be read a third time and passed, and the motions to reconsider be considered made and laid upon the table with no intervening action or debate.

That would be the list I just mentioned, the lands bills that have been reported out unanimously by the Energy and Natural Resources Committee.

The PRESIDING OFFICER. Does the Senator so modify his request?

Mr. FLAKE. I have no objection to the modification.

The PRESIDING OFFICER. The Senator from Texas.

Mr. CRUZ. Madam President, reserving the right to object, as the ranking member of the Foreign Affairs Committee is well aware, in July I told Secretary Kerry in a written letter that if the administration sent to the United Nations this catastrophic Iranian nuclear deal before submitting it to the U.S. Congress, that the consequence would be that each and every political appointee to the State Department would be held. Secretary Kerry nonetheless decided to disregard the contents of that letter, submitted it to the United Nations in derogation of U.S. sovereignty, and accordingly, I have been blocking those political nominees.

Mr. CARDIN. Will the Senator yield for one moment?

Mr. CRUZ. Yes.

Mr. CARDIN. I think this request deals with the lands bills, not the political appointments. I just wanted to point that out. These are the bills that came out of the Energy and Natural Resources Committee that deal with designating certain lands. We will have a chance later on the nominations.

Mr. CRUZ. Well, reserving the right to object to that one, I would simply say we were going to do both. I thought you were doing the first one, but you are doing the other.

On that as well, in my view, there is far too much Federal land in the United States that is under the control of the Federal Government. I was just yesterday in the State of Nevada, where some 84 percent of the State of Nevada is controlled by the Federal Government. We do not need the Federal Government becoming the largest landlord in the United States. Therefore, I object.

The PRESIDING OFFICER. Does the Senator so modify his request?

Mr. FLAKE. Yes, I so modify.

The PRESIDING OFFICER. Objection was heard to the modification.

Is there objection to the original request?

Mr. CARDIN. I object.

The PRESIDING OFFICER. Objection is heard.

The majority leader.

CONSOLIDATED APPROPRIATIONS ACT, 2016

Mr. MCCONNELL. Madam President, I ask the Chair to lay before the Senate the message to accompany H.R. 2029.

The Presiding Officer laid before the Senate the following message from the House of Representatives:

Resolved, That the House agree to the amendment of the Senate to the bill (H.R. 2029) entitled ''An Act making appropriations for military construction, the Department of Veterans Affairs, and related agencies for the fiscal year ending September 30, 2016, and for other purposes,'' with amendments.

MOTION TO CONCUR

Mr. MCCONNELL. I move to concur in the House amendments to the Senate amendment to H.R. 2029.

Mr. BURR. Madam President, I ask unanimous consent that the Joint Explanatory Statement for Division M—Intelligence Authorization Act for Fiscal Year 2016 be printed in the RECORD.

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

JOINT EXPLANATORY STATEMENT TO ACCOMPANY THE INTELLIGENCE AUTHORIZATION ACT FOR FISCAL YEAR 2016

The following consists of the joint explanatory statement to accompany the Intelligence Authorization Act for Fiscal Year 2016.

This joint explanatory statement reflects the status of negotiations and disposition of issues reached between the House Permanent Select Committee on Intelligence and the Senate Select Committee on Intelligence (hereinafter, ''the Agreement''). The joint explanatory statement shall have the same effect with respect to the implementation of this Act as if it were a joint explanatory statement of a committee of conference.

The joint explanatory statement comprises three parts: an overview of the application of the annex to accompany this statement; unclassified congressional direction; and a section-by-section analysis of the legislative text.

PART I: APPLICATION OF THE CLASSIFIED ANNEX

The classified nature of U.S. intelligence activities prevents the congressional intelligence committees from publicly disclosing many details concerning the conclusions and recommendations of the Agreement. Therefore, a classified Schedule of Authorizations and a classified annex have been prepared to describe in detail the scope and intent of the congressional intelligence committees' actions. The Agreement authorizes the Intelligence Community to obligate and expend funds not altered or modified by the classified Schedule of Authorizations as requested in the President's budget, subject to modification under applicable reprogramming procedures.

The classified annex is the result of negotiations between the House Permanent Select Committee on Intelligence and the Senate Select Committee on Intelligence. It reconciles the differences between the committees' respective versions of the bill for the National Intelligence Program (NIP) and the Homeland Security Intelligence Program for Fiscal Year 2016. The Agreement also makes recommendations for the Military Intelligence Program (MIP), and the Information Systems Security Program, consistent with the National Defense Authorization Act for Fiscal Year 2016, and provides certain direction for these two programs.

The Agreement supersedes the classified annexes to the reports accompanying H.R. 4127, as passed by the House on December 1, 2015, H.R. 2596, as passed by the House on June 16, 2015, and S. 1705, as reported by the Senate Select Committee on Intelligence on July 7, 2015. All references to the House-passed and Senate-reported annexes are solely to identify the heritage of specific provisions.

The classified Schedule of Authorizations is incorporated into the bill pursuant to Section 102. It has the status of law. The classified annex supplements and adds detail to clarify the authorization levels found in the bill and the classified Schedule of Authorizations. The classified annex shall have the same legal force as the report to accompany the bill.

PART II: SELECT UNCLASSIFIED CONGRESSIONAL DIRECTION

Enhancing Geographic and Demographic Diversity

The Agreement directs the Office of the Director for National Intelligence (ODNI) to conduct an awareness, outreach, and recruitment program to rural, under-represented colleges and universities that are not part of the IC Centers of Academic Excellence (IC CAE) program. Further, the Agreement directs that ODNI shall increase and formally track the number of competitive candidates for IC employment or internships who studied at IC CAE schools and other scholarship programs supported by the IC.

Additionally, the Agreement directs that ODNI, acting through the Executive Agent for the IC CAE program, the IC Chief Human Capital Officer, and the Chief, Office of IC Equal Opportunity & Diversity, as appropriate, shall:

1. Add a criterion to the IC CAE selection process that applicants must be part of a consortium or actively collaborate with under-resourced schools in their area;

2. Work with CAE schools to reach out to rural and under-resourced schools, including by inviting such schools to participate in the annual IC CAE colloquium and IC recruitment events;

3. Increase and formally track the number of competitive IC internship candidates from IC CAE schools, starting with Fiscal Year 2016 IC summer internships, and provide a report, within 180 days of the enactment of this Act, on its plan to do so;

4. Develop metrics to ascertain whether IC CAE, the Pat Roberts Intelligence Scholars Program, the Louis Stokes Educational Scholarship Program, and the Intelligence Officer Training Program reach a diverse demographic and serve as feeders to the IC workforce;

5. Include in the annual report on minority hiring and retention a breakdown of the students participating in these programs who serve as IC interns, applied for full-time IC employment, received offers of employment, and entered on duty in the IC;

6. Conduct a feasibility study with necessary funding levels regarding how the IC CAE could be better tailored to serve under-resourced schools, and provide such study to the congressional intelligence committees within 180 days of the enactment of this Act;

7. Publicize all IC elements' recruitment activities, including the new Applicant Gateway and the IC Virtual Career Fair, to rural schools, Historically Black Colleges and Universities, and other minority-serving institutions that have been contacted by IC recruiters;

8. Contact new groups with the objective of expanding the IC Heritage Community Liaison Council; and

9. Ensure that IC elements add such activities listed above that may be appropriate to their recruitment plans for Fiscal Year 2016.

ODNI shall provide an interim update to the congressional intelligence committees on its efforts within 90 days of the enactment of this Act and include final results in its annual report on minority hiring and retention.

Analytic Duplication & Improving Customer Impact

The congressional intelligence committees are concerned about potential duplication in finished analytic products. Specifically, the congressional intelligence committees are concerned that contemporaneous publication of substantially similar intelligence products fosters confusion among intelligence customers (including those in Congress), impedes analytic coherence across the IC, and wastes time and effort. The congressional intelligence committees value competitive analysis, but believe there is room to reduce duplicative analytic activity and improve customer impact.

Therefore, the Agreement directs ODNI to pilot a repeatable methodology to evaluate potential duplication in finished intelligence analytic products and to report the findings to the congressional intelligence committees within 60 days of the enactment of this Act. In addition, the Agreement directs ODNI to report to the congressional intelligence committees within 180 days of enactment of this Act on how it will revise analytic practice, tradecraft, and standards to ensure customers can clearly identify how products that are produced contemporaneously and cover similar topics differ from one another in their methodological, informational, or temporal aspects, and the significance of those differences. This report is not intended to cover operationally urgent analysis or current intelligence.

Countering Violent Extremism and the Islamic State of Iraq and the Levant

The Agreement directs ODNI, within 180 days of enactment of this Act and in consultation with appropriate interagency partners, to brief the congressional intelligence committees on how intelligence agencies are supporting both (1) the Administration's Countering Violent Extremism (CVE) program first detailed in the 2011 White House strategy Empowering Local Partners to Prevent Violent Extremism in the United States, which was expanded following the January 2015 White House Summit on Countering Violent Extremism, and (2) the Administration's Strategy to Counter the Islamic State of Iraq and the Levant, which was announced in September 2014.

Analytic Health Reports

The Agreement directs the Defense Intelligence Agency (DIA) to provide Analytic Health Reports to the congressional intelligence committees on a quarterly basis, including an update on the specific effect of analytic modernization on the health of the Defense Intelligence Analysis Program (DIAP) and its ability to reduce analytic risk.

All-Source Analysis Standards

The Agreement directs DIA to conduct a comprehensive evaluation of the Defense Intelligence Enterprise's all-source analysis capability and production in Fiscal Year 2015. The evaluation should assess the analytic output of both NIP and MW funded all-source analysts, separately and collectively, and apply the following four criteria identified in the ODNI Strategic Evaluation Report for all-source analysis: 1) integrated, 2) objective, 3) timely, and 4) value-added. The results of this evaluation shall be included as part of the Fiscal Year 2017 congressional budget justification book.

Terrorism Investigations

The Agreement directs the Federal Bureau of Investigation (FBI) to submit to the congressional intelligence committees, within 180 days of enactment of this Act, a report detailing how FBI has allocated resources between domestic and foreign terrorist threats based on numbers of investigations over the past 5 years. The report should be submitted in unclassified form but may include a classified annex.

Investigations of Minors Involved in Radicalization

The Agreement directs the FBI to provide a briefing to the congressional intelligence committees within 180 days of enactment of this Act on investigations in which minors are encouraged to turn away from violent extremism rather than take actions that would lead to Federal terrorism indictments. This briefing should place these rates in the context of all investigations of minors for violent extremist activity and should describe any FBI engagement with minors' families, law enforcement, or other individuals or groups connected to the minor during or after investigations.

Furthermore, the Agreement directs the FBI to include how often undercover agents pursue investigations based on a location of interest related to violent extremist activity compared to investigations of an individual or group believed to be engaged in such activity. Included should be the number of locations of interest associated with a religious group or entity. This briefing also should include trend analysis covering the last five years describing violent extremist activity in the U.S.

Declassification Review of Video of the 2012 Benghazi Terrorist Attacks

Numerous investigations have been conducted regarding the 2012 terrorist attack against U.S. facilities in Benghazi. The Senate Select Committee on Intelligence produced one of the first declassified Congressional reports and continues to believe that the public should have access to information about the attacks, so long as it does not jeopardize intelligence sources and methods.

The closed circuit television videos from the Temporary Mission Facility (TMF) captured some of the activity that took place at the State Department facility on September 11, 2012, and their release would contribute to the public's understanding of the event without compromising sources or methods.

Therefore, the Agreement directs the Director of National Intelligence, or the appropriate federal official, to conduct a declassification review and to facilitate the release to the public of the declassified closed circuit television videos of the September 11, 2012, terrorist attack on the TMF in Benghazi, Libya, consistent with the protection of sources and methods, not later than 120 days after the enactment of this Act.

PART III: SECTION-BY-SECTION ANALYSIS AND EXPLANATION OF LEGISLATIVE TEXT

The following is a section-by-section analysis and explanation of the Intelligence Authorization Act for Fiscal Year 2016.

TITLE I—INTELLIGENCE ACTIVITIES

Section 101. Authorization of appropriations

Section 101 lists the United States Government departments, agencies, and other elements for which the Act authorizes appropriations for intelligence and intelligence-related activities for Fiscal Year 2016.

Section 102. Classified Schedule of Authorizations

Section 102 provides that the details of the amounts authorized to be appropriated for intelligence and intelligence-related activities and the applicable personnel levels by program for Fiscal Year 2016 are contained in the classified Schedule of Authorizations and that the classified Schedule of Authorizations shall be made available to the Committees on Appropriations of the Senate and House of Representatives and to the President.

Section 103. Personnel ceiling adjustments

Section 103 is intended to provide additional flexibility to the Director of National Intelligence in managing the civilian personnel of the Intelligence Community. Section 103 provides that the Director may authorize employment of civilian personnel in Fiscal Year 2016 in excess of the number of authorized positions by an amount not exceeding three percent of the total limit applicable to each Intelligence Community element under Section 102. The Director may do so only if necessary to the performance of important intelligence functions.

Section 104. Intelligence Community Management Account

Section 104 authorizes appropriations for the Intelligence Community Management Account (ICMA) of the Director of National Intelligence and sets the authorized personnel levels for the elements within the ICMA for Fiscal Year 2016.

Section 105. Clarification regarding authority for flexible personnel management among elements of intelligence community

Section 105 clarifies that certain Intelligence Community elements may make hiring decisions based on the excepted service designation.

TITLE II—CENTRAL INTELLIGENCE AGENCY RETIREMENT AND DISABILITY SYSTEM

Section 201. Authorization of appropriations

Section 201 authorizes appropriations in the amount of $514,000,000 for Fiscal Year 2016 for the Central Intelligence Agency Retirement and Disability Fund.

