fees.

Could the Senator discuss the intent behind that language?

Mr. GRASSLEY. I thank Senator HATCH. The Defend Trade Secrets Act is the product of bipartisan consensus, and as he will recall, before the bill was approved in the Senate Judiciary Committee, a modification added language that ex parte seizures would be granted under ''extraordinary circumstances.''

As I understand it, the ''extraordinary circumstances'' language was not added to impose an additional requirement for obtaining an ex parte seizure, but to acknowledge the Judiciary's general disfavor of ex parte procedures and to reinforce that particular circumstances are required to utilize the seizure provisions but still provide a much needed avenue for ex parte seizures when necessary.

The legislation specifically lists these requirements for issuing an ex parte seizure order. For example, this authority is not available if an injunction under existing rules of civil procedure would be sufficient. The ex parte seizure provision is expected to be used in instances in which a defendant is seeking to flee the country or planning to disclose the trade secret to a third party immediately or is otherwise not amenable to the enforcement of the court's orders.

Mr. HATCH. That is correct. We expect the provision will be used in instances such as when a trade secret misappropriator is seeking to flee the country or planning to disclose a trade secret immediately.

Mr. GRASSLEY. I thank Senator HATCH for his helpful insights.

Mr. President, today the Senate is poised to pass the Defend Trade Secrets Act of 2016, a bill that offers practical and necessary solutions to a growing problem.

I have recently had the opportunity to speak about a number of bipartisan bills that have passed out of the Judiciary Committee and that have been taken up here on the Senate floor. That is a testament to the fact that the Judiciary Committee is working hard through an open process to find thoughtful solutions to the problems facing our country. In fact, we have processed 24 bills out of the Judiciary Committee, all in a bipartisan fashion. Of these, 16 have passed the Senate and 6 have been signed into law by the President. While any Member of this body can tell you that it isn't always easy to find legislative agreement, the American people deserve hardworking representatives in Washington who strive to get things accomplished. And the record of the Judiciary Committee shows that we have chosen to overcome gridlock and dysfunction to pass legislation that addresses problems that American people face.

Here are a few examples of the Judiciary Committee's legislative accomplishments so far. Last month, the Senate overwhelmingly passed the bipartisan Comprehensive Addiction and Recovery Act, or CARA, by a vote of 94–1. In the face of a growing and deadly epidemic of heroin and opioid painkillers, this bill addresses this crisis comprehensively supporting prevention, education, treatment, recovery, and law enforcement.

In the past few weeks, the Senate also passed the FOIA Improvement

Act, a bill authored by Senators CORNYN and LEAHY that I worked to move through the committee process. It codifies a presumption of openness for government agencies to follow when they respond to requests for government records via the Freedom of Information Act. In passing the FOIA Improvement Act—the Senate is helping change the culture in government toward openness and transparency.

In February, the Judiciary Committee reported out the bipartisan Justice Against Sponsors of Terrorism Act by a vote of 19–0. The bill, which has now been signed into law, holds sponsors of terrorism accountable by preventing them from invoking ''sovereign immunity'' in cases involving attacks within the United States. It also allows civil suits to be filed against foreign entities that have aided or abetted terrorists.

The committee has worked to protect families and children by passing bills such as the Amy and Vicky Child Pornography Victim Restitution Improvement Act and the Adoptive Family Relief Act. The Amy and Vicky Child Pornography Victim Restitution Improvement Act reverses a Supreme Court decision that limited the restitution that victims of child pornography can seek from any single perpetrator, ensuring that victims can be fully compensated for these heinous crimes, and can focus their attention on healing. The Adoptive Family Relief Act was signed into law in October of 2015, after passing the Judiciary Committee, and aims to help families facing challenges with international adoptions.

And once again today, we are set to approve another Judiciary Committee bill that is supported by folks across the whole of the political spectrum. The support behind the Defend Trade Secrets Act makes clear that the Senate and Judiciary Committee is working to find thoughtful solutions to problems facing our country. This bipartisan legislation is authored by Senators HATCH and COONS. It brings needed uniformity to trade secret litigation so creators and owners of trade secrets can more effectively address the growing problem of trade secret theft.

It is estimated that the American economy loses 2.1 million jobs every year because of trade secret theft. Further, according to a recent report of the Commission on the Theft of American Intellectual Property, annual losses owing to trade secret theft are likely comparable to the current annual level of U.S. exports to Asia—over $300 billion.

Back in Iowa we have seen this firsthand as innovative companies like Monsanto and DuPont-Pioneer have become targets for trade secret theft. In a well-publicized case, a naturalized citizen was indicted and convicted for engaging in a scheme with foreign nationals to steal proprietary test seeds from Iowa fields to benefit foreign companies.

Contrasted with other areas of intellectual property, trade secrets are mainly protected as a matter of state law. Forty-seven states have enacted some variation of the Uniform Trade Secrets Act. Yet as we have learned through hearings in the Judiciary Committee and from companies who have experienced trade secret theft, the increasing use of technology by criminals and their ability to quickly travel across state lines, means at times these laws are inadequate. The existing patchwork of state laws has become a difficult procedural hurdle for victims who must seek immediate relief before their valuable intellectual property is lost forever.

As the pace of trade secret theft has soared, the Federal Bureau of Investigation reports that their caseload for economic espionage and trade secret theft cases has also increased more than 60% from 2009 to 2013. The Defend Trade Secrets Act will create a uniform federal civil cause of action, without preempting state law, to provide clear rules and predictability for trade secret cases. Victims of trade secret theft will now have another weapon in their arsenal to combat trade secret theft, aside from criminal enforcement. This bill will provide certainty of the rules, standards, and practices to stop trade secrets from being disseminated and losing their value, and will allow victims to move quickly to federal court to stop their trade secrets from being disseminated. By improving trade secret protection, this bill will also help to incentivize future innovation.

Importantly, the Defend Trade Secrets Act codifies protections for whistleblowers. An amendment that I authored with Ranking Member LEAHY, which was included in Committee, would create express protections for whistleblowers who disclose trade secrets confidentially to the government to report a violation of the law. There is a longstanding and compelling public interest in safeguarding the ability of whistleblowers to lawfully and appropriately disclose waste, fraud, and abuse that would otherwise never be brought to light. As chairman, and one of the founding members of the Senate Whistleblower Protection Caucus, I've seen how whistleblowers help hold wrongdoers accountable and allow the government to recoup taxpayer money that might otherwise be lost to fraud and other unlawful activities. The inclusion of this whistleblower protection in the Defend Trade Secrets Act allows us to help make sure that those who are best in a position to report illegal conduct can come forward.

Passing legislation to help Americans deal with a growing problem like trade secret theft in a bipartisan fashion is an important accomplishment. I am proud of the way the Judiciary Committee continues to get things done.

Mr. President, I yield back the remainder of our time.

The PRESIDING OFFICER. All time is yielded back.

Under the previous order, the committee-reported substitute amendment is agreed to.

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

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

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

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

The yeas and nays have been ordered.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. CORNYN. The following Senators are necessarily absent: the Senator from New Hampshire (Ms. AYOTTE), the Senator from Texas (Mr. CRUZ), the Senator from Colorado (Mr. GARDNER), the Senator from Utah (Mr. LEE), the Senator from Alaska (Ms. MURKOWSKI), the Senator from Alaska (Mr. SULLIVAN), the Senator from Pennsylvania (Mr. TOOMEY), and the Senator from Louisiana (Mr. VITTER).

Further, if present and voting, the Senator from New Hampshire (Ms. AYOTTE) would have voted ''yea'', the Senator from Colorado (Mr. GARDNER) would have voted ''yea'', and the Senator from Alaska (Mr. SULLIVAN) would have voted ''yea''.

Mr. DURBIN. I announce that the Senator from Delaware (Mr. CARPER), the Senator from New York (Mrs. GILLIBRAND), the Senator from Vermont (Mr. LEAHY), the Senator from Maryland (Ms. MIKULSKI), and the Senator from Vermont (Mr. SANDERS).

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

The result was announced—yeas 87, nays 0, as follows:

[Rollcall Vote No. 39 Leg.]

