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Senate

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

PRAYER

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

Let us pray.

O God, who renews our strength and guides us along right paths, we honor Your Name. We do not fear what the future may bring, for You are close beside us.

Send our Senators forth today to do right as You give them the ability to see it. May their deeds fit their words and their conduct match their profession. By Your sustaining grace, may their hearts be steadied and stilled, purged of self and filled with Your peace and poise.

As Memorial Day nears, we pause to thank You for those who gave their lives that this Nation might live.

And, Lord, today we thank You for the more than four decades of service on Capitol Hill by Ruby Paone. We are grateful for the joy she has brought to our lives. As she prepares to leave us, bless her more than she can ask or imagine.

We pray in Your mighty Name. Amen.

PLEDGE OF ALLEGIANCE

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

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

RECOGNITION OF THE MAJORITY LEADER

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

NATIONAL DEFENSE AUTHORIZATION BILL

Mr. MCCONNELL. Mr. President, after 2 days of needless delay from across the aisle, this morning we will vote to invoke cloture on the motion to proceed to the National Defense Authorization Act and hopefully adopt that motion quickly thereafter.

This critical defense bill passed committee on a strong bipartisan basis; there is no reason for further delay from our Democratic colleagues. The National Defense Authorization Act authorizes funds and sets our policy for our military annually. It is always an important bill. It is especially important today.

Consider the multitude of threats facing us from nearly every corner of the world. Consider the need to start preparing our armed services for the many global threats the next President will be forced to confront.

As I have noted before, some of the most senior national security officials within this administration—such as Secretary of Defense Carter and General Dunford or those recently retired from service, such as retired General Campbell—have spoken of the need to better position the next President in theaters from Afghanistan to Asia to Libya.

So whoever that President is, regardless of party, we should take action now to help our next Commander in Chief in this year of transition. That is what this defense legislation before the Senate will help us do.

No. 1, it will support our allies and partners, authorizing funds to combat ISIL, preserve gains in Afghanistan, increase readiness at NATO, and assist friends like Ukraine.

No. 2, it will enhance military readiness, providing more of the equipment, training, and resources our servicemembers need.

No. 3, it will help keep our country safe, getting us better prepared to confront emerging threats like cyber warfare, terrorism, and the proliferation of weapons of mass destruction.

Critically, this bill will also honor our commitment to servicemembers, their families, and veterans, authorizing raises, supporting Wounded Warriors, and delivering better health care and benefits for the men and women who stand on guard for us every single day.

This bill contains sweeping reforms designed to advance American innovation and preserve our military's technological edge. The funding level it authorizes is the same as what President Obama requested in his budget.

As I said earlier, it passed the Armed Services Committee on a strong bipartisan vote, 23 to 3, including every single Democrat on the committee. The Armed Services chairman, Senator MCCAIN, knows what it means to serve. He is always on guard for the men and women of our military. This bill is a reflection of his commitment. It is a commitment to them, and it is a commitment to every American—to preparing our country in this year of transition for both the threats we face today and the threats yet to emerge.

OBAMACARE

Mr. MCCONNELL. Mr. President, last week Senators came to the floor to highlight the continuing broken promises of ObamaCare. We did so in the shadow of proposed double-digit ObamaCare premium increases in States across our country, everywhere from Tennessee, to Oregon, to New Hampshire.

Americans have gotten further bad news since, including ObamaCare premium spikes that could reach as high as 83 percent in New Mexico. Each day seems to bring more and more troubling news, which could mean heartbreak for even more Americans. Take, for instance, some headlines from just last night:

''Most Arkansas insurers propose double-digit hikes for 2017.''

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

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''Some rates in Georgia insurance exchange could soar in 2017''—and by ''soar,'' they are talking about as high as 65 percent.

As one paper put it, there is ''no end in sight for higher Obamacare premiums.''

These are not just abstract numbers; they can represent real pain for families already stretched to the limits under the ObamaCare economy. A recent survey showed that health care costs are now the top financial concern facing American families, ahead of concerns about low wages and even job loss. And what does the Democratic response too often seem to boil down to? They say: Just get over it. Get over it.

Just the other day, the Democratic leader in the Senate said that Americans who, like us, disagree with the pain ObamaCare is causing need to just ''get over it and accept the fact that ObamaCare is here to stay.'' That is hardly the only callous comment we have heard from across the aisle on ObamaCare.

I would ask Democratic colleagues to listen to the Americans who continue to share heartbreaking ObamaCare stories with us, like these Kentuckians:

Should the Elizabethtown man who says he can't afford to see a doctor under his ObamaCare plan, despite the fact that he pays more for his premium than his house payment, just get over it?

Should the dad from Owensboro who said he has seen his family's health costs increase by nearly 250 percent under ObamaCare just get over it? ''What happened to being rewarded for working hard in America?'' this dad asked. ''What happened to the American dream?'' Many Americans are wondering the same thing.

ObamaCare continues to write a record of broken promises at the expense of the American people. Instead of lowering premiums by up to $2,500 for a typical family, as then-Senator Obama talked about on the campaign trail, ObamaCare has raised many families' rates. Instead of making health care costs more affordable for all, ObamaCare has led to unaffordable out-of-pocket costs for families all across our country.

The bottom line is this: ObamaCare is too often hurting those it proposed to help. It is a direct attack on the middle class.

The Republican-led Senate sent a bill to President Obama's desk to repeal this partisan law so we can replace it with policies that actually put the American people first because, let's remember, the American people do not need to get over ObamaCare's failures. Our Democratic colleagues need to finally join us in working to end those failures.

TRIBUTE TO RUBY PAONE

Mr. MCCONNELL. Mr. President, when Ruby Paone started her first day on the job in 1975, she was fresh out of college. Today, she has served here longer than any current Senator, save one—the senior Senator from Vermont.

Ruby Paone, our Senate doorkeeper, has seen a lot in her 41 years in the Senate. She has watched legends, such as Baker and Mansfield, in action. She has acquired a lot of unique titles, such as card desk assistant and reception room attendant.

We are really going to miss her when she retires later this month. I think Ruby is looking forward to kicking back in Myrtle Beach after more than four decades of Senate service. More importantly, I think she is anxious to spend some time with her family, away from work. Her son Tommy works at the Senate appointments desk. Her daughter Stephanie works in the Democratic Cloakroom. Her husband Marty used to as well. The two of them even met right here in the Senate.

We are glad that Ruby will get to spend more quality time—that is, non-Senate time—with her family. And we are sure she would like to see a little more of her son Alexander as well.

As Ruby knows, she will be leaving a family behind here too. She has served as surrogate mom of sorts to many doorkeepers, pages, and interns. They have looked up to her for wisdom and for advice. And it is no wonder. She has a lifetime of stories and experiences to share in a retirement that is richly deserved.

We will miss Ruby Paone, but we wish her the very best, and above all, we thank her for her many years of service.

RECOGNITION OF THE MINORITY LEADER

The PRESIDING OFFICER. The Democratic leader is recognized.

OBAMACARE

Mr. REID. Mr. President, it is really unfortunate that the Republican leader comes here often and continues to harp and complain about ObamaCare, even though it is continuing to work. More than 9 out of 10 Americans now have health care. This is the best it has ever been. It has never been this way before.

They say they want to repeal ObamaCare. They have tried scores of times. It hasn't worked. So I guess what they are saying is that they just want to get rid of this, and have people go back to the way it used to be. I remember and people in America remember canceling insurance if they were sick. If they had a real serious illness, they would cancel because their bills were too high. If they had a preexisting disability, forget about it—they couldn't get insurance. If they were a college student, they were cut off quickly; they couldn't stay on their family's insurance policy. Many men and women can stay on the insurance of their parents.

So we would be much better off with ObamaCare and with helping the American people if, rather than complain, as they have for 6 or 7 years, they worked with us to try to improve the bill. We know it can be improved, but we can't do it alone.

So that is how unfortunate this argument has been. We need everything ObamaCare does. We don't have anything better. And we are not going to do anything to help the poor. That is a strange way to conduct business, but that is the way it has been in the filibuster-laden Republican Party since Obama was elected.

DEFENSE AUTHORIZATION AND DEFENSE APPROPRIATIONS BILLS

Mr. REID. Mr. President, over the next few weeks, the Senate will be voting on both the Defense authorization and Defense appropriations bills, these two very important pieces of legislation. We need to take the time to understand them and, of course, to read these bills and make sure we are doing the right thing. Just reading the Defense authorization bill is not going to be an hour-long deal. It is not going to be done watching a ball game or watching television programs. Why? It is a very big piece of legislation. This is it. Try reading that between innings—1,664 pages.

Chairman MCCAIN may have read this. He may understand every line in it. He would have a better chance than most of us because he is the one who conducted the hearings behind closed doors—secret sessions. Few outside the committee probably know what is in this monstrous bill, this big bill.

Even though the chairman came here on Monday and started complaining about this legislation, if you want to get an idea how the bill was hastily put together, consider this. The bill was put together behind closed doors. At 5 p.m. last night, Senator MCCAIN's committee voted on the classified annex to the Defense authorization bill. He had been ranting and raving about Democrats holding up this bill. That is what the Republican leader did here today. He didn't rant and rave, but he did say we are holding it up. But the committee hadn't finished its work as of last night. The bill wasn't done. They just finished it last night at 5 p.m. Unfortunately, it appears that this massive bill is everything Senator MCCAIN has in the past complained about. He says he hated what has gone on in the past.

This bill is loaded with special projects—loaded with them—sprinkled with special favors and many different flavors. It has extraneous provisions, and who knows what else. If there were ever anything that could be identified as an earmark or two or three or four or a few hundred, it is in this bill. I thought Senator MCCAIN didn't like that. I can understand why some would want to rush this bill through the Senate without a lot of public scrutiny, but we are not going to do that. This legislation is far too important.

I started reading a book last night called ''Red Platoon.'' It is a brand-new book written by a man who won a Medal of Honor. It talks about a remote outpost in Afghanistan. We know what sacrifices the Red Platoon and the men and women who fought in the new wars in Iraq and Afghanistan made. So we know they deserve better than just rushing through this bill. Hard-working American taxpayers deserve better.

The one thing we can all agree on is that Americans must have a strong, strong military with the capability to defend America's national security interests around the world and to protect us here at home. There is no dispute about that.

Democrats believe that we must take care of our middle class also. We must know that the security of all Americans depends not only on the Pentagon—on bombs and bullets—but also on other national security interests—the FBI, the Department of Homeland Security, the Drug Enforcement Administration, and the help that comes through this legislation to local police departments and first responders. That is why we fought so hard as Democrats last year to stop the devastating cuts from sequestration, which was generated by the Republicans and which would have been a disaster for the military, our national security, and millions of middle-class Americans.

We need a bipartisan budget agreement. We reached that, and it is commendable that the Republican leader said we want to stick with that. Well, we need to stick with it because that bipartisan budget agreement was based on the principle that we need to treat the middle class as fairly as the Pentagon. That agreement was intended to avoid another budget fight this year, but it doesn't appear that is possible.

I was pleased that my Republican friends stuck to this budget agreement in the committee with both authorization and appropriations. But we have been told—and told publicly—that they intend to break the bipartisan budget agreement and propose $18 billion increases only for the Pentagon. This money is going to come from a strange source. It is going to come from the military itself.

I had the good fortune of meeting with the Secretary of Defense last Thursday. To use the so-called OCO moneys—they are used for warfighting, and that is why they are put in there—to take this and use it for some other source or some other purpose is wrong.

My friend talks about how the military supports this legislation. Of course they do. But they don't support what Chairman MCCAIN is going to try to do. In the process, we need only to look at what else is going on with the Republican Senate. They refuse to provide money to fight the Zika virus, to stop the terrible situation regarding opioid drugs. The people of Flint, MI, are still waiting for help. We need funding for local law enforcement, which has not been forthcoming, and for the intelligence agencies and our first responders. It is wrong not to take care of these folks.

We reached an agreement last year. Now both sides need to keep our promises and the agreement for the American people. We must treat the middle class fairly. Make no mistake, as the appropriations process moves forward, we are going to insist on that.

I will support cloture on the motion to proceed to the Defense authorization bill today, even though in 2010 my friend, the chairman of the committee, voted with other Republicans to stop moving forward on the Defense bill. But Democrats are willing to proceed deliberately. We are going to hold Republicans to their word on the budget agreement. We are going to do our jobs, as we want them to do theirs. Our Armed Forces and middle-class Americans deserve nothing less.

TRIBUTE TO RUBY PAONE

Mr. REID. Mr. President, my friend the Republican leader talked about Ruby Paone. I have so much admiration and respect for her that it is hard to put it into words.

In 1975, a young woman from North Carolina came to the U.S. Capitol. She was overwhelmed by everything, especially overwhelmed by this huge building she was going to work in. Ruby was excited for her first day of work at the Senate reception desk. But as she approached the Capitol, realizing what her new job was all about and the new city, she recalls: ''Walking into this building, I was overwhelmed.''

It is understandable that she felt that way. Many of us have and do feel the same way. The Capitol was a big change for Ruby. She was raised in the small town of Bladenboro, NC. She was a farm girl who spent her summers pulling peanuts—I didn't know you pulled peanuts, but that is what they do—and harvesting tobacco. Ruby graduated from a small Presbyterian school, St. Andrews University. She is the only one in her family to leave their small town in North Carolina. But as Ruby got situated in her new job that day, another feeling set in. She said: ''It just felt right to be here.''

Now, 41 years, 2 months, and 9 days after she walked through the Capitol doors to start a new job, she is leaving. It is hard to imagine her not being here. To borrow from her own words, ''it just feels right'' to have Ruby here.

Tomorrow is going to be her last day in the Senate. After more than four decades of service to the greatest deliberative body, Ruby is retiring to spend more time with her family. Her family's gain is our loss. She is an institution, a fixture in the Senate. She is the longest serving woman who works with the doorkeepers. She has been here for 7 different Presidential administrations, 10 consecutive inaugurations, 16 different Sergeants at Arms, and 383 different Senators.

She recognizes every one of those 383 Senators, and there is a reason that she does that. When she was first hired, we didn't have the names and faces in these books we give to the pages and to new Senators. It wasn't done that way then. She had to do it by memorizing their names and learning to recognize them when they came into the Capitol Rotunda and on the Senate floor. She would walk around and look for these Senators to get to know who they were. She grew close to many of these Senators, including Blanche Lincoln, TOM CARPER, and THAD COCHRAN.

I know Ruby. I know her family quite well. Her husband worked on the Senate floor for many years. He was instrumental to Majority Leader George Mitchell, Tom Daschle, and me. No one knows the rules of the Senate better than Marty Paone. He now works for President Obama in the Office of Legislative Affairs. He is a very special person, and I have such admiration for him.

When their children were in high school, we would often talk about their children—how they played ball, how they did well, how they didn't do so well the night before. That is what our conversations were about. We didn't talk a lot of Senate business, unless we had to. I am sorry to say that we had to many times. Marty helped me so many times through very difficult situations on the floor.

To say that I will miss Ruby is an understatement. I want be able to come to Ruby and say: How is Marty? How is he doing?

Throughout my entire time in the Senate, she has always been here with a smile and a kind word. She is as much a part of this place as anyone who has ever served in the Senate. So I, along with the entire Senate—Senators, staff—wish her the best as she embarks on her well-deserved retirement.

Ruby, thank you very much for your 41 years, 2 months, and 9 days of service.

I yield the floor.

RESERVATION OF LEADER TIME

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

PROVIDING FOR CONGRESSIONAL DISAPPROVAL OF A RULE SUBMITTED BY THE SECRETARY OF AGRICULTURE

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of S.J. Res. 28, which the clerk will report.

The senior assistant legislative clerk read as follows:

A joint resolution (S.J. Res. 28) providing for congressional disapproval under chapter 8 of title 5, United States Code, of the rule submitted by the Secretary of Agriculture relating to inspection of fish of the order Siluriformes.

The PRESIDING OFFICER. Under the previous order, the time will be equally divided between opponents and proponents until 11 a.m., with Senator SHAHEEN controlling 10 minutes of the proponent time.

The Senator from Mississippi.

Mr. WICKER. Mr. President, I rise in opposition to S.J. Res. 28 and ask to be allowed to speak.

The PRESIDING OFFICER. The Senator is recognized.

Mr. WICKER. Mr. President, it seems there are only two speakers. So perhaps we will be able to finish this discussion by the top of the hour.

Last week, the Senate appropriated a large sum of money to fight the threat of the Zika virus. We are going to spend, together with what was already available and what was appropriated last week, at least $1 billion fighting this Zika threat and probably $2 billion, and rightly so because Zika is a potential health threat to Americans. We believe it is money well spent to prevent more serious diseases and more serious afflictions to Americans. Yet we have in place today a USDA program that is protecting Americans against 175,000 cases of cancer, according to USDA documents. It is protecting Americans against 91 million exposures to antimicrobials.

This USDA catfish inspection program that is under threat this morning is protecting Americans from some 23.3 million exposures to heavy metals, and yet this program cost the taxpayers, in the Department of Agriculture, only $1.1 million a year. Compared to the $1 billion or $2 billion we are going to spend on Zika, a relatively small $1.1 million a year is protecting Americans against contaminated foreign catfish coming in from overseas.

We have been inspecting imported fish for quite a while in the United States of America. Under the old procedure, the Food and Drug Administration inspected imported catfish. There was a problem. Under the old procedure, FDA inspected only 2 percent of all imports and what we found out was that in the 98 percent of catfish imports that were coming in, there was a lot of bad stuff coming in that threatened Americans and their good health.

In 2008 Congress passed—and the President made a change to it, which was reiterated in 2012 and has recently been enacted—the farm bill. It provides for 100 percent inspection of foreign catfish instead of the 2 percent that we had before.

What has been the result of that? By comparison, when the FDA was inspecting Vietnamese and other foreign catfish coming into the United States during the years 2014 and 2015, the FDA picked up on a whopping total of two shipments of foreign catfish containing known carcinogens over the course of more than 2 years. I am glad they found those carcinogens and stopped these cancer-causing agents from coming in, but think of what we could have discovered that was eventually consumed by Americans if we had inspected not just 2 percent but the whole 100 percent. By contrast, the USDA inspection procedures began in April, and in that short time the USDA has intercepted two shipments of foreign catfish containing known carcinogens in less than 2 weeks. If you do the math, the USDA is intercepting harmful catfish—and there is no question that the carcinogens are harmful and there is no question that we can't legally bring this contaminated catfish in—at a rate 21 times greater than under the old procedure under the FDA.

It is mystifying that we will soon vote on a resolution that would go back to the old way. We caught two deadly shipments in the last 2 weeks, and we have before us today a resolution that would put us back to a procedure that found two violations in the course of 2 years.

Mr. President, I ask unanimous consent that the letter, dated May 24, 2016, from the Safe Food Coalition be printed in the RECORD.

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

SAFE FOOD COALITION,
Washington, DC, May 24, 2016.

DEAR SENATOR: The undersigned members of the Safe Food Coalition write to strongly oppose S.J. Res. 28, which provides for congressional disapproval and nullification, under the Congressional Review Act, of the final rule for a mandatory inspection program for fish of the order Siluriformes, including catfish and catfish products (''catfish''). Congress transferred regulation of catfish from the Food and Drug Administration (FDA) to the U.S. Department of Agriculture's Food Safety and Inspection Service (FSIS) as part of the 2008 Farm Bill. Since then, we have supported FSIS rulemaking in written comments and in public meetings.

Starkly different catfish farming practices in foreign countries, often accompanied by inadequate environmental and food safety standards, raise significant public health concerns. The FDA regulation of catfish did not sufficiently address those concerns. As the U.S. Government Accountability Office found in 2011, FDA's inspection of imported seafood products was ''ineffectively implemented,'' and subjected just 0.1% of all imported seafood products to testing for drug residues. Yet chemical residue violations in imported catfish are rampant. According to testing performed by FDA and the Agriculture Marketing Service, fully 9% of imported catfish products tested positive for the banned antimicrobial chemical malachite green, and 2% tested positive for the banned chemical gentian violet.

The FSIS inspection program, and its continuous inspection requirement, will provide a sorely needed safeguard against this type of adulteration. The program, which applies to both domestic and foreign processors, incorporates more robust import inspection protocols. These more rigorous standards are already paying off. Within the past two weeks, FSIS inspectors have detained two shipments from Vietnam of catfish products adulterated with gentian violet, malachite green, enrofloxacin, and fluoroquinolone—all banned substances under U.S. law. Under the new inspection program, these importers will have to cover the expense of test-and-hold sampling while they undertake corrective actions. Compared to the former inspection regime, this will provide needed assurance to American consumers, and more equitably assign the costs of enforcement.

For the foregoing reasons, we urge rejection of the motion to rescind the catfish inspection rule.

Sincerely,

CENTER FOR FOODBORNE ILLNESS, RESEARCH & PREVENTION,
CONSUMER FEDERATION OF AMERICA,
CONSUMERS UNION,
FOOD & WATER WATCH,
NATIONAL CONSUMER LEAGUE,
STOP FOODBORNE ILLNESS.

Mr. WICKER. Mr. President, I will read a few sentences from the second paragraph of this Safe Food Coalition letter, which is signed by a coalition, including the Center for Foodborne Illness Research & Prevention, the Consumer Federation of America, the Consumers Union, Food & Water Watch, the National Consumers League, and STOP Foodborne Illness. Those groups have formed this coalition, and they say this:

> Starkly different catfish farming practices in foreign countries, often accompanied by inadequate environmental and food safety standards, raise significant public health concerns. The FDA regulation of catfish did not sufficiently address those concerns.

Two percent of all imports were inspected and the others came in without a single look from the government.

The letter continues:

> As the U.S. Government Accountability Office found in 2011, FDA's inspection of imported seafood products was ''ineffectively implemented'' and subjected just 0.1% of all imported seafood products to testing for drug residues. Yet chemical residue violations in imported catfish are rampant. According to testing performed by FDA and the Agriculture Marketing Service, fully 9% of imported catfish products tested positive for the banned antimicrobial chemical malachite green, and 2% tested positive for the banned chemical gentian violet.

I will simply say, these people don't have an ax to grind. They don't stand to make a lot of money by selling cheap catfish to the American consumer. They are looking out for food safety, and they say there is a starkly different farming practice here than they have in foreign countries. It strikes me as stunning that with the starkly different practices—the unsafe practices in Vietnam and places like that in Asia and the safe practices here—that we would be about to vote in a few moments on a procedure that is very tough on catfish produced by American workers. If this resolution passes today, 100 percent of catfish produced by American workers earning a living and doing this for their families will be subject to inspection, and only 2 percent will be subjected—only 2 percent of the starkly different catfish procedures that are potentially bringing in carcinogens—will be subjected to testing by the government. It is completely backward.

I hope my colleagues will vote no on final passage of this S.J. Res. 28. Let's treat American workers at least the

same as we treat foreign workers. Let's treat products grown and produced in America the same as products grown and produced in foreign countries, and let's do it in the name of food safety.

I thank the Presiding Officer.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mrs. SHAHEEN. Mr. President, I rise to support this Congressional Review Act resolution to block the USDA catfish inspection program.

Despite what my colleague from Mississippi has said, there is no evidence that the catfish program provides any additional food safety benefit. It was designed to create a trade barrier.

I appreciate the opposition of my colleague from Mississippi. He is working for his catfish farmers in Mississippi. I know I like Mississippi catfish, but I like all kinds of catfish. In fact, the USDA, FDA, CDC, and the GAO have all confirmed that catfish, both domestic and imported, is already safe under FDA's jurisdiction. In fact, you are more likely to get hit by lightning than to get sick from imported or domestic catfish.

Let's not lose sight of what we are talking about. The FDA inspects hundreds of species of domestic and imported seafood. There is nothing particularly dangerous about catfish that merits setting up a whole separate inspection program under the U.S. Department of Agriculture. The fact is, the FDA is responsible for the safety of most—about 80 to 90 percent—of all U.S. domestic and imported foods, and it has years of successful expertise in the unique area of seafood safety. The FDA system has worked for both domestic and imported seafood, and it has done so for years.

Let's talk about how we got to this point. Before 2008, the Food and Drug Administration was responsible for inspecting all foreign and domestic fish products. The Department of Agriculture inspected livestock, such as beef, pork, and poultry. However, a provision was added to the 2008 farm bill that transferred the inspection of catfish—not all imported seafood, just catfish—to the U.S. Department of Agriculture, requiring that agency to set up a new, separate program to inspect just catfish alone. Again, inspection of all other noncatfish seafood remains at the Food and Drug Administration, and it still does today. This means that seafood businesses across this country that handle catfish are now subject to two different sets of regulations from two completely separate Federal agencies.

I have heard from businesses in New Hampshire and across the country that are being hit by these burdensome new regulations. They are affecting their ability to grow and create jobs. There is no scientific or food safety benefit gained from this new program. There is no evidence that transferring catfish inspection to the USDA will improve consumer safety.

I appreciate that there have been a couple of examples given in the last few weeks of imported catfish. I think we ought to address that and do it very quickly, in the same way we address domestic problems with our food system and do it very quickly.

Officials from the FDA and USDA have explicitly stated that catfish is a low-risk food. The USDA acknowledges in its own risk assessment that no one has gotten sick from eating domestic or foreign catfish for more than 20 years. The USDA catfish inspection program is a classic example of wasteful and duplicative government regulation that is hurting our economy, and it is expensive. The FDA has been inspecting catfish up until now for less than $1 million a year. The USDA, by comparison, has spent more than $20 million to set up the program without inspecting a single catfish during that time. Going forward, estimates are that the program could cost as much as $15 million to operate per year.

The Government Accountability Office, GAO, has recommended eliminating this program 10 separate times.

If there is no food safety benefit, costing millions and actively hurting jobs across the country, why was this program created in the first place? This program, as I said earlier, is a thinly disguised illegal trade barrier against foreign catfish. This kind of a barrier leaves us vulnerable on other American products, such as beef, soy, poultry, and grain, to a wide variety of objections from any WTO nation. Since there is no scientific basis for what we are doing, any WTO nation that currently exports catfish to the United States could challenge it and secure WTO sanction trade retaliation against a wide range of U.S. exports, as I said, things like beef, soy, poultry, grain, fruit, and cotton, to name a few.

Again, it is important to go back and note how this policy change was created. It was not included in either version of the 2008 farm bill that passed the House and Senate, and it was never voted on or debated in either Chamber before it was enacted. It was secretly included in the final version of the farm bill by the conference committee in 2008. The only other time the Senate has voted on this issue was in 2012, and we voted to repeal it in a strong bipartisan voice vote.

The resolution we are talking about today has strong bipartisan support. A discharge petition was signed by 16 Democrats and 17 Republicans in order to initiate floor action and, most importantly, this resolution actually has the chance to become enacted into law. This is not a program this administration ever wanted to have to implement. In fact, it delayed implementing a final program for 8 years, I think in hopes that we in Congress would finally be able to get a vote that repealed the program. Unfortunately, this is an expensive and harmful special interest program—something some might call an earmark—and it is already having severe impacts on some businesses.

I am hopeful that my colleagues will join me in supporting this important resolution to block the USDA catfish inspection program once and for all.

Thank you, Mr. President.

I yield the floor.

Mr. COCHRAN. Mr. President, I strongly urge the Senate to reject S.J. Res. 28, which would overturn a catfish inspection rule that is working to protect American consumers.

In both the 2008 and 2014 farm bills, Congress directed the administration to transfer authority for catfish inspection from the Food and Drug Administration to the U.S. Department of Agriculture. We did so based on evidence that the FDA inspection regime then in place was inadequate.

And we have been proven right. The FDA's inspection regime was inadequate.

Over the course of 2 years, from 2014–2015, the FDA caught a total of two shipments of foreign catfish containing known dangerous cancer-causing chemicals that are illegal in the United States—two shipments over 2 years.

Under the catfish inspection rule, USDA has intercepted two shipments of foreign catfish containing illegal, cancer-causing chemicals in less than 2 weeks.

If you do the math, USDA is intercepting harmful catfish at a rate nearly 21 times greater than the rate at which FDA was before its inadequate program was closed down.

USDA's inspection program has already proven to better safeguard consumer safety than FDA, which makes sense. After all, USDA is the most experienced, well-equipped agency to ensure farm-raised meat products, including catfish, are as safe as possible.

The catfish rule is not costly. The Congressional Budget Office has said this resolution won't save a dime.

The catfish rule is not duplicative. The FDA ceased all catfish inspections on March 1 of this year. USDA is now the only agency charged with inspecting catfish.

The catfish rule does not create a trade barrier. The rule applies equally to foreign and domestic producers. USDA has stated that the rule is compliant with the World Trade Organization's equivalency standard.

The catfish rule has already been proven to keep American consumers safe from illegal, cancer-causing chemicals. Adoption of this resolution would not change the law regarding catfish inspection. It would only call into question, and potentially halt, the ability of the U.S. Government to carry out these proven consumer safety protections.

It is clear that the inspection rule is working as intended to protect U.S. consumers. Congress was right in twice mandating these inspections.

I hope Senators will reject this resolution.

Mrs. SHAHEEN. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

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

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

Mrs. SHAHEEN. Mr. President, I ask unanimous consent that the time in a quorum call be charged equally to both sides.

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

Mrs. SHAHEEN. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

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

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

Mr. MCCAIN. Mr. President, this morning we will be voting on a joint resolution of disapproval for the rule that establishes the U.S. Department of Agriculture's catfish inspection program. As I mentioned yesterday, I would remind my colleagues that the General Accounting Office, a watchdog organization we rely on for their views, particularly on fiscal issues and matters—and I think that of all the institutions of government right now, probably the GAO is arguably the most respected—GAO has warned in 10 different reports between 2009 and 2016 that ''the responsibility of inspecting catfish should not be assigned to the USDA,'' calling the program ''wasteful'' of tax dollars and ''duplicative'' of the FDA's existing inspections on all other seafood products.

That is an interesting item, I say to my colleagues. The FDA performs inspections on every seafood product that comes into the United States of America. And guess what. There is only one, and that is catfish.

Let's be very blunt about the reality. The reality of this is to stop the competition from foreign sources—specifically one of which is the country of Vietnam—from coming into this country. It isn't much more complicated than that when you see that there is only one. And by the way, that only one, according to the GAO, cost the taxpayers $19.9 million to develop and study the inspection program, and the GAO says it will cost the Federal Government an additional $14 million annually to run the program. The GAO found that the Food and Drug Administration currently spends less than $700,000 annually to inspect catfish. So, according to my calculations, over $13 million a year will be saved by doing away with this duplicative inspection program.

I noticed in the vote yesterday that a majority of my colleagues on this side of the aisle who call themselves fiscal conservatives, including the Chair, have said: Well, we want to keep this duplicative program. That is fine with me, if that is your view, but then don't come to the floor and call yourself a fiscal conservative if you are willing to spend $14 million a year that is not needed and not wanted and is clearly duplicative and especially is earmarked for a special interest—i.e., the catfish industry in Southern States. So vote however you want, but don't come back to the floor when you see a duplicative or wasteful program and say you are all for saving the taxpayers' dollars, because you are voting to spend $14 million of the taxpayers' dollars on a duplicative and unnecessary program.

Don't wonder why only 12 percent of the American people approve of what we do. The reason is because we allow programs such as this, where parochial interests override what is clearly the national interest and the taxpayers' interest. That is why the Center for Individual Freedom, the National Taxpayers Union, the Heritage Foundation, the Taxpayers for Protection Alliance, the Campaign for Liberty, the Independent Women's Forum, the National Taxpayers Union, the Taxpayers for Common Sense, and on and on, are all totally in favor of this resolution. Every watchdog organization in this town and in this country favors this resolution.

I also point out that one of the arguments my dear friend from Mississippi will raise again is that somehow, unless we have this special office, this specific office for inspecting catfish, there will be a problem with the safety of the catfish that are imported into this country. In classic farm bill politics, proponents worked up specious talking points about how Americans need a whole new government agency to inspect catfish imports. As a result, USDA has begun operating a program that will require foreign importers to adjust the catfish program over a period of 5 to 7 years while the USDA duplicates the FDA's inspection program.

The PRESIDING OFFICER. The time for the opponents has expired.

Mr. MCCAIN. All I can say is that the FDA has been doing this job for years and has intercepted banned compounds in foreign imported catfish, and I would point out that the USDA has encountered problems in domestic catfish as well.

The PRESIDING OFFICER. The time for the opponents has expired.

The Senator from Mississippi.

Mr. WICKER. Mr. President, do I understand that the proponents of this resolution have 4 minutes remaining?

The PRESIDING OFFICER. The Senator is correct.

Mr. WICKER. Mr. President, I yield 1 minute of that time to my friend from New Hampshire who has sought recognition and then reserve 3 minutes for myself. I am happy to yield to the Senator from New Hampshire.

The PRESIDING OFFICER. The Senator from New Hampshire.

Ms. AYOTTE. Mr. President, first of all, we have 10 GAO reports that have found this to be duplicative and wasteful.

For some reason, there is a special office for catfish but no other fish species. The USDA normally inspects meat and poultry, not fish, so to waste taxpayer dollars this way lacks common sense.

I say to my friend from Mississippi, I know he made an argument on the Budget Committee, but the Budget Committee's opinion basically says there is no direct spending. We all know that a lot of domestic spending is discretionary spending, and discretionary spending will continue on this program. The GAO has found that this costs an additional $14 million a year, this duplicative program. By the way, the $1.5 million that has been cited has not been confirmed by GAO.

Colleagues, let's not be bottom dwellers. Let's get rid of duplicative and wasteful spending. We have 10 GAO reports stacked up. We can get rid of this duplicative program that inspects catfish, which is already inspected by the FDA. By the way, as Senator MCCAIN has said, the FDA has intercepted the toxins my colleagues and friends from Mississippi have cited as well as toxins found in domestic fish. They know how to do this, and we don't need a special office for catfish.

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

The Senator from Mississippi.

Mr. WICKER. Mr. President, I oppose the resolution. My friend from New Hampshire has said: Let's inspect catfish like all other catfish. I would tell her and I would tell my colleagues that American-produced catfish is inspected by the USDA at a rate of 100 percent. If the resolution passes, that will not apply to foreign catfish. How does that make sense? How is that fair to Americans? How is that fair to American consumers when we have information that indicates clearly that there are different, less safe procedures overseas than we have in the United States? Yes, let's treat all catfish the same. We inspect American catfish; let's inspect foreign catfish.

We can say this new program is expensive, and I guess if we say it enough, it becomes true. But the fact is that the agency that is going to enforce this program, the USDA, says it is going to cost $1.1 million a year. It seems like a reasonable cost to prevent cancer-causing agents from coming in from overseas, goods that will be eaten by Americans.

One could say that it is duplicative, and I guess if it is said enough, one might think it becomes true. But the fact is that the FDA is out of the inspection business, according to law, and the USDA is in the business, and they can do it for $1 million a year. That is not a duplication.

Saying it is expensive doesn't make it true, and saying it is duplicative doesn't make it true. The facts are exactly otherwise.

This is about food safety. This is about preventing cancer-causing

agents from coming in and being consumed by Americans. Now is the time. This is the time to vote no, to protect American consumers from cancer-causing agents.

I yield the floor.

The PRESIDING OFFICER. All time has expired.

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

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

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

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. CORNYN. The following Senator is necessarily absent: the Senator from Texas (Mr. CRUZ).

Mr. DURBIN. I announce that the Senator from Vermont (Mr. SANDERS) is necessarily absent.

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

The result was announced—yeas 55, nays 43, as follows:

[Rollcall Vote No. 86 Leg.]

YEAS—55

Alexander	Franken	Nelson
Ayotte	Gardner	Peters
Bennet	Grassley	Reed
Blumenthal	Hatch	Reid
Booker	Heinrich	Risch
Burr	Heller	Rubio
Cantwell	Isakson	Sasse
Carper	Johnson	Schumer
Casey	Kaine	Shaheen
Coats	King	Sullivan
Coons	Kirk	Tillis
Corker	Klobuchar	Toomey
Cornyn	Lankford	Udall
Crapo	Lee	Warner
Daines	Markey	Warren
Enzi	McCain	Whitehouse
Ernst	McCaskill	Wyden
Feinstein	Menendez	
Flake	Murray	

NAYS—43

Baldwin	Gillibrand	Perdue
Barrasso	Graham	Portman
Blunt	Heitkamp	Roberts
Boozman	Hirono	Rounds
Boxer	Hoeven	Schatz
Brown	Inhofe	Scott
Capito	Leahy	Sessions
Cardin	Manchin	Shelby
Cassidy	McConnell	Stabenow
Cochran	Merkley	Tester
Collins	Mikulski	Thune
Cotton	Moran	Vitter
Donnelly	Murkowski	Wicker
Durbin	Murphy	
Fischer	Paul	

NOT VOTING—2

Cruz	Sanders

The joint resolution (S.J. Res. 28) was passed, as follows:

S.J. RES. 28

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That Congress disapproves the rule submitted by the Secretary of Agriculture relating to ''Mandatory Inspection of Fish of the Order Siluriformes and Products Derived From Such Fish'' (80 Fed. Reg. 75590; December 2, 2015), and such rule shall have no force or effect.

CLOTURE MOTION

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

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the motion to proceed to Calendar No. 469, S. 2943, a bill to authorize appropriations for fiscal year 2017 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

John McCain, Thad Cochran, Lindsey Graham, Joni Ernst, James M. Inhofe, Tom Cotton, Kelly Ayotte, Richard Burr, Cory Gardner, Jeff Sessions, Thom Tillis, Mike Rounds, Dan Sullivan, Orrin G. Hatch, Tim Scott, John Cornyn, Mitch McConnell.

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

The question is, Is it the sense of the Senate that debate on the motion to proceed to S. 2943, an original bill to authorize appropriations for fiscal year 2017 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes, shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The bill clerk called the roll.

Mr. CORNYN. The following Senator is necessarily absent: the Senator from Texas (Mr. CRUZ).

Mr. DURBIN. I announce that the Senator from Vermont (Mr. SANDERS) is necessarily absent.

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

The yeas and nays resulted—yeas 98, nays 0, as follows:

[Rollcall Vote No. 87 Leg.]

YEAS—98

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

NOT VOTING—2

Cruz	Sanders

The PRESIDING OFFICER. On this vote, the yeas are 98, the nays are 0.

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

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2017—MOTION TO PROCEED

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

The legislative clerk read as follows:

Motion to proceed to Calendar No. 469, S. 2943, a bill to authorize appropriations for fiscal year 2017 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

The PRESIDING OFFICER. The Senator from Arkansas.

Mr. COTTON. Mr. President, it is an honor to serve in the Senate. It is an honor to serve the people of Arkansas. I would never complain about the tasks we are given.

There is one small burden I bear, though. As a junior Senator, I preside over the Senate—I usually do it in the mornings—which means I am forced to listen to the bitter, vulgar, incoherent ramblings of the minority leader. Normally, like every other American, I ignore them. I can't ignore them today, however.

The minority leader came to the floor, grinding the Senate to a halt all week long, saying that we haven't had time to read this Defense bill; that it was written in the dead of night.

We just had a vote that passed 98 to 0. It could have passed unanimously 2 days ago. Let's examine these claims that we haven't had time to read it—98 to 0—and in committee, all the Democrats on the Armed Services Committee voted in favor of it. When was the last time the minority leader read a bill? It was probably an electricity bill.

What about the claims that it was written in the dark of night? It has been public for weeks. And this, coming from a man who drafted ObamaCare in his office and rammed it through this Senate at midnight on Christmas Eve on a straight party-line vote?

To say that the Senator from Arizona wrote this in the dead of night, slipped in all kinds of provisions, that people don't have time to read it, that is an outrageous slander. And to say he cares for the troops, how about this

troop and his son and his father and his grandfather—four generations of service, to include almost 6 years of rotting in a prisoner of war camp. To say he is delaying this because he cares for the troops, a man who never served himself, a man who, in April of 2007, came to this very floor, before the surge had even reached its peak, and said the war was lost when over 100 Americans were being killed in Iraq every month, when I was carrying their dead bodies off an airplane at Dover Air Force Base—it is an outrage to say we had to delay this because he cares for the troops. We are delaying it for one reason and one reason only: to protect his own sad, sorry legacy.

He now complains in the mornings that the Senate is not in session enough, that our calendar is too short. Whatever you think about that, the happy byproduct of fewer days in session in the Senate is that this institution will be cursed less with his cancerous leadership.

I yield the floor.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. Mr. President, I believe that the other side of the aisle has been informed that, at noon, I will ask that we move forward with the bill.

Mr. President, it is my understanding now that, most likely, the Democratic leader will object to moving forward with the defense authorization bill. That is deeply regrettable. That is, in fact, confounding to me; that even though there may be differences on the other side of the aisle, that we would not move forward, given the situation in the world today and the men and women who are serving in our military.

I would remind my colleagues that this legislation was passed through the committee with a unanimous vote from the Democrats and under the leadership of my friend from Rhode Island, Senator REED, who has also served this Nation honorably in uniform, albeit, poorly educated. The fact is, we have a tradition the Senator from Rhode Island and I have been scrupulously observing; that is, to work in a bipartisan fashion for the good of the country.

I would mention a couple of things. One is the Democratic leader yesterday or the day before said they hadn't had time to read the bill. The bill has been online since last Wednesday—last Wednesday, a week ago. Obviously, that seems to be sufficient time for most to be able to examine the bill. We have been on the floor explaining it. There have been press releases. There have been all kinds of examination of the legislation.

As has been pointed out, we have had legislation when the Democratic leader was in the majority that we never saw until the time he demanded a vote, particularly when they had 60 votes in order to override any objections that we might have—including, by the way, the passage of the now-disastrous ACA, or known to some of us as ObamaCare, which now we are seeing the catastrophic consequences, including our citizens seeing dramatic increases in their premiums to the point where it is simply unaffordable, and there is more to come.

The fact is, after 13 hearings with 52 witnesses, a unanimous vote on the other side, 3 in opposition on my side, we came up with a defense authorization bill. The defense authorization bill has reached the President's desk and has been signed by the President for 53 years. In my view, there is no greater example over that 53-year period of the ability of both sides to work together for the good of the country.

Here we have, just recently, what appears to be—most evidence indicates—a terrorist act, the blowing up of an airliner. We have almost unprecedented suicide attacks in the city of Baghdad, which have killed over 1,000 people in the last year. We have ISIS metastasizing throughout the region, including Libya, and now rearing its ugly head in Afghanistan. We have a situation of abuse of human rights that is almost unprecedented. We have a migrant refugee flow into Europe, which obviously it is well known that Mr. Baghdadi has instructed some of these young men and possibly young women to be prepared to commit acts of terror in European and American countries. Already, some of those plots have been foiled.

The Director of National Intelligence has testified before our committee that the world is in more crises than at any time since the end of World War II; that there are more refugees in the world than at any time since the end of World War II; that America is in danger of terrorist attacks.

Whom do we rely on? We rely on the men and women who are serving in the military. That is why we passed, on a vote of 24 to 3 through the Senate Armed Services Committee—work on both sides in a cooperative and bipartisan fashion—the Defense authorization bill.

You would think that all of those facts would argue for us to take up this bill immediately and debate and vote. That is what the Senate is supposed to do. That is what our Founding Fathers had in mind.

So, again, the Democratic leader is going to object to us moving forward. Why in the world, with the world as it is today, with the challenges we face, with the men and women who are serving our Nation in uniform with courage—one of whom is a citizen of my own State who was just killed—why are we blocking the ability of this Nation to defend, train, equip, and reward the men and women who are serving in the military? Why? Why won't we move forward and debate? We have always had lots of amendments, lots of debates, lots of votes, and we have done that every year in the years I have been here.

The Democratic leader and I came to the Congress together, by my calculation, almost 34 years ago. We have had a very cordial relationship from time to time, and we have strong and spirited differences. Those differences have been honest differences of opinion because of the party and the philosophy he represents. But I must say to my friend from Nevada, I do not understand why we would not go ahead and take up this legislation and begin voting. That is what we are supposed to do. That is what has happened for 53 years where we have debated, we have gone to conference, we have voted, and it has gone to the desk of the President of the United States. A couple of times it had been vetoed, and we had gone back, but the fact is, we have done our job.

What greater obligation do we have than to defend this Nation? What greater obligation do we have than to help and do whatever we can to assist the brave Americans who are serving in uniform? What is our greater obligation? I think it is clear to everyone what our obligation is. That obligation is to do our job and do our duty.

The American people have a very low opinion of us—on both sides of the aisle. When they see that we are not even moving forward on legislation to protect, help, train, and equip the young men and women who have volunteered to serve this Nation in uniform, no wonder they are cynical. No wonder.

We have a piece of legislation that is literally a product of hundreds of hearings, literally thousands of hours of discussion and debate, of work together on a bipartisan basis, and we are not able to move forward with it and begin the amending process. I don't get it. I say to the Democratic leader, I don't get it. I do not understand why he doesn't feel the same sense of obligation that the rest of us do; that is, as rapidly as possible, for us to take care of the men and women who are serving, meet the challenges of our national security that our larger—according to the Director of National Intelligence—than at any time since the end of World War II. That is what I do not get. Maybe the Democratic leader will illuminate us on that issue, but I don't see that there is any argument.

When the Democratic leader and I meet the brave men and women who are serving in uniform—those who are at Nellis Air Force Base and in Yuma at Luke Air Force Base—and tell them that we wouldn't move forward with legislation that was to protect and house and feed and train those men and women, I would be very interested in the response the Democratic leader might have to that.

I urge my friend of many years—for the last 34 years—to allow us to move forward and begin debate on this very important issue. I know of no greater obligation we have than to address this issue of national security, which is embodied in the Defense Authorization Act. In all these 34 years, I have never objected to moving forward with this legislation. I have had disagreements. I have had strong problems with some of

the provisions. But I thought it was important to debate and vote.

I urge my colleagues not to object. The bill has been available for people's perusal for over a week now. Everybody knows the major points of the bill. So I hope the Democratic leader will not use that as a flimsy excuse because it is not one. But most importantly, I appeal to my colleague from Nevada to think of the men and women in uniform who are serving our country and to think of our obligation to act as best we can to protect them and help them carry out their responsibilities and their duties as they go into harm's way.

Mr. President, I ask unanimous consent that all postcloture time be yielded back and that the Senate proceed to the consideration of S. 2943.

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

The Democratic leader.

Mr. REID. Mr. President, reserving the right to object, every time I come to the floor when my friend is on the floor speaking, I need not tell everyone within the sound of my voice how much I admire him and the service he has rendered to our country, both as a naval pilot and as a Senator and as a Member of the House of Representatives. However, he has a job to do and I have a job to do.

I, like most people in the Senate, have not served in the military. I acknowledge that. But I didn't go to Canada. I did my best. I had civil obligations during the time my friend was in Vietnam.

Mr. MCCAIN. If my colleague will yield, I believe you have served the State of Nevada and this Nation with honor.

Mr. REID. Mr. President, I do believe we have a job to do. He does his job the best he can, and everyone knows how hard he works. But I also have obligations to my caucus, to this body, and to the country.

This is a very big, important bill. I have had the good fortune for all these years to work on it. It has been difficult sometimes where we just barely made it. I can remember one year that Senator Levin, who was our man on defense, and Senator MCCAIN—we were able to do the bill in 2 days. It was an emergency situation. But we have gotten the bill done over all the years I have been here. We have gotten it done all the years I have been the leader.

Here is the situation in which we find ourselves. This bill is almost 2,000 pages long. As he indicated, it could have been online from sometime Wednesday night, but the truth is that we didn't get the final version of this bill until last night at 5 o'clock. The committee voted on the appendix to this bill last night. They completed it at 5 o'clock last night. An important part of the bill deals with the intelligence aspect of this bill, and a lot of people want to read that and the rest of the bill.

I don't think it is asking too much to allow Members to understand the bill, to have the opportunity—the Presiding Officer is a very studious man; maybe he will read every page of that bill. Most Senators will not, but they will make sure their staff reads every line. Why? Because they need to do that.

This bill was marked up in closed session. It was marked up privately. There was no press there. It was done in closed rooms in the Russell Building. I believe that is where all the markups took place. The bill came to the floor.

We have amendments we want to offer. We have a caucus tomorrow to talk about that. We have a number of Senators who are preparing amendments, and they want to discuss them with the rest of the Democrats prior to moving to this bill.

We will be out for a week for the Memorial Day recess. When we come back, it would seem to me it would be much more efficient and productive if we were ready on that Monday we come back to start legislating. We are not ready to do that yet. We are not ready. We are going to proceed very deliberately in spite of all the castigations about me made on the Senate floor. I am going to ignore those because, to be quite honest with you, anytime we need to talk about any statements I have made at any time, I am happy to do it, but I think it would distract from what we are doing here today to go into the statements made by the junior Senator from Arkansas. But I do have to say this: I am not the reason we are having such short workdays in the Senate, even though that was alleged by my friend from Arkansas.

If we are going to do our job, we are going to do it the best way we can because it is important.

I have said it here on the floor, and I won't go into a lot more detail than what I am saying here, but in the room where we meet on a closed, confidential basis, last Thursday I met with the Secretary of Defense. I have the good fortune every 3 weeks to be briefed on what is going on around the world by the military and by others who help us be safe and secure in this country. We talked about a number of things that we need not discuss here openly, but one thing we can talk about openly here is that the Secretary of Defense thinks it is really, really, really—underscore every ''really'' I said—to put in this bill what my friend from Arizona said he is going to do, and that is move $18 billion from warfighting—the overseas contingency fund—into regular, everyday authorization matters that take away from the ability of this Pentagon to plan what they are going to be doing next year or the year after—this is something we—I—need to take a hard look at.

I said earlier today that I appreciate very much the Republican leader responding to a letter we wrote to him, saying that on these budgetary matters, he would stick with the 2-year deal we made. I am glad. That is great. But my friend from Arizona wants to violate that deal, and I think that is wrong. We are going to take a hard look at that because we believe that a secure nation not only depends on the Pentagon—bombs and bullets—but it also depends on all the other agencies of government that help us maintain our security: the FBI, the Drug Enforcement Administration, all of the different responsibilities of the Department of Homeland Security.

Let's understand that no one is trying to stall this legislation. If nothing happens on this bill in the next 24 hours, I think it will be a much better process to finish the bill when we come back. We will do it with our eyes wide open. No one will be able to say: I didn't know that was in there. What I said—and I will say it with my friend on the floor—is there are a lot of little goodies in this bill. I think we need to take a look at those.

My friend, of all people, who has worked hard during the entire time he has been in the Senate—he and I didn't get much done in the House. When you are there for two terms, you don't get much done. But in the Senate, he has gotten a lot done, focusing on what he believes is wasteful spending in the government. I disagreed with him on some of the examples he has pointed out—some of them have dealt with Nevada—but he has done that well.

We have a responsibility and we have been trained pretty well by the senior Senator from Arizona to look at these bills, what is in them. I have been told by my staff that we better take a close look at some of the things that have been identified in this bill.

I am not here in any way to not give my full support to the efforts made by JACK REED, the ranking Democrat on this committee. This bill is not JOHN MCCAIN's bill. It is not JACK REED's bill. It is our bill. I want to make sure that this bill—our bill—comes out in a way that is good for the American people. My view of what is good for the American people may be different from others, but I think we have a responsibility to do everything we can to proceed in a very orderly fashion.

As soon as we get on this bill, I will do my very best to move it along just as quickly as possible.

I object.

The PRESIDING OFFICER. Objection is heard.

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

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

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

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

CUBAN REFUGEE BENEFITS

Mr. RUBIO. Mr. President, I came to the floor a few weeks ago to bring to people's attention an abuse that is occurring in our welfare system, and it involves Cuban immigration.

Let me describe the situation we face today. If an immigrant comes to the United States from Cuba legally, entering the United States from another country—let me rephrase that. If an immigrant legally enters the United States from any country in the world, except for Cuba or Haiti, they cannot immediately receive Federal benefits. If you are a legal immigrant and came to the United States from Venezuela, Mexico, or Japan—you did your paperwork and paid your fees—you do not qualify for any Federal benefits for the first 5 years you are in this country. However, there is an exception for people who come from Cuba. Under the Cuban Adjustment Act, anyone who comes from Cuba legally or illegally—if you cross the border and say ''I am a Cuban''—you are immediately accepted into the United States legally. I am not here today to talk about changing that status, even though there is a significant migratory crisis that is building, and I do think that issue needs to be reexamined.

Here is the exception to the law: If you come to the United States from Cuba, whether you entered across the border or entered on a visa, you are one of the only immigrants in America who immediately and automatically qualifies for Federal benefits. You don't have to prove you are a refugee or prove you are fleeing oppression. You don't have to prove anything. You are automatically assumed to be a political refugee and given not just status in the United States but a series of public benefits.

For decades this has been because U.S. law made the presumption that if you were leaving Cuba to come to the United States, you were obviously a refugee. I believe for a lot of people who are still coming that is true because they are fleeing a horrible and oppressive regime and have had nowhere else to go because in many cases they fear for their lives in Cuba. For some time now, there has been growing doubt about whether all of the people who are now coming from Cuba are, in fact, fleeing oppression. Or are they increasingly becoming more like an economic refugee?

From what we see in South Florida with our own eyes and also because of the investigative reporting by the South Florida SunSentinel, we know there are growing abuses to this benefit. The reason is that many people who are coming from Cuba, supposedly as refugees seeking to flee oppression, are now traveling back to Cuba 15, 20, or 30 times a year. That raises an alarm right away.

If you are entering the United States and immediately and automatically given status as refugees—in addition, you are being given access to a full portfolio of Federal benefits—because you are supposedly fleeing oppression, but then traveling back to Cuba 15, 20, or 30 times a year in many cases, it causes us to have a serious doubt about whether everyone who is coming here from Cuba should be considered a refugee for purposes of benefits, but today they are.

Even at this very moment, we are seeing a historic increase in the number of people who are originally from Cuba crossing the Mexican-U.S. border. We have seen an increase in the number of rafters. Last week there was a standoff between the Coast Guard and some Cuban migrants who went up to a lighthouse and wouldn't come down because they wanted to get the status under the wet-foot, dry-foot policy.

I think we can debate that issue. I am not here today to propose changes to the status, but I do think we have to ask ourselves: What about the Federal benefits? What about the benefits they are collecting which are specifically and exclusively intended for refugees and refugees only? Obviously, if you are traveling back to Cuba over and over again, you are not a refugee and therefore should not be eligible for these benefits.

The abuses we have now seen are extensive. The stories of people who are actually living in Cuba—they are living in Cuba but collecting government benefits in America, and their family is wiring the money to them. There are people who are collecting an assortment of benefits from housing to cash, and that money is being sent to them while they live in Cuba for months and sometimes years at a time. It is an outrage. It is an abuse. By the way, I am of Cuban descent and live in a community with a large number of Cuban exiles and migrants. Our own people in South Florida are saying that this is an outrage. They see this abuse. It is their taxpayer money, and they want something done about it.

Today we learned from the Congressional Budget Office, which analyzes these issues in-depth and determines how much they actually cost taxpayers, that the long-term cost of this abuse over the course of the next 10 years will be approximately $2.5 billion to the American taxpayer. A significant percentage of that $2.5 billion is going to people who aren't even living in the United States. We know from investigations that the money often ends up back in Cuba. We have seen people abuse the system over and over again by having a relative in the United States who goes to the bank every month, takes a cut, and sends the rest of the money to them. That is your money that is being sent to them.

The American people are a generous people, but right now those who abuse the system are taking American taxpayers for fools, and we need to stop it. That is why I am hopeful that today's report from the Congressional Budget Office will give us renewed momentum to end this problem and reform the system. The way to do it is by passing a law I have introduced with Congressman CARLOS CURBELO in the House that ends the automatic assumption in U.S. law that assumes all Cuban immigrants are refugees. It says that in order to receive refugee benefits, they have to prove they are refugees or legitimately fearing for their lives if they were to return to Cuba.

This is how the process works: If you cross the U.S.-Mexico border and you are from Cuba or arrive on a raft, you will get your status and will be legal in this country, but you will have to prove you are actually coming because you fear persecution before you automatically qualify for refugee benefits. In essence, all I am asking is that people prove they are political refugees before they qualify for Federal benefits that are available only to political refugees.

Lest anyone think this is some sort of partisan trick, this is a bipartisan measure that my Democratic colleague, the senior Senator from Florida, supports. It has over 50 bipartisan cosponsors in the House, including the chairman of the Democratic National Committee.

I hope we can get this done, even if the best way to do it is on its own merits with a straight up-or-down vote or as an amendment included in a larger bill. With all the talk about paying for Zika virus funding, maybe this is one of the ways we can pay for some of that, but let's get it done.

Mr. President, $2.5 billion is still real taxpayer money, a significant percentage of which is being misspent on a loophole that exists in the law that most people don't even know is there. I truly hope we can address it. It makes all the sense in the world. Everyone is asking for it. There is no good-faith or reasonable reason to oppose it, and it is my hope we can address it before this Congress adjourns at the end of this year, or sooner if possible, and that we can put an end to these abuses once and for all.

With that, I yield the floor.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. SULLIVAN. Mr. President, I wish to add my voice to Chairman MCCAIN's comments a little bit ago about moving forward on the Defense authorization bill. I have the honor of serving with him and Senator REED, the ranking member of the Armed Services Committee. It is a huge honor, but as Senator MCCAIN mentioned, we also have an enormous obligation and responsibility. The biggest, most important thing we do here is probably our national defense.

The chairman asked a really important and simple question: Why? Why are we not taking up the Defense authorization bill at this time? Why is the minority leader moving forward with a filibuster on this important bill that was voted out of committee almost on a complete bipartisan basis?

We have an enormous obligation to our troops and to the national defense of our country, and that is what this bill is all about. We can debate it, but we need to begin that debate.

My colleague and friend from Arkansas was on the floor here a little bit

ago, expressing his frustration about why we are delaying this legislation. I share that frustration, and I share the chairman's frustration.

Why? Why are we filibustering? Why is the minority leader filibustering this important bill?

I remind my colleagues on the floor that this is actually a pattern. If you remember, at this time last year the minority leader led a filibuster of the Defense appropriations bill. It funds the bill so we can support our troops who are, by the way, overseas in combat. Despite the fact that the President and others in the White House want to tell the American people they are not in combat, they are in combat. We all know it. We know it is a fiction.

Last year the minority leader led a filibuster of the Defense authorization bill—spending for our troops—not once, not twice, but three times on the Senate floor. This pattern of procedural delays clearly undermines our troops. There is no doubt about that.

I want to add my voice to my colleague. I believe it is a bipartisan frustration, not just Republicans. Remember, the NDAA came out of committee with huge bipartisan support.

One of the most important things we do here is focus on our national defense, focus on having a strong military, and focus on taking care of our veterans. We should be bringing that bill to the floor, not delaying it any longer, and debating its merits and moving forward. I just don't understand why we are not doing that right now. I certainly don't think the American people understand it.

THE U.S. ECONOMY

Mr. President, another important topic that we should be talking about on the Senate floor more often is the state of our economy. In my view, national defense and economic opportunity for Americans are the critical things we need to debate in the Senate.

As I have been doing recently, I wanted to come down here and talk about the health of our economy and the importance of getting to a healthy economy because—make no mistake—we have a sick economy right now. We need to bring the U.S. economy, the greatest economic engine of growth the world has ever known, back to life. We need to bring opportunity once again to people who have lost economic hope.

Let me be clear. Americans don't easily give up on hope. We are a country of hope, a country of dreams. Progress is in our DNA. We are always moving forward. But Americans are starting to lose hope because they are not seeing opportunity, they are not seeing progress, and they are not seeing a healthy economy. So what is going on?

I would like to provide a quote from a recent article in the Atlantic Monthly entitled: ''The Secret Shame of the Middle Class.'' I would recommend this article to my colleagues. The author is talking about Americans from all spectrums who, because of the weak economy and because of no economic opportunity, are living paycheck to paycheck. Millions of Americans, as he describes in this article, are living paycheck to paycheck. He says:

> It was happening to the soon-to-retire as well as the soon-to-begin. It was happening to college grads as well as high school dropouts. It was happening all across the country, including places where you might least expect to see such problems. I knew that I wouldn't have $400 in an emergency. What I hadn't known, couldn't have conceived, was that so many other Americans wouldn't have that kind of money available to them, either. My friend and local butcher, Brian, who is one of the only men I know who talks openly about his financial struggles, once told me, ''if anyone says he's sailing through, he's lying.''

Then the author goes on to make a very important statement. He says: ''In the 1950s and '60s, American economic growth democratized prosperity.'' Everybody had opportunity with strong economic growth. But, ''in the 2010s,'' he says, ''we have managed to democratize financial insecurity.''

That is what is happening across the country. In my opinion, a big part of the problem—one that is playing out in our politics right now—is the fact that those who are hurting are not being heard. They see their lives. They know their lives. They know the challenges. Nearly half of Americans would have trouble finding $400 in a crisis, as this article lays out, and yet it doesn't match up with what their leaders are telling them.

Let me give you an example. In a recent speech, President Obama actually said: ''We are better off today than we were just seven years ago.'' He said that anybody who tells you differently ''is not telling the truth.'' That is the President.

I guarantee you the President is not agreeing with this article. I hate to inform the President, but even former President Bill Clinton recently had this to say about the Obama economy: ''Millions and millions and millions . . . of people look at the pretty picture of America [President Obama] painted, and they cannot find themselves in it . . . ''

That is former President Bill Clinton on the current State of the U.S. economy. It is not hard to see why so many can't find themselves in the picture that the President has painted of our current economy. During nearly 8 years of the Obama administration, the number of Americans participating in the labor force shrank to its lowest level since 1978. What does that mean? It means Americans have just quit looking for jobs. In the last 8 years, more Americans have fallen into poverty, family paychecks have declined, and the number of people on food stamps has skyrocketed by 40 percent—all during the last 8 years. The percentage of Americans who own homes, the marker of the American dream—homeownership—is down by over 5 percent.

Let me give you another number that, although many Americans aren't familiar with, impacts them deeply. A few weeks ago it was announced by the Commerce Department that the economy essentially stopped growing. Last quarter we grew at 0.5 percent of GDP, or gross domestic product. That is an indicator of progress, an indicator of the health of our economy, of our country, of opportunity. It was stagnant. It didn't grow.

Let me put this in perspective. In the past 200 years, American real GDP growth through Democratic or Republican Presidents—it doesn't matter; we have had ups and downs—has been about 4 percent, or 3.7 percent. This is what has made our country great. This is what has fueled the engine of the middle class of America. Under this administration, the average has been an anemic 1.5 percent of GDP growth. We have never had even one quarter of 3 percent of GDP growth. Now the administration doesn't talk about that. In fact, very few do. We need to talk about it more on the Senate floor. But the American people feel it.

This article describes it. They see it again and again when one of their neighbors or loved ones loses a job, when they see their paychecks stagnant for 8 years, when they see another small business in their community closing, or when they start wondering how they are going to put their children through college. They see it in the long road ahead of them that shows no promise of a brighter future because of the lack of economic opportunity. They see it, and, as this article describes, they feel the stinging shame.

The bottom line is that we have had a lost decade of economic growth and opportunity in the last 10 years. We need to get serious about this problem. We need to focus on this problem almost above any other issue.

My colleagues a lot of times come down here and talk about a moral imperative. This is a moral imperative—to create a healthy economy for the entire country—but we are not doing that.

Now, what are the solutions? Well, we ask the experts: How do you grow the economy? How can we create articles that talk about opportunity and not the shame of the middle class? One idea certainly is that we have to reform a Federal Government that tries to overregulate every aspect of our economy, especially the small businesses. When asking the experts or politicians, they all agree. A number of us had an opportunity to talk to former Chairman of the Fed Alan Greenspan yesterday. This clearly is one of the issues where he thinks we need to ignite traditional levels of economic growth—regulatory reform.

Again, Bill Clinton, in a Newsweek cover article in 2011 said that the No. 1 thing we need to do is to move forward on regulatory reform to get projects moving, to build this country again.

Even President Obama, in his State of the Union Address this year, said we have to cut redtape and we have to

lessen the regulatory burden on Americans. So there seems to be widespread agreement, but it is all talk.

When we actually try to act, when we actually try to do just minimal reforms to this explosion in the growth of Federal rules and regulations over the last several decades—when we try to do just a little of this—we are stopped, stymied, and caught up in politics.

Let me give you just two recent examples. I introduced a bill called the RED Tape Act, a very simple bill debated on the Senate floor that essentially would put a cap on Federal regulations—a ''one in, one out'' rule. If a Federal agency is putting more regs on the U.S. economy, then we have to look at our big portfolio of regulations and sunset the equivalent economic burden in terms of regs. It is a very simple idea. It is a 4-page bill. The UK is doing this, Canada is doing this, and it is working.

Some of my colleagues on the other side of the aisle certainly thought it was a good idea, but when we brought it to the floor—the simple idea that would help our economy—there was a party-line vote. It goes down.

Just last week, as we were debating the Transportation appropriations bill, we wanted to move on another simple reg idea. The idea is simple. If there is a bridge in a neighborhood and it is structurally deficient—and by the way, the United States has 61,000 structurally deficient bridges—and the bridge is not going to be expanded but is just going to receive maintenance or be reconstructed, the permit can be expedited so that it doesn't take 5 years to build or reconstruct the bridge. Again, it was a very simple amendment that used common sense on regs. We were told: No, the other side viewed it as a poison pill. We even heard that the White House was thinking about threatening to veto the bill if that amendment was attached to it. These are simple, commonsense ideas that the American people fully support to keep them safe and to grow our economy.

We need to grow our economy. We need to take action on the Senate floor to help grow our economy. We need to bring this sick economy back to health, but we are not doing it right now. Instead, we see articles such as the one I just mentioned about middle-class Americans living paycheck to paycheck because they don't have opportunity.

What we need to do, in addition to focusing on the defense of our Nation and taking care of our troops, is to get this anemic economy—this lost decade of economic growth that we have seen over the last 10 years—roaring again, to provide opportunity and hope for Americans. That is what we should be focused on.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

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

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

Mr. TOOMEY. Mr. President, I rise this afternoon to speak on S. 2943, which is the National Defense Authorization Act that we recently invoked cloture on the motion to proceed. I guess we are going to be on this bill, and I am glad we are. In particular, I want to address section 578 of this act.

Section 578 is designed to protect our servicemembers' children when they are in school—specifically, to protect them from convicted pedophiles and other dangerous felons who try to infiltrate our Nation's schools, when they can, to find more victims. This is a cause I have been working on for at least 2½ years in the Senate. We have a serious problem. We have made some progress, but we have a long way to go.

For me, this effort to address this began with a terrible story of a child named Jeremy Bell. The story begins in my home State of Pennsylvania, in Delaware County, PA.

A schoolteacher had molested several boys and had raped one of them. Officials at the school figured out that something was going wrong, prosecutors were brought in, but they never felt they had enough evidence to press charges to bring a case. The school decided they would dismiss this teacher. They didn't want him around anymore, but, shockingly and appallingly, they decided that to facilitate his departure from the school, they would help him get a job in another school. They would actually recommend him for hire somewhere else. Well, he did get a job in another school, in West Virginia, in part, with the help of the letter of recommendation he got from the Delaware County School District.

That teacher went on to become a school principal, and of course he continued his appalling victimization of children. It ended when he raped and murdered a 12-year-old boy named Jeremy Bell.

Justice eventually caught up with that monster who had gone from Pennsylvania to West Virginia. He is now in jail, where I hope he will remain for the rest of his life, but for Jeremy Bell, of course, that justice came too late.

Sadly, Jeremy Bell is not alone. Year after year, we see staggering and heartbreaking numbers. In 2014, at least 459 teachers and other professional school workers across the country were arrested for sexual misconduct with the kids they are supposed to be taking care of. That is more than one per day. In 2015, the number went up. It got worse—it was 496 arrests—again, schoolteachers and school personnel who have unsupervised contact with these children, and so far 2016 is not doing any better. We have had 185 arrests in just 144 days.

One way to look at this is, just since I got engaged in this battle 2½ years ago, we have had at least 1,140 school employees arrested for sexual misconduct with the children in their care. Of course, these are just the ones who have been caught. These are the ones we know about. These are the ones where there is enough information and evidence that the law enforcement folks were comfortable in making an arrest. How many more? How much is this going on?

Of course, every one of these stories is a terrible tragedy for the victims. Like the child whose sexual abuse began at age 10 and only ended when, at 17, she found she was pregnant with the teacher's child or the teacher's aide who raped a young mentally disabled boy who was in his care. These are hard things to talk about but think about how infinitely harder it is for the victims who suffer through this, and the examples go on and on.

This has to stop. We have to be doing everything we can to try to prevent this and to protect the kids who are in our country's schools. This is why, in 2013, I introduced a bill that was meant to do exactly that. It was called the Protecting Students from Sexual and Violent Predators Act. It is a bipartisan bill, and it included fundamentally two protections.

The first was a ban on this terrible practice that led to the murder of Jeremy Bell. It holds that a school would have to be forbidden from knowingly recommending for hire someone who was a known child molester. It seems so appalling. How could this happen? But the Jeremy Bell case is not the only case. In fact, this phenomenon by which schools try to get rid of their monsters by making him someone else's problem is so widely recognized that schools will facilitate that person getting a job somewhere else. This phenomenon has its own name. It is called passing the trash. People who are advocates for crime victims, people who help children cope with the horrendous experience they have been through, know this very well. They know this phenomenon because they have seen it all too often. That is the first piece of my legislation from 2013, make it illegal to knowingly pass the trash.

The second piece is to require a thorough background check—a thorough criminal background check whenever someone is being hired who will have unsupervised contact with children in the school. That means teachers, but it also means coaches, it means the schoolbus driver, it means contractors, if the contractor will have that kind of access to the children.

Last December we had an important victory on this because the first protection, the prohibition against knowingly passing the trash, passed the Senate. It was a battle. There were people here who fought this very aggressively, but eventually I was able to get a vote on the Senate floor and it passed overwhelmingly. It was then included in

the text of the Every Student Succeeds Act. That legislation has since been signed into law. So it is now the law of the land that it is forbidden to knowingly recommend these pedophiles for hire.

As I said, that was only the first part of our legislation. The success we had back in December was only a first step. We were not able to succeed with the tougher, more comprehensive background checks we need. So I said at the time: I am not finished. We are going to continue this fight—and we are.

That is why I am here today—because the legislation we are about to take up, the National Defense Authorization Act, takes us another important step forward, which helps in this effort to have more comprehensive background checks.

I have a personal interest in this. I have three young children—a 15-year-old, a 14-year-old, and a 6-year-old—and I represent 12.8 million Pennsylvanians. The vast majority of the people I represent have the same view I do, which is: When we put our kids on a bus in the morning to go to school, we have every right to believe we are sending our child to the safest possible environment. So that is what this is about.

What this legislation does in the Defense authorization bill is it incorporates a bill I introduced earlier this year. That bill is called the protecting our servicemembers' children act. The national defense authorization bill takes my bill, this protecting our servicemembers' children act, and incorporates it. It builds it in. It covers DOD, Defense Department-operated schools in the United States, of which there are many, but it also covers schools in school districts that receive Federal impact aid because children of our military folks attend those schools. So that is one of the ways we cover some of the cost of educating the children of our men and women in uniform. We do it by providing this impact aid to the school districts to which they send their kids.

What my legislation does and what the NDAA therefore does is it requires these schools to conduct the same kind of background check that the DOD requires of its own schools, which is exactly the right thing to do. It also provides that if a person has been convicted of certain serious crimes—which includes violent or sexual crimes against a child—then that criminal may not be employed in a position that gives him unsupervised access to children. It is as simple as that.

This will cover schools that serve about 17 percent of our schoolchildren, roughly 8.5 million kids. I think this is just common sense. A background check for school workers is simply common sense. All States, all school districts do this to some degree. The problem is, not everyone does it to an adequate degree. It should not be possible for a person who has been convicted of child rape to walk out of prison, walk down the street, and get a job in an elementary school. That should be absolutely impossible.

I am not suggesting that a convict shouldn't be able to get any job, but I absolutely am suggesting that he should not be able to get a job in which he has unsupervised contact with children. To me, that is a no-brainer.

This feature—my bill, this legislation—does not impose any new burdens on the Department of Defense. The DOD regulation already requires this thorough background check on all DOD-operated schools. But what we do is reaffirm that so that no future administration could water that down by Executive order or some other way.

Also, I suggest that there is an important reason why it is absolutely essential that we provide this protection to the members of our military; that is, the men and women who put on the uniform of this country don't always have a say in where they are going to be stationed. They don't necessarily get to decide which base and which State they are going to work and, therefore, which school their children will attend. So when they get moved to another State, over which they have no say, they certainly have no say in the background check policy of that school or that school district or that State. The least we can do for these men and women who take enormous personal risks and make huge sacrifices to protect us is to protect their kids when their kids are going to school.

I should salute the efforts of State Senator Tony Williams from Pennsylvania because the children in Pennsylvania are protected by a very rigorous background check system, thanks largely to Senator Williams' insistence that we do this and his advocacy for legislation that gets that done.

When Pennsylvania servicemembers are stationed in another State, they still deserve the same level of protection that they get in Pennsylvania. But Tony Williams' bill that is now the law of the land in Pennsylvania does not apply beyond the borders of Pennsylvania, and that is why we need this legislation—to make sure that all the men and women who wear the uniform of this country can know that their children will have this protection. The least we can do for the people who are ensuring the safety and security of all of us in our country is to make sure their children are safe from convicted pedophiles and other dangerous felons who attempt to infiltrate the schools.

Let me also thank someone else. I want to thank the chairman. Senator MCCAIN has been an ally of mine in this ongoing battle to keep our kids safer for years now. His leadership has been outstanding. It is because of his commitment to the safety and security of our kids that my legislation is in the National Defense Authorization Act, the legislation that we are considering today.

Senator MCCAIN was a cosponsor of my first bill to protect kids in the classroom. His support was essential in the victory we had last year when we were able to prohibit passing the trash. It is absolutely the case that without his steadfast support, we would not have this provision in this legislation today. So I am very grateful to Senator MCCAIN for his leadership on this, and I am proud to be standing with him on this important issue.

Let me close with this. It is past time to act; it is past time to do something about this. In the 2½ years since I have been trying to make sure that we stop permitting schools to pass the trash, in the 2½ years since I have been trying to get the most rigorous standards for doing background checks—during that time alone—there have been over 1,100 school employees arrested. Those are the ones we know about.

How much bigger does this number have to get? How much longer do we have to wait? More importantly, how many kids have to be brutalized? How many kids have to have their childhood shattered before we are going to impose the toughest possible regimen to protect these kids? I have seen way more than enough. The families who have been torn apart by this devastating crime have seen way too much.

I urge my colleagues today to get this done. Let's take a big step forward in providing a significant additional level of security and protection for the children of the men and women who sacrifice so much to protect all of us.

I yield the floor.

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

The PRESIDING OFFICER (Mr. SCOTT). The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

Mr. MERKLEY. Mr. President, I ask unanimous consent that I be permitted to use a visual aid during my speech.

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

GENETICALLY MODIFIED FOOD LABELING

Mr. MERKLEY. Mr. President, the most important three words in our Constitution are the first three words: ''We the People.'' When our Founders were crafting our Constitution, they put those words in oversized print so that hundreds of years later Members of Congress—the House and Senate—and citizens across this Nation would remember that this is what our Constitution is all about—''We the People.'' It is not ''we the powerful'' or ''we the privileged.'' It is ''We the People.''