TITLE III—GENERAL PROVISIONS

Section 301. Increase in employee compensation and benefits authorized by law

Section 301 provides that funds authorized to be appropriated by the Act for salary, pay, retirement, and other benefits for federal employees may be increased by such additional or supplemental amounts as may be necessary for increases in compensation or benefits authorized by law.

Section 302. Restriction on conduct of intelligence activities

Section 302 provides that the authorization of appropriations by the Act shall not be deemed to constitute authority for the conduct of any intelligence activity that is not otherwise authorized by the Constitution or laws of the United States.

Section 303. Provision of information and assistance to Inspector General of the Intelligence Community

Section 303 amends the National Security Act of 1947 to clarify the Inspector General of the Intelligence Community's authority to seek information and assistance from federal, state, and local agencies, or units thereof.

Section 304. Inclusion of Inspector General of Intelligence Community in Council of Inspectors General on Integrity and Efficiency

Section 304 amends Section 11(b)(1)(B) of the Inspector General Act of 1978 to reflect the correct name of the Office of the Inspector General of the Intelligence Community. The section also clarifies that the Inspector General of the Intelligence Community is a member of the Council of the Inspectors General on Integrity and Efficiency.

Section 305. Clarification of authority of Privacy and Civil Liberties Oversight Board

Section 305 amends the Intelligence Reform and Terrorism Prevention Act of 2004 (IRTPA) to clarify that nothing in the statute authorizing the Privacy and Civil Liberties Oversight Board should be construed to allow that Board to gain access to information regarding an activity covered by section 503 of the National Security Act of 1947.

Section 306. Enhancing government personnel security programs

Section 306 directs the Director of National Intelligence to develop and implement a plan for eliminating the backlog of overdue periodic investigations, and further requires the Director to direct each agency to implement a program to provide enhanced security review to individuals determined eligible for access to classified information or eligible to hold a sensitive position.

These enhanced personnel security programs will integrate information relevant and appropriate for determining an individual's suitability for access to classified information or eligibility to hold a sensitive position; be conducted at least 2 times every 5 years; and commence not later than 5 years after the date of enactment of the Fiscal Year 2016 Intelligence Authorization Act, or the elimination of the backlog of overdue periodic investigations, whichever occurs first.

Section 307. Notification of changes to retention of call detail record policies

Section 307 requires the Director of National Intelligence to notify the congressional intelligence committees in writing not later than 15 days after learning that an electronic communication service provider that generates call detail records in the ordinary course of business has changed its policy on the retention of such call details records to result in a retention period of less than 18 months. Section 307 further requires the Director to submit to the congressional intelligence committees within 30 days of enactment a report identifying each electronic communication service provider (if any) that has a current policy in place to retain call detail records for 18 months or less.

Section 308. Personnel information notification policy by the Director of National Intelligence

Section 308 requires the Director of National Intelligence to establish a policy to ensure timely notification to the congressional intelligence committees of the identities of individuals occupying senior level positions within the Intelligence Community.

Section 309. Designation of lead intelligence officer for tunnels

Section 309 requires the Director of National Intelligence to designate an official to manage the collection and analysis of intelligence regarding the tactical use of tunnels by state and nonstate actors.

Section 310. Reporting process for tracking country clearance requests

Section 310 requires the Director of National Intelligence to establish a formal reporting process for tracking requests for country clearance submitted to overseas Director of National Intelligence representatives. Section 310 also requires the Director to brief the congressional intelligence committees on its progress.

Section 311. Study on reduction of analytic duplication

Section 311 requires the Director of National Intelligence to carry out a study to identify duplicative analytic products and the reasons for such duplication, ascertain the frequency and types of such duplication, and determine whether this review should be considered a part of the responsibilities assigned to the Analytic Integrity and Standards office inside the Office of the Director of National Intelligence. Section 311 also requires the Director to provide a plan for revising analytic practice, tradecraft, and standards to ensure customers are able to readily identify how analytic products on similar topics that are produced contemporaneously differ from one another and what is the significance of those differences.

Section 312. Strategy for comprehensive interagency review of the United States national security overhead satellite architecture

Section 312 requires the Director of National Intelligence, in collaboration with the Secretary of Defense, and the Chairman of the Joint Chiefs of Staff, to develop a strategy, with milestones and benchmarks, to ensure that there is a comprehensive interagency review of policies and practices for planning and acquiring national security satellite systems and architectures, including the capabilities of commercial systems and partner countries, consistent with the National Space Policy issued on June 28, 2010. Where applicable, this strategy shall account for the unique missions and authorities vested in the Department of Defense and the Intelligence Community.

Section 313. Cyber attack standards of measurement study

Section 313 directs the Director of National Intelligence, in consultation with the Secretary of Homeland Security, the Director of the Federal Bureau of Investigation, and the Secretary of Defense, to carry out a study to determine the appropriate standards to measure the damage of cyber incidents.

TITLE IV—MATTERS RELATING TO ELEMENTS OF THE INTELLIGENCE COMMUNITY

SUBTITLE A—OFFICE OF THE DIRECTOR OF NATIONAL INTELLIGENCE

Section 401. Appointment and confirmation of the National Counterintelligence Executive

Section 401 makes subject to Presidential appointment and Senate confirmation, the executive branch position of National Counterintelligence Executive (NCIX), which was created by the 2002 Counterintelligence Enhancement Act. Effective December 2014, the NCIX was also dual-hatted as the Director of the National Counterintelligence and Security Center.

Section 402. Technical amendments relating to pay under title 5, United States Code

Section 402 amends 5 U.S.C. §5102(a)(1) to expressly exclude the Office of the Director of National Intelligence (ODNI) from the provisions of chapter 51 of title 5, relating to position classification, pay, and allowances for General Schedule employees, which does not apply to ODNI by virtue of the National Security Act. This proposal would have no substantive effect.

Section 403. Analytic Objectivity Review

The Office of the Director of National Intelligence's Analytic Integrity and Standards (AIS) office was established in response to the requirement in the Intelligence Reform and Terrorism Prevention Act of 2004 (IRTPA) for the designation of an entity responsible for ensuring that the Intelligence Community's finished intelligence products are timely, objective, independent of political considerations, based upon all sources of available intelligence, and demonstrative of the standards of proper analytic tradecraft.

Consistent with responsibilities prescribed under IRTPA, Section 403 requires the AIS Chief to conduct a review of finished intelligence products produced by the CIA to assess whether the reorganization of the Agency, announced publicly on March 6, 2015, has resulted in any loss of analytic objectivity. The report is due no later than March 6, 2017.

SUBTITLE B—CENTRAL INTELLIGENCE AGENCY AND OTHER ELEMENTS

Section 411. Authorities of the Inspector General for the Central Intelligence Agency

Section 411 amends Section 17 of the Central Intelligence Agency Act of 1949 to consolidate the Inspector General's personnel authorities and to provide the Inspector General with the same authorities as other Inspectors General to request assistance and information from federal, state, and local agencies or units thereof.

Section 412. Prior congressional notification of transfers of funds for certain intelligence activities

Section 412 requires notification to the congressional intelligence committees before transferring funds from the Joint Improvised Explosive Device Defeat Fund or the Counterterrorism Partnerships Fund that are to be used for intelligence activities.

TITLE V—MATTERS RELATING TO FOREIGN COUNTRIES

SUBTITLE A—MATTERS RELATING TO RUSSIA

Section 501. Notice of deployment or transfer of Club-K container missile system by the Russian Federation

Section 501 requires the Director of National Intelligence to submit written notice to the appropriate congressional committees if the Intelligence Community receives intelligence that the Russian Federation has deployed, or is about to deploy, the Club-K container missile system through the Russian military, or transferred or sold, or intends to transfer or sell, such system to another state or non-state actor.

Section 502. Assessment on funding of political parties and nongovernmental organizations by the Russian Federation

Section 502 requires the Director of National Intelligence to submit an Intelligence Community assessment to the appropriate congressional committees concerning the funding of political parties and nongovernmental organizations in the former Soviet States and Europe by the Russian Security Services since January 1, 2006, not later than 180 days after the enactment of the Fiscal Year 2016 Intelligence Authorization Act.

Section 503. Assessment on the use of political assassinations as a form of statecraft by the Russian Federation

Section 503 requires the Director of National Intelligence to submit an Intelligence Community assessment concerning the use of political assassinations as a form of statecraft by the Russian Federation to the appropriate congressional committees, not later than 180 days after the enactment of the Fiscal Year 2016 Intelligence Authorization Act.

SUBTITLE B—MATTERS RELATING TO OTHER COUNTRIES

Section 511. Report of resources and collection posture with regard to the South China Sea and East China Sea

Section 511 requires the Director of National Intelligence to submit to the appropriate congressional committees an Intelligence Community assessment on Intelligence Community resourcing and collection posture with regard to the South China Sea and East China Sea, not later than 180 days after the enactment of the Fiscal Year 2016 Intelligence Authorization Act.

Section 512. Use of locally employed staff serving at a United States diplomatic facility in Cuba

Section 512 requires the Secretary of State, not later than 1 year after the date of the enactment of this Act, to ensure that key supervisory positions at a United States diplomatic facility in Cuba are occupied by citizens of the United States who have passed a thorough background check. Further, not later than 180 days after the date of the enactment of this Act, the provision requires the Secretary of State, in coordination with other appropriate government agencies, to submit to the appropriate congressional committees a plan to further reduce the reliance on locally employed staff in United

States diplomatic facilities in Cuba. The plan shall, at a minimum, include cost estimates, timelines, and numbers of employees to be replaced.

Section 513. Inclusion of sensitive compartmented information facilities in United States diplomatic facilities in Cuba

Section 513 requires that each United States diplomatic facility in Cuba—in which classified information will be processed or in which classified communications occur—that is constructed, or undergoes a construction upgrade, be constructed to include a sensitive compartmented information facility.

Section 514. Report on use by Iran of funds made available through sanctions relief

Section 514 requires the Director of National Intelligence, in consultation with the Secretary of the Treasury, to submit to the appropriate congressional committees a report assessing the monetary value of any direct or indirect form of sanctions relief Iran has received since the Joint Plan of Action (JPGA) entered into effect, and how Iran has used funds made available through such sanctions relief. This report shall be submitted every 180 days while the JPOA is in effect, and not later than 1 year after an agreement relating to Iran's nuclear program takes effect, and annually thereafter while that agreement remains in effect.

TITLE VI—MATTERS RELATING TO UNITED STATES NAVAL STATION, GUANTANAMO BAY, CUBA

Section 601. Prohibition on use of funds for transfer or release of individual detained at United States Naval Station, Guantanamo Bay, Cuba, to the United States

Section 601 states that no amounts authorized to be appropriated or otherwise made available to an element of the Intelligence Community may be used to transfer or release individuals detained at Guantanamo Bay to or within the United States, its territories, or possessions.

Section 602. Prohibition on use of funds to construct or modify facilities in the United States to house detainees transferred from United States Naval Station, Guantanamo Bay, Cuba

Section 602 states that no amounts authorized to be appropriated or otherwise made available to an element of the Intelligence Community may be used to construct or modify facilities in the United States, its territories, or possessions to house detainees transferred from Guantanamo Bay.

Section 603. Prohibition on use of funds for transfer or release to certain countries of individuals detained at United States Naval Station, Guantanamo Bay, Cuba

Section 603 states that no amounts authorized to be appropriated or otherwise made available to an element of the Intelligence Community may be used to transfer or release an individual detained at Guantanamo Bay to the custody or control of any country, or any entity within such country, as follows: Libya, Somalia, Syria, or Yemen.

TITLE VII—REPORTS AND OTHER MATTERS

SUBTITLE A—REPORTS

Section 701. Repeal of certain reporting requirements

Section 701 repeals certain reporting requirements.

Section 702. Reports on foreign fighters

Section 702 requires the Director of National Intelligence to submit a report every 60 days for the three years following the enactment of this Act to the congressional intelligence committees on foreign fighter flows to and from Syria and Iraq. Section 702 requires information on the total number of foreign fighters who have traveled to Syria or Iraq, the total number of United States persons who have traveled or attempted to travel to Syria or Iraq, the total number of foreign fighters in Terrorist Identities Datamart Environment, the total number of foreign fighters who have been processed with biometrics, any programmatic updates to the foreign fighter report, and a worldwide graphic that describes foreign fighter flows to and from Syria.

Section 703. Report on strategy, efforts, and resources to detect, deter, and degrade Islamic State revenue mechanisms

Section 703 requires the Director of National Intelligence to submit a report on the strategy, efforts, and resources of the Intelligence Community that are necessary to detect, deter, and degrade the revenue mechanisms of the Islamic State.

Section 704. Report on United States counterterrorism strategy to disrupt, dismantle, and defeat the Islamic State, al-Qa'ida, and their affiliated groups, associated groups, and adherents

Section 704 requires the President to submit to the appropriated congressional committees a comprehensive report on the counterterrorism strategy to disrupt, dismantle, and defeat the Islamic State, al-Qa'ida, and their affiliated groups associated groups, and adherents.

Section 705. Report on effects of data breach of Office of Personnel Management

Section 705 requires the President to transmit to the congressional intelligence communities a report on the data breach of the Office of Personnel Management. Section 705 requires information on the impact of the breach on Intelligence Community operations abroad, in addition to an assessment of how foreign persons, groups, or countries may use data collected by the breach and what Federal Government agencies use best practices to protect sensitive data.

Section 706. Report on hiring of graduates of Cyber Corps Scholarship Program by intelligence community

Section 706 requires the Director of National Intelligence to submit to the congressional intelligence committees a report on the employment by the Intelligence Community of graduates of the Cyber Corps Scholarship Program. Section 706 requires information on the number of graduates hired by each element of the Intelligence Community, the recruitment process for each element of the Intelligence Community, and the Director recommendations for improving the hiring process.

Section 707. Report on use of certain business concerns

Section 707 requires the Director of National Intelligence to submit to the congressional intelligence committees a report of covered business concerns—including minority-owned, women-owned, small disadvantaged, service-enabled veteran-owned, and veteran-owned small businesses—among contractors that are awarded contracts by the Intelligence Community for goods, equipment, tools and services.