YEAS—87

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

NOT VOTING—13

Ayotte	Gardner	Lee
Carper	Gillibrand	
Cruz	Leahy	

Mikulski	Sanders	Toomey
Murkowski	Sullivan	Vitter

The bill (S. 1890), as amended, was passed.

AMERICA'S SMALL BUSINESS TAX RELIEF ACT OF 2015—MOTION TO PROCEED—Continued

The PRESIDING OFFICER. The majority leader is recognized.

Mr. MCCONNELL. Mr. President, what is the pending business?

The PRESIDING OFFICER. The motion to proceed on H.R. 636.

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 motion to proceed to Calendar No. 55, H.R. 636, an act to amend the Internal Revenue Code of 1986 to permanently extend increased expensing limitations, and for other purposes.

Mitch McConnell, Orrin G. Hatch, Daniel Coats, Lamar Alexander, John Boozman, James M. Inhofe, Chuck Grassley, Mike Crapo, Richard Burr, Thad Cochran, Johnny Isakson, Roy Blunt, Dean Heller, John Thune, John McCain, John Cornyn, Steve Daines.

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the mandatory quorum call be waived.

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

MORNING BUSINESS

DEFEND TRADE SECRETS BILL

Mr. DURBIN. Mr. President, I am pleased that the Senate voted today on the Defend Trade Secrets Act. I am proud to be an original cosponsor of this legislation, which would create a Federal civil cause of action to help deter and remedy trade secret theft that is costing American businesses hundreds of billions of dollars each year.

Trade secrets, such as manufacturing processes, industrial techniques, and customer lists, are critical assets for U.S. companies. However, American companies are increasingly being targeted by efforts to steal this proprietary information, often by overseas interests. Currently, there is no Federal civil remedy available to companies to fight this theft, and the Justice Department does not have the resources to investigate and prosecute criminally all of the thefts that are taking place. While most States have passed civil trade secret laws, these laws are not well suited for remedying interstate or foreign trade secret theft. The lack of a Federal civil remedy for trade secret misappropriation is a glaring gap in current law, especially since Federal civil remedies are available to protect other forms of intellectual property such as patents, trademarks, and copyrights.

The Defend Trade Secrets Act would close this gap by creating a civil right of action in Federal court for misappropriation of a trade secret that is related to a product or service used in interstate or foreign commerce. Available remedies would include injunctions, damages, and in certain cases enhanced damages. This broadly bipartisan bill has been carefully crafted to empower companies to protect their trade secrets through a process that will be both swift and fair. By helping American companies safeguard their essential trade secrets from theft, the bill will help keep innovation and jobs in America.

The Defend Trade Secrets Act has been cosponsored by 65 Senators and is supported by groups and companies representing a broad swath of the American economy, including numerous employers based in my home State of Illinois, such as Caterpillar and Illinois Tool Works. I am pleased that the Senate is moving forward with passage of this legislation, and I hope the bill will soon pass the House of Representatives and be signed into law.

(At the request of Mr. REID, the following statement was ordered to be printed in the RECORD.)

● Mr. LEAHY. Today, the Senate voted on legislation that will provide a valuable tool to protect against trade secret theft. This legislation is supported by businesses from diverse sectors of our economy, including companies large and small.

In Vermont, trade secrets protect the specialized knowledge of woodworkers who have made heirloom products for generations, and cutting-edge start-ups that are shaping the future of plastics, software, and green technology. Trade secrets protect the recipes for Vermont craft brews and closely guarded customer lists for our top tourist services. Today's legislation provides an important tool to protect these innovative businesses in Vermont and across the country.

The Defend Trade Secrets Act contains a bipartisan provision I offered with Senator GRASSLEY to ensure that employers and other entities cannot bully whistleblowers or other litigants by threatening them with a lawsuit for trade secret theft. The provision protects disclosures made in confidence to law enforcement or an attorney for the purpose of reporting a suspected violation of law and disclosures made in the course of a lawsuit, provided that the disclosure is made under seal. It requires employers to provide clear notice of this protection in any nondisclosure agreements they ask individuals to sign. This commonsense public policy amendment is supported by the Project on Government Oversight and the Government Accountability Project and builds upon valuable scholarly work by Professor Peter Menell.

Good, thoughtful work was done in the Senate Judiciary Committee to craft the bill we are voting on today, which builds on earlier versions introduced in prior Congresses. It is a testament to how the Judiciary Committee can and should operate when it functions with regular order. We held a public hearing on the issue of trade secret theft in the Subcommittee on Crime and Terrorism during the 113th Congress and another hearing in the full committee this past December. Senators suggested improvements to the bill, they debated them, and they voted on the legislation.

Unfortunately, the regular order and fair consideration that was given to this legislation is being denied for one of the Senate's most important and solemn responsibilities: considering the Supreme Court nomination pending in the Senate Judiciary Committee. Americans by a 2-to-1 margin want the Senate to move forward with a full and fair process for Chief Judge Garland. The Senate today is coming together to pass trade secrets legislation, but that does nothing to absolve us from doing our jobs by considering the pending Supreme Court nominee.●

Mrs. FEINSTEIN. Mr. President, I wish to express my support for the Defend Trade Secrets Act and to explain some of the changes that were made in the Judiciary Committee to ensure the bill does not adversely impact California.

First, let me congratulate Senators HATCH and COONS on their work on this bill.

This bill will help protect vital trade secrets of American companies by providing a Federal cause of action for the theft of trade secrets. It will ensure there is access to Federal courts in these cases. During consideration of the bill in the Judiciary Committee, some members, including me, voiced concern that the injunctive relief authorized under the bill could override State law limitations that safeguard the ability of an employee to move from one job to another. This is known as employee mobility. Some States, including California, have strong public policies or laws in favor of employee mobility. These are reflected in some State court precedent or in laws that are on the books.

When this bill came before the Judiciary Committee, there was a serious concern that a Federal law without similar limits would override the law in those States and create impairments on employees' ability to move from job to job. If that were to happen, it could be a major limitation on employee mobility that does not exist today. To prevent this, the bill now includes language to preserve the law in California and elsewhere. Specifically, the bill bars an injunction ''to prevent a person from entering into an employment relationship,'' period. In other words, relief under this bill cannot include an injunction barring a person from starting a new job. As I understand it, this

reflects the practice under current law in California.

Secondly, any injunction that is issued cannot be based ''merely on the information the person knows.'' This language makes clear that any injunctive relief must be based on real evidence of a threat to the trade secrets, not simply on the employee's knowledge.

Third, the bill also includes language to ensure that any injunction issued under the bill does not ''otherwise conflict with an applicable State law prohibiting restraints on the practice of a lawful profession, trade, or business.''

This language will ensure that States are able to protect against the use of this bill to create unlawful restraints on business practices within their States. In fact, California's strong public policy in favor of employee mobility stems from such a law, which is located at section 16600 in the State's business and professions code. This law states: ''Except as provided in this chapter, every contract by which anyone is restrained from engaging in a lawful profession, trade, or business of any kind is to that extent void.''

As I said in the markup of this bill in the Judiciary Committee and as is noted in the Judiciary Committee's report, if a State's trade secrets law authorizes additional remedies beyond what this bill authorizes, those State law remedies will still be available.

I felt it was important to protect California, which has a vibrant and dynamic economy of almost 40 million people in so many sectors.

I am very grateful that Senators HATCH and COONS were willing to accommodate my concerns, and I am pleased to support this bill and to cosponsor it.

Thank you very much.

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. 16–26, concerning the Department of the Navy's proposed Letter(s) of Offer and Acceptance to the United Kingdom for defense articles and services estimated to cost $3.2 billion. After this letter is delivered to your office, we plan to issue a news release to notify the public of this proposed sale.

Sincerely,

JENNIFER ZAKRISKI,
(for J. W. Rixey, Vice Admiral, USN, Director).

Enclosures.

TRANSMITTAL NO. 16–26

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: United Kingdom.

(ii) Total Estimated Value:
Major Defense Equipment * $1.8 billion.
Other $1.4 billion.
Total $3.2 billion.

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

Major Defense Equipment (MDE).