President Jefferson said that we can only claim to be a republic to the degree that the decisions of our government reflect the will of the people. He went on to say that the only way our government will make decisions which reflect the will of the people is if the

people have an equal voice. An example of that was the town square, where each individual could stand up and make their position known before a vote was held on whom they were going to elect, and so on and so forth.

The challenge today is that the town square is the television, radio, and Web. Unfortunately, those are not free, the way the town square was in Jefferson's day, and that means that the role of money can change everything.

Unfortunately, we have had a couple of Supreme Court decisions that do not do due accord to the very heart of our Constitution because they have essentially said that even though the commons, or town square, is for sale, we are going to allow the few people and corporations with billions of dollars to buy up the town square and use the equivalent of a megaphone sound system to drown out the voice of the people. That is the opposite of what ''We the People'' is all about, and that is the opposite of what our Constitution is all about.

Periodically, I have come to the floor to talk about a variety of issues that are relevant to the Jefferson vision—that we can only be a republic to the degree that our decisions reflect the will of the people. The issue I will talk about today—and this is an issue that Democrats, Republicans, and Independents overwhelmingly support—is about whether or not their food has been genetically modified, and if so, should those ingredients be listed on the package.

I am raising this issue today because on July 1 of this year, Vermont will have a new law which will require labeling on the packages of food that have genetically modified ingredients, and that has led to a conversation here in this Chamber about whether we at the Federal level should allow that to happen. Should we allow Vermont to make this requirement? There are a lot of food producers who say: We really don't want the people to know about the details of their food. Well, I think Americans across this country disagree.

As I mentioned, the overwhelming majority support the right to know. The argument has been made that we can't allow State after State or county after county to have conflicting standards about what we list on food labels because that would be impossible for interstate commerce, and that is a fair point. How can a food manufacturer be expected to accommodate a multitude of different labeling requirements from county to county, city to city, or State to State? That is a fair case if there is a risk of multiple standards. There is no risk of that at this moment because only one State has passed a standard which will be going into effect in a couple of months. Just as we have seen with other policies across this Nation, to something that one State tries, another State might say: Yes, let's do that but in a slightly different way. So there is a legitimate concern about conflicting standards. Again, it is not an immediate concern or something to cause this Chamber to act today. But if indeed other jurisdictions say they would like to have the same type of information available to their citizens, who also overwhelmingly want that information, then there is a potential for that and a legitimate cause for us to discuss it here.

Here is the thing. If you are going to take away the ability of cities, counties, and States to respond to the citizens' desire to know about whether there are GMOs, or genetically modified ingredients, in their food, then you have to replace it with a national standard that answers that question. If you fail to do so, you are simply denying the rights of citizens across the country to know what is in their food, and that is just wrong.

There is a name for the bill for denying Americans the right to know, and it is called the DARK Act, or Deny Americans the Right to Know Act. It is appropriate that it be called the DARK Act because it is all about keeping consumers in the dark about something they would like to know. There are many people here who say: Well, we know better than consumers. They want to know, but we don't want them to know because there is no reason they should know because why would they have any concern if they knew all the facts? Is that our decision to make?

We decided to label food and let people know whether there is salt in it. Some people want it, some people don't. We decided to put calories on the package. Some people want more calories, and some want less, but they have the right to know. Some people want preservatives to make it taste better and some don't, and so on and so forth. It is simply the consumer's right to know and make choices accordingly.

This conversation is not about whether GMO food is safe to eat. Person after person has come to this floor and said it is safe to eat, there is no proven impact on citizens, and so therefore it is legitimate to strip citizens from the right to know. There are lots of ingredients we put on packages that have no carcinogenic effects, but citizens want the full list, and that is what we provided them. Some want to know the individual pieces of that story.

Let's turn back to this question about the fact that GMOs themselves—genetically modified plants—are not substantially in one camp or another, wonderful or terrible. There are all kinds of genetic modifications that have taken place. For example, this chart shows golden rice. Golden rice has been modified to have vitamin A. In parts of the world where there is vitamin A deficiency, this has been very beneficial. Let's turn to carrots. Some carrots have been modified to treat for a genetic disorder called Gaucher's disease, a metabolic disorder where people lack a specific enzyme which helps rid the body of fatty substances that then accumulates causing enlarged livers and spleens and bone damage, bruising, and anemia. So people are very happy we have a way to address that.

Researchers have been developing sweet potatoes that withstand multiple viral infections commonly encountered in Southern Africa. That enables sweet potatoes to be grown and be part of the subsistence and is a substantial source of food in that region. There are also genetic modifications that cause concerns. Most genetically modified crops grown in the United States have been altered to confer resistance to a chemical herbicide known as glyphosate. Glyphosate is a weed killer, and essentially as the application of glyphosate has gone up dramatically from 1994 to the current time—we can see the huge increase in the application of this weed killer on this chart—we have had a corresponding general depletion of the monarch butterfly in those regions where glyphosate is used. That is a concern. Monarchs have been crashing, and that is a concern to folks.

Look at and think about the runoff. If you put billions of gallons of weed killer on crops, and there are billions of gallons running into the waterways, it has an impact on the waterways. It changes the makeup of the waterways because of the weed killer killing various organisms within the streams. Herbicides in our waterways can have a negative impact on fish, mussels, amphibians, and microorganisms.

There is also a challenge in which plants evolve in response to the applications of glyphosate. We can end up with what are called superweeds, which are weeds that have been in the presence of the herbicide so often that the natural mutations occurring cause the weeds to evolve and they become superweeds. We had the same problem with these corn-destroying rootworms. They have been evolving to be resistant to the pesticide that is placed into the plant cell by genetic modification.

In short, there are competing considerations to balance, some benefits and some concerns. Some people have reached the conclusion that they are very comfortable consuming genetically modified foods, and other individuals can reach a different equally justifiable conclusion that they have concerns and want to know more about the specific types of modification. The way they find out is, they get an alert on the package to show there are GMO ingredients and they can go to the Web site and look at the herbicide involved. That is why labeling matters. It is an alert to the citizens so they can gain more information and decide if they are comfortable or uncomfortable.

What we have seen are companies that are starting to say, because we value the relationship with our customers, because our company believes in having high integrity in that relationship, we do not want to be part of the DARK movement—the ''deny Americans the right to know'' movement. We want to be part of the movement that says if our consumers want

to know, we are going to give them that information.

There are a variety of companies that have announced they are going to provide that information on their foods. One of them is the Mars company. Here I have a package of M&Ms, and right on the package they are now disclosing. They have a phrase. I know it would be impossible to read this so we have enlarged this a bit and reproduced it. It says ''partially produced with genetic engineering.'' So they give a heads-up on every package of M&Ms across the country. They give a heads-up to consumers, and if they want to know more about the details, they can contact Mars to find out about the details. That is integrity. That is honoring citizens who have a desire to know what is in their food.

We have all grown up seeing the wonderful pictures of Campbell's soups in advertisements and the warm hearty meal of tomato soup. I know when I was sick as a child I always looked forward to that Campbell's tomato soup. Campbell's has said: We want to honor the integrity of the relationship with our consumer. We are not going to be part of the ''deny Americans the right to know'' movement. We are not going to be on the side of the DARK, and we are going to be on the side of information that citizens desire to have. They are putting labels on their products, and a number of companies are following suit in honor of protecting the consumer's right to know.

That is certainly commendable, and I commend the companies that do not feel like they are trying to mislead or hide from their consumers, but in fact support the integrity of the relationship with the folks who buy their products. Some of the companies that have done this are ConAgra, General Mills, Kellogg's, and, as I mentioned, Mars. They have already begun to label their products in anticipation of Vermont's July 1 requirement.

Vermont has a 6-month grace period—so, again, it is not just around the corner—but the beginning period companies are asked to meet is July 1. Because companies are now putting it on their labels, they are discovering there is nothing scary to consumers about it. Just like anything else on the ingredients list on labels of packages, it is information that different consumers can evaluate when it matters to their life.

There is a group of Senators who have said they do want to be part of the DARK Act, deny Americans the right to know. So we will have a voluntary labeling plan nationally. We will take away State's rights to put information on the package and replace it with a voluntary request for companies to disclose. That is no justification for taking away the ability of States to require what consumers want, which is not a voluntary disclosure, it is a required disclosure. If a State wants to do that, they should be honored. If we take away that right, we need to do a replacement at the national level.

As a part of this movement, this Deny Americans the Right to Know Act, they say: You know what. We are willing to suggest that companies put a barcode on their product and consumers can scan that code or they can put a quick response computer code, which is a square code with all the little squares on it—something like what you have on an airline ticket. They suggest that we put this quick response code on it, and if somebody wants to know what is in our product, they can scan it with their smartphone and look it up on a Web site. That is not a consumer-friendly label. That is a scam.

Not all consumers have a smartphone. Not all consumers have a digital plan that allows them to scan something in that fashion. They don't all have a phone with a camera. We are asking them to have to spend money out of their phone plan in order to look up information that should have just been on the package in the first place. That is a tax. That is a DARK Act tax on American consumers.

Some of my colleagues who talk about not putting taxes on individuals just voted for that DARK tax a few weeks ago. I hope they reconsider that type of imposition on the moms and dads and brothers and sisters throughout America. No one going down the aisle to shop is going to sit there and compare four different soups by taking pictures of four different soups and going to four different Web sites to look up that information. Plus, consumers are also disclosing information about themselves when they go to those Web sites. That is an invasion of privacy on top of the DARK tax that my colleagues want to impose on American consumers. It is wrong on multiple levels.

Some of my colleagues say: Let's put an 800 number on the label, with no explanation of why it is there. Well, you can take most products in America and you can probably find an 800 number somewhere on that package with some corporate information line, but when you put an 800 number on with no explanation of why it is there, that is not consumer information. That is like taking an ingredients list on the package and replacing it with an 800 number. Call this and we will read you a list of ingredients on the phone. It is absurd, it is ridiculous, and it is offensive to try to say that type of scam is a replacement for consumer-friendly information right on the package.

Do you want to know how to determine whether you are being true to the desire of consumers to have a consumer-friendly label? Well, I will tell you. It is called the 1-second test. We have a product on the shelf. We pick it up, turn it over, and look—1 second. I see the answer that there are or are not genetically modified ingredients in this package. That is the 1-second test. That is a fair replacement for State standards.

It can be done in a variety of ways. There can be a symbol on the package. I suggest that the FDA or USDA can choose a symbol. Brazil chooses to have a key for transgenic in a triangle. We can do that. We can put a ''B'' on it for biotechnology. We can put a ''G'' or ''GM'' for genetically modified. There are all sorts of options that would be a simple way for consumers to see what is there. We can put a phrase such as Mars has done on their candy or we can put an asterisk on the ingredients that have been modified with a phrase below to explain the asterisk. All of those are possible, but an unlabeled phone number, an unlabeled barcode or quick response code—because it is a deliberate effort to pretend you are solving something when you are not, that is a shameful scam, and it should never pass scrutiny on the floor of the Senate.

I said earlier that citizens across this country want a consumer-friendly label. We can look to a survey that was done. This is a 2016 likely election voters survey that was done in November of 2015, and it shows that 89 percent of Americans said they would like to have the information on the label. They say they favor labels on foods that have been genetically engineered or contain genetically engineered ingredients. So it is basically 9 out of 10 who not only favored but strongly favored such labeling. To put it simply, 9 out of 10 Americans want the information on the label, and rounding off, 8 out of 10 feel very strongly about this.

Here is something that is interesting. We are often divided by party here. The Republicans are sitting on the right side, the Democrats are on the left side. There is partisan division—maybe Independents have a view in the middle. On this issue, Democrats believe, 9 out of 10, rounding off, that we should have these labels. Republicans believe, 9 out of 10, that we should have these labels. Wouldn't it be ironic if the one thing Americans can agree on—whether they are east coast or west coast or North or South or Democrat or Republican or Independent—the one issue they can all agree on, this body decides to do the opposite and take away that ability. That certainly counters the fundamental principle that Jefferson put forward of the ''we the people'' democracy. We can only claim to be a republic to the degree that what we do reflects the will of the people.

So we should think about that a lot because there is a lot of conversation about folks who want to spring a surprise on the American people. They want to come down here to the floor on some bill in the near future, with some amendment or some motion or some reconsideration, and spring a surprise and drive the DARK Act through with little public notice. Why is that? Because they are afraid of the opinions of the American people. They want to hide their decision in a short period of time with no ability for the American people to be filled in on the fact that

they are attempting to pass legislation that overturns what 90 percent or 9 out of 10 Americans want. So we need to be aware of this.

I encourage my colleagues: Do not be part of this ''deny Americans the right to know'' movement—this movement that is opposed by 9 out of 10 Americans in the Democratic camp, in the Republican camp, in the Independent camp, in every geography of America. Don't be part of going so profoundly, so fundamentally, so overwhelmingly against the will of the American people.

We put a lot of things on packages because the American people ask for that information. If you buy in a grocery store of any size, they are required to put whether fish is farm raised or wild. Why do we require that? It is not because being farm raised is going to kill people; it is because citizens have a desire to know and to vote with their food dollar—vote with their food dollar for something they believe to be important. It may have to do with the taste of the product. It may have to do with the difference in antibiotics that are used in farmed versus wild. It may have to do with their desire to envision that food when it was swimming the broad, beautiful Pacific Ocean, the incredible salmon of the Pacific Ocean and the salmon of the Atlantic Ocean. But the point is, it is their right to know. Nothing much is as important to us as what we put into our bodies.

People fundamentally feel they should be able to have full information. We, indeed, provide information on whether juice is reconstituted from concentrate or is fresh, not because it will cause you to get sick, not because it is unhealthy to consume, but because consumers desire to know and they want to exercise their food dollars appropriately. Some people say: I really would like to have the stuff the way it was squeezed out of the fruit rather than frozen and condensed and reconstituted. So we provide that information because of that citizen desire. Should we not honor our citizens in this issue as well? Isn't it wrong for a group of Senators to plot to come to this floor and to put forward an amendment or put forward a reconsideration or put forward a bill on short notice so that the American people have little chance to weigh in? Personally, I think it is very wrong. That is why I am speaking today.

It is not as if this question of putting labels on food is something new or different; it is being done all around the world. Sixty-four countries, including 28 members of the European Union and Japan and Australia, already require mandatory GMO labeling. We can add Brazil to that list. We can add China to that list.

China has no democratic forum in which to respond to the will of the people. The decisions are top down. Yet the leadership of China has said: Our consumers care enough about this that we are going to disclose that information. Isn't it profoundly ironic that here in the United States of America, where citizens have a voice, a group of Senators are trying to suppress that voice, are trying to implement and deny Americans the right to know, when the leaders of China have decided this is information consumers deserve?

Let me return to where I started—the vision of a ''we the people'' democracy. We have gone far afield from that. The role of money in politics has put us in a very different position because that money weighs in, and it corrupts the fundamental nature of our legislative process. That is why we are having this debate over denying Americans the right to know when 9 out of 10 want that information—because of the corrupting power of massive concentrations of campaign cash in our system.

So let's do something we should do all the time: Set aside the campaign. Set aside the desire to raise money. Set aside those issues and ask yourself, aren't we here to help pursue the will of the people? In this case, in our ''we the people'' democracy, shouldn't we give our citizens the same right to know—a right they overwhelmingly expect and demand—as 64 other countries in the world?

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

TULSA RACE RIOT ANNIVERSARY

Mr. LANKFORD. Mr. President, I would like to ask this body for just a moment to remember something that there are probably many people who have never heard of for the first time because, for whatever reason, a bit of America's past seemed to just disappear from memory as soon as it occurred. Let me take us back almost 100 years for a moment.

The summer of 1919 was commonly referred to after the fact as the ''Red Summer.'' The Red Summer included race riots all over America, White-on-Black riots specifically. There were White individuals moving into Black neighborhoods and devastating those communities. That happened in Charleston, SC; Long View, TX; Bisbee, AZ; Norfolk, VA; Chicago; Washington, DC; Elaine, AR; Knoxville, TN; Omaha, NE; and many other places. Scattered around the country, one after another, month after month, those race riots moved.

As World War I veterans—at that time, we called it the Great War—as those veterans returned home, many looking for jobs—and the anxiety that rose up from that—as many Black Americans who had bravely fought in World War I pursued jobs and were unable to get them or were hated by Whites because some of these Black individuals came home and took some of the jobs that they were ''entitled to,'' the tensions began to rise across the country. It burst out into riots.

Oklahoma was mostly spared from that in 1919 and in 1920, but on May 30 of 1921, a young man named Dick Rowland who worked downtown, an African-American gentleman, was 19 years old. He was actually shining shoes in downtown Tulsa, which, if you have ever been to Tulsa and if you have missed it—if you have never been there, you need to go. It is an absolutely beautiful town. If you can ever see the pictures of what Tulsa looked like in the 1920s, you would be astounded. It was an oil boom town. Oil was discovered all around Tulsa, and people came from all over the country. Most of those individuals around Tulsa who put in oil wells suddenly became rich, and Tulsa became a wealthy community extremely rapidly. The architecture and history of it is beautiful. But, like every other town in Oklahoma in the 1920s, it was also segregated by law.

The Northern District of Tulsa at that time was called the Greenwood District, just north of downtown. It was an incredibly prosperous community. In fact, African Americans from around the country moved to Tulsa because there were doctors and lawyers and businesses, grocery stores, department stores. It became a very wealthy community because some individuals lived in Greenwood and worked in Tulsa, which was a fast-growing, wealthy city.

Also, there was great freedom within the Greenwood District. Oddly enough, the segregation that was required in Oklahoma at the time also caused Greenwood to grow because many African Americans could not buy groceries or could not go to certain restaurants or go into certain businesses or department stores in Tulsa. So when those businesses opened up in Greenwood and the population continued to grow, it became a fast-growing city as well. In fact, it was nicknamed the Black Wall Street of America. That community was extremely well educated, had many World War I veterans who had come home, many businesses and entrepreneurs. It became known as a place where Blacks could come from around the country and start businesses, grow businesses, and grow into prosperity. I would love to be able to show you all the homes and the places—what that looked like in the 1920s. It was a beautiful district.

I will get back to my story about Dick Rowland. Working downtown in Tulsa—most buildings in downtown Tulsa would not allow a Black man to go to the bathroom there, but the Drexel Building would, so he would go to the Drexel Building to go to the restroom. He would go on the elevator because the restroom he was allowed to use was on an upper floor. That particular day, on May 30, 1921, he got into

the elevator, and the elevator operator was a 17-year-old young lady, a White lady named Sarah Page. The elevator doors closed. As they got to the upper floor, they got off. At that point, Sarah Page screamed. To this day, we don't know why. We don't know if there was an altercation. We don't know if Dick Rowland bumped her and she screamed. We don't know if she was just scared, and we don't know why. But a friend heard her scream, came running, saw Dick Rowland stepping out of the elevator, and accusations started immediately. Within 24 hours, the police arrested Dick Rowland and took him to the courthouse and the jail in downtown Tulsa.

By the time the afternoon paper had been released on May 31, 1921, the word was out that a young African-American male had raped a White female in the elevator at the Drexel Building, and a mob began to form outside of the courthouse. That mob gathered around. They say it started out with around 100 and then quickly grew to 200.

The sheriff in Tulsa, understanding the threat there of this mob gathering around the building calling for Dick Rowland to be delivered to the mob, immediately turned off the elevator in the courthouse building and put up armed guards in every staircase around that building to not allow any of the people from the mob to get into the building, to try to get upstairs, and to be able to get Dick Rowland out. But the mob continued to grow outside that building. I understand that by the end of that day, it was now approaching over 1,000.

Not far away from there at all, the men who lived in the Greenwood District heard that the mob was gathering. As I mentioned before, many of them were World War I veterans. They loaded up with their weapons and went to the courthouse to offer their assistance to the sheriff to be an additional armed guard there.

The sheriff denied it, said they had the situation well in hand, and turned the men away. As the mob continued to grow and continued to press the sheriff, the men returned and said: You need our help here. We do not want a lynch mob in our city. We have all heard what had happened in other cities just a year ago. We don't want that happening here.

The sheriff again turned them away and said: You are not needed here; we have the situation at hand.

But as the men left that second time, some White men in the crowd confronted some of the African-American men as they left. There was a struggle as one of the White men tried to take away the guns from the African-American men and a shot was fired.

The rest of it was chaos. Many of the African-American men headed back to the Greenwood District as quickly as they could as that mob turned into a riot. They pursued them back to the Greenwood District of Tulsa. It was not far away, literally just on the other side of the tracks from downtown Tulsa. They pursued them back into the Greenwood District and started a massive riot the evening of May 31.

The police, trying to quell this massive riot that broke out, immediately deputized many White men who were gathered around downtown Tulsa, gave them weapons, and told them to go arrest as many Black people as they could to stop the riot.

They ran into the Greenwood District and shootings began all over the Greenwood area. Many African-American men—the numbers are up over the thousands—were arrested, dragged into Tulsa, and were put in temporary detention facilities there and held, which left the Greenwood District completely unprotected.

Looters and rioters moved through that part of Tulsa all throughout the night and into the next morning, literally looting every home, looting every business, doctor's office, grocery store, and department store—looting each one of them and burning them to the ground. By the time the National Guard arrived the next day to try to stop the riot, almost every building, home, and business—everything in a 1-mile square that was the Greenwood District before—was completely destroyed.

It makes you wonder what happened then. It is estimated that over 300 people died that night in Tulsa. No one was ever charged with a crime.

Dick Rowland, whom I mentioned before, was released from jail because no charges were ever pressed against him. Sarah Page never pressed charges against him.

Insurance companies refused to pay the African-American businesses that were burned to the ground. They walked away.

What happened next is even more surprising to me. I am not surprised that many African-American individuals who lived in the Greenwood District left. I don't blame them, but most everyone stayed. They literally rebuilt their homes by living in tents for a year.

The American Red Cross moved in and helped build wood platforms where there used to be homes so that tents could be built in that spot and people could live there while they rebuilt their own home and rebuilt their own businesses. One by one they rebuilt.

Mount Zion Baptist Church had just been finished a few months before that and had a $50,000 mortgage on it. No one walked away from that church. They rebuilt that church, and they repaid the $50,000 mortgage that was owed from before. Block by block, individuals started rebuilding Greenwood.

By the 1940s, and given all the struggles that had happened, it never fully recovered to what it was before. What is also fascinating about it is that the State of Oklahoma quietly ignored what happened that day. Most folks growing up in Oklahoma have never even heard of the Tulsa race riot. In many ways, the Tulsa race riot is kind of like that uncle you know in your family who ended up in jail and at Christmas no one talks about. Everyone kind of knows they are out there, but you never discuss them. That was the Tulsa race riot for Oklahomans for a very long time, until just a couple of decades ago, when the conversation quietly started again about a very difficult part of our history.

So 95 years ago this week, the worst race riot in American history broke out in Tulsa, OK. In 5 years the entire country will pause and look at Oklahoma and will ask a very good question: What has changed in 100 years? What have we learned in 100 years?

I would say a few things. I would say we can remember. There is great honor to be able to say to people: We have not forgotten about what happened. We have not ignored it. We have not swept it under the rug and pretended it never happened. We remember.

I think there is great honor in that. We can recognize there is more to be done and that we can't just say: You know what; that was then, and this is now. There is more to be done.

Our own racial challenges and what has happened in the country just over the past few years remind us again that we don't have legal segregation any more, but we still have our own challenges as a nation. We still need to have a place in the Nation where every person of every background has every opportunity. It is right for us. We can respect the men and women who lived, worked, died, and rebuilt. We can pour respect on those individuals who are still working to rebuild.

These are people such as Donna Jackson, who is leading a group that she calls the North Tulsa 100 who say that by the time we get to the 100th anniversary just 5 years from now, there will be 100 new businesses in the Greenwood area. The jewel of Black Wall Street was the number of businesses, entrepreneurs, and family businesses that were there. Donna Jackson and the group that is around her—business leaders, church leaders, individuals from the area, family members, and some of them even connected to the survivors of the riot itself—are all committed to what they can do to reestablish the business community again in Greenwood and North Tulsa and not looking just for Black businesses, but businesses—period. They wish to reengage a community that is still scarred years later and to be able to have some respect for those folks who run the cultural center at John Hope Franklin Reconciliation Park and the individuals who are willing to talk about it in a way that is open, honest, and not accusatory. But my fourth ''r,'' after remember, recognize and respect, is reconciliation. What are we going to do as a nation to make sure that we are reconciled?

This simple speech on this floor is not going to reconcile our Nation. We have for years said this is something

we need to talk about. Quite frankly, we do need to talk about it, but we also need to do something about it. What can we do to make sure that our children do not grow up in a nation that forgets its past but also to make sure it is not repeated again and to make sure that all individuals are recognized and respected and that every person has the same opportunity. There is no simple answer, but I bring to this body a story that I think is important for us to talk about—the worst race riot in American history, in my State, and in all of our States.

I bring to us a question. Five years from now, we as a nation will talk about this even more when it is the 100-year anniversary. Who are we as a nation? How far have we come, and what do we have left to do to make sure that we really are one Nation under God, indivisible?

With that, I yield back the remainder of my time.

The PRESIDING OFFICER. The Senator from Texas.

Mr. CORNYN. Mr. President, I thank our colleague, the Senator from Oklahoma, for telling that marvelous story and offering some hope—not just talking about it but doing something about it as well.

Of course, it reminds me a little bit of our recent trip to Charleston and the amazing thing that happened there after a terrible tragedy when a young man opened a gun in a church and a killed a number of innocent people who were there worshipping and who had taken him in.

Just as the story told by the Senator from Oklahoma, one of the things we found when we visited Charleston later, as the Presiding Officer will recall, was the power of forgiveness. This changed the entire conversation when people in great pain, suffering an unspeakable tragedy, had the faith and the fortitude to stand and say: You hurt me, but I forgive you.

It was very, very remarkable. It reminded me of that experience. What Senator LANKFORD was telling us about Tulsa—the Tulsa race riot—reminded me of the similar lesson and example. There is perhaps nothing more powerful than a good example, and we saw that rising out of great hurt and great hate.

I thank the Senator for telling the story and reminding me of that recent experience in Charleston.

Mr. President, sometimes when I go home to Texas, my constituents tell me: I don't know how you stand it. I don't know how you stand the frustration of working in Washington and dealing with some of the politics, the unnecessary obstacles, the procedures, just the delay—the do-nothing aspects of this job.

Unfortunately, I was reminded of that again because we are here ostensibly working on a national defense authorization bill, burning daylight and wasting time when we could actually be dealing with the needs of our men and women in uniform—making sure they have the equipment, training, and the tools necessary to fight our Nation's wars and keep our Nation safe.

But we are just burning hours on the clock because the Democratic leader, in his—I was going to say in his wisdom. I don't think it is in his wisdom. I think it is just an effort to delay our ability to progress with this important legislation on a bipartisan basis. This is legislation, after all, that was supported by every Democrat on the Senate Armed Services Committee. They know what is in the bill. It has been posted for a long time. Anybody who really cared enough to find out could have found out what was in this bill. We could be having a debate and a discussion about how we can improve it, about how we can reconcile the House and Senate versions and get it to President Obama for his signature so our troops don't have to wonder, so they don't have to wait, and so they don't have to worry about whether we care enough to get our work done to support them.

Despite all the foot dragging we have seen and the frustrations that are just inherent in this job—because things never happen as quickly as any of us would like, and I think certainly that adds to the public frustration—we actually have been getting some things done around here. It is just that we have had to grind them out and take a long time do them.

But I know the majority leader, Senator MCCONNELL of Kentucky, is determined to complete this legislation, and we will. In Senator MCCAIN, the chairman of the Committee on Armed Services, we couldn't have a more forceful advocate for the men and women in uniform and the veterans. Of course, he was a great example of that true American hero—a former prisoner of war himself. You can tell how passionately he feels about doing our duty by our troops.

I did want to mention a few things I will be offering by way of amendments that I think will help make America safer and take some small steps toward correcting some of the foreign policy mistakes we have seen from this administration over the last few years.

The first two amendments I intend to offer focus on countering the world's foremost state sponsor of terrorism; that is, the nation of Iran. The first amendment I have specifically targets an airline called Mahan Air, which is that country's largest commercial airline—the largest commercial airline and the No. 1 state sponsor of terrorism. This airline has repeatedly played a role in exporting Iran's terrorism. It supports the efforts of the Quds Force, an elite fighting unit of Iran's Islamic Revolutionary Guards, and supports Hezbollah as well. We might as well call Mahan Air ''Terrorist Airways.'' That might be a more appropriate name. Because of its role in ferrying Iranian personnel and weapons throughout the region in the Middle East, it plays a big hand in undercutting the interests of the United States and our ally Israel.

Of course, everywhere you turn, Iran is up to some sort of mischief—in Syria, obviously, with their efforts to shore up the corrupt and brutal regime of Bashar al-Assad, its support of Hezbollah, Hamas, and other terrorist organizations. It seems like everywhere you turn, they are up to no good. And, of course, there is the nuclear agreement, which I think was enormously misguided, and they have thumbed their noses at the very basic elements of that agreement, demonstrating they have really no interest in complying with it. And the United States, in turn—well, actually the administration; because it is not a treaty, it doesn't bind future Presidents—but we have essentially, in the words of Prime Minister Netanyahu of Israel, not contained or prevented Iran from gaining nuclear weapons; we have essentially paved the pathway.

Today, Mahan Air is working to add more international airports to its flights, including several in Europe. Given the links to terrorist activity, we have to consider the potential security risks to Americans and others who fly in and out of airports where Mahan aircraft may land.

This amendment would require the Department of Homeland Security to compile and make public a list of airports where Mahan Air flies, and it would require the Department of Homeland Security to assess what added security measures should be imposed on flights to the United States that may be coming from an airport used by Mahan Air.

I recently had the chance—and I have spoken about this—to go to Cairo with the Homeland Security and Governmental Affairs Committee and the chairman of the House Committee on Homeland Security, my friend MICHAEL MCCAUL of Texas. One of the things we looked at was airport security because there are flights that currently exist between Cairo and JFK Airport in New York. It is my understanding there are also flights planned from Cairo to Reagan National here in the District of Columbia.

Following the explosion on a Russian plane out of Sharm el-Sheikh in southern Sinai, it is pretty clear Egypt has a lot of work to do to improve its homeland security measures in both its screening of baggage and also personnel who work at airports.

So you can see why people would necessarily be concerned about the action of Mahan Air and what risk that might expose innocent passengers to. I hope my colleagues will review the proposal and support it.

The second amendment I have related to Iran would require President Obama to determine if Iran violated international law several months ago when it detained a number of U.S. sailors. Under bedrock rules of international law, all ships, including U.S.

Navy ships, have the right to innocent passage through another nations' territorial waters. In other words, when one of our Navy's riverine boats is innocently transiting across Iranian waters and is not engaged in military activity or taking any other action that would prejudice the peace and security of Iran, it is against the law—against the law—for Iran to stop, board, and seize that vessel. Iran can't just remove our sailors from their boats and detain them in Iran because they feel like it or steal the GPS units from those boats.

In addition, the Geneva Convention makes clear that Iran can't detain for no reason and exploit another nation's military servicemembers, especially not for propaganda purposes, which is clearly what they did. Iran can't force our sailors to apologize when they have done nothing wrong. Iran's Revolutionary Guards and their state-controlled media had a heyday with the videos and images of our sailors they captured and purposely humiliated.

It seems very likely, based on available evidence, that they violated our sailors' rights of innocent passage and very likely the Geneva Convention itself, and I think we need the Commander in Chief to call Iran into account. This type of destabilizing and dangerous behavior by Iran cannot occur without some consequences.

My amendment would require the President to determine if the rules of international law were broken and, if so, require the imposition of mandatory sanctions on Iranian personnel who were involved.

A third amendment I have introduced would grant tax-free income status to U.S. troops deployed to the Sinai Peninsula.

As I have mentioned before, after our trip to Cairo, we flew out to North Camp, a peacekeeping mission in the northern part of the Sinai. This is an area between the Gaza Strip and Egypt where, as part of the peace agreement between Egypt and Israel, negotiated by Prime Minister Begin, President Sadat, and President Carter, this peacekeeping operation was established. It is called the Multinational Force & Observers, and it is largely made up of U.S. military, although it is led by a two-star Canadian general and a number of Colombian soldiers and others.

Our troops play a strategic role in maintaining peace between Egypt and Israel right there in the northern Sinai, and their work is incredibly dangerous. Unfortunately, some Bedouin insurgents have now affiliated themselves with ISIS. They have claimed allegiance to the Islamic State and are regularly putting out improvised explosive devices, which kill Egyptian peacekeepers.

By granting our troops tax-free status for their pay, we can put them on equal footing with other American troops who are deployed in other dangerous places, such as Afghanistan and Iraq and other similarly dangerous hot spots around the globe.

Finally, I mentioned earlier this week that I will be submitting an amendment to support the human rights of the Vietnamese people. The President has been in Hanoi for the last couple of days, but, frankly, the conduct of the Communist regime is marked by the regular silencing of dissidents and the press and anti-democratic, heavyhanded tactics to stay in power at any cost, not to mention the denial of religious freedom. By one estimate, Vietnam is currently detaining about 100 political prisoners.

Clearly, this country does not come anywhere close to sharing the values we have here in the United States, democratic values, and rather than steadily improving, I am afraid there is no sign the Vietnamese Government is working to advance more freedoms for its people.

Just this last week, during the visit of President Obama, it was reported that several activists who planned on meeting with the President were detained by the Communist Party and prevented from doing so. Similarly, a BBC correspondent said that the Vietnamese Government ordered him to stop his reporting, simply silencing this reporter from the BBC. Earlier this month, the wife of a Vietnam activist testified before a subcommittee on the House Foreign Affairs Committee about her husband, a human rights lawyer, who was beaten by plainclothes officers and imprisoned. What was his crime? Well, according to the government, he was charged with ''conducting propaganda against the state.'' His wife hasn't seen or heard from him in months.

While I support increased economic and security ties with Vietnam, I don't believe we should sacrifice our commitment to human rights in the process. We should not be seen as tolerating this sort of anti-democratic behavior. At the very least, we shouldn't be rewarding it with new access to arms deals by completely lifting the long-time arms embargo against Vietnam. And what did we get in exchange? Well, I think it approaches zero or nothing.

My amendment would help ensure that we don't reward Vietnam for bad behavior, such as human rights abuses, when we confer upon them benefits, such as lifting the arms embargo, and that they show some respect for democratic values, religious liberties, and human rights.

We have to keep in mind that the Vietnamese people in that country have no real voice because they are subjects of a Communist dictatorship. We must do more to put pressure on the regime in Hanoi to empower their own people.

CROSS-BORDER TRADE AND ENHANCEMENT ACT

Separately, Mr. President—and I see my colleague from Wyoming wants to speak, so let me conclude with this—earlier today, the Homeland Security and Governmental Affairs Committee passed legislation I have introduced called the Cross-Border Trade and Enhancement Act, a bill that would help our ports of entry by strengthening public-private partnerships at air, land, and sea ports.

In Texas, because we share a 1,200-mile common border with Mexico, we have seen upfront and close the security challenges—which we need to do much more to address—but also the benefits of bilateral trade. As a matter of fact, trade between the United States and Mexico supports about 6 million American jobs.

We have seen time and time again how important these public-private partnerships are in helping to reduce wait times for the flow of commerce across the border and moving people and goods across safely and efficiently. This isn't just about convenience; this is about security and compliance with our laws, interdicting illegal drugs and other activities.

This legislation would also improve staffing, in addition to modernizing the infrastructure to help better protect legitimate trade and travel and keep our economy running smoothly.

I thank the chairman, Senator RON JOHNSON, for his commitment to this issue and commend him for his diligent effort in leading the committee. I am glad the committee understands that the priority here is to strengthen our ports of entry at the border and across the country.

I am grateful not only for the committee's support but also the bipartisan support of other cosponsors, including Senator KLOBUCHAR, the senior Senator from Minnesota, and Senator HELLER, the junior Senator from Nevada.

As always, I appreciate my colleague on the House side, HENRY CUELLAR, for working with me on a bipartisan basis and introducing companion legislation in the House.

I hope now that the Homeland Security and Governmental Affairs Committee has acted, this Chamber will take up the bill soon so we can build on the success of similar programs in Texas and across the country.

With that, Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Wyoming.

OBAMACARE

Mr. BARRASSO. Mr. President, I come to the floor today to talk once again about the health care law.

This past weekend I was home in Wyoming—as I am just about every weekend—visiting a community called Lovell, WY. At Lovell, we had a health and fitness fair that was focused on kids and adults in terms of prevention of problems and early detection of problems. They could get their blood tests done there. In talking to hundreds of people there at the hospital, what I heard again and again, as I do each weekend, is that this health care law is having a negative impact, a hurtful impact on the people of my home State of Wyoming.

I want to spend a little time today talking about what is happening there. On Monday night, Senator ENZI and I had a chance to have a telephone townhall meeting. We talked to a lot of people around the State, and this continues to come up: the high increases in costs, in spite of what the President promised. He promised that insurance rates would go down by $2,500 per family if his health care law was passed and signed. In fact, the exact opposite has occurred. Today I had lunch with a number of students from Lander, WY, in Freemont County, and again this came up as a topic of discussion.

What we see is that the insurance companies at this time of year are turning in their rate requests—the requests they have to increase their rates for next year.

I am going to talk about places all over the country now because it is not just Wyoming that is suffering under the President's health care law, it is all around the country.

Families in Iowa now know that their insurance company wants to raise premiums by as much as 43 percent for some plans. Some families in New York have learned that their rates may be going up as much as 46 percent. Let's turn to New Hampshire. There are families in New Hampshire who have gotten the news that they could be paying 45 percent more. So when we look State by State by State, what we are seeing across the country is rates going up dramatically, impacting the ability of people to even afford their insurance.

A health care group looked at nine States where information has been released. They found what they call a standard shopper for insurance. The average cost of a silver plan—the most commonly sold plan—will go up 16 percent next year. That is for a typical, say, 50-year-old person who doesn't smoke. It adds to an average cost of about $6,300 per year for that person trying to buy insurance.

What we are seeing today is more and more people getting sticker shock under ObamaCare. The health care law has created so many problems for the American public—for taxpayers—because taxes have gone up as a result of this for providers of health care and certainly for patients. The health care law has caused mandates. It has put restrictions in place. It has been made so expensive that most people think it is not a good deal for them personally, which is why, in terms of the number of people who were uninsured when the law was passed, fewer than one in three of them have actually signed up for ObamaCare. That is because all these mandates and all these restrictions have made insurance much more expensive when it comes down to actually trying to get care.

Let me point out that the President is very specific when he talks. He doesn't talk about people getting care; he talks about coverage.

The headlines in the New York Times have been that there are a lot of people with coverage who can't get care. There was a story last week about so many people in New York City who feel that ObamaCare is a second-class program. They have that insurance card, but it doesn't help them get to see a doctor—certainly not one they want or need for the problems they are having.

Some insurance companies have lost so much money by selling insurance on the ObamaCare exchange that they have decided to drop out of the exchanges entirely. They said: We are done with it. We can't afford to continue to sell it this way.

We know the insurance company Humana is dropping out of several States. We know that UnitedHealthcare is leaving all but a handful of States. In Colorado, 20,000 people have received letters saying that they are losing their insurance plan next year because companies cannot afford to sell it. And it is only going to get worse.

According to a recent survey by McKinsey & Company, it turns out that only one out of every four health insurance companies made a profit last year. Those are the ones I am talking about specifically selling insurance on the ObamaCare exchange. So one out of four made a profit; three out of four lost money. And we say: How is it that they were able to make a profit?

Well, this is what they did: The ones that were able to make a profit tended to be companies that have a lot of experience offering Medicaid insurance. Basically, they took their Medicaid plans and sold them to people on the ObamaCare exchange. These are plans with very narrow networks of doctors, so you can't just go to any doctor you like, and they have very narrow numbers of hospitals, so you can't go to any hospital you like. For these specific companies, a lot of these plans are ones that have very high deductibles. So somebody may have an insurance card, but the deductible is so high—the dollar-for-dollar out-of-their-pocket expense—that they say they can't afford to see a doctor, and they have ObamaCare, which they are finding is essentially useless for them.

There were different levels of insurance plans that ObamaCare came out with—bronze, silver, gold, and platinum. Most of the people have been choosing the silver plans because that was thought to be sort of the midrange plan. Well, now those silver plans are coming with very high costs. This means that people may be paying, again, for coverage, but they are not getting care.

There is a company in Virginia. They have decided they are getting rid of the bronze plan entirely. They have said ''No, we are not going to sell the bronze plan anymore,'' and they are pushing all of their customers up into the silver plan. They are doing this, but if you are one of the people who had the bronze plan that they are not going to sell anymore, you can see your rates going up 70 percent from what you were paying this year—an increase of 70 percent. Some of these silver plans have gotten so inadequate that they are now what the bronze plans used to be. This is all as a result of what the Obama administration forced down the throats of the American public and every Democrat voted for and every Republican voted against.

One insurance company is actually offering a silver plan next year that comes with a deductible of more than $7,000. Now, that is how much someone would need to pay out of their pocket before insurance actually kicked in. Blue Cross of Idaho is talking about a deductible of $6,850 for their silver plan. That is for the silver plan—the one that Democrats said was supposed to be the benchmark plan, the one that the subsidies are linked to.

Let's think about what a $6,850 deductible means for most people. According to a new poll out by the Associated Press, two-thirds of Americans say they would have a hard time actually coming up with $1,000 for an emergency. So, then, how are they supposed to come up with over $6,800 in case of a situation that they may find confronting them?

These kind of plans, where people pay a lot and don't get much in return, are what President Obama and the administration used to call ''junk insurance.'' I remember the President talking about that. ''Junk insurance'' is what he said. He said that the health care law would stop that; that would never happen under an Obama administration and an Obama plan. Instead, this President, under ObamaCare, is pushing more and more people into these kinds of plans, and this administration is even subsidizing them.

So premiums are going through the roof. The deductibles are going up so high that people have insurance—which is mandated by law that they have—but it turns out that, for many of them, it is useless. People may have to find a new primary care doctor or a new pediatrician every year because they are getting switched from plan to plan to plan because they can't afford the plan that they have, and the rates continue to go up. And the President, who had once said ''If you like your plan, you can keep it,'' now says ''Oh, no, you had better shop around.'' He said that if you like what you have, you can keep it. He completely flipped and now says that you had better shop around.

People continue to lose plans because insurance companies are going out of business or they just quit selling insurance entirely. To me, this is just one more sign that this health care law is a sinking ship. It is falling apart. And insurance companies have found that one reason they are losing so much money is that their customers are sicker than the President thought they would be and that the insurance companies thought they would be. The people who are healthy basically aren't interested in buying this very expensive

insurance. They feel it is a waste of their money and would rather just pay the fine to the IRS.

On Monday, the head of the State ObamaCare co-op in New Mexico was on the television network CNBC, talking about this problem. His name is Dr. Martin Hickey, and he is the CEO of New Mexico Health Connections. His company is asking to raise premiums for some of its plans by 34 percent next year. Still, he said, ''With these heavy rate increases''—and these are heavy rate increases—''the problem is the people who are going to say 'for a $695 penalty, to heck with it.'' So of the people the President is mandating to buy insurance, many are saying, ''to heck with it.'' That is what we hear from this CEO.

Look, this is just what Republicans have been predicting ever since Democrats first brought this health care law to the floor and they passed this extraordinarily expensive law and mandates on the American public.

Dr. Hickey, CEO of New Mexico Health Connections, said, ''The healthy are abandoning insurance, and what you're left with is the sick, and you can never raise your rates high enough.'' That is not what Democrats promised. That is not what they stood up here on the floor and talked about. They promised—and so did President Obama—that the health care rates would go down. They promised insurance coverage would get better. It has not. It has gotten much worse. They promised that if you like your doctor, you can keep your doctor. In many cases, you can't. They promised that if you like your insurance, you can keep your insurance. In many cases, you cannot.

People all across this country are getting a reminder of ObamaCare's broken promises as the health care requests for increases come out. Democrats want to double down on this failed health care law and add more mandates and more restrictions. They want more government control over people's health care.

It does seem that everything the Democrats propose just makes prices go up faster. That isn't what the American people wanted, and it is certainly not what we need from health care reform in this country. This law was passed 6 years ago, and it is getting worse every day.

Mr. President, I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. TOOMEY). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

OUR NATIONAL DEBT

Mr. ENZI. Mr. President, I want the Presiding Officer and my colleagues and the people of America to know what is keeping me awake nights. It is actually thoughts of my grandkids and their future that keep me awake nights. I see a bleak future for them because of our overspending, and I hear their small voices saying: You were there. Why didn't you fix it? Why didn't you give us the chance you had? We didn't want anything for free. We just wanted an opportunity to earn our own way to what was the American dream.

How are we going to answer that question? I am not just asking the Members of Congress, I am asking everyone in America because everyone has and is getting benefits from this great country at the expense of the future.

Let's look at the problem together. Here is where we are right now and where we are headed: Our national debt isn't sustainable because of the interest alone. Interest on the debt could mean we would have to make cuts to programs we never dreamed of cutting. We already owe $1,900 billion. Sometimes that is called $19 trillion. I prefer to call it $19,000 billion; it sounds like more. That is soon headed to $20,000 billion, or $20 trillion. We have already exceeded that. At 1 percent interest—and that is interest alone—interest would amount to $200 billion a year.

We need to worry about when the interest rate gets to the norm of 5 percent, and that could happen as early as in the next 3 years. Imagine if the interest rate went to 5 percent; 5 percent is the historic average for Federal borrowing. Excluding mandatory spending, we currently only get to make decisions on $1,070 billion a year. Do the math. Five times $200 billion is $1,000 billion. Remember, we only get to make decisions on $1,070 billion a year. So interest alone could crowd out almost the entire annual budget. What would that extra $70 billion fund? When that happens, could we forget about funding defense or education or agriculture or any of the other programs we are expected to fund?

What we are doing is not sustainable. What would we be forced to cut just to pay the interest? How many people do you think would be willing to invest in America just in order to get their own interest paid? The answer is no one. Incidentally, we may already be borrowing to pay interest, but so far no one knows it—yet.

From a Bloomberg business article, ''There's an acknowledgement, even in the investor community, that monetary policy is kind of running out of ammo.'' That was said by Thomas Costerg, the economist at Standard Chartered Bank in New York City. A lack of monetary ammo will drive up interest rates dramatically, forcing us to pay even more interest on our debt. Because we are the largest economy in the world, there isn't anyone who could bail us out.

There are lots of causes to this problem. Let me cover some of them. We don't ever look back at what we have done. We keep looking forward to new things we would like to do to help everyone out. Every elected official has great ideas for something that might make a difference, but we don't look to see if it already has a similar program or if what we already do in that area is working. In fact, the bills we passed don't have enough specificity to know if we are achieving what we hoped we would get done.

Without measurable goals, we can't measure progress. We don't include specificity for how we are going to achieve our goals, which allows or forces agencies to go where they want to go. We never know if we actually solved the problem we started out to solve. For some Federal employees, it is important never to get the problem solved as their jobs might be eliminated.

Have you ever had an agency come to you and suggest that their mission no longer exists so we should end their funding? Not that I know of.

Once a young man came to me and he said: This will probably cost me my job, but what I am doing doesn't have to be done at all. By telling you this, I will probably lose my job, but I feel strongly about it.

I told him he ought to be promoted and worked to have that happen.

I want to congratulate Senator GRASSLEY for his efforts on whistleblower protection so employees can point out problems without retaliation. We have regulations that cost jobs and the economy for very little value. We have a rule that there has to be a cost-benefit analysis for any project over $100 million of impact, but that is seldom done, and there are few standards for doing it anyway or requirements to actually force it to be done. The benefits might be costed over decades while the costs are immediate and continuing.

If we can improve the private economy by 1 percent, we would increase revenue to the Federal Government by $400 billion without raising taxes. Instead, we have gone from GDP—that is private sector productivity—from 2.7 percent down to 0.5 percent. That is a huge loss of tax revenue.

We have regulations that have been on the books for years that haven't been reviewed to see if technology has made them outdated. Regulations cost jobs but only in the private sector. When is the last time you remember a Federal employee being laid off because of budget cuts or ending a program? I know we passed a major education bill here recently, and we eliminated the national school board and a lot of the national requirements.

So when we had the new nominee for Secretary of Education, I asked him how many jobs that was going to save in the Department of Education. He said: Well, none. We are just going to move them around and use them in other places. Wrong answer. According to the Congressional Budget Office, we saved 237 jobs that will not have anything to do.

There are 96,000 Federal employees in the District alone. What are they all doing? An example is a principal who came to see me my first year here. He had been filling out Federal reports for a long time, and he wondered where they went. So I sent him to the Department of Education, and he spent a semester there and followed all those reports around. Then he came and reported to me. He said: You know, they really look at those carefully. They make sure every single blank is filled in. They make sure every single blank has a logical answer. If it doesn't, they send it back. They get it back, and they check it over again. Then, they file it and nobody ever looks at it.

I have been trying to get rid of some of those forms since that time.

How about expired Federal programs? Last year I spoke often about the 260 programs we still have that expired, but we are still spending money on them to the tune of $293½ billion a year—260 programs expired, $293½ billion paid out to them each year. One of them expired in 1983, another one in 1987, and most of them before 2006, and we are still giving them money.

After a year of harping on it, I find that we have reduced the number of expired programs from 260 to 256, but we have increased the spending on expired programs from $293 billion to $310 billion. That is not progress.

Here is another part of the problem. I have this housing chart. There ought to be savings from better organization. We have 20 Federal agencies here. Somebody once said that if you take the 26 letters of the alphabet and you picked any 3 or any 4 and you put them in any order you want to, there would be a Federal agency by that name. We have 20 of those right here, and that isn't the whole chart. It would take a much bigger chart to show the whole story, because these 20 Federal agencies oversee 160 housing programs. How many housing programs does it take? What are they doing? Could they be combined? We don't look at that.

Wouldn't consolidation of these result in some kind of savings? Maybe consolidation would result in some efficiency. Shouldn't all of this be controlled by one entity? What are we trying to achieve in housing? Do we have 160 different plans and goals? Shouldn't we consider that a major economic sector and have that a separate part of our budget? Can't some of the programs be combined?

When I came to the Senate, there were 119 preschool programs for children. We all know and acknowledge the value of preschool and how it increases their earnings later on and cuts down on the amount of crime and helps the economy. We all know and acknowledge that value, but Senator Kennedy and I found that many of them have been evolved into expensive childcare services rather than education, and they weren't meeting their goals. We were able to get those programs down from 119 to 65. That was all that was in our jurisdiction of Health and Education. Later we were able to get some of those others down to 45. Two years ago, I got an amendment passed that the programs had to be reduced to five and all of them put under the Department of Education. Even though that is the law, that hasn't happened yet.

Does the Federal Government ever take a cut in dollars? We get instant complaints if the requested increase is less than what was asked for—not less than what they had the year before, less than what was asked for. Only in government is that considered a cut. Our budgets and spending are set up to allow everyone to get what they got last year, plus the amount of inflation. We call it baseline budgeting. Many governments have gone to economic sector budgeting under a cap of expected revenues. You don't look at what the expected revenues are. Some governments only borrow for long-term infrastructure investments. We borrow for day-to-day expenses. As I mentioned earlier, we could be borrowing to pay our interest on our debt.

I am not even going to cover the Tax Code that has evolved from raising the basic money to run the government to a way to legislate social programs or for special benefits to individuals and businesses. Our Tax Code is costing us jobs.

What are some of the other causes of our debt problem? We are really good at new and super ideas. Every idea is designed to help out the folks back home. They all lend themselves to the greater good, but if they aren't paid for, they steal from the future. We found many ways to steal from the future. We are spending money that will not be there for our kids or our grandkids to spend. As my grandpa would say, it is ''like milking a cow in a lightning storm, they'll just be left holding the bag.''

We fudge these new ideas into existence. The easiest way is to do a demonstration program. Demonstration programs let you ease into the spending a little at a time—boil the frog slowly. You just start it in a few cities or States to show what a difference that idea would make. Demonstration programs are always sold on the basis that a successful program will show the local benefit and will be taken up locally because they have seen the advantage.

I am not aware of a single program that hasn't been spectacular. Every program works out as planned, except for the part about being valuable enough to be adopted and paid for locally. So the need for the money to continue to be spent continues and continues. Not only that, if it worked so well for the few, it needs to be expanded nationally so everyone can benefit. Unfortunately, while there may have been offsets for the original programming, there was never a source of ongoing funds for the continuance of the program, let alone for its expansion.

The next way to trick hard-working, tax-paying Americans is to make it a mandatory program. Here is a mandatory versus discretionary chart. This is the $1,070 billion I talked about that we get to make decisions on. These are the mandatory programs that we have, and they are growing faster and faster. As the baby boomers kick in, you will see such a rapid escalation here that I don't know how we will ever be able to afford it.

Fifty years ago, 30 percent of spending was mandatory. We got to make annual decisions on 70 percent of the money. Because of the expansion of the mandatory programs, 70 percent of spending is on autopilot and funded every year without a vote, and we only get to make decisions on 30 percent of the money. Some of the mandatory programs used to have their own revenue stream, sufficient to cover the amounts paid out. Social Security is a prime example. When it was set up, you couldn't retire until you were 65, and life expectancy was 59.

There used to be more people working and paying into Social Security than the amount paid out to recipients. When that happened, the excess money was spent—yes, spent—and bonds were put in a Social Security drawer backed by the full faith and credit of the United States. If interest rates go to 5 percent, how well do you think that will work out? Pension funds for bankrupt companies of coal miners and the Central States multiemployer pension fund are going broke now, not 20 years, not 30 years, not 40 years in the future. They are going broke now. But they are a symptom of what we are about to face.

People are talking about Puerto Rico and how they need a bailout. Who would bail out the United States? Who would have enough money to do that? We go to mandatory programs, so we don't have to figure out how to pay for programs. It continues without further votes or review. Everyone wants their favorite program to have dedicated funds, except we don't dedicate funds to it and we ran out of real money. Mandatory spending used to mean that there was a dedicated stream of money sufficient to cover the cost of the program without dipping into the general fund.

Here is a chart that shows how we are doing on that score. Let's see. Here is dedicated income as a percent of spending for 2015—actual—and income covered just 51 percent of spending. In 2016, we only covered 49 percent, and in 2017, it might bump back up to 50 percent. Where does the other 50 percent come from? It either has to be stolen from the future or taken from the present, which means that less can be done under the regular budget.

Another funding trick that we use is to allocate funds from the future to spend in the present. We take funds from up to 10 years out. We imagine that they already came in and sometimes we spend them in 1 year. That is

borrowing from the future. That is borrowing money that our kids will need for the dreams they have for their kids and America.

That brings me to emergency spending. Any event that can be considered a crisis can be considered for emergency spending. Hurricanes, floods, tornadoes, earthquakes, and even failures by Federal agencies can be considered emergencies.

In earlier years when I looked at emergencies, it looked to me like we spent about $6 billion a year on emergencies. Recently, I decided I needed to have that figure checked. To my surprise, I found out that we have $26 billion a year in emergencies that is unpaid for and will be borrowed from the future or borrowed on the debt. This little chart points that out. We are billing an average of $26 billion for emergencies.

Anytime you know you are going to have some expense every year, maybe that ought to be a part of the budget. Maybe we ought to plan on it. Maybe we ought to figure out how we are going to pay for it.

What are you going to tell your grandkids you did to give them opportunities? Do you want to be here to answer that question when Social Security is cut by 20 percent to fund defense because interest payments have used up all of the money we get to make decisions on? Can we consolidate programs? Can we be sure they have measurable goals and hold them to achievement? Can we watch regulation to see that it achieves its goal with a minimum of jobs lost? Can we review old programs for elimination or consolidation when we look at new ideas? Can we find ways to fund our ideas without stealing from the future? How will you answer to your grandkids for what you have done?

I yield the floor.

The PRESIDING OFFICER. The Senator from Connecticut.

GUN VIOLENCE AND MENTAL HEALTH REFORM

Mr. MURPHY. Mr. President, about a week ago, Josh Cortez was found shot and lying on the pavement in Hartford's South end. Josh was 22 at the time. His girlfriend, who was 23 years old, was found in a parked car nearby with a gunshot wound. She was rushed to Hartford Hospital where she died a half hour later. They were the sixth and seventh homicide victims in Hartford this year.

They had been dating for about 2 years, and they had a 2-year-old daughter. He had just celebrated his 22nd birthday. His cousin said:

> [Josh] was a great kid. He turned his life around for the better. He had a rough start, but he was doing a complete 360 for his baby girl.

His cousin said that he was just wrapping up a jail diversionary program at the time of his death and that he was ''committed to the program,'' making every appointment and following every regulation.

Two days later, across the country in Iowa, Senquez Jackson was 15 years old when his 13-year-old friend accidentally fired a small .38-caliber semiautomatic pistol. His friend thought the gun was unloaded when he pulled the ammo clip from the handle. He killed his friend, Senquez, who was 15 years old, and now that 13-year-old boy has been charged with involuntary manslaughter. In addition, they layered on charges of obstructing prosecution and carrying a weapon.

Senquez is remembered by his friends and family as being a great athlete. He loved basketball. He dreamed of playing in the NBA. He always told his auntie that he was going to be just like LeBron James.

One speaker at his funeral said that they had never met another child with more gratitude than Senquez. He had deep gratitude for the things he had been given. He died from an accidental gunshot wound on March 18.

Earlier in the year, Romell Jones was standing outside the Alton Acres housing complex with a group of kids his age in Alton, IL. He was 11 years old. They were waiting to get picked up to go to basketball practice. While they were waiting outside, a red car pulled up and someone inside the car fired multiple shots into this group of kids, and Romell was killed.

His friends remember him—frankly, like Senquez—as always having a basketball in his hands. The middle school coach, Bobby Everage, who was planning on coaching this incredibly talented kid, said:

> This young man's life was cut short and he had so much potential. I know he was a good kid and has a lot of friends. When life ends that way, it is so sad.

His fifth grade teacher said that Romell was well liked by all of his teachers and all of his classmates.

> He was always happy, sensitive, and an excellent student. As a fifth grader he mentored younger students at our school.

He was only 11 years old when he was killed while waiting to go to basketball practice.

At the end of last year—this is a story I pulled out of the dozens that were killed in Connecticut cities—Antoine Heath was 29 years old when he was shot in the chest while sitting in a parked car on the outskirts of Edgewood Park in New Haven. His wife of 4 years and mother of his two children, ages 4 and 3, said that her husband was a family man. ''He was loving and hard working.''

Antoine's nickname was ''Champ,'' in large part because he was such a champion of causes in and around his community. A childhood friend said:

> He tried to get me to see things clear. He made sure everybody was all right. He just wanted his family to be together.

He had big plans for the weekend just following his death. He was going to be baptized. His sister said:

> He was ready to give his life over to God, and he made the decision on his own. That was something he wanted to surprise the family and do.

Those are just four stories—four voices—of victims of gun violence. As the Presiding Officer and many of my colleagues know, I try to come to the floor every week or couple of weeks to tell a handful of stories of the 31,000 a year, 2,600 a month, and 86 people a day who are killed by guns, resulting from a variety of reasons. Most of these are suicides, many of them accidental. They happen in large numbers and small. Last year we had 372 mass shootings, which I categorize as 4 or more people being shot at any one time. Many of these are domestic violence incidents or gang-involved incidents. There are a lot of different stories as to why this happens.

I come to the floor to talk for a moment today on a specific aspect of our path forward on addressing gun violence. Tomorrow Senator CASSIDY and I will host a summit here in Washington on mental health reform. Senator CASSIDY and I, with the help of 16 of our colleagues—eight Democrats and eight Republicans—have introduced a bipartisan comprehensive mental health reform act that we think, if it passes, will dramatically improve the experiences of individuals who are trying to seek help for their mental illness.

Given the fact that we are going to have hundreds of people at this summit tomorrow, that many of us are living with the daily ramifications of unchecked gun violence, and that we are continuing to press for legislation on this floor—as I know the Presiding Officer is—I want to talk about the mistakes I think we make in how we talk about the intersection between mental health and the epidemic of gun violence.

I will talk about it for a second through the lens of Sandy Hook. On the same day that Adam Lanza walked into Sandy Hook Elementary School and murdered 26 children and educators, another mentally ill man in Henan, China, walked into a school and attacked 22 students—almost the same number. Now, in Sandy Hook, every single child who Adam Lanza fired a bullet at and hit died. In China, every single student survived. Both assailants were unquestionably deeply mentally ill, but only one incident resulted in a worldwide tragedy. The difference is that Adam Lanza walked into that school with a semiautomatic rifle, and the attacker in China walked into that school with a knife.

Our Nation has seen the horror that unfolds when mental illness and gun violence intersect in devastating ways and the cycles of shock, despair, horror, and grief that accompany mass shootings are still a uniquely American routine. We can't fathom what would drive someone to commit such horrifying acts. It is easy for society to blame that shooting in Newtown or in Aurora or wherever the next one may be on the mental illness. If we truly want to stop these mass shootings and do something about the 86 people who are murdered every day, we have to stop ourselves for a second and ask why this epidemic of gun violence

doesn't happen in any other industrialized country the way it happens here. We have to ask ourselves: Is it because more Americans suffer from mental illness? No, the statistics don't tell us that. Is it because the mentally ill in America are more violent than the mentally ill in a place like Europe? No, the data doesn't tell us that. Do other countries spend more money on treating mental illness than the United States does? Is it that their systems are more adequate than ours? No, the data doesn't tell us that either.

What is the difference between the United States and every other developed nation? Why is our gun homicide rate 20 times higher than the average OECD nation? Why don't other countries that experience the same level of mental illness and spend the same amount of money treating it have a comparable number of shootings—mass and individual shootings? Well, one of the differences is guns. The difference is that in America we are awash in illegal guns—high-power military-style assault firearms that are designed to kill as many people as quickly as possible. The reality is that whoever shot that couple in Hartford or that father New Haven didn't have to try very hard to find a weapon. It was either in their house or around the corner or at a friend's apartment.

There are a lot of people who would like to very easily conflate the conversation about gun violence with the conversation about fixing our mental health system. Let's just think about two States: Wisconsin and Wyoming. These are States that have very similar mental health systems and spend the same amount of money. Yet one State, Wyoming, has a gun homicide rate that is twice that of Wisconsin. There is no data that suggests that mental illness explains the difference between those two States, just like there is no evidence that mental illness explains the difference between two countries.

This argument about an inadequate mental health system being the reason for epidemic rates of gun violence has become a very convenient political fate that is perpetrated by people who don't want to get to the question of whether our gun laws have something to do with these epidemic murder rates.

There is no doubt that the mental health system in this country is broken. It is dramatically underresourced. People have to wait for months to get an outpatient appointment. We have closed down 4,000 mental health inpatient beds in this country just in the last 5 years alone. It is ridiculously uncoordinated. We have built up a system in which your body from the neck down is treated in one system, and then you have to drive two towns over if you want to get treatment for your body from the neck up. People with mental illness die 20 years earlier than people without mental illness because those two systems are not coordinated.

The stigma around mental illness is still crippling. I know we passed a law that requires insurance companies to say on your statement of benefits that you have coverage for mental illness. Everybody knows that when you actually try to access those benefits, bureaucrats put up bureaucratic hurdles in front of your actually getting reimbursed for mental health care that they never would if you were trying to get reimbursed for a broken leg or heart surgery.

Now, fortunately, the Mental Health Reform Act, which this summit will cover tomorrow, really does start to unlock many of these most difficult problems. The Mental Health Reform Act will properly capitalize our mental health system by putting back into it funding for inpatient beds and starting to marry the physical health system with the mental health system. It attacks this stigma by requiring insurance companies to administer benefits in the spirit of parity and not just say that you have a mental health benefit. It invests in prevention and early intervention and treatments so that we are not just hitting the problem at the back end. It gets into tough issues, like how our HIPAA laws unfortunately stand in the way of caregivers actually being part of the treatment plan for their seriously mentally ill young adults.

The Mental Health Reform Act is a path forward to fixing our broken mental health system. But pretending that mental health reform is a sufficient response to gun violence is not only wrongheaded, it is also dangerous because the facts are incontrovertible that individuals coping with serious mental illness commit less than 5 percent of all violent acts in this country.

Let me say that again. People with mental illness commit less than 5 percent of all violent acts in this country. They are frankly far more likely to be the victims of gun violence than they are to be the perpetrators of it.

Obviously, people like Adam Lanza, Jared Lee Loughner, and James Holmes had complicated and devastating behavioral health disorders. There are Adam Lanzas, Jared Loughners, and James Holmeses in every other country in the world, but in these other societies mental illness doesn't lead to mass murder. Something is different in America such that people who are coping with mental illness turn to a weapon. This celebratory culture of firearms and violence, this easy access to weapons of war that enable men and women with a severe mental illness to instantly transform themselves into mass murderers is unique in this country.

Even if Congress passed a bill today that magically eliminated all mental illness in the United States, our country would still have more gun violence and shooting deaths than any other country in the developed world. Given that only 5 percent of these crimes are perpetrated by people with severe mental illness, curing mental illness would be a remarkable achievement, but it wouldn't solve this problem.

It is even worse than that because draping the scourge of gun deaths around the necks of everyday Americans who are struggling with mental illness just increases the stigma I was talking about that surrounds disorders of the mind. Scapegoating the 44 million Americans with mental illness just reinforces the idea that they should be feared rather than treated.

We have a mental health crisis in this Nation, and we have a gun violence crisis as well. These two epidemics overlap—there is no doubt about that—but solving one, the mental health epidemic, doesn't solve the other. And conflating mental illness and gun violence may serve the political ends of those who don't want to have a conversation on this floor about background checks or assault weapons or more resources for the ATF, but it is not going to make America any demonstrably safer.

I think this is a very important conversation to have, and I don't want to shy away from these intersections that exist, but I want to get it right. In the end, I want this body to commit itself to solving our mental health crisis and then doing what is additionally necessary to do something about the 31,000 a year, 2,600 a month, and the 86 a day who are killed by guns in this country.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. ALEXANDER. Mr. President, while the Senator from Connecticut is still here, I want say through the Chair that I am glad I had a chance to hear his remarks. I agree with him that there is a mental health crisis, and I congratulate him for his leadership, especially with the Senator from Louisiana, Mr. CASSIDY, in focusing the Senate's attention on dealing with it this year. I think he has a very passionate and practical way of making the argument that while there may not be a consensus on what we do about guns, there is a consensus, I believe, in this body on what we do about mental health or at least an important step in the direction of dealing with the crisis. If we are able to do it, Senator MURPHY, Senator CASSIDY, and Senator MURRAY, the ranking Democrat on the HELP committee, will deserve great credit for that happening. I plan to attend for a while the summit tomorrow that Senators MURPHY and CASSIDY are hosting. It will help to draw attention to the efforts that the Senators made.

Last year the full Senate passed the Mental Health Improvement Act. This year, working with the Senators from Connecticut and Louisiana, and the Senator from Washington, Senator MURRAY, we have incorporated that into the Mental Health Reform Act. We are very hopeful we can pass that legislation on the Senate floor in June and work with the House to turn it into a law this year.

No doubt we will have more to do on the mental health crisis after that, and we will have more debates on this floor about what the Senator from Connecticut calls the gun crisis. But there is no reason we cannot move ahead with what we already have a consensus on in mental health. I am committed, as I know Senator MURRAY is, and so are other Members on this side of the aisle. I know that Senator BLUNT from Missouri feels passionate about mental health needs. Senator CORNYN is working on helping us resolve this legislation. And Senator MCCONNELL has said that if we can find a consensus among ourselves and reduce the amount of time it takes to put it on the floor, he will interrupt the appropriations process, put it on the floor, and try to get a result this year.

So I am glad I had a chance to hear the Senator. I pledge to continue to work with him to get a result on the Mental Health Reform Act that he has played such a key role in fashioning.

21ST CENTURY CURES LEGISLATION

Mr. President, I would like to speak on another issue that the Senator from Connecticut has also played a role in because he is an important Member of the HELP committee in the Senate, and that is what we call the 21st Century Cures legislation. This legislation, in which President Obama is interested and which we have mostly finished in terms of our committee work in the Senate, has already passed the House.

A little over a week ago, the New York Times Magazine published a special health issue on the new frontier in cancer treatment—how doctors and researchers are trying new tips, new drugs, even new ways of thinking about cancer. This month the photographer Brandon Stanton, who documents the stories of ordinary people in his popular photography blog, ''Humans of New York,'' turned his lens on the pediatrics department of Memorial Sloan Kettering Cancer Center in New York City to help raise money for cancer treatment and the research hospital there.

Also this month, two former U.S. Senators, both of them physicians and one a cancer survivor—Dr. Bill Frist and Dr. Tom Coburn—wrote an op-ed in the Wall Street Journal about what the Senate is doing to help bring safe treatments and cures to doctors' offices, patients, and medicine cabinets more quickly.

Mr. President, I ask unanimous consent to have printed in the RECORD the op-ed by Dr. Frist and Dr. Coburn at the conclusion of my remarks.

In the New York Times Magazine issue, one oncologist writes:

> [For patients] for whom the usual treatments fail to work, oncologists must use their knowledge, wit and imagination to devise individualized therapies. Increasingly, we are approaching each patient as a unique problem to solve. Toxic, indiscriminate, cell-killing drugs have given way to nimbler, finer-fingered molecules that can activate or deactivate complex pathways in cells, cut off growth factors, accelerate or decelerate the immune response or choke the supply of nutrients or oxygen. More and more, we must come up with ways to use drugs as precision tools to jam cogs and turn off selective switches in particular cancer cells. Trained to follow rules, oncologists are now being asked to reinvent them.

The article continues:

> Cancer—and its treatment—once seemed simpler. . . . A breakthrough came in the 2000s, soon after the Human Genome Project, when scientists learned to sequence the genomes of cancer cells.
>
> Gene sequencing allows us to identify the genetic changes that are particular to a given cancer. We can use that information to guide cancer treatment—in effect, matching the treatment to an individual patient's cancer.

In another Times story, the reporter writes:

> Today, a better understanding of cancer's workings is transforming treatment, as oncologists learn to attack tumors not according to their place of origin but by the mutations that drive them. The dream is to go much deeper, to give an oncologist a listing of all a tumor's key mutations and their biological significance, making it possible to put aside the rough typology that currently reigns and understand each patient's personal cancer. Every patient, in this future situation, could then be matched to the ideal treatment and, with luck, all responses would be exceptional.
>
> This idea, more broadly, has been called precision medicine: the hope that doctors will be able to come to a far more exact understanding of each patient's disease, informed by genetics, and treat it accordingly.

I am here today to insert these important stories from the New York Times Magazine, the ''Humans of New York'' blog, and Drs. Frist and Coburn's Wall Street Journal op-ed into the RECORD and to remind everyone that this year the Senate HELP Committee has passed 19 bipartisan bills that will help drive medical innovation. I am working today with Senator PATTY MURRAY of Washington, the senior Democrat on the committee, on an agreement that will give the National Institutes of Health a surge of funding for the President's Precision Medicine Initiative, which will map 1 million genomes and give researchers a giant boost in their efforts to tailor treatments to a patient's individual genome. It will also provide funding for the Cancer MoonShot, which the Vice President is heading, to try to set us on a faster course to a cure.

To raise money for cancer researchers at Sloan Kettering, Bradley Stanton used photos on his ''Humans of New York'' blog, Facebook, and Instagram accounts. He writes: ''The study of rare cancers involves small and relentless teams of researchers. Lifesaving breakthroughs are made on very tight budgets. So your donations will make a difference. They may save a life.''

The fundraiser wrapped up this past weekend. More than 103,000 people donated more than $3.8 million to help fight pediatric cancer. More than $1 million was donated in the last day of the campaign in honor of a young boy named Max to help research and cure DIPG, the brain tumor that ended his short life.

Stanton shared photos and stories of Sloan Kettering patients and their parents, as well as the doctors and researchers working to treat and cure them—many stories hopeful, all difficult to read. As Stanton put it: ''These are war stories.''

In one post, a researcher at the pediatric center says:

> In the movies, scientists are portrayed as having a ''eureka moment''—that singular moment in time when their faces change and they find an answer. . . . [I]t's hard to say what a ''eureka moment'' would look like in my research. Maybe it's when I'm finally able to look patients and parents in the eye and say with confidence that we have what's needed to cure them.

In another, a doctor at the center says:

> It's been twelve hours a day, six days a week, for the last thirty years. My goal during all these years was to help all I could help. I've given 200%. I've given transplants to over 1200 kids. I've published as many papers as I could. . . . But now I'm almost finished. It's time for the young people out there to finish the job. They're going to be smarter than us. They'll know more. They're going to unzip the DNA and find the typo. They're going to invent targeted therapies so we don't have to use all this radiation.

How do we make good on these dollars? How do we ensure that these remarkable new discoveries of targeted therapies are able to reach the patients that need to be reached?

We must give the Food and Drug Administration the tools and the authority it needs to review these innovations and ensure that they are safe and effective, that they get to the patients who need them in a timely way. That is exactly the goal of our Senate Cures Initiative that I am committed to seeing through to a result.

Dr. Francis Collins, Director of the National Institutes of Health—he calls it the National Institutes of Hope—a Federal agency that this year funds $32 billion in biomedical research, offered what he called ''bold predictions'' in a Senate hearing last month about major advances to expect if there is sustained commitment to such research.

Listen to what he said. One prediction is that science will find ways to identify Alzheimer's before symptoms appear, as well as how to slow or even prevent the disease. Today, Alzheimer's causes untold family grief. It cost $236 billion a year. Left unchecked, the cost in 2050 would be more than our Nation spends on national defense.

Dr. Collins' other predictions are equally breathtaking. Using pluripotent stem cells, doctors could use a patient's own cells to rebuild his or her heart. This personalized rebuilt heart, Dr. Collins said, would make transplant waiting lists and anti-rejection drugs obsolete.

I had a phone call from Doug Oliver in Nashville, 54 years old, a medical technician. Vanderbilt Eye Institute pronounced him legally blind. They said: No treatment, no cure, but check the Internet. Last August, he went to

Florida for a clinical trial. The doctors took cells from his hip bone using an FDA-cleared device, put them through a centrifuge, and injected them into both eyes. Within 2 days, he was beginning to see. He now has his driver's license back. He is ready to go back to work.

He is sending us emails about our legislation urging us to pass it and give more Americans a chance to have the kinds of treatments he had that have restored his sight.

Continuing with Dr. Collins' predictions for the next 10 years, he expects the development of an artificial pancreas to help diabetes patients by tracking blood glucose levels and by creating precise doses of insulin.

He said that a Zika vaccine should be widely available by 2018 and a universal flu vaccine—flu killed 30,000 people last year—and an HIV/AIDS vaccine available within a decade.

Dr. Collins said that to relieve suffering and deal with the epidemic of opioid addiction that led to 28,000 overdose deaths in America in 2014, there will be new nonaddictive medicines to manage pain.

Our Senate HELP Committee has approved 50 bipartisan strategies designed to make predictions like these of Dr. Collins come true. These include faster approval of breakthrough medical devices, such as the highly successful breakthrough path for medicines enacted in 2012, and making the problem-plagued electronic health records system interoperable and less burdensome for doctors and more available to patients. We would make it easier for the National Institutes of Health and the Food and Drug Administration to hire the experts needed to supervise research and evaluate safety and effectiveness. We approved measures to target rare diseases and runaway superbugs that resist antibiotics.