SUBTITLE B—OTHER MATTERS

Section 711. Use of homeland security grant funds in conjunction with Department of Energy national laboratories

Section 711 amends Section 2008(a) of the Homeland Security Act of 2002 to clarify that the Department of Energy's national laboratories may seek access to homeland security grant funds.

Section 712. Inclusion of certain minority-serving institutions in grant program to enhance recruiting of intelligence community workforce

Section 712 amends the National Security Act of 1947 to include certain minority-serving institutions in the intelligence officer training programs established under Section 1024 of the Act.

Mr. BURR. Madam President, I ask unanimous consent that the Joint Explanatory Statement for Division N—Cybersecurity Act of 2015 be printed in the RECORD.

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

JOINT EXPLANATORY STATEMENT TO ACCOMPANY THE CYBERSECURITY ACT OF 2015

The following consists of the joint explanatory statement to accompany the Cybersecurity Act of 2015.

This joint explanatory statement reflects the status of negotiations and disposition of issues reached between the Senate Select Committee on Intelligence, the House Permanent Select Committee on Intelligence, the Senate Committee on Homeland Security and Governmental Affairs, and the House Committee on Homeland Security. The joint explanatory statement shall have the same effect with respect to the implementation of this Act as if it were a joint explanatory statement of a committee of conference.

The joint explanatory statement comprises an overview of the bill's background and objectives, and a section-by-section analysis of the legislative text.

PART I: BACKGROUND AND NEED FOR LEGISLATION

Cybersecurity threats continue to affect our nation's security and its economy, as losses to consumers, businesses, and the government from cyber attacks, penetrations, and disruptions total billions of dollars. This legislation is designed to create a voluntary cybersecurity information sharing process that will encourage public and private sector entities to share cyber threat information, without legal barriers and the threat of unfounded litigation—while protecting private information. This in turn should foster greater cooperation and collaboration in the face of growing cybersecurity threats to national and economic security.

This legislation also includes provisions to improve Federal network and information system security, provide assessments on the Federal cybersecurity workforce, and provide reporting and strategies on cybersecurity industry-related and criminal-related matters. The increased information sharing enabled by this bill is a critical step toward improving cybersecurity in America.

PART II: SECTION-BY-SECTION ANALYSIS AND EXPLANATION OF LEGISLATIVE TEXT

The following is a section-by-section analysis and explanation of the Cybersecurity Act of 2015.

TITLE I—CYBERSECURITY INFORMATION SHARING

Section 101. Short title.

Section 101 states that Title I may be cited as the ''Cybersecurity Information Sharing Act of 2015.''

Section 102. Definitions.

Section 102 defines for purposes of this title key terms such as ''cybersecurity purpose,'' ''cybersecurity threat,'' ''cyber threat indicator,'' ''defensive measure,'' and ''monitor.'' The definition of ''cybersecurity purpose'' is meant to include a broad range of

activities taken to protect information and information systems from cybersecurity threats. The authorizations under this Act are tied to conduct undertaken for a ''cybersecurity purpose,'' which both clarifies their scope and ensures that the authorizations cover activities that can be performed in conjunction with one another. For instance, a private entity conducting monitoring activities to determine whether it should use an authorized ''defensive measure'' would be monitoring for a ''cybersecurity purpose.'' Significantly, the authorization for ''defensive measures'' does not include activities that are generally considered ''offensive'' in nature, such as unauthorized access of, or execution of computer code on, another entity's information systems, such as ''hacking back'' activities, or any actions that would substantially harm another private entity's information systems, such as violations of section 1030, of title 18, United States Code.

Section 103. Sharing of information by the Federal Government.

Section 103 requires the Director of National Intelligence, the Secretary of Homeland Security, the Secretary of Defense, and the Attorney General to jointly develop and issue procedures for the timely sharing of classified and unclassified cyber threat indicators and defensive measures (hereinafter referenced collectively in this joint explanatory statement as, ''cyber threat information'') with relevant entities.

These procedures must also ensure the Federal Government maintains: a real-time sharing capability; a process for notifying entities that have received cyber threat information in error; protections against unauthorized access; and procedures to review and remove, prior to sharing cyber threat information, any information not directly related to a cybersecurity threat known at the time of sharing to be personal information of a specific individual or that identifies a specific individual, or to implement a technical capability to do the same. These procedures must be developed in consultation with appropriate Federal entities, including the Small Business Administration and the National Laboratories.

Section 104. Authorizations for preventing, detecting, analyzing, and mitigating cybersecurity threats.

Section 104 authorizes private entities to monitor their information systems, operate defensive measures, and share and receive cyber threat information. Private entities must, prior to sharing cyber threat information, review and remove any information not directly related to a cybersecurity threat known at the time of sharing to be personal information of a specific individual or that identifies a specific individual, or to implement and utilize a technical capability to do the same.

Section 104 permits non-Federal entities to use cyber threat information for cybersecurity purposes, to monitor, or to operate defensive measures on their information systems or on those of another entity (upon written consent). Cyber threat information shared by an entity with a State, tribal, or local department or agency may be used for the purpose of preventing, investigating, or prosecuting any of the offenses described in Section 105, below. Cyber threat information is exempt from disclosure under any State, tribal, local, or freedom of information or similar law.

Section 104 further provides that two or more private entities are not in violation of antitrust laws for exchanging or providing cyber threat information, or for assisting with the prevention, investigation, or mitigation of a cybersecurity threat.

Section 105. Sharing of cyber threat indicators and defensive measures with the Federal Government.

Section 105 directs the Attorney General and Secretary of Homeland Security to jointly develop policies and procedures to govern how the Federal Government shares information about cyber threats, including via an automated real-time process that allows for information systems to exchange identified cyber threat information without manual efforts, subject to limited exceptions that must be agreed upon in advance. Section 105 also directs the Attorney General and Secretary of Homeland Security, in coordination with heads of appropriate Federal entities and in consultation with certain privacy officials and relevant private entities, to jointly issue and make publicly available final privacy and civil liberties guidelines for Federal entity-based cyber information sharing.

Section 105 directs the Secretary of Homeland Security, in coordination with heads of appropriate Federal entities, to develop, implement, and certify the capability and process through which the Federal Government receives cyber threat information shared by a non-Federal entity with the Federal Government. This section also provides the President with the authority to designate an appropriate Federal entity, other than the Department of Defense (including the National Security Agency), to develop and implement an additional capability and process following a certification and explanation to Congress, as described in this section. The capability and process at the Department of Homeland Security, or at any additional appropriate Federal entity designated by the President, does not prohibit otherwise lawful disclosures of information related to criminal activities, Federal investigations, or statutorily or contractually required disclosures. However, this section does not preclude the Department of Defense, including the National Security Agency from assisting in the development and implementation of a capability and process established consistent with this title. It also shall not be read to preclude any department or agency from requesting technical assistance or staffing a request for technical assistance.

Section 105 further provides that cyber threat information shared with the Federal Government does not waive any privilege or protection, may be deemed proprietary information by the originating entity, and is exempt from certain disclosure laws. Cyber threat information may be used by the Federal government for: cybersecurity purposes; identifying a cybersecurity threat or vulnerability; responding to, preventing, or mitigating a specific threat of death, a specific threat of serious bodily harm, or a specific threat of serious economic harm, including a terrorist act or a use of a weapon of mass destruction; responding to, investigating, prosecuting, preventing, or mitigating a serious threat to a minor; or preventing, investigating, disrupting, or prosecuting an offense arising out of certain cyber-related criminal activities.

Finally, Section 105 provides that cyber threat information shared with the Federal Government shall not be used by any Federal, State, tribal, or local government to regulate non-Federal entities' lawful activities.

Section 106. Protection from liability.

Section 106 provides liability protection for private entities that monitor, share, or receive cyber threat information in accordance with Title I, notwithstanding any other provision of Federal, State, local, or tribal law. Section 106 further clarifies that nothing in Title I creates a duty to share cyber threat information or a duty to warn or act based on receiving cyber threat information. At the same time, nothing in Title I broadens, narrows, or otherwise affects any existing duties that might be imposed by other law; Title I also does not limit any common law or statutory defenses.

Section 107. Oversight of Government activities.

Section 107 requires reports and recommendations on implementation, compliance, and privacy assessments by agency heads, Inspectors General, and the Comptroller General of the United States, to ensure that cyber threat information is properly received, handled, and shared by the Federal Government.

Section 108. Construction and preemption.

Section 108 contains Title I construction provisions regarding lawful disclosures; whistleblower protections; protection of sources and methods; relationship to other laws; prohibited conduct, such as anti-competitive activities; information sharing relationships; preservation of contractual rights and obligations; anti-tasking restrictions, including conditions on cyber threat information sharing; information use and retention; Federal preemption of State laws that restrict or regulate Title I activities, excluding those concerning the use of authorized law enforcement practices and procedures; regulatory authorities; the Secretary of Defense's authorities to conduct certain cyber operations; and Constitutional protections in criminal prosecutions.

Section 109. Report on cybersecurity threats.

Section 109 requires the Director of National Intelligence, with the heads of other appropriate Intelligence Community elements, to submit a report to the congressional intelligence committees on cybersecurity threats, including cyber attacks, theft, and data breaches.

Section 110. Exception to limitation on authority of Secretary of Deftnse to disseminate certain information.

Section 110 clarifies that, notwithstanding Section 393(c)(3) of title 10, United States Code, the Secretary of Defense may authorize the sharing of cyber threat indicators and defensive measures pursuant to the policies, procedures, and guidelines developed or issued under this title.

Section 111. Effective period.

Section 111 establishes Title I and the amendments therein are effective during the period beginning on the date of enactment of this Act and ending on September 30, 2025. The provisions of Title I will remain in effect however, for action authorized by Title I or information obtained pursuant to action authorized by Title I, prior to September 30, 2025.

TITLE II—NATIONAL CYBERSECURITY ADVANCEMENT

SUBTITLE A—NATIONAL CYBERSECURITY AND COMMUNICATIONS INTEGRATION CENTER

Section 201. Short title.

Section 201 establishes that Title II, Subtitle A may be cited as the ''National Cybersecurity Protection Advancement Act of 2015''.

Section 202. Definitions.

Section 202 defines for purposes of Title II, Subtitle A, the terms ''appropriate congressional committees,'' ''cybersecurity risk,'' ''incident,'' ''cyber threat indicator,'' ''defensive measure,'' ''Department,'' and ''Secretary.''

Section 203. Information sharing structure and processes.

Section 203 enhances the functions of the Department of Homeland Security's National Cybersecurity and Communications

Integration Center, established in section 227 of the Homeland Security Act of 2002 (redesignated by this Act). It designates the Center as a Federal civilian interface for multi-directional and cross-sector information sharing related to cybersecurity risks, incidents, analysis and warnings for Federal and non-Federal entities, including the implementation of Title I of this Act. This section requires the Center to engage with international partners; conduct information sharing with Federal and non-Federal entities; participate in national exercises; and assess and evaluate consequence, vulnerability and threat information regarding cyber incidents to public safety communications. Additionally, this section requires the Center to collaborate with state and local governments on cybersecurity risks and incidents. The Center will comply with all policies, regulations, and laws that protect the privacy and civil liberties of United States persons, including by working with the Privacy Officer to ensure the Center follows the privacy policies and procedures established by title I of this Act.

Section 203 requires the Department of Homeland Security, in coordination with industry and other stakeholders, to develop an automated capability for the timely sharing of cyber threat indicators and defensive measures. It is critical for the Department to develop an automated system and supporting processes for the Center to disseminate cyber threat indicators and defensive measures in a timely manner.

This section permits the Center to enter into voluntary information sharing relationships with any consenting non-Federal entity for the sharing of cyber threat indicators, defensive measures, and information for cybersecurity purposes. This section is intended to provide the Department of Homeland Security additional options to enter into streamlined voluntary information sharing agreements. This section allows the Center to utilize standard and negotiated agreements as the types of agreements that non-Federal entities may enter into with the Center. However, it makes clear that agreements are not limited to just these types, and preexisting agreements between the Center and the non-Federal entity will be in compliance with this section.

Section 203 requires the Director of the Center to report directly to the Secretary for significant cybersecurity risks and incidents. This section requires the Secretary to submit to Congress a report on the range of efforts underway to bolster cybersecurity collaboration with international partners. Section 203 allows the Secretary to develop and adhere to Department policies and procedures for coordinating vulnerability disclosures.

Section 204. Information sharing and analysis organizations.

Section 204 amends Section 212 of the Homeland Security Act to clarify the functions of Information Sharing and Analysis Organizations (ISAOs) to include cybersecurity risk and incident information beyond that pertaining to critical infrastructure. ISAOs, including Information Sharing and Analysis Centers (ISAOs) have an important role to play in facilitating information sharing going forward and has clarified their functions as defined in the Homeland Security Act.

Section 205. National response framework.

Section 205 amends the Homeland Security Act of 2002 to require the Secretary of the Department of Homeland Security, with proper coordination, to regularly update the Cyber Incident Annex to the National Response Framework of the Department of Homeland Security.

Section 206. Report on reducing cybersecurity risks in DHS data centers.

Section 206 requires the Secretary of the Department of Homeland Security to submit a report to Congress not later than 1 year after the date of the enactment of this Act on the feasibility of using compartmentalization between systems to create conditions conducive to reduced cybersecurity risks in data centers.

Section 207. Assessment.

Section 207 requires the Comptroller General of the United States not later than 2 years after the date of enactment of this Act to submit a report on the implementation of Title II, including increases in the sharing of cyber threat indicators at the National Cybersecurity and Communications Integration Center and throughout the United States.

Section 208. Multiple simultaneous cyber incidents at critical infrastructure.

Section 208 requires the appropriate Department of Homeland Security Under Secretary to draft and submit to Congress not later than 1 year after the date of enactment of this Act a report on the feasibility of producing a risk-informed plan to address the risks of multiple simultaneous cyber incidents affecting critical infrastructure as well as cascade effects.