Nine (9) P–8A Patrol Aircraft, which include: Tactical Open Mission Software (TOMS), Electro-Optical (EO) and Infrared (IR) MX–20HD, AN/AAQ–2(V)1 Acoustic System, AN/APY–10 Radar, ALQ–240 Electronic Support Measures (ESM).

Twelve (12) Multifunctional Informational Distribution System (MIDS) Joint Tactical Radio Systems (JTRS).

Twelve (12) Guardian Laser Transmitter Assemblies (GLTA) for AN/AAQ–24(V)N.

Twelve (12) System Processors for AN/AAQ–24(V)N.

Twelve (12) Missile Warning Sensors for AN/AAR–54 (for AN/AAQ–24(V)N).

Nine (9) LN–251 with Embedded Global Positioning Systems/Inertial Navigation System (EGI).

Non-Major Defense Equipment (Non-MDE): Associated training, training devices, and support.

(iv) Military Department: U.S. Navy (SAN, Basic Aircraft Procurement Case; LVK, Basic Training Devices Case; TGO, Basic Training Case).

(v) Prior Related Cases, if any: UK–P–FBF, total case value $5.6M, implemented January 27, 2015.

(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: March 24, 2016.

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

POLICY JUSTIFICATION

United Kingdom—P–8A Aircraft and Associated Support

The Government of the United Kingdom (UK) has requested notification for the possible procurement of up to nine (9) P–8A Patrol Aircraft, associated major defense equipment, associated training, and support. The estimated cost is $3.2 billion.

The UK is a close ally and an important partner on critical foreign policy and defense issues. The proposed sale will enhance U.S. foreign policy and national security objectives by enhancing the UK's capabilities to provide national defense and contribute to NATO and coalition operations.

The proposed sale will allow the UK to reestablish its Maritime Surveillance Aircraft (MSA) capability that it divested when it cancelled the Nimrod MRA4 Maritime Patrol Aircraft (MPA) program. The United Kingdom has retained core skills in maritime patrol and reconnaissance following the retirement of the Nimrod aircraft through Personnel Exchange Programs (PEPs). The MSA has remained the United Kingdom's highest priority unfunded requirement. The P–8A aircraft would fulfill this requirement. The UK will have no difficulty absorbing these aircraft 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 involved in this sale is The Boeing Company, Seattle, WA. Implementation of the proposed sale will require approximately sixty-four (64) personnel hired by Boeing to support the program in the United Kingdom. Additional contractors include:
ViaSat, Carlsbad, CA.
GC Micro, Petaluma, CA.
Rockwell Collins, Cedar Rapids, IA.
Spirit Aero, Wichita, KS.
Raytheon, Waltham, MA.
Telephonics, Farmingdale, NY.
Pole Zero, Cincinnati, OH.
Northrop Grumman Corp, Falls Church, VA.
Exelis, McLean, VA.
Terma, Arlington, VA.
Symmetrics, Canada.
Arnprior Aerospace, Canada.
General Electric, UK.
Martin Baker, UK.

There are no known offset agreements proposed in connection with this potential sale.

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

TRANSMITTAL NO. 16–26

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

Annex Item No. vii

(vii) Sensitivity of Technology:

1. The P–8A aircraft is a militarized version of the Boeing 737–800 Next Generation (NG) commercial aircraft. The P–8A is replacing the P–3C as the Navy's long-range anti-submarine warfare (ASW), anti-surface warfare (ASuW), intelligence, surveillance, and reconnaissance (ISR) aircraft capable of broad-area, maritime and littoral operations.

2. P–8A mission systems include:

(a) Tactical Open Mission Software (TOMS). TOMS functions include environment planning tactical aids, weapons planning aids, and data correlation. TOMS includes an algorithm for track fusion which automatically correlates tracks produced by on-board and off-board sensors.

(b) Electro-Optical (EO) and Infrared (IR) MX–20HD. The EO/IR system processes visible EO and IR spectrum to detect and image objects.

(c) AN/AAQ–2(V)1 Acoustic System. The Acoustic sensor system is integrated within the mission system as the primary sensor for the aircraft ASW missions. The system has multi-static active coherent (MAC) 64 sonobuoy processing capability and acoustic sensor prediction tools.

(d) AN/APY–10 Radar. The aircraft radar is a direct derivative of the legacy AN/APS–137(V) installed in the P–3C. The radar capabilities include Global Positioning System (GPS), selective availability anti-spoofing, Synthetic Aperture Radar (SAR), and Inverse Synthetic Aperture Radar (ISAR) imagery resolutions, and periscope detection mode.

(e) ALQ–240 Electronic Support Measures (ESM). This system provides real time capability for the automatic detection, location, measurement, and analysis of Radio-Frequency (RF) signals and modes. Real time results are compared with a library of known emitters to perform emitter classification and specific emitter identification (SEI).

(f) Electronic Warfare Self Protection (EWSP). The aircraft EWSP consists of the ALQ–213 Electronic Warfare Management System (EWMS). ALE–47 Countermeasures Dispensing System (CMDS), and the AN/AAQ–24 Directional Infrared Countermeasures (DIRCM)/AAR–54 Missile Warning Sensors (MWS). The EWSP includes threat information.

3. If a technologically advanced adversary was to obtain access to the P–8A specific hardware and software elements, systems could be reverse engineered to discover U.S. Navy capabilities and tactics. The consequences of the loss of this technology, to a technologically advanced or competent adversary, could result in the development of countermeasures or equivalent systems, which could reduce system effectiveness or be used in the development of a system with similar advance capabilities.

4. A determination has been made that the United Kingdom can provide substantially the same degree of protection for the technology being released as the U.S. Government. Support of the P–8A Patrol Aircraft to the Government of the United Kingdom is necessary in the furtherance of the U.S. foreign policy and national security objectives.

5. All defense articles and services listed in this transmittal have been authorized for release and export to the United Kingdom.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Pate, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations and a withdrawal which were referred to the appropriate committees.

(The messages received today are printed at the end of the Senate proceedings.)

MESSAGES FROM THE HOUSE RECEIVED DURING ADJOURNMENT

Under the order of the Senate of January 6, 2015, the Secretary of the Senate, on March 22, 2016, during the adjournment of the Senate, received a message from the House of Representatives announcing that the House has passed the following bill, with an amendment, in which it requests the concurrence of the Senate:

S. 192. An act to reauthorize the Older Americans Act of 1965, and for other purposes.

The message also announced that the House has passed the following bills, without amendment:

S. 1180. An act to amend the Homeland Security Act of 2002 to direct the Administrator of the Federal Emergency Management Agency to modernize the integrated public alert and warning system of the United States, and for other purposes.

S. 2393. An act to extend temporarily the extended period of protection for members of uniformed services relating to mortgages, mortgage foreclosures, and eviction, and for other purposes.

The message further announced that the House agreed to the amendment of the Senate to the bill (H.R. 4721) to amend title 49, United States Code, to extend authorizations for the airport improvement program, to amend the Internal Revenue Code of 1986 to extend the funding and expenditure authority of the Airport and Airway Trust Fund, and for other purposes.

ENROLLED BILL SIGNED

Under the order of the Senate of January 6, 2015, the Secretary of the Senate, on March 22, 2016, during the adjournment of the Senate, received a message from the House of Representatives announcing that the Speaker had signed the following enrolled bill:

H.R. 1831. An act to establish the Commission on Evidence-Based Policymaking, and for other purposes.

Under the authority of the order of the Senate of January 6, 2015, the enrolled bill was signed on March 24, 2016, during the adjournment of the Senate, by the Acting President pro tempore (Mr. COTTON).

Under the order of the Senate of January 6, 2015, the Secretary of the Senate, on March 24, 2016, during the adjournment of the Senate, received a message from the House of Representatives announcing that the House agreed to the following concurrent resolution, without amendment:

S. Con. Res. 34. Concurrent resolution providing for an adjournment of the House of Representatives.

ENROLLED BILL SIGNED

Under the order of the Senate of January 6, 2015, the Secretary of the Senate, on March 24, 2016, during the adjournment of the Senate, received a message from the House of Representatives announcing that the Speaker had signed the following enrolled bill:

H.R. 4721. An act to amend title 49, United States Code, to extend authorizations for the airport improvement program, to amend the Internal Revenue Code of 1986 to extend the funding and expenditure authority of the Airport and Airway Trust Fund, and for other purposes.