As Drs. Frist and Coburn—the former Senators—wrote in their Wall Street Journal op-ed that this 21st century cures legislation ''touches every American'' and that ''[m]illions of patients and the medical community are counting on Congress.''

The House has already passed by a vote of 344 to 77 companion legislation called 21st century cures, including a surge of funding for the National Institutes of Health. The President has his Precision Medicine Initiative. The Vice President started his Moonshot to cure cancer. The Senate HELP Committee has passed 19 bipartisan bills, as I said, either unanimously or by a wide margin.

There is no excuse whatsoever for us not to get a result this year. It would be extraordinarily disappointing to millions of Americans if we did not. If the Senate finishes its work and passes these bipartisan biomedical innovation bills, as well as a surge of funding for the National Institutes of Health, and takes advantage of these advancements in science, we can help more patients live longer and healthier lives and help more researchers who want to look the parent of a small child in the eye and say: We found a cure.

I notice that the Senator from Pennsylvania has come to the floor. I am ready to yield my time, but before I do—and I see the Senator from Missouri as well—before I do, I want to say of both of them, the Senator from Pennsylvania has been a critical component of the 21st century cures committee work in the Senate. Several of the 19 bills that our committee approved were sponsored by him. I thank him for his work. The Senator from Missouri—I spoke a little earlier about the mental health focus and consensus that we are developing and how we hope to get a result this year on mental health in the Senate, as well as 21st century cures. The Senator from Missouri has been key in both of them. Last year, working with Senator MURRAY, he was the principal architect of a boost of $2 billion in funding to the National Institutes of Health. This year, he is pushing hard for advances in mental health. So with this kind of bipartisan cooperation, we ought to be able to get a result in June or early July, and I am pledged to try to do that.

I yield the floor.

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

[From the Wall Street Journal, May 11, 2016]

STREAMLINING MEDICINE AND SAVING LIVES

(By Bill Frist & Tom Coburn)

As doctors, patients and former U.S. senators, we've seen firsthand how medical innovation benefits patients. Those on our operating tables and in our practices—and we ourselves when we've needed medical care—have benefited from breakthroughs in science and newly approved treatments that translate into better health and longer lives.

Yet, tragically, millions of Americans are still suffering and dying from untreatable diseases or the lack of better treatment options. Now is the time to pass legislation that we know will safely speed treatments to patients in need. Lives are at stake.

Before the Senate is a powerful medical-innovation package of 19 bills—a companion to the House-approved 21st Century Cures Act—that will streamline the nation's regulatory process for the discovery, development and delivery of safe and effective drugs and devices, bringing the process into the new century.

Today, researchers and developers spend as much as $2 billion to bring a new drug or therapy to market and the regulatory process can take more than 10 years. That's too long and too expensive for the five million Americans suffering from Alzheimer's; the 1.6 million who will be diagnosed with cancer this year; the 60,000 Americans with Parkinson's; and the nearly 800,000 people who die from heart disease each year.

This legislation, crafted by the Senate's Health, Education, Labor and Pensions Committee, touches every American. Each of us has personal health battles or knows family members and friends who are fighting against devastating diseases. Passing this package will help ensure that patients' perspectives are integrated into the drug-development and approval process and speed up the development of new antibiotics and treatments for those who need them most. It will also give a big boost to President Obama's cancer ''moonshot'' and his Precision Medicine Initiative, which will map one million genomes and help researchers develop treatments for diseases more quickly.

The U.S. has invested more than $30 billion in electronic health records over the past six years. Yet the majority of systems still are not able to routinely exchange patient information. This legislation will improve interoperability and electronic-information sharing across health-care systems, playing a fundamental role in improving the cost, quality and outcome of care. It encourages the adoption of a common set of standards to improve information sharing. It also allows patients easier access to their own health records and makes those records more accessible to a patient's entire health team so they can collaborate on treatment decisions.

The legislation will also improve the Food and Drug Administration's ability to hire and retain top scientific talent, which is vital to accelerating safe and effective treatments and cures. Additional provisions in the bills will improve the timeliness and effectiveness of processes for developing important combination products, such as a heart stent that releases medication into the body.

Alzheimer's is already the most expensive disease in America, and the number of people diagnosed with this debilitating neurological condition is expected to nearly triple to 13.8 million by 2050. This legislation will help advance our understanding of neurological diseases and give researchers access to more data so they can discover new therapies and cures—giving families hope for the future.

Collectively, these 19 bills are expected to deliver new, safe and effective treatments. Any political impediments to this should be overcome immediately. We believe, along with patients, providers, innovators and policy makers, that the nation's current process for developing and delivering drugs and devices to cure life-threatening diseases must change.

Millions of patients and the medical community are counting on Congress to help make that change. After 10 committee hearings and more than a year's work crafting bipartisan legislation, it's time for a Senate vote.

American lives depend on it.

The PRESIDING OFFICER (Mr. GARDNER). The Senator from Missouri.

Mr. BLUNT. Mr. President, I mentioned what incredible leadership Mr. ALEXANDER, the Senator from Tennessee, provides on these issues. I was pleased, as he was pleased, and I know the Presiding Officer was also, that last year, for the first time in 12 years, we were able to have an increase in NIH research.

The future statistics that the Senator from Tennessee talked about on Alzheimer's and other things can be disrupted. In fact, that 2050 number of twice the defense budget spent on Alzheimer's alone with tax money—if you could delay the onset of Alzheimer's by an average of 5 years, you would reduce that number by 42 percent. So those research dollars not only have the impact we want to have on families and the individuals involved in that and other diseases we are dealing with now but also have an incredible impact on taxpayers, have an incredible impact on what we can do with the rest of the health care revolution that is occurring.

The mental health effort the Senator from Michigan, Ms. STABENOW, and I

were able to work on together a few years ago is about to produce at least eight States—and hopefully more—where, at the right kinds of facilities, mental health will be treated just like all other health.

This Congress is talking about doing the right things. We are making important steps in that direction.

Mr. President, I want to talk today about another thing that really impacts families—in this case, military families. I have this bill on my desk, the National Defense Authorization Act. I notice it is only on the desk of half of the Members of the Senate. Members on this side of the floor are ready to get to this bill and get this work done. Maybe there is a message on the other side of the floor that this bill is not there. We had hoped to get to it this week. We have not yet. But certainly we should get to it as soon we return to our work after the end of this week.

In the National Defense Authorization Act—I am really glad that bill includes the Military Family Stability Act, a measure that I introduced with Senator GILLIBRAND to provide more flexibility for military families. Today we have the most powerful military in the world, but we also recognize that our military men and women do not serve alone. The former Chief of Staff of the Army, GEN Ray Odierno, often said that the strength of our Nation is in our military, but the strength of our military is in its families. So our military families need to be understood, recognized, appreciated, helped.

Those families have changed a lot over the years. They have sacrificed much. In the last 15 years, those families have dealt with persistent conflicts somewhere in the world and the likelihood of deployment to that conflict. But more importantly, the stress that puts on those families generally is what matters to them—maybe not more importantly in the greater context of what is going on but very important to them.

More military spouses are working today than ever before. In the world we live in today, this is good news. But all too often, military spouses sacrifice their own careers to meet the needs of the spouse who is in the service. Frequent redeployments, frequent deployments, and frequent relocations really have an impact on those careers.

According to a study done by the Military Officers Association of America, 90 percent of military spouses—that is more than 600,000 men and women—are either unemployed or underemployed. More than half cite the concerns about their spouse's service and the deterrent of moving from job to job—a deterrent not only for employers but a deterrent in that they sometimes have a hard time having the kind of recognition for the skills they bring to a new State or a new location that they need.

It is unfair to our military families for the spouse to needlessly have problems that could be avoided. Clearly, if you decide to pursue a military career—and that, by necessity, means relocation from time to time—this is not going to be the same career as if you went to work and you had every likelihood that you would work there for the next several years.

These frequent and sometimes abrupt relocations take a heavy toll on students as well. Research shows that students who move at least six times between the 1st and 12th grades are 35 percent more likely to fail a grade. I am not sure that exact research applies to military families. That is an overall number of what happens when people move. But the average military family will move six to nine times during a child's time in school—three times more often than the nonmilitary family.

These relocations of military families means that we need to find a better way to deal with those challenges for working families, and the Military Family Stability Act does that. The costs of needlessly maintaining two residences so that someone can finish school or someone can complete a job are the kinds of things that this act and this inclusion in the National Defense Authorization Act gives us a chance to deal with in a different way. It would allow families to either stay at the current duty station for up to 6 months longer than they otherwise would be able to stay or to leave and go to a new location sooner.

This probably is most easily understood in the context of school. If you only have a month left in school and your family could stay there while the person serving in the military goes ahead to the next post and is responsible for their own housing during the time they are there as a single serving individual—often they are going to find space available on the post itself for one person while the family stays until that school year works out better.

A job could be the same. One person we had who came and testified—Mia, who now lives in Rolla, MO—is married to a soldier who was being reassigned from Hawaii to Fort Leonard Wood, MO. That reassignment was supposed to occur in June, so she applied for a Ph.D. program at St. Louis University that would begin in August. She applied for a teaching position at Missouri Science and Technology at Rolla that would begin in August. Then her husband's transfer did not happen in June and it did not happen in July, but she needed to be there in August.

Under this change, moving the family household could easily occur in August and her husband could follow in October, as he did, but all of the expense of her going early was on her. She really had two options: One was to not pursue her graduate school class when it started, and the other was to not have a teaching job. Neither of those was a very good option. She went ahead and moved. Her husband essentially couch-surfed, but they had to pay for the move rather than the way that normally would have happened. This would not have to happen otherwise.

When Senator GILLIBRAND and I introduced this bill last year, we were also joined by Elizabeth O'Brien, who coached Division 1 college basketball for 11 years, with stints at West Point, Hofstra University, and the University of Hawaii. But she married into the Army, and because of the lack of flexibility, she gave up her coaching career.

The story she wanted to tell that day was that when she and her family were in Germany, where her husband was serving, her two children were in a German public school. They needed 2 more months to finish that year in the German public school. There really wasn't a very good transition when he was sent back to the Pentagon. There were no German public schools where they could have finished the classes in the Washington area. Basically, they wound up having to finish that year as home schoolers and then start another year the next year.

It would have been very easy for him to move on ahead, if that is what the family wanted to do, and for the family to stay in Germany for 2 months so the children could finish that school year in a way that it couldn't possibly be finished anywhere else, and then the family would move. That is the kind of thing that would happen under this legislation.

The day after we introduced this legislation, I happened to be hosting a breakfast for people who are supportive of Fort Leonard Wood and working at Fort Leonard Wood. I sat down at a table with two officers. One of their wives, a retired master sergeant, mentioned that we had proposed this legislation the day before. All three of them immediately had a story about how this would have benefited their family if at some time at a specific moment in their career, they could have stayed another 30 days or if the family could have gone forward 30 days earlier.

I am proud this bill has widespread support, including from the National Military Family Association, the Military Officers Association of America, the Military Child Education Coalition, Veterans of Foreign Wars, the American Legion, Iraq And Afghanistan Veterans of America, Blue Star Families, the National Guard Association, and the Veterans Support Foundation.

After more than a decade of active engagement around the world, frankly, at a time when military families have a lot more challenges than military families may have had at an earlier time, this is exactly what we ought to do.

We have had hearings on other issues over the last year. Over and over again, I have asked people who were testifying, representing the military, what they think about this. Usually these are admirals and general officers. In all cases, a story from their career immediately comes to mind. Universally,

they say: We have to treat families different than we used to treat families because too often the failure to do that means we are losing some of our most highly skilled people, who are still willing to serve but are no longer willing to put an unnecessary burden on their spouse or their children.

The Military Family Stability Act goes a long way toward removing one of those unnecessary burdens. I am certainly pleased to see it included in the National Defense Authorization Act and look forward to dealing with this important bill at the earliest possible date.

I see Senator ISAKSON on the floor, and I yield to him.

The PRESIDING OFFICER (Mrs. ERNST). The Senator from Georgia.

MEMORIAL DAY

Mr. ISAKSON. Madam President, as chairman of the Senate Veterans' Affairs Committee, I thank Senator CASEY of Pennsylvania for giving me a couple of minutes to come to the floor of the Senate to pay tribute, preceding Memorial Day, to those men and women—less than 1 percent of our population—who have sacrificed, fought, and died on behalf of the people of the United States of America. We would not be where we are today had it not been for veterans who died on the battlefield so we could have free speech, democracy in government, and so our people could peacefully decide whom their leaders were and leave it up to us to lead the country.

I want to put a personal face on Memorial Day for just a moment.

First, I wish to talk about a guy named Tommy Nguyen. Tommy Nguyen is my legislative staffer on military affairs information. He volunteered for the U.S. Army Guard. He went to Fort Benning, GA, and graduated No. 1 in his class. You know what that means at Fort Benning. Right now he is deployed in Afghanistan and has been deployed for the past 5 months.

While we sit here in peace and relative security in our country, people like Tommy are protecting us all over. I am grateful for Tommy. He is in my prayers every night. He is exemplary of all the other people who have gone before us and sacrificed.

I wish to mention three people who are gone and aren't here any more, but they are the faces of Memorial Day, as far as I am concerned. I honor them at this time.

The first is Jackson Elliott Cox III. Jackson Elliott Cox III is from Waynesboro, GA, Burke County, the bird dog capital of south Georgia. He was my best friend at the University of Georgia in the 1960s. One night he came into the fraternity house—in his junior year, my senior year—and sat down beside me and a few other guys at the dinner table and said: Guys, I just did something this afternoon. I volunteered to go to OCS in the U.S. Marine Corps, go to Parris Island, and fight in Vietnam for the United States of America.

We all did the first thing all of you would do. We said: Well, Jack, have you thought this through? Is this really what you think you ought to do?

He said: You know, I have had everything as a young man to age 22. It is time that I fought to help defend the United States of America. I am going to become a marine officer, I am going to Vietnam, and I am going to help the United States win.

Jack did become an officer, and he did go to Vietnam. In the 12th month of his 13-month tour, he was killed by a sniper. Alex Crumbley, Pierre Howard, who was later the Lieutenant Governor of the State of Georgia, and I spent a week with his family as we waited for his body to come back from Southeast Asia.

The most meaningful afternoon of my life was the afternoon we sat up with Jack and his mother and father reminiscing about all the good times but deep down in our hearts knowing all the good times that would never be for Jack Cox because he had sacrificed the ultimate sacrifice for me, for you, and for all America.

Second, I wish to talk about LT Noah Harris, the Beanie Baby soldier in Iraq. Noah Harris was a cheerleader his junior year at the University of Georgia. He cheered on the Saturday before 9/11/2001. As everybody did, he watched the horror of the attack that day and all the people who were killed.

He went down to the ROTC building at the University of Georgia and he said: I want to volunteer to go after whoever those people were who attacked America in New York City.

The head officer said: Well, son, it is at least a 2-year commitment in ROTC, and you only have a year and a half to go. We cannot take you.

He said: I will make up the difference if you let me volunteer. I want to become an officer. I want to go after them, and I want to find them wherever they are.

The Army relented. Noah Harris volunteered. He went to OCS, and he went to Iraq in the surge on behalf of the United States of America. He became known as the Beanie Baby because he took Beanie Babies in his pockets and he won over the children of Iraq by handing out the Beanie Babies as he dodged bullets and put himself in harm's way.

About 6 months into his tour, he was hit by an IED while in a humvee. Noah Harris was killed that day in Iraq, and we have missed him ever since. To his father Rick and his mother Lucy—God bless them. Noah was an only child, and his memory is burned deep in their hearts and deep in my mind. They are so proud of what he did for you, for me, and for all of America.

Lastly, I wish to talk about Roy C. Irwin.

These three people are the faces of why we have Memorial Day. I get emotional because I went to the Margraten Cemetery in the Netherlands a few years ago as a member of the Veterans' Affairs Committee to pay tribute to those soldiers who died in the Battle of the Bulge and the Battle of Normandy. Margraten in the Netherlands is where most of the soldiers who were not brought home from the Battle of the Bulge are buried.

On that Memorial Day in Margraten, my wife and I walked between the graves, stopping at each one, looking at the name, and saying a brief prayer for the soldier and a family. Then all of a sudden, in row 17, at grave No. 861, I stopped dead in my tracks and I looked down and saw on the white cross: Roy C. Irwin, New Jersey, Private, U.S. Army, 12/28/44.

Roy C. Irwin died on December 28, 1944, in the Battle of the Bulge. That was the day I was born. So there I was, a U.S. Senator looking at the grave of someone who died on the day I was born so I could be a U.S. Senator 64 years later. That is what the ultimate sacrifice is all about.

Selflessly, these people went into harm's way, fought for Americans, fought for liberty, fought for peace, and fought for prosperity. So everything we do today we owe in large measure to them—a small percentage of our population but a population that loves America and America's people.

So this Monday when you are at the lake or at the beach or with your grandchildren, wherever you might be, stop a minute, grab the hand of one of your grandchildren, and just bow and say a brief prayer, because going before all of us were men and women who volunteered and lost their lives so you and I can do what we are doing today.

We live in the greatest country on the face of this Earth. You don't ever find anybody trying to break out of the United States of America; they are all trying to break in. If there is a single reason that differentiates us from everybody else—when duty calls, we go and we fight.

As Colin Powell said in the U.N., before the request for the surge was approved, America has gone to every continent on Earth, sent her sons and daughters to fight for democracy, liberty, and peace, and when we have left, all we have asked for is a couple of acres to bury our dead.

I had the chance to walk a couple of those acres in Margraten, the Netherlands, and stand at the grave of Roy C. Irwin, who died the same day I was born. That memory is burned indelibly in my heart and indelibly in my mind, and I will always remember Roy C. Irwin. I never knew him, I never met him, and I never saw him, but I know his spirit. His spirit is the spirit of the United States of America.

This Monday, I hope God will bless each of you. Have a wonderful vacation and a wonderful holiday. But I hope you will pause and say thanks for the men and women who made it possible for you to do what you do today.

I yield the floor.

The PRESIDING OFFICER. The Senator from Pennsylvania.

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

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

Mr. CASEY. Madam President, I wish to first say that we appreciate the message Senator ISAKSON just gave to the Senate and, by extension, to the country. We are grateful for those remarks in the lead-up to Memorial Day.

MINERS PROTECTION ACT

Madam President, I rise to talk about coal miners and the promise—the obligation the U.S. Government has to coal miners on a range of issues but especially when it comes to their pensions and their health care.

Many Americans remember Stephen Crane as the author of the novel ''The Red Badge of Courage,'' but he also wrote something that probably not many Americans have read, but I have because it was about a coal mine near my hometown of Scranton. He wrote it just before the turn of the last century. For me, the pertinent parts were in terms of his description of what a coal mine looks like and all the dangers that are in that kind of work. His words in describing a mine were as follows. In describing the mine, he described it as a place of ''inscrutable darkness, a soundless place of tangible loneliness,'' and then he went on to catalog in horrific detail all the ways that a miner could be killed or could be adversely impacted by his work.

I am thinking about those dangers today when I speak about what coal miners have been through over many generations and what they confront today because of the pension issue we are going to discuss today. I am grateful to be joined by Senator MANCHIN of West Virginia, Senator BROWN of Ohio, Senator WARNER of Virginia, and Senator WYDEN of Oregon.

Senator WYDEN, as the leader of the Democrats on the Finance Committee, worked to have a hearing on this issue. It was in March, and I had the pleasure at that time of meeting two Pennsylvania coal miners, Tony Brusnak of Masontown, PA, which is in Fayette County, and Dave Vansickle of Smithfield, PA, also in Fayette County. Tony and Dave came to Washington to attend the Finance Committee hearing on pensions. I commend Senator WYDEN for helping us have that hearing and also for his work in negotiating with Chairman HATCH to hold that hearing and his continued efforts to get a markup in committee.

Those of us who attended the hearing heard United Mine Workers president Cecil Roberts testify about that promise I referred to before, the promise this Nation made to our coal miners, and how the Miners Protection Act carries out or carries through on that promise. It is one of the ways to fulfill that promise we made to coal miners.

At the time of that hearing, they were joined by mine workers from West Virginia, Ohio, Virginia, and Alabama on that particular day.

As I mentioned, Tony Brusnak from Fayette County had a 40-year work life in the mines, starting in the 1970s at J&L in Bobtown, PA. He is a member of the United Mine Workers Local 2300, and he is still active. He works at the harbor as a dockman now, and he is also a veteran.

Dave Vansickle began working in the coal mines about the same time, maybe a few months before Tony, so they are both 40-year miners. Dave worked at the Cumberland Mine and is a member of the United Mine Workers, Local 2300, as is Tony. Over his 40 years in the mine, Dave Vansickle has had numerous jobs, ranging from 20 years working on the long wall—miners know what that is—to working at the prep plant and also doing a range of other work in the mine. Dave Vansickle lost a finger doing that work, and he lost partial use of his right hand as well as several other fingers. So there is a price that has been paid by him and so many others.

These are very difficult jobs, and we know the men and women—women, I should add—who descend into the depths and the darkness of these mines assume a substantial personal risk and they work long hours. They stay in these jobs as long as they do, in part, because they have been given a promise—a promise by our government—that when they retire, they will have a pension and, most importantly, they will also have good health insurance so they are covered for the ailments they have sustained over the years of service.

The Miners Protection Act, which Senator MANCHIN and I have introduced, along with a bipartisan coalition of Senators, allows excess amounts from the Abandoned Mine Lands Fund to be used to preserve both coal miner pensions and retiree health care, as needed.

In Pennsylvania, we have more than 12,000 mine workers who are impacted by this—to be exact, 12,951 mine workers in Pennsylvania who are counting on us to pass this legislation. Here is the breakdown in some of our counties: just about 2,500 in Cambria County, PA, where Johnstown is; about 2,100 in Fayette County, where Tony and Dave have lived and worked; 1,900 in Indiana County; 1,500 in Washington County; and 1,000 in Westmoreland County.

Without passage of this legislation, something on the order of 20,000 retirees and 5,000 Pennsylvanians, their dependents or widows could lose their promised lifetime retiree health care within a matter of months.

Without the legislation, the United Mine Workers Act 1974 Pension Plan, which is the largest of the plans in the country, providing pensions to nearly 90,000 pensioners across the country and of course their surviving spouses, could be on an irreversible path to insolvency by next year.

Our coal miner men and women live on small pensions, averaging just $530 per month, plus Social Security. They rely greatly on the health care benefit they have negotiated and earned through their years of hard work in the coal mines. So these aren't just numbers, these are people. These are families who have worked very hard for Pennsylvania and worked very hard for our country. They have children and they have grandchildren. The Federal Government made them a promise and we must not rest until we fulfill that promise.

In 1990, a Federal blue-ribbon commission, the so-called Coal Commission, established by then-Secretary of Labor Elizabeth Dole, found that ''retired miners have legitimate expectations of health care benefits for life; that was the promise they received during their working lives, and that is how they planned their retirement years. That commitment should be honored.''

So said Secretary Dole's Commission in 1990.

It is important to note that the 1974 plan I mentioned has been well managed, with investment returns over the last 10 years averaging 8.2 percent per year. So despite being about 93 percent funded just before the financial crisis in 2008, losses sustained during the financial crisis placed the 1974 pension plan on the path to insolvency. That is because the financial crisis hit at a time when this plan had its highest payment obligations. That, coupled with the fact that 60 percent of the beneficiaries are orphan retirees whose employers are no longer in the coal business and the fact that there are only 10,000 active workers for 120,000 retirees, has helped to place the plan on the road to insolvency.

The 1974 plan's Actuary projects the plan will become insolvent in the years 2025–2026, absent passage of the Miners Protection Act. So we need to pass this legislation. We have made it very clear to Senators in both parties and more recently to the majority leader that we need to get this done.

By making small adjustments to existing law, the bill will allow us to fulfill that obligation, that promise I spoke of earlier. At the same time, even as we are working to pass the miners' pension legislation, we also have to be mindful of—and I will not spend time today talking about this in detail—and keep working on miner safety and of course those affected adversely by black lung.

So whether it is safety and health, health care itself, or whether it is retiree benefits of any kind—but especially the promise we made to miners with regard to their pensions—we have an obligation. This body needs to get on a track to pass this legislation before we leave in July.

I am honored to be part of this coalition, and I certainly thank and commend and salute the work done by Senator MANCHIN.

I yield the floor.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. MANCHIN. Madam President, let me first of all say thanks to my dear friend Senator CASEY from Pennsylvania. If you don't come from a coal-mining region or a coal-mining State, you probably don't understand the culture of coal mining, the people who do this work, and the families who support them. It might be hard to explain it, but we are going to try to give you a picture of the most patriotic people in America.

What I mean by that is they have done the heavy lifting. They have done everything that has been asked of them by this country to basically make us the greatest country on Earth—the superpower of the world, if you will. That has been because of the energy we have had domestically in our backyard and the people willing to harvest that for us.

So when you look at this country and you look at how we are treating people who have done the job and heavy lifting for over 100 years, the coal miners in West Virginia feel this way: They feel like the returning veterans from Vietnam, the returning servicemen who came from Vietnam—a war that was not appreciated and soldiers who were treated less than honorably for doing the job they did in serving their country. Americans now want to cast them aside. It is just unfair—totally unfair.

This country was so dependent upon this industry that in 1947—which will be 70 years tomorrow—President Harry S. Truman and John L. Lewis, head of the United Mine Workers—and back then, in the 1940s, anybody who mined coal was a member of the United Mine Workers of America because it was all unionized—made a commitment and a promise they would get their benefits. It would be their health care, and they would get their pensions, which were so meager—so meager—just to keep working and to keep the country energized after World War II. If they had shut down and gone on strike, the country would have fallen on extremely hard times coming off of World War II.

That is how important this is. It is the only agreement where you have an Executive order by a President committing the United States of America to keeping its promise to our coal miners doing a job that made our country as great as we are today. Yet here we are, about ready to default on that, and we can't get people to move on it for whatever reason.

The miners are facing multiple pressures on their health care, pension, and benefits as a result of the financial crisis and corporate bankruptcy. This is not because of something they have mismanaged themselves. As we heard Senator CASEY mention, the 1974 pension plan was 94 percent funded, which is extremely healthy and solvent, up until 2008, when the financial collapse happened. It was not their fault, but now they are thrown into disarray.

Most of the people still collecting these pensions are widows. A lot of the husbands have died from black lung. These people are depending on a very meager amount of support for any type of quality of life, and we have it paid for also. We have had it paid for. We are talking about the excess AML money that could basically take care of this. Also, there is another pay-for. There is a $5 billion fine that Goldman Sachs paid the DOJ for their financial shenanigans during this financial collapse that could go to pay for this. I mean, it is Wall Street that caused the problem. It wasn't the miners, basically the miners' pension fund or the plan that was being managed at all.

When you couple this with the fact that 60 percent of the beneficiaries are orphan retirees, which has been explained, and that we have 10,000 active workers for 120,000 retirees, that has placed the plan on the road to insolvency. I think everyone understands that.

The Miners Protection Act is not only important to all miners in all States—my good friend here Senator WARNER from Virginia has a tremendous mining community in Southwest Virginia, along with our entire State. Pennsylvania is the home of anthracite coal. The coal industry really got started there. We have Senator BROWN in Southeast Ohio, which butts up to West Virginia and is a major mining area. So it is important to my State and all the other States that have retired miners.

People are asking about the non-union. I am concerned about the non-union miners, and I will do everything and commit myself to helping them also, but if we can't even keep our commitment to the United Mine Workers of America that was basically signed by President Harry S. Truman in 1947, we are not sincere or intent on helping anybody. This is something that must be done and must be done immediately. I have said that, and I have been preaching this, so I hope we all come to our senses and do something as quickly as possible about this.

These retirees—as far as basically their medical, runs out the end of this year. The following year they lose their pensions too. That is how desperate this is and what we are dealing with.

To address these issues the Miners Protection Act would simply do this: It would amend the Surface Mining Control and Reclamation Act to transfer funds in excess of the amounts needed to meet existing obligations under the Abandoned Mine Land Fund to the UMWA 1974 Pension Plan to prevent its insolvency; second, make certain retirees who lose health care benefits following the bankruptcy or insolvency of his or her employer eligible for the 1993 Benefit Plan. These assets of Voluntary Employment Benefit Association, created following the Patriot Coal bankruptcy—and if you don't know about the Patriot Coal bankruptcy, I will give you a minute or two on this one.

Patriot Coal came out of Peabody. Peabody spun Patriot off and put all of their liabilities—all of their liabilities—which were basically doomed to fail, into Patriot. They threw all of the union workers into this liability. And guess what. They went bankrupt. It went bankrupt. It was designed to go bankrupt so they could be shed of all the liabilities.

It is our responsibility to keep the promise to our miners who have answered the call whenever their country needed them. They have never failed us. When our country went to war, these miners powered us to prosperity.

A lot of these young people we have here today don't understand that basically coal mining was so important to this country, when we entered World War II, if you were a coal miner, it was more important for you to stay and mine the coal to power the country—the coal that made the steel, that built the guns and ships—than it was to go on the frontlines and fight. They were on the frontlines every day. They never left the frontlines.

When our economy was stagnant, the miners fueled its growth and expansion. After the war, there was so much buildup, the economy started dipping. You had to continue to work and produce in order to make that happen, and we needed energy to do that, so the coal miners did that.

They kept their promise to us, and now it is time for us to keep our promise to them. We need to honor the commitment. We need to honor the Executive order signed by the United States of America to make sure they get their pension and make sure they get their health care.

Senator CASEY and I introduced the Robert C. Byrd Mine Safety Protection Act to, among other things, make it a felony for mine operators to knowingly violate safety standards.

Six years and 1 day after 29 brave miners were tragically killed at the Upper Big Branch Mine in West Virginia, former Massey Energy CEO Don Blankenship received 1 year in prison, the maximum allowable sentence, for willfully conspiring to violate mine safety standards.

Put simply, the penalty does not fit the crime committed there, and we aim to change that. I stood with the families of the beloved miners in the days following the devastating tragedy at Upper Big Branch. Through moments of hope and despair, I witnessed again and again the unbreakable bonds of family that are as strong or stronger than anything I have ever seen. While no sentence or amount of jail time will ever heal the hearts of the families who have been forever devastated, I believe we have a responsibility to do everything we can in Congress to ensure that a tragedy like this never, ever happens again.

I thank Senators CASEY, BROWN, WARNER, WYDEN, and all of my colleagues for putting these miners first and keeping the promise that we made

to them. It is vitally important that we hold executives who are willing to put the health and lives of our workers at risk accountable for their actions. We must hold everybody responsible. We must hold ourselves responsible first to do the right thing. That is what we are standing here talking about today. If we don't stand up for the people who basically have stood up and defended us, powered a nation and did the heavy lifting and if we can't keep the promise that was made 70 years ago, then God help us in the Senate and the Congress.

I hope we do step up and do the right thing. I tell all of my colleagues that this is not a partisan issue. This is truly bipartisan. This is truly bipartisan. These people work for all of us, not just for part of us.

I yield the floor.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. BROWN. Madam President, I am pleased to join my friends—Senator CASEY, who led this debate; Senator MANCHIN, who has worked on this legislation and devoted much of his career to the people that go down into the mines and provide the coal and electricity for much of the eastern half of the United States; Senator WARNER, for his work with Senator CASEY and Senator WYDEN on the Finance Committee. Thanks to all of them.

I want to talk about two pension issues starting with what happened 2 weeks ago, when hundreds of thousands of Teamsters and their families received exciting news that the U.S. Treasury was rejecting the Central States Pension Fund's plan to cut the pensions and benefits they had earned through a lifetime of hard work. This was a win for all of us who urged Treasury to reject these cuts. More importantly, it was a win for the thousands of union members, their families, their supporters, and their friends who worked so hard to protect what their union had spent decades fighting for. That rejection, to be sure, is not the end of the fight for the benefits that workers have earned. It was just the latest battle in the fight to protect workers' pensions.

While Central States' 47,000 Teamsters in my State and tens of thousands in other States may have gotten a reprieve, we have more work to do. As Senator MANCHIN just spoke about, our Nation's retired coal miners are on the brink of losing their health care and retirement savings, and it is within the power of Congress to pull them back.

The health care and pension plans of the United Mine Workers of America cover some 100,000 mine workers, about 7,000 of them living in my State, mostly in Southeast Ohio. The plans were almost completely funded before the financial collapse in 2008, but the industry and its pension funds were devastated by the recession. The plan has too few assets, too few employers, and too few union workers now paying in. If Congress fails to act, thousands of retired miners could lose their health care this year, and the entire plan could fail as early as next year. This would be devastating for retired mine workers, like my constituent, Norm Skinner.

I met Norm in March before a Finance Committee hearing on pension plans that are under threat. Norm is a veteran. He started working as a miner for what became Peabody Coal in 1973. He worked for 22 years and retired in 1994. For every one of those years, he earned and contributed to his retiree health care plan and his pension plan.

Since he retired, Norm has had nearly constant health challenges—not that unusual for people who work in some of the most dangerous conditions in American business. He had triple bypass surgery in 2010. Three years later, they inserted stents, and he had angioplasty. Norm told me that 60 percent of his colleagues at the mine have died of cancer because of the chemicals. When they closed the mine, teams of people wearing hazmat suits came in to clean it. His entire shovel crew has died of cancer. Some were in their fifties when they passed away. But now, after putting in decades in this dangerous mine, Norm is in danger of losing the health care that has kept him alive.

I also met with David Dilly, who worked in the same SIMCO mine. David is also a veteran, and he worked for 14 years at the mine before it closed down in 1989. He was a UMWA member, even serving as president of Local 1188 for a couple of years, and he serves as recording secretary still.

Mining is hard, backbreaking work. It is dangerous. It is dangerous every day in the mine. It is dangerous for the air and the chemicals that mine workers ingest. They knew that when they signed up for the job. But that work has dignity. It is crucial to us and in our national interest as a country. It is a dignity rooted in providing security and opportunity for their family.

We used to have a covenant in this country that said: If you work hard, if you put in the hours, if you contribute to retirement and your health care, you will be able to support yourself and your family. What they are doing is giving up union negotiations and also giving up wages today to take care of themselves and their family in later years so that government or friends or other family members don't have to. What is more honorable than that? It is what made this country great. It is what built the middle class. So when earned benefits like collectively bargained pensions and health care can be cut, we are going back on a fundamental promise that our country has made to tens of millions of American workers.

There is a bipartisan solution proposed by the two Senators from West Virginia and supported by leaders in both parties. The bill uses the interest and surplus from an existing source of money, the Abandoned Mines Reclamation Fund, and funnels that money into the health care and pension plans. This is a fund for reclaiming the land of retired coal mines. So it makes sense to use the surplus to support retired coal mine workers and their families.

If this bipartisan legislation was brought to the floor today, it would pass with an overwhelming majority. It is time for the Senate to act. This legislation has been blocked by one Republican leader in this body. The support of Senator WYDEN, Senator WARNER, and Senator CASEY and in the committee seems to be unanimous from the chairman on down. We are just looking to the Republican leader to give us a vote on this because we are absolutely certain it would pass.

Miners worked in dangerous conditions their entire lives to put food on the table, to send their kids to college, and to help power this country. I have worn on my lapel a pin given to me at a workers' memorial day in the late 1990s, on an April day, where we were memorialized workers who had been killed or injured on the job in the steel industry. This is a depiction of a canary in a birdcage. In the early 1900s, the mine workers would take a canary down in the mines. If a canary died because of lack of oxygen or toxic gas, the mine workers knew they had to get out of the mine. Yet, in those days, there was no union strong enough to protect them and they had no government that cared enough to protect them. We are in the situation today where it is up to us to be that canary. It is up to us to provide for those workers—who have earned these pensions, who have earned this health care for themselves and, in far too many cases, for their widows—and to step up and do the right thing.

The PRESIDING OFFICER (Mr. LEE). The Senator from Virginia.

Mr. WARNER. Mr. President, I am proud to stand here with my colleagues and friends—Senator MANCHIN from West Virginia, Senator CASEY from Pennsylvania, Senator BROWN from Ohio, and, shortly after me, Senator WYDEN from Oregon—to echo what has already been said.

Senator BROWN said it best. He wears that canary pin. If we don't act now, if we don't hear that call and respond to it, then the basic promise and premise that so much of our country is founded on will really be crushed.

I join my colleagues in standing up and urging the Senate to pass the Miners Protection Act. We have mines—just as in Pennsylvania, Ohio, and West Virginia—in southwest Virginia. Quite honestly, I think, as do my colleagues, that no one fully understands what it is like to mine coal until you have been underground, until you see the enormous challenges and conditions that men and women—mostly men—worked under for decades to power our Nation.

Senator MANCHIN often recites the history of this proud industry. But that industry has gone through dramatic changes. Some of those changes are due

to activities of certain companies that may or may not have been responsible. Some of these changes are because of a desire of many of us, frankly, on this side of the aisle, to make sure that we find cleaner ways to use energy. In a way, that is good. But it has meant that many of these coal companies and many of these operators that continue to mine what powered America are under enormous fiscal stress. The result is not enough miners, coal companies that went bankrupt, and, unfortunately, the pension funds that would protect these miners are now in jeopardy.

So now, through no fault of their own, these workers who have sacrificed their bodies, their health, and their livelihoods—when it comes to the U.S. Government to uphold our end of the deal to make sure that these workers or, more specifically, as my colleagues have pointed out, more often it is their widows, as so many of these miners have passed on due to things like black lung disease—are going to get the health care and pensions that were promised and whether we are going to be able to honor that commitment.

The UMWA 1974 Pension Fund affects about 100,000 miners and close to 10,000 in the Commonwealth of Virginia. They are looking to us and whether we are going to honor our commitment.

As Senator BROWN mentioned, I met a number of these miners, who are direct beneficiaries, when we had our most recent hearing. Many of these miners I had worked with and supported when I was Governor of Virginia, and I saw the challenges their communities had gone through. If we don't do our job, these communities that have been hard hit all throughout Appalachia—if these widows don't get the health care and their pensions, communities that have already been devastated will be further devastated. If we allow this pension fund to go bankrupt and go insolvent, it will put additional strains on the PBGC, which is already under enormous strain.

The truth is, as Senator MANCHIN has pointed out, there is a solution, and there is funding available for this miner pension act. It is critically important that we act. It is critically important, morally and economically. I would ask any of my colleagues to speak to any of these widows and explain why we wouldn't keep our end of the bargain when, come the end of this year, if we don't act, these health care benefits will disappear. I hope we will act on this bipartisan legislation. The Senator from Ohio has indicated it would pass this body overwhelmingly.

I appreciate all of my colleagues' work. I see and turn the floor over to the ranking member of the Senate Finance Committee. He doesn't have a lot of coal in Oregon, but he understands that, when a commitment is made—particularly a commitment that was initially made by the President of the United States, President Truman, back in 1946—those commitments need to be honored. I look forward to continuing to work with his leadership to get this legislation out of the Finance Committee, get it to the floor of the Senate, get it passed, and make sure these miners' and their widows' health care pensions are honored.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. WYDEN. Mr. President, I thank my colleague from Virginia, Senator CASEY, Senator BROWN, and Senator MANCHIN. They have been relentless in putting this issue of justice for the miners in front of the Finance Committee.

Week after week, month after month, they have been saying: When is this going to get done? When is the Congress—particularly the Senate—going to step up and meet the needs that these workers richly deserve to have addressed? We have had this documented again and again. I heard Senator CASEY talk about it—how difficult this work is. We have had that put in front of the Senate Finance Committee. Yet there has been no action.

Senator WARNER is right—my home State of Oregon does not mine coal. We do have a lot of communities with economies that over the years have been driven by natural resources. They have been up and down the boom-and-bust roller coaster. A lot of those communities are experiencing the very same kind of economic pain you see in the mining towns Senator CASEY and our colleagues represent.

You don't turn your backs on workers and retirees in these struggling communities, these struggling mining towns, just because the times are tough. These workers have earned their pensions. They have earned their health care benefits. But the fact is, if Congress does not act soon, all of this could be taken away.

There is a broader crisis in multi-employer pensions that I have talked about on the floor and in the Finance Committee. Part of this crisis goes back to a bad law that passed, over my opposition, in 2014. It gave a green light to slashing benefits for retirees and multi-employer pension plans. It said that it was OK to go back on the deal companies made with their workers and to take away benefits—benefits people had earned through years of hard work. So there are a lot of seniors now walking an economic tightrope every day, and this law threatens to make their lives even harder.

Now you have the mine workers' pensions—the pensions Senator CASEY and colleagues have been talking about—in such immediate danger, there is enormous financial pressure being put on the Pension Benefit Guaranty Corporation. That is because the Pension Benefit Guaranty Corporation is an economic backstop for millions of retirees. It insures the pensions belonging to mine workers and more than 40 million Americans. But the Pension Benefit Guaranty Corporation is in danger of insolvency if the Congress doesn't step up and find a solution for the troubles facing multi-employer pension plans. And fixing the mine workers' pension plan is a critical component of any solution for the Pension Benefit Guaranty Corporation's insurance program. If you don't come up with a solution there, you are going to put in place a prescription for trouble for generations of retired workers across the country.

Senator MANCHIN has worked strenuously for this cause, reaching across the aisle to Senator CAPITO. I mentioned my colleagues on the Finance Committee. There is now a bipartisan proposal ready to go to protect retired mine workers' health benefits and bolster their pension plan. It would stave off the threat of financial ruin for more than 100,000 workers and their families and would help safeguard the Pension Benefits Guaranty Corporation and the millions of Americans who count on it to insure their livelihoods. We understand that if you want to do something important in the Senate, it has to be bipartisan, so we have reached out to the majority to find a way to advance this proposal.

The mine workers are not facing some imaginary policy deadline. Their livelihoods are on the line. Their health care is on the line. The economic security of entire communities is on the line. So it is time for the Congress to step up.

I again thank my colleagues.

I wish to note that I have some additional remarks to make, and I am going to wait to give those remarks because I understand Senator HEITKAMP, Senator DONNELLY, and Senator COATS are going to go beforehand. I see our friend from North Dakota on her feet.

I yield the floor.

The PRESIDING OFFICER. The Senator from North Dakota.

Ms. HEITKAMP. Mr. President, let me add my voice to those of my colleagues who have come here to plead the case for mine workers and for equity for widows, equity for people who have worked their entire lives with their hands and now have their future jeopardized by the lack of attention to this critical issue of their pensions.

STUDENT DEBT

Mr. President, I rise today to talk about another very important middle-class economic issue and one that we have been talking about ever since I got here; that is, the overwhelming burden of student debt.

Earlier this week I spoke at Envision 2030 in Bismarck. It was a convening of academic and political leaders in my State to discuss the needs of students who will be embarking on and graduating from college in the next 15 years. Incredible amounts of time was spent on college affordability. I challenged many of the education leaders to take a look at what it is going to take to reduce costs so that students do not have to borrow so much money as they are pursuing their higher education opportunities.

Like the rest of the country, North Dakota's students are getting bogged down in debt before they even graduate from college. This debt impacts their futures, their families, and their communities.

I would argue that this debt is endangering the economic viability of our country. According to the Institute for College Access and Success, the average amount of student debt a person in North Dakota owes has now risen above $27,000. North Dakota students have some of the highest rates of indebtedness in the country, as 83 percent of the class of 2011 graduated with some form of debt. That is more than any other State in the country for that year.

Across the country, these statistics paint a bleak picture. I want to point that out as we are looking at debt and what debt can do to an economy. Certainly, we talk a lot about the debt we have in this country. If you take a look at this chart, you will understand that this peak in debt here is really right after the debt crisis. There was rising consumer debt in credit cards. Here is student loans. This is mortgage debt, obviously, at a peak. This is auto loan debt.

Notice this: Everything went down and has come down in terms of debt—percentage of balance that is 90 days or more delinquent—except one category, and that is student loan debt.

We like to tell the story honestly. These people who have credit card debt and mortgage debt are not deadbeats; they want to pay their obligations. These students also want to pay, but they are finding it virtually impossible to pay this amount of student debt with the lack of economic opportunities and with the rising number of challenges they have in meeting these obligations.

A lot of people think: Well, this is just a problem for kids in their twenties. That is not going to be a problem. They will work their way through it. That opportunity will be available to them.

Take a look at this. If you go back to 2004, 42 percent of everybody impacted was in their twenties, and now it is 32 percent. That growing impact goes not only into your thirties but also into your forties, and we have the highest percentage increase, probably, in the number of people 60 and older who are burdened by student debt.

This chart tells an incredible story of the burden all of this student debt is having on the economy. Well, what do we do about it? I have signed on many pieces of legislation here that would do one simple thing: It would help refinance this student debt.

We have record-low interest rates in this country. We have never before seen the continuity and consistency of low interest rates. Amazing. If you have a high interest rate and you have a car loan, you refinance it. If you have a high interest rate and you have a home, you refinance your mortgage. But can you refinance your student debt? You will never take advantage of this.

Well, in North Dakota we have an institution called the Bank of North Dakota. It might shock people here, given the kind of attitude I see toward the Export-Import Bank, but the Bank of North Dakota is owned by the people of the State of North Dakota. About a third of their capital is invested in students. It is an opportunity to develop our State. We make home mortgage loans. We make beginning-farmer loans. We participate with local banks in economic development loans. We have some great economic development programs at the Bank of North Dakota.

I am still in the ''we'' mode because when I was attorney general, I used to serve on their board of directors. Senator HOEVEN ran the Bank of North Dakota. It is an amazing institution.

When we find our citizens crippled with debt, what do we do? We try to figure out how to help them. We don't say: We are going to make more money on you by keeping our interest rates at 6.8 percent and not letting you refinance. We say: You know what, that is not helpful to our economy.

Let me tell you about the results of the consolidation program the Bank of North Dakota runs. First of all, there are qualifiers. The first qualifier is that you have to be a U.S. citizen. You can't be attending school any longer. You must have been a North Dakota resident for 6 months. And if this gets out, we may see a flood of young people coming to our State. You must meet Bank of North Dakota credit criteria or have a creditworthy cosigner.

Your loan options are any student loan that you have or your parents have or your grandparents have can be consolidated into this program. We will take Stafford; Perkins; parent loans for undergraduate students, which is called PLUS in North Dakota; Grad PLUS in North Dakota; and DEAL, which is another student loan program that they run at the Bank of North Dakota; and any private lending from any other institution.

What do we do? We consolidate all of that debt and refinance it into lower interest rates and offer people a number of different packages.

Let me tell you what the consequences are. Let's take a look at someone who is in a student loan program that charges 6.8 percent per annum for that student debt. If you have a loan amount of $35,000 at 6.8 percent and your repayment term is 300 months—think about that, 300 months. What is that in terms of a lifetime? That is a lot of months for a lifetime. Your monthly payment is $242 or almost $243. The total interest you will pay traditionally, without consolidation and without refinancing, is about $38,000.

Under this refinancing program, you can do it one of two ways: You can refinance on a fixed rate or you can refinance on a variable rate.

You may say: Oh, variable rates—isn't that what has gotten so many consumers in trouble?

What the bank does is they say you can only raise the rate 1 percent a year under the variable rate and you are capped at 10 percent. So you will never pay more than 10 percent. Or you can opt to lock in at our fixed rate, which at the time this chart was done was 4.71 percent. If you use the variable rate, you can lock in at just slightly above 2 percent.

Let's take those same payment terms—300 months. Your monthly payments for the Deal One fixed rate would be less than $200, compared almost to $250. Your total interest paid would be $13,000 less over the lifetime of that loan. If you go with the variable rate, assuming we don't see a dramatic increase in interest rates, you will pay $150 a month. It is almost $100 less. The total interest you will pay at these low rates is $10,000, compared to $37,000. Think about that. Think about what that means to a family.

If we take this even further and we speed up payments under the DEAL Program—let's try to do this in less months because no one wants to be locked in for 300 months of their life. If you look at going to a fixed rate for 157 months, you can greatly reduce your overall interest paid to about $12,000. Your monthly payment would be $300, and the total amount you will pay—let's compare that to the fixed rate going to 300 months; you pay almost $60,000. If you go to a shorter period of time, almost cut that time in half and increase your payments to $300 a month, you will only pay $47,000 on a $35,000 loan going with the fixed rate we currently have. If you go with variable, assuming the interest rates stay low, a $35,000 variable loan amount gets you down to just under $40,000.

Why can't we do this for every student in America? When I hear that the solution to the student debt problem is that we ought to limit the amount of repayment to 15 percent or we ought to forgive it after so many years, I don't think that is a solution for a lot of good North Dakotans who want to repay their debt. But to simply say we will not consolidate, we will not give an opportunity for students to take advantage of low interest rates is incredibly irresponsible. It is tone deaf to the impact that it has on whether we can start a new business, whether we can get a mortgage for a home, whether we can buy a car, whether we can save for our retirement so we don't have pension problems in the future, and whether we can save for our kids' college education.

Why aren't we doing this? Someone answer that question for me. If we can make this for students in the State of North Dakota, why can't we make this happen for students all across this country? That is the question I have come to ask because I think a lot of people talk about the ideas of restructuring student debt and what we can do

to help students, and a lot of it is about debt forgiveness. You know what. I think people want to pay their debt in America. If they signed a piece of paper that says they will repay it, they want to repay it. Let's give them a chance to do that without continuing to mortgage their future and make them slaves to student debt.

I have a personal story. My niece and her husband were able to use this program. They continued to pay the same amount as they were paying when they had four or five different loans and they consolidated. They are spending the same amount on their student loan, and guess what. They have cut the time for payment of their student debt in half. They are now able to save for their children's future and college education.

People say it can't be done. You bet it can be done. We are doing it in North Dakota, and if we can do it in North Dakota, we can do it in this country. Let's step up and recognize this for the economic problem that is not just for families but for this country, and let's do something. Let's quit talking about student debt and actually do something about that.

With that, I yield the floor.

The PRESIDING OFFICER. The Senator from Indiana.

RECOGNIZING THE 100TH RUNNING OF THE INDIANAPOLIS 500 MILE RACE

Mr. COATS. Mr. President, I am on the floor with my colleague from Indiana Senator DONNELLY to talk about something that is very special to the State of Indiana which happens to be coming up this weekend. On Sunday, May 29, the 100th running of the Indianapolis 500, the greatest spectacle in racing, will take place in the town of Speedway, IN, a small town within the confines of the borders of Indianapolis.

The Indianapolis 500-mile race is the largest single-day sporting event in the world. It is almost staggering to think about this small town of Speedway, IN, hosting 350,000 fans this year. It is a logistical challenge that the city and security people have met year after year. It is something to see.

Since the first race in 1911, race fans from around the world have packed the grandstands and the speedway's expansive infield to enjoy the race and take in the experience of being at one of the world's most famous motor sports events.

I can't begin to describe the dimension of a 2½-mile track and the infield. There is a golf course—and a significant part of it is in the infield—that only takes up part of that infield. The 2½-mile track, with 350,000 people, is a spectacle you will not see anywhere else.

For those of us who are from Indiana, the Indy 500 is a celebration of our State, and along with basketball, is what it means to be a Hoosier. Timeless traditions, like the singing of ''Back Home Again in Indiana,'' are embedded into the fabric of Hoosier culture. When the announcer says the phrase ''Gentlemen, start your engines,'' as was said for many years, 33 cars' engines start to roar to the cheers of the crowd. Today that same phrase is now ''Gentlemen and ladies, start your engines'' because the race has brought women to the track to also race.

Thirty-three cars start the pace laps, and off the third or fourth pace lap, as the pace car races down the straightaway and pulls aside, 33 cars come roaring around the fourth turn and hurtling down the home stretch at over 200 miles per hour to plunge into the first turn while 350,000 people stand there holding their breath, maybe saying a prayer, and saying: How in the world can those 33 cars at 200 miles an hour pile into that very small banked first turn without cataclysmic consequences? But they do it, and it is a testament to the agility of the drivers and the technology that has been incorporated into the cars. It is something to see.

The roots of all of this date back to 1909, when a group of businessmen, led by Hoosier entrepreneur Carl Fisher, purchased the 320 acre Pressley Farm—that is not Elvis Presley, by the way—just outside Indianapolis and began construction of the gravel-and-tar racetrack.

At that time, Indianapolis and Detroit were competing to be America's automotive capital, and Fisher believed that a large speedway, where reliability and speed could be tested, would give Indianapolis an upper hand.

Fisher and other speedway founders hired a New York engineer and asked him to design a 2½-mile track with a banked corner, a unique design that still endures today. The first track surface proved to be somewhat problematic so Fisher and his partners needed a way to pave it. They settled on bricks, and covering the 2½-mile oval required an astonishing 3.2 million bricks at a cost of $400,000, which was no small change back then. That is why it is called the brickyard.

As time wore on, bricks didn't become the ideal surface, and when the current surface was put in place, we retained 1 yard of bricks at the finish line. If you are watching the Indianapolis 500 on Sunday—and I know all of these pages will be tuning into that spectacle after Senator DONNELLY and I are through convincing you that this is something you really want to see—that yard of bricks is there and symbolizes what that track has been.

With the bricks laid, about 80,000 spectators gathered around the track on Memorial Day weekend in 1911 for the inaugural Indianapolis 500 race. They witnessed Ray Harroun win the race in his yellow No. 32 Marmon ''Wasp'' at an average speed of 74.6 miles an hour—about what Senator DONNELLY and I try to drive when we are on the interstates in Indiana and going no faster than that so we don't get a speeding ticket, which wouldn't help our careers.

Initially, the cars had two people. One was the driver and the other was a mechanic. This is early on in 1911. We were still developing cars, and of course the impacts the car had to absorb going around a tar-and-gravel track caused many stops, so the mechanic would jump out, make the fix, put on a new tire, and help with the fueling. Ray Harroun surprised everybody by showing up without a mechanic. He was the only person in the car. It was the first such instance that had happened. What they did see in the car was something they hadn't seen on any of the other cars—a rearview mirror being used in an automobile. That is the first instance that we know of that automobiles used a rearview mirror. Since that first race, the Indianapolis 500 has occurred on every Memorial Day since 1911, with the exception of 1917 and 1918 when the United States was involved in World War I, and there was an exception from 1942 to 1945 when the United States was involved in World War II.

When the soldiers came home after the war was over, they looked at the track and it was in a state of despair. It simply was not ready to be used. It had been neglected, understandably, through the war years and was broken down. At that time, the talk was let's close it down, but Terre Haute, IN, native Tony Hulman purchased the Indianapolis Motor Speedway, and under his leadership the facility was restored and rebuilt.

Beginning in 1946 until today, the Indianapolis 500 restarted with massive crowds and the event has only grown over time. In the decades since, the speedway has been owned by the Hulman-George family and all race fans are indebted to this family for their passion for Indy 500 and careful stewardship of the world's most famous racetrack.

As the years passed, the technology used at the Indianapolis Motor Speedway has progressed and so has the speed. In 2013, Tony Kanaan set the record for the fastest Indianapolis 500, winning the race in 2 hours 40 minutes, at an average speed of 187.4 miles per hour. Think about that. Think of driving for 2 hours 40 minutes, at 187 miles per hour, including yellow lights, when everybody has to slow down significantly because of an accident on the track, a loose tire or something that causes the race to have to slow down, and the pit stops where they have to change the tires and fuel the cars—230 miles per hour is an extraordinary speed, and you have to run at that top speed almost continuously while you are on the track in order to achieve that 187-miles-per-hour record.

There is nothing like being there and seeing cars at that speed so deftly handled by drivers in very difficult situations. The Indianapolis 500 is a showcase of ingenuity, human achievement,

and the continuous pursuit of racing immortality.

Racing legends like A.J. Foyt, Mario Andretti, Rick Mears, Al Unser, and Bobby Rahal have become synonymous with the Indianapolis 500. The race is a source of great pride for all citizens of our State, and we are all very excited about the 100th running on Sunday.

I am pleased to be joined by my Indiana colleague Senator DONNELLY in recognizing—through a Senate resolution, which we will offering after Senator DONNELLY speaks—the tremendous occasion of the 100th running of the Indianapolis 500.

I am more than happy to yield to my colleague, Senator DONNELLY.

The PRESIDING OFFICER. The Senator from Indiana.

Mr. DONNELLY. Mr. President, I thank my good friend and colleague Senator COATS. He is truly an institution in our State.

I rise with Senator COATS to commemorate the 100th running of the Indianapolis 500. Think about that. What a long and storied history. The Indy 500 is more than a Memorial Day weekend tradition, and it is more than just a sporting event. It has a storied history, and the list of winners includes some of the most legendary drivers in motor racing history—names like Foyt, Mears, Unser, Andretti, and the legendary family who has been such good friends to our State and such good stewards of the track, the Hulman-George family.

The Indianapolis Motor Speedway and Indianapolis 500 are a sight to see, with its iconic 2½-mile oval and the buzzing atmosphere created by hundreds of thousands of cheering fans. As my colleague and dear friend Senator COATS said, the singing of ''Back Home Again in Indiana,'' the winner drinking milk in victory lane, and raising the Borg-Warner trophy, this is defined by career-making victories as well as heartbreaking crashes and down-to-the-wire finishes.

The Indy 500 is more than just the greatest spectacle in racing. It is about a whole lot more than just that. It is about bringing people and families together. More than 300,000 people will come to watch the race in the city of the speedway this weekend. It boosts local businesses and gives Central Indiana an opportunity to showcase ourselves to the rest of the world.

Over its history, the Indy 500 has been part of the fabric of our Hoosier State. It has endured through economic booms, depressions, and times of turmoil at home and abroad. Through it all, the Indy 500 has become one of the biggest sporting events in the world. It brings together people of all different backgrounds. As the race has grown, it has drawn spectators from across the United States and from around the world—diehard racing fanatics and casual fans alike. Donald Davidson, the track historian, told the Indianapolis Star earlier this week:

There is nothing else like it. It just took off. There was Christmas, there was Easter, and there was the Indianapolis 500.

It is a special event, unlike any other. I have had the privilege of attending the 500 many times, and I am looking forward to attending Sunday's 100th running of the race. You can't help but be struck by the talent of the drivers and the team.

Earlier this month, I visited the Andretti Autosport, where I saw firsthand the craftsmanship and extensive preparations that go into building a single Indy car for the Indy 500. They were building a number of them. The dedication and teamwork is remarkable. Each piece is an intricate creation, and the driver of each car has to have complete trust in the team that designed and built this car, before it even rolls onto the track. The team has to have that same confidence in the driver, that he or she can bring that car into Victory Lane.

For thousands of Hoosier families and racing fans, the Indy 500 is a time for creating lifelong memories. Joining together with friends and neighbors, the race is a chance to showcase the best in Hoosier hospitality and the best our State has to offer. To win the Indy 500, one needs all of the things that we Hoosiers hold dear: determination, hard work, ingenuity, an unwillingness to give up in the face of adversity, and, sometimes, a little bit of luck.

To win you have to be able to overcome setbacks, get back up, dust yourself off, and put your nose back to the grindstone. That is the Hoosier way.

I wish the best to our drivers, to the crews, and to the teams and owners competing in Sunday's 100th running of the Indy 500. May it be a safe and competitive race. May God bless all those involved. God bless Indiana, and God bless America.

Thank you, Mr. President.

The PRESIDING OFFICER (Mr. PERDUE). The Senator from Indiana.

Mr. COATS. Mr. President, on behalf of my colleague and friend, Senator DONNELLY, and myself, I ask unanimous consent that the Senate proceed to the consideration of S. Res. 475, submitted earlier today.

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

The legislative clerk read as follows:

A resolution (S. Res. 475) recognizing the 100th running of the Indianapolis 500 Mile Race.

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

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

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

The resolution (S. Res. 475) was agreed to.

The preamble was agreed to.

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

Mr. COATS. Mr. President, I yield the floor.

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2017—MOTION TO PROCEED—Continued

The PRESIDING OFFICER. The Senator from Oregon.

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

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

FILLING THE SUPREME COURT VACANCY

Mr. WYDEN. Mr. President, I have waited to give this speech for weeks, waited for the rhetoric to die down after the untimely and unexpected passing of Justice Scalia, and waited to speak about the sad state of affairs out of a hope that no more words would be necessary before this Senate acted.

It was my fervent hope that the initial reaction to Justice Scalia's death was due to the shock and the grief at the loss of a conservative icon.

I, like many of my colleagues, were publicly mourning the loss, and I assumed that my colleagues were simultaneously realizing that after decades of trending to the right, it was now more than likely that the Supreme Court was going to shift back to a more centrist, progressive point of view.

But now it appears that the Senate has descended into an ''Alice in Wonderland'' world where the Senate cannot even agree on how many Supreme Court Justices make the Court functional. Throughout our history, in the Senate there have been previous attempts to attack the Court by, on the one hand, denying it members, or, on the other hand, packing the Court. In those instances, this once august body has stood together and always protected the sanctity of the Court—but not today.

The Senate is not only displaying contempt for the Court, but it is demonstrating contempt of its constitutional responsibilities. It is hard for the people we are honored to represent to make sense out of much of what goes on here—who serves on the subcommittee that always sounds like the subcommittee on acoustics and ventilation, what a motion to table the amendment to the amendment to the amendment actually means—but this is an issue the American people get.

We know there are supposed to be nine Supreme Court Justices and the Senate ought to do its job and ensure that the Court can function without wasting years of people's lives and dollars by allowing cases to be undecided through deadlock.

I can state that I am going to be home this weekend for townhall meetings. At these townhall meetings, I hear from citizens who are exasperated.

They tell me this in the grocery store, in the gym, and in other places where Oregonians gather. They cannot understand how a U.S. Senator can ignore the responsibility to advise on a Supreme Court nominee and remain true to his or her oath.

Here is what Oregonians know for sure. They understand that the President of the United States is elected to a 4-year term, not a 3-year term and some number of days—4 years. We learn it in the first quarter of high school civics class. Oregonians and Americans understand that it is the President's job during that 4-year term to fill vacancies on the Court, and Oregonians understand that it is the Senate's job to advise and consent on the nomination by holding hearings and then having an up-or-down vote.

The President has fulfilled his duty. The Senate is utterly failing its responsibility. We have a nominee—an eminently well-qualified nominee. Our President pro tempore in the Senate, who is widely respected, called him ''highly qualified'' and described him this way:

> His intelligence and his scholarship cannot be questioned. . . . His legal experience is equally impressive. . . . Accordingly, I believe Mr. Garland is a fine nominee. I know him personally, I know of his integrity, I know of his legal ability, I know of his honesty, I know of his acumen, and he belongs on the Court. I believe he is not only a fine nominee, but is as good as Republicans can expect from this administration. In fact, I would place him at the top of the list.

Those are the exact words of our President pro tempore with respect to this nominee.

The then-chairman of the Judiciary Committee called him ''well qualified,'' even though he objected to bringing the Court he was being appointed to up to its full complement of Justices.

But despite having a fully qualified judge vetted and praised by many of their colleagues, this intemperate rhetoric about blocking the Court has now solidified into an indefensible position. That is why after waiting for weeks, I am on the floor this evening.

The first blow is now well known and often quoted. The majority leader said:

> The American people should have a voice in the selection of their next Supreme Court Justice. Therefore, this vacancy should not be filled until we have a new President.

This was said at a time when other officials were releasing statements offering condolences to the Justice's family, which includes 26 grandchildren.

In some respects this reaction should have been expected. When President Obama took office, it seemed that the goal of some was to oppose anything he did, however reasonable. Senators such as myself who have been here long enough to see the ebbs and flows of the Senate figured that this stance was probably just a temporary slump. Senators put in long hours and travel endlessly to make a difference on issues that are important to them and to their States. Even if the solemn responsibility and constitutional duty with which they are entrusted weren't enough to encourage action in this serious situation, it would seem, for the sake of our country and our people, that many here hoped this body would find its way back again.

Unfortunately, that has not been the case. So the majority leader's response to the death of Justice Scalia becomes yet another example of the scorched-Earth approach to politics the far-right has taken since the very beginning of the Obama Presidency. It is a sad and unworthy response to Americans who expressed their will at the ballot box.

Many Americans list choosing a Supreme Court Justice as one of their leading reasons for choosing a Presidential candidate. Sometimes—many times—this is given as the most significant reason for voting for a President. In the last Presidential election, the American people chose Barack Obama as the duly elected President of the United States. I state this because, for many of my colleagues, that fact somehow seems to have just vanished from their minds, or perhaps there is just a refusal to recognize the results of the 2012 election. Americans chose President Obama to be the Commander in Chief, to administer the laws, and, yes, to appoint a new Supreme Court Justice for any vacancies that occur between January 20, 2013, and January 20, 2017. The unanimous position or near unanimous position of the majority is that elections don't really seem to matter, that the rule of force becomes the rule of law, and saying ''no, we will not'' is an acceptable response for being asked to fulfill constitutional responsibilities. Basically, this position disenfranchises the constitutionally ratified choice of more than 65 million Americans because the majority in the Senate simply doesn't agree with them.

This is not a response worthy of U.S. Senators. It is choosing party and ideology over the needs of our country, and it is a political choice that many of my colleagues are beginning to understand they cannot support.

My colleagues have said: It is not the position; it is the principle. But this is a position without principle. It is really pure politics—pure politics of the worst kind. It calls into question whether perpetrators can effectively do their jobs as Senators going forward.

Today the Senate, this venerable institution, continues to find itself in the hands of the most insidious form of politics—small ''p'' politics. It is the kind of politics that seems just devoid of reason, revolving around what seems to most Americans to be a truly straightforward portion of the Constitution.

Article II, section 2, paragraph 2, of the Constitution states:

> [The President] shall have Power, by and with the Advice and Consent of the Senate, to . . . nominate, and by and with the Advice and Consent of the Senate, shall appoint . . . Judges of the Supreme Court. . . .

Now, I am a lawyer in name only. I don't profess to be a constitutional scholar. But at this point, I am one of the longer serving Members of the Senate, and I have placed a special priority on working with colleagues across the aisle, trying to find common ground, recognizing that the Senate is at its best when colleagues work together. But to my mind, the current approach taken by the majority toward the President's duty to nominate a Supreme Court Justice and the duty the Senate has to advise and consent on the nominee has led this Senate to an unprecedented and dangerous situation. It seems to me that by denying Judge Garland a hearing, we are denied the opportunity to ask the nominee questions to which the American people are owed answers.

The current position of refusing to ask those questions and hear those answers is an insult to our form of government, one understood by originalists, strict constructionists, and liberal interpreters alike. The Senate's decline has been particularly vivid in the case of judicial appointments. The U.S. Court of Appeals for the District of Columbia is the primary judicial forum for appeals of Executive and regulatory actions prior to the Supreme Court. As such, it has become the focus of ideologues who oppose environmental regulations, consumer regulation, anti-trust, and many other hallmarks of our system of government for the past century.

When three vacancies opened on this court and Presidential appointments were made, Senate Republicans proceeded to filibuster each and every one of those nominees, claiming—in my view ridiculously—that the President was engaged in ''court packing.''

Now, in the interest of fairness, court packing is the reprehensible course of action chosen by a liberal icon, President Franklin D. Roosevelt, when faced with a court that opposed his will. That attempt was a dangerous time for our constitutional system of checks and balances and must be remembered, lest it be repeated.

Not only was it dishonest to apply this term to the regular process of filling existing vacancies, the accusers were, in fact, attempting to accomplish FDR's same goal of bending a Federal court to their will in a blatant attack on our system of checks and balances.

Today, we are witnessing another attack on the Constitution in this refusal to do our job and proceed to the confirmation process for Judge Garland.

This is a grave assessment, and maybe I am being a bit too harsh to colleagues in laying their refusal to duty on purely political grounds. So I want to just take a couple of minutes to unpack some of the justifications that have been given for what we have heard. Some Members have argued there is a longstanding tradition that the Senate does not fill a Supreme Court vacancy during a Presidential election year. This has been referred to as an ''80-year precedent'' and as ''standard practice.''

Unfortunately, that turns out not to be the case. There is no such precedent. Or, I would say, there is no such precedent unless you define your terms so narrowly that the concept of precedent becomes meaningless. This can be contrived, for example, by limiting the discussion to nominations made during a Presidential election year rather than nominations considered during a Presidential election year.

However, that is like saying: We never previously filled a Supreme Court vacancy in a year in which Leonardo DiCaprio won an Oscar and Denver won the Super Bowl. This is true enough, but it covers such a small set of cases that it provides no meaningful guidance. If anything, the relevant historical precedent favors the Senate considering a nomination to fill the current vacancy.

Since 1912, the Senate has considered seven Supreme Court nominations during Presidential elections. Six of the nominations were confirmed: Mahlon Pitney in 1912; Louis Brandeis and John H. Clarke in 1916; Benjamin Cardozo in 1932; Frank Murphy in 1940; and the most recent example, Anthony Kennedy in 1988, who was nominated by President Reagan and confirmed unanimously by a Senate in which Democrats held the majority.

In one other case, that of Abe Fortas in 1968, the nomination was rejected in an election year. However, even then, the Senate did its job. It held hearings, reported the nomination from committee, voted on whether to invoke cloture on the nomination on the Senate floor.

In the face of this historical record, some Senators have argued another point. They have invoked the so-called Biden rule, based on a speech that Vice President BIDEN gave on the Senate floor in 1992 when he was chairman of the Senate Judiciary Committee. In that speech, according to some Members, Senator BIDEN established a binding rule that the Senate should never consider Supreme Court nominations during Presidential election years.

First, as discussed above, there is no such thing as a binding Senate rule. We make them. We break them. We change them. It is the flexibility of this institution that has allowed it to continue to serve Americans for 225 years and the current inflexibility of my colleagues that threatens to bring it to harm.

Now, let's look at Senator BIDEN's 1992 comments in perspective. He gave a speech, perhaps intemperate, but in 1988, as I just described, he led the Senate in confirming Justice Anthony Kennedy.

Further, in 1987 and 1991, when Presidents Reagan and Bush submitted the highly controversial nominations of Robert Bork and Clarence Thomas, the Senate Judiciary Committee, chaired by then-Senator BIDEN, held hearings on the nominations and took them to the floor for up-or-down votes. So when Senator BIDEN chaired the Judiciary Committee, he always provided a Republican President's Supreme Court nominees with a hearing, a vote in committee, and a vote on the Senate floor.

It is also important to consider the overall point that Senator BIDEN was making in 1992. The Supreme Court was about to adjourn, which is a time when Justices frequently announce their retirement. Senator BIDEN was arguing that there should not be a trumped-up retirement, designed to create a vacancy for which the President would submit an ideologically extreme nominee as ''part of a campaign to make the Supreme Court an agent of an ultra right conservative social agenda which would lack support in the Congress and the country.''

Senator BIDEN was arguing against partisanship. He was counseling restraint. He said that ''so long as the public continues to split its confidence between branches, compromise is the responsible course both for the White House and for the Senate.''

Noting his support of the nominee, though nominated by an opposing President, Senator BIDEN was urging both sides to step back from partisan ideological warfare. Senator BIDEN urged Congress to develop a nomination confirmation process that reflected divided government by delivering a moderate, well-respected nominee who would be subject to a reasonable, dignified nomination process.

Senator BIDEN went on to say, ''If the President consults and cooperates with the Senate or moderates his selections absent consultation, then his nominees may enjoy my support, just as did Justices Kennedy and Souter.''

That is precisely the approach that President Obama is following here—moderating his selection. In nominating Judge Garland, the President has not politicized the process. The President has not nominated some left-wing ideologue who thrills progressives but angers conservatives. You already heard what I quoted directly from our esteemed friend, the President pro tempore of the Senate, Senator HATCH. The President has gone to the middle, seeking compromise. He has nominated someone who is widely regarded as sound and moderate and capable. Indeed, not long ago, leading Republican Senators cited Judge Garland as the very example of the type of person they were hoping the President would nominate.

Judge Garland is the kind of person about whom my colleagues on the other side of the aisle said: This is the kind of person we would really like to see for this job.

Now, there have been other attempts to defend the indefensible, and they all go back to the facts that I have just outlined. No matter the politics, no matter your concern about a primary challenge from the right, no matter the faint hope that a Member of your party might win the White House and nominate an ideological kindred spirit, no matter the pressure to choose party over country, it is time to do our constitutional duty, hold hearings, ask questions, get answers, and vote on the nominee.

Perhaps, as with Abe Fortas, the nominee will be rejected. If that is the Senate's will, so be it. But denying a duly nominated candidate a responsible and dignified confirmation process is choosing to further endanger the people we serve and the body that we serve in.

Finally, every Republican Member must know that having a meeting or calling for hearings and a vote without taking any action to make it so is pretty much naked politics, and Americans are not going to be fooled. If Members of the majority actually wish to see the Senate do its job, they can force the Senate to make it happen by denying the leadership the ability to act on other less pressing matters until they take up this responsibility.

To go home and claim that you would like hearings—that you would like a vote—without taking action to make it happen is simply lip service to the constitutional responsibility of a Senator.

I am going to close with just a couple of last thoughts. My colleagues have the opportunity to redeem this body. My colleagues have repeatedly said: It is not the position; it is the principle. But it was understood during FDR's time, and it should be understood now, that threatening the makeup of the Supreme Court is a position without principle.

Intemperance appears to be the hallmark of political rhetoric in this day. Somehow, if it is loud and intemperate, that is what people are going to pay attention to. But this sort of intemperate rhetoric is certainly corrosive to this institution.

The Senate still has an opportunity to sober up, regardless of what was said, buckle down, get to work, hold hearings, and vote on a nominee. Political rhetoric can be forgiven. Allowing intemperate rhetoric to control the solemn responsibility of every Senator is unforgivable.

I yield the floor.

The PRESIDING OFFICER. The Senator from South Dakota.

Mr. ROUNDS. Mr. President, I rise today to speak about the National Defense Authorization Act of 2017, or the NDAA. This bill was reported out of committee 2 weeks ago with 100 percent support from our friends across the aisle and nearly unanimous support from the majority party.

I am thankful for the leadership of Chairman MCCAIN and Ranking Member REED. I think they have done a marvelous job. These are two veterans who have served their country well before becoming Members of this body. As Members of this body, they have worked very hard to find consensus between Republicans and Democrats with regard to how we work to prepare an authorization bill for funding for our military.

The reason I am here today is I think it is important to share my thoughts about the need to move forward with a discussion of the National Defense Authorization Act on the floor of the Senate in an appropriate timeframe.

For those individuals who wonder how the Senate works, sometimes we find it frustrating because we would like to move on. And as my friend the Senator from Oregon just indicated, they would like to have votes. In this particular case, he was suggesting a vote on the Supreme Court, but on that one there are challenges and there are concerns on the part of Members of the majority party.

But in the case of the National Defense Authorization Act, this is one which has been passed out of the Senate, passed by the House, and signed by the President for 54 years in a row. It is a bipartisan work effort. It is one in which we have agreement; we find consensus. It seems only appropriate that we try to move forward on this particular bill before Memorial Day, the day in which we honor those individuals who have given the ultimate sacrifice.

Let me share with you what we understand has happened. I understand that when the majority leader had asked for a unanimous offer or an agreement that we take up this bill early—take it up and begin to debate it; not pass it, but debate it and accept amendments to this particular bill about how to appropriately direct our military for the coming year—the minority leader objected, which is his right, and said he would not allow us to move forward, even to debate the bill.

In fact, we had to file what they call cloture or a closure of the time with a 30-hour period, which we are in right now, before we can even take up the bill. That seems inappropriate. At least to me, it seems that if we really wanted to show we honor those individuals—and we talk about the memory of those who lost their lives serving our country—the least we could do would be to move forward with this particular one in some sort of a united effort since there does not appear to be anything that is of a challenge in passing the bill.