Section 209. Report on cybersecurity vulnerabilities of United States ports.

Section 209 requires the Secretary of Homeland Security not later than 180 days after the date of enactment of this Act to submit to Congress a report on the vulnerability of United States ports to cybersecurity incidents, as well as potential mitigations.

Section 210. Prohibition on new regulatory authority.

Section 210 clarifies that the Secretary of Homeland Security does not gain any additional regulatory authorities in this subtitle.

Section 211. Termination of reporting requirements.

Section 211 adds a 7-year sunset on the reporting requirements in Title II, Subtitle A.

SUBTITLE B—FEDERAL CYBERSECURITY ENHANCEMENT

Section 221. Short title.

Section 221 establishes that Title II, Subtitle B may be cited as the ''Federal Cybersecurity Enhancement Act of 2015''.

Section 222. Definitions.

Section 222 defines for purposes of Title II, Subtitle B, the terms ''agency,'' ''agency information system,'' ''appropriate congressional committees,'' ''cybersecurity risk,'' ''information system,'' ''Director,'' ''intelligence community,'' ''national security system,'' and ''Secretary.''

Section 223. Improved Federal network security.

Section 223 amends the Homeland Security Act of 2002 by amending Section 228, as redesignated, to require an intrusion assessment plan for Federal agencies and adding a Section 230 to authorize a federal intrusion detection and prevention capabilities'' for Federal agencies.

Section 230 of the Homeland Security Act of 2002, as added by Section 223(a) of the bill, authorizes the Secretary of Homeland Security to employ the Department's intrusion detection and intrusion prevention capabilities, operationally implemented under the ''EINSTEIN'' programs, to scan agencies' network traffic for malicious activity and block it. The Secretary and agencies with sensitive data are expected to confer regarding the sensitivity of, and statutory protections otherwise applicable to, information on agency information systems. The Secretary is expected to ensure that the policies and procedures developed under section 230 appropriately restrict and limit Department access, use, retention, and handling of such information to protect the privacy and confidentiality of such information, including ensuring that the Department protects such sensitive data from disclosure, and trains appropriate staff accordingly.

Section 223(b) mandates that agencies deploy and adopt those capabilities within one year for all network traffic traveling to or from each information system owned or operated by the agency, or two months after the capabilities are first made available to the agency, whichever is later. The subsection also requires that agencies adopt improvements added to the intrusion detection and prevention capabilities six months after they are made available. Improvements is intended to be read broadly to describe expansion of the capabilities, new systems, and added technologies, for example: non-signature based detection systems such as heuristic- and behavior-based detection, new countermeasures to block malicious traffic beyond e-mail filtering and Domain Name System (DNS)-sinkholing, and scanning techniques that allow scanning of encrypted traffic.

Section 224. Advanced internal defenses.

Section 224 directs the Secretary of Homeland Security to add advanced network security tools to the Continuous Diagnostics and Mitigation program; develop and implement a plan to ensure agency use of advanced network security tools; and, with the Director of the Office of Management and Budget, prioritize advanced security tools and update metrics used to measure security under the Federal Information Security Management Act of 2002.

Section 225. Federal cybersecurity requirements.

Section 225 adds a statutory requirement for the head of each agency not later than 1 year after the date of the enactment of this Act to implement several standards on their networks to include identification of sensitive and mission critical data, use of encryption, and multi-factor authentication.

Section 226. Assessment; reports.

Section 226 includes a requirement for a Government Accountability Office study to be conducted on the effectiveness of this approach and strategy. It also requires reports from the Department of Homeland Security, Federal Chief Information Officer, and the Office of Management and Budget. Required reporting includes an annual report from the Department of Homeland Security on the effectiveness and privacy controls of the intrusion detection and prevention capabilities; information on adoption of the intrusion detection and capabilities at agencies in the Office of Management and Budget's annual Federal Information Security Management Act report; an assessment by the Federal Chief Information Officer within two years of enactment as to continued value of the intrusion detection and prevention capabilities; and a Government Accountability report in three years on the effectiveness of Federal agencies' approach to securing agency information systems.

Section 227. Termination.

Section 227 creates a 7-year sunset for the authorization of the intrusion detection and prevention capabilities in Section 230 of the Homeland Security Act of 2002, as added by Section 223(a).

Section 228. Identification of information systems relating to national security.

Section 228 requires the Director of National Intelligence and the Director of the Office of Management, in coordination with

other agencies, not later than 180 days after the date of enactment of this Act to identify unclassified information systems that could reveal classified information, and submit a report assessing the risks associated with a breach of such systems and the costs and impact to designate such systems as national security systems.

Section 229. Direction to agencies.

Section 229 authorizes the Secretary of Homeland Security to issue an emergency directive to the head of an agency to take any lawful action with respect to the operation of an information system for the purpose of protecting such system from an information security threat. In situations in which the Secretary has determined there is an imminent threat to an agency, the Secretary may authorize the use of intrusion detection and prevention capabilities in accordance with established procedures, including notice to the affected agency.

TITLE III—FEDERAL CYBERSECURITY WORKFORCE ASSESSMENT

Section 301. Short title.

Section 301 establishes Title III may be cited as the ''Federal Cybersecurity Workforce Assessment Act of 2015''.

Section 302. Definitions.

Section 302 defines for purposes of Title III the terms ''appropriate congressional committees,'' ''Director,'' ''National Initiative for Cybersecurity Education,'' and ''work roles.''

Section 303. National cybersecurity workforce measurement initiative.

Section 303 requires the head of each Federal agency to identify all positions within the agency that require the performance of cybersecurity or other cyber-related functions, and report the percentage of personnel in such positions holding the appropriate certifications, the level of preparedness of personnel without certifications to take certification exams, and a strategy for mitigating any identified certification and training gaps.

Section 304. Identification of cyber-related work roles of critical need

Section 304 requires the head of each Federal agency to identify information technology, cybersecurity, or other cyber-related roles of critical need in the agency's workforce, and substantiate as such in a report to the Director of the Office of Personnel Management. Section 304 also requires the Director of the Office of Personnel Management to submit a subsequent report not later than 2 years after the date of the enactment of this Act, on critical needs for information technology, cybersecurity, or other cyber-related workforce across all Federal agencies, and the implementation of this section.

Section 305. Government Accountability Office status reports.

Section 305 requires the Comptroller General of the United States to analyze and monitor the implementation of sections 303 and 304 and not later than 3 years after the date of the enactment of this Act submit a report on the status of such implementation.

TITLE IV—OTHER CYBER MATTERS

Section 401. Study on mobile device security.

Section 401 requires the Secretary of Homeland Security not later than 1 year after the date of the enactment of this Act to conduct a study on threats relating to the security of the mobile devices used by the Federal Government, and submit a report detailing the findings and recommendations arising from such study.

Section 402. Department of State international cyberspace policy strategy.

Section 402 requires the Secretary of State not later than 90 days after the date of the enactment of this Act to produce a comprehensive strategy relating to United States international policy with regard to cyberspace, to include a review of actions taken by the Secretary of State in support of the President's International Strategy for Cyberspace and a description of threats to United States national security in cyberspace.

Section 403. Apprehension and prosecution of international cyber criminals.

Section 403 requires the Secretary of State, or a designee, to consult with countries in which international cyber criminals are physically present and extradition to the United States is unlikely, to determine what efforts the foreign country has taken to apprehend, prosecute, or otherwise prevent the carrying out of cybercrimes against United States persons or interests. Section 403 further requires an annual report that includes statistics and extradition status about such international cyber criminals.

Section 404. Enhancement of emergency services.

Section 404 requires the Secretary of Homeland Security not later than 90 days after the date of the enactment of this Act to establish a process by which a Statewide Interoperability Coordinator may report data on any cybersecurity risk or incident involving any information system or network used by emergency response providers within the state. Reported data will be analyzed and used in developing information and recommendations on security and resilience on measures for information systems and networks used by state emergency response providers.

Section 405. Improving cybersecurity in the health care industry.

Section 405 requires the Secretary of Health and Human Services to establish a task force and not later than 1 year after the date of enactment of the task force to submit a report on the Department of Health and Human Services and the health care industry's preparedness to respond to cybersecurity threats. In support of the report, the Secretary of Health and Human Services will convene health care industry stakeholders, cybersecurity experts, and other appropriate entities, to establish a task force for analyzing and disseminating information on industry-specific cybersecurity challenges and solutions.

Consistent with subsection (e), it is Congress's intention to allow Health and Human Services the flexibility to leverage and incorporate ongoing activities as of the day before the date of enactment of this act to accomplish the goals set forth for this task force.

Section 406. Federal computer security.

Section 406 requires the Inspector General of any agency operating a national security system, or a Federal computer system that provides access to personally identifiable information, not later than 240 days after the date of enactment of this Act to submit a report regarding the federal computer systems of such agency, to include information on the standards and processes for granting or denying specific requests to obtain and use information and related information processing services, and a description of the data security management practices used by the agency.

Section 407. Stopping the fraudulent sale of financial information of people of the United States.

Section 407 amends 18 U.S. Code §1029 by enabling the Federal Government to prosecute overseas criminals who profit from financial information that has been stolen from Americans.

Mr. HATCH. Madam President, the bill we are considering today contains a provision in section 305 providing for some tax relief for refiners whose costs will increase as a result of the repeal of the ban on oil exports. This provision permits refiners to modify the calculation of production activities income to lessen the impact of high transportation costs in bringing crude oil to their refineries. The provision permits adjusting such activities income for properly allocable transportation costs. Many times transportation costs are embedded within an invoice and not broken out as a separate line item, such as included in the delivered price of crude. These are clearly transportation costs intended to be taken into account for purposes of this section.

Mr. REID. Madam President, in Section 303 of the House amendment No. 1 to the Senate amendment to H.R. 2029, the text of the Consolidated Appropriations Act, 2016, the section 48 Investment Tax Credit, 26 U.S.C. section 48, is extended for 5 years, beginning on January 1, 2017, and phased down to 26 percent in 2020 and 22 percent in 2021. Section 303 inadvertently only extends the credit for solar energy technologies, rather than all of the technologies currently eligible to receive the credit.

The intention of the agreement that I reached with the majority leader was to extend the section 48 Investment Tax Credit for all of the eligible technologies for 5 years and to treat each technology eligible for a 30 percent credit the same with respect to a phase down in the years 2020 and 2021. The permanent 10 percent credit for eligible technologies under section 48 will remain in place.

The majority leader and I hope to address this early next year in an appropriate legislative vehicle.

Mr. DURBIN. Madam President, for several weeks, negotiations have been ongoing on a multitude of controversial provisions relating to the omnibus. While those debates were raging in different parts of the Capitol, work on the Defense appropriations bill continued quietly and efficiently.

I believe many Americans would be surprised to know about the exemplary level of bipartisanship that went into crafting this legislation, which provides the funding to take care of the women and men serving our country in uniform.

This bill provides for the pay and benefits of each member of the Armed Forces, equips them with the tools they need, and develops the next generation of technology to improve our national security.

Neither the chairman of the Defense Appropriations Subcommittee, Senator COCHRAN, nor I got everything we wanted out of this bill. Tough decisions had to be made.

Chairman COCHRAN supported a number of my suggestions for the bill, we worked together on others, and we disagreed on a few. The end result is a

good bill that meets the needs of our national security.

The Defense appropriations bill provides all the needed resources for ongoing military operations, including the funds requested by the President to carry out anti-ISIL operations in Syria and Iraq.

It adds $1.2 billion to the request to account for maintaining a larger presence in Afghanistan through 2016. And because the situation in Afghanistan, Syria, and Iraq is so fluid, it includes additional OCO reprogramming authority—a total of $4.5 billion—to respond to unexpected events.

We also maintain robust funding for intelligence collection on traditional and nontraditional threats to this country, so that our Nation can continue to be a step ahead of threats to Americans and our allies.

The DOD has a long history of scientific innovation for the purpose of keeping our troops safe and providing an edge over our adversaries. We also know that millions of Americans who have never served in uniform often benefit from these defense breakthroughs. This bill provides a total of $1.94 billion for DOD medical research programs, which is 5 percent real growth over last year's funding level.

The medical research funding in this bill is directed toward competition, whether it is the $667 million in core research funding, the $278 million in the Peer-Reviewed Medical Research Program, the $120 million for breast cancer research, or the variety of other research programs provided in the legislation.

I have heard criticism that medical research doesn't belong in a defense bill.

Defense medical research is relatively small—NIH research funding is 15 times larger—but DOD has made important breakthroughs that help servicemembers, their families, and all Americans.

As one example, Army researchers have developed E75, a vaccine that cuts in half the chance that breast cancer will return. Women around the country benefited from that breakthrough, including those in uniform and those in military families seeking care at DOD hospitals.

The bill also provides $2.3 billion for nonmedical basic research, a $220 million increase over the President's request. These funds help expand our knowledge of the universe in a variety of disciplines and may eventually lead to the next technology breakthrough that will enrich our lives.

The bill includes $487 million for U.S.-Israeli cooperative missile defense programs, fully funding the request from the Government of Israel.

We provide for a strong stand against Russian aggression in Europe. The European Reassurance Initiative, which increases U.S. troop presence and training in more than a dozen countries, is fully funded. An additional $250 million is provided for lethal and nonlethal aid to the Ukraine security services. The bill also includes $412 million to fully fund upgrades to the Army's Stryker fleet because of the threat from Russia.

However, the agreement takes a more cautious view of DOD's program to train the Syrian opposition. It is one of many programs for which the Department can request funds by reprogramming from the Counterterrorism Partnerships Fund. This process improves congressional oversight as well as places the onus on DOD to justify further expenses for the Syrian training program.

The bill includes a long list of increases to defense programs that were underfunded in the President's request. These programs are essential to maintaining the military advantage against our opponents and also support a strong and stable defense industrial base.