Under the authority of the order of the Senate of January 6, 2015, the enrolled bill was signed on March 24, 2016, during the adjournment of the Senate, by the Acting President pro tempore (Mr. COTTON).

ENROLLED BILLS SIGNED

Under the order of the Senate of January 6, 2015, the Secretary of the Senate, on March 31, 2016, during the adjournment of the Senate, received a message from the House of Representatives announcing that the Speaker pro tempore (Mr. MESSER) had signed the following enrolled bills:

S. 1180. An act to amend the Homeland Security Act of 2002 to direct the Administrator of the Federal Emergency Management Agency to modernize the integrated public alert and warning system of the United States, and for other purposes.

S. 2393. An act to extend temporarily the extended period of protection for members of uniformed services relating to mortgages, mortgage foreclosures, and eviction, and for other purposes.

Under the authority of the order of the Senate of January 6, 2015, the enrolled bills were signed on March 31, 2016, during the adjournment of the Senate, by the Acting President pro tempore (Mr. ALEXANDER).

MESSAGE FROM THE HOUSE

At 3:02 p.m., a message from the House of Representatives, delivered by Mr. Novotny, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 482. An act to redesignate Ocmulgee National Monument in the State of Georgia and revise its boundary, and for other purposes.

H.R. 1670. An act to direct the Architect of the Capitol to place in the United States Capitol a chair honoring American Prisoners of War/Missing in Action.

H.R. 2745. An act to amend the Clayton Act and the Federal Trade Commission Act to provide that the Federal Trade Commission shall exercise authority with respect to mergers only under the Clayton Act and only in the same procedural manner as the Attorney General exercises such authority.

H.R. 2857. An act to facilitate the addition of park administration at the Coltsville National Historical Park, and for other purposes.

H.R. 4119. An act to authorize the exchange of certain land located in Gulf Islands National Seashore, Jackson County, Mississippi, between the National Park Service and the Veterans of Foreign Wars, and for other purposes.

H.R. 4314. An act to require a plan to combat international travel by terrorists and foreign fighters, accelerate the transfer of certain border security systems to foreign partner governments, establish minimum international border security standards, authorize the suspension of foreign assistance to countries not making significant efforts to comply with such minimum standards, and for other purposes.

H.R. 4336. An act to amend title 38, United States Code, to provide for the burial in Arlington National Cemetery of the cremated remains of certain persons whose service has been determined to be active service.

H.R. 4472. An act to amend title IV of the Social Security Act to require States to adopt a centralized electronic system to help expedite the placement of children in foster care or guardianship, or for adoption, across State lines, and to provide grants to aid States in developing such a system, and for other purposes.

H.R. 4742. An act to authorize the National Science Foundation to support entrepreneurial programs for women.

H.R. 4755. An act to inspire women to enter the aerospace field, including science, technology, engineering, and mathematics, through mentorship and outreach.

MEASURES REFERRED

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

H.R. 482. An act to redesignate Ocmulgee National Monument in the State of Georgia and revise its boundary, and for other purposes; to the Committee on Energy and Natural Resources.

H.R. 2745. An act to amend the Clayton Act and the Federal Trade Commission Act to provide that the Federal Trade Commission shall exercise authority with respect to mergers only under the Clayton Act and only in the same procedural manner as the Attorney General exercises such authority; to the Committee on the Judiciary.

H.R. 2857. An act to facilitate the addition of park administration at the Coltsville National Historical Park, and for other purposes; to the Committee on Energy and Natural Resources.

H.R. 4119. An act to authorize the exchange of certain land located in Gulf Islands National Seashore, Jackson County, Mississippi, between the National Park Service and the Veterans of Foreign Wars, and for other purposes; to the Committee on Energy and Natural Resources.

H.R. 4314. An act to require a plan to combat international travel by terrorists and foreign fighters, accelerate the transfer of certain border security systems to foreign partner governments, establish minimum international border security standards, authorize the suspension of foreign assistance to countries not making significant efforts to comply with such minimum standards, and for other purposes; to the Committee on Foreign Relations.

H.R. 4336. An act to amend title 38, United States Code, to provide for the burial in Arlington National Cemetery of the cremated remains of certain persons whose service has been determined to be active service; to the Committee on Veterans' Affairs.

H.R. 4472. An act to amend title IV of the Social Security Act to require States to adopt a centralized electronic system to help expedite the placement of children in foster care or guardianship, or for adoption, across State lines, and to provide grants to aid States in developing such a system, and for other purposes; to the Committee on Finance.

H.R. 4742. An act to authorize the National Science Foundation to support entrepreneurial programs for women; to the Committee on Commerce, Science, and Transportation.

H.R. 4755. An act to inspire women to enter the aerospace field, including science, technology, engineering, and mathematics, through mentorship and outreach; to the Committee on Commerce, Science, and Transportation.

ENROLLED BILLS PRESENTED

The Secretary of the Senate reported that on March 31, 2016, she had presented to the President of the United States the following enrolled bills:

S. 1180. An act to amend the Homeland Security Act of 2002 to direct the Administrator of the Federal Emergency Management Agency to modernize the integrated public alert and warning system of the United States, and for other purposes.

S. 2393. An act to extend temporarily the extended period of protection for members of uniformed services relating to mortgages, mortgage foreclosures, and eviction, and for other purposes.

REPORTS OF COMMITTEES DURING ADJOURNMENT

Under the authority of the order of the Senate of March 17, 2016, the following reports of committees were submitted on March 28, 2016:

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

S. 806. A bill to amend section 31306 of title 49, United States Code, to recognize hair as an alternative specimen for preemployment and random controlled substances testing of commercial motor vehicle drivers and for other purposes (Rept. No. 114–232).

By Mr. THUNE, from the Committee on Commerce, Science, and Transportation, without amendment:

S. 1335. A bill to implement the Convention on the Conservation and Management of the High Seas Fisheries Resources in the North Pacific Ocean, as adopted at Tokyo on February 24, 2012, and for other purposes (Rept. No. 114–233).

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. JOHNSON, from the Committee on Homeland Security and Governmental Affairs, with an amendment in the nature of a substitute:

S. 1873. A bill to strengthen accountability for deployment of border security technology at the Department of Homeland Security, and for other purposes (Rept. No. 114–234).

By Mr. ALEXANDER, from the Committee on Health, Education, Labor, and Pensions, with an amendment in the nature of a substitute:

S. 800. A bill to improve, coordinate, and enhance rehabilitation research at the National Institutes of Health.

S. 849. A bill to amend the Public Health Service Act to provide for systematic data collection and analysis and epidemiological research regarding Multiple Sclerosis (MS), Parkinson's disease, and other neurological diseases.

By Mr. ALEXANDER, from the Committee on Health, Education, Labor, and Pensions, with an amendment in the nature of a substitute and an amendment to the title:

S. 1101. A bill to amend the Federal Food, Drug, and Cosmetic Act to provide for the regulation of patient records and certain decision support software.

By Mr. ALEXANDER, from the Committee on Health, Education, Labor, and Pensions, with an amendment in the nature of a substitute:

S. 2014. A bill to demonstrate a commitment to our Nation's scientists by increasing opportunities for the development of our next generation of researchers.

S. 2687. A bill to amend the Child Abuse Prevention and Treatment Act to improve plans of safe care for infants affected by illegal substance abuse or withdrawal symptoms, or a Fetal Alcohol Spectrum Disorder, 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. KIRK (for himself, Mr. INHOFE, Mr. GARDNER, Mr. MORAN, Mr. LANKFORD, and Mr. HATCH):

S. 2740. A bill to prohibit the transfer or release of individuals detained at United States Naval Station, Guantanamo Bay, Cuba, to state sponsors of terrorism; to the Committee on Armed Services.

By Mr. BROWN:

S. 2741. A bill to amend the Employee Retirement Income Security Act of 1974 to permit the Pension Benefit Guaranty Corporation and the Secretary of Labor to elect not to recoup benefits overpayments; to the Committee on Health, Education, Labor, and Pensions.