I think about Memorial Day because I lost an uncle. As a matter of fact, I am named for him. My name is Marion Michael. I go by Mike, but I was named for an uncle who died in World War II on the island of Okinawa in May of 1945. He never had a chance to vote, never had a chance to have a family. My family lost something. He lost his life, but we lost an uncle, a brother.

This is the time period in which we remember what these folks—these soldiers, sailors, and warriors—have given to our country. It seems appropriate that this would have been a great time to make an example of our working together. That sense of sacrifice didn't stop in World War II; it continues on.

I had the opportunity, the privilege, to work as Governor of South Dakota during the time in which we were sending young men and women off to wars in Afghanistan and Iraq. I remember one time in particular that was an example of the generations supporting our country. It happened to be with a mobilization ceremony in the little town of Redfield. When we send young men and women off in South Dakota, we have a mobilization ceremony that is attended by literally the entire town. In this case it was the 147th Field Artillery, 2nd Battalion. I was working as Governor at the time, and when we came into this town, we went to the high school gymnasium. You couldn't park win three blocks of that gymnasium because it was filled.

When we walked inside, there were people everywhere. They were even sitting on the window sills because there were a little over 105 soldiers who were being deployed, and they were going to Iraq.

I remember it specifically because as we finished the ceremonies for deployment in this packed crowd, we went down the line, and we started thanking each soldier for their service. I walked through the line saying: Thank you. We appreciate your service. Be careful. Come back safely.

I looked at one of the soldiers and looked at his last name. He was gray haired, clearly he was a sergeant, and he was one of the leaders. I said: Thank you for your service. Do your job, but bring these guys home safely.

He said: Yes, sir.

The next man in line—I looked at his name, and it was the same name as the individual ahead of him. I looked at him and I said: Is that your dad?

He said: No, sir, that is my uncle. My dad is behind me.

Three generations, three separate members of the same family were serving in the 147th, three of them offering their own and their families' time to support our country. I don't know whether they were Republican or Democrat. All I know is that they were wearing the uniform of the United States of America.

Sometimes, as we talk about what we do, we have to remind ourselves that when these young men and women deploy, they are not deploying as Republicans or Democrats. They really don't care about how we see the progression of the votes that we take here. What they look at is whether or not we are united as Americans.

This would be a very appropriate time for the minority leader to perhaps consider giving back some of the time that he is holding for debate on this bill to begin. Let's begin the debate on this bill before we leave for Memorial Day. Let's begin the process of letting these families know that this is important to us, too, and that we understand the significance of Memorial Day.

For that particular family I talked about in Redfield, this is especially important this year because that young man came back and carried the Cross of War with him. They lost him earlier this year. This year, Memorial Day means a little bit more.

What I would ask today is that we send a message to all of the men and women who wear the uniform. Politics is gone. We will debate the bill, we will spend time on the bill, we will make it better, but we will not hold it hostage. We will do what they want us to do as Americans protecting our country and honoring the memory of those who have given everything in defense of our country.

This is the time to vote—to vote for those who died before they ever had a chance to vote. This is a chance to share our strong belief that when it comes to the defense of our country, we are Americans first, Republicans and Democrats last.

With that, I yield the floor.

The PRESIDING OFFICER. The Senator from Michigan.

WATER RESOURCES DEVELOPMENT ACT

Mr. PETERS. Mr. President, tonight I rise to speak about the pressing need to invest in our aging infrastructure across this great country, especially drinking water infrastructure.

What makes the ongoing crisis in Flint so tragic is that it was preventable. Steps could have and should have been taken over months and even years that would have prevented the poisoning of the citizens of Flint. Because these steps were not taken, efforts to mitigate the effects of lead exposure and repair the damage will be necessary for many years to come.

Our drinking water supply is largely dependent on systems built decades ago that are now deteriorating. Many of the pipes in some of our older cities were installed before World War II, and many are made of lead. The EPA estimates about 10 million homes and buildings are serviced with lead lines.

The American Water Works Association has said that we are entering ''the replacement era.'' Water systems are reaching the end of their lifespan, and we must replace them. We have no choice.

If we want to simply maintain our current levels of water service, experts estimate a cost of at least $1 trillion over the next two decades. That is why it is so important that we pass a new Water Resources Development Act, or WRDA. We now have the opportunity and the ability to dedicate resources to Flint and to communities dealing with infrastructure challenges all across our country.

The Environment and Public Works Committee listened to water experts, State and local elected officials, and the shipping industry, as well as stakeholders, to craft a WRDA bill that makes crucial infrastructure investments in drinking and wastewater projects as well as our ports and our waterways.

My friend Senator DEBBIE STABENOW and I were proud to work with Senator JIM INHOFE and Senator BARBARA BOXER to include bipartisan measures that would include emergency aid to

address the contamination crisis in Flint and provide assistance to our communities across our country facing similar infrastructure challenges.

The Flint aid package included in the bipartisan WRDA bill includes direct funding for water infrastructure emergencies and critical funding for programs to combat the health complications from lead exposure. This includes a drinking water lead exposure registry and a lead exposure advisory committee to track and address long-term health effects.

Additionally, funding for national childhood health efforts, such as the childhood lead prevention poisoning program, would be increased in this bill.

The Water Resources Development Act also includes funding for secured loans through the Water Infrastructure Finance and Innovation Act, or WIFIA program. This financing mechanism was created by Congress in 2014 in a bipartisan effort to provide low-interest financing for large-scale water infrastructure projects. These loans will be available to States and municipalities all across our country.

There are also a number of other important provisions in this year's WRDA bill. It promotes restoration of our great lakes and great waters, which include ecosystems such as the Great Lakes, Puget Sound, Chesapeake Bay, and many more.

In fact, the bill includes an authorization of the Great Lakes Restoration Initiative through the year 2021, which has been absolutely essential to Great Lakes cleanup efforts in recent years. It is important to know that the Great Lakes provide drinking water for over 40 million people.

The WRDA bill also will modernize our ports, improve the condition of our harbors and waterways, and keep our economy moving.

A saying attributed to Benjamin Franklin rings especially true with this WRDA bill. He said: ''An ounce of prevention is worth a pound of cure.'' If we make the necessary infrastructure investments now, we will preserve clean water, save taxpayer money in the long run, and protect American families from the dangerous health impacts of aging lead pipes.

The Environment and Public Works Committee passed the Water Resources Development Act with strong, overwhelming bipartisan support last month. This bill is ready for consideration by the full Senate, and communities across our country—including the families of Flint—are waiting for us to act.

I am hopeful that this body will do just that in the coming weeks, and I urge my colleagues to prioritize this commonsense, bipartisan infrastructure bill for a vote on the Senate floor.

I yield the floor.

The PRESIDING OFFICER. The Senator from South Dakota.

MORNING BUSINESS

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

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

JUDICIAL NOMINATIONS

Mr. LEAHY. Mr. President, nearly 150 years ago, Congress determined that a fully functioning Supreme Court should consist of nine Justices. For more than 100 days, however, the Supreme Court has been unable to operate at full strength as a result of unprecedented obstruction by Senate Republicans. Under Republican leadership, the Senate is on track to be in session for the fewest days since 1956. Senate Republicans simply refuse to do their jobs. If Senate Republican leadership has its way, this seat on the Supreme Court will remain unnecessarily vacant for more than a year.

President Obama nominated Chief Judge Merrick Garland 70 days ago. Based on the timing of the Senate's consideration of Supreme Court nominees over the past four decades, Chief Judge Garland should be receiving a confirmation vote on the Senate floor today. Instead, Republican Senators are discussing a hypothetical list of nominees issued by their presumptive nominee for President.

Senate Republicans should be responsible enough to address the real vacancy on the Supreme Court that is right now keeping the Court from operating at full strength. Chief Judge Garland has received bipartisan support in the past, and there is no reason other than partisan politics to deny him the same process the Senate has provided Supreme Court nominees for the last 100 years. The chairman of the Judiciary Committee recently suggested we put down on paper how the Senate treats Supreme Court nominees. I did just that with Senator HATCH in 2001 when we memorialized the longstanding Judiciary Committee practice that Supreme Court nominees receive a hearing and a vote, even in instances when a majority of the Judiciary Committee did not support the nominee. The chairman and all Republicans should go back to that letter to use as roadmap for considering Chief Judge Garland's nomination now.

Republicans have been dismissive about the need for a fully functioning Supreme Court with nine Justices, but as we have already seen this term, the Supreme Court has been repeatedly unable to serve its highest function under our Constitution. Without a full bench of justices, the Court has deadlocked and has been unable to address circuit court conflicts or resolve cases on the merits. The effect, as the New York Times reported recently, is a ''diminished'' Supreme Court. In a bid to appeal to moneyed interest groups, Republicans have weakened our highest Court in the land, both functionally and symbolically.

In the face of this obstruction, some Supreme Court justices have tried to put on a brave face, proclaiming things are going along just fine. The facts show, however, that the opposite is true. As another recent news article notes, the Supreme Court is on pace to take on the lightest caseload in at least 70 years. At least one Supreme Court expert has suggested that the eight Justices currently serving may be reluctant to take on certain cases when they cannot be certain they will reach an actual decision on the merits without deadlocking. As each week passes and we see the Court take a pass on taking additional cases, the problem gets worse and the Court is further diminished.

In some instances, the Court has issued rare and unprecedented follow-up orders to try to reach some kind of compromise where they otherwise cannot resolve the issue with eight Justices. This happened in Zubik v. Burwell, which involved religiously affiliated employers' objections to their employees' health insurance coverage for contraception. In that case, the Court took the unusual step of ordering supplemental briefing in the case, seemingly to avoid a 4–4 split and to reach some kind of compromise. Even with the extra briefing, the Court could not make a decision. Instead, it sent the issue back to the lower courts expressing ''no view on the merits of the cases.'' The reason we have one Supreme Court is so it can issue final decisions on the merits after the lower courts have been unable to do so in a consistent fashion. But the Supreme Court has recently punted cases back down to the lower courts for them to resolve the issue, possibly in different ways, because of its diminished stature. A Supreme Court that cannot resolve disputes among the appellate courts cannot live up to its name.

The Court has been unable to resolve cases where even the most fundamental right is at stake, that of life and death. Former Judge Timothy K. Lewis of the Third Circuit Court of Appeals warned us of this earlier this month when he spoke at a public meeting to discuss the qualifications of Chief Judge Garland. Sadly, these warnings have become a reality. In one death row case, the Supreme Court has not yet decided whether to review it despite the fact that, at trial, an expert testified that the defendant was more likely to be dangerous in the future because of his race. The prosecution later conceded this testimony was inappropriate, but continued to raise procedural defenses in Buck's case. Such a case about whether a person sentenced to death has received due process is at the very heart of our democracy; yet our diminished Supreme Court has been unable to make a decision in this case and could deadlock on others.

There are some who suggest a deadlocked decision may be beneficial when

one supports the lower court's ruling, but that is both shortsighted and contrary to role of the courts in our constitutional system. A deadlocked decision postpones an actual decision from the final arbiter of law under our Constitution. This results in less certainty for all of us.

I hope that Republicans will soon reverse course and put aside their obstruction to move forward on Chief Judge Garland's nomination to be the next Supreme Court Justice. Their failure to act is having a real impact on the American people. It is up to the Republican majority to allow this body to fulfill one of its most solemn duties and ensure that justice is not delayed for another year. Judge Garland deserves fairness. He should be given a public hearing and a vote without further delay.

OBAMACARE

Mr. ENZI. Mr. President, I would like to get into the numbers on something that folks in Wyoming are having to deal with. The number I would like to highlight is one. As an accountant, I am sure you thought I was going to get much more complicated, but it is important for my colleagues to hear that there is one health insurer in Wyoming offering exchange plans this year—one.

In October last year, people around Wyoming read the news that WINHealth, one of two major medical insurers operating in the State, would close down. That was bad news, and I had constituents who were in a tough spot.

They say that misery loves company, and, unfortunately, we have company now. This year, Alaska and Alabama join us—one insurer on the State exchanges, thousands of people losing their plans.

Blue Cross Blue Shield of Wyoming has been working to provide options, but the fact remains that we have fewer choices now.

If I think back to the ObamaCare debate, President Obama and my colleagues across the aisle promised that ObamaCare would bring more options, security, lower costs.

The majority leader at the time, HARRY REID, said: [W]e are bringing security and stability to millions who have health insurance . . . What we will do is ensure consumers have more choices and insurance companies face more competition.

I think it is safe to say that that hasn't quite materialized.

What we are witnessing is another broken promise, the failure of ObamaCare to deliver again.

Some of my colleagues have been on the Senate floor talking about insurance premiums going up, and they are going up, at shocking rates. ObamaCare has been quite a comprehensive reform of health care. Now your costs are higher, and you may have no choice in your insurer or the structure of your insurance plan—sounds like a great deal.

ObamaCare has weighed down health insurance with unworkable plans, high costs, and a risk pool that is significantly sicker than expected; and now, somehow, people seem surprised to find that we have insurers leaving the market, either by choice or because they have gone bankrupt.

Look at the national carriers that have left the exchanges: UnitedHealth, Humana, and Aetna in some States. These folks have looked at the exchanges and said, We can't anymore.

We could look at the co-ops that have closed. Twelve have closed—more than half.

Look at the States that may have some counties with only one insurance option. According to the Kaiser Family Foundation's tracking, more than 650 counties may have just one insurer for the exchanges in 2017 in Kentucky, Tennessee, Mississippi, Arizona, and Oklahoma.

What answer do my Democratic colleagues have for this absolutely unacceptable situation? I have mostly heard silence.

The people we represent deserve more than silence or rhetorical finger pointing. They need relief, and they need real, meaningful changes that will let people buy health insurance in a free market without a government chokepoint at every turn.

Let's be clear: This is not a failure of the free market. These are not open marketplaces that have failed. They are government-run exchanges selling government-mandated and government-approved health insurance.

I encourage my colleagues to consider what the option is if we fail to roll back this damaging law. What will we be left with?

I extend an open hand to work with any of my colleagues who want to make reforms to our health care system that will truly deliver on the promises of more options, security, and lower costs.

Thank you.

CONGRATULATING MONTENEGRO ON 10 YEARS OF INDEPENDENCE AND SUPPORTING MONTENEGRO'S NATO MEMBERSHIP

Mr. MURPHY. Mr. President, 10 years ago this month, voters in Montenegro went to the polls to determine the future of their country. These voters were faced with a single question: ''Do you want the Republic of Montenegro to be an independent state with full international and legal subjectivity?'' When the dust settled on the evening of May 21, 2006, the referendum passed with 55.5 percent of voters choosing to peacefully dissolve their union with Serbia. Shortly thereafter, the international community recognized the newest country in the world. In a region riddled with bullets and bombs, this moment marked the beginning of a praiseworthy chapter in regional and transatlantic history.

As a number of global security challenges occupy the top of our foreign policy agenda—not least the threat posed by ISIS and the most significant refugee crisis since World War II—it is easy to overlook Montenegro's tenth anniversary. But we would be remiss if we did not use this occasion to reflect on the importance of U.S.-Montenegro relations and the role this country of 600,000 can play to advance regional and transatlantic security moving forward.

Early on, the country's leaders made a clear decision to align with the United States and pursue membership in Euro-Atlantic institutions. Montenegrin troops sacrificed their lives supporting the U.S.- and NATO-led mission in Afghanistan. Montenegro has demonstrated its commitment to deterring Russian aggression by voluntarily joining the EU sanctions regime against Russia and rebuffing Moscow's offers for military cooperation. And since the beginning, the United States has been there supporting Montenegro's progress, with direct assistance to help the country fight organized crime and corruption, strengthen its civil society and democratic structures, and provide stability in the still-fragile Balkans region.

In October 2014, I had the privilege to visit Montenegro as then-chairman of the Senate Foreign Relations Subcommittee on European Affairs. I met with our Ambassador and Montenegrin Government officials and opposition leaders to discuss the challenges of the region and the country's progress. I also sat down with U.S. investors to hear why Montenegro is currently an attractive country for foreign investment.

Above all else, I came away from this visit convinced that Montenegro should be granted NATO membership. The opportunity to join the world's foremost military alliance has been a powerful incentive for reform. Montenegro has come a long way, but if the prospect of joining NATO is no longer on the table, we can expect to see an erosion of Montenegro's commitment to democratic governance and arguments that Montenegro is better served by an alliance with Russia.

Last week, NATO Foreign Ministers gathered in Brussels to sign Montenegro's Accession Protocol, paving the way to Montenegro's formal membership. Each member country must now ratify the agreement. This important decision will help counter Russian aggression in the region, eliminate a strategic NATO gap along the Mediterranean, and ensure that Montenegro's young democracy continues to develop under the alliance's umbrella.

At the same time, no country should receive an invitation until it is prepared to meet the highest standards of NATO membership. Montenegro has

taken significant steps to address concerns that have delayed membership in the past. The government has strengthened the rule of law, undertaken intelligence sector and defense reforms, and increased public support for NATO membership in recent years. Notably, the Montenegrin Parliament passed legislation in November 2014 to reform the judicial sector, including the establishment of a special prosecutor's office for organized crime and an anticorruption agency. This legislation is now being implemented, with the special prosecutor's office carrying out a high-profile arrest of former President of Serbia and Montenegro Svetozar Marovic on corruption charges in December 2015. We need to see continued high profile arrests to prove the rule of law will be fully respected, but this is an important signal.

Montenegro's democracy is young, but it is on the right track. There is no doubt Montenegro needs to continue making progress to uphold the rule of law, fight organized crime, tackle corruption, and foster a free and independent media environment. I believe American engagement will be critical helping Montenegro achieve these goals. On the tenth anniversary of Montenegro's historic independence, I will continue to push for a strong transatlantic partnership between our countries.

HONORING SERGEANT ROBERT WILSON III

Mr. CASEY. Mr. President, today we pay tribute to Sergeant Robert Wilson III of the Philadelphia Police Department, who sacrificed his life to protect innocent civilians during an armed robbery at a store called GameStop in north Philadelphia in March 2015.

Sergeant Wilson was there buying a present for his son when he confronted two armed robbers. He moved to draw attention away from the area where the civilians were standing in what ended up being a fatal exchange of gunfire.

For his exceptional bravery and selflessness in the face of danger, President Obama awarded Sergeant Wilson with the Public Safety Officer Medal of Valor, 1 of 13 officers who received the award and the first member of the Philadelphia Police Department to earn such an honor.

No medal or distinction can adequately pay tribute to Sergeant Wilson's sacrifice and the horror his family has gone through over this last year. Sergeant Wilson's grandmother, Constance, who accepted the medal on his behalf, said of the pain of losing her grandson, ''a big hole was put in my heart.''

Sadly, the Wilson family is not alone in its sacrifice: 128 police officers were killed in the line of duty in 2015, including five in Pennsylvania. To paraphrase something President Lincoln once said, they gave the ''last full measure of devotion'' to the communities they served.

As public officials, we have a deep and abiding obligation to support those serving in law enforcement. Our support must be in deed and in word, which means making sure those law enforcement officers have the resources they need to keep our communities and themselves safe. All public officials must pray and ask humbly whether our actions are worthy of the valor of those who serve.

On the Senate floor today, we express our profound gratitude for the service of Medal of Valor recipient Sergeant Wilson and the sacrifice of his family.

TRIBUTE TO DR. ANDREW W. GURMAN

Mr. TOOMEY. Mr. President, I would like to recognize the upcoming inauguration of Dr. Andrew Gurman of Hollidaysburg, PA, as the 171st president of the American Medical Association on June 14, 2016.

Dr. Gurman is an orthopaedic hand surgeon who maintains a private practice in Altoona, PA. He is the first hand surgeon and only the second orthopaedic surgeon to have been elected to serve as president of the AMA.

Dr. Gurman graduated from Syracuse University and received his medical degree from the State University of New York Upstate Medical University, Syracuse, in 1980. After completing his surgical internship and residency in orthopaedic surgery at the Montefiore Hospital/Albert Einstein program in New York City and a fellowship in hand surgery at the Hospital for Joint Diseases Orthopaedic Institute, Dr. Gurman entered practice in central Pennsylvania and became active in local medical societies, having served as both speaker and vice speaker of the Pennsylvania Medical Society. He was also a member of its board of trustees and executive board. Dr. Gurman has also served as the chair of the Altoona Hospital bylaws committee and orthopaedic surgery peer review committee, as well as the chair of orthopaedic service.

I want to congratulate Dr. Gurman on his election and inauguration as the president of the American Medical Association and wish him well. I look forward to working with him in his new role to craft policies that will improve access to affordable, high-quality health care and make a difference in the lives of countless patients across the Nation.

TRIBUTE TO FRED AND CONNIE TAYLOR

Mr. BARRASSO. Mr. President, I would like to take the opportunity to sing the praises of Fred and Connie Taylor, two incredibly talented and dedicated members of the Casper community. Fred serves as the choir director and his wife, Connie, serves as the organist and director of the handbell choir at the Shepherd of the Hills Presbyterian Church in my hometown of Casper, WY. Through music, Fred and Connie Taylor have helped our congregation share in God's love, grace, and teachings for 24 years. Last Sunday marked their last service in leading the musical ministry of the church as they start their well-earned retirement.

Fred and Connie Taylor have been married for over 50 years. Since they first met at the University of Dayton, this lovely couple has been celebrating life and music together. In fact, music brought them together. The couple met when Fred was performing in the role of Elijah in Mendelssohn's ''Elijah'' and Connie was assigned to be his accompanist. Since that day, they have been performing together and sharing their musical talents in schools and churches across the nation.

The Taylors fell in love with Wyoming during a trip to our great State in 1979. A short time later, Fred and Connie moved to Hanna, WY. Fred got a job as band director at the school and Connie took the position as the choir director. In 1986, they moved to Casper, WY. Fred became bass trombonist and assistant conductor of the symphony. Connie devoted herself to inspiring and spreading the love of music to children in the Casper schools.

While they are a dynamic team, Fred and Connie also have significant individual accomplishments. Connie graduated from the University of Dayton with a bachelor of science in music and earned a master of music from Indiana University. Connie is a concerto level pianist. She has performed as an accompanist for the Joffrey Ballet. Her musical expertise has been critical in ensuring the success of numerous performances in our community. As a longtime elementary school teacher in Casper, she taught her students to appreciate the beauty and joy of music. Connie has helped ensure the love of music lives on in the future generations of our State.

Fred's passion for music is best explained by his proclamation that, ''Music is part of my soul.'' He was born in New York City in 1938. As a baby, he would rock and sway along to the sounds of the world's most beloved symphonies. As a young boy, he started singing at his church and in the boys' choir. After serving our Nation in the U.S. Army, Fred earned his bachelor of science in music education from the University of Dayton and a master of music in conducting from Indiana University. Fred is the bass trombonist for the Wyoming Symphony Orchestra and founder of the Casper Brass and Storm Door Company. He has composed over 600 pieces of music. In addition, Fred has performed in and greatly contributed to the Casper College Band, the Casper Municipal Band, and the CC Jazz Band.

Fred explains how his love for music and the state of Wyoming perfectly intertwine stating, ''I have a wonderful church choir to conduct; I have a symphony orchestra to play in; everything

I write gets performed.'' He also said, ''Outside of that, the air is clear and the fish in the river don't have to cough, and my grandchildren live right around the corner.''

The passion for music is part of the family. The love of music and ability to bring the notes on the page to life extends to every member of their family; Lisa Rich, Steven Rich, Chris Taylor, Nancy Taylor, and their grandchildren Alex Rich, Jeremy Rich, and Abigail Madden.

My wife, Bobbi, joins me in extending our appreciation for the musical talents of Fred and Connie Taylor which inspire and delight so many people in our community and across the Nation. We are also deeply grateful for their amazing ability to lift our hearts and share the Word of God through music. As quoted in the Bible, I say to each of them, ''Well done, good and faithful servant.'' All of us privileged enough to know them are blessed. We wish them the best as they embark on their next adventure.

ADDITIONAL STATEMENTS

TRIBUTE TO JACK AND GEORGETTA TAYLOR

• Mr. MORAN. Mr. President, Kansans work hard to make a difference in our communities, our State, and our Nation. Two of those who exemplify this are Jack and Georgetta Taylor who, for the past 48 years, have called Liberal, KS, home.

The Taylors are true ambassadors for southwest Kansas. During visits to Liberal for the annual Pancake Day or a Kansas Listening Tour stop, they would make certain Robba and I had seen every new business, restaurant, and development. Their pride for Liberal is contagious and makes all under their spell want to call it home. Every time I have visited Liberal, the Taylors were there to make me feel welcome and appreciated.

Jack and Georgetta are also the type of individuals who will drop everything to help others. In fact, a few years ago during Pancake Day, Jack literally gave the shoes off his feet so members of my staff could fully experience the race.

Through their involvement in a myriad of community organizations including the chamber, the Baker Arts Center, and the Booster Club, the Taylors have been important leaders in the Liberal community. They also worked to make certain our Nation's veterans living in Kansas are cared for through constant communication to recruit a fulltime physician to the local community-based outpatient clinic.

Jack has been a relentless advocate for expanding and improving U.S. Highway 54, one of the most heavily trafficked two-lane highways in the United States. A self-described troublemaker, Jack always approaches tough issues with a charming smile and humorous narratives. His friendly demeanor, work ethic, and patience epitomize Kansans' approach to resolving tough issues.

While improving their community has always been a top priority, as they approach 63 years of marriage next month, it is obvious they have always put family first. Relocating to Lawrence will allow them to spend time with their kids and grandkids; yet they will be close enough to visit and cherish the friendships and memories made in southwest Kansas.

By investing their time and talents in the community where they lived, the Taylors made a difference one life at a time. They taught through their actions that satisfaction in life comes from what you do for others rather than what you do for yourself, which is the legacy we want to leave behind for the next generation. While impossible to replace, the Taylors worked tirelessly to bring another generation of leaders to Liberal and southwest Kansas.

Good things continue happening in our State because of individuals like Jack and Georgetta, and I wish them the very best as they move to Lawrence to spend precious time with their family.•

MESSAGE FROM THE HOUSE

At 10:02 a.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 897. An act to amend the Federal Insecticide, Fungicide, and Rodenticide Act and the Federal Water Pollution Control Act to clarify Congressional intent regarding the regulation of the use of pesticides in or near navigable waters, and for other purposes.

H.R. 5077. An act to authorize appropriations for fiscal year 2017 for intelligence and intelligence-related activities of the United States Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes.

MEASURES REFERRED

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

H.R. 5077. An act to authorize appropriations for fiscal year 2017 for intelligence and intelligence-related activities of the United States Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes; to the Committee on Intelligence.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. GRASSLEY, from the Committee on the Judiciary:

Report to accompany S. 2390, a bill to provide adequate protections for whistleblowers at the Federal Bureau of Investigation (Rept. No. 114–261).

By Mr. JOHNSON, from the Committee on Homeland Security and Governmental Affairs, without amendment:

H.R. 136. A bill to designate the facility of the United States Postal Service located at 1103 USPS Building 1103 in Camp Pendleton, California, as the ''Camp Pendleton Medal of Honor Post Office''.

H.R. 1132. A bill to designate the facility of the United States Postal Service located at 1048 West Robinhood Drive in Stockton, California, as the ''W. Ronald Coale Memorial Post Office Building''.

H.R. 2458. A bill to designate the facility of the United States Postal Service located at 5351 Lapalco Boulevard in Marrero, Louisiana, as the ''Lionel R. Collins, Sr. Post Office Building''.

H.R. 2928. A bill to designate the facility of the United States Postal Service located at 201 B Street in Perryville, Arkansas, as the ''Harold George Bennett Post Office''.

H.R. 3082. A bill to designate the facility of the United States Postal Service located at 5919 Chef Menteur Highway in New Orleans, Louisiana, as the ''Daryle Holloway Post Office Building''.

H.R. 3274. A bill to designate the facility of the United States Postal Service located at 4567 Rockbridge Road in Pine Lake, Georgia, as the ''Francis Manuel Ortega Post Office''.

H.R. 3601. A bill to designate the facility of the United States Postal Service located at 7715 Post Road, North Kingstown, Rhode Island , as the ''Melvoid J. Benson Post Office Building''.

H.R. 3735. A bill to designate the facility of the United States Postal Service located at 200 Town Run Lane in Winston Salem, North Carolina, as the ''Maya Angelou Memorial Post Office''.

H.R. 3866. A bill to designate the facility of the United States Postal Service located at 1265 Hurffville Road in Deptford Township, New Jersey, as the ''First Lieutenant Salvatore S. Corma II Post Office Building''.

H.R. 4046. A bill to designate the facility of the United States Postal Service located at 220 East Oak Street, Glenwood City, Wisconsin , as the Second Lt. Ellen Ainsworth Memorial Post Office.

H.R. 4605. A bill to designate the facility of the United States Postal Service located at 615 6th Avenue SE in Cedar Rapids, Iowa as the ''Sgt. 1st Class Terryl L. Pasker Post Office Building''.

S. 2465. A bill to designate the facility of the United States Postal Service located at 15 Rochester Street in Bergen, New York, as the Barry G. Miller Post Office.

S. 2891. A bill to designate the facility of the United States Postal Service located at 525 North Broadway in Aurora, Illinois, as the ''Kenneth M. Christy Post Office Building''.

EXECUTIVE REPORT OF COMMITTEE

The following executive report of a nomination was submitted:

By Mr. JOHNSON for the Committee on Homeland Security and Governmental Affairs.

*Jay Neal Lerner, of Illinois, to be Inspector General, Federal Deposit Insurance Corporation.

*Nomination was reported with recommendation that it be confirmed subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

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

By Mr. BARRASSO:

S. 2978. A bill to amend title XI of the Social Security Act to exempt certain transfers used for educational purposes from manufacturer transparency reporting requirements; to the Committee on Finance.

By Mr. WYDEN (for himself, Mr. BENNET, and Ms. WARREN):

S. 2979. A bill to amend the Federal Election Campaign Act of 1971 to require candidates of major parties for the office of President to disclose recent tax return information; to the Committee on Rules and Administration.

By Mr. FLAKE (for himself and Mr. VITTER):

S. 2980. A bill to amend the Internal Revenue Code of 1986 to expand the permissible use of health savings accounts to include health insurance payments and to increase the dollar limitation for contributions to health savings accounts, and for other purposes; to the Committee on Finance.

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

S. 2981. A bill to amend title XIX of the Social Security Act to add standards for drug compendia for physician use for purposes of Medicaid payment for certain drugs, and for other purposes; to the Committee on Finance.

By Mr. LEE (for himself, Mr. RUBIO, and Mr. ENZI):

S. 2982. A bill to amend the Congressional Budget Act of 1974 to establish a Federal regulatory budget and to impose cost controls on that budget, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

By Mr. BROWN (for himself, Mrs. CAPITO, and Mr. KING):

S. 2983. A bill to amend title XIX of the Social Security Act to provide States with the option of providing medical assistance at a residential pediatric recovery center to infants under 1 year of age with neonatal abstinence syndrome and their families; to the Committee on Finance.

By Mr. CORNYN:

S. 2984. A bill to impose sanctions in relation to violations by Iran of the Geneva Convention (III) or the right under international law to conduct innocent passage, and for other purposes; to the Committee on Foreign Relations.

By Mr. CASSIDY:

S. 2985. A bill to eliminate the individual and employer health coverage mandates under the Patient Protection and Affordable Care Act, to expand beyond that Act the choices in obtaining and financing affordable health insurance coverage, and for other purposes; to the Committee on Finance.

By Mr. HATCH (for himself, Mr. COONS, and Mr. HELLER):

S. 2986. A bill to amend title 18, United States Code, to safeguard data stored abroad, and for other purposes; to the Committee on the Judiciary.

By Mr. GARDNER:

S. 2987. A bill to require the Transportation Security Administration to establish pilot programs to develop and test airport security systems, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. KAINE (for himself and Mr. MURPHY):

S. 2988. A bill to extend the sunset of the Iran Sanctions Act of 1996 in order to effectuate the Joint Comprehensive Plan of Action in guaranteeing that all nuclear material in Iran remains in peaceful activities; to the Committee on Banking, Housing, and Urban Affairs.

By Ms. MURKOWSKI (for herself, Mr. COCHRAN, and Mr. SULLIVAN):

S. 2989. A bill to award a Congressional Gold Medal, collectively, to the United States merchant mariners of World War II, in recognition of their dedicated and vital service during World War II; to the Committee on Banking, Housing, and Urban Affairs.

By Ms. COLLINS (for herself and Mr. KING):

S. 2990. A bill to prohibit the President from preventing foreign air carriers traveling to or from Cuba from making transit stops in the United States for refueling and other technical services based on the Cuban Assets Control Regulations; to the Committee on Banking, Housing, and Urban Affairs.

By Mrs. MURRAY (for herself and Ms. CANTWELL):

S. 2991. A bill to withdraw certain land in Okanogan County, Washington, to protect the land, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. VITTER (for himself, Mrs. SHAHEEN, Mr. RISCH, Ms. AYOTTE, and Mr. PETERS):

S. 2992. A bill to amend the Small Business Act to strengthen the Office of Credit Risk Management of the Small Business Administration, and for other purposes; to the Committee on Small Business and Entrepreneurship.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

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

By Mr. FLAKE (for himself, Mr. SESSIONS, Mr. LEE, Mr. RUBIO, and Mr. CRUZ):

S. Res. 474. A resolution prohibiting consideration of appropriations that are not authorized; to the Committee on Rules and Administration.

By Mr. COATS (for himself and Mr. DONNELLY):

S. Res. 475. A resolution recognizing the 100th running of the Indianapolis 500 Mile Race; considered and agreed to.

By Mr. MARKEY (for himself and Mr. GRASSLEY):

S. Res. 476. A resolution designating the month of May 2016 as ''Cystic Fibrosis Awareness Month''; considered and agreed to.

By Mr. CARDIN (for himself, Ms. HIRONO, Mr. BLUMENTHAL, Mr. BROWN, Mr. MENENDEZ, and Mr. SCHATZ):

S. Res. 477. A resolution promoting minority health awareness and supporting the goals and ideals of National Minority Health Month in April 2016, which include bringing attention to the health disparities faced by minority populations of the United States such as American Indians, Alaskan Natives, Asian Americans, African Americans, Latino Americans, and Native Hawaiians or other Pacific Islanders; considered and agreed to.

By Mr. DURBIN (for himself, Mrs. GILLIBRAND, Mr. MARKEY, Ms. HIRONO, Mr. FRANKEN, Mr. COONS, Mr. KAINE, Mr. BLUMENTHAL, Mrs. BOXER, Mr. CASEY, Mr. WHITEHOUSE, Mrs. MURRAY, Mr. MURPHY, Mr. BOOKER, Mr. REED, and Ms. WARREN):

S. Res. 478. A resolution expressing support for the designation of June 2, 2016, as ''National Gun Violence Awareness Day'' and June 2016 as ''National Gun Violence Awareness Month''; to the Committee on the Judiciary.

ADDITIONAL COSPONSORS

S. 151

At the request of Mr. HELLER, the name of the Senator from Washington (Ms. CANTWELL) was added as a cosponsor of S. 151, a bill to require the Secretary of Defense to establish a process to determine whether individuals claiming certain service in the Philippines during World War II are eligible for certain benefits despite not being on the Missouri List, and for other purposes.

S. 198

At the request of Mr. DURBIN, the name of the Senator from Maryland (Ms. MIKULSKI) was added as a cosponsor of S. 198, a bill to amend the Internal Revenue Code of 1986 to modify the rules relating to inverted corporations.

S. 299

At the request of Mr. FLAKE, the name of the Senator from Montana (Mr. DAINES) was added as a cosponsor of S. 299, a bill to allow travel between the United States and Cuba.

S. 314

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

S. 366

At the request of Mr. TESTER, the name of the Senator from Washington (Ms. CANTWELL) was added as a cosponsor of S. 366, a bill to require Senate candidates to file designations, statements, and reports in electronic form.

S. 386

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

S. 488

At the request of Mr. SCHUMER, the name of the Senator from New York (Mrs. GILLIBRAND) was added as a cosponsor of S. 488, a bill to amend title XVIII of the Social Security Act to allow physician assistants, nurse practitioners, and clinical nurse specialists to supervise cardiac, intensive cardiac, and pulmonary rehabilitation programs.

S. 860

At the request of Mr. THUNE, the name of the Senator from Georgia (Mr. PERDUE) was added as a cosponsor of S. 860, a bill to amend the Internal Revenue Code of 1986 to repeal the estate and generation-skipping transfer taxes, and for other purposes.

S. 1455

At the request of Mr. MARKEY, the name of the Senator from Connecticut

(Mr. BLUMENTHAL) was added as a cosponsor of S. 1455, a bill to provide access to medication-assisted therapy, and for other purposes.

S. 1555

At the request of Ms. HIRONO, the names of the Senator from Maine (Ms. COLLINS) and the Senator from Mississippi (Mr. COCHRAN) were added as cosponsors of S. 1555, a bill to award a Congressional Gold Medal, collectively, to the Filipino veterans of World War II, in recognition of the dedicated service of the veterans during World War II.

S. 1642

At the request of Mr. BOOZMAN, the name of the Senator from New Mexico (Mr. HEINRICH) was added as a cosponsor of S. 1642, a bill to reduce Federal, State, and local costs of providing high-quality drinking water to millions of people in the United States residing in rural communities by facilitating greater use of cost-effective alternative systems, including well water systems, and for other purposes.

S. 1714

At the request of Mr. MANCHIN, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 1714, a bill to amend the Surface Mining Control and Reclamation Act of 1977 to transfer certain funds to the Multiemployer Health Benefit Plan and the 1974 United Mine Workers of America Pension Plan, and for other purposes.

S. 2010

At the request of Mr. BARRASSO, the name of the Senator from Vermont (Mr. LEAHY) was added as a cosponsor of S. 2010, a bill to provide for phased-in payment of Social Security Disability Insurance payments during the waiting period for individuals with a terminal illness.

S. 2031

At the request of Mr. BARRASSO, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. 2031, a bill to reduce temporarily the royalty required to be paid for sodium produced on Federal lands, and for other purposes.

S. 2066

At the request of Mr. SASSE, the name of the Senator from South Dakota (Mr. THUNE) was added as a cosponsor of S. 2066, a bill to amend title 18, United States Code, to prohibit a health care practitioner from failing to exercise the proper degree of care in the case of a child who survives an abortion or attempted abortion.

S. 2113

At the request of Mr. COONS, the name of the Senator from Rhode Island (Mr. WHITEHOUSE) was added as a cosponsor of S. 2113, a bill to harness the expertise, ingenuity, and creativity of all people to contribute to innovation in the United States and to help solve problems or scientific questions by encouraging and increasing the use of crowdsourcing and citizen science methods within the Federal Government, as appropriate, and for other purposes.

S. 2216

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

S. 2540

At the request of Mr. REID, the name of the Senator from Maryland (Mr. CARDIN) was added as a cosponsor of S. 2540, a bill to provide access to counsel for unaccompanied children and other vulnerable populations.

S. 2736

At the request of Ms. HEITKAMP, the name of the Senator from Wisconsin (Ms. BALDWIN) was added as a cosponsor of S. 2736, a bill to improve access to durable medical equipment for Medicare beneficiaries under the Medicare program, and for other purposes.

S. 2750

At the request of Mr. THUNE, the names of the Senator from Louisiana (Mr. VITTER), the Senator from Illinois (Mr. KIRK) and the Senator from Pennsylvania (Mr. CASEY) were added as cosponsors of S. 2750, a bill to amend the Internal Revenue Code to extend and modify certain charitable tax provisions.

S. 2770

At the request of Mr. ROBERTS, the name of the Senator from New Hampshire (Ms. AYOTTE) was added as a cosponsor of S. 2770, a bill to amend the Communications Act of 1934 to require providers of a covered service to provide call location information concerning the telecommunications device of a user of such service to an investigative or law enforcement officer in an emergency situation involving risk of death or serious physical injury or in order to respond to the user's call for emergency services.

S. 2772

At the request of Ms. BALDWIN, the name of the Senator from New Jersey (Mr. MENENDEZ) was added as a cosponsor of S. 2772, a bill to eliminate the requirement that veterans pay a copayment to the Department of Veterans Affairs to receive opioid antagonists or education on the use of opioid antagonists.

S. 2786

At the request of Mrs. SHAHEEN, the name of the Senator from Vermont (Mr. LEAHY) was added as a cosponsor of S. 2786, a bill to amend title XVIII of the Social Security Act to provide for payments for certain rural health clinic and Federally qualified health center services furnished to hospice patients under the Medicare program.

S. 2799

At the request of Mr. MENENDEZ, the name of the Senator from Connecticut (Mr. MURPHY) was added as a cosponsor of S. 2799, a bill to require the Secretary of Health and Human Services to develop a voluntary patient registry to collect data on cancer incidence among firefighters.

S. 2870

At the request of Mrs. MCCASKILL, the names of the Senator from Montana (Mr. TESTER) and the Senator from California (Mrs. FEINSTEIN) were added as cosponsors of S. 2870, a bill to amend title 10, United States Code, to prevent retaliation in the military, and for other purposes.

S. 2873

At the request of Mr. HATCH, the name of the Senator from New Mexico (Mr. UDALL) was added as a cosponsor of S. 2873, a bill to require studies and reports examining the use of, and opportunities to use, technology-enabled collaborative learning and capacity building models to improve programs of the Department of Health and Human Services, and for other purposes.

S. 2889

At the request of Mr. COONS, the name of the Senator from New York (Mrs. GILLIBRAND) was added as a cosponsor of S. 2889, a bill to amend the National Science Foundation Authorization Act of 2010 to authorize an Innovation Corps.

S. 2894

At the request of Ms. STABENOW, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 2894, a bill to amend the Internal Revenue Code and the Employee Retirement Income Security Act of 1974 to provide for salary reductions for certain employees of a pension plan in critical or declining status that reduces participant benefits, and for other purposes.

S. 2895

At the request of Mrs. FEINSTEIN, the name of the Senator from New York (Mrs. GILLIBRAND) was added as a cosponsor of S. 2895, a bill to extend the civil statute of limitations for victims of Federal sex offenses.

S. RES. 340

At the request of Mr. CASSIDY, the names of the Senator from Wisconsin (Ms. BALDWIN), the Senator from Arkansas (Mr. BOOZMAN) and the Senator from North Carolina (Mr. BURR) were added as cosponsors of S. Res. 340, a resolution expressing the sense of Congress that the so-called Islamic State in Iraq and al-Sham (ISIS or Da'esh) is committing genocide, crimes against humanity, and war crimes, and calling upon the President to work with foreign governments and the United Nations to provide physical protection for ISIS' targets, to support the creation of an international criminal tribunal with jurisdiction to punish these crimes, and to use every reasonable means, including sanctions, to destroy ISIS and disrupt its support networks.

S. RES. 373

At the request of Ms. HIRONO, the name of the Senator from Maryland

(Mr. CARDIN) was added as a cosponsor of S. Res. 373, a resolution recognizing the historical significance of Executive Order 9066 and expressing the sense of the Senate that policies that discriminate against any individual based on the actual or perceived race, ethnicity, national origin, or religion of that individual would be a repetition of the mistakes of Executive Order 9066 and contrary to the values of the United States.

S. RES. 466

At the request of Mr. GRASSLEY, the name of the Senator from Wisconsin (Ms. BALDWIN) was added as a cosponsor of S. Res. 466, a resolution recognizing National Foster Care Month as an opportunity to raise awareness about the challenges of children in the foster-care system, and encouraging Congress to implement policy to improve the lives of children in the foster-care system.

S. RES. 467

At the request of Mr. WICKER, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of S. Res. 467, a resolution supporting the goals and ideals of National Nurses Week, to be observed from May 6 through May 12, 2016.

AMENDMENT NO. 4067

At the request of Mr. WARNER, the names of the Senator from Florida (Mr. NELSON), the Senator from Michigan (Ms. STABENOW) and the Senator from Colorado (Mr. GARDNER) were added as cosponsors of amendment No. 4067 intended to be proposed to S. 2943, an original bill to authorize appropriations for fiscal year 2017 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 4068

At the request of Mr. MORAN, the names of the Senator from New Hampshire (Ms. AYOTTE) and the Senator from Illinois (Mr. KIRK) were added as cosponsors of amendment No. 4068 intended to be proposed to S. 2943, an original bill to authorize appropriations for fiscal year 2017 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 4085

At the request of Mr. LANKFORD, the names of the Senator from Kansas (Mr. ROBERTS) and the Senator from Missouri (Mr. BLUNT) were added as cosponsors of amendment No. 4085 intended to be proposed to S. 2943, an original bill to authorize appropriations for fiscal year 2017 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 4098

At the request of Mr. MORAN, the name of the Senator from North Carolina (Mr. TILLIS) was added as a cosponsor of amendment No. 4098 intended to be proposed to S. 2943, an original bill to authorize appropriations for fiscal year 2017 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 4100

At the request of Mrs. ERNST, the name of the Senator from North Carolina (Mr. TILLIS) was added as a cosponsor of amendment No. 4100 intended to be proposed to S. 2943, an original bill to authorize appropriations for fiscal year 2017 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 4112

At the request of Mrs. GILLIBRAND, the name of the Senator from Illinois (Mr. KIRK) was added as a cosponsor of amendment No. 4112 intended to be proposed to S. 2943, an original bill to authorize appropriations for fiscal year 2017 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 4118

At the request of Mr. PERDUE, the name of the Senator from Arkansas (Mr. COTTON) was added as a cosponsor of amendment No. 4118 intended to be proposed to S. 2943, an original bill to authorize appropriations for fiscal year 2017 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 4120

At the request of Mr. GRASSLEY, the name of the Senator from Kansas (Mr. MORAN) was added as a cosponsor of amendment No. 4120 intended to be proposed to S. 2943, an original bill to authorize appropriations for fiscal year 2017 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. CORNYN:

S. 2984. A bill to impose sanctions in relation to violations by Iran of the Geneva Convention (III) or the right under international law to conduct innocent passage, and for other purposes; to the Committee on Foreign Relations.

Mr. CORNYN. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 2984

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''No Impunity for Iranian Aggression at Sea Act of 2016''.

SEC. 2. IMPOSITION OF SANCTIONS ON INDIVIDUALS WHO WERE COMPLICIT IN VIOLATIONS OF THE GENEVA CONVENTION OR THE RIGHT UNDER INTERNATIONAL LAW TO CONDUCT INNOCENT PASSAGE.

(a) REPORT REQUIRED.—

(1) IN GENERAL.—Not later than 60 days after the date of the enactment of this Act, the President shall submit to the appropriate congressional committees a report that includes—

(A) a determination with respect to whether, during or after the incident that began on January 12, 2016, in which forces of Iran boarded two United States Navy riverine combat vessels and detained at gunpoint the crews of those vessels, any of the actions of the forces of Iran constituted a violation of—

(i) the Geneva Convention; or

(ii) the right under international law to conduct innocent passage; and

(B) a certification with respect to whether or not Federal funds, including the $1,700,000,000 payment that was announced by the Secretary of State on January 17, 2016, were paid to Iran, directly or indirectly, to effect the release of—

(i) the members of the United States Navy who were detained in the incident described in subparagraph (A); or

(ii) other United States citizens, including Jason Rezaian, Amir Hekmati, Saeed Abedini, Nosratollah Khosravi-Roodsari, and Matthew Trevithick, the release of whom was announced on January 16, 2016.

(2) ACTIONS TO BE ASSESSED.—In assessing actions of the forces of Iran under paragraph (1)(A), the President shall consider, at a minimum, the following actions:

(A) The stopping, boarding, search, and seizure of the two United States Navy riverine combat vessels in the incident described in paragraph (1)(A).

(B) The removal from their vessels and detention of members of the United States Armed Forces in that incident.

(C) The theft or confiscation of electronic navigational equipment or any other equipment from the vessels.

(D) The forcing of one or more members of the United States Armed Forces to apologize for their actions.

(E) The display, videotaping, or photographing of members of the United States Armed Forces and the subsequent broadcasting or other use of those photographs or videos.

(F) The forcing of female members of the United States Armed Forces to wear head coverings.

(3) DESCRIPTION OF ACTIONS.—In the case of each action that the President determines under paragraph (1)(A) is a violation of the Geneva Convention or the right under international law to conduct innocent passage, the President shall include in the report required by that paragraph a description of the action and an explanation of how the action violated the Geneva Convention or the right to conduct innocent passage, as the case may be.

(4) FORM OF REPORT.—The report required by paragraph (1) shall be submitted in unclassified form, but may include a classified annex.

(b) LIST OF CERTAIN PERSONS WHO HAVE BEEN COMPLICIT IN VIOLATIONS OF THE GENEVA CONVENTION OR THE RIGHT TO CONDUCT INNOCENT PASSAGE.—

(1) IN GENERAL.—Not later than 30 days after the submission of the report required by subsection (a), if the President has determined that one or more actions of the forces of Iran constituted a violation of the Geneva Convention or the right under international law to conduct innocent passage, the President shall submit to the appropriate congressional committees a list of persons who are officials of the Government of Iran or were acting on behalf of that Government that, based on credible evidence, are responsible for or complicit in, or responsible for ordering, controlling, or otherwise directing, any such violation.

(2) UPDATES OF LIST.—The President shall submit to the appropriate congressional committees an updated list under paragraph (1) as new information becomes available.

(3) PUBLIC AVAILABILITY.—To the maximum extent practicable, the list required by paragraph (1) shall be made available to the public and posted on publicly accessible Internet websites of the Department of Defense and the Department of State.

(c) IMPOSITION OF SANCTIONS.—

(1) IN GENERAL.—The President shall impose the sanctions described in paragraph (2) with respect to each person on the list required by subsection (b).

(2) SANCTIONS.—

(A) PROHIBITION ON ENTRY AND ADMISSION TO THE UNITED STATES.—An alien on the list required by subsection (b) may not—

(i) be admitted to, enter, or transit through the United States;

(ii) receive any lawful immigration status in the United States under the immigration laws; or

(iii) file any application or petition to obtain such admission, entry, or status.

(B) BLOCKING OF PROPERTY.—

(i) IN GENERAL.—The President shall, pursuant to the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.), block and prohibit all transactions in all property and interests in property of a person on the list required by subsection (b) if such property and interests in property are in the United States, come within the United States, or are or come within the possession or control of a United States person.

(ii) EXCEPTION RELATING TO IMPORTATION OF GOODS.—

(I) IN GENERAL.—The authority to block and prohibit all transactions in all property and interests in property under clause (i) shall not include the authority to impose sanctions on the importation of goods.

(II) GOOD.—In this subparagraph, the term ''good'' has the meaning given that term in section 16 of the Export Administration Act of 1979 (50 U.S.C. 4618) (as continued in effect pursuant to the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.)).

(iii) PENALTIES.—A person that violates, attempts to violate, conspires to violate, or causes a violation of clause (i) or any regulation, license, or order issued to carry out clause (i) shall be subject to the penalties set forth in subsections (b) and (c) of section 206 of the International Emergency Economic Powers Act (50 U.S.C. 1705) to the same extent as a person that commits an unlawful act described in subsection (a) of that section.

(d) DEFINITIONS.—In this section:

(1) ADMITTED; ALIEN; IMMIGRATION LAWS.—The terms ''admitted'', ''alien'', and ''immigration laws'' have the meanings given those terms in section 101 of the Immigration and Nationality Act (8 U.S.C. 1101).

(2) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term ''appropriate congressional committees'' means—

(A) the Committee on Armed Services, the Committee on Foreign Relations, and the Select Committee on Intelligence of the Senate; and

(B) the Committee on Armed Services, the Committee on Foreign Affairs, and the Permanent Select Committee on Intelligence of the House of Representatives.

(3) FORCES OF IRAN.—The term ''forces of Iran'' means the Islamic Revolutionary Guard Corps, members of other military or paramilitary units of the Government of Iran, and other agents of that Government.

(4) GENEVA CONVENTION.—The term ''Geneva Convention'' means the Convention relative to the Treatment of Prisoners of War, done at Geneva on August 12, 1949 (6 UST 3316) (commonly referred to as the ''Geneva Convention (III))''.

(5) INNOCENT PASSAGE.—The term ''innocent passage'' means the principle under customary international law that all vessels have the right to conduct innocent passage through another country's territorial waters for the purpose of continuous and expeditious traversing.

(6) UNITED STATES PERSON.—The term ''United States person'' means—

(A) a United States citizen or an alien lawfully admitted for permanent residence to the United States; or

(B) an entity organized under the laws of the United States or of any jurisdiction within the United States, including a foreign branch of such an entity.

By Mr. KAINE (for himself and Mr. MURPHY):

S. 2988. A bill to extend the sunset of the Iran Sanctions Act of 1996 in order to effectuate the Joint Comprehensive Plan of Action in guaranteeing that all nuclear material in Iran remains in peaceful activities; to the Committee on Banking, Housing, and Urban Affairs.

Mr. KAINE. Mr. President, I am pleased to introduce with my colleague Senator MURPHY, a bill that extends the sunset of the Iran Sanctions Act, ISA, of 1996 until the President certifies to Congress that the Director General of the International Atomic Energy Agency has reached a broader conclusion that all nuclear material in Iran remains in peaceful activities.

Currently, ISA expires on December 31st, 2016. Tying ISA's extension to Iran's compliance with the Joint Comprehensive Plan of Action, JCPOA, will provide the administration additional leverage to ensure that a ''snap back'' of sanctions would have significant effect on Iran's economy. Since its enactment in 1996, ISA has been a pivotal component of U.S. sanctions against Iran's energy sector and other industries and remains a critical foundation of our overall sanctions architecture.

Administration officials have indicated that extending ISA, with its current waiver authorities, would not violate the JCPOA, as it imposes no new sanctions. Additionally, ISA is about more than Iran's nuclear program, but also its support for international terrorism, which endangers the national security and foreign policy interests of the United States and those countries with which the United States shares common strategic and foreign policy objectives. ISA addresses this issue by denying Iran money to finance international terrorism.

By specifying in the bill that the extension of ISA ''effectuates the JCPOA,'' the intent is to support Congressional actions in line with the deal negotiated by the P5+1 and Iran, particularly following Congress's comprehensive review of the deal and decision to move forward under the Iran Nuclear Review Agreement Act of 2015.

I am proud to introduce this bill with Senator MURPHY to make sure that ISA is in place during the JCPOA to signal to the commitment of Congress to vigorously enforce Iran's compliance and to make clear that should Iran break the terms of the agreement, there will be clear consequences, including the re-imposition of sanctions.

By Ms. COLLINS (for herself and Mr. KING):

S. 2990. A bill to prohibit the President from preventing foreign air carriers traveling to or from Cuba from making transit stops in the United States for refueling and other technical services based on the Cuban Assets Control Regulations; to the Committee on Banking, Housing, and Urban Affairs.

Ms. COLLINS. Mr President, I rise to introduce bipartisan legislation with my colleague from Maine, Senator KING, to permit foreign air carriers traveling to or from Cuba to make non-traffic, transit stops in the United States. Enactment of this legislation will create new opportunities for U.S. workers and airports.

For decades U.S. airports, including Bangor International Airport in Maine, have lost out on additional revenue because the current travel ban on Cuba prevents them from providing transit stop services to flights departing from or en route to Cuba.

During these transit stops, passengers do not disembark the plane and no new passengers board the aircraft. Yet, these stops are valuable for airports and their employees who can offer fuel, de-icing, catering, and crew services. Under the current travel ban, however, foreign air carriers are forced to make transit stops in Canada rather than the United States, and any potential profit for U.S. airports flies right across the border along with the planes.

The current disparity means that airports like Bangor not only lose revenue related to flights to or from Cuba, but also from transit stops for European flights to and from many other destinations in North America, Central America, and the Caribbean. That is because if foreign airlines cannot use Bangor for all of their flights, it is simply easier and more efficient for them to refuel at one airport that can meet all of their needs.

The purpose of economic sanctions was to limit hard currency to Cuba—not to harm American workers and cities. Allowing U.S. airports to provide these services could support additional jobs for families in Maine and other areas throughout the country.

Allowing such transit stops would also be consistent with existing international air transportation agreements. For example, in 2007 the U.S. and the EU signed an Air Transport Agreement that granted airlines of one party the right to make stops in the territory of the other party for non-traffic, transit purposes.

Likewise, the Chicago Convention, to which there are 191 parties, recognizes the right to refuel or carry out maintenance in a foreign country, including the United States. The United States should fulfill its obligations and permit such transit stops at U.S. airports, no matter the destination.

Our bill would provide American airports and workers the opportunity to compete with Canadian airports and would bring the United States into compliance with international air travel agreements.

I strongly urge my colleagues to support this commonsense, bipartisan bill.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 474—PROHIBITING CONSIDERATION OF APPROPRIATIONS THAT ARE NOT AUTHORIZED

Mr. FLAKE (for himself, Mr. SESSIONS, Mr. LEE, Mr. RUBIO, and Mr. CRUZ) submitted the following resolution; which was referred to the Committee on Rules and Administration:

S. RES. 474

Resolved,

SECTION 1. SHORT TITLE.

This resolution may be cited as the ''Steermark Accountability Resolution''.

SEC. 2. UNAUTHORIZED APPROPRIATIONS.

(a) POINT OF ORDER.—It shall not be in order in the Senate to consider any bill, joint resolution, motion, amendment, amendment between the Houses, or conference report containing a provision making an appropriation—

(1) that is not made to carry out the provisions of some existing law, or treaty stipulation, or act or resolution previously passed by the Senate during that session; or

(2) that is made to carry out a program, project, or activity for which an authorization of appropriations is not in effect.

(b) FORM OF THE POINT OF ORDER.—In the Senate, a point of order under subsection (a) may be raised by a Senator as provided in section 313(e) of the Congressional Budget Act of 1974 (2 U.S.C. 644(e)).

(c) CONFERENCE REPORTS.—When the Senate is considering a conference report on, or an amendment between the Houses in relation to, a joint resolution, upon a point of order being made by any Senator pursuant to subsection (a), and such point of order being sustained, such material contained in such conference report or House amendment shall be stricken, and the Senate shall proceed to consider the question of whether the Senate shall recede from its amendment and concur with a further amendment, or concur in the House amendment with a further amendment, as the case may be, which further amendment shall consist of only that portion of the conference report or House amendment, as the case may be, not so stricken. Any such motion in the Senate shall be decided under the same debate limitation, if any, as the conference report or amendment between the Houses. In any case in which such point of order is sustained against a conference report (or Senate amendment derived from such conference report by operation of this subsection), no further amendment shall be in order.

(d) WAIVER AND APPEAL.—

(1) IN GENERAL.—Subsection (a) may be waived or suspended in the Senate only by an affirmative vote of three-fifths of the Members, duly chosen and sworn. An affirmative vote of three-fifths of the Members of the Senate, duly chosen and sworn, shall be required to sustain an appeal of the ruling of the Chair on a point of order raised under subsection (a).

(2) DEBATE.—A motion to waive or suspend subsection (a) or to appeal the ruling of the Chair under subsection (a) shall be decided under the same debate limitation, if any, as the bill, joint resolution, motion, amendment, amendment between the Houses, or conference report containing the applicable provision.

(e) IDENTIFICATION BY COMMITTEE.—

(1) STATEMENT FOR THE RECORD.—If a committee reports a bill or joint resolution containing an appropriation described in paragraph (1) or (2) of subsection (a), the Chairman of the committee shall submit for printing in the Congressional Record a statement identifying each such appropriation through lists, charts, or other similar means.

(2) PUBLICATION.—As soon as practicable after submitting a statement under paragraph (1), the Chairman of a committee shall make available on a publicly accessible congressional website the information described in paragraph (1). To the extent technically feasible, information made available on a publicly accessible congressional website under this subsection shall be provided in a searchable format.

SENATE RESOLUTION 475—RECOGNIZING THE 100TH RUNNING OF THE INDIANAPOLIS 500 MILE RACE

Mr. COATS (for himself and Mr. DONNELLY) submitted the following resolution; which was considered and agreed to:

S. RES 475

Whereas founders of the Indianapolis Motor Speedway Carl G. Fisher, Arthur C. Newby, Frank H. Wheeler, and James A. Allison pooled their resources in 1909 to build the Indianapolis Motor Speedway 6 miles from downtown Indianapolis as a testing ground to support the growing automotive industry of Indiana, paving the way for motorsport innovation;

Whereas, in 1909, the track of the Indianapolis Motor Speedway was surfaced with 3,200,000 paving bricks at a cost of $400,000;

Whereas, on May 30, 1911, the first Indianapolis 500 Mile Race took place and was won by Ray Harroun in 6 hours and 42 minutes at an average speed of 74.6 miles per hour;

Whereas, as of 2016, the Indianapolis 500 Mile Race has occurred on every Memorial Day weekend since 1911, except during the involvement of the United States in World Wars I and II from 1917 through 1918 and 1942 through 1945, respectively;

Whereas, in 1936, Louis Meyer, after his third win of the Indianapolis 500 Mile Race, established the iconic tradition of drinking milk in the winner's circle;

Whereas Tony Hulman purchased the Indianapolis Motor Speedway in 1945, restoring the track and restarting the Indianapolis 500 Mile Race after its cancellation during World War II;

Whereas the Indianapolis 500 Mile Race is the largest single day sporting event in the world, with more than 300,000 fans packing the grandstands and the expansive infield of the Indianapolis Motor Speedway on race day;

Whereas the Indianapolis 500 Mile Race has played an integral part in the culture and heritage of the City of Indianapolis, the State of Indiana, and motorsports and the automotive industry in the United States;

Whereas the Indianapolis Motor Speedway has been a showcase of speed, human achievement, and the continuous pursuit of glory, and is a source of great pride for all citizens of Indiana;

Whereas Tony Kanaan set the record for the fastest Indianapolis 500 Mile Race, finishing it in slightly longer than 2 hours and 40 minutes at an average speed of 187.4 miles per hour;

Whereas, in 2016, the Indianapolis Motor Speedway and racing fans around the world prepare to celebrate the greatest spectacle in racing for the 100th time: Now, therefore, be it

Resolved, That the Senate recognizes the 100th running of the Indianapolis 500 Mile Race.

SENATE RESOLUTION 476—DESIGNATING THE MONTH OF MAY 2016 AS ''CYSTIC FIBROSIS AWARENESS MONTH''

Mr. MARKEY (for himself and Mr. GRASSLEY) submitted the following resolution; which was considered and agreed to:

S. RES. 476

Whereas cystic fibrosis (in this preamble referred to as ''CF'') is a genetic disease affecting more than 30,000 children and adults in the United States and more than 70,000 children and adults worldwide;

Whereas, in patients with CF, a defective gene causes the body to produce an abnormally thick, sticky mucus that clogs the lungs, produces life-threatening lung infections, and obstructs the pancreas, preventing digestive enzymes from reaching the intestines to help break down and absorb food;

Whereas there are approximately 1,000 new cases of CF diagnosed each year;

Whereas infant blood screening to detect genetic defects is the most reliable and least costly method to identify individuals likely to have 1 of 1,800 different CF mutations;

Whereas early diagnosis of CF permits early treatment and enhances quality of life, longevity, and the treatment of CF;

Whereas CF impacts the families of patients because of the intense daily disease management protocols that patients must endure;

Whereas, in the United States, there are more than 120 CF care centers and 55 affiliate programs with highly trained and dedicated providers that specialize in delivering high-quality, coordinated care for CF patients and their families;

Whereas the number of adults with CF has steadily grown and the median age of survival for a person with CF is now nearly 40 years of age; and

Whereas innovative precision medicines and treatments have greatly improved and extended the lives of patients: Now, therefore, be it

Resolved, That the Senate—

(1) designates the month of May 2016 as ''Cystic Fibrosis Awareness Month'';

(2) congratulates the community of individuals who care for patients with cystic fibrosis for their unrelenting dedication to those patients;

(3) recognizes that the care delivery system for cystic fibrosis can be a model for building better care coordination in the larger healthcare system;

(4) acknowledges the tremendous investments and scientific achievements that have significantly improved the lives of individuals with cystic fibrosis; and

(5) urges researchers, developers, patients, and providers to work together closely to find a cure for this deadly disease.

SENATE RESOLUTION 477—PROMOTING MINORITY HEALTH AWARENESS AND SUPPORTING THE GOALS AND IDEALS OF NATIONAL MINORITY HEALTH MONTH IN APRIL 2016, WHICH INCLUDE BRINGING ATTENTION TO THE HEALTH DISPARITIES FACED BY MINORITY POPULATIONS OF THE UNITED STATES SUCH AS AMERICAN INDIANS, ALASKAN NATIVES, ASIAN AMERICANS, AFRICAN AMERICANS, LATINO AMERICANS, AND NATIVE HAWAIIANS OR OTHER PACIFIC ISLANDERS

Mr. CARDIN (for himself, Ms. HIRONO, Mr. BLUMENTHAL, Mr. BROWN, Mr. MENENDEZ, and Mr. SCHATZ) submitted the following resolution; which was considered and agreed to:

S. RES. 477

Whereas the origin of the National Minority Health Month is National Negro Health Week, established in 1915 by Dr. Booker T. Washington;

Whereas the theme for National Minority Health Month in 2016 is ''Accelerating Health Equity for the Nation'';

Whereas, through the ''National Stakeholder Strategy for Achieving Health Equity'' and the ''HHS Action Plan to Reduce Racial and Ethnic Health Disparities'', the Department of Health and Human Services has set goals and strategies to advance the safety, health, and well-being of the people of the United States;

Whereas a study by the Joint Center for Political and Economic Studies, entitled ''The Economic Burden of Health Inequalities in the United States'', concludes that, between 2003 and 2006, the combined cost of ''health inequalities and premature death in the United States'' was $1,240,000,000,000;

Whereas the Department of Health and Human Services has identified 6 main categories in which racial and ethnic minorities experience the most disparate access to health care and health outcomes, including infant mortality, cancer screening and management, cardiovascular disease, diabetes, HIV/AIDS, and immunizations;

Whereas, in 2012, African American women were 10 percent less likely to have been diagnosed with, yet were almost 42 percent more likely to die from, breast cancer than non-Hispanic White women;

Whereas African American women are twice as likely to lose their lives to cervical cancer as non-Hispanic White women;

Whereas African Americans are 50 percent more likely to die from a stroke than non-Hispanic Whites;

Whereas, in 2013, Hispanics were 1.4 times more likely than non-Hispanic Whites to die of diabetes;

Whereas Latino men are 3 times more likely to have either HIV infections or AIDS than non-Hispanic White men;

Whereas Latina women are 4 times more likely to have AIDS than non-Hispanic White women;

Whereas, in 2014, although African Americans represented only 13 percent of the population of the United States, they accounted for 43 percent of HIV infections in that year;

Whereas, in 2010, African American youth accounted for an estimated 57 percent of all new HIV infections among youth in the United States, followed by 20 percent of Latino youth;

Whereas Asian American women are 18.2 percent more likely to be diagnosed with HIV than non-Hispanic White women;

Whereas Native Hawaiians living in Hawaii are 5.7 times more likely to die of diabetes than non-Hispanic Whites living in Hawaii;

Whereas, although the prevalence of obesity is high among all population groups in the United States, 48 percent of African Americans, 31.8 percent of Hispanics, and 11 percent of Asian Americans are obese;

Whereas, in 2012, Asian Americans were 1.6 times more likely than non-Hispanic Whites to contract Hepatitis A;

Whereas among all ethnic groups in 2012, Asian Americans and Pacific Islanders had the highest incidence of Hepatitis A;

Whereas Asian American women are 1.5 times more likely than non-Hispanic Whites to die from viral hepatitis;

Whereas Asian Americans are 5.5 times more likely than non-Hispanic Whites to develop chronic Hepatitis B;

Whereas, in 2013, 80 percent of children born infected with HIV belonged to minority groups;

Whereas the Department of Health and Human Services has identified heart disease, stroke, cancer, and diabetes as some of the leading causes of death among American Indians and Alaskan Natives;

Whereas American Indians and Alaskan Natives die from diabetes, alcoholism, unintentional injuries, homicide, and suicide at higher rates than other people in the United States;

Whereas American Indians and Alaskan Natives have a life expectancy that is 4.4 years shorter than the life expectancy of the overall population of the United States;

Whereas African American babies are almost twice as likely as non-Hispanic White or Latino babies to be born at low birth weight;

Whereas American Indian and Alaskan Native babies are twice as likely as non-Hispanic White babies to die from sudden infant death syndrome;

Whereas American Indian and Alaskan Natives have 1.5 times the infant mortality rate as that of non-Hispanic Whites;

Whereas American Indian and Alaskan Native babies are 50 percent more likely to die before their first birthday than babies of non-Hispanic Whites;

Whereas marked differences in the social determinants of health, described by the World Health Organization as ''the high burden of illness responsible for appalling premature loss of life [that] arises in large part because of the conditions in which people are born, grow, live, work, and age'', lead to poor health outcomes and declines in longevity;

Whereas the Patient Protection and Affordable Care Act (Public Law 111–148; 124 Stat. 119) provides specific protections and rights for American Indians and Alaskan Natives, 23 percent of whom lack health insurance;

Whereas, despite the substantial improvements in health insurance coverage among women overall, women of color are more likely to be uninsured;

Whereas, in 2013, 15.9 percent of African Americans were uninsured, as compared to 9.8 percent of non-Hispanic Whites;

Whereas African American women are more likely to be uninsured or underinsured, at a rate of 19 percent;

Whereas ¼ of Latinas live in poverty and Latinas have the greatest percentage of uninsured women in any racial group at a rate of 31 percent; and

Whereas community-based health care initiatives, such as prevention-focused programs, present a unique opportunity to use innovative approaches to improve health practices across the United States and to sharply reduce disparities among racial and ethnic minority populations: Now, therefore, be it

Resolved, That the Senate supports the goals and ideals of National Minority Health Month, which include bringing attention to the severe health disparities faced by minority populations in the United States, such as American Indians, Alaskan Natives, Asian Americans, African Americans, Latino Americans, and Native Hawaiians or other Pacific Islanders.

SENATE RESOLUTION 478—EXPRESSING SUPPORT FOR THE DESIGNATION OF JUNE 2, 2016, AS ''NATIONAL GUN VIOLENCE AWARENESS DAY'' AND JUNE 2016 AS ''NATIONAL GUN VIOLENCE AWARENESS MONTH''

Mr. DURBIN (for himself, Mrs. GILLIBRAND, Mr. MARKEY, Ms. HIRONO, Mr. FRANKEN, Mr. COONS, Mr. KAINE, Mr. BLUMENTHAL, Mrs. BOXER, Mr. CASEY, Mr. WHITEHOUSE, Mrs. MURRAY, Mr. MURPHY, Mr. BOOKER, Mr. REED, and Ms. WARREN) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 478

Whereas, each year, more than—

(1) 32,000 people in the United States are killed and 80,000 are injured by gunfire;

(2) 11,000 people in the United States are killed in homicides involving firearms;

(3) 21,000 people in the United States commit suicide by using firearms; and

(4) 500 people in the United States are killed in accidental shootings;

Whereas, since 1968, more people of the United States have died from guns in the United States than on the battlefields of all the wars in the history of the United States;

Whereas, by 1 count in 2015 in the United States, there were—

(1) 372 mass shooting incidents in which not fewer than 4 people were killed or wounded by gunfire; and

(2) 64 incidents in which a gun was fired in a school;

Whereas gun violence typically escalates during the summer months;

Whereas, every 70 minutes, 1 person in the United States under 25 years of age dies because of gun violence, and more than 6,300 such individuals die annually, including Hadiya Pendleton, who, in 2013, was killed at 15 years of age while standing in a Chicago park; and

Whereas, on June 2, 2016, on what would have been Hadiya Pendleton's 19th birthday, people across the United States will recognize National Gun Violence Awareness Day and wear orange in tribute to Hadiya and

other victims of gun violence and their loved ones: Now, therefore, be it

Resolved, That the Senate—

(1) supports—

(A) the designation of June 2016 as ''National Gun Violence Awareness Month'' and the goals and ideals of that month; and

(B) the designation of June 2, 2016, as ''National Gun Violence Awareness Day'' in remembrance of the victims of gun violence; and

(2) calls on the people of the United States to—

(A) promote greater awareness of gun violence and gun safety;

(B) wear orange, the color that hunters wear to show that they are not targets, on June 2;

(C) concentrate heightened attention on gun violence during the summer months, when gun violence typically increases; and

(D) bring citizens and community leaders together to discuss ways to make communities safer.

AMENDMENTS SUBMITTED AND PROPOSED

SA 4142. Mr. NELSON (for himself, Mrs. FISCHER, Mr. BOOKER, Mr. THUNE, Mr. SULLIVAN, Ms. CANTWELL, Mr. WICKER, Ms. AYOTTE, and Mr. SCHATZ) submitted an amendment intended to be proposed by him to the bill S. 2943, to authorize appropriations for fiscal year 2017 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table.

SA 4143. Mr. MORAN submitted an amendment intended to be proposed by him to the bill S. 2943, supra; which was ordered to lie on the table.

SA 4144. Mr. MORAN submitted an amendment intended to be proposed by him to the bill S. 2943, supra; which was ordered to lie on the table.

SA 4145. Mr. CASSIDY submitted an amendment intended to be proposed by him to the bill S. 2943, supra; which was ordered to lie on the table.

SA 4146. Mr. CASSIDY submitted an amendment intended to be proposed by him to the bill S. 2943, supra; which was ordered to lie on the table.

SA 4147. Mr. CASSIDY submitted an amendment intended to be proposed by him to the bill S. 2943, supra; which was ordered to lie on the table.

SA 4148. Mr. CASSIDY submitted an amendment intended to be proposed by him to the bill S. 2943, supra; which was ordered to lie on the table.

SA 4149. Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill S. 2943, supra; which was ordered to lie on the table.

SA 4150. Ms. AYOTTE (for herself, Mr. RUBIO, Mr. KIRK, Mr. GRAHAM, Mr. BURR, Mr. MCCONNELL, Mr. CORNYN, Mr. ROUNDS, Mr. TILLIS, Mr. INHOFE, Mr. RISCH, Mr. PORTMAN, Mr. CRUZ, Mrs. ERNST, Mr. PERDUE, Ms. MURKOWSKI, Mr. GARDNER, Mr. ROBERTS, and Mr. BARRASSO) submitted an amendment intended to be proposed by her to the bill S. 2943, supra; which was ordered to lie on the table.

SA 4151. Mr. BENNET (for himself and Mr. GARDNER) submitted an amendment intended to be proposed by him to the bill S. 2943, supra; which was ordered to lie on the table.

SA 4152. Mr. KIRK (for himself, Mr. DURBIN, Mr. GRASSLEY, and Mrs. ERNST) submitted an amendment intended to be proposed by him to the bill S. 2943, supra; which was ordered to lie on the table.

SA 4153. Mr. KIRK (for himself, Mr. DURBIN, Mr. GRASSLEY, and Mrs. ERNST) submitted an amendment intended to be proposed by him to the bill S. 2943, supra; which was ordered to lie on the table.

SA 4154. Mr. BOOZMAN submitted an amendment intended to be proposed by him to the bill S. 2943, supra; which was ordered to lie on the table.

SA 4155. Mr. BOOZMAN submitted an amendment intended to be proposed by him to the bill S. 2943, supra; which was ordered to lie on the table.