Some of the highlights include: $1 billion for an additional DDG–51 destroyer, 12 additional F–18 aircraft, 11 additional F–35 Joint Strike Fighters, $300 million for the Navy's UCLASS drone, sufficient funding to keep the A–10 operating for another year, and $1 billion for the National Guard and Reserve Equipment Account.

Finally, the bill includes a provision to guarantee competition for the launch of DOD satellites. I have studied the history of DOD's space launch programs, and it is a testament to how poor oversight leads to taxpayers being stuck with an expensive bill.

In the mid-2000s, United Launch Alliance gained a monopoly on satellite launches. Over a few short years, the cost of its rockets escalated by 65 percent. Just this year, SpaceX was certified to compete against ULA. These competitions have barely begun, and already we are seeing large savings in launch costs. But provisions in the Defense Authorization Act are threatening to create a new launch monopoly, this time with SpaceX in charge.

The issue is that ULA uses a Russian rocket engine, and a new American-made engine will not be ready to compete until 2022. During that time, DOD wants to compete 37 launches, but under Defense authorization bills, ULA is only allowed to win four of those contracts.

We all want to eliminate reliance on Russian engines. This bill adds $144 million to make a new U.S.-built rocket a reality as soon as possible.

I must remind Senators that NASA and NOAA are not restricted from using Russian engines for its satellites. Why should we agree to a double standard—a looming monopoly for national security space launches but full and open competition for scientific missions?

The provision in this bill simply guarantees that the Air Force for the next year will live under the same rules as NASA and NOAA, while a new American-made rocket is developed and will hopefully be ready in 2022.

This large and complex bill amounts to half of the discretionary budget of the United States. It is essential to our national security, and this bill improves on DOD's budget proposals in many ways.

Once again, I would like to thank my friend, Chairman COCHRAN, for his steady hand in moving this legislation forward in a constructive and bipartisan manner. The Defense Subcommittee has a long history of strong partnerships, and I am pleased that this tradition carries on today.

Mr. LEAHY. Madam President, hard-working Americans deserve more than living paycheck to paycheck, worrying about having to choose between paying an electric bill or putting healthy food on the table. This appropriations law ends a year of continuing budget uncertainty and extends tax credits for millions of hard-working families. We have kept out harmful riders that would have undermined everything from Wall Street reform to clean air and water laws. There are many steps forward in this bill for Vermonters and all Americans, but we need stronger steps. We need to carry this into the new year and strengthen it, to help lift the middle class and to protect the most vulnerable among us.

We need much more progress in creating well-paying jobs in rural areas like Vermont, not just in the Nation's urban centers. We need to do more to protect Social Security and Medicare and other programs in the safety net. We need to do more to make college affordable for students and families.

This bill will let Congress begin the new year with focusing on America's middle class, taking stronger steps to help working families. By standing together, Senate Democrats have made it possible to cancel the harmful sequester and to lift caps to make investments possible that will make a difference in communities across Vermont—from cleanup efforts on Lake Champlain, to ramping up our fight against opioid addiction, to equipping our police officers with life-saving bulletproof vests.

This omnibus spending bill is good news for my home State of Vermont, too. It includes important funds for the EPA's Lake Champlain Geographic Program, which will be critical as Vermont and the EPA take on ambitious new work and regulations to address water quality and phosphorus levels in Lake Champlain. As much as Vermonters and millions of visitors to our State enjoy Lake Champlain, we know that business as usual simply will not cut it. We need serious action, measurable work on the ground, and strong Federal resources in order to make real progress to clean up Lake Champlain. That is why I made supporting the EPA's geographic programs a top priority for fiscal year 2016. That this final bill maintains the strong Federal investments that were made last year reflects a real partnership among Federal, State, and local partners.

The omnibus makes essential investments to help States and local municipalities fight the scourge of opioid and heroin addiction, which continues to devastate too many communities. Vermont has been a national leader in calling attention to this problem and bringing together communities to find solutions. This spending package includes a number of programs that will continue to support those efforts. We know that it will require strong Federal support to join State and local efforts to address this heroin crisis. In particular, this omnibus package includes funding for the Anti-Heroin Task Force Program that began last year to provide support to State law enforcement efforts like those of the Vermont Drug Task Force in dismantling supply chains trafficking heroin into our States.

Because we know that enforcement alone cannot solve this problem, this bill also includes increased funding for grants to expand medication assisted treatment programs, and funding to distribute lifesaving naloxone to prevent overdoses. It offers continued support for drug court programs that prevent individuals suffering from addiction from needlessly entering our criminal justice system and instead helps set them on a path towards treatment and recovery. I am proud to support for funding these critical programs that provide a lifeline to communities struggling to eliminate this opioid crisis.

This omnibus bill will grow jobs in Vermont and across the country. When I walk down the street in Montpelier or talk to people at the grocery store in Waterbury, I hear too many stories from Vermonters who are working two, even three jobs to make ends meet. Congress needs to do more to spur job growth, and I believe this bill will make a measurable impact.

The heart and soul of Vermont's economy are our small businesses. In fact, over 90 percent of the employers in Vermont are small businesses, employing more than half of all Vermonters that work in the private sector. So naturally, the Small Business Administration, SBA, and the programs it supports are critically important to ensuring that Vermont businesses have access to the capital they need to expand. Year after year, we see all sectors of the Vermont economy utilizing SBA programs from manufacturing, to agriculture, clean energy, and even craft brewing. Vermont Precision Tools in Swanton, which manufactures high-quality burs for the medical device industry, is one such example. Pete's Greens, a certified organic vegetable farm that has been a leader in Vermont's agricultural renaissance, is another. This past year, the SBA had its highest level of lending in Vermont, backing more than $53 million in loans. This omnibus bill will ensure that Vermonters have access to just as much capital in 2016.

Another critical source of capital for Vermont's businesses has been made possible through the Treasury Department's Community Development Financial Institutions Fund, CDFI. Community Capital of Vermont is one of our State's organizations that have leveraged CDFI funds and the SBA's microloan program to help neighborhood businesses—such as Barrio Bakery in the Old North End of Burlington, Patchwork Farm Bakery in Hardwick, Liberty Chocolates in Montpelier, and Bent Hill Brewery in Randolph. This year we were able to increase funding for the CDFI program, while also increasing access to healthy food and expanding work in rural areas.

Vermont is a northern border State, and the connection we share with our Canadian neighbors is an important one for our cultural and economic identity. Senators from neighboring States know well that some communities have experienced unique economic challenges, and that is why we worked together to create the Northern Border Regional Commission, NBRC. I appreciate their support and joining with me to increase the NBRC budget to $7.5 million for the coming year. In the short time the commission has existed, it has helped companies like Superior Technical Ceramics in St. Albans develop a plan to increase their exports; the Vermont Sustainable Jobs Fund is helping grow Vermont's wood products sector; an industrial park in Franklin County has received funds for improvements to entice Canadian companies to expand in the United States; and—a jewel of the Northeast Kingdom—Willoughby Lake, will have increased amenities resulting in more travel and tourism.

As a result of the Bipartisan Budget Act Congress approved in October, critical funding was restored to the HOME program, which helps States and communities preserve existing and produce new units of affordable housing. The Senate-passed Transportation, Housing and Urban Development bill decimated the HOME program, providing a paltry $66 million. Because of the Bipartisan Budget Act, in fiscal year 2016, the HOME program will receive $950 million—an increase of $50 million over 2015 funding—which will help every State, including Vermont, address critical housing needs.

The National Institutes of Health, the Nation's leading medical research hub, will receive a $2 billion increase in funding, which will benefit research institutions like the University of Vermont.

The bill continues to support community health centers that will be funded at just over $5 billion next year. In Vermont alone, 11 federally qualified community health centers with 56 delivery sites provided care over the past 2 years to nearly 200,000 patients. These health centers employ over 900 people.

The omnibus reauthorizes for 3 years the Land and Water Conservation Fund, and provides needed funding to support it. Early next year, I hope Congress will redouble its efforts to ensure that this critical conservation program—which supports projects in every State, in every corner of our country—receives permanent authorization and full funding—all at no expense to the taxpayer.

Important, too, is that this omnibus rejects efforts by industry giants to block Vermont's Act 120, which requires the labeling of genetically engineered foods. Vermonters support their law, because they believe—as do I—that consumers have the right to know what is in the food they are eating. An omnibus spending bill is no place to make national policy that undermines carefully crafted laws at the state level.

As ranking member of the Department of State and Foreign Operations Appropriations Subcommittee, I want to thank Chairman LINDSEY GRAHAM, Chairwoman KAY GRANGER, and Ranking Member NITA LOWEY for the way they worked with me and my staff to reach agreement on the State and foreign operations title of this omnibus bill. Their expertise was invaluable in producing a bill that provides funding for important diplomatic, development, security, and humanitarian priorities of the United States and that reflect our Nation's values.

Division K of the omnibus, for the Department of State and foreign operations, provides a total of $52.7 billion in discretionary budget authority. This funding helps protect U.S. personnel, including our diplomats, working overseas; funds programs to combat trafficking in persons, wildlife poaching, and drug smuggling; provides historic levels of funding to combat HIV/AIDS, tuberculosis, malaria, and other diseases that threaten hundreds of millions of people around the world; supports key allies in countering ISIL and other terrorist organizations; provides funds to promote renewable energy and protect the environment; and funds relief programs for refugees and other victims of conflict and natural disasters. These are just a few examples. Division K also includes important provisions to ensure transparency, combat corruption, and prevent assistance to and encourage accountability for those who would misuse U.S. assistance by violating human rights or engaging in corruption or other financial crimes.

I am particularly pleased that the bill includes increased funding for agent orange remediation and health and disability programs in Vietnam; the Leahy War Victims Fund to assist innocent victims of war, clear unexploded bombs in Southeast Asia and other parts of the world; and educational and cultural exchange programs including the amount requested for the Fulbright exchange program. In addition, authority is provided to help threatened scholars around the world find academic institutions where they can continue their work in safety.

The bill also supports programs that directly benefit Vermonters, including the amount requested for the Peace

Corps and funding above the amount requested for the Great Lakes Fishery Commission to support additional sea lamprey control in the Great Lakes and the Lake Champlain Basin.

I am disappointed that a provision I authored, which was included in the Senate bill, to enable the U.S. to provide technical assistance to support investigations, apprehensions, and prosecutions of those who commit genocide and other crimes against humanity, was not included. There are also some things that I wish were not in this bill, including a provision carried from last year that would weaken limits on carbon emissions from projects financed by the Export-Import Bank and Overseas Private Investment Corporation. No bill is perfect, and we will undoubtedly revisit these and other issues next year.

I have heard from many Vermonters concerned that controversial policy provisions were to be included in this final spending bill. While I am grateful this final bill does not include many of the poison pill policy riders included in the House and Senate passed bills—measures that would have eroded health care services, repealed Dodd-Frank, and threatened key environmental protections, among other issues—I am concerned that it includes a giveaway to Big Oil by lifting the decades-long ban on crude oil exports. While I understand that, in exchange for lifting the ban, the omnibus is free of several proposed policy riders that would undermine Clean Air Act and Clean Water Act regulations and extends several environmental and renewable energy tax measures, I share the concerns of many environmentalists that lifting this ban will result in increased oil development and we could see higher gasoline prices in New England.

I am disappointed that the omnibus includes two policy riders that will further wear away transparency and accountability in our campaign finance system. These provisions will only promote the spending of dark money in Federal elections and further erode the trust of the American people in their political system.

I am also disappointed that the omnibus is being used to jam cyber security information sharing legislation through Congress. This is not the way to pass major legislation, particularly one that threatens to significantly harm Americans' privacy rights. This new version of the cyber security information sharing bill—which was negotiated behind closed doors by leaders of the Senate and House Intelligence Committees—rolls back a number of significant consumer and privacy protections that were included in the Senate-passed bill and over which the Judiciary Committee has primary jurisdiction, including language that could affect the scope of liability protections and that would expand Federal preemption of State FOIA and transparency laws. These changes are dangerous and unnecessary. Congress should have been given an opportunity to study, debate, and vote on a bill of this magnitude under regular order—not choose between this bill and a government shutdown. I hope that, when the Senate returns next year, we can consider legislation to mitigate the potential harm of this legislation.

Of course, with this omnibus spending bill, the Senate will consider the Protecting Americans from Tax Hikes, PATH, Act. Last year, in the closing days of Congress, I opposed a 1-year, retroactive extension of expiring tax credits, not because I do not support those credits, but because our small businesses, middle-class families, and entrepreneurs need more certainty. The PATH Act provides that in some instances through 2016 and in other instances with permanency.

I am pleased that the PATH Act extends permanently the earned income tax credit, EITC, and the child tax credit, CTC. These credits have helped Vermont families recover from the recession. Vermont was one of the first States in the nation to supplement federal EITC dollars. In 2013, low-income families in Vermont received an estimated $2,400 in State and Federal tax credits that year. For the many families who qualify for these programs, these credits provide a significant increase in take-home pay. This not only has the potential to lift families out of poverty, it also motivates many to return to the workforce. While I would have preferred that these extensions be paired with an indexing proposal, extending permanency to them is welcomed news for millions of American families.

The PATH Act also supports small businesses by encouraging hiring, promoting investment in low-income areas, promoting domestic renewable energy development, and encouraging research and development. I am grateful that the bill includes a permanently extension of the charitable deduction for contributions of food inventory. I have long championed this deduction. It helps organizations like the Vermont Food Bank and encourages donors to support food shelfs across the country.

Finally, I am deeply disappointed that, despite bipartisan, bicameral agreement, needed reforms to the EB–5 regional center program were not included in this final bill. On Tuesday evening, just hours before the bill became public, congressional leaders inexplicably decided to extend the EB–5 program without any reform. The program was given a free pass despite broad, bipartisan agreement that it is in urgent need of an overhaul. Time and again, concerns have been raised about the regional center program's susceptibility to fraud, its lack of oversight and transparency, and the rampant abuse of its incentives to invest in underserved communities—undermining a core premise of the program. Homeland Security Secretary Johnson, the Government Accountability Office, and the Department of Homeland Security Office of Inspector General have all raised concerns.