By Mr. ALEXANDER (for himself, Mrs. MURRAY, Mr. KIRK, and Ms. WARREN):

S. 2742. A bill to amend title IV of the Public Health Service Act regarding the national research institutes, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

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

By Mr. MENENDEZ (for himself, Mr. REID, Mr. LEAHY, Mr. UDALL, Mr. BENNET, Mr. DURBIN, Mr. MARKEY, Mr. BOOKER, Mrs. FEINSTEIN, Mr. SCHUMER, Mr. PETERS, Mr. SANDERS, Mrs. GILLIBRAND, Mrs. BOXER, Mr. HEINRICH, and Ms. WARREN):

S. Res. 410. A resolution honoring the accomplishments and legacy of Cesar Estrada Chavez; to the Committee on the Judiciary.

By Mr. COONS (for himself, Mr. ALEXANDER, and Mr. KIRK):

S. Res. 411. A resolution expressing support for the goals and ideals of the biennial USA Science & Engineering Festival in Washington, DC, and designating April 11 through April 17, 2016, as ''National Science and Technology Week''; considered and agreed to.

By Ms. KLOBUCHAR (for herself and Mr. FRANKEN):

S. Res. 412. A resolution honoring the life and legacy of the Honorable Martin Olav Sabo as an outstanding public servant dedicated to the State of Minnesota and the United States; considered and agreed to.

ADDITIONAL COSPONSORS

S. 192

At the request of Mr. ALEXANDER, the name of the Senator from Minnesota (Mr. FRANKEN) was added as a cosponsor of S. 192, a bill to reauthorize the Older Americans Act of 1965, and for other purposes.

S. 314

At the request of Mr. GRASSLEY, the name of the Senator from Colorado (Mr. BENNET) was added as a cosponsor of S. 314, a bill to amend title XVIII of the Social Security Act to provide for coverage under the Medicare program of pharmacist services.

S. 386

At the request of Mr. THUNE, the name of the Senator from Arkansas (Mr. COTTON) was added as a cosponsor of S. 386, a bill to limit the authority of States to tax certain income of employees for employment duties performed in other States.

S. 578

At the request of Mr. SCHUMER, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S. 578, a bill to amend title XVIII of the Social Security Act to ensure more timely access to home health

services for Medicare beneficiaries under the Medicare program.

S. 579

At the request of Mr. GRASSLEY, the name of the Senator from Ohio (Mr. PORTMAN) was added as a cosponsor of S. 579, a bill to amend the Inspector General Act of 1978 to strengthen the independence of the Inspectors General, and for other purposes.

S. 682

At the request of Mr. DONNELLY, the name of the Senator from Iowa (Mrs. ERNST) was added as a cosponsor of S. 682, a bill to amend the Truth in Lending Act to modify the definitions of a mortgage originator and a high-cost mortgage.

S. 763

At the request of Mr. REED, the name of the Senator from New York (Mrs. GILLIBRAND) was added as a cosponsor of S. 763, a bill to amend title XII of the Public Health Service Act to reauthorize certain trauma care programs, and for other purposes.

S. 804

At the request of Mrs. SHAHEEN, the name of the Senator from Maryland (Mr. CARDIN) was added as a cosponsor of S. 804, a bill to amend title XVIII of the Social Security Act to specify coverage of continuous glucose monitoring devices, and for other purposes.

S. 843

At the request of Mr. BROWN, the name of the Senator from Iowa (Mr. GRASSLEY) was added as a cosponsor of S. 843, a bill to amend title XVIII of the Social Security Act to count a period of receipt of outpatient observation services in a hospital toward satisfying the 3-day inpatient hospital requirement for coverage of skilled nursing facility services under Medicare.

S. 901

At the request of Mr. MORAN, the names of the Senator from Vermont (Mr. LEAHY) and the Senator from West Virginia (Mrs. CAPITO) were added as cosponsors of S. 901, a bill to establish in the Department of Veterans Affairs a national center for research on the diagnosis and treatment of health conditions of the descendants of veterans exposed to toxic substances during service in the Armed Forces that are related to that exposure, to establish an advisory board on such health conditions, and for other purposes.

S. 979

At the request of Mr. NELSON, the name of the Senator from Montana (Mr. TESTER) was added as a cosponsor of S. 979, a bill to amend title 10, United States Code, to repeal the requirement for reduction of survivor annuities under the Survivor Benefit Plan by veterans' dependency and indemnity compensation, and for other purposes.

S. 1566

At the request of Mr. KIRK, the name of the Senator from Colorado (Mr. BENNET) was added as a cosponsor of S. 1566, a bill to amend the Public Health Service Act to require group and individual health insurance coverage and group health plans to provide for coverage of oral anticancer drugs on terms no less favorable than the coverage provided for anticancer medications administered by a health care provider.

S. 1715

At the request of Mr. HOEVEN, the names of the Senator from North Carolina (Mr. BURR) and the Senator from Illinois (Mr. DURBIN) were added as cosponsors of S. 1715, a bill to require the Secretary of the Treasury to mint coins in commemoration of the 400th anniversary of the arrival of the Pilgrims.

S. 1726

At the request of Mr. MERKLEY, the name of the Senator from Hawaii (Mr. SCHATZ) was added as a cosponsor of S. 1726, a bill to create protections for depository institutions that provide financial services to marijuana-related businesses, and for other purposes.

S. 1774

At the request of Mr. BLUMENTHAL, the name of the Senator from Oregon (Mr. MERKLEY) was added as a cosponsor of S. 1774, a bill to amend title 11 of the United States Code to treat Puerto Rico as a State for purposes of chapter 9 of such title relating to the adjustment of debts of municipalities.

S. 1890

At the request of Mr. HATCH, the name of the Senator from Florida (Mr. NELSON) was added as a cosponsor of S. 1890, a bill to amend chapter 90 of title 18, United States Code, to provide Federal jurisdiction for the theft of trade secrets, and for other purposes.

S. 1982

At the request of Mr. CARDIN, the name of the Senator from Colorado (Mr. GARDNER) was added as a cosponsor of S. 1982, a bill to authorize a Wall of Remembrance as part of the Korean War Veterans Memorial and to allow certain private contributions to fund the Wall of Remembrance.

S. 2042

At the request of Mrs. MURRAY, the name of the Senator from Minnesota (Ms. KLOBUCHAR) was added as a cosponsor of S. 2042, a bill to amend the National Labor Relations Act to strengthen protections for employees wishing to advocate for improved wages, hours, or other terms or conditions of employment and to provide for stronger remedies for interference with these rights, and for other purposes.

S. 2180

At the request of Mr. KIRK, the name of the Senator from New Hampshire (Ms. AYOTTE) was added as a cosponsor of S. 2180, a bill to amend the Age Discrimination in Employment Act of 1967 and other laws to clarify appropriate standards for Federal employment discrimination and retaliation claims, and for other purposes.

S. 2219

At the request of Mrs. SHAHEEN, the names of the Senator from Montana (Mr. DAINES) and the Senator from New Mexico (Mr. HEINRICH) were added as cosponsors of S. 2219, a bill to require the Secretary of Commerce to conduct an assessment and analysis of the outdoor recreation economy of the United States, and for other purposes.

S. 2283

At the request of Mr. DAINES, the name of the Senator from Kansas (Mr. ROBERTS) was added as a cosponsor of S. 2283, a bill to ensure that small business providers of broadband Internet access service can devote resources to broadband deployment rather than compliance with cumbersome regulatory requirements.

S. 2311

At the request of Mr. HELLER, the name of the Senator from Alaska (Ms. MURKOWSKI) was added as a cosponsor of S. 2311, a bill to amend the Public Health Service Act to authorize the Secretary of Health and Human Services, acting through the Administrator of the Health Resources and Services Administration, to make grants to States for screening and treatment for maternal depression.

S. 2348

At the request of Mr. HATCH, the name of the Senator from Rhode Island (Mr. WHITEHOUSE) was added as a cosponsor of S. 2348, a bill to implement the use of Rapid DNA instruments to inform decisions about pretrial release or detention and their conditions, to solve and prevent violent crimes and other crimes, to exonerate the innocent, to prevent DNA analysis backlogs, and for other purposes.