SA 4156. Mr. BOOZMAN submitted an amendment intended to be proposed by him to the bill S. 2943, supra; which was ordered to lie on the table.

SA 4157. Mr. BOOZMAN submitted an amendment intended to be proposed by him to the bill S. 2943, supra; which was ordered to lie on the table.

SA 4158. Mr. BOOZMAN submitted an amendment intended to be proposed by him to the bill S. 2943, supra; which was ordered to lie on the table.

SA 4159. Mr. RUBIO submitted an amendment intended to be proposed by him to the bill S. 2943, supra; which was ordered to lie on the table.

SA 4160. Mr. RUBIO (for himself, Mr. INHOFE, and Mr. GARDNER) submitted an amendment intended to be proposed by him to the bill S. 2943, supra; which was ordered to lie on the table.

SA 4161. Mr. RUBIO (for himself and Mr. CRUZ) submitted an amendment intended to be proposed by him to the bill S. 2943, supra; which was ordered to lie on the table.

SA 4162. Mr. RUBIO submitted an amendment intended to be proposed by him to the bill S. 2943, supra; which was ordered to lie on the table.

SA 4163. Mr. RUBIO (for himself, Mr. INHOFE, and Mr. GARDNER) submitted an amendment intended to be proposed by him to the bill S. 2943, supra; which was ordered to lie on the table.

SA 4164. Mr. RUBIO (for himself, Mr. COONS, and Mr. KIRK) submitted an amendment intended to be proposed by him to the bill S. 2943, supra; which was ordered to lie on the table.

SA 4165. Mr. RUBIO (for himself, Mr. KIRK, Ms. AYOTTE, Mr. ROBERTS, Mr. TOOMEY, and Mrs. CAPITO) submitted an amendment intended to be proposed by him to the bill S. 2943, supra; which was ordered to lie on the table.

SA 4166. Mr. COATS submitted an amendment intended to be proposed by him to the bill S. 2943, supra; which was ordered to lie on the table.

SA 4167. Mr. COATS submitted an amendment intended to be proposed by him to the bill S. 2943, supra; which was ordered to lie on the table.

SA 4168. Mr. COATS submitted an amendment intended to be proposed by him to the bill S. 2943, supra; which was ordered to lie on the table.

SA 4169. Mr. COATS submitted an amendment intended to be proposed by him to the bill S. 2943, supra; which was ordered to lie on the table.

SA 4170. Mr. COATS submitted an amendment intended to be proposed by him to the bill S. 2943, supra; which was ordered to lie on the table.

SA 4171. Mr. PERDUE (for himself and Mr. JOHNSON) submitted an amendment intended to be proposed by him to the bill S. 2943, supra; which was ordered to lie on the table.

SA 4172. Mr. KIRK (for himself, Mr. MANCHIN, Mr. ROBERTS, Mr. MENENDEZ, Ms. MURKOWSKI, Mr. CARDIN, Mr. RUBIO, Mr. VITTER, Mr. TILLIS, Mr. CRUZ, Mr. PORTMAN, Ms. AYOTTE, Mr. HATCH, and Mr. NELSON) submitted an amendment intended to be proposed by him to the bill S. 2943, supra; which was ordered to lie on the table.

SA 4173. Mr. REID submitted an amendment intended to be proposed by him to the bill S. 2943, supra; which was ordered to lie on the table.

SA 4174. Mr. REID submitted an amendment intended to be proposed by him to the bill S. 2943, supra; which was ordered to lie on the table.

SA 4175. Mr. REID submitted an amendment intended to be proposed by him to the bill S. 2943, supra; which was ordered to lie on the table.

SA 4176. Mr. REID submitted an amendment intended to be proposed by him to the bill S. 2943, supra; which was ordered to lie on the table.

SA 4177. Mr. SCHUMER submitted an amendment intended to be proposed by him to the bill S. 2943, supra; which was ordered to lie on the table.

SA 4178. Mr. SCHUMER submitted an amendment intended to be proposed by him to the bill S. 2943, supra; which was ordered to lie on the table.

SA 4179. Ms. CANTWELL (for herself, Mr. VITTER, and Mrs. SHAHEEN) submitted an amendment intended to be proposed by her to the bill S. 2943, supra; which was ordered to lie on the table.

SA 4180. Mr. BLUMENTHAL (for himself, Mr. LEAHY, and Mr. FRANKEN) submitted an amendment intended to be proposed by him to the bill S. 2943, supra; which was ordered to lie on the table.

SA 4181. Mr. FLAKE submitted an amendment intended to be proposed by him to the bill S. 2943, supra; which was ordered to lie on the table.

SA 4182. Mr. FLAKE submitted an amendment intended to be proposed by him to the bill S. 2943, supra; which was ordered to lie on the table.

SA 4183. Mr. FLAKE submitted an amendment intended to be proposed by him to the bill S. 2943, supra; which was ordered to lie on the table.

SA 4184. Mr. FLAKE submitted an amendment intended to be proposed by him to the bill S. 2943, supra; which was ordered to lie on the table.

SA 4185. Mr. FLAKE submitted an amendment intended to be proposed by him to the bill S. 2943, supra; which was ordered to lie on the table.

SA 4186. Mr. FLAKE submitted an amendment intended to be proposed by him to the bill S. 2943, supra; which was ordered to lie on the table.

SA 4187. Mr. FLAKE submitted an amendment intended to be proposed by him to the bill S. 2943, supra; which was ordered to lie on the table.

SA 4188. Mr. FLAKE submitted an amendment intended to be proposed by him to the bill S. 2943, supra; which was ordered to lie on the table.

SA 4189. Mr. FLAKE submitted an amendment intended to be proposed by him to the bill S. 2943, supra; which was ordered to lie on the table.

SA 4190. Mr. FLAKE submitted an amendment intended to be proposed by him to the bill S. 2943, supra; which was ordered to lie on the table.

SA 4191. Mr. FLAKE (for himself and Mr. COONS) submitted an amendment intended to be proposed by him to the bill S. 2943, supra; which was ordered to lie on the table.

SA 4192. Mr. FLAKE submitted an amendment intended to be proposed by him to the bill S. 2943, supra; which was ordered to lie on the table.

SA 4193. Mr. RUBIO submitted an amendment intended to be proposed by him to the bill S. 2943, supra; which was ordered to lie on the table.

SA 4194. Mr. RUBIO submitted an amendment intended to be proposed by him to the bill S. 2943, supra; which was ordered to lie on the table.

SA 4195. Mr. RUBIO submitted an amendment intended to be proposed by him to the bill S. 2943, supra; which was ordered to lie on the table.

SA 4196. Mr. RUBIO submitted an amendment intended to be proposed by him to the bill S. 2943, supra; which was ordered to lie on the table.

SA 4197. Mr. RUBIO submitted an amendment intended to be proposed by him to the bill S. 2943, supra; which was ordered to lie on the table.

SA 4198. Mr. RUBIO submitted an amendment intended to be proposed by him to the bill S. 2943, supra; which was ordered to lie on the table.

SA 4199. Mr. RUBIO submitted an amendment intended to be proposed by him to the bill S. 2943, supra; which was ordered to lie on the table.

SA 4200. Mr. RUBIO submitted an amendment intended to be proposed by him to the bill S. 2943, supra; which was ordered to lie on the table.

SA 4201. Mr. CORNYN submitted an amendment intended to be proposed by him to the bill S. 2943, supra; which was ordered to lie on the table.

SA 4202. Mr. DAINES (for himself, Mrs. ERNST, Mr. CARDIN, Mr. GARDNER, Mr. WARNER, Ms. MIKULSKI, Mr. BLUMENTHAL, and Mr. BENNET) submitted an amendment intended to be proposed by him to the bill S. 2943, supra; which was ordered to lie on the table.

SA 4203. Mr. PERDUE submitted an amendment intended to be proposed by him to the bill S. 2943, supra; which was ordered to lie on the table.

SA 4204. Mr. INHOFE (for himself, Ms. MIKULSKI, Mr. ROUNDS, Mr. TILLIS, Mr. BURR, Ms. MURKOWSKI, Mr. HATCH, Mr. UDALL, Ms. HIRONO, Mr. LANKFORD, Ms. COLLINS, Mrs. BOXER, Mr. CARDIN, Mrs. MURRAY, Mrs. CAPITO, Mr. BROWN, Mr. WARNER, Mr. BOOZMAN, Mr. VITTER, Mrs. GILLIBRAND, Mr. NELSON, Mr. SCHUMER, Mr. KAINE, Mr. MARKEY, Mr. SCHATZ, Ms. KLOBUCHAR, Mr. WHITEHOUSE, Mr. CASEY, Ms. STABENOW, Mr. TESTER, Mr. HELLER, and Mr. SESSIONS) submitted an amendment intended to be proposed by him to the bill S. 2943, supra; which was ordered to lie on the table.

SA 4205. Mr. ROUNDS (for himself and Mr. CRUZ) submitted an amendment intended to be proposed by him to the bill S. 2943, supra; which was ordered to lie on the table.

SA 4206. Mrs. FISCHER submitted an amendment intended to be proposed by her to the bill S. 2943, supra; which was ordered to lie on the table.

SA 4207. Mr. MORAN submitted an amendment intended to be proposed by him to the bill S. 2943, supra; which was ordered to lie on the table.

SA 4208. Mrs. CAPITO submitted an amendment intended to be proposed by her to the bill S. 2943, supra; which was ordered to lie on the table.

SA 4209. Mrs. CAPITO (for herself, Ms. STABENOW, Ms. COLLINS, and Mr. MARKEY) submitted an amendment intended to be proposed by her to the bill S. 2943, supra; which was ordered to lie on the table.

SA 4210. Mr. TESTER (for himself, Mr. GRASSLEY, Mr. JOHNSON, and Mr. CARPER) submitted an amendment intended to be proposed by him to the bill S. 2943, supra; which was ordered to lie on the table.

SA 4211. Mr. TESTER submitted an amendment intended to be proposed by him to the bill S. 2943, supra; which was ordered to lie on the table.

SA 4212. Mr. TESTER submitted an amendment intended to be proposed by him to the bill S. 2943, supra; which was ordered to lie on the table.

SA 4213. Mr. TESTER (for himself, Mr. HELLER, Mrs. ERNST, Mr. ROUNDS, and Mr. LEAHY) submitted an amendment intended to be proposed by him to the bill S. 2943, supra; which was ordered to lie on the table.

SA 4214. Mr. KIRK (for himself and Mr. DURBIN) submitted an amendment intended to be proposed by him to the bill S. 2943, supra; which was ordered to lie on the table.

SA 4215. Mr. REID (for himself, Mr. SCHUMER, and Ms. HIRONO) submitted an amendment intended to be proposed by him to the bill S. 2943, supra; which was ordered to lie on the table.

SA 4216. Mr. BOOKER (for himself and Mr. MENENDEZ) submitted an amendment intended to be proposed by him to the bill S. 2943, supra; which was ordered to lie on the table.

SA 4217. Ms. AYOTTE (for herself, Mrs. SHAHEEN, Mr. GRAHAM, Mr. KING, Mr. WICKER, Mr. NELSON, and Mr. KIRK) submitted an amendment intended to be proposed by her to the bill S. 2943, supra; which was ordered to lie on the table.

SA 4218. Mr. WICKER submitted an amendment intended to be proposed by him to the bill S. 2943, supra; which was ordered to lie on the table.

SA 4219. Mr. DAINES (for himself, Mr. HOEVEN, and Mr. TESTER) submitted an amendment intended to be proposed by him to the bill S. 2943, supra; which was ordered to lie on the table.

SA 4220. Mr. BARRASSO submitted an amendment intended to be proposed by him to the bill S. 2943, supra; which was ordered to lie on the table.

SA 4221. Mr. BARRASSO submitted an amendment intended to be proposed by him to the bill S. 2943, supra; which was ordered to lie on the table.

SA 4222. Ms. MURKOWSKI submitted an amendment intended to be proposed by her to the bill S. 2943, supra; which was ordered to lie on the table.

SA 4223. Mr. BARRASSO submitted an amendment intended to be proposed by him to the bill S. 2943, supra; which was ordered to lie on the table.

SA 4224. Mr. BROWN (for himself and Mr. PORTMAN) submitted an amendment intended to be proposed by him to the bill S. 2943, supra; which was ordered to lie on the table.

SA 4225. Mr. MENENDEZ (for himself, Mr. BROWN, and Mr. BOOKER) submitted an amendment intended to be proposed by him to the bill S. 2943, supra; which was ordered to lie on the table.

SA 4226. Ms. CANTWELL submitted an amendment intended to be proposed by her to the bill S. 2943, supra; which was ordered to lie on the table.

SA 4227. Mrs. FEINSTEIN submitted an amendment intended to be proposed by her to the bill S. 2943, supra; which was ordered to lie on the table.

SA 4228. Ms. HIRONO (for herself, Ms. MURKOWSKI, and Ms. CANTWELL) submitted an amendment intended to be proposed by her to the bill S. 2943, supra; which was ordered to lie on the table.

SA 4229. Mr. McCAIN submitted an amendment intended to be proposed by him to the bill S. 2943, supra; which was ordered to lie on the table.

SA 4230. Mr. ROUNDS (for Mr. SCHATZ) proposed an amendment to the resolution S. Res. 416, recognizing the contributions of Hawaii to the culinary heritage of the United States and designating the week beginning on June 12, 2016, as ''National Hawaiian Food Week''.

SA 4231. Mr. KIRK submitted an amendment intended to be proposed by him to the bill S. 2943, to authorize appropriations for fiscal year 2017 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table.

SA 4232. Mr. HELLER submitted an amendment intended to be proposed by him to the bill S. 2943, supra; which was ordered to lie on the table.

SA 4233. Mr. HELLER submitted an amendment intended to be proposed by him to the bill S. 2943, supra; which was ordered to lie on the table.

SA 4234. Mr. HELLER submitted an amendment intended to be proposed by him to the bill S. 2943, supra; which was ordered to lie on the table.

SA 4235. Mr. HELLER (for himself and Mr. TESTER) submitted an amendment intended to be proposed by him to the bill S. 2943, supra; which was ordered to lie on the table.

SA 4236. Mr. PORTMAN (for himself and Mr. BROWN) submitted an amendment intended to be proposed by him to the bill S. 2943, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 4142. Mr. NELSON (for himself, Mrs. FISCHER, Mr. BOOKER, Mr. THUNE, Mr. SULLIVAN, Ms. CANTWELL, Mr. WICKER, Ms. AYOTTE, and Mr. SCHATZ) submitted an amendment intended to be proposed by him to the bill S. 2943, to authorize appropriations for fiscal year 2017 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

In title XXXV of division C, strike section 3501 and insert the following:

SEC. 3500. SHORT TITLE.

(a) SHORT TITLE.—This title may be cited as the ''Maritime Administration Authorization and Enhancement Act for Fiscal Year 2017''.

Subtitle A—Maritime Administration Authorization

SEC. 3501. AUTHORIZATION OF THE MARITIME ADMINISTRATION.

There are authorized to be appropriated to the Department of Transportation for fiscal year 2017, to be available without fiscal year limitation if so provided in appropriations Acts, for programs associated with maintaining the United States merchant marine, the following amounts:

(1) For expenses necessary for operations of the United States Merchant Marine Academy, $99,902,000, of which—

(A) $74,851,000 shall be for Academy operations; and

(B) $25,051,000 shall remain available until expended for capital asset management at the Academy.

(2) For expenses necessary to support the State maritime academies, $29,550,000, of which—

(A) $2,400,000 shall remain available until September 30, 2018, for the Student Incentive Program;

(B) $3,000,000 shall remain available until expended for direct payments to such academies;

(C) $22,000,000 shall remain available until expended for maintenance and repair of State maritime academy training vessels;

(D) $1,800,000 shall remain available until expended for training ship fuel assistance; and

(E) $350,000 shall remain available until expended for expenses to improve the monitoring of the service obligations of graduates.

(3) For expenses necessary to support the National Security Multi-Mission Vessel Program, $6,000,000, which shall remain available until expended.

(4) For expenses necessary to support Maritime Administration operations and programs, $57,142,000.

(5) For expenses necessary to dispose of vessels in the National Defense Reserve Fleet, $20,000,000, which shall remain available until expended.

(6) For the cost (as defined in section 502(5) of the Federal Credit Reform Act of 1990 (2 U.S.C. 661a(5))) of loan guarantees under the program authorized by chapter 537 of title 46, United States Code, $3,000,000, which shall remain available until expended for administrative expenses of the program.

SEC. 3502. MARITIME ADMINISTRATION AUTHORIZATION REQUEST.

Section 109 of title 49, United States Code, is amended by adding at the end the following:

''(k) SUBMISSION OF ANNUAL MARITIME ADMINISTRATION AUTHORIZATION REQUEST.—

''(1) IN GENERAL.—Not later than 30 days after the date on which the President submits to Congress a budget for a fiscal year pursuant to section 1105 of title 31, the Maritime Administrator shall submit a Maritime Administration authorization request with respect to such fiscal year to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives.

''(2) DEFINED TERM.—In this subsection, the term 'Maritime Administration authorization request' means a proposal for legislation that, with respect to the Maritime Administration for the relevant fiscal year—

''(A) recommends authorizations of appropriations for that fiscal year; and

''(B) addresses any other matter that the Maritime Administrator determines is appropriate for inclusion in a Maritime Administration authorization bill.''.

Subtitle B—Prevention of Sexual Harassment and Assault at the United States Merchant Marine Academy

SEC. 3506. ACTIONS TO ADDRESS SEXUAL HARASSMENT AND SEXUAL ASSAULT AT THE UNITED STATES MERCHANT MARINE ACADEMY.

(a) POLICY.—Chapter 513 of title 46, United States Code, is amended by adding at the end the following:

''§ 51318. Policy on sexual harassment and sexual assault

''(a) REQUIRED POLICY.—

''(1) IN GENERAL.—The Secretary of Transportation shall direct the Superintendent of the United States Merchant Marine Academy to prescribe a policy on sexual harassment and sexual assault applicable to the cadets and other personnel of the Academy.

''(2) MATTERS TO BE SPECIFIED IN POLICY.—The policy on sexual harassment and sexual assault prescribed under this subsection shall include—

''(A) a program to promote awareness of the incidence of rape, acquaintance rape, and other sexual offenses of a criminal nature that involve cadets or other Academy personnel;

''(B) procedures that a cadet should follow in the case of an occurrence of sexual harassment or sexual assault, including—

''(i) specifying the person or persons to whom an alleged occurrence of sexual harassment or sexual assault should be reported by a cadet and the options for confidential reporting;

''(ii) specifying any other person whom the victim should contact; and

''(iii) procedures on the preservation of evidence potentially necessary for proof of criminal sexual assault;

''(C) a procedure for disciplinary action in cases of alleged criminal sexual assault involving a cadet or other Academy personnel;

''(D) any other sanction authorized to be imposed in a substantiated case of sexual harassment or sexual assault involving a cadet or other Academy personnel in rape, acquaintance rape, or any other criminal sexual offense, whether forcible or nonforcible; and

''(E) required training on the policy for all cadets and other Academy personnel, including the specific training required for personnel who process allegations of sexual harassment or sexual assault involving Academy personnel.

''(3) AVAILABILITY OF POLICY.—The Secretary shall ensure that the policy developed under this subsection is available to—

''(A) all cadets and employees of the Academy; and

''(B) the public.

''(4) CONSULTATION AND ASSISTANCE.—In developing the policy under this subsection, the Secretary may consult or receive assistance from such Federal, State, local, and national organizations and subject matter experts as the Secretary considers appropriate.

''(b) DEVELOPMENT PROGRAM.—

''(1) IN GENERAL.—The Secretary of Transportation shall ensure that the development program of the United States Merchant Marine Academy includes a section that—

''(A) describes the relationship between honor, respect, and character development and the prevention of sexual harassment and sexual assault at the Academy; and

''(B) includes a brief history of the problem of sexual harassment and sexual assault in the merchant marine, in the Armed Forces, and at the Academy; and

''(C) includes information relating to reporting sexual harassment and sexual assault, victims' rights, and dismissal for offenders.

''(2) TRAINING.—The Superintendent of the Academy shall ensure that all cadets receive the training described in paragraph (1)—

''(A) not later than 7 days after their initial arrival at the Academy; and

''(B) biannually thereafter until they graduate or leave the Academy.

''(c) ANNUAL ASSESSMENT.—

''(1) IN GENERAL.—The Secretary of Transportation, in cooperation with the Superintendent of the Academy, shall conduct an assessment at the Academy during each Academy program year to determine the effectiveness of the policies, procedures, and training of the Academy with respect to sexual harassment and sexual assault involving cadets or other Academy personnel.

''(2) BIENNIAL SURVEY.—For each assessment of the Academy under paragraph (1) during an Academy program year that begins in an odd-numbered calendar year, the Secretary shall conduct a survey of cadets and other Academy personnel—

''(A) to measure—

''(i) the incidence, during that program year, of sexual harassment and sexual assault events, on or off the Academy campus, that have been reported to officials of the Academy; and

''(ii) the incidence, during that program year, of sexual harassment and sexual assault events, on or off the Academy campus, that have not been reported to officials of the Academy; and

''(B) to assess the perceptions of cadets and other Academy personnel on—

''(i) the policies, procedures, and training on sexual harassment and sexual assault involving cadets or Academy personnel;

''(ii) the enforcement of the policies described in clause (i);

''(iii) the incidence of sexual harassment and sexual assault involving cadets or Academy personnel; and

''(iv) any other issues relating to sexual harassment and sexual assault involving cadets or Academy personnel.

''(3) FOCUS GROUPS FOR YEARS WHEN SURVEY NOT REQUIRED.—In any year in which the Secretary of Transportation is not required to conduct the survey described in paragraph (2), the Secretary shall conduct focus groups at the Academy for the purposes of ascertaining information relating to sexual assault and sexual harassment issues at the Academy.

''(d) ANNUAL REPORT.—

''(1) IN GENERAL.—The Superintendent of the Academy shall submit a report to the Secretary of Transportation that provides information about sexual harassment and sexual assault involving cadets or other personnel at the Academy for each Academy program year.

''(2) CONTENTS.—Each report submitted under paragraph (1) shall include, for the Academy program year covered by the report—

''(A) the number of sexual assaults, rapes, and other sexual offenses involving cadets or other Academy personnel that have been reported to Academy officials;

''(B) the number of the reported cases described in subparagraph (A) that have been substantiated;

''(C) the policies, procedures, and training implemented by the Superintendent and the leadership of the Academy in response to sexual harassment and sexual assault involving cadets or other Academy personnel; and

''(D) a plan for the actions that will be taken in the following Academy program year regarding prevention of, and response to, sexual harassment and sexual assault involving cadets or other Academy personnel.

''(3) SURVEY AND FOCUS GROUP RESULTS.—

''(A) SURVEY RESULTS.—Each report under paragraph (1) for an Academy program year that begins in an odd-numbered calendar year shall include the results of the survey conducted in that program year under subsection (c)(2).

''(B) FOCUS GROUP RESULTS.—Each report under paragraph (1) for an Academy program year in which the Secretary of Transportation is not required to conduct the survey described (c)(2) shall include the results of the focus group conducted in that program year under subsection (c)(3).

''(4) REPORTING REQUIREMENT.—

''(A) BY THE SUPERINTENDENT.—For each incident of sexual harassment or sexual assault reported to the Superintendent under this subsection, the Superintendent shall provide the Secretary of Transportation and the Board of Visitors of the Academy with a report that includes—

''(i) the facts surrounding the incident, except for any details that would reveal the identities of the people involved; and

''(ii) the Academy's response to the incident.

''(B) BY THE SECRETARY.—The Secretary shall submit a copy of each report received under subparagraph (A) and the Secretary's comments on the report to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives.''.

(b) CLERICAL AMENDMENT.—The table of sections for chapter 513 of title 46, United

States Code, is amended by adding at the end the following:

''51318. Policy on sexual harassment and sexual assault.''.

SEC. 3507. SEXUAL ASSAULT RESPONSE COORDINATORS AND SEXUAL ASSAULT VICTIM ADVOCATES.

(a) COORDINATORS AND ADVOCATES.—Chapter 513 of title 46, United States Code, as amended by section 3506, is further amended by adding at the end the following:

''§ 51319. Sexual assault response coordinators and sexual assault victim advocates

''(a) SEXUAL ASSAULT RESPONSE COORDINATORS.—The United States Merchant Marine Academy shall employ or contract with at least 1 full-time sexual assault response coordinator who shall reside on or near the Academy. The Secretary of Transportation may assign additional full-time or part-time sexual assault response coordinators at the Academy as may be necessary.

''(b) VOLUNTEER SEXUAL ASSAULT VICTIM ADVOCATES.—

''(1) IN GENERAL.—The Secretary of Transportation, acting through the Superintendent of the United States Merchant Marine Academy, shall designate 1 or more permanent employees who volunteer to serve as advocates for victims of sexual assaults involving—

''(A) cadets of the Academy; or

''(B) individuals who work with or conduct business on behalf of the Academy.

''(2) TRAINING; OTHER DUTIES.—Each victim advocate designated under this subsection shall—

''(A) have or receive training in matters relating to sexual assault and the comprehensive policy developed under section 51318 of title 46, United States Code; and

''(B) serve as a victim advocate voluntarily, in addition to the individual's other duties as an employee of the Academy.

''(3) PRIMARY DUTIES.—While performing the duties of a victim advocate under this subsection, a designated employee shall—

''(A) support victims of sexual assault by informing them of the rights and resources available to them as victims;

''(B) identify additional resources to ensure the safety of victims of sexual assault; and

''(C) connect victims of sexual assault to an Academy sexual assault response coordinator, or full-time or part-time victim advocate, who shall act as a companion in navigating investigative, medical, mental and emotional health, and recovery processes relating to sexual assault.

''(4) COMPANION.—At least 1 victim advocate designated under this subsection, while performing the duties of a victim advocate, shall act as a companion in navigating investigative, medical, mental and emotional health, and recovery processes relating to sexual assault.

''(5) HOTLINE.—The Secretary shall establish a 24-hour hotline through which the victim of a sexual assault can receive victim support services.

''(6) FORMAL RELATIONSHIPS WITH OTHER ENTITIES.—The Secretary may enter into formal relationships with other entities to make available additional victim advocates or to implement paragraphs (3), (4), and (5).

''(7) CONFIDENTIALITY.—Information disclosed by a victim to an advocate designated under this subsection—

''(A) shall be treated by the advocate as confidential; and

''(B) may not be disclosed by the advocate without the consent of the victim.''.

(b) CLERICAL AMENDMENT.—The table of sections for chapter 513 of title 46, United States Code, is amended by adding at the end the following:

''51319. Sexual assault response coordinators and sexual assault victim advocates.''.

SEC. 3508. REPORT FROM THE DEPARTMENT OF TRANSPORTATION INSPECTOR GENERAL.

(a) IN GENERAL.—Not later than March 31, 2018, the Inspector General of the Department of Transportation shall submit a report to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives that describes the effectiveness of the sexual harassment and sexual assault prevention and response program at the United States Merchant Marine Academy.

(b) CONTENTS.—The report required under subsection (a) shall—

(1) assess progress toward addressing any outstanding recommendations;

(2) include any recommendations to reduce the number of sexual assaults involving members of the United States Merchant Marine Academy, whether a member is the victim, the alleged assailant, or both;

(3) include any recommendations to improve the response of the Department of Transportation and the United States Merchant Marine Academy to reports of sexual assaults involving members of the Academy, whether a members is the victim, the alleged assailant, or both.

(c) EXPERTISE.—In compiling the report required under this section, the inspection teams acting under the direction of the Inspector General shall—

(1) include at least 1 member with expertise and knowledge of sexual assault prevention and response policies; or

(2) consult with subject matter experts in the prevention of and response to sexual assaults.

SEC. 3509. SEXUAL ASSAULT PREVENTION AND RESPONSE WORKING GROUP.

(a) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the Maritime Administrator shall convene a working group to examine methods to improve the prevention of, and response to, any sexual harassment or sexual assault that occurs during a Cadet's Sea Year experience with the United States Merchant Marine Academy.

(b) MEMBERSHIP.—The Maritime Administrator shall designate individuals to serve as members of the working group convened pursuant to subsection (a). Membership in the working group shall consist of—

(1) a representative of the Maritime Administration, which shall serve as chair of the working group;

(2) the Superintendent of the Academy, or designee;

(3) the sexual assault response coordinator appointed under section 51319 of title 46, United States Code;

(4) a subject matter expert from the Coast Guard;

(5) a subject matter expert from the Military Sealift Command;

(6) at least 1 representative from each of the State maritime academies;

(7) at least 1 representative from each private contracting party participating in the maritime security program;

(8) at least 1 representative from each nonprofit labor organization representing a class or craft of employees employed on vessels in the Maritime Security Fleet;

(9) at least 2 representatives from approved maritime training institutions; and

(10) at least 1 representative from companies that—

(A) participate in sea training of Academy cadets; and

(B) do not participate in the maritime security program.

(c) NO QUORUM REQUIREMENT.—The Maritime Administration may convene the working group without all members present.

(d) RESPONSIBILITIES.—The working group shall—

(1) evaluate options that could promote a climate of honor and respect, and a culture that is intolerant of sexual harassment and sexual assault and those who commit it, across the United States Flag Fleet;

(2) raise awareness of the United States Merchant Marine Academy's sexual assault prevention and response program across the United States Flag Fleet;

(3) assess options that could be implemented by the United States Flag Fleet that would remove any barriers to the reporting of sexual harassment and sexual assault response that occur during a Cadet's Sea Year experience and protect the victim's confidentiality;

(4) assess a potential program or policy, applicable to all participants of the maritime security program, to improve the prevention of, and response to, sexual harassment and sexual assault incidents;

(5) assess a potential program or policy, applicable to all vessels operating in the United States Flag Fleet that participate in the Maritime Security Fleet under section 53101 of title 46, United States Code, which carry cargos to which chapter 531 of such title applies, or are chartered by a Federal agency, requiring crews to complete a sexual harassment and sexual assault prevention and response training program before the Cadet's Sea Year that includes—

(A) fostering a shipboard climate—

(i) that does not tolerate sexual harassment and sexual assault;

(ii) in which persons assigned to vessel crews are encouraged to intervene to prevent potential incidents of sexual harassment or sexual assault; and

(iii) that encourages victims of sexual assault to report any incident of sexual harassment or sexual assault; and

(B) understanding the needs of, and the resources available to, a victim after an incident of sexual harassment or sexual assault;

(6) assess whether the United States Merchant Marine Academy should continue with sea year training on privately owned vessels or change its curricula to provide alternative training; and

(7) assess how vessel operators could ensure the confidentiality of a report of sexual harassment or sexual assault in order to protect the victim and prevent retribution.

(e) REPORT.—Not later than 15 months after the date of the enactment of this Act, the working group shall submit a report to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives that includes—

(1) recommendations on each of the working group's responsibilities described in subsection (d);

(2) the trade-offs, opportunities, and challenges associated with the recommendations made in paragraph (1); and

(3) any other information the working group determines appropriate.

Subtitle C—Maritime Administration Enhancement

SEC. 3511. STATUS OF NATIONAL DEFENSE RESERVE FLEET VESSELS.

Section 4405 of title 50, United States Code, is amended—

(1) in subsection (a), by adding at the end the following: ''Vessels in the National Defense Reserve Fleet, including vessels loaned to State maritime academies, shall be considered public vessels of the United States.''; and

(2) by adding at the end the following:

''(g) VESSEL STATUS.—Ships or other watercraft in the National Defense Reserve Fleet determined by the Maritime Administration to be of insufficient value to remain in the National Defense Reserve Fleet—

''(1) shall remain vessels (as defined in section 3 of title 1); and

''(2) shall remain subject to the rights and responsibilities of a vessel under admiralty law until such time as the vessel is delivered to a dismantling facility or is otherwise disposed of from the National Defense Reserve Fleet.''.

SEC. 3512. PORT INFRASTRUCTURE DEVELOPMENT.

Section 50302(c)(4) of title 46, United States Code, is amended—

(1) by striking ''There are authorized'' and inserting the following:

''(A) IN GENERAL.—There are authorized''; and

(2) by adding at the end the following:

''(B) ADMINISTRATIVE EXPENSES.—Except as otherwise provided by law, the Administrator may use not more than 3 percent of the amounts appropriated to carry out this section for the administrative expenses of the program.''.

SEC. 3513. USE OF STATE ACADEMY TRAINING VESSELS.

Section 51504(g) of title 46, United States Code, is amended to read as follows:

''(g) VESSEL SHARING.—The Secretary, after consulting with the affected State maritime academies, may implement a program requiring a State maritime academy to share its training vessel with another State maritime academy if the vessel of another State maritime academy—

''(1) is being used during a humanitarian assistance or disaster response activity;

''(2) is incapable of being maintained in good repair as required under subsection (c);

''(3) requires maintenance or repair for an extended period;

''(4) is activated as a National Defense Reserve Fleet vessel pursuant to section 4405 of title 50;

''(5) loses its Coast Guard Certificate of Inspection or its classification; or

''(6) does not comply with applicable environmental regulations.''.

SEC. 3514. STATE MARITIME ACADEMY PHYSICAL STANDARDS AND REPORTING.

Section 51506 of title 46, United States Code, is amended–

(1) in subsection (a)—

(A) in the matter preceding paragraph (1), by striking ''must'' and inserting ''shall'';

(B) in paragraph (2), by striking ''and'' at the end;

(C) in paragraph (3), by striking the period at the end and inserting ''; and''; and

(D) by adding at the end the following:

''(4) agree that any individual enrolled at such State maritime academy in a merchant marine officer preparation program—

''(A) shall, not later than 9 months after each such individual's date of enrollment, pass an examination in form and substance satisfactory to the Secretary that demonstrates that such individual meets the medical and physical requirements—

''(i) required for the issuance of an original license under section 7101; or

''(ii) set by the Coast Guard for issuing merchant mariners' documentation under section 7302, with no limit to his or her operational authority;

''(B) following passage of the examination under subparagraph (A), shall continue to meet the requirements or standards described in subparagraph (A) throughout the remainder of their respective enrollments at the State maritime academy; and

''(C) if the individual has a medical or physical condition that disqualifies him or her from meeting the requirements or standards referred to in subparagraph (A), shall be transferred to a program other than a merchant marine officer preparation program, or otherwise appropriately disenrolled from such State maritime academy, until the individual demonstrates to the Secretary that the individual meets such requirements or standards.''; and

(2) by adding at the end the following:

''(c) SECRETARIAL WAIVER AUTHORITY.—The Secretary is authorized to modify or waive any of the terms set forth in subsection (a)(4) with respect to any individual or State maritime academy.''.

SEC. 3515. AUTHORITY TO EXTEND CERTAIN AGE RESTRICTIONS RELATING TO VESSELS PARTICIPATING IN THE MARITIME SECURITY FLEET.

(a) IN GENERAL.—Section 53102 of title 46, United States Code, is amended by adding at the end the following:

''(g) AUTHORITY FOR EXTENSION OF MAXIMUM SERVICE AGE FOR A PARTICIPATING FLEET VESSEL.—The Secretary of Defense, in conjunction with the Secretary of Transportation, may extend the maximum age restrictions under sections 53101(5)(A)(ii) and 53106(c)(3) for a particular participating fleet vessel for up to 5 years if the Secretary of Defense and the Secretary of Transportation jointly determine that such extension is in the national interest.''.

(b) REPEAL OF UNNECESSARY AGE LIMITATION.—Section 53106(c)(3) of such title is amended—

(1) in subparagraph (A), by striking ''or (C);'' and inserting ''; or'';

(2) in subparagraph (B), by striking ''; or'' at the end and inserting a period; and

(3) by striking subparagraph (C).

SEC. 3516. APPOINTMENTS.

(a) IN GENERAL.—Section 51303 of title 46, United States Code, is amended by striking ''40'' and inserting ''50''.

(b) CLASS PROFILE.—Not later than August 31 of each year, the Superintendent of the United States Merchant Marine Academy shall post on the Academy's public website a summary profile of each class at the Academy.

(c) CONTENTS.—Each summary profile posted under subsection (b) shall include, for the incoming class and for the 4 classes that precede the incoming class, the number and percentage of students—

(1) by State;

(2) by country;

(3) by gender;

(4) by race and ethnicity; and

(5) with prior military service.

SEC. 3517. HIGH-SPEED CRAFT CLASSIFICATION SERVICES.

(a) IN GENERAL.—Notwithstanding section 3316(a) of title 46, United States Code, the Secretary of the Navy may use the services of an approved classification society for only a high-speed craft that—

(1) was acquired by the Secretary from the Maritime Administration;

(2) is not a high-speed naval combatant, patrol vessel, expeditionary vessel, or other special purpose military or law enforcement vessel;

(3) is operated for commercial purposes;

(4) is not operated or crewed by any department, agency, instrumentality, or employee of the United States Government;

(5) is not directly engaged in any mission or other operation for or on behalf of any department, agency, instrumentality, or employee of the United States Government; and

(6) is not primarily designed to carry freight owned, leased, used, or contracted for or by the United States Government.

(b) DEFINITION OF APPROVED CLASSIFICATION SOCIETY.—In this section, the term ''approved classification society'' means a classification society that has been approved by the Secretary of the department in which the Coast Guard is operating under section 3316(c) of title 46, United States Code.

(c) SAVINGS CLAUSE.—Nothing in this section may be construed to affect the requirements under section 3316 of title 46, United States Code, for a high-speed craft that does not meet the conditions under paragraphs (1) through (6) of subsection (a).

SEC. 3518. MARITIME WORKFORCE WORKING GROUP.

(a) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Transportation shall convene a working group to examine and assess the size of the pool of citizen mariners necessary to support the United States Flag Fleet in times of national emergency.

(b) MEMBERSHIP.—The Maritime Administrator shall designate individuals to serve as members of the working group convened under subsection (a). The working group shall include, at a minimum, the following members:

(1) At least 1 representative of the Maritime Administration, who shall serve as chairperson of the working group.

(2) At least 1 subject matter expert from the United States Merchant Marine Academy.

(3) At least 1 subject matter expert from the Coast Guard.

(4) At least 1 subject matter expert from the Military Sealift Command.

(5) 1 subject matter expert from each of the State maritime academies.

(6) At least 1 representative from each nonprofit labor organization representing a class or craft of employees (licensed or unlicensed) who are employed on vessels operating in the United States Flag Fleet.

(7) At least 4 representatives of owners of vessels operating the in United States Flag Fleet, or their private contracting parties, which are primarily operating in non-contiguous or coastwise trades.

(8) At least 4 representatives of owners of vessels operating the in United States Flag Fleet, or their private contracting parties, which are primarily operating in international transportation.

(c) NO QUORUM REQUIREMENT.—The Maritime Administration may convene the working group without all members present.

(d) RESPONSIBILITIES.—The working group shall—

(1) identify the number of United States citizen mariners—

(A) in total;

(B) that have a valid United States Coast Guard merchant mariner credential with the necessary endorsements for service on unlimited tonnage vessels subject to the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers, 1978, as amended;

(C) that are involved in Federal programs that support the United States Merchant Marine and United States Flag Fleet;

(D) that are available to crew the United States Flag Fleet and the surge sealift fleet in times of a national emergency;

(E) that are full-time mariners;

(F) that have sailed in the prior 18 months; and

(G) that are primarily operating in noncontiguous or coastwise trades;

(2) assess the impact on the United States Merchant Marine and United States Merchant Marine Academy if graduates from State maritime academies and the United States Merchant Marine Academy were assigned to, or required to fulfill, certain maritime positions based on the overall needs of the United States Merchant Marine;

(3) assess the Coast Guard Merchant Mariner Licensing and Documentation System,

which tracks merchant mariner credentials and medical certificates, and its accessibility and value to the Maritime Administration for the purposes of evaluating the pool of United States citizen mariners; and

(4) make recommendations to enhance the availability and quality of interagency data, including data from the United States Transportation Command, the Coast Guard, and the Bureau of Transportation Statistics, for use by the Maritime Administration for evaluating the pool of United States citizen mariners.

(e) REPORT.—Not later than 1 year after the date of the enactment of this Act, the Secretary of Transportation shall submit a report to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives that contains the results of the study conducted under this section, including—

(1) the number of United States citizen mariners identified for each category described in subparagraphs (A) through (G) of subsection (d)(1);

(2) the results of the assessments conducted under paragraphs (2) and (3) of subsection (d); and

(3) the recommendations made under subsection (d)(4).

SEC. 3519. VESSEL DISPOSAL PROGRAM.

(a) ANNUAL REPORT.—Not later than January 1 of each year, the Administrator of the Maritime Administration shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report on the management of the vessel disposal program of the Maritime Administration.

(b) CONTENTS.—The report under subsection (a) shall include—

(1) the total amount of funds credited in the prior fiscal year to—

(A) the Vessel Operations Revolving Fund established by section 50301(a) of title 46, United States Code; and

(B) any other account attributable to the vessel disposal program of the Maritime Administration;

(2) the balance of funds available at the end of that fiscal year in—

(A) the Vessel Operations Revolving Fund; and

(B) any other account described in paragraph (1)(B);

(3) in consultation with the Secretary of the Interior, the total number of—

(A) grant applications under the National Maritime Heritage Grants Program in the prior fiscal year; and

(B) the applications under subparagraph (A) that were approved by the Secretary of the Interior, acting through the National Maritime Initiative of the National Park Service;

(4) a detailed description of each project funded under the National Maritime Heritage Grants Program in the prior fiscal year for which funds from the Vessel Operations Revolving Funds were obligated, including the information described in paragraphs (1) through (3) of section 308703(j) of title 54, United States Code; and

(5) a detailed description of the funds credited to and distributions from the Vessel Operations Revolving Funds in the prior fiscal year.

(c) ASSESSMENTS.—

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, and biennially thereafter, the Administrator shall assess the vessel disposal program of the Maritime Administration.

(2) CONTENTS.—Each assessment under paragraph (1) shall include—

(A) an inventory of each vessel, subject to a disposal agreement, for which the Maritime Administration acts as the disposal agent, including—

(i) the age of the vessel; and

(ii) the name of the Federal agency with which the Maritime Administration has entered into a disposal agreement;

(B) a description of each vessel of a Federal agency that may meet the criteria for the Maritime Administration to act as the disposal agent, including—

(i) the age of the vessel; and

(ii) the name of the applicable Federal agency;

(C) the Maritime Administration's plan to serve as the disposal agent, as appropriate, for the vessels described in subparagraph (B); and

(D) any other information related to the vessel disposal program that the Administrator determines appropriate.

(d) CESSATION OF EFFECTIVENESS.—This section ceases to be effective on the date that is 5 years after the date of enactment of this Act.

SEC. 3520. MARITIME EXTREME WEATHER TASK FORCE.

(a) ESTABLISHMENT OF TASK FORCE.—Not later than 15 days after the date of enactment of this Act, the Secretary of Transportation shall establish a task force to analyze the impact of extreme weather events, such as in the maritime environment (referred to in this section as the ''Task Force'').

(b) MEMBERSHIP.—The Task Force shall be composed of—

(1) the Secretary or the Secretary's designee; and

(2) a representative of—

(A) the Coast Guard;

(B) the National Oceanic and Atmospheric Administration;

(C) the Federal Maritime Commission; and

(D) such other Federal agency or independent commission as the Secretary considers appropriate.

(c) REPORT.—

(1) IN GENERAL.—Except as provided in paragraph (4), not later than 180 days after the date it is established under subsection (a), the Task Force shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report on the analysis under subsection (a).

(2) CONTENTS.—The report under paragraph (1) shall include—

(A) an identification of available weather prediction, monitoring, and routing technology resources;

(B) an identification of industry best practices relating to response to, and prevention of marine casualties from, extreme weather events;

(C) a description of how the resources described in subparagraph (A) are used in the various maritime sectors, including by passenger and cargo vessels;

(D) recommendations for improving maritime response operations to extreme weather events and preventing marine casualties from extreme weather events, such as promoting the use of risk communications and the technologies identified under subparagraph (A); and

(E) recommendations for any legislative or regulatory actions for improving maritime response operations to extreme weather events and preventing marine casualties from extreme weather events.

(3) PUBLICATION.—The Secretary shall make the report under paragraph (1) and any notification under paragraph (4) publicly accessible in an electronic format.

(4) IMMINENT THREATS.—The Task Force shall immediately notify the Secretary of any finding or recommendations that could protect the safety of an individual on a vessel from an imminent threat of extreme weather.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out this section.

Subtitle D—Implementation of Workforce Management Improvements

SEC. 3521. WORKFORCE PLANS AND ONBOARDING POLICIES.

(a) WORKFORCE PLANS.—Not later than 9 months after the date of the enactment of this Act, the Maritime Administrator shall review the Maritime Administration's workforce plans, including its Strategic Human Capital Plan and Leadership Succession Plan, and fully implement competency models for mission–critical occupations, including—

(1) leadership positions;

(2) human resources positions; and

(3) transportation specialist positions.

(b) ONBOARDING POLICIES.—Not later than 9 months after the date of the enactment of this Act, the Administrator shall—

(1) review the Maritime Administration's policies related to new hire orientation, training, and misconduct policies;

(2) align the onboarding policies and procedures at headquarters and the field offices to ensure consistent implementation and provision of critical information across the Maritime Administration; and

(3) update the Maritime Administration's training policies and training systems to include controls that ensure that all completed training is tracked in a standardized training repository.

(c) ONBOARDING POLICIES.—Not later than 1 year after the date of the enactment of this Act, the Administrator shall submit a report to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives that describes the Maritime Administration's compliance with the requirements under this section.

SEC. 3522. DRUG AND ALCOHOL POLICY.

(a) REVIEW.—Not later than 9 months after the date of the enactment of this Act, the Maritime Administrator shall—

(1) review the Maritime Administration's drug and alcohol policies, procedures, and training practices;

(2) ensure that all fleet managers have received training on the Department of Transportation's drug and alcohol policy, including the testing procedures used by the Department and the Maritime Administration in cases of reasonable suspicion; and

(3) institute a system for tracking all drug and alcohol policy training conducted under paragraph (2) in a standardized training repository.

(b) REPORT.—Not later than 1 year after the date of the enactment of this Act, the Administrator shall submit a report to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives that describes the Maritime Administration's compliance with the requirements under this section.

SEC. 3523. VESSEL TRANSFERS.

Not later than 9 months after the date of the enactment of this Act, the Maritime Administrator shall submit a report to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives that describes the policies and procedures for vessel transfer, including—

(1) a summary of the actions taken to update the Vessel Transfer Office procedures manual to reflect the current range of program responsibilities and processes; and

(2) a copy of the updated Vessel Transfer Office procedures to process vessel transfer applications.

Subtitle E—Technical Amendments

SEC. 3526. CLARIFYING AMENDMENT; CONTINUATION BOARDS.

Section 290(a) of title 14, United States Code, is amended by striking ''five officers serving in the grade of vice admiral'' and inserting ''5 officers (other than the Commandant) serving in the grade of admiral or vice admiral''.

SEC. 3527. PROSPECTIVE PAYMENT OF FUNDS NECESSARY TO PROVIDE MEDICAL CARE.

(a) IN GENERAL.—Chapter 13 of title 14, United States Code, is amended by adding at the end the following:

''§ 520. Prospective payment of funds necessary to provide medical care

''(a) PROSPECTIVE PAYMENT REQUIRED.—In lieu of the reimbursement required under section 1085 of title 10, the Secretary of Homeland Security shall make a prospective payment to the Secretary of Defense of an amount that represents the actuarial valuation of treatment or care—

''(1) that the Department of Defense shall provide to members of the Coast Guard, former members of the Coast Guard, and dependents of such members and former members (other than former members and dependents of former members who are a Medicare-eligible beneficiary or for whom the payment for treatment or care is made from the Medicare-Eligible Retiree Health Care Fund) at facilities under the jurisdiction of the Department of Defense or a military department; and

''(2) for which a reimbursement would otherwise be made under such section 1085.

''(b) AMOUNT.—The amount of the prospective payment under subsection (a)—

''(1) shall be derived from amounts appropriated for the operating expenses of the Coast Guard for treatment or care provided to members of the Coast Guard and their dependents;

''(2) shall be derived from amounts appropriated for retired pay for treatment or care provided to former members of the Coast Guard and their dependents;

''(3) shall be determined under procedures established by the Secretary of Defense;

''(4) shall be paid during the fiscal year in which treatment or care is provided; and

''(5) shall be subject to adjustment or reconciliation, as the Secretary of Homeland Security and the Secretary of Defense jointly determine appropriate, during or promptly after such fiscal year if the prospective payment is determined excessive or insufficient based on the services actually provided.

''(c) NO PROSPECTIVE PAYMENT WHEN SERVICE IN NAVY.—No prospective payment shall be made under this section for any period during which the Coast Guard operates as a service in the Navy.

''(d) RELATIONSHIP TO TRICARE.—This section may not be construed to require a payment for, or the prospective payment of an amount that represents the value of, treatment or care provided under any TRICARE program.''.

(b) CLERICAL AMENDMENT.—The analysis for chapter 13 of title 14, United States Code, is amended by adding at the end the following:

''520. Prospective payment of funds necessary to provide medical care.''.

(c) REPEAL.—Section 217 of the Coast Guard Authorization Act of 2016 (Public Law 114–120) and the item relating to that section in the table of contents in section 2 of such Act, are repealed.

SEC. 3528. TECHNICAL CORRECTIONS TO TITLE 46, UNITED STATES CODE.

(a) IN GENERAL.—Title 46, United States Code, is amended—

(1) in section 4503(f)(2), by striking ''that'' after ''necessary,''; and

(2) in section 7510(c)—

(A) in paragraph (1)(D), by striking ''engine'' and inserting ''engineer''; and

(B) in paragraph (9), by inserting a period after ''App''.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on the date of the enactment of the Coast Guard Authorization Act of 2015 (Public Law 114–120).

SEC. 3529. COAST GUARD USE OF THE PRIBILOF ISLANDS.

(a) IN GENERAL.—Section 522(a)(1) of the Pribilof Island Transition Completion Act of 2015 (subtitle B of title V of Public Law 114–120) is amended by striking ''Lots'' and inserting ''Not later than 30 days after the date of the enactment of the National Defense Authorization Act for Fiscal Year 2017, lots''.

(b) REPORT.—Not later than 60 days after the date of the enactment of the Maritime Administration Authorization and Enhancement Act for Fiscal Year 2017, the Secretary of the department in which the Coast Guard is operating shall submit a report to the Committee on Commerce, Science, and Transportation of the Senate, the Committee on Natural Resources of the House of Representatives, and the Committee on Transportation and Infrastructure of the House of Representatives that describes—

(1) the Coast Guard's use of Tracts 43 and 39, located on St. Paul Island, Alaska, since operation of the LORAN-C system was terminated;

(2) the Coast Guard's plans for using the tracts described in paragraph (1) during fiscal years 2016, 2017, and 2018; and

(3) the Coast Guard's plans for using the tracts described in paragraph (1) and other facilities on St. Paul Island after fiscal year 2018.

Subtitle F—Polar Icebreaker Fleet Recapitalization Transparency Act

SEC. 3531. SHORT TITLE.

This subtitle may be cited as the ''Polar Icebreaker Fleet Recapitalization Transparency Act''.

SEC. 3532. DEFINITIONS.

In this subtitle:

(1) APPROPRIATE COMMITTEES OF CONGRESS.—The term ''appropriate committees of Congress'' means the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives.

(2) SECRETARY.—Except as otherwise specifically provided, the term ''Secretary'' means the Secretary of the department in which the Coast Guard is operating.

SEC. 3533. POLAR ICEBREAKER RECAPITALIZATION PLAN.

(a) REQUIREMENT.—Not later than 120 days after the date of the enactment of this Act, the Secretary, in consultation with the Secretary of the Navy, shall submit to the appropriate committees of Congress, a detailed recapitalization plan to meet the 2013 Department of Homeland Security Mission Need Statement.

(b) CONTENTS.—The plan required by subsection (a) shall—

(1) detail the number of heavy and medium polar icebreakers required to meet Coast Guard statutory missions in the polar regions;

(2) identify the vessel specifications, capabilities, systems, equipment, and other details required for the design of heavy polar icebreakers capable of fulfilling the mission requirements of the Coast Guard and the Navy, and the requirements of other agencies and department of the United States, as the Secretary determines appropriate;

(3) list the specific appropriations required for the acquisition of each icebreaker, for each fiscal year, until the full fleet is recapitalized;

(4) describe the potential savings of serial acquisition for new polar class icebreakers, including specific schedule and acquisition requirements needed to realize such savings;

(5) describe any polar icebreaking capacity gaps that may arise based on the current fleet and current procurement outlook; and

(6) describe any additional polar icebreaking capability gaps due to any further delay in procurement schedules.

SEC. 3534. GAO REPORT ICEBREAKING CAPABILITY IN THE UNITED STATES.

(a) REQUIREMENT.—Not later than 6 months after the date of the enactment of this Act, the Comptroller General of the United States shall submit to the appropriate committees of Congress a report on the current state of the United States Federal polar icebreaking fleet.

(b) CONTENTS.—The report required by subsection (a) shall include—

(1) an analysis of the icebreaking assets in operation in the United States and a description of the missions completed by such assets;

(2) an analysis of how such assets and the capabilities of such assets are consistent, or inconsistent, with the polar icebreaking mission requirements described in the 2013 Department of Homeland Security Mission Need Statement, the Naval Operations Concept 2010, or other military and civilian governmental missions in the United States;

(3) an analysis of the gaps in icebreaking capability of the United States based on the expected service life of the fleet of United States icebreaking assets;

(4) a list of countries that are allies of the United States that have the icebreaking capacity to exercise missions in the Arctic during any identified gap in United States icebreaking capacity in a polar region; and

(5) a description of the policy, financial, and other barriers that have prevented timely recapitalization of the Coast Guard polar icebreaking fleet and recommendations to overcome such barriers, including potential international fee-based models used to compensate governments for icebreaking escorts or maintenance of maritime routes.

Subtitle G—National Oceanic and Atmospheric Administration Sexual Harassment and Assault Prevention Act

SEC. 3540. SHORT TITLE.

This subtitle may be cited as the ''National Oceanic and Atmospheric Administration Sexual Harassment and Assault Prevention Act''.

PART I—SEXUAL HARASSMENT AND ASSAULT PREVENTION AT THE NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

SEC. 3541. ACTIONS TO ADDRESS SEXUAL HARASSMENT AT NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION.

(a) REQUIRED POLICY.—Not later than 1 year after the date of the enactment of this Act, the Secretary of Commerce shall, acting through the Under Secretary for Oceans and Atmosphere, develop a policy on the prevention of and response to sexual harassment involving employees of the National Oceanic and Atmospheric Administration, members of the commissioned officer corps of the Administration, and individuals who work with

or conduct business on behalf of the Administration.

(b) MATTERS TO BE SPECIFIED IN POLICY.—The policy developed under subsection (a) shall include—

(1) establishment of a program to promote awareness of the incidence of sexual harassment;

(2) clear procedures an individual should follow in the case of an occurrence of sexual harassment, including—

(A) a specification of the person or persons to whom an alleged occurrence of sexual harassment should be reported by an individual and options for confidential reporting, including—

(i) options and contact information for after-hours contact; and

(ii) procedure for obtaining assistance and reporting sexual harassment while working in a remote scientific field camp, at sea, or in another field status; and

(B) a specification of any other person whom the victim should contact;

(3) establishment of a mechanism by which—

(A) questions regarding sexual harassment can be confidentially asked and confidentially answered; and

(B) incidents of sexual harassment can be confidentially reported; and

(4) a prohibition on retaliation and consequences for retaliatory actions.

(c) CONSULTATION AND ASSISTANCE.—In developing the policy required by subsection (a), the Secretary may consult or receive assistance from such State, local, and national organizations and subject matter experts as the Secretary considers appropriate.

(d) AVAILABILITY OF POLICY.—The Secretary shall ensure that the policy developed under subsection (a) is available to—

(1) all employees of the Administration and members of the commissioned officer corps of the Administration, including those employees and members who conduct field work for the Administration; and

(2) the public.

(e) GEOGRAPHIC DISTRIBUTION OF EQUAL EMPLOYMENT OPPORTUNITY PERSONNEL.—The Secretary shall ensure that at least 1 employee of the Administration who is tasked with handling matters relating to equal employment opportunity or sexual harassment is stationed—

(1) in each region in which the Administration conducts operations; and

(2) in each marine and aviation center of the Administration.

(f) QUARTERLY REPORTS.—

(1) IN GENERAL.—Not less frequently than 4 times each year, the Director of the Civil Rights Office of the Administration shall submit to the Under Secretary a report on sexual harassment in the Administration.

(2) CONTENTS.—Each report submitted under paragraph (1) shall include the following:

(A) Number of sexual harassment cases, both actionable and non-actionable, involving individuals covered by the policy developed under subsection (a).

(B) Number of open actionable sexual harassment cases and how long the cases have been open.

(C) Such trends or region specific issues as the Director may have discovered with respect to sexual harassment in the Administration.

(D) Such recommendations as the Director may have with respect to sexual harassment in the Administration.

SEC. 3542. ACTIONS TO ADDRESS SEXUAL ASSAULT AT NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION.

(a) COMPREHENSIVE POLICY ON PREVENTION AND RESPONSE TO SEXUAL ASSAULTS.—Not later than 1 year after the date of the enactment of this Act, the Secretary of Commerce shall, acting through the Under Secretary for Oceans and Atmosphere, develop a comprehensive policy on the prevention of and response to sexual assaults involving employees of the National Oceanic and Atmospheric Administration, members of the commissioned officer corps of the Administration, and individuals who work with or conduct business on behalf of the Administration.

(b) ELEMENTS OF COMPREHENSIVE POLICY.—The comprehensive policy developed under subsection (a) shall, at minimum, address the following matters:

(1) Prevention measures.

(2) Education and training on prevention and response.

(3) A list of support resources an individual may use in the occurrence of sexual assault, including—

(A) options and contact information for after-hours contact; and

(B) procedure for obtaining assistance and reporting sexual assault while working in a remote scientific field camp, at sea, or in another field status.

(4) Easy and ready availability of information described in paragraph (3).

(5) Establishing a mechanism by which—

(A) questions regarding sexual assault can be confidentially asked and confidentially answered; and

(B) incidents of sexual assault can be confidentially reported.

(6) Protocols for the investigation of complaints by command and law enforcement personnel.

(7) Prohibiting retaliation and consequences for retaliatory actions against someone who reports a sexual assault.

(8) Oversight by the Under Secretary of administrative and disciplinary actions in response to substantial incidents of sexual assault.

(9) Victim advocacy, including establishment of and the responsibilities and training requirements for victim advocates as described in subsection (c).

(10) Availability of resources for victims of sexual assault within other Federal agencies and State, local, and national organizations.

(c) VICTIM ADVOCACY.—

(1) IN GENERAL.—The Secretary, acting through the Under Secretary, shall establish victim advocates to advocate for victims of sexual assaults involving employees of the Administration, members of the commissioned officer corps of the Administration, and individuals who work with or conduct business on behalf of the Administration.

(2) VICTIM ADVOCATES.—For purposes of this subsection, a victim advocate is a permanent employee of the Administration who—

(A) is trained in matters relating to sexual assault and the comprehensive policy developed under subsection (a); and

(B) serves as a victim advocate voluntarily and in addition to the employee's other duties as an employee of the Administration.

(3) PRIMARY DUTIES.—The primary duties of a victim advocate established under paragraph (1) shall include the following:

(A) Supporting victims of sexual assault and informing them of their rights and the resources available to them as victims.

(B) Acting as a companion in navigating investigative, medical, mental and emotional health, and recovery processes relating to sexual assault.

(C) Helping to identify resources to ensure the safety of victims of sexual assault.

(4) LOCATION.—The Secretary shall ensure that at least 1 victim advocate established under paragraph (1) is stationed—

(A) in each region in which the Administration conducts operations; and

(B) in each marine and aviation center of the Administration.

(5) HOTLINE.—

(A) IN GENERAL.—In carrying out this subsection, the Secretary shall establish a telephone number at which a victim of a sexual assault can contact a victim advocate.

(B) 24-HOUR ACCESS.—The Secretary shall ensure that the telephone number established under subparagraph (A) is monitored at all times.

(6) FORMAL RELATIONSHIPS WITH OTHER ENTITIES.—The Secretary may enter into formal relationships with other entities to make available additional victim advocates.

(d) AVAILABILITY OF POLICY.—The Secretary shall ensure that the policy developed under subsection (a) is available to—

(1) all employees of the Administration and members of the commissioned officer corps of the Administration, including those employees and members who conduct field work for the Administration; and

(2) the public.

(e) CONSULTATION AND ASSISTANCE.—In developing the policy required by subsection (a), the Secretary may consult or receive assistance from such State, local, and national organizations and subject matter experts as the Secretary considers appropriate.

SEC. 3543. RIGHTS OF THE VICTIM OF A SEXUAL ASSAULT.

A victim of a sexual assault covered by the comprehensive policy developed under section 3542(a) has the right to be reasonably protected from the accused.

SEC. 3544. CHANGE OF STATION.

(a) CHANGE OF STATION, UNIT TRANSFER, OR CHANGE OF WORK LOCATION OF VICTIMS.—

(1) TIMELY CONSIDERATION AND ACTION UPON REQUEST.—The Secretary of Commerce, acting through the Under Secretary for Oceans and Atmosphere, shall—

(A) in the case of a member of the commissioned officer corps of the National Oceanic and Atmospheric Administration who was a victim of a sexual assault, in order to reduce the possibility of retaliation or further sexual assault, provide for timely determination and action on an application submitted by the victim for consideration of a change of station or unit transfer of the victim; and

(B) in the case of an employee of the Administration who was a victim of a sexual assault, to the degree practicable and in order to reduce the possibility of retaliation against the employee for reporting the sexual assault, accommodate a request for a change of work location of the victim.

(2) PROCEDURES.—

(A) PERIOD FOR APPROVAL AND DISAPPROVAL.—The Secretary, acting through the Under Secretary, shall ensure that an application or request submitted under paragraph (1) for a change of station, unit transfer, or change of work location is approved or denied within 72 hours of the submission of the application or request.

(B) REVIEW.—If an application or request submitted under paragraph (1) by a victim of a sexual assault for a change of station, unit transfer, or change of work location of the victim is denied—

(i) the victim may request the Secretary review the denial; and

(ii) the Secretary, acting through the Under Secretary, shall, not later than 72 hours after receiving such request, affirm or overturn the denial.

(b) CHANGE OF STATION, UNIT TRANSFER, AND CHANGE OF WORK LOCATION OF ALLEGED PERPETRATORS.—

(1) IN GENERAL.—The Secretary, acting through the Under Secretary, shall develop a policy for the protection of victims of sexual assault described in subsection (a)(1) by providing the alleged perpetrator of the sexual

assault with a change of station, unit transfer, or change of work location, as the case may be, if the alleged perpetrator is a member of the commissioned officer corps of the Administration or an employee of the Administration.

(2) POLICY REQUIREMENTS.—The policy required by paragraph (1) shall include the following:

(A) A means to control access to the victim.

(B) Due process for the victim and the alleged perpetrator.

(c) REGULATIONS.—

(1) IN GENERAL.—The Secretary shall promulgate regulations to carry out this section.

(2) CONSISTENCY.—When practicable, the Secretary shall make regulations promulgated under this section consistent with similar regulations promulgated by the Secretary of Defense.

SEC. 3545. APPLICABILITY OF POLICIES TO CREWS OF VESSELS SECURED BY NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION UNDER CONTRACT.

The Under Secretary for Oceans and Atmosphere shall ensure that each contract into which the Under Secretary enters for the use of a vessel by the National Oceanic and Atmospheric Administration that covers the crew of the vessel, if any, shall include as a condition of the contract a provision that subjects such crew to the policy developed under section 3541(a) and the comprehensive policy developed under section 3542(a).

SEC. 3546. ANNUAL REPORT ON SEXUAL ASSAULTS IN THE NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION.

(a) IN GENERAL.—Not later than January 15 of each year, the Secretary of Commerce shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Natural Resources of the House of Representatives a report on the sexual assaults involving employees of the National Oceanic and Atmospheric Administration, members of the commissioned officer corps of the Administration, and individuals who work with or conduct business on behalf of the Administration.

(b) CONTENTS.—Each report submitted under subsection (a) shall include, with respect to the previous calendar year, the following:

(1) The number of alleged sexual assaults involving employees, members, and individuals described in subsection (a).

(2) A synopsis of each case and the disciplinary action taken, if any, in each case.

(3) The policies, procedures, and processes implemented by the Secretary, and any updates or revisions to such policies, procedures, and processes.

(4) A summary of the reports received by the Under Secretary for Oceans and Atmosphere under section 3541(f).

(c) PRIVACY PROTECTION.—In preparing and submitting a report under subsection (a), the Secretary shall ensure that no individual involved in an alleged sexual assault can be identified by the contents of the report.

SEC. 3547. DEFINITION.

In this part, the term ''sexual assault'' shall have the meaning given such term in section 40002(a) of the Violence Against Women Act of 1994 (42 U.S.C. 13925(a)).

PART II—COMMISSIONED OFFICER CORPS OF THE NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

SEC. 3550. REFERENCES TO NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION COMMISSIONED OFFICER CORPS ACT OF 2002.

Except as otherwise expressly provided, whenever in this part an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the National Oceanic and Atmospheric Administration Commissioned Officer Corps Act of 2002 (33 U.S.C. 3001 et seq.).

Subpart A—General Provisions

SEC. 3551. STRENGTH AND DISTRIBUTION IN GRADE.

Section 214 (33 U.S.C. 3004) is amended to read as follows:

''SEC. 214. STRENGTH AND DISTRIBUTION IN GRADE.

''(a) GRADES.—The commissioned grades in the commissioned officer corps of the Administration are the following, in relative rank with officers of the Navy:

''(1) Vice admiral.

''(2) Rear admiral.

''(3) Rear admiral (lower half).

''(4) Captain.

''(5) Commander.

''(6) Lieutenant commander.

''(7) Lieutenant.

''(8) Lieutenant (junior grade).

''(9) Ensign.

''(b) GRADE DISTRIBUTION.—The Secretary shall prescribe, with respect to the distribution on the lineal list in grade, the percentages applicable to the grades set forth in subsection (a).

''(c) ANNUAL COMPUTATION OF NUMBER IN GRADE.—

''(1) IN GENERAL.—Not less frequently than once each year, the Secretary shall make a computation to determine the number of officers on the lineal list authorized to be serving in each grade.

''(2) METHOD OF COMPUTATION.—The number in each grade shall be computed by applying the applicable percentage to the total number of such officers serving on active duty on the date the computation is made.

''(3) FRACTIONS.—If a final fraction occurs in computing the authorized number of officers in a grade, the nearest whole number shall be taken. If the fraction is ½, the next higher whole number shall be taken.

''(d) TEMPORARY INCREASE IN NUMBERS.—The total number of officers authorized by law to be on the lineal list during a fiscal year may be temporarily exceeded if the average number on that list during that fiscal year does not exceed the authorized number.

''(e) POSITIONS OF IMPORTANCE AND RESPONSIBILITY.—Officers serving in positions designated under section 228(a) and officers recalled from retired status shall not be counted when computing authorized strengths under subsection (c) and shall not count against those strengths.

''(f) PRESERVATION OF GRADE AND PAY.—No officer may be reduced in grade or pay or separated from the commissioned officer corps of the Administration as the result of a computation made to determine the authorized number of officers in the various grades.''.

SEC. 3552. RECALLED OFFICERS.

Section 215 (33 U.S.C. 3005) is amended—

(1) in the matter before paragraph (1), by striking ''Effective'' and inserting the following:

''(a) IN GENERAL.—Effective''; and

(2) by adding at the end the following new subsection:

''(b) POSITIONS OF IMPORTANCE AND RESPONSIBILITY.—Officers serving in positions designated under section 228 and officers recalled from retired status—

''(1) may not be counted in determining the total number of authorized officers on the lineal list under this section; and

''(2) may not count against such number.''.

SEC. 3553. OBLIGATED SERVICE REQUIREMENT.

(a) IN GENERAL.—Subtitle A (33 U.S.C. 3001 et seq.) is amended by adding at the end the following:

''SEC. 216. OBLIGATED SERVICE REQUIREMENT.

''(a) IN GENERAL.—

''(1) RULEMAKING.—The Secretary shall prescribe the obligated service requirements for appointments, training, promotions, separations, continuations, and retirement of officers not otherwise covered by law.

''(2) WRITTEN AGREEMENTS.—The Secretary and officers shall enter into written agreements that describe the officers' obligated service requirements prescribed under paragraph (1) in return for such appointments, training, promotions, separations, and retirements as the Secretary considers appropriate.

''(b) REPAYMENT FOR FAILURE TO SATISFY REQUIREMENTS.—

''(1) IN GENERAL.—The Secretary may require an officer who fails to meet the service requirements prescribed under subsection (a)(1) to reimburse the Secretary in an amount that bears the same ratio to the total costs of the training provided to that officer by the Secretary as the unserved portion of active duty bears to the total period of active duty the officer agreed to serve.

''(2) OBLIGATION AS DEBT TO UNITED STATES.—An obligation to reimburse the Secretary under paragraph (1) shall be considered for all purposes as a debt owed to the United States.

''(3) DISCHARGE IN BANKRUPTCY.—A discharge in bankruptcy under title 11 that is entered less than 5 years after the termination of a written agreement entered into under subsection (a)(2) does not discharge the individual signing the agreement from a debt arising under such agreement.

''(c) WAIVER OR SUSPENSION OF COMPLIANCE.—The Secretary may waive the service obligation of an officer who—

''(1) becomes unqualified to serve on active duty in the commissioned officer corps of the Administration because of a circumstance not within the control of that officer; or

''(2) is—

''(A) not physically qualified for appointment; and

''(B) determined to be unqualified for service in the commissioned officer corps of the Administration because of a physical or medical condition that was not the result of the officer's own misconduct or grossly negligent conduct.''.

(b) CLERICAL AMENDMENT.—The table of sections in section 1 of the Act entitled ''An Act to authorize the Hydrographic Services Improvement Act of 1998, and for other purposes'' (Public Law 107–372) is amended by inserting after the item relating to section 215 the following:

''Sec. 216. Obligated service requirement.''.

SEC. 3554. TRAINING AND PHYSICAL FITNESS.

(a) IN GENERAL.—Subtitle A (33 U.S.C. 3001 et seq.), as amended by section 3553(a), is further amended by adding at the end the following:

''SEC. 217. TRAINING AND PHYSICAL FITNESS.

''(a) TRAINING.—The Secretary may take such measures as may be necessary to ensure that officers are prepared to carry out their duties in the commissioned officer corps of the Administration and proficient in the skills necessary to carry out such duties. Such measures may include the following:

''(1) Carrying out training programs and correspondence courses, including establishing and operating a basic officer training program to provide initial indoctrination and maritime vocational training for officer candidates as well as refresher training, mid-career training, aviation training, and such other training as the Secretary considers necessary for officer development and proficiency.

''(2) Providing officers and officer candidates with books and school supplies.

''(3) Acquiring such equipment as may be necessary for training and instructional purposes.

''(b) PHYSICAL FITNESS.—The Secretary shall ensure that officers maintain a high physical state of readiness by establishing standards of physical fitness for officers that are substantially equivalent to those prescribed for officers in the Coast Guard.''.

(b) CLERICAL AMENDMENT.—The table of sections in section 1 of the Act entitled ''An Act to authorize the Hydrographic Services Improvement Act of 1998, and for other purposes'' (Public Law 107–372), as amended by section 3553(b), is further amended by inserting after the item relating to section 216 the following:

''Sec. 217. Training and physical fitness.''.

SEC. 3555. RECRUITING MATERIALS.

(a) IN GENERAL.—Subtitle A (33 U.S.C. 3001 et seq.), as amended by section 3554(a), is further amended by adding at the end the following:

''SEC. 218. USE OF RECRUITING MATERIALS FOR PUBLIC RELATIONS.

''The Secretary may use for public relations purposes of the Department of Commerce any advertising materials developed for use for recruitment and retention of personnel for the commissioned officer corps of the Administration. Any such use shall be under such conditions and subject to such restrictions as the Secretary shall prescribe.''.

(b) CLERICAL AMENDMENT.—The table of sections in section 1 of the Act entitled ''An Act to authorize the Hydrographic Services Improvement Act of 1998, and for other purposes'' (Public Law 107–372), as amended by section 3554(b), is further amended by inserting after the item relating to section 217 the following:

''Sec. 218. Use of recruiting materials for public relations.''.

SEC. 3556. CHARTER VESSEL SAFETY POLICY.

(a) POLICY REQUIRED.—Not later than 1 year after the date of the enactment of this Act, the Secretary of Commerce shall, acting through the Under Secretary for Oceans and Atmosphere, develop and implement a charter vessel safety policy applicable to the acquisition by the National Oceanic and Atmospheric Administration of charter vessel services.

(b) ELEMENTS.—The policy required by subsection (a) shall address vessel safety, operational safety, and basic personnel safety requirements applicable to the vessel size, type, and intended use. At a minimum, the policy shall include the following:

(1) Basic vessel safety requirements that address stability, egress, fire protection and lifesaving equipment, hazardous materials, and pollution control.

(2) Personnel safety requirements that address crew qualifications, medical training and services, safety briefings and drills, and crew habitability.

(c) LIMITATION.—The Secretary shall ensure that the basic vessel safety requirements and personnel safety requirements included in the policy required by subsection (a)—

(1) do not exceed the vessel safety requirements and personnel safety requirements promulgated by the Secretary of the department in which the Coast Guard is operating; and

(2) to the degree practicable, are consistent with the requirements described in paragraph (1).

SEC. 3557. TECHNICAL CORRECTION.

Section 101(21)(C) of title 38, United States Code, is amended by inserting ''in the commissioned officer corps'' before ''of the National''.

Subpart B—Parity and Recruitment

SEC. 3558. EDUCATION LOANS.

(a) IN GENERAL.—Subtitle E (33 U.S.C. 3071 et seq.) is amended by adding at the end the following:

''SEC. 267. EDUCATION LOAN REPAYMENT PROGRAM.

''(a) AUTHORITY TO REPAY EDUCATION LOANS.—For the purpose of maintaining adequate numbers of officers of the commissioned officer corps of the Administration on active duty who have skills required by the commissioned officer corps, the Secretary may repay, in the case of a person described in subsection (b), a loan that—

''(1) was used by the person to finance education; and

''(2) was obtained from a governmental entity, private financial institution, educational institution, or other authorized entity.

''(b) ELIGIBLE PERSONS.—To be eligible to obtain a loan repayment under this section, a person must—

''(1) satisfy 1 of the requirements specified in subsection (c);

''(2) be fully qualified for, or hold, an appointment as a commissioned officer in the commissioned officer corps of the Administration; and

''(3) sign a written agreement to serve on active duty, or, if on active duty, to remain on active duty for a period in addition to any other incurred active duty obligation.

''(c) ACADEMIC AND PROFESSIONAL REQUIREMENTS.—One of the following academic requirements must be satisfied for purposes of determining the eligibility of an individual for a loan repayment under this section:

''(1) The person is fully qualified in a profession that the Secretary has determined to be necessary to meet identified skill shortages in the commissioned officer corps.

''(2) The person is enrolled as a full-time student in the final year of a course of study at an accredited educational institution (as determined by the Secretary of Education) leading to a degree in a profession that will meet identified skill shortages in the commissioned officer corps.