While the program's flaws are obvious to anyone paying attention, the necessary fixes are as well. I have long worked to improve the regional center program, and my EB–5 amendment to the Senate's comprehensive immigration reform bill in the last Congress was unanimously approved in the Judiciary Committee. This Congress, I authored far-reaching reforms with Chairman GRASSLEY and House Judiciary Chairman GOODLATTE and Ranking Member CONYERS. We had the support of by far the largest trade association representing the EB–5 industry, as well as the civil rights community. We pushed hard to include our reforms in the omnibus, but some congressional leaders inexcusably rejected these vital reforms.

We have a comprehensive, bipartisan reform bill that the chairmen and ranking members of both the House and Senate Judiciary Committees support. These reforms would address the many troubles that plague this program, including increasing oversight and transparency, protecting investors, and promoting investment and job growth in underserved communities as Congress always intended. We cannot again squander this opportunity. We should act on our bill when we return in January to ensure integrity and to demand ongoing oversight of the program.

Mr. SESSIONS. Madam President, the bill before us today represents a colossal addition to our Nation's debt, which currently stands at $18.4 trillion. Earlier this year, the Budget Committee worked hard to develop a budget plan that would balance in the next 10 years by saving money, cutting costs, and examining inefficient programs and provisions. It was not easy to find the cuts necessary to achieve the goals laid out in that proposal. But the tax extenders bill costs are a large step away from getting our Nation back on a sound fiscal footing and accomplishing the objectives laid out in the budget plan.

When the Joint Committee on Taxation, JCT, scored the bill, they found that in just the next year, it will add $157 billion to the debt, and that cost will swell to $622 billion over the next 10 years. The government will have to borrow this money; we do not have it to spend. The Committee for a Responsible Federal Budget, CRFB, headed by Maya MacGuiness, took an independent look at these tax provisions. According to the CRFB, the United States will have to pay an additional $130 billion in interest charges over the next 10 years on the money borrowed to finance this legislation. Maya's organization makes one more important point that many here in Congress have not sufficiently considered. The $622 billion advertised cost will balloon even further to $2 trillion over the next

two decades. Certainly, many of the provisions in this package are good, but President Obama and Congress need to recognize there are limits.

The bill also extends costly tax credits that are scored rightly by the Congressional Budget Office as support payments, not tax deductions; and allows tax credits, earned income tax credits, for illegal aliens favored by President Obama's Executive amnesty and the additional income tax credit, which allows billions to go to illegal aliens. These provisions are unwise and need serious reform before extending.

There are indeed some good provisions in this bill. Businesses across the nation will benefit by the research and development and section 179 bonus depreciation tax credits being made permanent. Many businesses in my State rely on the credits and making them permanent provides consistency for better planning. But the $611 billion cost in new expenditures and lost revenues is huge. This Congress has to know that a $2 trillion addition to the debt over the next 20 years is simply too much. This is a step away not towards fiscal responsibility.

It is these kinds of rationalizations that can cause a country to go broke. For perspective, Congress struggled mightily to find $77 billion above the gas tax to pay for the 5-year highway bill. This tax package is so huge it will make the highway bill costs look insignificant.

Colleagues, we cannot be in denial about how much this bill costs. We all have a strong desire for tax cuts and tax reform. I have supported such bills many times in the past, but this bill has little reform and great cost. I am disappointed that I cannot support this bill.

Mr. KAINE. Madam President, I want to speak today about the Omnibus appropriations and tax bill. First, I want to applaud my colleagues who have worked tirelessly towards this deal for over a year now. Our leadership and the leaders of our Appropriations, Finance, and Budget Committees have been setting the stage for this action and I want to thank them.

This bill, H.R. 2029, the Consolidated Appropriations Act, 2016, addresses many priorities that I have been fighting for since joining the Senate in 2013. It comes on the heels of the Bipartisan Budget Act we passed in October of this year, which addressed for 2 years the arbitrary budget caps set by sequestration and implements the first year of that agreement.

First enacted as part of the Bipartisan Budget Control Act of 2011, these arbitrary budget caps have been hurting our national defense and domestic priorities since sequestration went into effect in 2013 by arbitrarily forcing critical agencies such as the Department of Defense to set strategy and policy based on artificial caps. As a former mayor and Governor I have a lot of experience with budgets and decisionmaking. I understand using budgets gimmicks to set policy is the opposite of what we should be doing. It is a strategy that is unsustainable and must be addressed if we are to properly manage our finances.

In 2013, on the heels of the devastating government shutdown, Congress passed the Bipartisan Budget Act of 2013 to reduce uncertainty, adjust the budget caps to reflect current needs, and put the idea of another government shutdown behind us. That deal was a bipartisan compromise, heralded by Members from both sides of the aisle. We learned from that exercise that both parties can come together to give budget certainty to families and businesses.

This year, we faced the prospect of another harmful episode of sequestration whereby Congress's priority setting was once again to be determined by the budget law passed in 2011. Once again, lawmakers came together, and we passed the Bipartisan Budget Act of 2015, another 2-year bill which set appropriate spending targets and gave appropriators time to write full appropriations bills for the remainder of this fiscal year, thereby avoiding the risk of shutdowns or fiscal cliffs at the end of the year.

Because of all that activity, we find ourselves here today with this bill. Within this bill there is a lot of good: strong funding for Defense Department priorities like shipbuilding and the Ohio-class replacement; strong funding for educational programs like Head Start, Preschool Development Grants, and Teacher Quality Partnership Grants; strong funding for State Department embassy security training programs; strong funding for military construction projects around Virginia; strong commitments for the environment such as the American Battlefield Protection Act, Chesapeake Bay Program, and the Army Corps programs in Norfolk; strong funding for the National Park Service and for NASA's programs at Wallops Island; and strong funding for Plan Central America.

This bill also includes critically important programs on the revenue side. Three critical low- and middle-income tax programs—the child tax credit, earned income tax credit, and American opportunity tax credit—have been made permanent in this bill, so has the research and development tax credit, along with an expansion in this credit for startups championed by Senator COONS that I have cosponsored. Also made permanent are tax programs for teachers, for conservation, and for military families. We have made other programs last for another 5 years. And others will be extended for 2 years, a step forward for these programs we have been extending for only 1 year at a time.

This package also contains energy policy that will advance our national goal of generating energy cleaner tomorrow than today, while ensuring that our short-term need for fossil fuels is met by American supplies and developed by American workers. The deal lifts the 40-year old ban on export of U.S. crude oil, which will create American jobs. The deal extends wind and solar tax incentives for 5 years.

The deal also hikes funding for the Land and Water Conservation Fund by 50 percent this year, which will support open space preservation efforts around the country and in Virginia at Rappahannock River Valley National Wildlife Refuge, George Washington and Thomas Jefferson National Forests, the Captain John Smith Chesapeake National Historical Trail, and elsewhere. Finally, it includes assistance for U.S. oil refineries, while stopping virtually all policy riders seeking to undermine critical air and water pollution laws.

This bill is by no means perfect. In particular, while I agree with many of the tax provisions included in this bill, a must-pass government funding bill is not the place to have the important tax policy debates facing this country. By passing this bill with so many tax provisions with little debate, we put off a broader agreement on comprehensive tax reform. I do agree with many aspects of this tax deal. But by taking this action now, we leave other critical tax policy decisions on the table with no debate on how we as a body should prioritize these issues.

And I am struck by the irony that all year long we debated how to provide sequester relief of about $100 billion for our national security and for education and health and research funding that will improve our economy. Those policies needed offsets. But this tax package will increase the deficit by nearly $700 billion, and there has not been discussion of offsetting this cost. That seems to me to be a bad precedent and an unfair distinction. In an era dominated by conversations about our national debt and deficits, we should do better to seek ways address these changes in a fiscally responsible way.

In the end, I choose to support this bill. The good in this legislation and the need for our Federal agencies to be able to plan and set the priorities of this country makes support the right decision. And the bipartisan character of the agreement will hopefully encourage more such cooperation.

Ms. COLLINS. Madam President, the cyber security bill included in the omnibus is a first step towards improving our Nation's dangerously inadequate defenses against cyber attacks. I know that the chairman and vice chairman of the Senate Intelligence Committee worked hard to ensure that a cyber security bill passed this year.

Unfortunately, however, the American people and economy will remain vulnerable to a catastrophic cyber attack against our critical infrastructure even after this bill becomes law.

Critical infrastructure refers to entities that are vital to the safety, health, and economic well-being of the American people, such as the major utilities that run the Nation's electric grid, the

national air transportation system that moves passengers and cargo safely from one location to another, and the elements of the financial sector that ensure the $14 trillion in payments made every day are securely routed through the banking system.

The Senate-passed cyber bill included an important provision I authored with the support of Senators MIKULSKI, COATS, REED, WARNER, HEINRICH, KING, HIRONO, and WYDEN that would have required the Department of Homeland Security, in conjunction with the appropriate Federal agencies, to undertake an assessment of the fewer than 65 critical infrastructure entities at greatest risk of causing catastrophic harm if they were the targets of a successful cyber attack.

By ''catastrophic harm,'' the Department of Homeland Security means a single cyber attack that would likely result in 2,500 deaths, $50 billion in economic damage, or a severe degradation of our national security. In other words, if one of these entities upon which we depend each day were attacked, the results would be devastating.

Following the assessment, the provision then required a report to Congress describing the steps that could be taken to lessen the vulnerability of these entities and to decrease the risk of catastrophic harm resulting from such a cyber attack against our critical infrastructure.

Inexplicably, this provision, which was supported by a majority of the members of the Senate Intelligence Committee, was eliminated in the negotiations between the leaders of the House and Senate Intelligence Committees.

I am told that this important provision was dropped because of opposition from certain industry groups that claimed that the current investment and regulatory structure is sufficient to protect our critical infrastructure; yet our provision explicitly included existing regulators in the assessment process and required no new mandates. Compromise language that would have made this even clearer was also rejected.

Our provision appropriately distinguished between the vast majority of businesses, such as a retail store or a chain of small ice cream shops, and the fewer than 65 critical infrastructure entities that could debilitate the U.S. economy or our way of life if attacked; yet the final version of the cyber bill treats these very different entities in exactly the same way.

I ask unanimous consent that a November 30, 2015, letter sent from a majority of the Senators on the Senate Intelligence Committee to the chairmen and vice chairmen of the House and Senate Intelligence Committees that corrects the RECORD on what this provision does and why it is necessary be printed in the RECORD following my remarks.

These fewer than 65 entities warrant our special attention because there is ample evidence, both classified and unclassified, that demonstrates the threat facing critical infrastructure and the deficiencies in the cyber security capability to defend them.

The Director of National Intelligence, Jim Clapper, has testified that the greatest threat facing our country is in cyber space. He has stated before the Armed Services Committee that the number one cyber challenge that concerns him the most is an attack on our Nation's critical infrastructure.

His assessment is backed up by several intrusions into the industrial controls of critical infrastructure. Since 2009, the Wall Street Journal has published reports regarding efforts by foreign adversaries, such as China, Russia, and Iran, to leave behind software on American critical infrastructure and to disrupt U.S. banks through cyber intrusions.

Multiple natural gas pipeline companies were the target of a sophisticated cyber intrusion campaign beginning in December 2011, and Saudi Arabia's oil company, Aramco, was subject to a destructive cyber attack in 2012.

When I asked Admiral Rogers, the Director of the National Security Agency with responsibility for cyber space, how prepared our country was for a cyber attack against our critical infrastructure in a hearing this summer, he replied that we are at a ''5 or 6.''

Last month, the Deputy Director of the NSA, Richard Ledgett, was asked during a CNN interview if foreign actors already have the capability of shutting down key U.S. infrastructure, such as the financial sector, energy, transportation, and air traffic control. His response? ''Absolutely.''

When it comes to cyber security, ignorance is not bliss. The least we should do is to ask DHS and the appropriate Federal agencies to describe what more could be done to prevent a catastrophic cyber attack on critical infrastructure that could cause thousands of deaths and/or a devastating blow to our economy or national defense.

Congress has missed an opportunity to improve our Nation's cyber preparedness by refusing to even ask DHS or the appropriate Federal agencies to understand and identify what more could be done to prevent a catastrophic cyber attack on the fewer than 65 critical infrastructure entities.

A cyber attack on our critical infrastructure is not a matter of ''if,'' but a matter of ''when.'' We are at September 10 levels in terms of cyber preparedness—a sentiment expressed by former Secretary of Defense Leon Panetta in 2012 and in the 9/11 Commission's 10th anniversary report released last year.

We cannot afford to wait for a ''cyber 9/11'' before protecting our critical infrastructure. By rejecting this provision, this Congress has elected to take just such a risk.

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

U.S. SENATE,
Washington, DC, November 30, 2015.

Hon. RICHARD BURR,
Chairman, Senate Select Committee on Intelligence, Washington DC.
Hon. MICHAEL T. MCCAUL,
House Committee on Homeland Security, Washington, DC.
Hon. DEVIN NUNES,
House Permanent Select Committee on Intelligence, Washington, DC.
Hon. DIANNE FEINSTEIN
Vice Chairman, Senate Select Committee on Intelligence, Washington, DC.
Hon. BENNIE G. THOMPSON,
House Committee on Homeland Security, Washington, DC.
Hon. ADAM B. SCHIFF,
House Permanent Select Committee on Intelligence, Washington, DC.

DEAR CHAIRMAN BURR, VICE CHAIRMAN FEINSTEIN, CHAIRMAN MCCAUL, RANKING MEMBER THOMPSON, CHAIRMAN NUNES, AND RANKING MEMBER SCHIFF: We strongly support the enactment of a voluntary cybersecurity information sharing bill, which will promote better communication between the private sector and the federal government on cyber threats and vulnerabilities. For 99 percent of businesses, the voluntary information sharing framework established in law should be sufficient to avoid catastrophic harm.