S. 2358

At the request of Mr. BROWN, the name of the Senator from Missouri (Mr. BLUNT) was added as a cosponsor of S. 2358, a bill to direct the Administrator of the Environmental Protection Agency to carry out a pilot program to work with municipalities that are seeking to develop and implement integrated plans to meet wastewater and stormwater obligations under the Federal Water Pollution Control Act, and for other purposes.

S. 2423

At the request of Mrs. SHAHEEN, the name of the Senator from Ohio (Mr. BROWN) was added as a cosponsor of S. 2423, a bill making appropriations to address the heroin and opioid drug abuse epidemic for the fiscal year ending September 30, 2016, and for other purposes.

S. 2438

At the request of Mr. BROWN, the name of the Senator from New York (Mrs. GILLIBRAND) was added as a cosponsor of S. 2438, a bill to amend titles XI and XIX of the Social Security Act to establish a comprehensive and nationwide system to evaluate the quality of care provided to beneficiaries of Medicaid and the Children's Health Insurance Program and to provide incentives for voluntary quality improvement.

S. 2468

At the request of Mr. TESTER, the name of the Senator from Minnesota (Mr. FRANKEN) was added as a cosponsor of S. 2468, a bill to require the Secretary of the Interior to carry out a 5-year demonstration program to provide grants to eligible Indian tribes for the construction of tribal schools, and for other purposes.

S. 2502

At the request of Mr. ISAKSON, the name of the Senator from Ohio (Mr. PORTMAN) was added as a cosponsor of S. 2502, a bill to amend the Employee Retirement Income Security Act of 1974 to ensure that retirement investors receive advice in their best interests, and for other purposes.

S. 2505

At the request of Mr. KIRK, the name of the Senator from Ohio (Mr. PORTMAN) was added as a cosponsor of S. 2505, a bill to amend the Internal Revenue Code of 1986 to ensure that retirement investors receive advice in their best interests, and for other purposes.

S. 2531

At the request of Mr. KIRK, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 2531, a bill to authorize State and local governments to divest from entities that engage in commerce-related or investment-related boycott, divestment, or sanctions activities targeting Israel, and for other purposes.

S. 2541

At the request of Mr. BLUMENTHAL, the names of the Senator from Rhode Island (Mr. REED) and the Senator from Massachusetts (Mr. MARKEY) were added as cosponsors of S. 2541, a bill to amend the Lacey Act Amendments of 1981 to clarify provisions enacted by the Captive Wildlife Safety Act to further the conservation of prohibited wildlife species.

S. 2572

At the request of Mr. TESTER, the name of the Senator from Pennsylvania (Mr. CASEY) was added as a cosponsor of S. 2572, a bill to make demonstration grants to eligible local educational agencies or consortia of eligible local educational agencies for the purpose of increasing the numbers of school nurses in public elementary schools and secondary schools.

S. 2592

At the request of Mr. MERKLEY, the name of the Senator from Massachusetts (Ms. WARREN) was added as a cosponsor of S. 2592, a bill to amend the Fair Credit Reporting Act by instituting a 180-day waiting period before medical debt will be reported on a consumer's credit report and removing paid-off and settled medical debts from credit reports that have been fully paid or settled, to amend the Fair Debt Collection Practices Act by providing for a timetable for verification of medical debt and to increase the efficiency of credit markets with more perfect information, and for other purposes.

S. 2596

At the request of Mr. HELLER, the name of the Senator from Delaware (Mr. COONS) was added as a cosponsor of S. 2596, a bill to amend title 10, United States Code, to permit veterans who have a service-connected, permanent disability rated as total to travel on military aircraft in the same manner and to the same extent as retired members of the Armed Forces entitled to such travel.

S. 2631

At the request of Mr. DURBIN, the name of the Senator from Maryland (Mr. CARDIN) was added as a cosponsor of S. 2631, a bill to amend the Residential Lead-Based Paint Hazard Reduction Act of 1992 to define environmental intervention blood lead level, and for other purposes.

S. 2659

At the request of Mr. BURR, the name of the Senator from Idaho (Mr. CRAPO) was added as a cosponsor of S. 2659, a bill to reaffirm that the Environmental Protection Agency cannot regulate vehicles used solely for competition, and for other purposes.

S. 2662

At the request of Mr. BROWN, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. 2662, a bill to amend the Internal Revenue Code to include in income the unrepatriated earnings of groups that include an inverted corporation.

S. 2679

At the request of Ms. KLOBUCHAR, the names of the Senator from Minnesota (Mr. FRANKEN) and the Senator from New York (Mrs. GILLIBRAND) were added as cosponsors of S. 2679, a bill to amend title 38, United States Code, to direct the Secretary of Veterans Affairs to establish within the Department of Veterans Affairs a center of excellence in the prevention, diagnosis, mitigation, treatment, and rehabilitation of health conditions relating to exposure to burn pits.

S. 2693

At the request of Mr. ALEXANDER, the name of the Senator from Kansas (Mr. ROBERTS) was added as a cosponsor of S. 2693, a bill to ensure the Equal Employment Opportunity Commission allocates its resources appropriately by prioritizing complaints of discrimination before implementing the proposed revision of the employer information report EEO–1, and for other purposes.

S. 2697

At the request of Mrs. MURRAY, the names of the Senator from New York (Mrs. GILLIBRAND) and the Senator from Michigan (Ms. STABENOW) were added as cosponsors of S. 2697, a bill to amend the Fair Labor Standards Act of 1938 and the Portal-to-Portal Act of 1947 to prevent wage theft and assist in the recovery of stolen wages, to authorize the Secretary of Labor to administer grants to prevent wage and hour violations, and for other purposes.

S. 2705

At the request of Ms. HIRONO, the name of the Senator from Delaware (Mr. COONS) was added as a cosponsor of S. 2705, a bill to authorize Federal agencies to establish prize competitions for innovation or adaptation management development relating to coral reef ecosystems and for other purposes.

S. 2707

At the request of Mr. SCOTT, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 2707, a bill to require the Secretary of Labor to nullify the proposed rule regarding defining and delimiting the exemptions for executive, administrative, professional, outside sales, and computer employees, to require the Secretary of Labor to conduct a full and complete economic analysis with improved economic data on small businesses, nonprofit employers, Medicare or Medicaid dependent health care providers, and small governmental jurisdictions, and all other employers, and minimize the impact on such employers, before promulgating any substantially similar rule, and to provide a rule of construction regarding the salary threshold exemption under the Fair Labor Standards Act of 1938, and for other purposes.

S. 2710

At the request of Ms. HIRONO, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 2710, a bill to increase the participation of historically underrepresented demographic groups in science, technology, engineering, and mathematics education and industry.

S. 2716

At the request of Mr. REED, the name of the Senator from Massachusetts (Mr. MARKEY) was added as a cosponsor of S. 2716, a bill to update the oil and gas and mining industry guides of the Securities and Exchange Commission.

S. 2726

At the request of Mr. KIRK, the name of the Senator from Pennsylvania (Mr. TOOMEY) was added as a cosponsor of S. 2726, a bill to hold Iran accountable for its state sponsorship of terrorism and other threatening activities and for its human rights abuses, and for other purposes.

S. 2738

At the request of Mr. GRASSLEY, the name of the Senator from New York (Mrs. GILLIBRAND) was added as a cosponsor of S. 2738, a bill to amend the Lobbying Disclosure Act of 1995 to require the disclosure of political intelligence activities, to amend title 18, United States Code, to provide for restrictions on former officers, employees, and elected officials of the executive and legislative branches regarding political intelligence contacts, and for other purposes.