''(d) LOAN REPAYMENTS.—

''(1) IN GENERAL.—Subject to the limits established under paragraph (2), a loan repayment under this section may consist of the payment of the principal, interest, and related expenses of a loan obtained by a person described in subsection (b).

''(2) LIMITATION ON AMOUNT.—For each year of obligated service that a person agrees to serve in an agreement described in subsection (b)(3), the Secretary may pay not more than the amount specified in section 2173(e)(2) of title 10, United States Code.

''(e) ACTIVE DUTY SERVICE OBLIGATION.—

''(1) IN GENERAL.—A person entering into an agreement described in subsection (b)(3) incurs an active duty service obligation.

''(2) LENGTH OF OBLIGATION DETERMINED UNDER REGULATIONS.—

''(A) IN GENERAL.—Except as provided in subparagraph (B), the length of the obligation under paragraph (1) shall be determined under regulations prescribed by the Secretary.

''(B) MINIMUM OBLIGATION.—The regulations prescribed under subparagraph (A) may not provide for a period of obligation of less than 1 year for each maximum annual amount, or portion thereof, paid on behalf of the person for qualified loans.

''(3) PERSONS ON ACTIVE DUTY BEFORE ENTERING INTO AGREEMENT.—The active duty service obligation of persons on active duty before entering into the agreement shall be served after the conclusion of any other obligation incurred under the agreement.

''(f) EFFECT OF FAILURE TO COMPLETE OBLIGATION.—

''(1) ALTERNATIVE OBLIGATIONS.—An officer who is relieved of the officer's active duty obligation under this section before the completion of that obligation may be given any alternative obligation, at the discretion of the Secretary.

''(2) REPAYMENT.—An officer who does not complete the period of active duty specified in the agreement entered into under subsection (b)(3), or the alternative obligation imposed under paragraph (1), shall be subject to the repayment provisions under section 216.

''(g) RULEMAKING.—The Secretary shall prescribe regulations to carry out this section, including—

''(1) standards for qualified loans and authorized payees; and

''(2) other terms and conditions for the making of loan repayments.''.

(b) CLERICAL AMENDMENT.—The table of sections in section 1 of the Act entitled ''An Act to authorize the Hydrographic Services Improvement Act of 1998, and for other purposes'' (Public Law 107–372) is amended by inserting after the item relating to section 266 the following:

''Sec. 267. Education loan repayment program.''.

SEC. 3559. INTEREST PAYMENTS.

(a) IN GENERAL.—Subtitle E (33 U.S.C. 3071 et seq.), as amended by section 3558(a), is further amended by adding at the end the following:

''SEC. 268. INTEREST PAYMENT PROGRAM.

''(a) AUTHORITY.—The Secretary may pay the interest and any special allowances that accrue on 1 or more student loans of an eligible officer, in accordance with this section.

''(b) ELIGIBLE OFFICERS.—An officer is eligible for the benefit described in subsection (a) while the officer—

''(1) is serving on active duty;

''(2) has not completed more than 3 years of service on active duty;

''(3) is the debtor on 1 or more unpaid loans described in subsection (c); and

''(4) is not in default on any such loan.

''(c) STUDENT LOANS.—The authority to make payments under subsection (a) may be exercised with respect to the following loans:

''(1) A loan made, insured, or guaranteed under part B of title IV of the Higher Education Act of 1965 (20 U.S.C. 1071 et seq.).

''(2) A loan made under part D of such title (20 U.S.C. 1087a et seq.).

''(3) A loan made under part E of such title (20 U.S.C. 1087aa et seq.).

''(d) MAXIMUM BENEFIT.—Interest and any special allowance may be paid on behalf of an officer under this section for any of the 36 consecutive months during which the officer is eligible under subsection (b).

''(e) FUNDS FOR PAYMENTS.—The Secretary may use amounts appropriated for the pay and allowances of personnel of the commissioned officer corps of the Administration for payments under this section.

''(f) COORDINATION WITH SECRETARY OF EDUCATION.—

''(1) IN GENERAL.—The Secretary shall consult with the Secretary of Education regarding the administration of this section.

''(2) TRANSFER OF FUNDS.—The Secretary shall transfer to the Secretary of Education the funds necessary—

''(A) to pay interest and special allowances on student loans under this section (in accordance with sections 428(o), 455(l), and 464(j) of the Higher Education Act of 1965 (20 U.S.C. 1078(o), 1087e(l), and 1087dd(j)); and

''(B) to reimburse the Secretary of Education for any reasonable administrative costs incurred by the Secretary in coordinating the program under this section with the administration of the student loan programs under parts B, D, and E of title IV of

the Higher Education Act of 1965 (20 U.S.C. 1071 et seq., 1087a et seq., 1087aa et seq.).

''(g) SPECIAL ALLOWANCE DEFINED.—In this section, the term 'special allowance' means a special allowance that is payable under section 438 of the Higher Education Act of 1965 (20 U.S.C. 1087–1).''.

(b) CONFORMING AMENDMENTS.—

(1) Section 428(o) of the Higher Education Act of 1965 (20 U.S.C. 1078(o)) is amended—

(A) by striking the subsection heading and inserting ''ARMED FORCES AND NOAA COMMISSIONED OFFICER CORPS STUDENT LOAN INTEREST PAYMENT PROGRAMS''; and

(B) in paragraph (1)—

(i) by inserting ''or section 264 of the National Oceanic and Atmospheric Administration Commissioned Officer Corps Act of 2002'' after ''Code,''; and

(ii) by inserting ''or an officer in the commissioned officer corps of the National Oceanic and Atmospheric Administration, respectively,'' after ''Armed Forces''.

(2) Sections 455(l) and 464(j) of the Higher Education Act of 1965 (20 U.S.C. 1087e(l) and 1087dd(j)) are each amended—

(A) by striking the subsection heading and inserting ''ARMED FORCES AND NOAA COMMISSIONED OFFICER CORPS STUDENT LOAN INTEREST PAYMENT PROGRAMS''; and

(B) in paragraph (1)—

(i) by inserting ''or section 264 of the National Oceanic and Atmospheric Administration Commissioned Officer Corps Act of 2002'' after ''Code,''; and

(ii) by inserting ''or an officer in the commissioned officer corps of the National Oceanic and Atmospheric Administration, respectively'' after ''Armed Forces''.

(c) CLERICAL AMENDMENT.—The table of sections in section 1 of the Act entitled ''An Act to authorize the Hydrographic Services Improvement Act of 1998, and for other purposes'' (Public Law 107–372), as amended by section 3558(b), is further amended by inserting after the item relating to section 267 the following:

''Sec. 268. Interest payment program.''.

SEC. 3560. STUDENT PRE-COMMISSIONING PROGRAM.

(a) IN GENERAL.—Subtitle E (33 U.S.C. 3071 et seq.), as amended by section 3559(a), is further amended by adding at the end the following:

''SEC. 269. STUDENT PRE-COMMISSIONING EDUCATION ASSISTANCE PROGRAM.

''(a) AUTHORITY TO PROVIDE FINANCIAL ASSISTANCE.—For the purpose of maintaining adequate numbers of officers of the commissioned officer corps of the Administration on active duty, the Secretary may provide financial assistance to a person described in subsection (b) for expenses of the person while the person is pursuing on a full-time basis at an accredited educational institution (as determined by the Secretary of Education) a program of education approved by the Secretary that leads to—

''(1) a baccalaureate degree in not more than 5 academic years; or

''(2) a postbaccalaureate degree.

''(b) ELIGIBLE PERSONS.—

''(1) IN GENERAL.—A person is eligible to obtain financial assistance under subsection (a) if the person—

''(A) is enrolled on a full-time basis in a program of education referred to in subsection (a) at any educational institution described in such subsection;

''(B) meets all of the requirements for acceptance into the commissioned officer corps of the Administration except for the completion of a baccalaureate degree; and

''(C) enters into a written agreement with the Secretary described in paragraph (2).

''(2) AGREEMENT.—A written agreement referred to in paragraph (1)(C) is an agreement between the person and the Secretary in which the person agrees—

''(A) to accept an appointment as an officer, if tendered; and

''(B) upon completion of the person's educational program, agrees to serve on active duty, immediately after appointment, for—

''(i) up to 3 years if the person received less than 3 years of assistance; and

''(ii) up to 5 years if the person received at least 3 years of assistance.

''(c) QUALIFYING EXPENSES.—Expenses for which financial assistance may be provided under subsection (a) are the following:

''(1) Tuition and fees charged by the educational institution involved.

''(2) The cost of books.

''(3) In the case of a program of education leading to a baccalaureate degree, laboratory expenses.

''(4) Such other expenses as the Secretary considers appropriate.

''(d) LIMITATION ON AMOUNT.—The Secretary shall prescribe the amount of financial assistance provided to a person under subsection (a), which may not exceed the amount specified in section 2173(e)(2) of title 10, United States Code, for each year of obligated service that a person agrees to serve in an agreement described in subsection (b)(2).

''(e) DURATION OF ASSISTANCE.—Financial assistance may be provided to a person under subsection (a) for not more than 5 consecutive academic years.

''(f) SUBSISTENCE ALLOWANCE.—

''(1) IN GENERAL.—A person who receives financial assistance under subsection (a) shall be entitled to a monthly subsistence allowance at a rate prescribed under paragraph (2) for the duration of the period for which the person receives such financial assistance.

''(2) DETERMINATION OF AMOUNT.—The Secretary shall prescribe monthly rates for subsistence allowance provided under paragraph (1), which shall be equal to the amount specified in section 2144(a) of title 10, United States Code.

''(g) INITIAL CLOTHING ALLOWANCE.—

''(1) TRAINING.—The Secretary may prescribe a sum which shall be credited to each person who receives financial assistance under subsection (a) to cover the cost of the person's initial clothing and equipment issue.

''(2) APPOINTMENT.—Upon completion of the program of education for which a person receives financial assistance under subsection (a) and acceptance of appointment in the commissioned officer corps of the Administration, the person may be issued a subsequent clothing allowance equivalent to that normally provided to a newly appointed officer.

''(h) TERMINATION OF FINANCIAL ASSISTANCE.—

''(1) IN GENERAL.—The Secretary shall terminate the assistance provided to a person under this section if—

''(A) the Secretary accepts a request by the person to be released from an agreement described in subsection (b)(2);

''(B) the misconduct of the person results in a failure to complete the period of active duty required under the agreement; or

''(C) the person fails to fulfill any term or condition of the agreement.

''(2) REIMBURSEMENT.—The Secretary may require a person who receives assistance described in subsection (c), (f), or (g) under an agreement entered into under subsection (b)(1)(C) to reimburse the Secretary in an amount that bears the same ratio to the total costs of the assistance provided to that person as the unserved portion of active duty bears to the total period of active duty the officer agreed to serve under the agreement.

''(3) WAIVER.—The Secretary may waive the service obligation of a person through an agreement entered into under subsection (b)(1)(C) if the person—

''(A) becomes unqualified to serve on active duty in the commissioned officer corps of the Administration because of a circumstance not within the control of that person; or

''(B) is—

''(i) not physically qualified for appointment; and

''(ii) determined to be unqualified for service in the commissioned officer corps of the Administration because of a physical or medical condition that was not the result of the person's own misconduct or grossly negligent conduct.

''(4) OBLIGATION AS DEBT TO UNITED STATES.—An obligation to reimburse the Secretary imposed under paragraph (2) is, for all purposes, a debt owed to the United States.

''(5) DISCHARGE IN BANKRUPTCY.—A discharge in bankruptcy under title 11, United States Code, that is entered less than 5 years after the termination of a written agreement entered into under subsection (b)(1)(C) does not discharge the person signing the agreement from a debt arising under such agreement or under paragraph (2).

''(i) REGULATIONS.—The Secretary may promulgate such regulations and orders as the Secretary considers appropriate to carry out this section.''.

(b) CLERICAL AMENDMENT.—The table of sections in section 1 of the Act entitled ''An Act to authorize the Hydrographic Services Improvement Act of 1998, and for other purposes'' (Public Law 107–372), as amended by section 3559(c), is further amended by inserting after the item relating to section 268 the following:

''Sec. 269. Student pre-commissioning education assistance program.''.

SEC. 3561. LIMITATION ON EDUCATIONAL ASSISTANCE.

(a) IN GENERAL.—Each fiscal year, beginning with fiscal year 2013, the Secretary of Commerce shall ensure that the total amount expended by the Secretary under section 267 of the National Oceanic and Atmospheric Administration Commissioned Officer Corps Act of 2002 (as added by section 3558(a)), section 268 of such Act (as added by section 3559(a)), and section 269 of such Act (as added by section 3560(a)) does not exceed the amount by which—

(1) the total amount the Secretary would pay in that fiscal year to officer candidates under section 203(f)(1) of title 37, United States Code (as added by section 3576(d)), if such section entitled officers candidates to pay at monthly rates equal to the basic pay of a commissioned officer in the pay grade O–1 with less than 2 years of service; exceeds

(2) the total amount the Secretary actually pays in that fiscal year to officer candidates under section 203(f)(1) of such title (as so added).

(b) OFFICER CANDIDATE DEFINED.—In this section, the term ''officer candidate'' has the meaning given the term in section 212 of the National Oceanic and Atmospheric Administration Commissioned Officer Corps Act of 2002 (33 U.S.C. 3002), as added by section 3576(c).

SEC. 3562. APPLICABILITY OF CERTAIN PROVISIONS OF TITLE 10, UNITED STATES CODE, AND EXTENSION OF CERTAIN AUTHORITIES APPLICABLE TO MEMBERS OF THE ARMED FORCES TO COMMISSIONED OFFICER CORPS.

(a) APPLICABILITY OF CERTAIN PROVISIONS OF TITLE 10.—Section 261(a) (33 U.S.C. 3071(a)) is amended—

(1) by redesignating paragraphs (13) through (16) as paragraphs (20) through (23), respectively;

(2) by redesignating paragraphs (7) through (12) as paragraphs (12) through (17), respectively;

(3) by redesignating paragraphs (4) through (6) as paragraphs (8) through (10), respectively;

(4) by inserting after paragraph (3) the following:

''(4) Section 771, relating to unauthorized wearing of uniforms.

''(5) Section 774, relating to wearing religious apparel while in uniform.

''(6) Section 982, relating to service on State and local juries.

''(7) Section 1031, relating to administration of oaths.'';

(5) by inserting after paragraph (10), as redesignated, the following:

''(11) Chapter 58, relating to the Benefits and Services for members being separated or recently separated.''; and

(6) by inserting after paragraph (17), as redesignated, the following:

''(18) Subchapter I of chapter 88, relating to Military Family Programs.

''(19) Section 2005, relating to advanced education assistance, active duty agreements, and reimbursement requirements.''.

(b) EXTENSION OF CERTAIN AUTHORITIES.—

(1) NOTARIAL SERVICES.—Section 1044a of title 10, United States Code, is amended—

(A) in subsection (a)(1), by striking ''armed forces'' and inserting ''uniformed services''; and

(B) in subsection (b)(4), by striking ''armed forces'' both places it appears and inserting ''uniformed services''.

(2) ACCEPTANCE OF VOLUNTARY SERVICES FOR PROGRAMS SERVING MEMBERS AND THEIR FAMILIES.—Section 1588 of such title is amended—

(A) in subsection (a)(3), by striking ''armed forces'' and inserting ''uniformed services''; and

(B) by adding at the end the following new subsection:

''(g) SECRETARY CONCERNED FOR ACCEPTANCE OF SERVICES FOR PROGRAMS SERVING MEMBERS OF NOAA AND THEIR FAMILIES.—For purposes of the acceptance of services described in subsection (a)(3), the term 'Secretary concerned' in subsection (a) shall include the Secretary of Commerce with respect to members of the National Oceanic and Atmospheric Administration.''.

(3) CAPSTONE COURSE FOR NEWLY SELECTED FLAG OFFICERS.—Section 2153 of such title is amended—

(A) in subsection (a)—

(i) by inserting ''or the commissioned corps of the National Oceanic and Atmospheric Administration'' after ''in the case of the Navy''; and

(ii) by striking ''other armed forces'' and inserting ''other uniformed services''; and

(B) in subsection (b)(1), by inserting ''or the Secretary of Commerce, as applicable,'' after ''the Secretary of Defense''.

SEC. 3563. APPLICABILITY OF CERTAIN PROVISIONS OF TITLE 37, UNITED STATES CODE.

(a) IN GENERAL.—Subtitle E (33 U.S.C. 3071 et seq.) is amended by inserting after section 261 the following:

''SEC. 261A. APPLICABILITY OF CERTAIN PROVISIONS OF TITLE 37, UNITED STATES CODE.

''(a) PROVISIONS MADE APPLICABLE TO COMMISSIONED OFFICER CORPS.—The provisions of law applicable to the Armed Forces under the following provisions of title 37, United States Code, shall apply to the commissioned officer corps of the Administration:

''(1) Section 324, relating to accession bonuses for new officers in critical skills.

''(2) Section 403(f)(3), relating to prescribing regulations defining the terms 'field duty' and 'sea duty'.

''(3) Section 403(l), relating to temporary continuation of housing allowance for dependents of members dying on active duty.

''(4) Section 414(a)(2), relating to personal money allowance while serving as Director of the National Oceanic and Atmospheric Administration Commissioned Officer Corps.

''(5) Section 488, relating to allowances for recruiting expenses.

''(6) Section 495, relating to allowances for funeral honors duty.

''(b) REFERENCES.—The authority vested by title 37, United States Code, in the 'military departments', 'the Secretary concerned', or 'the Secretary of Defense' with respect to the provisions of law referred to in subsection (a) shall be exercised, with respect to the commissioned officer corps of the Administration, by the Secretary of Commerce or the Secretary's designee.''.

(b) CLERICAL AMENDMENT.—The table of sections in section 1 of the Act entitled ''An Act to authorize the Hydrographic Services Improvement Act of 1998, and for other purposes'' (Public Law 107–372) is amended by inserting after the item relating to section 261 the following:

''Sec. 261A. Applicability of certain provisions of title 37, United States Code.''.

SEC. 3564. LEGION OF MERIT AWARD.

Section 1121 of title 10, United States Code, is amended by striking ''armed forces'' and inserting ''uniformed services''.

SEC. 3565. PROHIBITION ON RETALIATORY PERSONNEL ACTIONS.

(a) IN GENERAL.—Subsection (a) of section 261 (33 U.S.C. 3071), as amended by section 3562, is further amended—

(1) by redesignating paragraphs (8) through (23) as paragraphs (9) through (24), respectively; and

(2) by inserting after paragraph (7) the following:

''(8) Section 1034, relating to protected communications and prohibition of retaliatory personnel actions.''.

(b) CONFORMING AMENDMENT.—Subsection (b) of such section is amended by adding at the end the following: ''For purposes of paragraph (8) of subsection (a), the term 'Inspector General' in section 1034 of such title 10 shall mean the Inspector General of the Department of Commerce.''.

(c) REGULATIONS.—Such section is further amended by adding at the end the following:

''(c) REGULATIONS REGARDING PROTECTED COMMUNICATIONS AND PROHIBITION OF RETALIATORY PERSONNEL ACTIONS.—The Secretary may promulgate regulations to carry out the application of section 1034 of title 10, United States Code, to the commissioned officer corps of the Administration, including by promulgating such administrative procedures for investigation and appeal within the commissioned officer corps as the Secretary considers appropriate.''.

SEC. 3566. PENALTIES FOR WEARING UNIFORM WITHOUT AUTHORITY.

Section 702 of title 18, United States Code, is amended by striking ''Service or any'' and inserting ''Service, the commissioned officer corps of the National Oceanic and Atmospheric Administration, or any''.

SEC. 3567. APPLICATION OF CERTAIN PROVISIONS OF COMPETITIVE SERVICE LAW.

Section 3304(f) of title 5, United States Code, is amended—

(1) in paragraph (1), by inserting ''and members of the commissioned officer corps of the National Oceanic and Atmospheric Administration (or its predecessor organization the Coast and Geodetic Survey) separated from such uniformed service'' after ''separated from the armed forces'';

(2) in paragraph (2), by striking ''or veteran'' and inserting '', veteran, or member''; and

(3) in paragraph (4), by inserting ''and members of the commissioned officer corps of the National Oceanic and Atmospheric Administration (or its predecessor organization the Coast and Geodetic Survey) separated from such uniformed service'' after ''separated from the armed forces''.

SEC. 3568. EMPLOYMENT AND REEMPLOYMENT RIGHTS.

Section 4303(16) of title 38, United States Code, is amended by inserting ''the commissioned officer corps of the National Oceanic and Atmospheric Administration,'' after ''Public Health Service,''.

SEC. 3569. TREATMENT OF COMMISSION IN COMMISSIONED OFFICER CORPS FOR PURPOSES OF CERTAIN HIRING DECISIONS.

(a) IN GENERAL.—Subtitle E (33 U.S.C. 3071 et seq.), as amended by this part, is further amended by adding at the end the following:

''SEC. 269A. TREATMENT OF COMMISSION IN COMMISSIONED OFFICER CORPS AS EMPLOYMENT IN ADMINISTRATION FOR PURPOSES OF CERTAIN HIRING DECISIONS.

''(a) IN GENERAL.—In any case in which the Secretary accepts an application for a position of employment with the Administration and limits consideration of applications for such position to applications submitted by individuals serving in a career or career-conditional position in the competitive service within the Administration, the Secretary shall deem an officer who has served as an officer in the commissioned officer corps for at least 3 years to be serving in a career or career-conditional position in the competitive service within the Administration for purposes of such limitation.

''(b) CAREER APPOINTMENTS.—If the Secretary selects an application submitted by an officer described in subsection (a) for a position described in such subsection, the Secretary shall give such officer a career or career-conditional appointment in the competitive service, as appropriate.

''(c) COMPETITIVE SERVICE DEFINED.—In this section, the term 'competitive service' has the meaning given the term in section 2102 of title 5, United States Code.''.

(b) CLERICAL AMENDMENT.—The table of sections in section 1 of the Act entitled ''An Act to authorize the Hydrographic Services Improvement Act of 1998, and for other purposes'' (Public Law 107–372) is amended by inserting after the item relating to section 269, as added by this part, the following:

''Sec. 269A. Treatment of commission in commissioned officer corps as employment in Administration for purposes of certain hiring decisions.''.

SEC. 3570. DIRECT HIRE AUTHORITY.

(a) IN GENERAL.—The head of a Federal agency may appoint, without regard to the provisions of subchapter I of chapter 33 of title 5, United States Code, other than sections 3303 and 3328 of such title, a qualified candidate described subsection (b) directly to a position in the agency for which the candidate meets qualification standards of the Office of Personnel Management.

(b) CANDIDATES DESCRIBED.—A candidate described in this subsection is a current or former member of the commissioned officer corps of the National Oceanic and Atmospheric Administration who—

(1) fulfilled his or her obligated service requirement under section 216 of the National Oceanic and Atmospheric Administration Commissioned Officer Corps Act of 2002, as added by section 3553;

(2) if no longer a member of the commissioned officer corps of the Administration, was not discharged or released therefrom as part of a disciplinary action; and

(3) has been separated or released from service in the commissioned officer corps of the Administration for a period of not more than 5 years.

(c) EFFECTIVE DATE.—This section shall apply with respect to appointments made in fiscal year 2016 and in each fiscal year thereafter.

Subpart C—Appointments and Promotion of Officers

SEC. 3571. APPOINTMENTS.

(a) ORIGINAL APPOINTMENTS.—

(1) IN GENERAL.—Section 221 (33 U.S.C. 3021) is amended to read as follows:

"SEC. 221. ORIGINAL APPOINTMENTS AND REAPPOINTMENTS.

''(a) ORIGINAL APPOINTMENTS.—

''(1) GRADES.—

''(A) IN GENERAL.—Except as provided in subparagraph (B), an original appointment of an officer may be made in such grades as may be appropriate for—

''(i) the qualification, experience, and length of service of the appointee; and

''(ii) the commissioned officer corps of the Administration.

''(B) APPOINTMENT OF OFFICER CANDIDATES.—

''(i) LIMITATION ON GRADE.—An original appointment of an officer candidate, upon graduation from the basic officer training program of the commissioned officer corps of the Administration, may not be made in any other grade than ensign.

''(ii) RANK.—Officer candidates receiving appointments as ensigns upon graduation from basic officer training program shall take rank according to their proficiency as shown by the order of their merit at date of graduation.

''(2) SOURCE OF APPOINTMENTS.—An original appointment may be made from among the following:

''(A) Graduates of the basic officer training program of the commissioned officer corps of the Administration.

''(B) Graduates of the military service academies of the United States who otherwise meet the academic standards for enrollment in the training program described in subparagraph (A).

''(C) Graduates of the maritime academies of the States who—

''(i) otherwise meet the academic standards for enrollment in the training program described in subparagraph (A);

''(ii) completed at least 3 years of regimented training while at a maritime academy of a State; and

''(iii) obtained an unlimited tonnage or unlimited horsepower Merchant Mariner Credential from the United States Coast Guard.

''(D) Licensed officers of the United States merchant marine who have served 2 or more years aboard a vessel of the United States in the capacity of a licensed officer, who otherwise meet the academic standards for enrollment in the training program described in subparagraph (A).

''(3) DEFINITIONS.—In this subsection:

''(A) MARITIME ACADEMIES OF THE STATES.—The term 'maritime academies of the States' means the following:

''(i) California Maritime Academy, Vallejo, California.

''(ii) Great Lakes Maritime Academy, Traverse City, Michigan.

''(iii) Maine Maritime Academy, Castine, Maine.

''(iv) Massachusetts Maritime Academy, Buzzards Bay, Massachusetts.

''(v) State University of New York Maritime College, Fort Schuyler, New York.

''(vi) Texas A&M Maritime Academy, Galveston, Texas.

''(B) MILITARY SERVICE ACADEMIES OF THE UNITED STATES.—The term 'military service academies of the United States' means the following:

''(i) The United States Military Academy, West Point, New York.

''(ii) The United States Naval Academy, Annapolis, Maryland.

''(iii) The United States Air Force Academy, Colorado Springs, Colorado.

''(iv) The United States Coast Guard Academy, New London, Connecticut.

''(v) The United States Merchant Marine Academy, Kings Point, New York.

''(b) REAPPOINTMENT.—

''(1) IN GENERAL.—Except as provided in paragraph (2), an individual who previously served in the commissioned officer corps of the Administration may be appointed by the Secretary to the grade the individual held prior to separation.

''(2) REAPPOINTMENTS TO HIGHER GRADES.—An appointment under paragraph (1) to a position of importance and responsibility designated under section 228 may only be made by the President.

''(c) QUALIFICATIONS.—An appointment under subsection (a) or (b) may not be given to an individual until the individual's mental, moral, physical, and professional fitness to perform the duties of an officer has been established under such regulations as the Secretary shall prescribe.

''(d) PRECEDENCE OF APPOINTEES.—Appointees under this section shall take precedence in the grade to which appointed in accordance with the dates of their commissions as commissioned officers in such grade. Appointees whose dates of commission are the same shall take precedence with each other as the Secretary shall determine.

''(e) INTER-SERVICE TRANSFERS.—For inter-service transfers (as described in the Department of Defense Directive 1300.4 (dated December 27, 2006)) the Secretary shall—

''(1) coordinate with the Secretary of Defense and the Secretary of the Department in which the Coast Guard is operating to promote and streamline inter-service transfers;

''(2) give preference to such inter-service transfers for recruitment purposes as determined appropriate by the Secretary; and

''(3) reappoint such inter-service transfers to the equivalent grade in the commissioned officer corps.''.

(2) CLERICAL AMENDMENT.—The table of sections in section 1 of the Act entitled ''An Act to authorize the Hydrographic Services Improvement Act of 1998, and for other purposes'' (Public Law 107–372) is amended by striking the item relating to section 221 and inserting the following:

''Sec. 221. Original appointments and reappointments.''.

SEC. 3572. PERSONNEL BOARDS.

Section 222 (33 U.S.C. 3022) is amended to read as follows:

"SEC. 222. PERSONNEL BOARDS.

''(a) CONVENING.—Not less frequently than once each year and at such other times as the Secretary determines necessary, the Secretary shall convene a personnel board.

''(b) MEMBERSHIP.—

''(1) IN GENERAL.—A board convened under subsection (a) shall consist of 5 or more officers who are serving in or above the permanent grade of the officers under consideration by the board.

''(2) RETIRED OFFICERS.—Officers on the retired list may be recalled to serve on such personnel boards as the Secretary considers necessary.

''(3) NO MEMBERSHIP ON 2 SUCCESSIVE BOARDS.—No officer may be a member of 2 successive personnel boards convened to consider officers of the same grade for promotion or separation.

''(c) DUTIES.—Each personnel board shall—

''(1) recommend to the Secretary such changes as may be necessary to correct any erroneous position on the lineal list that was caused by administrative error; and

''(2) make selections and recommendations to the Secretary and the President for the appointment, promotion, involuntary separation, continuation, and involuntary retirement of officers in the commissioned officer corps of the Administration as prescribed in this title.

''(d) ACTION ON RECOMMENDATIONS NOT ACCEPTABLE.—If any recommendation by a board convened under subsection (a) is not accepted by the Secretary or the President, the board shall make such further recommendations as the Secretary or the President considers appropriate.''.

SEC. 3573. DELEGATION OF AUTHORITY.

Section 226 (33 U.S.C. 3026) is amended—

(1) by striking ''Appointments'' and inserting the following:

''(a) IN GENERAL.—Appointments''; and

(2) by adding at the end the following:

''(b) DELEGATION OF APPOINTMENT AUTHORITY.—If the President delegates authority to the Secretary to make appointments under this section, the President shall, during a period in which the position of the Secretary is vacant, delegate such authority to the Deputy Secretary of Commerce or the Under Secretary for Oceans and Atmosphere during such period.''.

SEC. 3574. ASSISTANT ADMINISTRATOR OF THE OFFICE OF MARINE AND AVIATION OPERATIONS.

Section 228(c) (33 U.S.C. 3028(c)) is amended—

(1) in the fourth sentence, by striking ''Director'' and inserting ''Assistant Administrator''; and

(2) in the heading, by inserting ''ASSISTANT ADMINISTRATOR OF THE'' before ''OFFICE''.

SEC. 3575. TEMPORARY APPOINTMENTS.

(a) IN GENERAL.—Section 229 (33 U.S.C. 3029) is amended to read as follows:

"SEC. 229. TEMPORARY APPOINTMENTS.

''(a) APPOINTMENTS BY PRESIDENT.—Temporary appointments in the grade of ensign, lieutenant junior grade, or lieutenant may be made by the President.

''(b) TERMINATION.—A temporary appointment to a position under subsection (a) shall terminate upon approval of a permanent appointment for such position made by the President.

''(c) ORDER OF PRECEDENCE.—Appointees under subsection (a) shall take precedence in the grade to which appointed in accordance with the dates of their appointments as officers in such grade. The order of precedence of appointees who are appointed on the same date shall be determined by the Secretary.

''(d) ANY ONE GRADE.—When determined by the Secretary to be in the best interest of the commissioned officer corps, officers in any permanent grade may be temporarily promoted one grade by the President. Any such temporary promotion terminates upon the transfer of the officer to a new assignment.

''(e) DELEGATION OF APPOINTMENT AUTHORITY.—If the President delegates authority to the Secretary to make appointments under this section, the President shall, during a period in which the position of the Secretary is vacant, delegate such authority to the Deputy Secretary of Commerce or the Under Secretary for Oceans and Atmosphere during such period.''.

(b) CLERICAL AMENDMENT.—The table of sections in section 1 of the Act entitled ''An Act to authorize the Hydrographic Services Improvement Act of 1998, and for other purposes'' (Public Law 107–372) is amended by striking the item relating to section 229 and inserting the following:

''Sec. 229. Temporary appointments.''.

SEC. 3576. OFFICER CANDIDATES.

(a) IN GENERAL.—Subtitle B (33 U.S.C. 3021 et seq.) is amended by adding at the end the following:

"SEC. 234. OFFICER CANDIDATES.

''(a) DETERMINATION OF NUMBER.—The Secretary shall determine the number of appointments of officer candidates.

''(b) APPOINTMENT.—Appointment of officer candidates shall be made under regulations which the Secretary shall prescribe, including regulations with respect to determining age limits, methods of selection of officer candidates, term of service as an officer candidate before graduation from the program, and all other matters affecting such appointment.

''(c) DISMISSAL.—The Secretary may dismiss from the basic officer training program of the Administration any officer candidate who, during the officer candidate's term as an officer candidate, the Secretary considers unsatisfactory in either academics or conduct, or not adapted for a career in the commissioned officer corps of the Administration. Officer candidates shall be subject to rules governing discipline prescribed by the Director of the National Oceanic and Atmospheric Administration Commissioned Officer Corps.

''(d) AGREEMENT.—

''(1) IN GENERAL.—Each officer candidate shall sign an agreement with the Secretary in accordance with section 216(a)(2) regarding the officer candidate's term of service in the commissioned officer corps of the Administration.

''(2) ELEMENTS.—An agreement signed by an officer candidate under paragraph (1) shall provide that the officer candidate agrees to the following:

''(A) That the officer candidate will complete the course of instruction at the basic officer training program of the Administration.

''(B) That upon graduation from the such program, the officer candidate—

''(i) will accept an appointment, if tendered, as an officer; and

''(ii) will serve on active duty for at least 4 years immediately after such appointment.

''(e) REGULATIONS.—The Secretary shall prescribe regulations to carry out this section. Such regulations shall include—

''(1) standards for determining what constitutes a breach of an agreement signed under such subsection (d)(1); and

''(2) procedures for determining whether such a breach has occurred.

''(f) REPAYMENT.—An officer candidate or former officer candidate who does not fulfill the terms of the obligation to serve as specified under section (d) shall be subject to the repayment provisions of section 216(b).''.

(b) CLERICAL AMENDMENT.—The table of sections in section 1 of the Act entitled ''An Act to authorize the Hydrographic Services Improvement Act of 1998, and for other purposes'' (Public Law 107–372) is amended by inserting after the item relating to section 233 the following:

''Sec. 234. Officer candidates.''.

(c) OFFICER CANDIDATE DEFINED.—Section 212(b) (33 U.S.C. 3002(b)) is amended—

(1) by redesignating paragraphs (4) through (6) as paragraphs (5) through (7), respectively; and

(2) by inserting after paragraph (3) the following:

''(4) OFFICER CANDIDATE.—The term 'officer candidate' means an individual who is enrolled in the basic officer training program of the Administration and is under consideration for appointment as an officer under section 221(a)(2)(A).''.

(d) PAY FOR OFFICER CANDIDATES.—Section 203 of title 37, United States Code, is amended by adding at the end the following:

''(f)(1) An officer candidate enrolled in the basic officer training program of the commissioned officer corps of the National Oceanic and Atmospheric Administration is entitled, while participating in such program, to monthly officer candidate pay at monthly rate equal to the basic pay of an enlisted member in the pay grade E–5 with less than 2 years service.

''(2) An individual who graduates from such program shall receive credit for the time spent participating in such program as if such time were time served while on active duty as a commissioned officer. If the individual does not graduate from such program, such time shall not be considered creditable for active duty or pay.''.

SEC. 3577. PROCUREMENT OF PERSONNEL.

(a) IN GENERAL.—Subtitle B (33 U.S.C. 3021 et seq.), as amended by section 3576(a), is further amended by adding at the end the following:

"SEC. 235. PROCUREMENT OF PERSONNEL.

''The Secretary may make such expenditures as the Secretary considers necessary in order to obtain recruits for the commissioned officer corps of the Administration, including advertising.''.

(b) CLERICAL AMENDMENT.—The table of sections in section 1 of the Act entitled ''An Act to authorize the Hydrographic Services Improvement Act of 1998, and for other purposes'' (Public Law 107–372), as amended by section 3576(b), is further amended by inserting after the item relating to section 234 the following:

''235. Procurement of personnel.''.

Subpart D—Separation and Retirement of Officers

SEC. 3578. INVOLUNTARY RETIREMENT OR SEPARATION.

Section 241 (33 U.S.C. 3041) is amended by adding at the end the following:

''(d) DEFERMENT OF RETIREMENT OR SEPARATION FOR MEDICAL REASONS.—

''(1) IN GENERAL.—If the Secretary determines that the evaluation of the medical condition of an officer requires hospitalization or medical observation that cannot be completed with confidence in a manner consistent with the officer's well being before the date on which the officer would otherwise be required to retire or be separated under this section, the Secretary may defer the retirement or separation of the officer.

''(2) CONSENT REQUIRED.—A deferment may only be made with the written consent of the officer involved. If the officer does not provide written consent to the deferment, the officer shall be retired or separated as scheduled.

''(3) LIMITATION.—A deferral of retirement or separation under this subsection may not extend for more than 30 days after completion of the evaluation requiring hospitalization or medical observation.''.

SEC. 3579. SEPARATION PAY.

Section 242 (33 U.S.C. 3042) is amended by adding at the end the following:

''(d) EXCEPTION.—An officer discharged for twice failing selection for promotion to the next higher grade is not entitled to separation pay under this section if the officer—

''(1) expresses a desire not to be selected for promotion; or

''(2) requests removal from the list of selectees.''.

PART III—HYDROGRAPHIC SERVICES

SEC. 3581. REAUTHORIZATION OF HYDROGRAPHIC SERVICES IMPROVEMENT ACT OF 1998.

(a) REAUTHORIZATIONS.—Section 306 of the Hydrographic Services Improvement Act of 1998 (33 U.S.C. 892d) is amended—

(1) in the matter before paragraph (1), by striking ''There are'' and inserting the following:

''(a) IN GENERAL.—There are'';

(2) in subsection (a) (as designated by paragraph (1))—

(A) in paragraph (1), by striking ''surveys—'' and all that follows through the end of the paragraph and inserting ''surveys, $70,814,000 for each of fiscal years 2016 through 2020.'';

(B) in paragraph (2), by striking ''vessels—'' and all that follows through the end of the paragraph and inserting ''vessels, $25,000,000 for each of fiscal years 2016 through 2020.'';

(C) in paragraph (3), by striking ''Administration—'' and all that follows through the end of the paragraph and inserting ''Administration, $29,932,000 for each of fiscal years 2016 through 2020.'';

(D) in paragraph (4), by striking ''title—'' and all that follows through the end of the paragraph and inserting ''title, $26,800,000 for each of fiscal years 2016 through 2020.''; and

(E) in paragraph (5), by striking ''title—'' and all that follows through the end of the paragraph and inserting ''title, $30,564,000 for each of fiscal years 2016 through 2020.''; and

(3) by adding at the end the following:

''(b) ARCTIC PROGRAMS.—Of the amount authorized by this section for each fiscal year—

''(1) $10,000,000 is authorized for use—

''(A) to acquire hydrographic data;

''(B) to provide hydrographic services;

''(C) to conduct coastal change analyses necessary to ensure safe navigation;

''(D) to improve the management of coastal change in the Arctic; and

''(E) to reduce risks of harm to Alaska Native subsistence and coastal communities associated with increased international maritime traffic; and

''(2) $2,000,000 is authorized for use to acquire hydrographic data and provide hydrographic services in the Arctic necessary to delineate the United States extended Continental Shelf.''.

(b) LIMITATION ON ADMINISTRATIVE EXPENSES FOR SURVEYS.—Section 306 of such Act (33 U.S.C. 892d) is further amended by adding at the end the following:

''(c) LIMITATION ON ADMINISTRATIVE EXPENSES FOR SURVEYS.—Of amounts authorized by this section for each fiscal year for contract hydrographic surveys, not more than 5 percent is authorized for administrative costs associated with contract management.''.

SA 4143. Mr. MORAN submitted an amendment intended to be proposed by him to the bill S. 2943, to authorize appropriations for fiscal year 2017 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 221. DESIGNATION OF INSTITUTION OF HIGHER EDUCATION AS ADVANCED LABORATORY FOR AIR VEHICLE SUSTAINMENT FOR APPLIED RESEARCH, DEVELOPMENT, TEST, AND EVALUATION ON SUSTAINMENT OF DEFENSE AIR VEHICLES.

(a) IN GENERAL.—The Secretary of Defense may, acting through the Office of Research and Engineering of the Department of Defense, designate an appropriate institution of higher education as an Advanced Laboratory for Air Vehicle Sustainment under the University Affiliated Research Center program to carry out applied research, development, test, and evaluation activities for the Department of Defense on the sustainment of defense air vehicles.

(b) REQUIREMENTS FOR DESIGNATION.—An institution of higher education designated pursuant to subsection (a) shall—

(1) have the capability to respond rapidly to new technology requirements with qualified engineers and technologists; and

(2) possess unique and leading-edge capabilities in testing and evaluation of full-scale aviation-related structures and materials for support of the sustainment of defense air vehicles.

(c) BUSINESS CASE ANALYSIS OF UARC PROGRAM.—The Secretary shall submit to the congressional defense committees a business case analysis comparing the conduct of applied research, development, test, and evaluation of Department aviation capabilities by institutions of higher education with the conduct of such activities by Department of Defense laboratories. The business case analysis shall include the following:

(1) An estimate of the cost-savings achieved, and to be achieved, by the Department in using institutions of higher education under the program.

(2) An assessment of the efficiencies achieved, and to be achieved, by the Department in using institutions of higher education in connection with the Better Buying Power 3.0 strategy of the Department to streamline the defense acquisition process.

(3) A description of the manner in which priorities under the Better Buying Power 3.0 strategy of the Department are achieved by the Department in using institutions of higher education as described in paragraph (2).

(4) An assessment of the ''should cost'' targets developed by the Office of Research and Engineering for aviation and implemented by each Department laboratory, which assessment addresses whether such targets reduced indirect and overhead expenses when using or subcontracting institutions of higher education.

(5) Any savings realized through activities under paragraph (4) with using institutions of higher education to achieve ''should cost'' targets.

(6) The results of a benchmarking analysis conducted by Assistant Secretary of Defense for Research and Engineering that compares the business models and performance of Department laboratories under the program with the business models and performance of similar laboratories elsewhere in the Government, in academia, and in the private sector.

SA 4144. Mr. MORAN submitted an amendment intended to be proposed by him to the bill S. 2943, to authorize appropriations for fiscal year 2017 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in title XXVIII, insert the following:

SEC. ___. ENVIRONMENTAL REMEDIATION, EXPLOSIVES CLEANUP, AND SITE RESTORATION AT SUNFLOWER ARMY AMMUNITION PLANT, KANSAS.

(a) IN GENERAL.—As part of the land conveyance at Sunflower Army Ammunition Plant, Kansas, authorized under section 2841 of the Military Construction Authorization Act for Fiscal Year 2005 (division B of Public Law 108–375; 118 Stat. 2135), the Secretary of the Army may accept as a payment-in-kind by the entity to which such land was conveyed an agreement to undertake activities selected by the entity from among the activities described under subsection (b) that are reasonably estimated to cost approximately $14,500,000. Upon receipt of a cash payment or the commencement of such activities by the entity, the Secretary shall release from the mortgage filed with the Register of Deeds, Johnson County, Kansas on August 6, 2005, that part of the Sunflower Army Ammunition Plant to which such payment or activities relate.

(b) ENVIRONMENTAL REMEDIATION, EXPLOSIVES CLEANUP, AND SITE RESTORATION ACTIVITIES.—The activities described under this subsection are—

(1) environmental remediation activities, including—

(A) corrective action required under a permit concerning the property to be issued by the Kansas Department of Health and Environment pursuant to the Solid Waste Disposal Act (42 U.S.C. 6901 et seq.);

(B) activities to be carried out by the entity pursuant to Consent Order 05–E–0111, including any amendments thereto, regarding Army activities at the property between the entity and the Kansas Department of Health and Environment;

(C) abatement of potential explosive and ordnance conditions at the property;

(D) demolition, abatement, removal, disposal, backfilling and seeding of all structures containing asbestos and lead based paint, together with their foundations, footing and slabs;

(E) removal and disposal of all soils impacted with pesticides in excess of Kansas Department of Health and Environment standards together with backfilling and seeding;

(F) design, construction, closure and post-closure of a solid waste landfill facility permitted by the Kansas Department of Health and Environment pursuant to its delegated authority under the Solid Waste Disposal Act (42 U.S.C. 6901 et seq.) to accommodate consolidation of existing landfills on the property and future requirements;

(G) lime sludge removal, disposal, and backfilling associated with the water treatment plant;

(H) septic tank closures; and

(I) financial assurances required in connection with these activities; and

(2) site restoration activities, including—

(A) collection and disposal of solid waste present on the property prior to August 6, 2005;

(B) removal of improvements to the property existing on August 6, 2005, including, without limitation, roads, sewers, gas lines, poles, ballast, structures, slabs, footings and foundations together with backfilling and seeding;

(C) any impediments to redevelopment of the property arising from the use of the property by or on behalf of the Army or any of its contractors;

(D) financial assurances required in connection with these activities; and

(E) legal, environmental and engineering costs incurred by the entity for the analysis of the work necessary to complete the environmental.

SA 4145. Mr. CASSIDY submitted an amendment intended to be proposed by him to the bill S. 2943, to authorize appropriations for fiscal year 2017 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle I of title X add the following:

SEC. 1097. ASSISTING VETERANS WITH MILITARY EMERGENCY MEDICAL TRAINING TO MEET REQUIREMENTS FOR BECOMING CIVILIAN EMERGENCY MEDICAL TECHNICIANS.

Part B of title III of the Public Health Service Act (42 U.S.C. 243 et seq.) is amended by inserting after section 314 the following:

''SEC. 315. ASSISTING VETERANS WITH MILITARY EMERGENCY MEDICAL TRAINING TO MEET REQUIREMENTS FOR BECOMING CIVILIAN EMERGENCY MEDICAL TECHNICIANS.

''(a) PROGRAM.—The Secretary shall establish a program consisting of awarding demonstration grants to States to streamline State requirements and procedures in order to assist veterans who completed military emergency medical technician training while serving in the Armed Forces of the United States to meet certification, licensure, and other requirements applicable to becoming an emergency medical technician in the State.

''(b) USE OF FUNDS.—Amounts received as a demonstration grant under this section shall be used to prepare and implement a plan to streamline State requirements and procedures as described in subsection (a), including by—

''(1) determining the extent to which the requirements for the education, training, and skill level of emergency medical technicians in the State are equivalent to requirements for the education, training, and skill level of military emergency medical technicians; and

''(2) identifying methods, such as waivers, for military emergency medical technicians to forego or meet any such equivalent State requirements.

''(c) ELIGIBILITY.—To be eligible for a grant under this section, a State shall demonstrate that the State has a shortage of emergency medical technicians.

''(d) REPORT.—The Secretary shall submit to the Congress an annual report on the program under this section.

''(e) FUNDING.—No additional funds are authorized to be appropriated to carry out this section, and this section shall be carried out using amounts otherwise available for such purpose.''.

SA 4146. Mr. CASSIDY submitted an amendment intended to be proposed by him to the bill S. 2943, to authorize appropriations for fiscal year 2017 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 1097. OMB DIRECTIVE ON MANAGEMENT OF SOFTWARE LICENSES.

(a) DEFINITION.—In this section—

(1) the term ''Director'' means the Director of the Office of Management and Budget; and

(2) the term ''executive agency'' has the meaning given that term in section 105 of title 5, United States Code.

(b) OMB DIRECTIVE.—The Director shall issue a directive to require each executive agency to develop a comprehensive software licensing policy, which shall—

(1) identify clear roles, responsibilities, and central oversight authority within the executive agency for managing enterprise software license agreements and commercial software licenses; and

(2) require the executive agency to—

(A) establish a comprehensive inventory, including 80 percent of software license

spending and enterprise licenses in the executive agency, by identifying and collecting information about software license agreements using automated discovery and inventory tools;

(B) regularly track and maintain software licenses to assist the executive agency in implementing decisions throughout the software license management life cycle;

(C) analyze software usage and other data to make cost-effective decisions;

(D) provide training relevant to software license management;

(E) establish goals and objectives of the software license management program of the executive agency; and

(F) consider the software license management life cycle phases, including the requisition, reception, deployment and maintenance, retirement, and disposal phases, to implement effective decision making and incorporate existing standards, processes, and metrics.

(c) REPORT ON SOFTWARE LICENSE MANAGEMENT.—

(1) IN GENERAL.—Beginning in the first fiscal year beginning after the date of enactment of this Act, and in each fiscal year thereafter through fiscal year 2018, each executive agency shall submit to the Director a report on the financial savings or avoidance of spending that resulted from improved software license management.

(2) AVAILABILITY.—The Director shall make each report submitted under paragraph (1) publically available.

SA 4147. Mr. CASSIDY submitted an amendment intended to be proposed by him to the bill S. 2943, to authorize appropriations for fiscal year 2017 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 1097. COMPTROLLER GENERAL STUDY ON THE ACTIVITIES OF THE OFFICE OF RESOLUTION MANAGEMENT AND THE OFFICE OF EMPLOYMENT DISCRIMINATION COMPLAINT ADJUDICATION OF THE DEPARTMENT OF VETERANS AFFAIRS.

(a) IN GENERAL.—The Comptroller General of the United States shall conduct a study on the activities of the Office of Resolution Management and the Office of Employment Discrimination Complaint Adjudication of the Department of Veterans Affairs, including an analysis of the programs conducted by such offices and the effectiveness and oversight of such programs.

(b) ELEMENTS.—In conducting the study under subsection (a), the Comptroller General shall—

(1) analyze data in possession of the Office of Resolution Management and the Office of Employment Discrimination Complaint Adjudication of the Department from the period beginning on January 1, 2012, and ending on the date of commencement of the study;

(2) analyze the oversight by the Department of such offices and the programs conducted by such offices;

(3) analyze how such offices determine the amounts paid to complainants under such programs;

(4) assess whether the Department or any other entity conducts regular audits of such offices; and

(5) analyze how many repeat complaints from the same individuals are handled by such offices and whether there is a special process used by such offices for repeat complainants.

(c) REPORT.—Not later than one year after the date of the enactment of this Act, the Comptroller General shall submit to the Secretary of Veterans Affairs and Congress a report on the results of the study conducted under subsection (a).

SA 4148. Mr. CASSIDY submitted an amendment intended to be proposed by him to the bill S. 2943, to authorize appropriations for fiscal year 2017 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 1097. IDENTIFICATION AND TRACKING OF BIOLOGICAL IMPLANTS USED IN DEPARTMENT OF VETERANS AFFAIRS MEDICAL FACILITIES.

(a) IN GENERAL.—Subchapter II of chapter 73 of title 38, United States Code, is amended by adding at the end the following new section:

"§ 7330B. Identification and tracking of biological implants

''(a) STANDARD IDENTIFICATION SYSTEM FOR BIOLOGICAL IMPLANTS.—(1) The Secretary shall adopt the unique device identification system developed for medical devices by the Food and Drug Administration under section 519(f) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360i(f)), or implement a comparable standard identification system, for use in identifying biological implants intended for use in medical procedures conducted in medical facilities of the Department.

''(2) In adopting or implementing a standard identification system for biological implants under paragraph (1), the Secretary shall permit a vendor to use any of the accredited entities identified by the Food and Drug Administration as an issuing agency pursuant to section 830.100 of title 21, Code of Federal Regulations, or any successor regulation.

''(b) BIOLOGICAL IMPLANT TRACKING SYSTEM.—(1) The Secretary shall implement a system for tracking the biological implants described in subsection (a) from human donor or animal source to implantation.

''(2) The tracking system implemented under paragraph (1) shall be compatible with the identification system adopted or implemented under subsection (a).

''(3) The Secretary shall implement inventory controls compatible with the tracking system implemented under paragraph (1) so that all patients who have received, in a medical facility of the Department, a biological implant subject to a recall can be notified of the recall if, based on the evaluation by appropriate medical personnel of the Department of the risks and benefits, the Secretary determines such notification is appropriate.

''(c) CONSISTENCY WITH FOOD AND DRUG ADMINISTRATION REGULATIONS.—To the extent that a conflict arises between this section and a provision of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 301 et seq.) or section 351 or 361 of the Public Health Service Act (42 U.S.C. 262 and 264) (including any regulations issued under such provisions), the provision of the Federal Food, Drug, and Cosmetic Act or Public Health Service Act (including any regulations issued under such provisions) shall apply.

''(d) BIOLOGICAL IMPLANT DEFINED.—In this section, the term 'biological implant' means any human cell, tissue, or cellular or tissue-based product or animal product—

''(1) under the meaning given the term 'human cells, tissues, or cellular or tissue-based products' in section 1271.3 of title 21, Code of Federal Regulations, or any successor regulation; or

''(2) that is regulated as a device under section 201(h) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321(h)).''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 73 of such title is amended by inserting after the item relating to section 7330A the following new item:

''7330B. Identification and tracking of biological implants.''.

(c) IMPLEMENTATION DEADLINES.—

(1) STANDARD IDENTIFICATION SYSTEM.—The Secretary of Veterans Affairs shall adopt or implement the standard identification system for biological implants required by subsection (a) of section 7330B of title 38, United States Code, as added by subsection (a), with respect to biological implants described in—

(A) subsection (d)(1) of such section, by not later than the date that is 180 days after the date of the enactment of this Act; and

(B) subsection (d)(2) of such section, in compliance with the compliance dates established by the Food and Drug Administration under section 519(f) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360i(f)).

(2) TRACKING SYSTEM.—The Secretary of Veterans Affairs shall implement the biological implant tracking system required by section 7330B(b) of title 38, United States Code, as added by subsection (a), by not later than the date that is 180 days after the date of the enactment of this Act.

(d) REPORTING REQUIREMENT.—

(1) IN GENERAL.—If the biological implant tracking system required by section 7330B(b) of title 38, United States Code, as added by subsection (a), is not operational by the date that is 180 days after the date of the enactment of this Act, the Secretary of Veterans Affairs shall submit to the Committee on Veterans' Affairs of the Senate and the Committee on Veterans' Affairs of the House of Representatives a report explaining why the system is not operational for each month until such time as the system is operational.

(2) ELEMENTS.—Each report submitted under paragraph (1) shall include a description of the following:

(A) Each impediment to the implementation of the system described in such paragraph.

(B) Steps being taken to remediate each such impediment.

(C) Target dates for a solution to each such impediment.

SEC. 1098. PROCUREMENT OF BIOLOGICAL IMPLANTS USED IN DEPARTMENT OF VETERANS AFFAIRS MEDICAL FACILITIES.

(a) PROCUREMENT.—

(1) IN GENERAL.—Subchapter II of chapter 81 of title 38, United States Code, is amended by adding at the end the following new section:

"§ 8129. Procurement of biological implants

''(a) IN GENERAL.—(1) The Secretary may procure biological implants of human origin only from vendors that meet the following conditions:

''(A) The vendor uses the standard identification system adopted or implemented by the Secretary under section 7330B(a) of this title and has safeguards to ensure that a distinct identifier has been in place at each step of distribution of each biological implant from its donor.

''(B) The vendor is registered as required by the Food and Drug Administration under

subpart B of part 1271 of title 21, Code of Federal Regulations, or any successor regulation, and in the case of a vendor that uses a tissue distribution intermediary or a tissue processor, the vendor provides assurances that the tissue distribution intermediary or tissue processor is registered as required by the Food and Drug Administration.

''(C) The vendor ensures that donor eligibility determinations and such other records as the Secretary may require accompany each biological implant at all times, regardless of the country of origin of the donor of the biological material.

''(D) The vendor agrees to cooperate with all biological implant recalls conducted on the initiative of the vendor, on the initiative of the original product manufacturer used by the vendor, by the request of the Food and Drug Administration, or by a statutory order of the Food and Drug Administration.

''(E) The vendor agrees to notify the Secretary of any adverse event or reaction report it provides to the Food and Drug Administration, as required by sections 1271.3 and 1271.350 of title 21, Code of Federal Regulations, or any successor regulation, or any warning letter from the Food and Drug Administration issued to the vendor or a tissue processor or tissue distribution intermediary used by the vendor by not later than 60 days after the vendor receives such report or warning letter.

''(F) The vendor agrees to retain all records associated with the procurement of a biological implant by the Department for at least 10 years after the date of the procurement of the biological implant.

''(G) The vendor provides assurances that the biological implants provided by the vendor are acquired only from tissue processors that maintain active accreditation with the American Association of Tissue Banks or a similar national accreditation specific to biological implants.

''(2) The Secretary may procure biological implants of nonhuman origin only from vendors that meet the following conditions:

''(A) The vendor uses the standard identification system adopted or implemented by the Secretary under section 7330B(a) of this title.

''(B) The vendor is registered as an establishment as required by the Food and Drug Administration under sections 807.20 and 807.40 of title 21, Code of Federal Regulations, or any successor regulation (or is not required to register pursuant to section 807.65(a) of such title, or any successor regulation), and in the case of a vendor that is not the original product manufacturer of such implants, the vendor provides assurances that the original product manufacturer is registered as required by the Food and Drug Administration (or is not required to register).

''(C) The vendor agrees to cooperate with all biological implant recalls conducted on the initiative of the vendor, on the initiative of the original product manufacturer used by the vendor, by the request of the Food and Drug Administration, or by a statutory order of the Food and Drug Administration.

''(D) The vendor agrees to notify the Secretary of any adverse event report it provides to the Food and Drug Administration as required under part 803 of title 21, Code of Federal Regulations, or any successor regulation, or any warning letter from the Food and Drug Administration issued to the vendor or the original product manufacturer used by the vendor by not later than 60 days after the vendor receives such report or warning letter.

''(E) The vendor agrees to retain all records associated with the procurement of a biological implant by the Department for at least 10 years after the date of the procurement of the biological implant.

''(3)(A) The Secretary shall procure biological implants under the Federal Supply Schedules of the General Services Administration unless such implants are not available under such Schedules.

''(B) With respect to biological implants listed on the Federal Supply Schedules, the Secretary shall accommodate reasonable vendor requests to undertake outreach efforts to educate medical professionals of the Department about the use and efficacy of such biological implants.

''(C) In the case of biological implants that are unavailable for procurement under the Federal Supply Schedules, the Secretary shall procure such implants using competitive procedures in accordance with applicable law and the Federal Acquisition Regulation, including through the use of a national contract.

''(4) In procuring biological implants under this section, the Secretary shall permit a vendor to use any of the accredited entities identified by the Food and Drug Administration as an issuing agency pursuant to section 830.100 of title 21, Code of Federal Regulations, or any successor regulation.

''(5) Section 8123 of this title shall not apply to the procurement of biological implants.

''(b) PENALTIES.—In addition to any applicable penalty under any other provision of law, any procurement employee of the Department who is found responsible for a biological implant procurement transaction with intent to avoid or with reckless disregard of the requirements of this section shall be ineligible to hold a certificate of appointment as a contracting officer or to serve as the representative of an ordering officer, contracting officer, or purchase card holder.

''(c) DEFINITIONS.—In this section:

''(1) The term 'biological implant' has the meaning given that term in section 7330B(d) of this title.

''(2) The term 'distinct identifier' means a distinct identification code that—

''(A) relates a biological implant to the human donor of the implant and to all records pertaining to the implant;

''(B) includes information designed to facilitate effective tracking, using the distinct identification code, from the donor to the recipient and from the recipient to the donor; and

''(C) satisfies the requirements of section 1271.290(c) of title 21, Code of Federal Regulations, or any successor regulation.

''(3) The term 'tissue distribution intermediary' means an agency that acquires and stores human tissue for further distribution and performs no other tissue banking functions.

''(4) The term 'tissue processor' means an entity processing human tissue for use in biological implants, including activities performed on tissue other than donor screening, donor testing, tissue recovery and collection functions, storage, or distribution.''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 81 of such title is amended by inserting after the item relating to section 8128 the following new item:

''8129. Procurement of biological implants.''.

(b) EFFECTIVE DATE.—Section 8129 of title 38, United States Code, as added by subsection (a), shall take effect on the date that is 180 days after the date on which the tracking system required under section 7330B(b) of such title, as added by section 1079(a) of this Act, is implemented.

(c) SPECIAL RULE FOR CRYOPRESERVED PRODUCTS.—During the three-year period beginning on the effective date of section 8129 of title 38, United States Code, as added by subsection (a), biological implants produced and labeled before that effective date may be procured by the Department of Veterans Affairs without relabeling under the standard identification system adopted or implemented under section 7330B of such title, as added by section 1079(a) of this Act.

SA 4149. Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill S. 2943, to authorize appropriations for fiscal year 2017 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 1039. RESTRICTIONS ON THE PROCUREMENT OF SERVICES OR PROPERTY IN CONNECTION WITH MILITARY SPACE LAUNCH FROM ENTITIES OWNED OR CONTROLLED BY PERSONS SANCTIONED IN CONNECTION WITH RUSSIA'S INVASION OF CRIMEA.

(a) IN GENERAL.—On and after the date of the enactment of this Act, the Secretary of Defense may not enter into or renew a contract for the procurement of services or property in connection with space launch activities associated with the evolved expendable launch vehicle program unless the Secretary, as a result of affirmative due diligence and in consultation with the Secretary of the Treasury, conclusively certifies in accordance with subsection (b), that—

(1) no funding provided under the contract will be used for a purchase from, or a payment to, any entity owned or controlled by a person included on the list of specially designated nationals and blocked persons maintained by the Office of Foreign Assets Control of the Department of the Treasury pursuant to Executive Order 13661 (79 Fed. Reg. 15535; relating to blocking property of additional persons contributing to the situation in Ukraine) or any other executive order or other provision of law imposing sanctions with respect to the Russian Federation in connection with the invasion of Crimea by the Russian Federation; and

(2) no individual who in any way supports the delivery of services or property for such space launch activities poses a counterintelligence risk to the United States or is subject to the influence of any foreign military or intelligence service.

(b) SUBMISSION OF CERTIFICATION.—Not later than 120 days before entering into or renewing a contract described in subsection (a), the Secretary of Defense shall submit to the congressional defense committees in writing the certification described in that subsection and the reasons of the Secretary for making the certification.

SA 4150. Ms. AYOTTE (for herself, Mr. RUBIO, Mr. KIRK, Mr. GRAHAM, Mr. BURR, Mr. MCCONNELL, Mr. CORNYN, Mr. ROUNDS, Mr. TILLIS, Mr. INHOFE, Mr. RISCH, Mr. PORTMAN, Mr. CRUZ, Mrs. ERNST, Mr. PERDUE, Ms. MURKOWSKI, Mr. GARDNER, Mr. ROBERTS, and Mr. BARRASSO) submitted an amendment intended to be proposed by her to the bill S. 2943, to authorize appropriations for fiscal year 2017 for military activities of the Department of Defense, for military construction,

and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title XII, add the following:

Subtitle I—Iran Sanctions

SEC. 1281. SHORT TITLE.

This subtitle may be cited as the ''Iran Ballistic Missile Sanctions Act of 2016''.

SEC. 1282. FINDINGS.

Congress finds the following:

(1) On April 2, 2015, President Barack Obama said, ''Other American sanctions on Iran for its support of terrorism, its human rights abuses, its ballistic missile program, will continue to be fully enforced.''.

(2) On July 7, 2015, General Martin Dempsey, then-Chairman of the Joint Chiefs of Staff, said, ''Under no circumstances should we relieve the pressure on Iran relative to ballistic missile capabilities.''.

(3) On July 29, 2015, in his role as the top military officer in the United States and advisor to the President, General Dempsey confirmed that his military recommendation was that sanctions relating to the ballistic missile program of Iran not be lifted.

(4) The Government of Iran and Iran's Revolutionary Guard Corps have been responsible for the repeated testing of illegal ballistic missiles capable of carrying a nuclear device, including observed tests in October and November 2015 and March 2016, violating United Nations Security Council resolutions.

(5) On October 14, 2015, Samantha Power, United States Ambassador to the United Nations, said, ''One of the really important features in implementation of the recent Iran deal to dismantle Iran's nuclear program is going to have to be enforcement of the resolutions and the standards that remain on the books.''.

(6) On December 11, 2015, the United Nations Panel of Experts concluded that the missile launch on October 10, 2015, ''was a violation by Iran of paragraph 9 of Security Council resolution 1929 (2010)''.

(7) On January 17, 2016, Adam Szubin, Acting Under Secretary for Terrorism and Financial Intelligence, stated, ''Iran's ballistic missile program poses a significant threat to regional and global security, and it will continue to be subject to international sanctions. We have consistently made clear that the United States will vigorously press sanctions against Iranian activities outside of the Joint Comprehensive Plan of Action—including those related to Iran's support for terrorism, regional destabilization, human rights abuses, and ballistic missile program.''.

(8) On February 9, 2016, James Clapper, Director of National Intelligence, testified that, ''We judge that Tehran would choose ballistic missiles as its preferred method of delivering nuclear weapons, if it builds them. Iran's ballistic missiles are inherently capable of delivering WMD, and Tehran already has the largest inventory of ballistic missiles in the Middle East. Iran's progress on space launch vehicles—along with its desire to deter the United States and its allies—provides Tehran with the means and motivation to develop longer-range missiles, including ICBMs.''.

(9) On March 9, 2016, Iran reportedly fired two Qadr ballistic missiles with a range of more than 1,000 miles and according to public reports, the missiles were marked with a statement in Hebrew reading, ''Israel must be wiped off the arena of time.''.

(10) On March 11, 2016, Ambassador Power called the recent ballistic missile launches by Iran ''provocative and destabilizing'' and called on the international community to ''degrade Iran's missile program''.

(11) On March 14, 2016, Ambassador Power said that the recent ballistic missile launches by Iran were ''in defiance of provisions of UN Security Council Resolution 2231''.

(12) Iran has demonstrated the ability to launch multiple rockets from fortified underground facilities and mobile launch sites not previously known.

(13) The ongoing procurement by Iran of technologies needed to boost the range, accuracy, and payloads of its diverse ballistic missile arsenal represents a threat to deployed personnel of the United States and allies of the United States in Europe and the Middle East, including Israel.

(14) Ashton Carter, Secretary of Defense, testified in a hearing before the Armed Services Committee of the Senate on July 7, 2015, that, ''[T]he reason that we want to stop Iran from having an ICBM program is that the I in ICBM stands for intercontinental, which means having the capability to fly from Iran to the United States, and we don't want that. That's why we oppose ICBMs.''.

(15) Through recent ballistic missile launch tests the Government of Iran has shown blatant disregard for international laws and its intention to continue tests of that nature throughout the implementation of the Joint Comprehensive Plan of Action.

(16) The banking sector of Iran has facilitated the financing of the ballistic missile programs in Iran and evidence has not been provided that entities in that sector have ceased facilitating the financing of those programs.

(17) Iran has been able to amass a large arsenal of ballistic missiles through its illicit smuggling networks and domestic manufacturing capabilities that have been supported and maintained by Iran's Revolutionary Guard Corps and specific sectors of the economy of Iran.

(18) Penetration by Iran's Revolutionary Guard Corps into the economy of Iran is well documented including investments in the construction, automotive, telecommunications, electronics, mining, metallurgy, and petrochemical sectors of the economy of Iran.

(19) Items procured through sectors of Iran specified in paragraph (18) have dual use applications that are currently being used to create ballistic missiles in Iran and will continue to be a source of materials for the creation of future weapons.

(20) In order to curb future illicit activity by Iran, the Government of the United States and the international community must take action against persons that facilitate and profit from the illegal acquisition of ballistic missile parts and technology in support of the missile programs of Iran.

SEC. 1283. SENSE OF CONGRESS.

It is the sense of Congress that—

(1) the ballistic missile program of Iran represents a serious threat to allies of the United States in the Middle East and Europe, members of the Armed Forces deployed in the those regions, and ultimately the United States;

(2) the testing and production by Iran of ballistic missiles capable of carrying a nuclear device is a clear violation of United Nations Security Council Resolution 2231 (2015), which was unanimously adopted by the international community;

(3) Iran is using its space launch program to develop the capabilities necessary to deploy an intercontinental ballistic missile that could threaten the United States, and the Director of National Intelligence has assessed that Iran would use ballistic missiles as its ''preferred method of delivering nuclear weapons''; and

(4) the Government of the United States should impose tough primary and secondary sanctions against any sector of the economy of Iran or any Iranian person that directly or indirectly supports the ballistic missile program of Iran as well as any foreign person or financial institution that engages in transactions or trade that support that program.

SEC. 1284. EXPANSION OF SANCTIONS WITH RESPECT TO EFFORTS BY IRAN TO ACQUIRE BALLISTIC MISSILE AND RELATED TECHNOLOGY.

(a) CERTAIN PERSONS.—Section 1604(a) of the Iran-Iraq Arms Non-Proliferation Act of 1992 (Public Law 102–484; 50 U.S.C. 1701 note) is amended, in the matter preceding paragraph (1), by inserting '', to acquire ballistic missile or related technology,'' after ''nuclear weapons''.

(b) FOREIGN COUNTRIES.—Section 1605(a) of the Iran-Iraq Arms Non-Proliferation Act of 1992 (Public Law 102–484; 50 U.S.C. 1701 note) is amended, in the matter preceding paragraph (1), by inserting '', to acquire ballistic missile or related technology,'' after ''nuclear weapons''.

SEC. 1285. EXTENSION OF IRAN SANCTIONS ACT OF 1996 AND EXPANSION OF SANCTIONS WITH RESPECT TO PERSONS THAT ACQUIRE OR DEVELOP BALLISTIC MISSILES.

(a) EXPANSION OF MANDATORY SANCTIONS.—Section 5(b)(1)(B) of the Iran Sanctions Act of 1996 (Public Law 104–172; 50 U.S.C. 1701 note) is amended—

(1) in clause (i), by striking ''would likely'' and inserting ''may''; and

(2) in clause (ii)—

(A) in subclause (I), by striking ''; or'' and inserting a semicolon;

(B) by redesignating subclause (II) as subclause (III); and

(C) by inserting after subclause (I) the following:

''(II) acquire or develop ballistic missiles and the capability to launch ballistic missiles; or''.

(b) EXTENSION OF IRAN SANCTIONS ACT OF 1996.—Section 13(b) of the Iran Sanctions Act of 1996 (Public Law 104–172; 50 U.S.C. 1701 note) is amended by striking ''December 31, 2016'' and inserting ''December 31, 2031''.

SEC. 1286. IMPOSITION OF SANCTIONS WITH RESPECT TO BALLISTIC MISSILE PROGRAM OF IRAN.

(a) IN GENERAL.—Title II of the Iran Threat Reduction and Syria Human Rights Act of 2012 (22 U.S.C. 8721 et seq.) is amended by adding at the end the following:

''Subtitle C—Measures Relating to Ballistic Missile Program of Iran

''SEC. 231. DEFINITIONS.

''(a) IN GENERAL.—In this subtitle:

''(1) AGRICULTURAL COMMODITY.—The term 'agricultural commodity' has the meaning given that term in section 102 of the Agricultural Trade Act of 1978 (7 U.S.C. 5602).

''(2) APPROPRIATE COMMITTEES OF CONGRESS.—The term 'appropriate committees of Congress' means—

''(A) the committees specified in section 14(2) of the Iran Sanctions Act of 1996 (Public Law 104–172; 50 U.S.C. 1701 note); and

''(B) the congressional defense committees, as defined in section 101 of title 10, United States Code.

''(3) CORRESPONDENT ACCOUNT; PAYABLE-THROUGH ACCOUNT.—The terms 'correspondent account' and 'payable-through account' have the meanings given those terms in section 5318A of title 31, United States Code.

''(4) FOREIGN FINANCIAL INSTITUTION.—The term 'foreign financial institution' has the meaning of that term as determined by the Secretary of the Treasury pursuant to section 104(i) of the Comprehensive Iran Sanctions, Accountability, and Divestment Act of 2010 (22 U.S.C. 8513(i)).

''(5) GOOD.—The term 'good' has the meaning given that term in section 16 of the Export Administration Act of 1979 (50 U.S.C. 4618) (as continued in effect pursuant to the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.)).

''(6) GOVERNMENT.—The term 'Government', with respect to a foreign country, includes any agencies or instrumentalities of that Government and any entities controlled by that Government.

''(7) MEDICAL DEVICE.—The term 'medical device' has the meaning given the term 'device' in section 201 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321).

''(8) MEDICINE.—The term 'medicine' has the meaning given the term 'drug' in section 201 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321).

''(b) DETERMINATIONS OF SIGNIFICANCE.—For purposes of this subtitle, in determining if financial transactions or financial services are significant, the President may consider the totality of the facts and circumstances, including factors similar to the factors set forth in section 561.404 of title 31, Code of Federal Regulations (or any corresponding similar regulation or ruling).

''SEC. 232. IMPOSITION OF SANCTIONS WITH RESPECT TO PERSONS THAT SUPPORT THE BALLISTIC MISSILE PROGRAM OF IRAN.

''(a) IDENTIFICATION OF PERSONS.—

''(1) IN GENERAL.—Not later than 120 days after the date of the enactment of the Iran Ballistic Missile Sanctions Act of 2016, and not less frequently than once every 180 days thereafter, the President shall, in coordination with the Secretary of Defense, the Director of National Intelligence, the Secretary of the Treasury, and the Secretary of State, submit to the appropriate committees of Congress a report identifying persons that have knowingly aided the Government of Iran in the development of the ballistic missile program of Iran.

''(2) ELEMENTS.—Each report required by paragraph (1) shall include the following:

''(A) An identification of persons (disaggregated by Iranian and non-Iranian persons) that have knowingly aided the Government of Iran in the development of the ballistic missile program of Iran, including persons that have—

''(i) knowingly engaged in the direct or indirect provision of material support to such program;

''(ii) knowingly facilitated, supported, or engaged in activities to further the development of such program;

''(iii) knowingly transmitted information relating to ballistic missiles to the Government of Iran; or

''(iv) otherwise knowingly aided such program.

''(B) A description of the character and significance of the cooperation of each person identified under subparagraph (A) with the Government of Iran with respect to such program.

''(C) An assessment of the cooperation of the Government of the Democratic People's Republic of Korea with the Government of Iran with respect to such program.

''(3) CLASSIFIED ANNEX.—Each report required by paragraph (1) shall be submitted in unclassified form, but may contain a classified annex.

''(b) BLOCKING OF PROPERTY.—

''(1) IN GENERAL.—Not later than 15 days after submitting a report required by subsection (a)(1), the President shall, in accordance with the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.), block and prohibit all transactions in all property and interests in property of any person specified in such report if such property and interests in property are in the United States, come within the United States, or are or come within the possession or control of a United States person.

''(2) INAPPLICABILITY OF NATIONAL EMERGENCY REQUIREMENT.—The requirements under section 202 of the International Emergency Economic Powers Act (50 U.S.C. 1701) shall not apply for purposes of this subsection.

''(c) EXCLUSION FROM UNITED STATES.—

''(1) IN GENERAL.—Except as provided in paragraph (2), the Secretary of State shall deny a visa to, and the Secretary of Homeland Security shall exclude from the United States, any alien subject to blocking of property and interests in property under subsection (b).

''(2) COMPLIANCE WITH UNITED NATIONS HEADQUARTERS AGREEMENT.—Paragraph (1) shall not apply to the head of state of Iran, or necessary staff of that head of state, if admission to the United States is necessary to permit the United States to comply with the Agreement regarding the Headquarters of the United Nations, signed at Lake Success June 26, 1947, and entered into force November 21, 1947, between the United Nations and the United States.