It would be a mistake, however, to treat the country's most critical infrastructure, upon which our people and our economy depend, the same way as a retail business, such as a chain of small ice cream shops. That is why Section 407 of S. 754, the Cybersecurity Information Sharing Act (CISA) appropriately distinguishes between the vast majority of businesses and those entities already designated by the federal government as critical infrastructure at greatest risk. Unless Section 407 of S. 754, the Cybersecurity Information Sharing Act (CISA) is retained in the final cybersecurity bill, these very different entities will be treated exactly the same way under this legislation.

Critical infrastructure refers to entities that are vital to the safety, health, and economic wellbeing of the American people, such as the major utilities that run the nation's electrical grid. Section 407, however, only applies to the fewer than 65 entities that have already been designated by the Department of Homeland Security (DHS) as the critical infrastructure entities where a cyber attack would likely result in catastrophic harm. By catastrophic harm, DHS means a single cyber attack that would likely result in 2,500 deaths, $50 billion in economic damage, or a severe degradation of our national security.

Given these devastating consequences, we urge you to retain Section 407 of CISA. Ample evidence, both classified and unclassified, testifies to the threat facing critical infrastructure and the deficiencies in the cybersecurity capability to defend them. Since 2009, the Wall Street Journal has published reports regarding efforts by foreign adversaries, such as China, Russia, and Iran, to leave behind software on American critical infrastructure or to disrupt U.S. banks through cyber intrusions. Multiple natural gas pipeline companies were the target of a sophisticated cyber intrusion campaign beginning in December 2011, and Saudi Arabia's oil company, Aramco, was subject to a destructive cyber attack in 2012.

Admiral Mike Rogers, the Director of the National Security Agency, has said publicly

that ''We have . . . observed intrusions into industrial control systems . . . what concerns us is that . . . capability can be used by nation-states, groups or individuals to take down the capability of the control systems.''

At a recent Senate Armed Services Committee hearing on cybersecurity, the Director of National Intelligence was asked what one cyber challenge concerned him the most. He testified that it was a large-scale cyber attack against the United States' infrastructure. At a subsequent open hearing of the Senate Select Committee on Intelligence, Senator Collins asked Admiral Mike Rogers how prepared our country was for such an attack against our critical infrastructure. His answer, on a scale of 1–10, was that we are at a ''5 or 6''. That is a failing grade that we cannot ignore.

Section 407 has been mischaracterized in correspondence we have received, so we would also like to clarify some key facts about it. First, Section 407 is not counter to the overall voluntary nature of CISA, and it does not impose new incident reporting requirements on the fewer than 65 covered entities. Of course, many critical infrastructure entities, such as those in the electrical sector, are already subject to mandatory incident reporting to their federal regulators.

Section 407 simply requires DHS to undertake an assessment of the critical infrastructure that it has identified where a single catastrophic cyber attack could cause deaths and devastation and then report to Congress what actions could be taken to lessen their vulnerability and to decrease the risk of catastrophic harm resulting from such an attack.

Despite claims to the contrary, Section 407 is also consistent with existing government authority, regulations, and programs. The text of the provision clearly states that the report and strategy required by DHS must be produced ''in conjunction with the appropriate agency head . . .'' Appropriate agency head means the head of the existing sector-specific agency for such an entity or the existing federal regulator for that entity.

Section 407 will also likely reduce, rather than increase, the existing liability risk for the critical infrastructure entities that have already been identified as being at greatest risk of cyber attack. Liability risk is incurred when an entity actually fails to mitigate cyber vulnerabilities that they should have known about and addressed. Rather than increasing this risk, Section 407 seeks to share the burden of defending critical infrastructure against the most sophisticated cyber attacks by requiring the Secretary of Homeland Security to conduct an assessment of the cybersecurity of only the fewer than 65 entities. Following this assessment, Section 407 would require the Secretary to develop a strategy to mitigate the risk of catastrophic effects. The least we should do is to ask DHS and the appropriate federal agencies to describe what more could be done to prevent a catastrophic cyber attack on critical infrastructure that could cause thousands of deaths and/or a devastating blow to our economy or national defense.

Finally, we urge you to review the list of entities that are, in fact, covered by Section 407. Ironically, many of the trade associations who oppose this provision do not represent a single entity that would be covered by this amendment because none of their members has been designated as critical infrastructure at greatest risk. The list of entities and the classified intelligence regarding the threats to critical infrastructure have been provided to your respective committees.

If you have any questions, please do not hesitate to contact us.

Sincerely,

SUSAN M. COLLINS.
DANIEL COATS.
MARTIN HEINRICH.
MAZIE K. HIRONO.
BARBARA A. MIKULSKI.
MARK R. WARNER.
ANGUS S. KING, JR.
JACK REED.

Ms. COLLINS. Madam President, I rise today to speak on the fiscal year 2016 Omnibus appropriations bill. I want to highlight the Transportation and Housing and Urban Development division of the bill, which is critically important to meeting the housing needs of low-income, disabled, and older Americans, to shelter the homeless, and to boost our economy and create jobs through much needed infrastructure investments in our roads, bridges, railroads, transit systems, and airports.

Let me begin by thanking Chairman COCHRAN and Vice Chairwoman MIKULSKI for their leadership in advancing these appropriations bills.

I also want to acknowledge Senator JACK REED, the ranking member of the subcommittee, who worked closely with me in our negotiations with the House.

I would be remiss if I did not also acknowledge the tireless efforts staff have put into this bill throughout the entire process. My staff: Heideh Shahmoradi, Ken Altman, Jason Woolwine, Rajat Mathur, Lydia Collins, and Gus Maples have made enormous contributions.

I also want to thank Dabney Hegg, Rachel Milberg, Christina Monroe, and Jordan Stone on Senator REED's staff.

This bill represents priorities from Members on both sides of the aisle in both Chambers. Through considerable negotiation and compromise, we have crafted a bipartisan bill that targets limited resources to meet our most essential transportation and housing needs while ensuring effective oversight of these important programs.

The bill makes important investments, supporting millions of jobs and economic development. It invests in our Nation's transportation infrastructure by continuing to provide $500 million for the TIGER Program. This highly competitive program creates jobs and supports economic growth in every one of our home States.

The bill provides increased funding for our Nation's highway, transit, and safety programs, consistent with the recently enacted highway authorization bill, the FAST Act. State DOTs are also provided with the flexibility to repurpose approximately $2 billion in old, unused congressionally directed spending and direct it toward infrastructure projects that are of higher priority today within the same geographic location of the original designation.

Turning to air travel, the aviation investments will continue to modernize our nation's air traffic system and help to keep rural communities connected to the transportation network. It will ease future congestion and help reduce delays for travelers in U.S. airspace. The bill provides funding for FAA programs at 99.97 percent of the budget request to ensure FAA's operations and safety workforce are fully funded, which includes 14,500 air traffic controllers and more than 25,000 engineers, maintenance technicians, safety inspectors, and operational support personnel.

In addition to aviation safety, the bill provides $50 million in rail safety grants in response to the devastating rail accidents in recent years. These grants will support infrastructure improvements and safety technology, including positive train control.

There are also several provisions to enhance truck safety on our Nation's highways. For example, the bill requires the Department of Transportation to publish a proposed rule on speed governors, which limits the speed at which these trucks can operate. The Department continues to delay this rulemaking, which was initially petitioned by the industry itself. It is time to get this important safety rule completed and implemented.

The bill also protects critical housing programs by preserving existing rental assistance for vulnerable families and individuals, including our seniors, and strengthens the Federal response to the problem of youth homelessness. Sufficient funding is provided to keep pace with the rising cost of housing vulnerable families, ensuring that more than 4.7 million individuals and families currently receiving assistance will not have to worry about losing their housing. Without this assistance, many of these families might otherwise become homeless.

Youth homelessness is especially troubling and warrants more attention. Reflecting this concern, our bill provides $42.5 million to expand efforts to reduce youth homelessness. These efforts build on our success in reducing veterans homelessness, which has been reduced by 36 percent since 2010. This bill continues that effort by providing an additional 8,000 vouchers for our homeless veterans despite the administration's failure to request funding for this critically important program.

To support local development, we provide $3 billion for the Community Development Block Grants Program. This is an extremely popular program with the States and communities because it allows them to tailor the Federal funds to support local economic and job creation projects.

I appreciate the opportunity to speak about this legislation, and I urge my colleagues to support final passage of the omnibus.

SECTION 702 IN DIVISION O

Mr. BROWN. Madam President, today I wish to discuss section 702 in division O of the Omnibus appropriations bill. It is a provision that would prohibit the Treasury Department

from selling, transferring or otherwise disposing of the senior preferred shares of Fannie Mae and Freddie Mac for 2 years.

In 2008, Treasury Secretary Hank Paulson and Federal Housing Finance Agency Director James Lockhart placed Fannie Mae and Freddie Mac into conservatorship and created an agreement that gave the Treasury Department senior preferred shares in both entities. Since that time, the GSEs helped stabilize the housing market by ensuring that families had access to 30-year fixed-rate mortgages at reasonable rates and lenders had access to a functioning secondary market. While the government was initially forced to inject $188 billion into shoring up these two agencies, it has since collected $241 billion. Taxpayers have thus earned $53 billion during the conservatorship.

Mr. SCHUMER. Madam President, will the Senator yield for a question? I am concerned that someone could read the provision as limiting a future administration's authority to end the conservatorship after the 2-year prohibition absent congressional action. Does the provision prohibit a future administration from taking any action after January 1, 2018, if it is in the best interest of the housing market, taxpayers or the broader economy?

Mr. BROWN. I will say to my colleague from New York that it does not. That is not the effect of the language. Any number of decisions could be made after that date, when a new Congress and a new President will be in place. Nor does this provision have any effect on the court cases and settlements currently underway challenging the validity of the third amendment. As the Senator from Tennessee said yesterday, ''this legislation does not prejudice'' any of those cases.

Mr. REID. I associate myself with the comments of the Senator from Ohio, Mr. BROWN. If it turns out to be in the best interest of borrowers, the economy or to protect taxpayers, the next administration could elect to end the conservatorship on January 2, 2018. This is the view of the Treasury Department as well. I would like to submit a letter written to me on this issue that states that the provision binds the Treasury only until January 1, 2018, and has no effect after that.

The agreement for this language to be included in the omnibus was that the prohibition would sunset after 2 years and not create a perpetual conservatorship. As then-Secretary Paulson described, conservatorship was meant to be a ''time out'' not an indefinite state of being.

Madam President, I ask unanimous consent that the Treasury letter be printed in the RECORD at the conclusion of the remarks by Senator BROWN.

Mr. BROWN. Madam President, I thank the Majority Leader. The FHFA and Treasury Department could have placed the GSEs into receivership if the intent was to liquidate them. The purpose of a conservatorship is to preserve and conserve the assets of the entities in conservatorship until they are in a safe and solvent condition as determined by their regulator.

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

DEPARTMENT OF THE TREASURY,
Washington, DC, December 17, 2015.

Hon. HARRY REID,
Democratic Leader, U.S. Senate,
Washington, DC.

DEAR MR. LEADER: In response to your request for our view, the Treasury Department interprets the language of Section 702 of Division O of the Military Construction and Veterans Affairs and Related Agencies Appropriations Act, 2016, to mean that subsection (b) imposes a prohibition that is binding until January 1, 2018. It would not be binding after that date.

Sincerely,

ANNE WALL,
Assistant Secretary for Legislative Affairs.

TITLE IX

Mr. WHITEHOUSE. Madam President, I am joined by Senator THUNE, the chair of the Commerce, Science, and Transportation Committee, to discuss title IX—National Oceans and Coastal Security, of Division O of the Consolidated Appropriations Act, 2016. The legislation on which this title was based, the National Oceans and Coastal Security Act, S. 2025, is a bill I introduced earlier this year, which was referred to the Senate Commerce Committee. I appreciate the assistance Senator THUNE and his committee staff have provided on this legislation.

The National Oceans and Coastal Security Act establishes a fund to support research, conservation, and restoration projects on our coasts and in our oceans and Great Lakes. The National Fish and Wildlife Foundation and National Oceanic and Atmospheric Administration—two organizations with significant expertise in ocean, coastal, and Great Lakes issues, as well as managing grants—will coordinate the grant programs supported by the fund.

I thank Senator THUNE for joining me today to help clarify this important legislation.

As you know, our coastal communities and marine economies depend upon healthy oceans and Great Lakes. The projects supported by this fund will provide the science and on-the-ground action that will help ensure a healthy environment and vibrant economy for generations to come.

Any money appropriated or otherwise made available to the fund will be used to ''support programs and activities intended to better understand and utilize ocean and coastal resources and coastal infrastructure, including baseline scientific research, ocean observing, and other programs and activities.''

Funds may not be used for litigation or advocacy, or the creation of national marine monuments, marine protected areas, marine spatial plans, or a National Ocean Policy. It is the intent of the authors that no grants be provided through this fund for the creation or federal implementation of any of these programs or policies. With specific regard to the National Ocean Policy, its creation has already occurred by Executive order, and its implementation is the responsibility of the National Ocean Council. It is the expectation of the authors that no funds would be used to support the activities of the National Ocean Council.

Mr. THUNE. Thank you, Senator WHITEHOUSE, for inviting me to join you today to discuss the National Oceans and Coastal Security Act. I know the creation of an ocean fund has been a longstanding priority of yours.

I share Senator WHITEHOUSE's understanding of the eligible uses for money granted from the fund. It is also worth noting that the National Fish and Wildlife Foundation, a congressionally chartered nonprofit organization, is explicitly prohibited in its authorizing legislation from providing grants that support litigation or advocacy.