S. RES. 394

At the request of Mr. MENENDEZ, the names of the Senator from Maryland (Mr. CARDIN), the Senator from Delaware (Mr. CARPER), the Senator from

Delaware (Mr. COONS) and the Senator from New York (Mrs. GILLIBRAND) were added as cosponsors of S. Res. 394, a resolution recognizing the 195th anniversary of the independence of Greece and celebrating democracy in Greece and the United States.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 410—HONORING THE ACCOMPLISHMENTS AND LEGACY OF CESAR ESTRADA CHAVEZ

Mr. MENENDEZ (for himself, Mr. REID, Mr. LEAHY, Mr. UDALL, Mr. BENNET, Mr. DURBIN, Mr. MARKEY, Mr. BOOKER, Mrs. FEINSTEIN, Mr. SCHUMER, Mr. PETERS, Mr. SANDERS, Mrs. GILLIBRAND, Mrs. BOXER, Mr. HEINRICH, and Ms. WARREN) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 410

Whereas Cesar Estrada Chavez was born on March 31, 1927, near Yuma, Arizona;

Whereas Cesar Estrada Chavez spent his early years on a family farm;

Whereas at the age of 10, Cesar Estrada Chavez joined the thousands of migrant farm workers laboring in fields and vineyards throughout the Southwest after a bank foreclosure resulted in the loss of the family farm;

Whereas Cesar Estrada Chavez, after attending more than 30 elementary and middle schools and achieving an eighth grade education, left school to work full time as a farm worker to help support his family;

Whereas at the age of 17, Cesar Estrada Chavez entered the United States Navy and served the United States with distinction for 2 years;

Whereas in 1948, Cesar Estrada Chavez returned from military service to marry Helen Fabela, whom he had met while working in the vineyards of central California;

Whereas Cesar Estrada Chavez and Helen Fabela had 8 children;

Whereas, as early as 1949, Cesar Estrada Chavez was committed to organizing farm workers to campaign for safe and fair working conditions, reasonable wages, livable housing, and outlawing child labor;

Whereas, in 1952, Cesar Estrada Chavez joined the Community Service Organization, a prominent Latino civil rights group, and worked with the organization to coordinate voter registration drives and conduct campaigns against discrimination in East Los Angeles;

Whereas Cesar Estrada Chavez served as the national director of the Community Service Organization;

Whereas, in 1962, Cesar Estrada Chavez left the Community Service Organization to establish the National Farm Workers Association, which eventually became the United Farm Workers of America;

Whereas under the leadership of Cesar Estrada Chavez, the United Farm Workers of America organized thousands of migrant farm workers to fight for fair wages, health care coverage, pension benefits, livable housing, and respect;

Whereas Cesar Estrada Chavez was a strong believer in the principles of nonviolence practiced by Mahatma Gandhi and Dr. Martin Luther King, Jr.;

Whereas Cesar Estrada Chavez effectively used peaceful tactics, including fasting for 25 days in 1968, 25 days in 1972, and 38 days in 1988, to call attention to the terrible working and living conditions of farm workers in the United States;

Whereas through his commitment to nonviolence, Cesar Estrada Chavez brought dignity and respect to organized farm workers and became an inspiration to and a resource for individuals engaged in human rights struggles throughout the world;

Whereas the influence of Cesar Estrada Chavez extends far beyond agriculture and provides inspiration for individuals working to better human rights, empower workers, and advance the American Dream, which is for all people of the United States;

Whereas Cesar Estrada Chavez died on April 23, 1993, at the age of 66, in San Luis, Arizona, only miles from his birthplace;

Whereas more than 50,000 individuals attended the funeral services of Cesar Estrada Chavez in Delano, California;

Whereas Cesar Estrada Chavez was laid to rest at the headquarters of the United Farm Workers of America, known as ''Nuestra Señora de La Paz'', located in the Tehachapi Mountains in Keene, California;

Whereas since the death of Cesar Estrada Chavez, schools, parks, streets, libraries, and other public facilities, as well as awards and scholarships, have been named in his honor;

Whereas more than 10 States and dozens of communities across the United States honor the life and legacy of Cesar Estrada Chavez each year on March 31;

Whereas March 31 is recognized as an official State holiday in California, Colorado, and Texas, and there is growing support to designate the birthday of Cesar Estrada Chavez as a national day of service to memorialize his heroism;

Whereas during his lifetime, Cesar Estrada Chavez was a recipient of the Martin Luther King, Jr., Peace Prize;

Whereas, on August 8, 1994, Cesar Estrada Chavez was posthumously awarded the Presidential Medal of Freedom;

Whereas, on October 8, 2012, the President authorized the Secretary of the Interior to establish the Cesar Estrada Chavez National Monument in Keene, California;

Whereas the President honored the life and service of Cesar Estrada Chavez by proclaiming March 31, 2015, to be ''Cesar Chavez Day'' and by asking all people of the United States to observe March 31 with service, community, and education programs to honor the enduring legacy of Cesar Estrada Chavez; and

Whereas the United States should continue the efforts of Cesar Estrada Chavez to ensure equality, justice, and dignity for all people of the United States: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes the accomplishments and example of Cesar Estrada Chavez, a great hero of the United States;

(2) pledges to promote the legacy of Cesar Estrada Chavez; and

(3) encourages the people of the United States to commemorate the legacy of Cesar Estrada Chavez and to always remember his great rallying cry: ''¡Si, se puede!'', which is Spanish for ''Yes, we can!'', as a symbol of unity and hope for each individual who seeks justice.

SENATE RESOLUTION 411—EXPRESSING SUPPORT FOR THE GOALS AND IDEALS OF THE BIENNIAL USA SCIENCE & ENGINEERING FESTIVAL IN WASHINGTON, DC, AND DESIGNATING APRIL 11 THROUGH APRIL 17, 2016, AS ''NATIONAL SCIENCE AND TECHNOLOGY WEEK''

Mr. COONS (for himself, Mr. ALEXANDER, and Mr. KIRK) submitted the following resolution; which was considered and agreed to:

S. RES. 411

Whereas science, technology, engineering, and mathematics (referred to in this preamble as ''STEM'') are essential to the future global competitiveness of the United States;

Whereas advances in technology have resulted in significant improvement in the daily life of each individual in the United States;

Whereas scientific discoveries are critical to curing diseases, solving global challenges, and an increased understanding of the world;

Whereas the future global economy requires a workforce that is educated in science and engineering specialties;

Whereas educating a new generation of individuals in the United States in STEM is crucial to ensure continued economic growth;

Whereas an increase in the interest of the next generation of students in the United States, particularly young women and underrepresented minorities, in STEM is necessary to maintain the global competitiveness of the United States;

Whereas science and engineering festivals have attracted millions of participants and inspired an effort throughout the United States to promote science and engineering;

Whereas thousands of institutions of higher education, museums, science centers, STEM professional societies, educational societies, government agencies and laboratories, community organizations, elementary and secondary schools, volunteers, corporate and private sponsors, and nonprofit organizations come together to organize the USA Science & Engineering Festival in Washington, DC, during April 2016;

Whereas the USA Science & Engineering Festival, through exhibits on topics including human spaceflight, medicine, engineering, biotechnology, physics, and astronomy—

(1) reinvigorates the interest of young individuals in the United States in STEM; and

(2) highlights the important contributions of science and engineering to the competitiveness of the United States; and

Whereas scientific research is essential to the competitiveness of the United States, and an event such as the USA Science & Engineering Festival promotes the importance of scientific research and development for the future of the United States: Now, therefore, be it

Resolved, That the Senate—

(1) expresses support for the goals and ideals of the USA Science & Engineering Festival to promote, as the cornerstones of innovation and competition in the United States—

(A) scholarship in science; and

(B) an interest in scientific research and development;

(2) supports a festival, such as the USA Science & Engineering Festival, that focuses on the importance of science and engineering to the daily life of each individual in the United States through exhibits on topics including human spaceflight, medicine, engineering, biotechnology, physics, and astronomy;

(3) congratulates each individual or organization the efforts of which make the USA Science & Engineering Festival possible;

(4) recognizes that the USA Science & Engineering Festival highlights the accomplishments of the United States in science and engineering;

(5) encourages each family and child to participate in 1 or more of the activities or exhibits of the USA Science & Engineering Festival, which will occur—

(A) in Washington, DC; and

(B) across the United States as satellite events; and

(6) designates April 11 through April 17, 2016, as ''National Science and Technology Week''.