''(d) FACILITATION OF CERTAIN TRANSACTIONS.—The President shall prohibit the opening, and prohibit or impose strict conditions on the maintaining, in the United States of a correspondent account or a payable-through account by a foreign financial institution that the President determines knowingly, on or after the date that is 180 days after the date of the enactment of the Iran Ballistic Missile Sanctions Act of 2016, conducts or facilitates a significant financial transaction for a person subject to blocking of property and interests in property under subsection (b).

''SEC. 233. BLOCKING OF PROPERTY OF PERSONS AFFILIATED WITH CERTAIN IRANIAN ENTITIES.

''(a) BLOCKING OF PROPERTY.—

''(1) IN GENERAL.—The President shall, in accordance with the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.), block and prohibit all transactions in all property and interests in property of any person described in paragraph (3) if such property and interests in property are in the United States, come within the United States, or are or come within the possession or control of a United States person.

''(2) INAPPLICABILITY OF NATIONAL EMERGENCY REQUIREMENT.—The requirements under section 202 of the International Emergency Economic Powers Act (50 U.S.C. 1701) shall not apply for purposes of this subsection.

''(3) PERSONS DESCRIBED.—A person described in this paragraph is—

''(A) an entity that is owned, directly or indirectly, by a 25 percent or greater interest—

''(i) by the Aerospace Industries Organization, the Shahid Hemmat Industrial Group, the Shahid Bakeri Industrial Group, or any agent or affiliate of such organization or group; or

''(ii) collectively by a group of individuals that hold an interest in the Aerospace Industries Organization, the Shahid Hemmat Industrial Group, the Shahid Bakeri Industrial Group, or any agent or affiliate of such organization or group, even if none of those individuals hold a 25 percent or greater interest in the entity;

''(B) a person that controls, manages, or directs an entity described in subparagraph (A); or

''(C) an individual who is on the board of directors of an entity described in subparagraph (A).

''(b) FACILITATION OF CERTAIN TRANSACTIONS.—The President shall prohibit the opening, and prohibit or impose strict conditions on the maintaining, in the United States of a correspondent account or a payable-through account by a foreign financial institution that the President determines knowingly, on or after the date that is 180 days after the date of the enactment of the Iran Ballistic Missile Sanctions Act of 2016, conducts or facilitates a significant financial transaction for a person subject to blocking of property and interests in property under subsection (a).

''(c) IRAN MISSILE PROLIFERATION WATCH LIST.—

''(1) IN GENERAL.—Not later than 90 days after the date of the enactment of the Iran Ballistic Missile Sanctions Act of 2016, and not less frequently than annually thereafter, the Secretary of the Treasury shall submit to the appropriate committees of Congress and publish in the Federal Register a list of—

''(A) each entity in which the Aerospace Industries Organization, the Shahid Hemmat Industrial Group, the Shahid Bakeri Industrial Group, or any agent or affiliate of such organization or group has an ownership interest of more than 0 percent and less than 25 percent;

''(B) each entity in which the Aerospace Industries Organization, the Shahid Hemmat Industrial Group, the Shahid Bakeri Industrial Group, or any agent or affiliate of such organization or group does not have an ownership interest but maintains a presence on the board of directors of the entity or otherwise influences the actions, policies, or personnel decisions of the entity; and

''(C) each person that controls, manages, or directs an entity described in subparagraph (A) or (B).

''(2) REFERENCE.—The list required by paragraph (1) may be referred to as the 'Iran Missile Proliferation Watch List'.

''(d) COMPTROLLER GENERAL REPORT.—

''(1) IN GENERAL.—The Comptroller General of the United States shall—

''(A) conduct a review of each list required by subsection (c)(1); and

''(B) not later than 60 days after each such list is submitted to the appropriate committees of Congress under that subsection, submit to the appropriate committees of Congress a report on the review conducted under subparagraph (A) that includes a list of persons not included in that list that qualify for inclusion in that list, as determined by the Comptroller General.

''(2) CONSULTATIONS.—In preparing the report required by paragraph (1)(B), the Comptroller General shall consult with nongovernmental organizations.

''SEC. 234. IMPOSITION OF SANCTIONS WITH RESPECT TO CERTAIN PERSONS INVOLVED IN BALLISTIC MISSILE ACTIVITIES.

''(a) CERTIFICATION.—Not later than 120 days after the date of the enactment of the Iran Ballistic Missile Sanctions Act of 2016, and not less frequently than once every 180 days thereafter, the President shall submit to the appropriate committees of Congress a certification that each person listed in an annex of United Nations Security Council Resolution 1737 (2006), 1747 (2007), or 1929 (2010) is not directly or indirectly facilitating, supporting, or involved with the development of or transfer to Iran of ballistic missiles or technology, parts, components, or technology information relating to ballistic missiles.

''(b) BLOCKING OF PROPERTY.—

''(1) IN GENERAL.—If the President is unable to make a certification under subsection (a) with respect to a person and the person is not currently subject to sanctions with respect to Iran under any other provision of law, the President shall, not later than 15

days after that certification would have been required under that subsection—

''(A) in accordance with the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.), block and prohibit all transactions in all property and interests in property of that person if such property and interests in property are in the United States, come within the United States, or are or come within the possession or control of a United States person; and

''(B) publish in the Federal Register a report describing the reason why the President was unable to make a certification with respect to that person.

''(2) INAPPLICABILITY OF NATIONAL EMERGENCY REQUIREMENT.—The requirements under section 202 of the International Emergency Economic Powers Act (50 U.S.C. 1701) shall not apply for purposes of this subsection.

''(c) EXCLUSION FROM UNITED STATES.—

''(1) IN GENERAL.—Except as provided in paragraph (2), the Secretary of State shall deny a visa to, and the Secretary of Homeland Security shall exclude from the United States, any alien subject to blocking of property and interests in property under subsection (b).

''(2) COMPLIANCE WITH UNITED NATIONS HEADQUARTERS AGREEMENT.—Paragraph (1) shall not apply to the head of state of Iran, or necessary staff of that head of state, if admission to the United States is necessary to permit the United States to comply with the Agreement regarding the Headquarters of the United Nations, signed at Lake Success June 26, 1947, and entered into force November 21, 1947, between the United Nations and the United States.

''(d) FACILITATION OF CERTAIN TRANSACTIONS.—The President shall prohibit the opening, and prohibit or impose strict conditions on the maintaining, in the United States of a correspondent account or a payable-through account by a foreign financial institution that the President determines knowingly, on or after the date that is 180 days after the date of the enactment of the Iran Ballistic Missile Sanctions Act of 2016, conducts or facilitates a significant financial transaction for a person subject to blocking of property and interests in property under subsection (b).

''SEC. 235. IMPOSITION OF SANCTIONS WITH RESPECT TO CERTAIN SECTORS OF IRAN THAT SUPPORT THE BALLISTIC MISSILE PROGRAM OF IRAN.

''(a) LIST OF SECTORS.—

''(1) IN GENERAL.—Not later than 120 days after the date of the enactment of the Iran Ballistic Missile Sanctions Act of 2016, and not less frequently than once every 180 days thereafter, the President shall submit to the appropriate committees of Congress and publish in the Federal Register a list of the sectors of the economy of Iran that are directly or indirectly facilitating, supporting, or involved with the development of or transfer to Iran of ballistic missiles or technology, parts, components, or technology information relating to ballistic missiles.

''(2) CERTAIN SECTORS.—

''(A) IN GENERAL.—Not later than 120 days after the date of enactment of the Iran Ballistic Missile Sanctions Act of 2016, the President shall submit to the appropriate committees of Congress a determination as to whether each of the automotive, chemical, computer science, construction, electronic, energy, metallurgy, mining, petrochemical, research (including universities and research institutions), and telecommunications sectors of Iran meet the criteria specified in paragraph (1).

''(B) INCLUSION IN INITIAL LIST.—If the President determines under subparagraph (A) that the sectors of the economy of Iran specified in such subparagraph meet the criteria specified in paragraph (1), that sector shall be included in the initial list submitted and published under that paragraph.

''(b) SANCTIONS WITH RESPECT TO SPECIFIED SECTORS OF IRAN.—

''(1) BLOCKING OF PROPERTY.—

''(A) IN GENERAL.—The President shall, in accordance with the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.), block and prohibit all transactions in all property and interests in property of any person described in paragraph (4) if such property and interests in property are in the United States, come within the United States, or are or come within the possession or control of a United States person.

''(B) INAPPLICABILITY OF NATIONAL EMERGENCY REQUIREMENT.—The requirements under section 202 of the International Emergency Economic Powers Act (50 U.S.C. 1701) shall not apply for purposes of this paragraph.

''(2) EXCLUSION FROM UNITED STATES.—

''(A) IN GENERAL.—Except as provided in subparagraph (B), the Secretary of State shall deny a visa to, and the Secretary of Homeland Security shall exclude from the United States, any alien that is a person described in paragraph (4).

''(B) COMPLIANCE WITH UNITED NATIONS HEADQUARTERS AGREEMENT.—Subparagraph (A) shall not apply to the head of state of Iran, or necessary staff of that head of state, if admission to the United States is necessary to permit the United States to comply with the Agreement regarding the Headquarters of the United Nations, signed at Lake Success June 26, 1947, and entered into force November 21, 1947, between the United Nations and the United States.

''(3) FACILITATION OF CERTAIN TRANSACTIONS.—Except as provided in this section, the President shall prohibit the opening, and prohibit or impose strict conditions on the maintaining, in the United States of a correspondent account or a payable-through account by a foreign financial institution that the President determines knowingly, on or after the date that is 180 days after the date of the enactment of the Iran Ballistic Missile Sanctions Act of 2016, conducts or facilitates a significant financial transaction for a person described in paragraph (4).

''(4) PERSONS DESCRIBED.—A person is described in this paragraph if the President determines that the person, on or after the date that is 180 days after the date of the enactment of the Iran Ballistic Missile Sanctions Act of 2016—

''(A) operates in a sector of the economy of Iran included in the most recent list published by the President under subsection (a);

''(B) knowingly provides significant financial, material, technological, or other support to, or goods or services in support of, any activity or transaction on behalf of or for the benefit of a person described in subparagraph (A); or

''(C) is owned or controlled by a person described in subparagraph (A).

''(c) HUMANITARIAN EXCEPTION.—The President may not impose sanctions under this section with respect to any person for conducting or facilitating a transaction for the sale of agricultural commodities, food, medicine, or medical devices to Iran or for the provision of humanitarian assistance to the people of Iran.

''SEC. 236. IDENTIFICATION OF FOREIGN PERSONS THAT SUPPORT THE BALLISTIC MISSILE PROGRAM OF IRAN IN CERTAIN SECTORS OF IRAN.

''(a) IN GENERAL.—Not later than 120 days after the date of the enactment of the Iran Ballistic Missile Sanctions Act of 2016, and not less frequently than annually thereafter, the President shall submit to the appropriate committees of Congress and publish in the Federal Register a list of all foreign persons that have, based on credible information, directly or indirectly facilitated, supported, or been involved with the development of ballistic missiles or technology, parts, components, or technology information related to ballistic missiles in the following sectors of the economy of Iran during the period specified in subsection (b):

''(1) Automotive.

''(2) Chemical.

''(3) Computer Science.

''(4) Construction.

''(5) Electronic.

''(6) Energy.

''(7) Metallurgy.

''(8) Mining.

''(9) Petrochemical.

''(10) Research (including universities and research institutions).

''(11) Telecommunications.

''(12) Any other sector of the economy of Iran identified under section 235(a).

''(b) PERIOD SPECIFIED.—The period specified in this subsection is—

''(1) with respect to the first list submitted under subsection (a), the period beginning on the date of the enactment of the Iran Ballistic Missile Sanctions Act of 2016 and ending on the date that is 120 days after such date of enactment; and

''(2) with respect to each subsequent list submitted under such subsection, the one-year period preceding the submission of the list.

''(c) COMPTROLLER GENERAL REPORT.—

''(1) IN GENERAL.—With respect to each list submitted under subsection (a), not later than 120 days after the list is submitted under that subsection, the Comptroller General of the United States shall submit to the appropriate committees of Congress—

''(A) an assessment of the processes followed by the President in preparing the list;

''(B) an assessment of the foreign persons included in the list; and

''(C) a list of persons not included in the list that qualify for inclusion in the list, as determined by the Comptroller General.

''(2) CONSULTATIONS.—In preparing the report required by paragraph (1), the Comptroller General shall consult with nongovernmental organizations.

''(d) CREDIBLE INFORMATION DEFINED.—In this section, the term 'credible information' has the meaning given that term in section 14 of the Iran Sanctions Act of 1996 (Public Law 104–172; 50 U.S.C. 1701 note).''.

(b) CLERICAL AMENDMENT.—The table of contents for the Iran Threat Reduction and Syria Human Rights Act of 2012 is amended by inserting after the item relating to section 224 the following:

''Subtitle C—Measures Relating to Ballistic Missile Program of Iran

''Sec. 231. Definitions.

''Sec. 232. Imposition of sanctions with respect to persons that support the ballistic missile program of Iran.

''Sec. 233. Blocking of property of persons affiliated with certain Iranian entities.

''Sec. 234. Imposition of sanctions with respect to certain persons involved in ballistic missile activities.

''Sec. 235. Imposition of sanctions with respect to certain sectors of Iran that support the ballistic missile program of Iran.

''Sec. 236. Identification of foreign persons that support the ballistic missile program of Iran in certain sectors of Iran.''.

SEC. 1287. EXPANSION OF MANDATORY SANCTIONS WITH RESPECT TO FINANCIAL INSTITUTIONS THAT ENGAGE IN CERTAIN TRANSACTIONS RELATING TO BALLISTIC MISSILE CAPABILITIES OF IRAN.

Section 104 of the Comprehensive Iran Sanctions, Accountability, and Divestment Act of 2010 (22 U.S.C. 8513) is amended—

(1) in subsection (c)(2)—

(A) in subparagraph (A)—

(i) in clause (i), by striking ''; or'' and inserting a semicolon;

(ii) by redesignating clause (ii) as clause (iii); and

(iii) by inserting after clause (i) the following:

''(ii) to acquire or develop ballistic missiles and capabilities and launch technology relating to ballistic missiles; or''; and

(B) in subparagraph (E)(ii)—

(i) in subclause (I), by striking ''; or'' and inserting a semicolon;

(ii) by redesignating subclause (II) as subclause (III); and

(iii) by inserting after subclause (I) the following:

''(II) Iran's development of ballistic missiles and capabilities and launch technology relating to ballistic missiles; or''; and

(2) in subsection (f)—

(A) by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B), respectively, and moving those subparagraphs, as so redesignated, two ems to the right;

(B) by striking ''WAIVER.—The'' and inserting ''WAIVER.—

''(1) IN GENERAL.—Except as provided in paragraph (2), the''; and

(C) by adding at the end the following:

''(2) EXCEPTION.—The Secretary of the Treasury may not waive under paragraph (1) the application of a prohibition or condition imposed with respect to an activity described in subparagraph (A)(ii) or (E)(ii)(II) of subsection (c)(2).''.

SEC. 1288. DISCLOSURE TO THE SECURITIES AND EXCHANGE COMMISSION OF ACTIVITIES WITH CERTAIN SECTORS OF IRAN THAT SUPPORT THE BALLISTIC MISSILE PROGRAM OF IRAN.

(a) IN GENERAL.—Section 13(r)(1) of the Securities Exchange Act of 1934 (15 U.S.C. 78m(r)(1)) is amended—

(1) in subparagraph (C), by striking ''; or'' and inserting a semicolon;

(2) by redesignating subparagraph (D) as subparagraph (E); and

(3) by inserting after subparagraph (C) the following:

''(D) knowingly engaged in any activity for which sanctions may be imposed under section 235 of the Iran Threat Reduction and Syria Human Rights Act of 2012;''.

(b) INVESTIGATIONS.—Section 13(r)(5)(A) of the Securities Exchange Act of 1934 is amended by striking ''an Executive order specified in clause (i) or (ii) of paragraph (1)(D)'' and inserting ''section 235 of the Iran Threat Reduction and Syria Human Rights Act of 2012, an Executive order specified in clause (i) or (ii) of paragraph (1)(E)''.

(c) CONFORMING AMENDMENT.—Section 13(r)(5) of the Securities Exchange Act of 1934 is amended, in the matter preceding subparagraph (A), by striking ''subparagraph (D)(iii)'' and inserting ''subparagraph (E)(iii)''.

(d) EFFECTIVE DATE.—The amendments made by this section shall take effect with respect to reports required to be filed with the Securities and Exchange Commission after the date that is 180 days after the date of the enactment of this Act.

SEC. 1289. REGULATIONS.

Not later than 90 days after the date of the enactment of this Act, the President shall prescribe regulations to carry out this subtitle and the amendments made by this subtitle.

SA 4151. Mr. BENNET (for himself and Mr. GARDNER) submitted an amendment intended to be proposed by him to the bill S. 2943, to authorize appropriations for fiscal year 2017 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 1097. TREATMENT OF OIL SHALE RESERVE RECEIPTS.

Section 7439 of title 10, United State States Code, is amended—

(1) in subsection (f)—

(A) by striking paragraph (1) and inserting the following:

''(1) DISPOSITION.—

''(A) IN GENERAL.—Notwithstanding section 35 of the Mineral Leasing Act (30 U.S.C. 191), the amounts received during the period specified in paragraph (2) from a lease under this section (including moneys in the form of sales, bonuses, royalties (including interest charges collected under the Federal Oil and Gas Royalty Management Act of 1982 (30 U.S.C. 1701 et seq.)), and rentals) that do not exceed the sum of the amounts specified in subparagraphs (A) and (B) of paragraph (2)—

''(i) shall be deposited in the Treasury; and

''(ii) shall not be subject to distribution to the States pursuant to section 35(a) of the Mineral Leasing Act (30 U.S.C. 191(a)).

''(B) MINERAL LEASING ACT.—Any amounts received during the period specified in paragraph (2) from a lease under this section (including moneys in the form of sales, bonuses, royalties (including interest charges collected under the Federal Oil and Gas Royalty Management Act of 1982 (30 U.S.C. 1701 et seq.)), and rentals) that exceed the sum of the amounts specified in subparagraphs (A) and (B) of paragraph (2)—

''(i) shall be deposited in the Treasury; and

''(ii) shall be subject to distribution to the States pursuant to section 35(a) of the Mineral Leasing Act (30 U.S.C. 191(a)).

''(C) NO IMPACT ON PAYMENTS IN LIEU OF TAXES.—Nothing in this paragraph impacts or reduces any payment authorized under section 6903 of title 31, United States Code.''; and

(B) in paragraph (2)—

(i) by striking ''(2) The period'' and inserting the following:

''(2) PERIOD.—The period''; and

(ii) in the matter preceding subparagraph (A), by striking ''paragraph (1)'' and inserting ''paragraph (1)(A)''; and

(2) in subsection (g)—

(A) in paragraph (1), in the matter preceding subparagraph (A), by striking ''subsection (f)(1)'' and inserting ''subsection (f)(1)(A)''; and

(B) in paragraph (2), in the first sentence, by striking ''subsection (f)(1)'' and inserting ''subsection (f)(1)(A)''.

SA 4152. Mr. KIRK (for himself, Mr. DURBIN, Mr. GRASSLEY, and Mrs. ERNST) submitted an amendment intended to be proposed by him to the bill S. 2943, to authorize appropriations for fiscal year 2017 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle H of title VIII, add the following:

SEC. 899C. ARMY ARSENAL REVITALIZATION.

(a) DEFINITIONS.—In this section:

(1) LEGACY ITEMS.—The term ''legacy items'' means manufactured items that are no longer produced by the private sector but continue to be used for Department of Defense weapons systems, excluding information technology and information systems (as those terms are defined in section 11101 of title 40, United States Code).

(2) ORGANIC INDUSTRIAL BASE.—The term ''organic industrial base'' means United States military facilities that advance a vital national security interest by producing necessary materials, munitions, and hardware, including arsenals and depots.

(b) REPORT ON USE OF ORGANIC INDUSTRIAL BASE AND PRIVATE SECTOR TO MANUFACTURE CERTAIN ITEMS.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Director of the Defense Logistics Agency shall submit to the congressional defense committees a report listing all legacy items used by the Department of Defense with a contract value equal to or greater than $5,000,000.

(2) ELEMENTS.—The report required under paragraph (1) shall include, for each item listed, a list of potential alternative manufacturing sources from the organic industrial base and private sector that could be developed to establish competition for those items.

(c) USE OF ORGANIC INDUSTRIAL BASE TO ADDRESS DIMINISHING MANUFACTURING SOURCES AND MATERIAL SHORTAGES.—

(1) REPORT ON IMPROVING GUIDANCE AND PRACTICES.—Not later than one year after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report detailing plans to update and improve its guidance and practices on Diminishing Manufacturing Sources and Material Shortages (DMSMS), including through the use of the organic industrial base as a resource in the implementation of a DMSMS management plan.

(2) REPORT ON IDENTIFICATION OF ARMY ARSENAL CRITICAL CAPABILITIES AND MINIMUM WORKLOADS.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report that includes—

(A) a standardized method for identifying the critical capabilities and minimum workloads of the Army arsenals; and

(B) a progress update on implementation of the United States Army Organic Industrial Base Strategic Plan 2012–2022.

(d) ASSESSMENT TO DETERMINE LABOR RATE FLEXIBILITY.—Not later than one year after the date of the enactment of this Act, the Secretary of Defense shall complete a labor rate assessment for all Working Capital Fund entities to determine whether to utilize a flexible labor rate within the Working Capital Fund's high and low labor rate budget amounts and change the period of time that rates are set from annual to bi-annual or quarterly. The assessment shall include recommendations based upon data received from the assessment, including incorporating more flexibility into the Working Capital Fund's labor rates.

SA 4153. Mr. KIRK (for himself, Mr. DURBIN, Mr. GRASSLEY, and Mrs. ERNST) submitted an amendment intended to be proposed by him to the

bill S. 2943, to authorize appropriations for fiscal year 2017 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle H of title VIII, add the following:

SEC. 899C. ARMY ARSENAL REVITALIZATION.

(a) DEFINITIONS.—In this section:

(1) LEGACY ITEMS.—The term ''legacy items'' means manufactured items that are no longer produced by the private sector but continue to be used for Department of Defense weapons systems, excluding information technology and information systems (as those terms are defined in section 11101 of title 40, United States Code).

(2) ORGANIC INDUSTRIAL BASE.—The term ''organic industrial base'' means United States military facilities that advance a vital national security interest by producing necessary materials, munitions, and hardware, including arsenals and depots.

(b) USE OF ARSENALS TO MANUFACTURE CERTAIN ITEMS.—

(1) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Director of the Defense Logistics Agency shall submit to the congressional defense committees a report listing all legacy items used by the Department of Defense with a contract value equal to or greater than $5,000,000.

(2) LEGACY ITEM PRODUCTION REQUIREMENT.—The Secretary of Defense shall use Army arsenals for the production of all legacy items identified in the report submitted under paragraph (1).

(c) USE OF ORGANIC INDUSTRIAL BASE TO ADDRESS DIMINISHING MANUFACTURING SOURCES AND MATERIAL SHORTAGES.—

(1) REPORT.—Not later than one year after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report detailing plans to update and improve its guidance and practices on Diminishing Manufacturing Sources and Material Shortages (DMSMS), including through the use of the organic industrial base as a resource in the implementation of a DMSMS management plan.

(2) GUIDANCE REGARDING USE OF ORGANIC INDUSTRIAL BASE.—The Secretary of the Army shall maintain the arsenals with sufficient workloads to ensure affordability and technical competence in all critical capability areas by establishing, not later than March 30, 2017, clear, step-by-step, prescriptive guidance on the process for conducting make-or-buy analyses, including the use of the organic industrial base.

(3) IDENTIFICATION OF ARMY ARSENAL CRITICAL CAPABILITIES AND MINIMUM WORKLOADS.—

(A) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report that—

(i) includes a standardized, consistent method to use for identifying the critical capabilities and minimum workloads of the Army arsenals;

(ii) provides analysis on the critical capabilities and minimum workloads for each of the manufacturing arsenals; and

(iii) identifies fundamental elements, such as steps, milestones, timeframes, and resources for implementing the United States Army Organic Industrial Base Strategic Plan 2012–2022.

(B) GUIDANCE.—Not later than one year after the date of the enactment of this Act, the Secretary of Defense shall issue guidance to implement the process for identifying the critical capabilities of the Army's manufacturing arsenals and the method for determining the minimum workload needed to sustain these capabilities.

(d) AUTHORITY TO ADJUST LABOR RATES TO REFLECT WORK PRODUCTION.—

(1) PILOT PROGRAM.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall establish a three-year pilot program for the purpose of permitting Army arsenals to adjust their labor rates periodically throughout the year based upon changes in workload and other factors.

(2) ANNUAL REPORT.—Not later than one year after the date of the enactment of this Act, and annually thereafter, the Secretary of Defense shall submit to the congressional defense committees a report that assesses—

(A) each Army arsenal's changes in labor rates throughout the previous year;

(B) the ability of each arsenal to meet the costs of their working capital funds; and

(C) the effect on arsenal workloads of labor rate changes.

SA 4154. Mr. BOOZMAN submitted an amendment intended to be proposed by him to the bill S. 2943, to authorize appropriations for fiscal year 2017 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 1097. RETURN OF HUMAN REMAINS BY THE NATIONAL MUSEUM OF HEALTH AND MEDICINE.

The National Museum of Health and Medicine shall facilitate the relocation of the human cranium that is in the possession of the National Museum of Health and Medicine and that is associated with the Mountain Meadows Massacre of 1857 for interment at the Mountain Meadows grave site.

SA 4155. Mr. BOOZMAN submitted an amendment intended to be proposed by him to the bill S. 2943, to authorize appropriations for fiscal year 2017 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 1097. PROVISION OF STATUS UNDER LAW BY HONORING CERTAIN MEMBERS OF THE RESERVE COMPONENTS OF THE ARMED FORCES AS VETERANS.

Any person who is entitled under chapter 1223 of title 10, United States Code, to retired pay for nonregular service or, but for age, would be entitled under such chapter to retired pay for nonregular service shall be honored as a veteran but shall not be entitled to any benefit by reason of this section.

SA 4156. Mr. BOOZMAN submitted an amendment intended to be proposed by him to the bill S. 2943, to authorize appropriations for fiscal year 2017 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 1097. MEMORIAL TO HONOR MEMBERS OF THE ARMED FORCES THAT SERVED ON ACTIVE DUTY IN SUPPORT OF OPERATION DESERT STORM OR OPERATION DESERT SHIELD.

(a) FINDINGS.—Congress finds that—

(1) section 8908(b)(1) of title 40, United States Code, provides that the location of a commemorative work in Area I, as depicted on the map entitled ''Commemorative Areas Washington, DC and Environs'', numbered 869/86501 B, and dated June 24, 2003, shall be deemed to be authorized only if a recommendation for the location is approved by law not later than 150 calendar days after the date on which Congress is notified of the recommendation;

(2) section 3093 of the Carl Levin and Howard P. ''Buck'' McKeon National Defense Authorization Act for Fiscal Year 2015 (40 U.S.C. 8903 note; Public Law 113–291) authorized the National Desert Storm Memorial Association to establish a memorial on Federal land in the District of Columbia, to honor the members of the Armed Forces that served on active duty in support of Operation Desert Storm or Operation Desert Shield; and

(3) the Secretary of the Interior has notified Congress of the determination of the Secretary of the Interior that the memorial should be located in Area I.

(b) APPROVAL OF LOCATION.—The location of a commemorative work to commemorate and honor the members of the Armed Forces that served on active duty in support of Operation Desert Storm or Operation Desert Shield authorized by section 3093 of the Carl Levin and Howard P. ''Buck'' McKeon National Defense Authorization Act for Fiscal Year 2015 (40 U.S.C. 8903 note; Public Law 113–291), within Area I, as depicted on the map entitled ''Commemorative Areas Washington, DC and Environs'', numbered 869/86501 B, and dated June 24, 2003, is approved.

SA 4157. Mr. BOOZMAN submitted an amendment intended to be proposed by him to the bill S. 2943, to authorize appropriations for fiscal year 2017 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in title X, insert the following:

SEC. _____. RECOVERY OF CERTAIN IMPROPERLY WITHHELD SEVERANCE PAYMENTS.

(a) SHORT TITLE; FINDINGS.—

(1) SHORT TITLE.—This section may be cited as the ''Combat-Injured Veterans Tax Fairness Act of 2016''.

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

(A) Approximately 10,000 to 11,000 individuals are retired from service in the Armed Forces for medical reasons each year.

(B) Some of such individuals are separated from service in the Armed Forces for combat-related injuries (as defined in section 104(b)(3) of the Internal Revenue Code of 1986).

(C) Congress has recognized the tremendous personal sacrifice of veterans with combat-related injuries by, among other things, specifically excluding from taxable income severance pay received for combat-related injuries.

(D) Since 1991, the Secretary of Defense has improperly withheld taxes from severance pay for wounded veterans, thus denying them their due compensation and a significant benefit intended by Congress.

(E) Many veterans owed redress are beyond the statutory period to file an amended tax return because they were not or are not aware that taxes were improperly withheld.

(b) RESTORATION OF AMOUNTS IMPROPERLY WITHHELD FOR TAX PURPOSES FROM SEVERANCE PAYMENTS TO VETERANS WITH COMBAT-RELATED INJURIES.—

(1) IN GENERAL.—Not later than one year after the date of the enactment of this Act, the Secretary of Defense shall—

(A) identify—

(i) the severance payments—

(I) that the Secretary paid after January 17, 1991;

(II) that the Secretary computed under section 1212 of title 10, United States Code;

(III) that were excluded from gross income pursuant to section 104(a)(4) of the Internal Revenue Code of 1986; and

(IV) from which the Secretary withheld amounts for Federal income tax purposes; and

(ii) the individuals to whom such severance payments were made; and

(B) with respect to each person identified under subparagraph (A)(ii), provide—

(i) notice of—

(I) the amount of severance payments in subparagraph (A)(i) which were improperly withheld for tax purposes; and

(II) such other information determined to be necessary by the Secretary of Treasury to carry out the purposes of this section; and

(ii) instructions for filing amended tax returns to recover the amounts improperly withheld for tax purposes.

(2) EXTENSION OF LIMITATION ON TIME FOR CREDIT OR REFUND.—

(A) PERIOD FOR FILING CLAIM.—If a claim for credit or refund under section 6511(a) of the Internal Revenue Code of 1986 relates to a specified overpayment, the 3-year period of limitation prescribed by such subsection shall not expire before the date which is 1 year after the date the notice described in paragraph (1)(B) is provided. The allowable amount of credit or refund of a specified overpayment shall be determined without regard to the amount of tax paid within the period provided in section 6511(b)(2).

(B) SPECIFIED OVERPAYMENT.—For purposes of subparagraph (A), the term ''specified overpayment'' means an overpayment attributable to a severance payment described in paragraph (1)(A).

(c) REQUIREMENT THAT SECRETARY OF DEFENSE ENSURE AMOUNTS ARE NOT WITHHELD FOR TAX PURPOSES FROM SEVERANCE PAYMENTS NOT CONSIDERED GROSS INCOME.—The Secretary of Defense shall take such actions as may be necessary to ensure that amounts are not withheld for tax purposes from severance payments made by the Secretary to individuals when such payments are not considered gross income pursuant to section 104(a)(4) of the Internal Revenue Code of 1986.

(d) REPORT TO CONGRESS.—

(1) IN GENERAL.—After completing the identification required by subsection (b)(1) and not later than one year after the date of the enactment of this Act, the Secretary of Defense shall submit to the appropriate committees of Congress a report on the actions taken by the Secretary to carry out this section.

(2) CONTENTS.—The report submitted under paragraph (1) shall include the following:

(A) The number of individuals identified under subsection (b)(1)(A)(ii).

(B) Of all the severance payments described in subsection (b)(1)(A)(i), the aggregate amount that the Secretary withheld for tax purposes from such payments.

(C) A description of the actions the Secretary plans to take to carry out subsection (c).

(3) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this section, the term ''appropriate committees of Congress'' means—

(A) the Committee on Armed Services, the Committee on Veterans' Affairs, and the Committee on Finance of the Senate; and

(B) the Committee on Armed Services, the Committee on Veterans' Affairs, and the Committee on Ways and Means of the House of Representatives.

SA 4158. Mr. BOOZMAN submitted an amendment intended to be proposed by him to the bill S. 2943, to authorize appropriations for fiscal year 2017 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 565. PROHIBITION ON USE OF FUNDS TO DISESTABLISH SENIOR RESERVE OFFICERS' TRAINING CORPS PROGRAMS.

No amounts authorized to be appropriated by this Act may be used—

(1) to disestablish, or prepare to disestablish, a Senior Reserve Officers' Training Corps program in accordance with Department of Defense Instruction Number 1215.08, dated June 26, 2006; or

(2) to close, downgrade from host to extension center, or place on probation a Senior Reserve Officers' Training Corps program in accordance with the information paper of the Department of the Army titled ''Army Senior Reserve Officers Training Corps (SROTC) Program Review and Criteria'' and dated January 27, 2014, or any successor information paper or policy of the Department of the Army.

SA 4159. Mr. RUBIO submitted an amendment intended to be proposed by him to the bill S. 2943, to authorize appropriations for fiscal year 2017 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

On page 1032, after line 23, add the following:

(c) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) it should be the policy of the United States to support, within the framework of the Iraq Constitution, the Kurdish Peshmerga in Iraq, Iraq Security Forces, Sunni tribal forces, and other local security forces, including ethnic and religious minority groups such as Iraqi Christian militias, in the campaign against the Islamic State of Iraq and the Levant;

(2) recognizing the important role of the Kurdish Peshmerga in Iraq in the military campaign against the Islamic State of Iraq and the Levant in Iraq, the United States should provide arms, training, and appropriate equipment directly to the Kurdistan Regional Government;

(3) efforts should be made to ensure transparency and oversight mechanisms are in place for oversight of United States assistance under section 1236 of the Carl Levin and Howard P. ''Buck'' McKeon National Defense Authorization Act for Fiscal Year 2015 in order to combat waste, fraud, and abuse; and

(4) securing safe areas, including the Nineveh Plain, for purposes of resettling and reintegrating ethnic and religious minorities, including victims of genocide, into their homelands in Iraq is a critical component toward achieving a safe, secure, and sovereign Iraq.

SA 4160. Mr. RUBIO (for himself, Mr. INHOFE, and Mr. GARDNER) submitted an amendment intended to be proposed by him to the bill S. 2943, to authorize appropriations for fiscal year 2017 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 1247. UNITED STATES POLICY ON TAIWAN.

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

(1) For more than 50 years, the United States and Taiwan have had a unique and close relationship, which has supported the economic, cultural, and strategic advantage to both countries.

(2) The United States has vital security and strategic interests in the Taiwan Strait.

(3) The Taiwan Relations Act (Public Law 96–8; 22 U.S.C. 3301 et seq.) has been instrumental in maintaining peace, security, and stability in the Taiwan Strait since its enactment in 1979.

(4) The Taiwan Relations Act states that it is the policy of the United States to provide Taiwan with arms of a defensive character and to maintain the capacity of the United States to defend against any forms of coercion that would jeopardize the security, or the social or economic system, of the people on Taiwan.

(b) STATEMENT OF POLICY.—The Taiwan Relations Act (Public Law 96–8; 22 U.S.C. 3301 et seq.) forms the cornerstone of United States policy and relations with Taiwan.

(c) REPORTS.—

(1) PROVISION OF DEFENSIVE ARMS TO TAIWAN.—Not later than February 15, 2017, the Secretary of Defense and the Secretary of State shall jointly brief the appropriate committees of Congress on the steps the United States has taken, plans to take, and will take to provide Taiwan with arms of a defensive character, training, and software in accordance with the Taiwan Relations Act (Public Law 96–8; 22 U.S.C. 3301 et seq.).

(2) ANNUAL REPORT ON FOREIGN MILITARY SALES TO TAIWAN.—Section 36 of the Arms Export Control Act (22 U.S.C. 2776) is amended by adding at the end the following new subsection:

''(j) At the end of each fiscal year, the Secretary of Defense shall submit to the Committees on Armed Services and Foreign Relations of the Senate and the Committees on Armed Services and Foreign Affairs of the House of Representatives a classified report that lists each request received from Taiwan and each letter of offer to sell any defense articles or services under this Act to Taiwan during such fiscal year.''.

(3) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this subsection, the term ''appropriate committees of Congress'' means—

(A) the congressional defense committees; and

(B) the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives.

SA 4161. Mr. RUBIO (for himself and Mr. CRUZ) submitted an amendment intended to be proposed by him to the bill S. 2943, to authorize appropriations for fiscal year 2017 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

Strike section 1204 and insert the following:

SEC. 1204. PROHIBITION ON USE OF FUNDS FOR TRAVEL TO CUBA OR TO INVITE, ASSIST, OR OTHERWISE ASSURE THE PARTICIPATION OF CUBA IN CERTAIN JOINT OR MULTILATERAL EXERCISES.

(a) PROHIBITION.—No amounts authorized to be appropriated by this Act, or by any Act enacted before the date of the enactment of this Act, may be used for a purpose specified in subsection (b) until the Secretary of Defense, in coordination with the Director of National Intelligence, submits to Congress written assurances that—

(1) the Cuban military has ceased committing human rights abuses against civil rights activists and other citizens of Cuba;

(2) the Cuban military has ceased providing military intelligence, weapons training, strategic planning, and security logistics to the military and security forces of Venezuela;

(3) the Cuban military and other security forces in Cuba have ceased all persecution, intimidation, arrest, imprisonment, and assassination of dissidents and members of faith based organizations;

(4) the Government of Cuba no longer demands that the United States relinquish control of Guantanamo Bay, in violation of an international treaty; and

(5) the officials of the Cuban military that were indicted in the murder of United States citizens during the shootdown of planes operated by the Brothers to the Rescue humanitarian organization in 1996 are brought to justice.

(b) PURPOSES.—The purposes specified in this subsection are as follows:

(1) To station personnel or authorize temporary duty for personnel at the United States embassy in Cuba.

(2) To invite, assist, or otherwise assure the participation of the Government of Cuba in any joint or multilateral exercise or related security conference between the United States and Cuba.

(c) EXCEPTION.—The prohibition in subsection (a) shall not apply to any travel or joint or multilateral exercise or operation related to humanitarian assistance or disaster response.

SA 4162. Mr. RUBIO submitted an amendment intended to be proposed by him to the bill S. 2943, to authorize appropriations for fiscal year 2017 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 1227. LIMITATION ON USE OF FUNDS TO PROCURE, OR ENTER INTO ANY CONTRACT FOR THE PROCUREMENT OF, ANY GOODS OR SERVICES FROM PERSONS THAT PROVIDE MATERIAL SUPPORT TO CERTAIN IRANIAN PERSONS.

(a) LIMITATION.—No funds authorized to be appropriated for the Department of Defense for fiscal year 2017 may be used to procure, or enter into any contract for the procurement of, any goods or services from any person that provides material support to, including engaging in a significant transaction or transactions with, a covered Iranian person during such fiscal year.

(b) CERTIFICATION.—The Federal Acquisition Regulation shall be revised to require a certification from each person that is a prospective contractor that such person does not engage in any of the conduct described in subsection (a). Such revision shall apply with respect to contracts in an amount greater than the simplified acquisition threshold (as defined in section 134 of title 41, United States Code) for which solicitations are issued on or after the date that is 90 days after the date of the enactment of this Act.

(c) WAIVER.—The Secretary of Defense, in consultation with the Secretary of State and the Secretary of the Treasury, may, on a case-by-case basis, waive the limitation in subsection (a) with respect to a person if the Secretary of Defense, in consultation with the Secretary of State and the Secretary of the Treasury—

(1) determines that the waiver is important to the national security interest of the United States; and

(2) not less than 30 days before the date on which the waiver is to take effect, submits to the appropriate committees of Congress—

(A) a notification of, and detailed justification for, the waiver; and

(B) a certification that—

(i) the person to which the waiver is to apply is no longer engaging in an activity described in subsection (a) or has taken significant verifiable and credible steps toward stopping such an activity, including winding down contracts or other agreements that were in effect before the date of the enactment of this Act; and

(ii) the Secretary of Defense has received reliable assurances in writing that the person will not knowingly engage in an activity described in subsection (a) in the future.

(d) DEFINITIONS.—In this section:

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

(A) the Committee on Armed Services and the Committee on Foreign Relations of the Senate; and

(B) the Committee on Armed Services and the Committee on Foreign Affairs of the House of Representatives.

(2) COVERED IRANIAN PERSON.—The term ''covered Iranian person'' means an Iranian person that—

(A) is included on the list of specially designated nationals and blocked persons maintained by the Office of Foreign Assets Control of the Department of the Treasury and the property and interests in property of which are blocked pursuant to the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.) for acting on behalf of or at the direction of, or being owned or controlled by, the Government of Iran;

(B) is included on the list of persons identified as blocked solely pursuant to Executive Order 13599; or

(C) in the case of an Iranian person described in paragraph (3)(B)—

(i) is owned, directly or indirectly, by—

(I) Iran's Revolutionary Guard Corps, or any agent or affiliate thereof; or

(II) one or more other Iranian persons that are included on the list of specially designated nationals and blocked persons as described in subparagraph (A) if such Iranian persons collectively own a 25 percent or greater interest in the Iranian person; or

(ii) is controlled, managed, or directed, directly or indirectly, by Iran's Revolutionary Guard Corps, or any agent or affiliate thereof, or by one or more other Iranian persons described in clause (i)(II).

(3) IRANIAN PERSON.—The term ''Iranian person'' means—

(A) an individual who is a national of Iran; or

(B) an entity that is organized under the laws of Iran or otherwise subject to the jurisdiction of the Government of Iran.

(4) PERSON.—The term ''person'' means has the meaning given such term in section 560.305 of title 31, Code of Federal Regulation, as such section 560.305 was in effect on April 22, 2016.

(5) SIGNIFICANT TRANSACTION OR TRANSACTIONS.—The term ''significant transaction or transactions'' shall be determined, for purposes of this section, in accordance with section 561.404 of title 31, Code of Federal Regulations, as such section 561.404 was in effect on January 1, 2016.

SA 4163. Mr. RUBIO (for himself, Mr. INHOFE, and Mr. GARDNER) submitted an amendment intended to be proposed by him to the bill S. 2943, to authorize appropriations for fiscal year 2017 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

After section 1243, insert the following:

SEC. 1243A. GRANT OF OBSERVER STATUS TO THE MILITARY FORCES OF TAIWAN AT RIM OF THE PACIFIC EXERCISES.

(a) IN GENERAL.—The Secretary of Defense shall grant observer status to the military forces of Taiwan in any maritime exercise known as the Rim of the Pacific Exercise.

(b) EFFECTIVE DATE.—This section takes effect on the date of the enactment of this Act, and applies with respect to any maritime exercise described in subsection (a) that begins on or after such date.

SA 4164. Mr. RUBIO (for himself, Mr. COONS, and Mr. KIRK) submitted an amendment intended to be proposed by him to the bill S. 2943, to authorize appropriations for fiscal year 2017 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 1227. REPORT ON USE BY THE GOVERNMENT OF IRAN OF COMMERCIAL AIRCRAFT AND RELATED SERVICES FOR ILLICIT MILITARY OR OTHER ACTIVITIES.

(a) REPORT.—Not later than 180 days after the date of the enactment of this Act, and every 180 days thereafter, the President, in consultation with the Secretary of Defense and the Secretary of State, shall submit to the congressional defense committees and the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives a report on the use by the Government of Iran of

commercial aircraft and related services for illicit military or other activities during the 5-year period ending of such date of enactment.

(b) ELEMENTS OF REPORT.—The report required under subsection (a) shall include—

(1) a description of the extent to which the Government of Iran has used commercial aircraft or related services to transport illicit cargo to or from Iran, including military goods, weapons, military personnel, military-related electronic parts and mechanical equipment, and rocket or missile components;

(2) a list of airports outside of Iran at which such aircraft have landed;

(3) a description of the extent to which the commercial aviation sector of Iran has provided financial, material, and technological support to the Islamic Revolutionary Guard Corps or any of its agents or affiliates, including Mahan Air;

(4) a description of the extent to which foreign governments and persons have facilitated the activities described in paragraph (1), including allowing the use of airports, services, or other resources; and

(5) a description of the efforts of the President to address the activities described in paragraphs (1), (3), and (4).

SA 4165. Mr. RUBIO (for himself, Mr. KIRK, Ms. AYOTTE, Mr. ROBERTS, Mr. TOOMEY, and Mrs. CAPITO) submitted an amendment intended to be proposed by him to the bill S. 2943, to authorize appropriations for fiscal year 2017 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 1227. CLARIFICATION THAT FREEZING OF ASSETS OF IRANIAN FINANCIAL INSTITUTIONS INCLUDES ASSETS IN POSSESSION OR CONTROL OF A UNITED STATES PERSON PURSUANT TO A U-TURN TRANSACTION.

Section 1245(c) of the National Defense Authorization Act for Fiscal Year 2012 (22 U.S.C. 8513a) is amended—

(1) by striking ''The President'' and inserting ''(1) IN GENERAL.—The President''; and

(2) by adding at the end the following:

''(2) TREATMENT OF CERTAIN TRANSACTIONS.—

''(A) U-TURN TRANSACTIONS.—Property that comes within the possession or control of a United States person pursuant to a transfer of funds that arises from, and is ordinarily incident and necessary to give effect to, an underlying transaction shall be considered to come within the possession or control of that person for purposes of paragraph (1).

''(B) BOOK TRANSFERS.—A transfer of funds or other property for the benefit of an Iranian financial institution that is made between accounts of the same financial institution shall be considered property or interests in property of that Iranian financial institution for purposes of paragraph (1) even if that Iranian financial institution is not the direct recipient of the transfer.''.

SA 4166. Mr. COATS submitted an amendment intended to be proposed by him to the bill S. 2943, to authorize appropriations for fiscal year 2017 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in title XII, insert the following:

SEC. ____. SENSE OF CONGRESS ON MILITARY RELATIONS BETWEEN THE UNITED STATES AND TAIWAN.

It is the sense of Congress that the Government of the People's Republic of China should not dictate military relations between the United States and the Republic of China.

SA 4167. Mr. COATS submitted an amendment intended to be proposed by him to the bill S. 2943, to authorize appropriations for fiscal year 2017 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. ____. AUTHORITY FOR MILITARY PERSONNEL OF TAIWAN TO WEAR MILITARY UNIFORMS OF TAIWAN WHILE IN THE UNITED STATES.

Members of the military forces of Taiwan who are wearing an authorized uniform of such military forces in accordance with applicable authorities of Taiwan are hereby authorized to wear such uniforms while in the United States.

SA 4168. Mr. COATS submitted an amendment intended to be proposed by him to the bill S. 2943, to authorize appropriations for fiscal year 2017 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 1085. REPORTS ON FORCE STRUCTURES REQUIRED BY THE NAVY AND THE AIR FORCE IN F–16 AND F–18 FIGHTER AIRCRAFT TO MAINTAIN WORLDWIDE AIR DOMINANCE AND AIR CONTROL.

(a) IN GENERAL.—Not later than September 30, 2017, the Secretary of the Navy and the Secretary of the Air Force shall each submit to the congressional defense committees a report setting forth an assessment of the force structure in F–16 and F–18 fighter aircraft required by the Navy and the Air Force, respectively, in order to maintain worldwide air dominance and air control.

(b) INDEPENDENT ASSESSMENTS.—The Secretary of the Navy and the Secretary of the Air Force shall each obtain the assessment required for purposes of a report under subsection (a) from a not-for profit entity independent of the Department of Defense that is appropriate for the conduct of the assessment. The same entity may conduct both assessments.

SA 4169. Mr. COATS submitted an amendment intended to be proposed by him to the bill S. 2943, to authorize appropriations for fiscal year 2017 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle H of title V, add the following:

SEC. ____. REPORT ON DISCHARGE BY WARRANT OFFICERS OF PILOT AND OTHER FLIGHT OFFICER POSITIONS IN THE NAVY, MARINE, CORPS, AND AIR FORCE CURRENTLY DISCHARGED BY COMMISSIONED OFFICERS.

(a) REPORT REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Secretary of the Navy and the Secretary of the Air Force shall each submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the feasibility and advisability of the discharge by warrant officers of pilot and other flight officer positions in the Armed Forces under the jurisdiction of such Secretary that are currently discharged by commissioned officers.

(b) ELEMENTS.—Each report under subsection (a) shall set forth, for each Armed Force covered by such report, the following:

(1) An assessment of the feasibility and advisability of the discharge by warrant officers of pilot and other flight officer positions that are currently discharged by commissioned officers.

(2) An identification of each such position, if any, for which the discharge by warrant officers is assessed to be feasible and advisable.

SA 4170. Mr. COATS submitted an amendment intended to be proposed by him to the bill S. 2943, to authorize appropriations for fiscal year 2017 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. ____. AUTHORITY FOR VESSELS OF THE TAIWAN NAVY AND COAST GUARD ADMINISTRATION TO CALL ON UNITED STATES PORTS AND INSTALLATIONS OF THE UNITED STATES NAVY AND THE COAST GUARD.

Vessels of the Taiwan Navy and the Taiwan Coast Guard Administration are hereby authorized to call on United States ports and on installations of the United States Navy and the United States Coast Guard.

SA 4171. Mr. PERDUE (for himself and Mr. JOHNSON) submitted an amendment intended to be proposed by him to the bill S. 2943, to authorize appropriations for fiscal year 2017 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 1236. SENSE OF CONGRESS ON RUSSIAN MILITARY AGGRESSION.

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

(1) On May 25, 1972, the United States and the Soviet Union signed the Agreement Between the Government of The United States of America and the Government of The Union of Soviet Socialist Republics on the Prevention of Incidents On and Over the

High Seas (the ''Agreement''). Russia and the United States remain parties to the Agreement.

(2) Article IV of the Agreement provides that ''Commanders of aircraft of the Parties shall use the greatest caution and prudence in approaching aircraft and ships of the other Party operating on and over the high seas, and . . . shall not permit simulated attacks by the simulated use of weapons against aircraft and ships, or performance of various aerobatics over ships''.

(3) On January 25, 2016, a Russian Su–27 air-superiority fighter flew within 15 feet of a United States Air Force RC–135U aircraft flying a routine patrol in international airspace over the Black Sea.

(4) On April 11, 2016, the USS DONALD COOK, an Arleigh-Burke-class guided-missile destroyer, was repeatedly buzzed by Russian Su-24 attack aircraft while operating in the Baltic Sea. United States officials described the low-passes as having a ''simulated attack profile''.

(5) On April 12, 2014, a Russian Su–24 again conducted close-range low altitude passes for about 90 minutes near the DONALD COOK.

(6) The United States European Command expressed ''deep concerns'' about the April 11 and 12, 2016, Russian close-range passes over the DONALD COOK and stated that the maneuvers were ''unprofessional and unsafe''.

(7) On April 14, 2016, a Russian Su–27 barrel-rolled over a United States reconnaissance aircraft operating in international airspace over the Baltic Sea, at one point coming within 50 feet of the United States plane. The Pentagon condemned the maneuver as ''erratic and aggressive''.

(8) On April 20, 2016, Russian Permanent Representative to the North Atlantic Treaty Organization (NATO) Alexander Grushko accused United States military aircraft and vessels operating in international waters as attempting ''to exercise military pressure on Russia'' and promised to ''take all necessary measures [and] precautions, to compensate for these attempts to use military force''.

(9) On April 29, 2016, another Russian Su–27 performed another barrel-roll over a United States Air Force RC–135 reconnaissance plane, this time coming within approximately 100 feet of the aircraft.

(10) The commander of the United States Cyber Command, Admiral Mike Rogers, warned Congress during a Senate hearing that Russia and China can now launch crippling cyberattacks on the electric grid and other critical infrastructures of the United States.

(11) Russia's military build-up and increasing Anti-Access/Area Denial capabilities in Kaliningrad and its expanded operations in the Black Sea, the eastern Mediterranean Sea, and in Syria aim to deny United States access to key areas of Eurasia and often pose direct challenges to stated United States interests.

(12) The United States has determined that in 2015, Russia continued to be in violation of obligations under the Treaty between the United States of America and the Union of Soviet Socialist Republics on the Elimination of their Intermediate-Range and Shorter-Range Missiles (the ''INF Treaty''), signed in Washington, D.C. on December 8, 1987, and entered into force June 1, 1988, not to possess, produce, or flight-test a ground-launched cruise missile with a range capability of 500 km to 5,500 km, or to possess or produce launchers of such missiles.

(13) Russia is adding multiple, independently targetable reentry vehicles or MIRVs to existing deployed road-mobile SS–27 and submarine-launched SS–N–32 missiles thereby doubling the number of its strategic nuclear warheads and exceeding the 1,550 permitted under the Treaty between the United States of America and the Russian Federation on Measures for the Further Reduction and Limitation of Strategic Offensive Arms (the ''New START Treaty''), signed April 8, 2010, and entered into force February 5, 2011

(14) General Philip Breedlove, Commander of United States European Command, stated that ''we face a resurgent and aggressive Russia, and as we have continued to witness these last two years, Russia continues to seek to extend its influence on its periphery and beyond''.

(b) SENSE OF CONGRESS.—Congress—

(1) condemns the recent dangerous and unprofessional Russian intercepts of United States-flagged aircraft and vessels;

(2) calls on the Government of the Russian Federation to cease provocative military maneuvers that endanger United States forces and those of its allies;

(3) calls on the United States, its European allies, and the international community to continue to apply pressure on the Government of the Russian Federation to cease its provocative international behavior; and

(4) reaffirms the right of the United States to operate military aircraft and vessels in international airspace and waters.

SA 4172. Mr. KIRK (for himself, Mr. MANCHIN, Mr. ROBERTS, Mr. MENENDEZ, Ms. MURKOWSKI, Mr. CARDIN, Mr. RUBIO, Mr. VITTER, Mr. TILLIS, Mr. CRUZ, Mr. PORTMAN, Ms. AYOTTE, Mr. HATCH, and Mr. NELSON) submitted an amendment intended to be proposed by him to the bill S. 2943, to authorize appropriations for fiscal year 2017 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title XII, add the following:

Subtitle I—Matters Relating to Israel

SEC. 1281. SHORT TITLE.

This subtitle may be cited as the ''Combating BDS Act of 2016''.

SEC. 1282. AUTHORITY OF STATE AND LOCAL GOVERNMENTS TO DIVEST FROM ENTITIES THAT ENGAGE IN CERTAIN BOYCOTT, DIVESTMENT, OR SANCTIONS ACTIVITIES TARGETING ISRAEL.

(a) AUTHORITY TO DIVEST.—Notwithstanding any other provision of law, a State or local government may adopt and enforce measures that meet the notice requirement of subsection (b) to divest the assets of the State or local government from, or prohibit investment of the assets of the State or local government in—

(1) an entity that the State or local government determines, using credible information available to the public, engages in a commerce-related or investment-related boycott, divestment, or sanctions activity targeting Israel;

(2) a successor entity or subunit of an entity described in paragraph (1); or

(3) an entity that owns or controls, is owned or controlled by, or is under common ownership or control with, an entity described in paragraph (1).

(b) NOTICE REQUIREMENT.—

(1) IN GENERAL.—A State or local government shall provide written notice to each entity to which a measure taken by the State or local government under subsection (a) is to be applied before applying the measure with respect to the entity.

(2) RULE OF CONSTRUCTION.—Paragraph (1) shall not be construed to prohibit a State or local government from taking additional steps to provide due process with respect to an entity to which a measure is to be applied under subsection (a).

(c) NONPREEMPTION.—A measure of a State or local government authorized under subsection (a) is not preempted by any Federal law.

(d) EFFECTIVE DATE.—This section applies to any measure adopted by a State or local government before, on, or after the date of the enactment of this Act.

(e) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to abridge the authority of a State to issue and enforce rules governing the safety, soundness, and solvency of a financial institution subject to its jurisdiction or the business of insurance pursuant to the Act of March 9, 1945 (59 Stat. 33, chapter 20; 15 U.S.C. 1011 et seq.) (commonly known as the ''McCarran-Ferguson Act'').

(f) DEFINITIONS.—In this section:

(1) ASSETS.—

(A) IN GENERAL.—Except as provided in subparagraph (B), the term ''assets'' means any pension, retirement, annuity, or endowment fund, or similar instrument, that is controlled by a State or local government.

(B) EXCEPTION.—The term ''assets'' does not include employee benefit plans covered by title I of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1001 et seq.).

(2) BOYCOTT, DIVESTMENT, OR SANCTIONS ACTIVITY TARGETING ISRAEL.—The term ''boycott, divestment, or sanctions activity targeting Israel'' means any activity that is intended to penalize, inflict economic harm on, or otherwise limit commercial relations with Israel or persons doing business in Israel or in Israeli-controlled territories for purposes of coercing political action by, or imposing policy positions on, the Government of Israel.

(3) ENTITY.—The term ''entity'' includes—

(A) any corporation, company, business association, partnership, or trust; and

(B) any governmental entity or instrumentality of a government, including a multilateral development institution (as defined in section 1701(c)(3) of the International Financial Institutions Act (22 U.S.C. 262r(c)(3))).

(4) INVESTMENT.—The term ''investment'' includes—

(A) a commitment or contribution of funds or property;

(B) a loan or other extension of credit; and

(C) the entry into or renewal of a contract for goods or services.

(5) STATE.—The term ''State'' means each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, the Commonwealth of the Northern Mariana Islands, American Samoa, Guam, the United States Virgin Islands, and any other territory or possession of the United States.

(6) STATE OR LOCAL GOVERNMENT.—The term ''State or local government'' includes—

(A) any State and any agency or instrumentality thereof;

(B) any local government within a State and any agency or instrumentality thereof; and

(C) any other governmental instrumentality of a State or locality.

SEC. 1283. SAFE HARBOR FOR CHANGES OF INVESTMENT POLICIES BY ASSET MANAGERS.

Section 13(c)(1) of the Investment Company Act of 1940 (15 U.S.C. 80a–13(c)(1)) is amended—

(1) in subparagraph (A), by striking ''; or'' and inserting a semicolon;

(2) in subparagraph (B), by striking the period at the end and inserting ''; or''; and

(3) by adding at the end the following:

''(C) engage in any boycott, divestment, or sanctions activity targeting Israel described

in section 1282 of the Combating BDS Act of 2016.''.

SA 4173. Mr. REID submitted an amendment intended to be proposed by him to the bill S. 2943, to authorize appropriations for fiscal year 2017 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of part II of subtitle D of title V, add the following:

SEC. _____. STANDARDIZATION OF AMOUNTS RECEIVABLE BY DISABILITY RETIREES WITH LESS THAN 20 YEARS OF SERVICE UNDER COMBAT-RELATED SPECIAL COMPENSATION AND CONCURRENT RECEIPT OF RETIRED PAY AND VETERANS' DISABILITY COMPENSATION.

(a) STANDARDIZATION OF SIMILAR PROVISIONS.—Paragraph (2) of section 1414(b) of title 10, United States Code, is amended to read as follows:

''(2) SPECIAL RULE FOR RETIREES WITH FEWER THAN 20 YEARS OF SERVICE.—The retired pay of a qualified retiree who is retired under chapter 61 of this title with fewer than 20 years of creditable service is subject to reduction by the lesser of—

''(A) the amount of the reduction under sections 5304 and 5305 of title 38; or

''(B) the amount (if any) by which the amount of the member's retired pay under such chapter exceeds the amount equal to 2½ percent of the member's years of creditable service multiplied by the member's retired pay base under section 1406(b)(1) or 1407 of this title, whichever is applicable to the member.''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on July 1, 2017, and shall apply to payments for months beginning on or after that date.

SA 4174. Mr. REID submitted an amendment intended to be proposed by him to the bill S. 2943, to authorize appropriations for fiscal year 2017 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of part II subtitle D of title V, add the following:

SEC. _____. ELIGIBILITY FOR PAYMENT OF BOTH RETIRED PAY AND VETERANS' DISABILITY COMPENSATION FOR MILITARY RETIREES WITH SERVICE-CONNECTED DISABILITIES RATED 40 PERCENT DISABLING.

(a) IN GENERAL.—Subsection (a)(2) of section 1414 of title 10, United States Code, is amended by striking ''means'' and all that follows and inserting ''means the following:

''(A) During the period beginning on January 1, 2004, and ending on June 30, 2017, a service-connected disability or combination of service-connected disabilities that is rated as not less than 50 percent disabling by the Secretary of Veterans Affairs.

''(B) After June 30, 2017, a service-connected disability or combination of service-connected disabilities that is rated as not less than 40 percent disabling by the Secretary of Veterans Affairs.''.

(b) CLERICAL AMENDMENTS.—

(1) The heading of such section is amended to read as follows:

''§ 1414. Members eligible for retired pay who are also eligible for veterans' disability compensation rated 40 percent or higher: concurrent payment of retired pay and disability compensation''.

(2) The item relating to such section in the table of sections at the beginning of chapter 71 of such title is amended to read as follows:

''1414. Members eligible for retired pay who are also eligible for veterans' disability compensation rated 40 percent or higher: concurrent payment of retired pay and disability compensation.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on July 1, 2017, and shall apply to payments for months beginning on or after that date.

SEC. _____. COORDINATION OF SERVICE ELIGIBILITY FOR COMBAT-RELATED SPECIAL COMPENSATION AND CONCURRENT RECEIPT.

(a) AMENDMENT TO STANDARDIZE SIMILAR PROVISIONS.—Paragraph (2) of section 1414(b) of title 10, United States Code, is amended to read as follows:

''(2) SPECIAL RULE FOR RETIREES WITH FEWER THAN 20 YEARS OF SERVICE.—The retired pay of a qualified retiree who is retired under chapter 61 of this title with fewer than 20 years of creditable service is subject to reduction by the lesser of—

''(A) the amount of the reduction under sections 5304 and 5305 of title 38; or

''(B) the amount (if any) by which the amount of the member's retired pay under such chapter exceeds the amount equal to 2½ percent of the member's years of creditable service multiplied by the member's retired pay base under section 1406(b)(1) or 1407 of this title, whichever is applicable to the member.''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on July 1, 2017, and shall apply to payments for months beginning on or after that date.

SA 4175. Mr. REID submitted an amendment intended to be proposed by him to the bill S. 2943, to authorize appropriations for fiscal year 2017 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of part II of subtitle D of title V, add the following:

SEC. _____. ELIGIBILITY FOR PAYMENT OF BOTH RETIRED PAY AND VETERANS' DISABILITY COMPENSATION FOR CERTAIN MILITARY RETIREES WITH COMPENSABLE SERVICE-CONNECTED DISABILITIES.

(a) EXTENSION OF CONCURRENT RECEIPT AUTHORITY TO RETIREES WITH SERVICE-CONNECTED DISABILITIES RATED LESS THAN 50 PERCENT.—Subsection (a) of section 1414 of title 10, United States Code, is amended by striking paragraph (2).

(b) CLERICAL AMENDMENTS.—

(1) The heading of such section is amended to read as follows:

''§ 1414. Members eligible for retired pay who are also eligible for veterans' disability compensation: concurrent payment of retired pay and disability compensation''.

(2) The item relating to such section in the table of sections at the beginning of chapter 71 of such title is amended to read as follows:

''1414. Members eligible for retired pay who are also eligible for veterans' disability compensation: concurrent payment of retired pay and disability compensation.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on July 1, 2017, and shall apply to payments for months beginning on or after that date.

SEC. _____. COORDINATION OF SERVICE ELIGIBILITY FOR COMBAT-RELATED SPECIAL COMPENSATION AND CONCURRENT RECEIPT.

(a) AMENDMENTS TO STANDARDIZE SIMILAR PROVISIONS.—

(1) QUALIFIED RETIREES.—Subsection (a) of section 1414 of title 10, United States Code, is amended—

(A) by striking ''a member or'' and all that follows through ''retiree')'' and inserting ''a qualified retiree''; and

(B) by adding at the end the following new paragraph:

''(2) QUALIFIED RETIREES.—For purposes of this section, a qualified retiree, with respect to any month, is a member or former member of the uniformed services who—

''(A) is entitled to retired pay (other than by reason of section 12731b of this title); and

''(B) is also entitled for that month to veterans' disability compensation.''.

(2) DISABILITY RETIREES.—Paragraph (2) of subsection (b) of section 1414 of such title is amended to read as follows:

''(2) SPECIAL RULE FOR RETIREES WITH FEWER THAN 20 YEARS OF SERVICE.—The retired pay of a qualified retiree who is retired under chapter 61 of this title with fewer than 20 years of creditable service is subject to reduction by the lesser of—

''(A) the amount of the reduction under sections 5304 and 5305 of title 38; or

''(B) the amount (if any) by which the amount of the member's retired pay under such chapter exceeds the amount equal to 2½ percent of the member's years of creditable service multiplied by the member's retired pay base under section 1406(b)(1) or 1407 of this title, whichever is applicable to the member.''.

(b) EFFECTIVE DATE.—The amendments made by this section shall take effect on July 1, 2017, and shall apply to payments for months beginning on or after that date.

SA 4176. Mr. REID submitted an amendment intended to be proposed by him to the bill S. 2943, to authorize appropriations for fiscal year 2017 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of part II of subtitle D of title VI, add the following:

SEC. _____. ELIGIBILITY FOR PAYMENT OF BOTH RETIRED PAY AND VETERANS' DISABILITY COMPENSATION FOR MILITARY RETIREES WITH COMPENSABLE SERVICE-CONNECTED DISABILITIES.

(a) RESTATEMENT OF CURRENT CONCURRENT PAYMENT AUTHORITY WITH EXTENSION OF PAYMENT AUTHORITY TO RETIREES WITH COMPENSABLE SERVICE-CONNECTED DISABILITIES RATED LESS THAN 50 PERCENT DISABLING.—Subsection (a) of section 1414 of title 10, United States Code, is amended by striking paragraphs (1) and (2) and inserting the following new paragraphs:

''(1) IN GENERAL.—Subject to paragraphs (2), (3), and (4) and subsection (b), a member or former member of the uniformed services who is entitled for any month to retired pay and who is also entitled for that month to veterans' disability compensation for a service-connected disability or combination of service-connected disabilities that is compensable under the laws administered by the

Secretary of Veterans Affairs (hereinafter in this section referred to as 'qualified retiree') is entitled to be paid both for that month without regard to sections 5304 and 5305 of title 38.

''(2) ONE-YEAR PHASE-IN FOR QUALIFIED RETIREES WITH TOTAL DISABILITIES.—During the period beginning on January 1, 2004, and ending on December 31, 2004, payment of retired pay to a qualified retiree is subject to subsection (c) if the qualified retiree is any of the following:

''(A) A qualified retiree receiving veterans' disability compensation for a disability rated as 100 percent disabling by the Secretary of Veterans Affairs.

''(B) A qualified retiree receiving veterans' disability compensation at the rate payable for a disability rated as 100 percent disabling by reason of a determination of individual unemployability.

''(3) 10-YEAR PHASE-IN FOR QUALIFIED RETIREES WITH DISABILITIES RATED 50 PERCENT DISABLING OR HIGHER.—During the period beginning on January 1, 2004, and ending on December 31, 2013, payment of retired pay to a qualified retiree is subject to subsection (c) if the qualified retiree is entitled to veterans' disability compensation for a service-connected disability or combination of service-connected disabilities that is rated not less than 50 percent disabling by the Secretary of Veterans Affairs.

''(4) 10-YEAR PHASE-IN FOR QUALIFIED RETIREES WITH COMPENSABLE DISABILITIES RATED LESS THAN 50 PERCENT DISABLING.—During the period beginning on January 1, 2017, and ending on December 31, 2026, payment of retired pay to a qualified retiree is subject to subsection (d) if the qualified retiree is entitled to veterans' disability compensation for a service-connected disability or combination of service-connected disabilities that is rated less than 50 percent disabling by the Secretary of Veterans Affairs but is compensable under the laws administered by the Secretary of Veterans Affairs.''.

(b) PHASE-IN FOR QUALIFIED RETIREES WITH COMPENSABLE DISABILITIES RATED LESS THAN 50 PERCENT DISABLING.—Such section is further amended—

(1) by redesignating subsections (d) and (e) as subsections (e) and (f), respectively; and

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

''(d) PHASE-IN OF FULL CONCURRENT RECEIPT FOR QUALIFIED RETIREES WITH COMPENSABLE DISABILITIES RATED LESS THAN 50 PERCENT DISABLING.—During the period beginning on January 1, 2017, and ending on December 31, 2026, retired pay payable to a qualified retiree that pursuant to subsection (a)(4) is subject to this subsection shall be determined as follows:

''(1) CALENDAR YEAR 2017.—For a month during 2017, the amount of retired pay payable to a qualified retiree is the amount (if any) of retired pay in excess of the current baseline offset, plus $100.

''(2) CALENDAR YEAR 2018.—For a month during 2018, the amount of retired pay payable to a qualified retiree is the sum of—

''(A) the amount specified in paragraph (1) for that qualified retiree; and

''(B) 10 percent of the difference between (i) the current baseline offset, and (ii) the amount specified in paragraph (1) for that member's disability.

''(3) CALENDAR YEAR 2019.—For a month during 2019, the amount of retired pay payable to a qualified retiree is the sum of—

''(A) the amount determined under paragraph (2) for that qualified retiree; and

''(B) 20 percent of the difference between (i) the current baseline offset, and (ii) the amount determined under paragraph (2) for that qualified retiree.

''(4) CALENDAR YEAR 2020.—For a month during 2020, the amount of retired pay payable to a qualified retiree is the sum of—

''(A) the amount determined under paragraph (3) for that qualified retiree; and

''(B) 30 percent of the difference between (i) the current baseline offset, and (ii) the amount determined under paragraph (3) for that qualified retiree.

''(5) CALENDAR YEAR 2021.—For a month during 2021, the amount of retired pay payable to a qualified retiree is the sum of—

''(A) the amount determined under paragraph (4) for that qualified retiree; and

''(B) 40 percent of the difference between (i) the current baseline offset, and (ii) the amount determined under paragraph (4) for that qualified retiree.

''(6) CALENDAR YEAR 2022.—For a month during 2022, the amount of retired pay payable to a qualified retiree is the sum of—

''(A) the amount determined under paragraph (5) for that qualified retiree; and

''(B) 50 percent of the difference between (i) the current baseline offset, and (ii) the amount determined under paragraph (5) for that qualified retiree.

''(7) CALENDAR YEAR 2023.—For a month during 2023, the amount of retired pay payable to a qualified retiree is the sum of—

''(A) the amount determined under paragraph (6) for that qualified retiree; and

''(B) 60 percent of the difference between (i) the current baseline offset, and (ii) the amount determined under paragraph (6) for that qualified retiree.

''(8) CALENDAR YEAR 2024.—For a month during 2024, the amount of retired pay payable to a qualified retiree is the sum of—

''(A) the amount determined under paragraph (7) for that qualified retiree; and

''(B) 70 percent of the difference between (i) the current baseline offset, and (ii) the amount determined under paragraph (7) for that qualified retiree.

''(9) CALENDAR YEAR 2025.—For a month during 2025, the amount of retired pay payable to a qualified retiree is the sum of—

''(A) the amount determined under paragraph (8) for that qualified retiree; and

''(B) 80 percent of the difference between (i) the current baseline offset, and (ii) the amount determined under paragraph (8) for that qualified retiree.

''(10) CALENDAR YEAR 2026.—For a month during 2026, the amount of retired pay payable to a qualified retiree is the sum of—

''(A) the amount determined under paragraph (9) for that qualified retiree; and

''(B) 90 percent of the difference between (i) the current baseline offset, and (ii) the amount determined under paragraph (9) for that qualified retiree.

''(11) GENERAL LIMITATION.—Retired pay determined under this subsection for a qualified retiree, if greater than the amount of retired pay otherwise applicable to that qualified retiree, shall be reduced to the amount of retired pay otherwise applicable to that qualified retiree.''.

(c) CONFORMING AMENDMENTS TO PHASE-IN FOR QUALIFIED RETIREES WITH DISABILITIES RATED 50 PERCENT DISABLING OR HIGHER.—Subsection (c) of such section is amended—

(1) in the subsection caption, by inserting ''FOR QUALIFIED RETIREES WITH DISABILITIES RATED 50 PERCENT DISABLING OR HIGHER'' after ''FULL CONCURRENT RECEIPT''; and

(2) by striking ''the second sentence of subsection (a)(1)'' and inserting ''subsection (a)(3)''.

(d) CLERICAL AMENDMENTS.—

(1) The heading of such section is amended to read as follows:

''§ 1414. Members eligible for retired pay who are also eligible for veterans' disability compensation: concurrent payment of retired pay and disability compensation''.

(2) The item relating to such section in the table of sections at the beginning of chapter 71 of such title is amended to read as follows:

''1414. Members eligible for retired pay who are also eligible for veterans' disability compensation: concurrent payment of retired pay and disability compensation.''.

(e) EFFECTIVE DATE.—The amendments made by this section shall take effect on December 31, 2016, and shall apply to payments for months beginning on or after that date.

SEC. _____. COORDINATION OF SERVICE ELIGIBILITY FOR COMBAT-RELATED SPECIAL COMPENSATION AND CONCURRENT RECEIPT.

(a) AMENDMENT TO STANDARDIZE SIMILAR PROVISIONS.—Paragraph (2) of section 1414(b) of title 10, United States Code, is amended to read as follows:

''(2) SPECIAL RULE FOR RETIREES WITH FEWER THAN 20 YEARS OF SERVICE.—The retired pay of a qualified retiree who is retired under chapter 61 of this title with fewer than 20 years of creditable service is subject to reduction by the lesser of—

''(A) the amount of the reduction under sections 5304 and 5305 of title 38; or

''(B) the amount (if any) by which the amount of the member's retired pay under such chapter exceeds the amount equal to 2½ percent of the member's years of creditable service multiplied by the member's retired pay base under section 1406(b)(1) or 1407 of this title, whichever is applicable to the member.''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on July 1, 2017, and shall apply to payments for months beginning on or after that date.

SA 4177. Mr. SCHUMER submitted an amendment intended to be proposed by him to the bill S. 2943, to authorize appropriations for fiscal year 2017 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 2615. REPORT ON REPLACEMENT OF SECURITY FORCES AND COMMUNICATIONS TRAINING FACILITY AT FRANCES S. GABRESKI AIR NATIONAL GUARD BASE, NEW YORK.

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

(1) The 106th Rescue Wing at Francis S. Gabreski Air National Guard Base, New York, provides combat search and rescue coverage for United States and allied forces.

(2) The mission of 106th Rescue Wing is to provide worldwide Personnel Recovery, Combat Search and Rescue Capability, Expeditionary Combat Support, and Civil Search and Rescue Support to Federal and State entities.

(3) The current security forces and communications facility at Frances S. Gabreski Air National Guard Base, specifically building 250, has fire safety deficiencies and does not comply with anti-terrorism/force protection standards, creating hazardous conditions for members of the Armed Forces and requiring expeditious abatement.

(b) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Secretary of the Air Force shall submit to

the congressional defense committees a report setting forth an assessment of the need to replace the security forces and communications training facility at Frances S. Gabreski Air National Guard Base.

SA 4178. Mr. SCHUMER submitted an amendment intended to be proposed by him to the bill S. 2943, to authorize appropriations for fiscal year 2017 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 590. INCLUSION ON THE VIETNAM VETERANS MEMORIAL WALL OF THE NAMES OF THE 74 MEMBERS OF THE CREW OF THE U.S.S. FRANK E. EVANS WHO PERISHED ON JUNE 3, 1969.