Mr. WHITEHOUSE. Thank you for making that important point. I would like to further highlight that the legislation authorizes two grant programs. The first would direct funding to coastal States, Indian tribes, and U.S. territories. The other would create a national competitive grant program open to States, local governments, and Indian tribes, as well as associations, nongovernmental organizations, public-private partnerships, and academic institutions to support oceans and coastal research and restoration efforts.

Mr. THUNE. Thank you for that clarification.

CLOTURE MOTION

Mr. MCCONNELL. I have a cloture motion at the desk.

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

The senior assistant legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the motion to concur in the House amendments to the Senate amendment to H.R. 2029, an act making appropriations for military construction, the Department of Veterans Affairs, and related agencies for the fiscal year ending September 30, 2016, and for other purposes.

Mitch McConnell, John Cornyn, Thom Tillis, Bob Corker, Richard Burr, Lisa Murkowski, Roger F. Wicker, John Hoeven, Roy Blunt, James M. Inhofe, Orrin G. Hatch, Mark Kirk, Thad Cochran, Kelly Ayotte, Susan M. Collins, Daniel Coats.

Mr. MCCONNELL. I ask unanimous consent that the mandatory quorum under rule XXII be waived.

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

There is 2 minutes of debate on this motion.

Who yields time?

Mr. MCCONNELL. I yield back the time on this side.

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

CLOTURE MOTION

The PRESIDING OFFICER. Under the previous order, pursuant to rule XXII, the Chair lays before the Senate the pending cloture motion, which the clerk will state.

The senior assistant legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the motion to concur in the House amendments to the Senate amendment to H.R. 2029, an act making appropriations for military construction, the Department of Veterans Affairs, and related agencies for the fiscal year ending September 30, 2016, and for other purposes.

Mitch McConnell, John Cornyn, Thom Tillis, Bob Corker, Richard Burr, Lisa Murkowski, Roger F. Wicker, John Hoeven, Roy Blunt, James M. Inhofe, Orrin G. Hatch, Mark Kirk, Thad Cochran, Kelly Ayotte, Susan M. Collins, Daniel Coats.

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

The question is, Is it the sense of the Senate that debate on the motion to concur in the House amendments to the Senate amendment to H.R. 2029 shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The senior assistant legislative clerk called the roll.

Mr. CORNYN. The following Senator is necessarily absent: the Senator from Florida (Mr. RUBIO).

Mr. DURBIN. I announce that the Senator from California (Mrs. BOXER) is necessarily absent.

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

The yeas and nays resulted—yeas 72, nays 26, as follows:

[Rollcall Vote No. 336 Leg.]

YEAS—72

Alexander	Franken	Merkley
Ayotte	Gardner	Mikulski
Baldwin	Gillibrand	Murkowski
Barrasso	Graham	Murphy
Bennet	Grassley	Murray
Blumenthal	Hatch	Nelson
Blunt	Heinrich	Perdue
Booker	Heitkamp	Peters
Brown	Heller	Portman
Burr	Hirono	Reed
Cantwell	Hoeven	Reid
Capito	Inhofe	Roberts
Cardin	Isakson	Rounds
Carper	Johnson	Schatz
Casey	Kaine	Schumer
Coats	King	Shaheen
Cochran	Kirk	Stabenow
Collins	Klobuchar	Tillis
Coons	Lankford	Udall
Corker	Leahy	Warner
Cornyn	Markey	Warren
Donnelly	McCaskill	Whitehouse
Durbin	McConnell	Wicker
Feinstein	Menendez	Wyden

NAYS—26

Boozman	Flake	Scott
Cassidy	Lee	Sessions
Cotton	Manchin	Shelby
Crapo	McCain	Sullivan
Cruz	Moran	Tester
Daines	Paul	Thune
Enzi	Risch	Toomey
Ernst	Sanders	Vitter
Fischer	Sasse	

NOT VOTING—2

Boxer Rubio

The PRESIDING OFFICER. On this vote, the yeas are 72, the nays are 26.

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

Cloture having been invoked, under the previous order, all postcloture time is yielded back.

The majority leader.

Mr. MCCONNELL. Madam President, I am going to ask everybody to take their seats. I am going to ask everyone to sit in their seat.

I ask unanimous consent for the next votes to be 10 minutes, which I think would be widely applauded, if anybody is listening.

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

MOTION TO TABLE

Mr. MCCONNELL. I move to table the first House amendment to the Senate amendment to H.R. 2029 and ask for the yeas and nays.

Is there a sufficient second?

There is a sufficient second.

Under the previous order, there is 2 minutes of debate equally divided.

Who yields time?

Mr. MCCONNELL. I yield back.

The PRESIDING OFFICER. The Senator from Maryland.

Ms. MIKULSKI. Madam President, I urge a ''no'' vote on the motion to table. This is the time to avoid a shutdown or a slow time. It is time to pass the omnibus, protect America, help the middle class, and meet our constitutional responsibilities.

Vote no on the motion to table, and let's get on with the bill.

The PRESIDING OFFICER. The question is on agreeing to the motion.

The clerk will call the roll.

Mr. CORNYN. The following Senator is necessarily absent: the Senator from Florida (Mr. RUBIO).

Mr. DURBIN. I announce that the Senator from California (Mrs. BOXER) is necessarily absent.

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

The result was announced—yeas 31, nays 67, as follows:

[Rollcall Vote No. 337 Leg.]

YEAS—31

Boozman	Gardner	Sanders
Burr	Grassley	Sasse
Cassidy	Heller	Scott
Cotton	Lankford	Sessions
Crapo	Lee	Shelby
Cruz	Manchin	Sullivan
Daines	McCain	Thune
Enzi	Moran	Toomey
Ernst	Paul	Vitter
Fischer	Portman	
Flake	Risch	

NAYS—67

Alexander	Franken	Murphy
Ayotte	Gillibrand	Murray
Baldwin	Graham	Nelson
Barrasso	Hatch	Perdue
Bennet	Heinrich	Peters
Blumenthal	Heitkamp	Reed
Blunt	Hirono	Reid
Booker	Hoeven	Roberts
Brown	Inhofe	Rounds
Cantwell	Isakson	Schatz
Capito	Johnson	Schumer
Cardin	Kaine	Shaheen
Carper	King	Stabenow
Casey	Kirk	Tester
Coats	Klobuchar	Tillis
Cochran	Leahy	Udall
Collins	Markey	Warner
Coons	McCaskill	Warren
Corker	McConnell	Whitehouse
Cornyn	Menendez	Wicker
Donnelly	Merkley	Wyden
Durbin	Mikulski	
Feinstein	Murkowski	

NOT VOTING—2

Boxer Rubio

The motion was rejected.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. MANCHIN. Madam President, I raise a point of order that the pending motion to concur violates section 311(a)(2)(B) of the Congressional Budget Act of 1974.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. WYDEN. Madam President, pursuant to section 904 of the Congressional Budget Act of 1974 and the waiver provisions of applicable budget resolutions, I move to waive all applicable sections of that act and applicable budget resolutions for purposes of the House message to accompany H.R. 2029, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. There are 2 minutes of debate on the motion.

The Senator from West Virginia.

Mr. MANCHIN. Madam President, all I am asking for in raising this point of order—the tax extender legislation will reduce revenues below the fiscal year 2016 budget agreement and would violate section 311. All I am asking for is to separate the votes. If you are proud and you want to vote for the extender, please do so. Voting no on this separates it, so you will have a vote on the extenders and a vote on the omnibus bill. Go home and explain it. There are good things in both. But give us a chance—basically, those who don't agree—and do not take the cowardly way out by putting them all into one. That is all we are doing.

If Tom Brokaw writes his new book after ''The Greatest Generation,'' we are going to be the worst generation by saddling this debt on our children and grandchildren. What we are doing here is something unconscionable—2,200 pages all wrapped into one.

All I am asking for is a ''no'' vote so we can separate it, go home, and explain it. I think we owe that to the people.

We are at 16 percent now. We can't go much lower, but we are trying, I know

that. So I appreciate that very much. I encourage a ''no'' vote on this. We will separate the two, vote them up or down, go home and explain them, and be proud of what we are doing in the Senate.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. WYDEN. Madam President, colleagues, this bipartisan package is the biggest tax cut for working families and the biggest anti-poverty plan Congress has moved forward in decades, and it is the biggest bipartisan tax agreement in 15 years.

All together, 50 million Americans are going to benefit from the child tax credit and the expanded earned-income tax credit because they are made permanent. And on a permanent basis, students will be able to count on the American opportunity tax credit to cover up to $10,000 of a 4-year college education. That is a lot of money they won't have to borrow.

This also includes a permanent tax break for research and development, which for the first time will be available on a widespread basis to help small businesses and startups pay wages—a booster shot for the innovation economy in America. There will be permanent small business expensing that is going to help our employers invest and grow.

To just wrap up, it will include permanent small business expensing to help many employers invest and grow and create new highways and high-skilled jobs for our people. I believe, finally, this clears the deck for us to move to comprehensive bipartisan tax reform because it provides the breathing room Congress needs to throw the broken Tax Code into the trash can and get bipartisan tax reform.

So I urge my colleagues to waive the budget point of order, give millions of families across this country the predictability and certainty they need on their taxes, and put this Congress on a path toward achieving bipartisan comprehensive tax reform in the days ahead.

I yield the floor.

The PRESIDING OFFICER. The question is on agreeing to the motion.

The yeas and nays have been ordered.

The clerk will call the roll.

The senior assistant legislative clerk called the roll.

Mr. CORNYN. The following Senator is necessarily absent: the Senator from Florida (Mr. RUBIO).

Mr. DURBIN. I announce that the Senator from California (Mrs. BOXER) is necessarily absent.

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

The yeas and nays resulted—yeas 73, nays 25, as follows:

[Rollcall Vote No. 338 Leg.]

YEAS—73

Alexander	Barrasso	Blunt
Ayotte	Bennet	Booker
Baldwin	Blumenthal	Boozman
Brown	Heinrich	Perdue
Cantwell	Heitkamp	Peters
Capito	Heller	Reed
Cardin	Hirono	Reid
Casey	Hoeven	Roberts
Coats	Inhofe	Rounds
Cochran	Isakson	Schatz
Collins	Johnson	Schumer
Coons	Kaine	Scott
Corker	Kirk	Shaheen
Cornyn	Klobuchar	Stabenow
Cotton	Leahy	Sullivan
Donnelly	Markey	Thune
Durbin	McCain	Tillis
Ernst	McConnell	Toomey
Feinstein	Merkley	Udall
Franken	Mikulski	Vitter
Gardner	Moran	Whitehouse
Gillibrand	Murkowski	Wicker
Graham	Murphy	Wyden
Grassley	Murray	
Hatch	Nelson	

NAYS—25

Burr	King	Sanders
Carper	Lankford	Sasse
Cassidy	Lee	Sessions
Crapo	Manchin	Shelby
Cruz	McCaskill	Tester
Daines	Menendez	Warner
Enzi	Paul	Warren
Fischer	Portman	
Flake	Risch	

NOT VOTING—2

Boxer	Rubio

The PRESIDING OFFICER. On this vote, the yeas are 73, the nays are 25.

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

MOTION TO CONCUR

The PRESIDING OFFICER. The question now occurs on the motion to concur.

There is 2 minutes for debate equally divided.

The majority's time is yielded back.

The Senator from Maryland.

Ms. MIKULSKI. Madam President, this is a bill that protects America. It rebuilds it and invests in the future. I think it is a great bill, as a result of bipartisan effort.

Let's vote for it, and may the force be with us.

Mr. MENENDEZ. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is on agreeing to the motion to concur.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. CORNYN. The following Senator is necessarily absent: the Senator from Florida (Mr. RUBIO).

Further, if present and voting, the Senator from Florida (Mr. RUBIO) would have voted ''No.''

Mr. DURBIN. I announce that the Senator from California (Mrs. BOXER) is necessarily absent.

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

The result was announced—yeas 65, nays 33, as follows:

[Rollcall Vote No. 339 Leg.]

YEAS—65

Alexander	Feinstein	Mikulski
Ayotte	Franken	Murkowski
Baldwin	Gardner	Murphy
Barrasso	Gillibrand	Murray
Bennet	Graham	Nelson
Blumenthal	Hatch	Perdue
Blunt	Heinrich	Peters
Booker	Heitkamp	Reed
Brown	Heller	Reid
Cantwell	Hirono	Roberts
Capito	Hoeven	Rounds
Cardin	Inhofe	Schatz
Carper	Isakson	Schumer
Casey	Johnson	Shaheen
Coats	Kaine	Stabenow
Cochran	King	Tillis
Collins	Kirk	Udall
Coons	Klobuchar	Warner
Corker	Lankford	Warren
Cornyn	Leahy	Whitehouse
Donnelly	McConnell	Wicker
Durbin	Menendez	

NAYS—33

Boozman	Grassley	Sanders
Burr	Lee	Sasse
Cassidy	Manchin	Scott
Cotton	Markey	Sessions
Crapo	McCain	Shelby
Cruz	McCaskill	Sullivan
Daines	Merkley	Tester
Enzi	Moran	Thune
Ernst	Paul	Toomey
Fischer	Portman	Vitter
Flake	Risch	Wyden

NOT VOTING—2

Boxer	Rubio

The motion was agreed to.

MORNING BUSINESS

The PRESIDING OFFICER. The majority leader.

PATIENT ACCESS AND MEDICARE PROTECTION ACT

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of S. 2425.

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

The senior assistant legislative clerk read as follows:

A bill (S. 2425) to amend titles XVIII and XIX of the Social Security Act to improve payments for complex rehabilitation technology and certain radiation therapy services, to ensure flexibility in applying the hardship exception for meaningful use for the 2015 EHR reporting period for 2017 payment adjustments, and for other purposes.

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

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the bill be read a third time.

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

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

Mr. MCCONNELL. I know of no further debate on this measure.

The PRESIDING OFFICER. If there is no further debate, the bill having been read the third time, the question is, Shall the bill pass?

The bill (S. 2425) was passed, as follows:

S. 2425

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