SENATE RESOLUTION 412—HONORING THE LIFE AND LEGACY OF THE HONORABLE MARTIN OLAV SABO AS AN OUTSTANDING PUBLIC SERVANT DEDICATED TO THE STATE OF MINNESOTA AND THE UNITED STATES

Ms. KLOBUCHAR (for herself and Mr. FRANKEN) submitted the following resolution; which was considered and agreed to:

S. RES. 412

Whereas Martin Olav Sabo was born on February 28, 1938, in Crosby, North Dakota, and grew up in Alkabo, North Dakota;

Whereas Martin Olav Sabo attended Augsburg College in Minneapolis, Minnesota, and graduated in 1959;

Whereas in 1960, at the age of 22 years, Martin Olav Sabo was first elected to the Minnesota House of Representatives and at that time, Martin Olav Sabo was the youngest person ever elected to the Minnesota Legislature;

Whereas Martin Olav Sabo served in the Minnesota House of Representatives for 18 years, including—

(1) 4 years as minority leader; and

(2) 6 years as the first member of the Democratic-Farmer-Labor Party to serve as Speaker of the Minnesota House of Representatives;

Whereas Martin Olav Sabo fought for the historic 1971 ''Minnesota Miracle'' that changed the way schools and localities were funded;

Whereas Martin Olav Sabo was first elected to the House of Representatives in 1978 and he served 28 years as a Member of Congress representing the fifth congressional district of Minnesota;

Whereas in 1979, as a freshman legislator, Martin Olav Sabo was appointed to serve on the Committee on Appropriations of the House of Representatives and he later became Ranking Member of the Subcommittees on Transportation and Homeland Security of the Committee on Appropriations of the House of Representatives;

Whereas Martin Olav Sabo—

(1) championed investments in roads and bridges, transit systems, aviation infrastructure, railways, nonmotorized corridors, and other transportation projects, including the first light rail transit line in Minnesota (commonly known as the ''Blue Line''), the Hennepin Avenue bridge, and the Midtown Greenway; and

(2) provided critical funding—

(A) to foster economic development initiatives;

(B) to expand housing opportunities for low- and moderate-income families;

(C) to protect the environment;

(D) to support law enforcement;

(E) to promote agricultural production and research;

(F) to establish the Department of Homeland Security; and

(G) to strengthen the Department of Defense;

Whereas Martin Olav Sabo served on the Committee on the Budget of the House of Representatives for 8 years, including—

(1) 2 years as Ranking Member; and

(2) 2 years as Chairman during the 103rd Congress, a period during which Martin Olav Sabo shepherded through enactment into law on August 10, 1993, the Omnibus Budget Reconciliation Act of 1993 (Public Law 103–66), which many contend paved the way to a balanced budget in 1998, the first balanced budget of the United States since 1969;

Whereas Martin Olav Sabo was concerned with the growing disparity between workers at the top of the income ladder and those at the bottom and on October 13, 1993, Martin Olav Sabo introduced H.R. 3278, 103rd Congress, entitled the ''Income Equity Act of 1993'', and Martin Olav Sabo reintroduced that legislation in each subsequent Congress in which he served;

Whereas Martin Olav Sabo was a long-time fan of baseball and the Minnesota Twins and wore a Minnesota Twins team uniform each spring as a player on, and the manager of, the Democratic team in the annual congressional baseball game;

Whereas the Martin Olav Sabo Bridge in Minneapolis, Minnesota, was named after Representative Sabo;

Whereas Martin Olav Sabo retired from the House of Representatives in 2006 and later served as—

(1) co-chair of the National Transportation Policy Project of the Bipartisan Policy Center; and

(2) a member of the Minnesota Ballpark Authority; and

Whereas Martin Olav Sabo will be remembered as a strong, civil legislator with an understated demeanor that earned him the reputation of being able to work on a bipartisan basis to get things done for the fifth congressional district of Minnesota, the State of Minnesota, and the United States: Now, therefore, be it

Resolved, That the Senate—

(1) honors the life and accomplishments of the Honorable Martin Olav Sabo;

(2) remembers the work that Martin Olav Sabo accomplished to balance the Federal budget, improve transportation and housing, and bring attention to the growing disparity between high- and low-wage earners; and

(3) recognizes the indelible legacy that Martin Olav Sabo has left on the State of Minnesota and the United States.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

Mr. ALEXANDER. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs be authorized to meet during the session of the Senate on April 4, 2016, at 5:30 p.m.

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

PRIVILEGES OF THE FLOOR

Mr. COONS. Mr. President, I ask unanimous consent that Daniel Pedraza, a legal fellow in my office, be granted floor privileges for the remainder of the day.

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

NATIONAL SCIENCE AND TECHNOLOGY WEEK

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 411, submitted earlier today.

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

The legislative clerk read as follows:

A resolution (S. Res. 411) expressing support for the goals and ideals of the biennial USA Science & Engineering Festival in Washington, DC, and designating April 11 through April 17, 2016, as ''National Science and Technology Week.''

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

Mr. MCCONNELL. Mr. President, I further ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motions to reconsider be considered made and laid upon the table with no intervening action or debate.

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

The resolution (S. Res. 411) was agreed to.

The preamble was agreed to.

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

HONORING THE LIFE AND LEGACY OF THE HONORABLE MARTIN OLAV SABO

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of S. Res. 412, submitted earlier today.

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

The legislative clerk read as follows:

A resolution (S. Res. 412) honoring the life and legacy of the Honorable Martin Olav Sabo as an outstanding public servant dedicated to the State of Minnesota and the United States.

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

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motions to reconsider be considered made and laid upon the table with no intervening action or debate.

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

The resolution (S. Res. 412) was agreed to.

The preamble was agreed to.

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

ORDERS FOR TUESDAY, APRIL 5, 2016

Mr. MCCONNELL. Mr. President, I ask unanimous consent that when the

Senate completes its business today, it adjourn until 10 a.m., Tuesday, April 5; 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 motion to proceed to H.R. 636; finally, that the Senate recess from 12:30 p.m. to 2:15 p.m. to allow for the weekly conference meetings.

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

ADJOURNMENT UNTIL 10 A.M. TOMORROW

Mr. MCCONNELL. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that it stand adjourned under the previous order.

There being no objection, the Senate, at 6:12 p.m., adjourned until Tuesday, April 5, 2016, at 10 a.m.

NOMINATIONS

Executive nominations received by the Senate:

IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be general

GEN. VINCENT K. BROOKS

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT AS CHIEF OF THE NATIONAL GUARD BUREAU AND FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE AIR FORCE UNDER TITLE 10, U.S.C., SECTIONS 601 AND 10502:

To be general

LT. GEN. JOSEPH L. LENGYEL

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT AS CHIEF OF THE AIR FORCE RESERVE AND APPOINTMENT TO THE GRADE OF LIEUTENANT GENERAL IN THE RESERVE OF THE AIR FORCE WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTIONS 601 AND 8038:

To be lieutenant general

MAJ. GEN. MARYANNE MILLER

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

LT. GEN. BRADLEY A. HEITHOLD

THE FOLLOWING AIR NATIONAL GUARD OF THE UNITED STATES OFFICER FOR APPOINTMENT AS DIRECTOR, AIR NATIONAL GUARD, AND FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE AIR FORCE UNDER TITLE 10, U. S.C., SECTIONS 601 AND 10506:

To be lieutenant general

MAJ. GEN. LEON S. RICE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be brigadier general

COL. KENNETH P. EKMAN

IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY RESERVE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be rear admiral (lower half)

CAPT. RONALD R. FRITZEMEIER

IN THE COAST GUARD

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT AS VICE COMMANDANT OF THE UNITED STATES COAST GUARD AND TO THE GRADE INDICATED UNDER TITLE 14, U.S.C., SECTION 47:

To be admiral

VICE ADM. CHARLES D. MICHEL

WITHDRAWAL

Executive Message transmitted by the President to the Senate on April 4, 2016 withdrawing from further Senate consideration the following nomination:

NAVY NOMINATION OF REAR ADM. ELIZABETH L. TRAIN, TO BE VICE ADMIRAL, WHICH WAS SENT TO THE SENATE ON SEPTEMBER 15, 2015.