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

(1) On June 3, 1969, 74 sailors aboard the U.S.S. Frank E. Evans perished when their vessel was struck in the South China Sea during a Southeast Asia Treaty Organization exercise. The U.S.S. Frank E. Evans had been providing fire for combat operations in Vietnam prior to the exercise that resulted in this catastrophic accident and was scheduled to return upon completion of the exercise.

(2) The families of the lost 74 have been fighting for decades for their loved ones to receive the recognition they deserve. Exceptions have been granted to inscribe names on the Vietnam Memorial Wall for other members of the Armed Forces who were killed outside of the designated combat zone, including in 1983 when President Reagan ordered that 68 Marines who died on a flight outside of the combat zone be added to the Wall. Secretary of the Navy Ray Mabus also expressed support for the inclusion of the 74 names of those lost on the U.S.S. Frank E. Evans in June 1969.

(3) Those crewmembers aboard were essential to United States military efforts in Vietnam, and their presence in the South China Sea was directly related to their combat deployment. This heroism and sacrifice should not go unrecognized because of an arbitrary line on a map, as their combat-related service deserves comparable acknowledgment. The Vietnam Veterans Memorial Wall is a symbolic beacon of reflection and healing for generations. It is a sanctuary of honor for our members of the Armed Forces and family alike.

(b) REPORT.—Not later than 120 days after the date of the enactment of this Act, the Secretary of Defense shall provide the Required Review of Vietnam Era Ships detailing the findings of the ship logs and operational analysis of the U.S.S. Frank E. Evans.

(c) APPROVAL OF INCLUSION.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall, in coordination with the Secretary of the Interior, approve the inclusion on the Vietnam Veterans Memorial Wall of the names of the 74 sailors of the U.S.S. Frank E. Evans who perished on June 3, 1969.

SA 4179. Ms. CANTWELL (for herself, Mr. VITTER, and Mrs. SHAHEEN) submitted an amendment intended to be proposed by her to the bill S. 2943, to authorize appropriations for fiscal year 2017 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle H insert the following:

SEC. 899C. INCLUSION OF WOMEN'S BUSINESS CENTERS AS APPROVED VENDORS UNDER DEPARTMENT OF DEFENSE MENTOR-PROTEGÉ PROGRAM.

Section 831(f)(6) of the National Defense Authorization Act for Fiscal Year 1991 (Public Law 101–510; 10 U.S.C. 2302 note) is amended—

(1) in subparagraph (B), by striking ''; or'' and inserting a semicolon;

(2) in subparagraph (C), by striking the period at the end and inserting ''; or''; and

(3) by adding at the end the following new subparagraph:

''(D) women's business centers described in section 29 of the Small Business Act (15 U.S.C. 656).''.

SA 4180. Mr. BLUMENTHAL (for himself, Mr. LEAHY, and Mr. FRANKEN) submitted an amendment intended to be proposed by him to the bill S. 2943, to authorize appropriations for fiscal year 2017 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. _____. CLARIFICATIONS REGARDING SCOPE OF EMPLOYMENT AND REEMPLOYMENT RIGHTS OF MEMBERS OF THE UNIFORMED SERVICES.

(a) CLARIFICATION REGARDING DEFINITION OF RIGHTS AND BENEFITS.—Section 4303(2) of title 38, United States Code, is amended—

(1) by inserting ''(A)'' before ''The term''; and

(2) by adding at the end the following new subparagraph:

''(B) Any procedural protections or provisions set forth in this chapter shall also be considered a right or benefit subject to the protection of this chapter.''.

(b) CLARIFICATION REGARDING RELATION TO OTHER LAW AND PLANS FOR AGREEMENTS.—Section 4302 of such title is amended by adding at the end the following:

''(c)(1) Pursuant to this section and the procedural rights afforded by subchapter III of this chapter, any agreement to arbitrate a claim under this chapter is unenforceable, unless all parties consent to arbitration after a complaint on the specific claim has been filed in court or with the Merit Systems Protection Board and all parties knowingly and voluntarily consent to have that particular claim subjected to arbitration.

''(2) For purposes of this subsection, consent shall not be considered voluntary when a person is required to agree to arbitrate an action, complaint, or claim alleging a violation of this chapter as a condition of future or continued employment, advancement in employment, or receipt of any right or benefit of employment.''.

SA 4181. Mr. FLAKE submitted an amendment intended to be proposed by him to the bill S. 2943, to authorize appropriations for fiscal year 2017 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 1097. RESTRICTIONS ON THE ESTABLISHMENT OF NATIONAL MONUMENTS.

Section 320301 of title 54, United States Code, is amended by adding at the end the following:

''(e) RESTRICTIONS ON THE ESTABLISHMENT OF NATIONAL MONUMENTS IN MILITARY OPERATIONS AREAS.—The President shall not establish a national monument under this section on land that is located under the lateral boundaries of a military operations area (as the term is defined in section 1.1 of title 14, Code of Federal Regulations (or successor regulations)), unless the proclamation includes language that ensures that the establishment of the national monument would not place any new limits on—

''(1) any flight operations of military aircraft;

''(2) the designation of a new unit of special use airspace;

''(3) the use or establishment of military flight training routes; or

''(4) air or ground access for—

''(A) emergency response;

''(B) electronic tracking and communications;

''(C) landing and drop zones; or

''(D) readiness training by the Air Force, joint forces, and coalition forces, including training using motorized vehicles on- or off-road, in accordance with applicable interagency agreements.''.

SA 4182. Mr. FLAKE submitted an amendment intended to be proposed by him to the bill S. 2943, to authorize appropriations for fiscal year 2017 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 314. INSTALLATION RENEWABLE ENERGY PROJECT DATABASE.

(a) LIMITATION.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall establish a searchable database to uniformly report information regarding installation renewable energy projects undertaken since 2010.

(b) ELEMENTS.—The database established under subsection (a) shall include, for each installation energy project—

(1) the estimated project costs;

(2) estimated power generation;

(3) estimated total cost savings;

(4) estimated payback period;

(5) total project costs;

(6) actual power generation;

(7) actual cost savings to date;

(8) current operational status; and

(9) access to relevant business case documents, including the economic viability assessment.

(c) NON-DISCLOSURE OF CERTAIN INFORMATION.—

(1) IN GENERAL.—The Secretary of Defense may, on a case-by-case basis, withhold from inclusion in the database established under subsection (a) information pertaining to individual projects if the Secretary determines that the disclosure of such information would jeopardize operational security.

(2) REQUIRED DISCLOSURE.—In the event the Secretary withholds information related to one or more renewable energy projects under paragraph (1), the Secretary shall include in the database—

(A) a statement that information has been withheld; and

(B) an aggregate amount for each of paragraphs (1), (2), (3), (5), (6), and (7) of subsection (b) that includes amounts for all renewable energy projects described under subsection (a), including those with respect to which information has been withheld under paragraph (1) of this subsection.

(d) UPDATES.—The database established under subsection (a) shall be updated not less than quarterly.

SA 4183. Mr. FLAKE submitted an amendment intended to be proposed by him to the bill S. 2943, to authorize appropriations for fiscal year 2017 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 1085. ACKNOWLEDGMENT OF FEDERAL FUNDING IN PUBLICATION OF REPORTS ON STUDIES FUNDED BY THE DEPARTMENT OF DEFENSE.

(a) ACKNOWLEDGMENT.—Each report on a covered study that is submitted, issued, published, presented at a conference or meeting, or otherwise made available to the public shall clearly disclose, in the acknowledgment section of such report, the following:

(1) The department, agency, element, or component of the Department of Defense that provided funding for the covered study.

(2) The project or award number of the covered study.

(3) An estimate of the total cost of the covered study.

(b) COVERED STUDY DEFINED.—In this section, the term ''covered study'' means any study that is carried out in whole or in part with Federal funds, regardless of by whom carried out.

(1) To include a price tag estimating the cost to taxpayers on studies funded by the Department of Defense.

SA 4184. Mr. FLAKE submitted an amendment intended to be proposed by him to the bill S. 2943, to authorize appropriations for fiscal year 2017 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 2804. USE OF PROJECT LABOR AGREEMENTS IN MILITARY CONSTRUCTION PROJECTS AND MILITARY FAMILY HOUSING PROJECTS.

(a) REQUIREMENTS.—Section 2852 of title 10, United States Code, is amended by adding at the end the following new subsection:

''(d)(1) The Secretary of Defense and the Secretaries of the military departments awarding a construction contract on behalf of the Government, in any solicitations, bid specifications, project agreements, or other controlling documents, shall not—

''(A) require or prohibit bidders, offerors, contractors, or subcontractors to enter into or adhere to agreements with one or more labor organizations; and

''(B) discriminate against or give preference to bidders, offerors, contractors, or subcontractors based on their entering or refusing to enter into such an agreement.

''(2) Nothing in this subsection shall prohibit a contractor or subcontractor from voluntarily entering into such an agreement, as is protected by the National Labor Relations Act (29 U.S.C. 151 et seq.).''.

(b) APPLICATION OF AMENDMENT.—The amendment made by subsection (a) shall not apply to construction contracts awarded before the date of the enactment of this Act.

SA 4185. Mr. FLAKE submitted an amendment intended to be proposed by him to the bill S. 2943, to authorize appropriations for fiscal year 2017 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 565. CONSOLIDATION OF FINANCIAL LITERACY PROGRAMS AND TRAINING FOR MEMBERS OF THE ARMED FORCES.

(a) PLAN REQUIRED.—Not later than one year after the date of the enactment of this Act, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report setting forth a plan for the consolidation of the current financial literacy training programs of the Department of Defense and the military departments for members of the Armed Forces into a single program of financial literacy training for members that—

(1) eliminates duplication and costs in the provision of financial literacy training to members; and

(2) ensures that members receive effective training in financial literacy in as few training sessions as is necessary for the receipt of effective training.

(b) IMPLEMENTATION.—The Secretary of Defense and the Secretaries of the military departments shall commence implementation of the plan required by subsection (a) 90 days after the date of the submittal of the plan as required by that subsection.

SA 4186. Mr. FLAKE submitted an amendment intended to be proposed by him to the bill S. 2943, to authorize appropriations for fiscal year 2017 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

Strike section 212.

SA 4187. Mr. FLAKE submitted an amendment intended to be proposed by him to the bill S. 2943, to authorize appropriations for fiscal year 2017 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 1097. CONSERVATION AND REHABILITATION OF NATURAL RESOURCES ON MILITARY INSTALLATIONS.

Section 101(a)(3)(A)(ii) of the Sikes Act (16 U.S.C. 670a(a)(3)(A)(ii)) is amended by inserting '', which activities shall be conducted in accordance with applicable laws (including regulations) of the State in which the installation is located'' after ''nonconsumptive uses''.

SA 4188. Mr. FLAKE submitted an amendment intended to be proposed by him to the bill S. 2943, to authorize appropriations for fiscal year 2017 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 1085. COMPTROLLER GENERAL OF THE UNITED STATES REPORT ON PROGRAMS AND ACTIVITIES UNDER BUDGET FUNCTION 050 THAT DO NOT DIRECTLY IMPACT OR SUPPORT THE NATIONAL DEFENSE OF THE UNITED STATES.

(a) REPORT REQUIRED.—Not later than September 30, 2017, the Comptroller General of the United States shall submit to Congress a report that identifies each program or activity for which funds were provided under budget function 050 during fiscal year 2016 that did not have a direct impact on, or directly support, the national defense of the United States.

(b) ELEMENTS.—The report under subsection (a) shall include, for each program and activity identified in the report, the following:

(1) A description of the program or activity.

(2) The amount of funds provided under budget function 050 during fiscal year 2016 for the program or activity.

(c) DEFINITIONS.—In this section:

(1) The term ''direct impact'', with respect to a program or activity and the national defense of the United States, means the program or activity had an immediate effect on the ability of the Armed Forces to be employed to protect and advance national interests of the United States.

(2) The term ''direct support'', with respect to a program or activity and the national defense of the United States, means the program or activity provided a service to one or more components of the United States Government that was used to protect and advance national interests of the United States, including members of the Armed Forces and weapon systems.

SA 4189. Mr. FLAKE submitted an amendment intended to be proposed by him to the bill S. 2943, to authorize appropriations for fiscal year 2017 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 1085. REPORT ON MILITARY BANDS.

Not later than December 1, 2016, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report, in unclassified form, on military bands. The report shall set forth the following:

(1) The current number and location of military bands, by Armed Force.

(2) The cost of military bands (including costs of recruitment, training, facilities, and transportation) during fiscal year 2016.

(3) The number of members of the Armed Forces assigned to military bands during fiscal year 2016.

(4) The history of reductions in military bands during the five fiscal years ending in fiscal year 2016.

(5) An assessment of the feasibility and advisability of combining military bands at joint locations.

SA 4190. Mr. FLAKE submitted an amendment intended to be proposed by him to the bill S. 2943, to authorize appropriations for fiscal year 2017 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 1523. REPROGRAMMING OF CERTAIN FUNDS FOR OPERATION AND MAINTENANCE FOR OVERSEAS CONTINGENCY OPERATIONS.

(a) REPROGRAMMING REQUIREMENT.—The Secretary of Defense shall submit to the congressional defense committees a reprogramming or transfer request in the amount of $406,396,696 from unobligated funds in the Operation and Maintenance, Defense-wide, account and available for the Office of Economic Adjustment, or for transfer to the Secretary of Education, to construct, renovate, repair, or expand elementary and secondary public schools on military installations in order to address capacity or facility condition deficiencies at such schools, to the Operation and Maintenance, Overseas Contingency Operations, account.

(b) TREATMENT OF REPROGRAMMING.—The transfer of an amount pursuant to subsection (a) shall not be deemed to increase the amount authorized to be appropriated for fiscal year 2017 for operation and maintenance for overseas contingency operations by section 1505.

SA 4191. Mr. FLAKE (for himself and Mr. COONS) submitted an amendment intended to be proposed by him to the bill S. 2943, to authorize appropriations for fiscal year 2017 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title X, add the following:

Subtitle J—Elimination, Neutralization, and Disruption of Wildlife Trafficking

SECTION 1099A. SHORT TITLE.

(a) SHORT TITLE.—This subtitle may be cited as the ''Eliminate, Neutralize, and Disrupt Wildlife Trafficking Act of 2016''.

SEC. 1099B. DEFINITIONS.

In this subtitle:

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term ''appropriate congressional committees'' means—

(A) the Committee on Foreign Relations and the Committee on Appropriations of the Senate; and

(B) the Committee on Foreign Affairs and the Committee on Appropriations of the House of Representatives.

(2) CO-CHAIRS OF THE TASK FORCE.—The term ''Co-Chairs of the Task Force'' means the Secretary of State, the Secretary of the Interior, and the Attorney General, as established pursuant to Executive Order 13648.

(3) COMMUNITY CONSERVATION .—The term ''community conservation'' means an approach to conservation that recognizes the rights of local people to sustainably manage, or benefit directly and indirectly from wildlife and other natural resources and includes—

(A) devolving management and governance to local communities to create positive conditions for sustainable resource use; and

(B) building the capacity of communities for conservation and natural resource management.

(4) COUNTRY OF CONCERN.—The term ''country of concern'' refers to a foreign country specially designated by the Secretary of State pursuant to subsection (b) of section 1099I as a major source of wildlife trafficking products or their derivatives, a major transit point of wildlife trafficking products or their derivatives, or a major consumer of wildlife trafficking products, in which the government has actively engaged in or knowingly profited from the trafficking of endangered or threatened species.

(5) FOCUS COUNTRY.—The term ''focus country'' refers to a foreign country determined by the Secretary of State to be a major source of wildlife trafficking products or their derivatives, a major transit point of wildlife trafficking products or their derivatives, or a major consumer of wildlife trafficking products.

(6) DEFENSE ARTICLE; DEFENSE SERVICE; SIGNIFICANT MILITARY EQUIPMENT; TRAINING.—The terms ''defense article'', ''defense service'', ''significant military equipment'', and ''training'' have the meanings given such terms in section 47 of the Arms Export Control Act (22 U.S.C. 2794).

(7) IMPLEMENTATION PLAN.—The term ''Implementation Plan'' means the Implementation Plan for the National Strategy for Combating Wildlife Trafficking released on February 11, 2015, a modification of that plan, or a successor plan.

(8) NATIONAL STRATEGY.—The term ''National Strategy'' means the National Strategy for Combating Wildlife Trafficking published on February 11, 2014, a modification of that strategy, or a successor strategy.

(9) NATIONAL WILDLIFE SERVICES.—The term ''national wildlife services'' refers to the ministries and government bodies designated to manage matters pertaining to wildlife management, including poaching or trafficking, in a focus country.

(10) SECURITY FORCE.—The term ''security force'' means a military, law enforcement, gendarmerie, park ranger, or any other security force with a responsibility for protecting wildlife and natural habitats.

(11) TASK FORCE.—The term ''Task Force'' means the Presidential Task Force on Wildlife Trafficking, as established by Executive Order 13648 (78 Fed. Reg. 40621) and modified by section 201.

(12) WILDLIFE TRAFFICKING.—The term ''wildlife trafficking'' refers to the poaching or other illegal taking of protected or managed species and the illegal trade in wildlife and their related parts and products.

PART I—PURPOSES AND POLICY

SEC. 1099E. PURPOSES.

The purposes of this subtitle are—

(1) to support a collaborative, interagency approach to address wildlife trafficking;

(2) to protect and conserve the remaining populations of wild elephants, rhinoceroses, and other species threatened by poaching and the illegal wildlife trade;

(3) to disrupt regional and global transnational organized criminal networks and to prevent the illegal wildlife trade from being used as a source of financing for criminal groups that undermine United States and global security interests;

(4) to prevent wildlife poaching and trafficking from being a means to make a living in focus countries;

(5) to support the efforts of, and collaborate with, individuals, communities, local organizations, and foreign governments to combat poaching and wildlife trafficking;

(6) to assist focus countries in implementation of national wildlife anti-trafficking and poaching laws; and

(7) to ensure that United States assistance to prevent and suppress illicit wildlife trafficking is carefully planned and coordinated, and that it is systematically and rationally prioritized on the basis of detailed analysis of the nature and severity of threats to wildlife and the willingness and ability of foreign partners to cooperate effectively toward these ends.

SEC. 1099F. STATEMENT OF UNITED STATES POLICY.

It is the policy of the United States—

(1) to take immediate actions to stop the illegal global trade in wildlife and wildlife products and associated transnational organized crime;

(2) to provide technical and other forms of assistance to help focus countries halt the poaching of elephants, rhinoceroses, and other imperiled species and end the illegal trade in wildlife and wildlife products, including by providing training and assistance in—

(A) wildlife protection and management of wildlife populations;

(B) anti-poaching and effective management of protected areas including community managed and privately-owned lands;

(C) local engagement of security forces in anti-poaching responsibilities, where appropriate;

(D) wildlife trafficking investigative techniques, including forensic tools;

(E) transparency and corruption issues;

(F) management, tracking, and inventory of confiscated wildlife contraband;

(G) demand reduction strategies in countries that lack the means and resources to conduct them; and

(H) bilateral and multilateral agreements and cooperation;

(3) to employ appropriate assets and resources of the United States Government in a coordinated manner to curtail poaching and disrupt and dismantle illegal wildlife trade networks and the financing of those networks in a manner appropriate for each focus country;

(4) to build upon the National Strategy and Implementation Plan to further combat wildlife trafficking in a holistic manner and guide the response of the United States Government to ensure progress in the fight against wildlife trafficking; and

(5) to recognize the ties of wildlife trafficking to broader forms of transnational organized criminal activities, including trafficking, and where applicable, to focus on those crimes in a coordinated, cross-cutting manner.

PART II—REPORT ON MAJOR WILDLIFE TRAFFICKING COUNTRIES

SEC. 1099I. REPORT.

(a) REPORT.—Not later than one year after the date of the enactment of this Act, and annually thereafter, the Secretary of State, in consultation with the Secretary of the Interior and the Secretary of Commerce, shall submit to Congress a report that lists each country determined by the Secretary of State to be a focus country within the meaning of this subtitle.

(b) SPECIAL DESIGNATION.—In each report required under subsection (a), the Secretary of State, in consultation with the Secretary of the Interior and the Secretary of Commerce, shall identify each country listed in the report that also constitutes a country of concern (as defined in section 1099B(4)) .

(c) SUNSET.—This section shall terminate on the date that is 5 years after the date of the enactment of this Act.

PART III—FRAMEWORK FOR INTERAGENCY RESPONSE

SEC. 1099L. PRESIDENTIAL TASK FORCE ON WILDLIFE TRAFFICKING.

(a) RESPONSIBILITIES.—In addition to the functions required by Executive Order 13648 (78 Fed. Reg. 40621), the Task Force shall be informed by the Secretary of State's annual report required under section 1099I and considering all available information, ensure that relevant United States Government agencies—

(1) collaborate, to the greatest extent practicable, with the national wildlife services, or other relevant bodies of each focus country to prepare, not later than 90 days after the date of submission of the report required under section 1099I(a), a United States mission assessment of the threats to wildlife in that focus country and an assessment of the capacity of that country to address wildlife trafficking;

(2) collaborate, to the greatest extent practicable, with relevant ministries, national wildlife services, or other relevant bodies of each focus country to prepare, not later than 180 days after preparation of the assessment referred to in paragraph (1), a United States mission strategic plan that includes recommendations for addressing wildlife trafficking, taking into account any regional or national strategies for addressing wildlife trafficking in a focus country developed before the preparation of such assessment;

(3) coordinate efforts among United States Federal agencies and non-Federal partners, including missions, domestic and international organizations, the private sector, and other global partners, to implement the strategic plans required by paragraph (2) in each focus country;

(4) not less frequently than annually, consult and coordinate with stakeholders qualified to provide advice, assistance, and information regarding effective support for anti-poaching activities, coordination of regional law enforcement efforts, development of and support for effective legal enforcement mechanisms, and development of strategies to reduce illicit trade and reduce consumer demand for illegally traded wildlife and wildlife products, and other relevant topics under this subtitle; and

(5) coordinate or carry out other functions as are necessary to implement this subtitle.

(b) DUPLICATION AND EFFICIENCY.—The Task Force shall—

(1) ensure that the activities of the Federal agencies involved in carrying out efforts under this subtitle are coordinated and not duplicated; and

(2) encourage efficiencies and coordination among the efforts of Federal agencies and interagency initiatives ongoing as of the date of the enactment of this Act to address trafficking activities, including trafficking of wildlife, humans, weapons, and narcotics, illegal trade, transnational organized crime, or other illegal activities.

(c) CONSISTENCY WITH AGENCY RESPONSIBILITIES.—The Task Force shall carry out its responsibilities under this subtitle in a manner consistent with the authorities and responsibilities of agencies represented on the Task Force.

(d) TASK FORCE STRATEGIC REVIEW.—One year after the date of the enactment of this Act, and annually thereafter, the Task Force shall submit a strategic assessment of its work and provide a briefing to the appropriate congressional committees that shall include—

(1) a review and assessment of the Task Force's implementation of this subtitle, identifying successes, failures, and gaps in its work, or that of agencies represented on the Task Force, including detailed descriptions of—

(A) what approaches, initiatives, or programs have succeeded best in increasing the willingness and capacity of focus countries to suppress and prevent illegal wildlife trafficking, and what approaches, initiatives, or programs have not succeeded as well as hoped; and

(B) which foreign governments subject to subsections (a) and (b) of section 1099I have proven to be the most successful partners in suppressing and preventing illegal wildlife trafficking, which focus countries have not proven to be so, and what factors contributed to these results in each country discussed;

(2) a description of each Task Force member agency's priorities and objectives for combating wildlife trafficking;

(3) an account of total United States funding each year since fiscal year 2014 for all government agencies and programs involved in countering poaching and wildlife trafficking;

(4) an account of total United States funding since fiscal year 2014 to support the activities of the Task Force, including administrative overhead costs and congressional reporting; and

(5) recommendations for how to improve United States and international efforts to suppress and prevent illegal wildlife trafficking in the future, based upon the Task Force's experience as of the time of the review.

(e) TERMINATION OF TASK FORCE.—The statutory authorization for the Task Force provided by this subtitle shall terminate 5 years after the date of the enactment of this Act or such earlier date that the President terminates the Task Force by rescinding, superseding, or otherwise modifying relevant portions of Executive Order 13648.

PART IV—PROGRAMS TO ADDRESS THE ESCALATING WILDLIFE TRAFFICKING CRISIS

SEC. 1099O. ANTI-POACHING PROGRAMS.

(a) WILDLIFE LAW ENFORCEMENT PROFESSIONAL TRAINING AND COORDINATION ACTIVITIES.—The Secretary of State and the Administrator of the United States Agency for International Development, in collaboration with the heads of other relevant United States agencies and nongovernmental partners where appropriate, may provide assistance to focus countries to carry out the recommendations made in the strategic plan required by section 1099L(a)(2), among other goals, to improve the effectiveness of wildlife law enforcement in regions and countries that have demonstrated capacity, willingness, and need for assistance.

(b) AUTHORITY TO PROVIDE SECURITY ASSISTANCE TO COUNTER WILDLIFE TRAFFICKING AND POACHING.—

(1) IN GENERAL.—The President is authorized to provide defense articles, defense services, and related training to security forces of focus countries for the purpose of countering wildlife trafficking and poaching where appropriate.

(2) TYPES OF ASSISTANCE.—

(A) IN GENERAL.—Assistance provided under paragraph (1) may include intelligence and surveillance assets, communications and electronic equipment, mobility assets, night vision and thermal imaging devices, and organizational clothing and individual equipment, pursuant to the applicable provision of the Arms Export Control Act (22 U.S.C. 2751 et seq.) or the Foreign Assistance Act of 1961 (22 U.S.C. 2151 et seq.).

(B) LIMITATION.—Assistance provided under paragraph (1) may not include significant military equipment.

(3) SPECIAL RULE.—Assistance provided under paragraph (1) shall be in addition to any other assistance provided to the countries under any other provision of law.

(4) PROHIBITION ON ASSISTANCE.—

(A) IN GENERAL.—No assistance may be provided under subsection (b) to a unit of a security force if the President determines that the unit has been found to engage in wildlife trafficking or poaching.

(B) EXCEPTION.—The prohibition in subparagraph (A) shall not apply with respect to a unit of a security force of a country if the President determines that the government of the country is taking effective steps to hold the unit accountable and prevent the unit from engaging in trafficking and poaching.

(5) CERTIFICATION.—With respect to any assistance provided pursuant to this subsection, the Secretary of State shall certify to the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives that such assistance is necessary for the purposes of combating wildlife trafficking.

(6) NOTIFICATION.—Consistent with the requirements of the Arms Export Control Act (22 U.S.C. 2751 et seq.) and the Foreign Assistance Act of 1961 (22 U.S.C. 2151 et seq.), the Secretary of State shall notify the appropriate congressional committees regarding defense articles, defense services, and related training provided under paragraph (1).

SEC. 1099P. ANTI-TRAFFICKING PROGRAMS.

(a) INVESTIGATIVE CAPACITY BUILDING.—The Secretary of State and the Administrator of the United States Agency for International Development, in collaboration with the heads of other relevant United States agencies and communities, regions, and governments in focus countries, may design and implement programs in focus countries to carry out the recommendations made in the strategic plan required under section 1099L(a)(2) among other goals, with clear and measurable targets and indicators of success, to increase the capacity of wildlife law enforcement and customs and border security officers in focus countries.

(b) TRANSNATIONAL PROGRAMS.—The Secretary of State and the Administrator of the United States Agency for International Development, in collaboration with other relevant United States agencies, nongovernmental partners, and international bodies, and in collaboration with communities, regions, and governments in focus countries, may design and implement programs, including support for Wildlife Enforcement Networks, in focus countries to carry out the recommendations made in the strategic plan required under section 1099L(a)(2), among other goals, to better understand and combat the transnational trade in illegal wildlife.

SEC. 1099Q. ENGAGEMENT OF UNITED STATES DIPLOMATIC MISSIONS.

As soon as practicable but not later than 2 years after the date of the enactment of this Act, each chief of mission to a focus country should begin to implement the recommendations contained in the strategic plan required under section 1099L(a)(2), among other goals, for the country.

SEC. 1099R. COMMUNITY CONSERVATION.

The Secretary of State, in collaboration with the United State Agency for International Development, heads of other relevant United States agencies, the private sector, nongovernmental organizations, and

other development partners, may provide support in focus countries to carry out the recommendations made in the strategic plan required under section 1099L(a)(2) as such recommendations relate to the development, scaling, and replication of community wildlife conservancies and community conservation programs in focus countries to assist with rural stability and greater security for people and wildlife, empower and support communities to manage or benefit from their wildlife resources sustainably, and reduce the threat of poaching and trafficking, including through—

(1) promoting conservation-based enterprises and incentives, such as eco-tourism and sustainable agricultural production, that empower communities to manage wildlife, natural resources, and community ventures where appropriate, by ensuring they benefit from well-managed wildlife populations;

(2) helping create alternative livelihoods to poaching by mitigating wildlife trafficking, helping support rural stability, greater security for people and wildlife, sustainable economic development, and economic incentives to conserve wildlife populations;

(3) engaging regional businesses and the private sector to develop goods and services to aid in anti-poaching and anti-trafficking measures;

(4) working with communities to develop secure and safe methods of sharing information with enforcement officials;

(5) providing technical assistance to support sustainable land use plans to improve the economic, environmental, and social outcomes in community-owned or -managed lands;

(6) supporting community anti-poaching efforts, including policing and informant networks;

(7) working with community and national governments to develop relevant policy and regulatory frameworks to enable and promote community conservation programs, including supporting law enforcement engagement with wildlife protection authorities to promote information-sharing; and

(8) working with national governments to ensure that communities have timely and effective support from national authorities to mitigate risks that communities may face when engaging in anti-poaching and anti-trafficking activities.

PART V—TRANSITION OF OVERSEAS CONTINGENCY FUNDING TO BASE FUNDING

SEC. 1099U. SENSE OF CONGRESS ON FUNDING.

It is the sense of Congress that the President and Congress should provide for an appropriate and responsible transition for funding designated for overseas contingency operations to traditional and regular annual appropriations, including emergency supplemental funding, as appropriate.

PART VI—OTHER ACTIONS RELATING TO WILDLIFE TRAFFICKING PROGRAMS

SEC. 1099X. AMENDMENTS TO FISHERMAN'S PROTECTIVE ACT OF 1967.

Section 8 of the Fisherman's Protective Act of 1967 (22 U.S.C. 1978) is amended—

(1) in subsection (a)—

(A) in paragraph (1), by inserting ''in consultation with the Secretary of State,'' after ''Secretary of Commerce'';

(B) in paragraph (2), by inserting ''in consultation with the Secretary of State,'' after ''Secretary of the Interior'';

(C) in paragraph (3), by inserting ''in consultation with the Secretary of State,'' after ''as appropriate,'';

(D) by redesigning paragraph (4) as paragraph (5); and

(E) by inserting after paragraph (3) the following new paragraph:

''(4) The Secretary of Commerce and the Secretary of the Interior shall each report to Congress each certification to the President made by such Secretary under this subsection, within 15 days after making such certification.''; and

(2) in subsection (d), by inserting ''in consultation with the Secretary of State,'' after ''as the case may be,''.

SA 4192. Mr. FLAKE submitted an amendment intended to be proposed by him to the bill S. 2943, to authorize appropriations for fiscal year 2017 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 2804. PROHIBITION ON USE OF MILITARY CONSTRUCTION FUNDS FOR UNUTILIZED OVERSEAS MILITARY INSTALLATIONS.

None of the funds authorized to be appropriated by this Act or otherwise made available for fiscal year 2017 may be made available for a construction project at a military installation located outside the United States that has been identified by the Special Inspector General for Afghanistan Reconstruction (SIGAR) as having a zero utilization rate or being completely unutilized.

SA 4193. Mr. RUBIO submitted an amendment intended to be proposed by him to the bill S. 2943, to authorize appropriations for fiscal year 2017 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 1097. PROHIBITION ON USE OF FUNDS FOR ALTERNATIVE OR RENEWABLE ENERGY.

(a) IN GENERAL.—None of the funds authorized to be appropriated or otherwise made available by this Act may be obligated or expended by the Secretary of Defense—

(1) to purchase energy from alternative sources unless such energy is equivalent to conventional energy in terms of cost and capabilities; or

(2) to carry out any provision of law that requires the Department of Defense—

(A) to consume renewable energy, unless such energy is equivalent to conventional energy in terms of cost and capabilities; or

(B) to reduce the overall amount of energy consumed by the Department.

(b) CALCULATION.—For purposes of subsection (a), the cost of an energy source shall be calculated on a pre-tax basis in terms of life cycle cost.

SA 4194. Mr. RUBIO submitted an amendment intended to be proposed by him to the bill S. 2943, to authorize appropriations for fiscal year 2017 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

Strike section 601 and insert the following:

SEC. 601. FISCAL YEAR 2017 INCREASE IN MILITARY BASIC PAY.

(a) WAIVER OF SECTION 1009 ADJUSTMENT.—The adjustment to become effective during fiscal year 2017 required by section 1009 of title 37, United States Code, in the rates of monthly basic pay authorized members of the uniformed services shall not be made.

(b) INCREASE IN BASIC PAY.—Effective on January 1, 2017, the rates of monthly basic pay for members of the uniformed services are increased by 2.1 percent.

(c) FUNDING.—

(1) INCREASE IN AMOUNT FOR MILITARY PERSONNEL.—The amount authorized to be appropriated for fiscal year 2017 by section 421 is hereby increased by the amount necessary to provide an increase in military basic pay under subsection (b) by 2.1 percent rather than 1.6 percent, with the amount to be available for military personnel to provide such increase.

(2) OFFSET.—The aggregate amount authorized to be appropriated for fiscal year 2017 by this division, other than the amount authorize to be appropriated by section 421, is hereby reduced by the amount necessary to provide an increase in military basic pay under subsection (b) by 2.1 percent rather than 1.6 percent, with the amount of the reduction to be achieved by terminating funding for projects determined to be low-priority projects by the Joint Chiefs of Staff.

SA 4195. Mr. RUBIO submitted an amendment intended to be proposed by him to the bill S. 2943, to authorize appropriations for fiscal year 2017 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 128. TICONDEROGA-CLASS GUIDED MISSILE CRUISER REPLACEMENT.

(a) IN GENERAL.—Not later than March 1, 2017, the Chief of Naval Operations shall submit to the congressional defense committees a report on any elements under subsection (b) regarding the TICONDEROGA-class guided missile cruiser replacement that were not covered in the studies of fleet platform architectures directed in section 1067 of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114–92; 129 Stat. 991).

(b) ELEMENTS.—The elements referred to in subsection (a) are as follows:

(1) Shipbuilding or other modernization options to meet or exceed the air defense commander capabilities of TICONDEROGA-class guided missile cruisers, such that there is no loss in capability as TICONDEROGA-class guided missile cruisers decommission.

(2) Options to alter the physical dimensions of Mark 41 vertical launching system cells to accommodate different weapons, as compared to the TICONDEROGA-class cruisers.

(3) Options to maintain or expand the number of vertical launching system cells available in the fleet, as TICONDEROGA-class cruisers decommission.

(4) Options to allow the Navy to reload vertical launching system cells at sea.

(5) Description of findings from the studies of fleet platform architectures that were incorporated in the budget of the President submitted to Congress under section 1105(a) of title 31, United States Code, for fiscal year 2018.

SA 4196. Mr. RUBIO submitted an amendment intended to be proposed by him to the bill S. 2943, to authorize appropriations for fiscal year 2017 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 1277. SENSE OF THE SENATE ON INTEGRATION OF ELECTROMAGNETIC RAILGUN INTO NAVY FLEET OF LARGE SURFACE COMBATANTS.

It is the sense of the Senate that the Navy should expedite the deployment and integration of the electromagnetic railgun into the fleet of large surface combatants.

SA 4197. Mr. RUBIO submitted an amendment intended to be proposed by him to the bill S. 2943, to authorize appropriations for fiscal year 2017 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 1031. PROHIBITION ON TRANSFER OF INDIVIDUALS DETAINED AT UNITED STATES NAVAL STATION, GUANTANAMO BAY, CUBA, TO FOREIGN COUNTRIES OR ENTITIES IN THE WESTERN HEMISPHERE.

(a) PROHIBITION.—An individual detained at Guantanamo may not be transferred to a foreign country or a foreign entity in the Western Hemisphere.

(b) CONSTRUCTION.—The prohibition in subsection (a) in connection with the transfer of an individual detained at Guantanamo is in addition to any other requirement or limitation on the transfer by law.

(c) INDIVIDUAL DETAINED AT GUANTANAMO DEFINED.—In this section, the term ''individual detained at Guantanamo'' means an individual located at United States Naval Station, Guantanamo Bay, Cuba, as of October 1, 2009, who—

(1) is not a national of the United States (as defined in section 101(a)(22) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(22)) or a member of the Armed Forces of the United States; and

(2) is—

(A) in the custody or under the control of the Department of Defense; or

(B) otherwise detained at United States Naval Station, Guantanamo Bay.

SA 4198. Mr. RUBIO submitted an amendment intended to be proposed by him to the bill S. 2943, to authorize appropriations for fiscal year 2017 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 1031. PROHIBITION ON TRANSFER OF INDIVIDUALS DETAINED AT UNITED STATES NAVAL STATION, GUANTANAMO BAY, CUBA, TO FOREIGN COUNTRIES OR ENTITIES WITHOUT ASSESSMENT THAT INDIVIDUALS WILL POSE NO RISK TO MILITARY AND CIVILIAN PERSONNEL OF THE UNITED STATES OVERSEAS AFTER TRANSFER.

(a) PROHIBITION.—An individual detained at Guantanamo may not be transferred to a foreign country or a foreign entity unless the Director of National Intelligence, the Director of the Central Intelligence Agency, the Director of the Defense Intelligence Agency, and the Director of the Federal Bureau of Investigation unanimously agree that the individual after transfer will pose no risk to members of the Armed Forces or civilian personnel of the United States Government overseas.

(b) CONSTRUCTION.—The prohibition in subsection (a) in connection with the transfer of an individual detained at Guantanamo is in addition to any other requirement or limitation on the transfer by law.

(c) INDIVIDUAL DETAINED AT GUANTANAMO DEFINED.—In this section, the term ''individual detained at Guantanamo'' means an individual located at United States Naval Station, Guantanamo Bay, Cuba, as of October 1, 2009, who—

(1) is not a national of the United States (as defined in section 101(a)(22) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(22)) or a member of the Armed Forces of the United States; and

(2) is—

(A) in the custody or under the control of the Department of Defense; or

(B) otherwise detained at United States Naval Station, Guantanamo Bay.

SA 4199. Mr. RUBIO submitted an amendment intended to be proposed by him to the bill S. 2943, to authorize appropriations for fiscal year 2017 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 1031. PROHIBITION ON RELINQUISHMENT OR ABANDONMENT OF UNITED STATES NAVAL STATION, GUANTANAMO BAY, CUBA.

No action may be taken to modify, abrogate, or replace the stipulations, agreements, and commitments contained in the Guantanamo Lease Agreements, or to impair or abandon the jurisdiction and control of the United States over United States Naval Station, Guantanamo Bay, Cuba, unless specifically authorized or otherwise provided for by one of the following:

(1) An Act that is enacted after the date of the enactment of this Act.

(2) A treaty that is ratified by and with the advice and consent of the Senate.

(3) A modification of the Treaty Between the United States of America and Cuba signed at Washington, DC, on May 29, 1934, that is ratified by and with the advice and consent of the Senateo.

SA 4200. Mr. RUBIO submitted an amendment intended to be proposed by him to the bill S. 2943, to authorize appropriations for fiscal year 2017 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 1655. LIMITATION ON USE OF FUNDS RELATING TO REDUCING THE ALERTNESS LEVEL OR NUMBER OF INTERCONTINENTAL BALLISTIC MISSILES.

(a) IN GENERAL.—None of the funds authorized to be appropriated or otherwise made available by this Act may be obligated or expended to reduce, or to prepare to reduce—

(1) the responsiveness or alert level of the intercontinental ballistic missiles of the United States; or

(2) the number of deployed intercontinental ballistic missiles of the United States to a number that is less than 400.

(b) EXCEPTIONS.—The prohibition under subsection (a) shall not apply with respect to—

(1) activities relating to—

(A) the maintenance or sustainment of intercontinental ballistic missiles; or

(B) ensuring the safety, security, or reliability of intercontinental ballistic missiles; or

(2) reductions in the number of deployed intercontinental ballistic missiles that are carried out to comply with limitations imposed under—

(A) the Treaty on Measures for the Further Reduction and Limitation of Strategic Offensive Arms, signed on April 8, 2010, and entered into force on February 5, 2011, between the United States and the Russian Federation (commonly known as the ''New START Treaty''); or

(B) any Act authorizing appropriations for the military activities of the Department of Defense or for defense activities of the Department of Energy that is enacted before the date of the enactment of this Act.

SA 4201. Mr. CORNYN submitted an amendment intended to be proposed by him to the bill S. 2943, to authorize appropriations for fiscal year 2017 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle H of title XII, add the following:

SEC. 1277. IMPOSITION OF SANCTIONS ON INDIVIDUALS WHO WERE COMPLICIT IN VIOLATIONS OF THE GENEVA CONVENTION OR THE RIGHT UNDER INTERNATIONAL LAW TO CONDUCT INNOCENT PASSAGE.

(a) REPORT REQUIRED.—

(1) IN GENERAL.—Not later than 60 days after the date of the enactment of this Act, the President shall submit to the appropriate congressional committees a report that includes—

(A) a determination with respect to whether, during or after the incident that began on January 12, 2016, in which forces of Iran boarded two United States Navy riverine combat vessels and detained at gunpoint the crews of those vessels, any of the actions of the forces of Iran constituted a violation of—

(i) the Geneva Convention; or

(ii) the right under international law to conduct innocent passage; and

(B) a certification with respect to whether or not Federal funds, including the $1,700,000,000 payment that was announced by the Secretary of State on January 17, 2016, were paid to Iran, directly or indirectly, to effect the release of—

(i) the members of the United States Navy who were detained in the incident described in subparagraph (A); or

(ii) other United States citizens, including Jason Rezaian, Amir Hekmati, Saeed Abedini, Nosratollah Khosravi-Roodsari, and Matthew Trevithick, the release of whom was announced on January 16, 2016.

(2) ACTIONS TO BE ASSESSED.—In assessing actions of the forces of Iran under paragraph (1)(A), the President shall consider, at a minimum, the following actions:

(A) The stopping, boarding, search, and seizure of the two United States Navy riverine combat vessels in the incident described in paragraph (1)(A).

(B) The removal from their vessels and detention of members of the United States Armed Forces in that incident.

(C) The theft or confiscation of electronic navigational equipment or any other equipment from the vessels.

(D) The forcing of one or more members of the United States Armed Forces to apologize for their actions.

(E) The display, videotaping, or photographing of members of the United States Armed Forces and the subsequent broadcasting or other use of those photographs or videos.

(F) The forcing of female members of the United States Armed Forces to wear head coverings.

(3) DESCRIPTION OF ACTIONS.—In the case of each action that the President determines under paragraph (1)(A) is a violation of the Geneva Convention or the right under international law to conduct innocent passage, the President shall include in the report required by that paragraph a description of the action and an explanation of how the action violated the Geneva Convention or the right to conduct innocent passage, as the case may be.

(4) FORM OF REPORT.—The report required by paragraph (1) shall be submitted in unclassified form, but may include a classified annex.

(b) LIST OF CERTAIN PERSONS WHO HAVE BEEN COMPLICIT IN VIOLATIONS OF THE GENEVA CONVENTION OR THE RIGHT TO CONDUCT INNOCENT PASSAGE.—

(1) IN GENERAL.—Not later than 30 days after the submission of the report required by subsection (a), if the President has determined that one or more actions of the forces of Iran constituted a violation of the Geneva Convention or the right under international law to conduct innocent passage, the President shall submit to the appropriate congressional committees a list of persons who are officials of the Government of Iran or were acting on behalf of that Government that, based on credible evidence, are responsible for or complicit in, or responsible for ordering, controlling, or otherwise directing, any such violation.

(2) UPDATES OF LIST.—The President shall submit to the appropriate congressional committees an updated list under paragraph (1) as new information becomes available.

(3) PUBLIC AVAILABILITY.—To the maximum extent practicable, the list required by paragraph (1) shall be made available to the public and posted on publicly accessible Internet websites of the Department of Defense and the Department of State.

(c) IMPOSITION OF SANCTIONS.—

(1) IN GENERAL.—The President shall impose the sanctions described in paragraph (2) with respect to each person on the list required by subsection (b).

(2) SANCTIONS.—

(A) PROHIBITION ON ENTRY AND ADMISSION TO THE UNITED STATES.—An alien on the list required by subsection (b) may not—

(i) be admitted to, enter, or transit through the United States;

(ii) receive any lawful immigration status in the United States under the immigration laws; or

(iii) file any application or petition to obtain such admission, entry, or status.

(B) BLOCKING OF PROPERTY.—

(i) IN GENERAL.—The President shall, pursuant to the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.), block and prohibit all transactions in all property and interests in property of a person on the list required by subsection (b) if such property and interests in property are in the United States, come within the United States, or are or come within the possession or control of a United States person.

(ii) EXCEPTION RELATING TO IMPORTATION OF GOODS.—

(I) IN GENERAL.—The authority to block and prohibit all transactions in all property and interests in property under clause (i) shall not include the authority to impose sanctions on the importation of goods.

(II) GOOD.—In this subparagraph, the term ''good'' has the meaning given that term in section 16 of the Export Administration Act of 1979 (50 U.S.C. 4618) (as continued in effect pursuant to the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.)).

(iii) PENALTIES.—A person that violates, attempts to violate, conspires to violate, or causes a violation of clause (i) or any regulation, license, or order issued to carry out clause (i) shall be subject to the penalties set forth in subsections (b) and (c) of section 206 of the International Emergency Economic Powers Act (50 U.S.C. 1705) to the same extent as a person that commits an unlawful act described in subsection (a) of that section.

(d) DEFINITIONS.—In this section:

(1) ADMITTED; ALIEN; IMMIGRATION LAWS.—The terms ''admitted'', ''alien'', and ''immigration laws'' have the meanings given those terms in section 101 of the Immigration and Nationality Act (8 U.S.C. 1101).

(2) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term ''appropriate congressional committees'' means—

(A) the Committee on Armed Services, the Committee on Foreign Relations, and the Select Committee on Intelligence of the Senate; and

(B) the Committee on Armed Services, the Committee on Foreign Affairs, and the Permanent Select Committee on Intelligence of the House of Representatives.

(3) FORCES OF IRAN.—The term ''forces of Iran'' means the Islamic Revolutionary Guard Corps, members of other military or paramilitary units of the Government of Iran, and other agents of that Government.

(4) GENEVA CONVENTION.—The term ''Geneva Convention'' means the Convention relative to the Treatment of Prisoners of War, done at Geneva on August 12, 1949 (6 UST 3316) (commonly referred to as the ''Geneva Convention (III)))''.

(5) INNOCENT PASSAGE.—The term ''innocent passage'' means the principle under customary international law that all vessels have the right to conduct innocent passage through another country's territorial waters for the purpose of continuous and expeditious traversing.

(6) UNITED STATES PERSON.—The term ''United States person'' means—

(A) a United States citizen or an alien lawfully admitted for permanent residence to the United States; or

(B) an entity organized under the laws of the United States or of any jurisdiction within the United States, including a foreign branch of such an entity.

SA 4202. Mr. DAINES (for himself, Mrs. ERNST, Mr. CARDIN, Mr. GARDNER, Mr. WARNER, Ms. MIKULSKI, Mr. BLUMENTHAL, and Mr. BENNET) submitted an amendment intended to be proposed by him to the bill S. 2943, to authorize appropriations for fiscal year 2017 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 926. ESTABLISHMENT OF A UNIFIED COMBATANT COMMAND FOR CYBER OPERATIONS FORCES.

With the advice and assistance of the Chairman of the Joint Chiefs of Staff, the President shall, through the Secretary of Defense, establish a unified combatant command for cyber operations forces. The principal function of the command is to prepare cyber operations forces to carry out assigned missions.

SA 4203. Mr. PERDUE submitted an amendment intended to be proposed by him to the bill S. 2943, to authorize appropriations for fiscal year 2017 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 1004. REPORT ON PLAN OF THE DEPARTMENT OF DEFENSE TO OBTAIN AN AUDIT WITH UNQUALIFIED OPINION ON THE GENERAL FUND STATEMENT OF ITS BUDGETARY RESOURCES.

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

(1) Section 9 of Article I of the Constitution of the United States requires all agencies of the Federal Government, including the Department of Defense, to publish ''a regular statement and account of the receipts and expenditures of all public money''.

(2) Section 3515 of title 31, United States Code, requires the agencies of the Federal Government, including the Department of Defense, to present auditable financial statements beginning not later than March 1, 1997. The Department has not complied with this law.

(3) The Federal Financial Management Improvement Act of 1996 (31 U.S.C. 3512 note) requires financial systems acquired by the Federal Government, including the Department of Defense, to be able to provide information to leaders to manage and control the cost of Government. The Department has not complied with this law.

(b) REPORT.—

(1) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report setting forth a plan to obtain an audit with unqualified opinion on the general fund statement of the budgetary resources of the Department of Defense.

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

(A) An intent to present auditable financial statements of the Department.

(B) The date, not later than September 1, 2017, on which the Department shall be ready to obtain an audit with unqualified opinion

on the general fund statement of its budgetary resources.

(C) A description the matters that currently impede the ability of the Department to be ready as described in subparagraph (B).

(D) A strategy to address and resolve such matters.

SA 4204. Mr. INHOFE (for himself, Ms. MIKULSKI, Mr. ROUNDS, Mr. TILLIS, Mr. BURR, Ms. MURKOWSKI, Mr. HATCH, Mr. UDALL, Ms. HIRONO, Mr. LANKFORD, Ms. COLLINS, Mrs. BOXER, Mr. CARDIN, Mrs. MURRAY, Mrs. CAPITO, Mr. BROWN, Mr. WARNER, Mr. BOOZMAN, Mr. VITTER, Mrs. GILLIBRAND, Mr. NELSON, Mr. SCHUMER, Mr. KAINE, Mr. MARKEY, Mr. SCHATZ, Ms. KLOBUCHAR, Mr. WHITEHOUSE, Mr. CASEY, Ms. STABENOW, Mr. TESTER, Mr. HELLER, and Mr. SESSIONS) submitted an amendment intended to be proposed by him to the bill S. 2943, to authorize appropriations for fiscal year 2017 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

Strike section 662.

SA 4205. Mr. ROUNDS (for himself and Mr. CRUZ) submitted an amendment intended to be proposed by him to the bill S. 2943, to authorize appropriations for fiscal year 2017 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 1227. IMPOSITION OF SANCTIONS WITH RESPECT TO SIGNIFICANT ACTIVITIES UNDERMINING CYBERSECURITY CONDUCTED ON BEHALF OF OR AT THE DIRECTION OF THE GOVERNMENT OF IRAN.

(a) CYBERSECURITY REPORT REQUIRED.—

(1) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, and not less frequently than once every 180 days thereafter, the President shall submit to the appropriate congressional committees a report on significant activities undermining cybersecurity conducted by persons on behalf of or at the direction of the Government of Iran (including members of paramilitary organizations such as Ansar-e-Hezbollah and Basij-e Mostaz'afin) against the Government of the United States or any United States person.

(2) INFORMATION.—The report required under paragraph (1) shall include the following:

(A) The identity of persons that have knowingly facilitated, participated or assisted in, engaged in, directed, or provided material support for significant activities undermining cybersecurity described in paragraph (1).

(B) A description of the conduct engaged in by each person identified under subparagraph (A).

(C) An assessment of the extent to which the Government of Iran or another foreign government directed, facilitated, or provided material support in the conduct of significant activities undermining cybersecurity described in paragraph (1).

(D) A strategy to counter efforts by persons to conduct significant activities undermining cybersecurity described in paragraph (1), including efforts to engage foreign governments to halt the capability of persons to conduct those activities described in paragraph (1).

(3) FORM.—The report required under paragraph (1) shall be submitted in unclassified form but may include a classified annex.

(b) DESIGNATION OF PERSONS.—

(1) IN GENERAL.—Except as provided in paragraph (2), the President shall include on the specially designated nationals and blocked persons list maintained by the Office of Foreign Assets Control of the Department of the Treasury—

(A) any person identified under subsection (a)(2)(A); and

(B) any person for which the Department of Justice has issued an indictment in connection with significant activities undermining cybersecurity against the Government of the United States or any United States person.

(2) EXCEPTION.—The President is not required to include a person described in paragraph (1)(A) or (1)(B) on the specially designated nationals and blocked persons list maintained by the Office of Foreign Assets Control of the Department of the Treasury if the President submits to the appropriate congressional committees an explanation of the reasons for not including that person on that list.

(c) SANCTIONS DESCRIBED.—The President shall use authority provided in Executive Order 13694 (50 U.S.C. 1701 note; relating to blocking property of persons certain persons engaging in significant malicious cyber-enabled activities) to impose sanctions against any person included on the specially designated nationals and blocked persons list maintained by the Office of Foreign Assets Control of the Department of the Treasury pursuant to subsection (b).

(d) PRESIDENTIAL BRIEFINGS TO CONGRESS.—Not later than 180 days after the date of the enactment of this Act, and periodically thereafter, the President shall provide a briefing to the appropriate congressional committees on efforts to implement this section.

(e) DEFINITIONS.—In this section:

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term ''appropriate congressional committees'' means—

(A) the Committee on Foreign Relations, the Committee on Homeland Security and Governmental Affairs, and the Committee on Banking, Housing, and Urban Affairs of the Senate; and

(B) the Committee on Foreign Affairs, the Committee on Homeland Security, the Committee on Financial Services, and the Committee on Ways and Means of the House of Representatives.

(2) SIGNIFICANT ACTIVITIES UNDERMINING CYBERSECURITY.—The term ''significant activities undermining cybersecurity'' includes—

(A) significant efforts to—

(i) deny access to or degrade, disrupt, or destroy an information and communications technology system or network; or

(ii) exfiltrate information from such a system or network without authorization;

(B) significant destructive malware attacks;

(C) significant denial of service activities; and

(D) such other significant activities as may be described in regulations prescribed to implement this section.

(3) UNITED STATES PERSON.—The term ''United States person'' means—

(A) an individual who is a citizen of the United States or an alien lawfully admitted for permanent residence to the United States;

(B) an entity organized under the laws of the United States or any jurisdiction within the United States, including a foreign branch of such an entity; or

(C) any government entity in the United States, whether Federal, State, or local.

SA 4206. Mrs. FISCHER submitted an amendment intended to be proposed by her to the bill S. 2943, to authorize appropriations for fiscal year 2017 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

On page 423, strike lines 16 and 17 and insert the following:

(a) IN GENERAL.—Except as provided in subsection (c), not later than 90 days after submitting the report required by subsection (d), or one year after the date of the enactment of this Act, whichever occurs first, the Secretary of Defense

On page 425, strike lines 10 through 18 and insert the following:

(5) The Secretary shall ensure that any covered beneficiary who may be affected by modifications, reductions, or eliminations implemented under this section will be able to receive through the purchased care component of the TRICARE program any medical services that will not be available to such covered beneficiary at a military treatment facility as a result of such modifications, reductions, or eliminations.

(c) EXCEPTION.—The Secretary is not required to implement measures under subsection (a) with respect to overseas military health care facilities in a country if the Secretary determines that medical services in addition to the medical services described in subsection (b)(2) are necessary to ensure that covered beneficiaries located in that country have access to a similar level of care available to covered beneficiaries located in the United States.

(d) REPORT ON MODIFICATIONS.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the modifications to medical services, military treatment facilities, and personnel in the military health system to be implemented pursuant to subsection (a).

(2) ELEMENTS.—The report required by paragraph (1) shall include, at a minimum, the following:

(A) A description of the medical services and associated personnel capacities necessary for the military medical force readiness of the Department of Defense.

(B) A comprehensive plan to modify the personnel and infrastructure of the military health system to exclusively provide medical services necessary for the military medical force readiness of the Department of Defense, including the following:

(i) A description of the planned changes or reductions in medical services provided by the military health system.

(ii) A description of the planned changes or reductions in staffing of military personnel, civilian personnel, and contractor personnel within the military health system.

(iii) A description of the personnel management authorities through which changes or reductions described in clauses (i) and (ii) will be made.

(iv) A description of the planned changes to the infrastructure of the military health system.

(v) An estimated timeline for completion of the changes or reductions described in clauses (i), (ii), and (iv) and other key milestones for implementation of such changes or reductions.

(e) COMPTROLLER GENERAL REPORT.—

On page 428, between lines 15 and 16, insert the following:

(3) The terms ''covered beneficiary'' and ''TRICARE program'' have the meanings given those terms in section 1072 of title 10, United States Code.

SA 4207. Mr. MORAN submitted an amendment intended to be proposed by him to the bill S. 2943, to authorize appropriations for fiscal year 2017 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 740. AUTHORITY TO EXPEDITE OPERATIONAL CAPABILITY OF MILITARY MEDICAL FACILITIES.

The Secretary of a military department may accept a military medical facility under the jurisdiction of such Secretary and begin initial operational testing prior to the facility reaching full operational capability if such Secretary determines that—

(1) initial operational testing—

(A) does not pose a direct threat to the life and safety of individuals at the facility;

(B) would not degrade the quality of health care services provided at the facility or the ability of health care providers at the facility to provide high-quality health care services; and

(C) will support the readiness of members of the Armed Forces as advised by the commanding general of the military installation at which the facility is located; and

(2) the completion of remaining objectives with respect to the facility reaching full operational capability will not be negatively impacted by beginning initial operational testing.

SA 4208. Mrs. CAPITO submitted an amendment intended to be proposed by her to the bill S. 2943, to authorize appropriations for fiscal year 2017 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 1097. CLARIFICATION THAT VOCATIONAL AND OTHER TRAINING SERVICES AND ASSISTANCE FOR VETERANS INCLUDES PARTICIPATION IN AGRICULTURAL TRAINING PROGRAMS.

Section 3104(a)(7) of title 38, United States Code, is amended—

(1) by redesignating subparagraph (B) as subparagraph (C); and

(2) by inserting after subparagraph (A) the following new subparagraph (B):

''(B) Vocational and other training services and assistance under subparagraph (A) may include participation in an agricultural training program authorized by a State legislature or certified by a State approving agency.''.

SA 4209. Mrs. CAPITO (for herself, Ms. STABENOW, Ms. COLLINS, and Mr. MARKEY) submitted an amendment intended to be proposed by her to the bill S. 2943, to authorize appropriations for fiscal year 2017 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 709. PROVISION OF CARE PLANNING SESSIONS FOR ALZHEIMER'S DISEASE AND RELATED DEMENTIAS UNDER THE TRICARE PROGRAM.

(a) IN GENERAL.—The Secretary of Defense shall provide to a covered beneficiary diagnosed with Alzheimer's disease or a related dementia a care planning session conducted by an appropriate health care provider as determined by the Secretary.

(b) CARE PLANNING SESSION.—A care planning session provided to a covered beneficiary under subsection (a) shall include the following:

(1) An explanation of the disease or dementia for which the care planning session is sought, including the expected progression of the disease or dementia.

(2) The creation of a patient-centered comprehensive care plan, as determined appropriate by the Secretary.

(3) Information regarding treatment options.

(4) A discussion of resources and services available to the covered beneficiary in the community that may reduce health risks and promote self-management of the disease or dementia for which the care planning session is sought.

(5) Such other information as the Secretary determines appropriate.

(c) STAKEHOLDER INPUT.—The Secretary shall seek input from physicians, practitioners, and other stakeholders regarding the structure of care planning sessions provided under subsection (a), as determined appropriate by the Secretary.

(d) COVERED BENEFICIARY DEFINED.—In this section, the term ''covered beneficiary'' has the meaning given that term in section 1072 of title 10, United States Code.

SA 4210. Mr. TESTER (for himself, Mr. GRASSLEY, Mr. JOHNSON, and Mr. CARPER) submitted an amendment intended to be proposed by him to the bill S. 2943, to authorize appropriations for fiscal year 2017 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 1138. ADMINISTRATIVE LEAVE.

(a) SHORT TITLE.—This section may be cited as the ''Administrative Leave Act of 2016''.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) agency use of administrative leave, and leave that is referred to incorrectly as administrative leave in agency recording practices, has exceeded reasonable amounts—

(A) in contravention of—

(i) established precedent of the Comptroller General of the United States; and

(ii) guidance provided by the Office of Personnel Management; and

(B) resulting in significant cost to the Federal Government;

(2) administrative leave should be used sparingly;

(3) prior to the use of paid leave to address personnel issues, an agency should consider other actions, including—

(A) temporary reassignment;

(B) transfer; and

(C) telework;

(4) an agency should prioritize and expeditiously conclude an investigation in which an employee is placed in administrative leave so that, not later than the conclusion of the leave period—

(A) the employee is returned to duty status; or

(B) an appropriate personnel action is taken with respect to the employee;

(5) data show that there are too many examples of employees placed in administrative leave for 6 months or longer, leaving the employees without any available recourse to—

(A) return to duty status; or

(B) challenge the decision of the agency;

(6) an agency should ensure accurate and consistent recording of the use of administrative leave so that administrative leave can be managed and overseen effectively; and

(7) other forms of excused absence authorized by law should be recorded separately from administrative leave, as defined by the amendments made by this section.

(c) ADMINISTRATIVE LEAVE.—

(1) IN GENERAL.—Subchapter II of chapter 63 of title 5, United States Code, is amended by adding at the end the following:

''§ 6329a. Administrative leave

''(a) DEFINITIONS.—In this section—

''(1) the term 'administrative leave' means leave—

''(A) without loss of or reduction in—

''(i) pay;

''(ii) leave to which an employee is otherwise entitled under law; or

''(iii) credit for time or service; and

''(B) that is not authorized under any other provision of law;

''(2) the term 'agency'—

''(A) means an Executive agency (as defined in section 105 of this title); and

''(B) does not include the Government Accountability Office; and

''(3) the term 'employee'—

''(A) has the meaning given the term in section 2105; and

''(B) does not include an intermittent employee who does not have an established regular tour of duty during the administrative workweek.

''(b) ADMINISTRATIVE LEAVE.—

''(1) IN GENERAL.—An agency may place an employee in administrative leave for a period of not more than 5 consecutive days.

''(2) RULE OF CONSTRUCTION.—Nothing in paragraph (1) shall be construed to limit the use of leave that is—

''(A) specifically authorized under law; and

''(B) not administrative leave.

''(3) RECORDS.—An agency shall record administrative leave separately from leave authorized under any other provision of law.

''(c) REGULATIONS.—

''(1) OPM REGULATIONS.—Not later than 1 year after the date of enactment of this section, the Director of the Office of Personnel Management shall—

''(A) prescribe regulations to carry out this section; and

''(B) prescribe regulations that provide guidance to agencies regarding—

''(i) acceptable agency uses of administrative leave; and

''(ii) the proper recording of—

''(I) administrative leave; and

''(II) other leave authorized by law.

''(2) AGENCY ACTION.—Not later than 1 year after the date on which the Director of the Office of Personnel Management prescribes regulations under paragraph (1), each agency shall revise and implement the internal policies of the agency to meet the requirements of this section.

''(d) RELATION TO OTHER LAWS.—Notwithstanding subsection (a) of section 7421 of title 38, this section shall apply to an employee described in subsection (b) of that section.''.

(2) OPM STUDY.—Not later than 120 days after the date of enactment of this Act, the Director of the Office of Personnel Management, in consultation with Federal agencies, groups representing Federal employees, and other relevant stakeholders, shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Oversight and Government Reform of the House of Representatives a report identifying agency practices, as of the date of enactment of this Act, of placing an employee in administrative leave for more than 5 consecutive days when the placement was not specifically authorized by law.

(3) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for subchapter II of chapter 63 of title 5, United States Code, is amended by inserting after the item relating to section 6329 the following:

''6329a. Administrative leave.''.

(d) INVESTIGATIVE LEAVE AND NOTICE LEAVE.—

(1) IN GENERAL.—Subchapter II of chapter 63 of title 5, United States Code, as amended by this section, is further amended by adding at the end the following:

''§ 6329b. Investigative leave and notice leave

''(a) DEFINITIONS.—In this section—

''(1) the term 'agency'—

''(A) means an Executive agency (as defined in section 105 of this title); and

''(B) does not include the Government Accountability Office;

''(2) the term 'Chief Human Capital Officer' means—

''(A) the Chief Human Capital Officer of an agency designated or appointed under section 1401; or

''(B) the equivalent;

''(3) the term 'committees of jurisdiction', with respect to an agency, means each committee in the Senate and House of Representatives with jurisdiction over the agency;

''(4) the term 'Director' means the Director of the Office of Personnel Management;

''(5) the term 'employee'—

''(A) has the meaning given the term in section 2105; and

''(B) does not include—

''(i) an intermittent employee who does not have an established regular tour of duty during the administrative workweek; or

''(ii) the Inspector General of an agency;

''(6) the term 'investigative leave' means leave—

''(A) without loss of or reduction in—

''(i) pay;

''(ii) leave to which an employee is otherwise entitled under law; or

''(iii) credit for time or service;

''(B) that is not authorized under any other provision of law; and

''(C) in which an employee who is the subject of an investigation is placed;

''(7) the term 'notice leave' means leave—

''(A) without loss of or reduction in—

''(i) pay;

''(ii) leave to which an employee is otherwise entitled under law; or

''(iii) credit for time or service;

''(B) that is not authorized under any other provision of law; and

''(C) in which an employee who is in a notice period is placed; and

''(8) the term 'notice period' means a period beginning on the date on which an employee is provided notice required under law of a proposed adverse action against the employee and ending on the date on which an agency may take the adverse action.

''(b) LEAVE FOR EMPLOYEES UNDER INVESTIGATION OR IN A NOTICE PERIOD.—

''(1) AUTHORITY.—An agency may, in accordance with paragraph (2), place an employee in—

''(A) investigative leave if the employee is the subject of an investigation;

''(B) notice leave if the employee is in a notice period; or

''(C) notice leave following a placement in investigative leave if, not later than the day after the last day of the period of investigative leave—

''(i) the agency proposes or initiates an adverse action against the employee; and

''(ii) the agency determines that the employee continues to meet 1 or more of the criteria described in subsection (c)(1).

''(2) REQUIREMENTS.—An agency may place an employee in leave under paragraph (1) only if the agency has—

''(A) made a determination with respect to the employee under subsection (c)(1);

''(B) considered the available options for the employee under subsection (c)(2); and

''(C) determined that none of the available options under subsection (c)(2) is appropriate.

''(c) EMPLOYEES UNDER INVESTIGATION OR IN A NOTICE PERIOD.—

''(1) DETERMINATIONS.—An agency may not place an employee in investigative leave or notice leave under subsection (b) unless the continued presence of the employee in the workplace during an investigation of the employee or while the employee is in a notice period, if applicable, may—

''(A) pose a threat to the employee or others;

''(B) result in the destruction of evidence relevant to an investigation;

''(C) result in loss of or damage to Government property; or

''(D) otherwise jeopardize legitimate Government interests.

''(2) AVAILABLE OPTIONS FOR EMPLOYEES UNDER INVESTIGATION OR IN A NOTICE PERIOD.—After making a determination under paragraph (1) with respect to an employee, and before placing an employee in investigative leave or notice leave under subsection (b), an agency shall consider taking 1 or more of the following actions:

''(A) Assigning the employee to duties in which the employee is no longer a threat to—

''(i) safety;

''(ii) the mission of the agency;

''(iii) Government property; or

''(iv) evidence relevant to an investigation.

''(B) Allowing the employee to take leave for which the employee is eligible.

''(C) Requiring the employee to telework under section 6502(c).

''(D) If the employee is absent from duty without approved leave, carrying the employee in absence without leave status.

''(E) For an employee subject to a notice period, curtailing the notice period if there is reasonable cause to believe the employee has committed a crime for which a sentence of imprisonment may be imposed.

''(3) DURATION OF LEAVE.—

''(A) INVESTIGATIVE LEAVE.—Subject to extensions of a period of investigative leave for which an employee may be eligible under subsections (d) and (e), the initial placement of an employee in investigative leave shall be for a period not longer than 10 days.

''(B) NOTICE LEAVE.—Placement of an employee in notice leave shall be for a period not longer than the duration of the notice period.

''(4) EXPLANATION OF LEAVE.—

''(A) IN GENERAL.—If an agency places an employee in leave under subsection (b), the agency shall provide the employee a written explanation of the leave placement and the reasons for the leave placement.

''(B) EXPLANATION.—The written notice under subparagraph (A) shall describe the limitations of the leave placement, including—

''(i) the applicable limitations under paragraph (3); and

''(ii) in the case of a placement in investigative leave, an explanation that, at the conclusion of the period of leave, the agency shall take an action under paragraph (5).

''(5) AGENCY ACTION.—Not later than the day after the last day of a period of investigative leave for an employee under subsection (b)(1), an agency shall—

''(A) return the employee to regular duty status;

''(B) take 1 or more of the actions authorized under paragraph (2), meaning—

''(i) assigning the employee to duties in which the employee is no longer a threat to—

''(I) safety;

''(II) the mission of the agency;

''(III) Government property; or

''(IV) evidence relevant to an investigation;

''(ii) allowing the employee to take leave for which the employee is eligible;

''(iii) requiring the employee to telework under section 6502(c);

''(iv) if the employee is absent from duty without approved leave, carrying the employee in absence without leave status; or

''(v) for an employee subject to a notice period, curtailing the notice period if there is reasonable cause to believe the employee has committed a crime for which a sentence of imprisonment may be imposed;

''(C) propose or initiate an adverse action against the employee as provided under law; or

''(D) extend the period of investigative leave under subsections (d) and (e).

''(6) RULE OF CONSTRUCTION.—Nothing in paragraph (5) shall be construed to prevent the continued investigation of an employee, except that the placement of an employee in investigative leave may not be extended for that purpose except as provided in subsections (d) and (e).

''(d) INITIAL EXTENSION OF INVESTIGATIVE LEAVE.—

''(1) IN GENERAL.—Subject to paragraph (4), if the Chief Human Capital Officer of an agency, or the designee of the Chief Human Capital Officer, approves such an extension after consulting with the investigator responsible for conducting the investigation to which an employee is subject, the agency may extend the period of investigative leave for the employee under subsection (b) for not more than 30 days.

''(2) MAXIMUM NUMBER OF EXTENSIONS.—The total period of additional investigative leave for an employee under paragraph (1) may not exceed 110 days.

''(3) DESIGNATION GUIDANCE.—Not later than 1 year after the date of enactment of this section, the Chief Human Capital Officers Council shall issue guidance to ensure that if the Chief Human Capital Officer of an agency delegates the authority to approve an extension under paragraph (1) to a designee, the designee is at a sufficiently high level within the agency to make an impartial and

independent determination regarding the extension.

''(4) EXTENSIONS FOR OIG EMPLOYEES.—

''(A) APPROVAL.—In the case of an employee of an Office of Inspector General—

''(i) the Inspector General or the designee of the Inspector General, rather than the Chief Human Capital Officer or the designee of the Chief Human Capital Officer, shall approve an extension of a period of investigative leave for the employee under paragraph (1); or

''(ii) at the request of the Inspector General, the head of the agency within which the Office of Inspector General is located shall designate an official of the agency to approve an extension of a period of investigative leave for the employee under paragraph (1).

''(B) GUIDANCE.—Not later than 1 year after the date of enactment of this section, the Council of the Inspectors General on Integrity and Efficiency shall issue guidance to ensure that if the Inspector General or the head of an agency, at the request of the Inspector General, delegates the authority to approve an extension under subparagraph (A) to a designee, the designee is at a sufficiently high level within the Office of Inspector General or the agency, as applicable, to make an impartial and independent determination regarding the extension.

''(e) FURTHER EXTENSION OF INVESTIGATIVE LEAVE.—

''(1) IN GENERAL.—After reaching the limit under subsection (d)(2), an agency may further extend a period of investigative leave for an employee for a period of not more than 60 days if, before the further extension begins, the head of the agency or, in the case of an employee of an Office of Inspector General, the Inspector General submits a notification that includes the reasons for the further extension to the—

''(A) committees of jurisdiction;

''(B) Committee on Homeland Security and Governmental Affairs of the Senate; and

''(C) Committee on Oversight and Government Reform of the House of Representatives.

''(2) NO LIMIT.—There shall be no limit on the number of further extensions that an agency may grant to an employee under paragraph (1).

''(3) OPM REVIEW.—An agency shall request from the Director, and include with the notification required under paragraph (1), the opinion of the Director—

''(A) with respect to whether to grant a further extension under this subsection, including the reasons for that opinion; and

''(B) which shall not be binding on the agency.

''(4) SUNSET.—The authority provided under this subsection shall expire on the date that is 6 years after the date of enactment of this section.

''(f) CONSULTATION GUIDANCE.—Not later than 1 year after the date of enactment of this section, the Council of the Inspectors General on Integrity and Efficiency, in consultation with the Attorney General and the Special Counsel, shall issue guidance on best practices for consultation between an investigator and an agency on the need to place an employee in investigative leave during an investigation of the employee, including during a criminal investigation, because the continued presence of the employee in the workplace during the investigation may—

''(1) pose a threat to the employee or others;

''(2) result in the destruction of evidence relevant to an investigation;

''(3) result in loss of or damage to Government property; or

''(4) otherwise jeopardize legitimate Government interests.

''(g) REPORTING AND RECORDS.—

''(1) IN GENERAL.—An agency shall keep a record of the placement of an employee in investigative leave or notice leave by the agency, including—

''(A) the basis for the determination made under subsection (c)(1);

''(B) an explanation of why an action under subsection (c)(2) was not appropriate;

''(C) the length of the period of leave;

''(D) the amount of salary paid to the employee during the period of leave;

''(E) the reasons for authorizing the leave, including, if applicable, the recommendation made by an investigator under subsection (d)(1); and

''(F) the action taken by the agency at the end of the period of leave, including, if applicable, the granting of any extension of a period of investigative leave under subsection (d) or (e).

''(2) AVAILABILITY OF RECORDS.—An agency shall make a record kept under paragraph (1) available—

''(A) to any committee of Congress, upon request;

''(B) to the Office of Personnel Management; and

''(C) as otherwise required by law, including for the purposes of the Administrative Leave Act of 2016 and the amendments made by that Act.

''(h) REGULATIONS.—

''(1) OPM ACTION.—Not later than 1 year after the date of enactment of this section, the Director shall prescribe regulations to carry out this section, including guidance to agencies regarding—

''(A) acceptable purposes for the use of—

''(i) investigative leave; and

''(ii) notice leave;

''(B) the proper recording of—

''(i) the leave categories described in subparagraph (A); and

''(ii) other leave authorized by law;

''(C) baseline factors that an agency shall consider when making a determination that the continued presence of an employee in the workplace may—

''(i) pose a threat to the employee or others;

''(ii) result in the destruction of evidence relevant to an investigation;

''(iii) result in loss or damage to Government property; or

''(iv) otherwise jeopardize legitimate Government interests; and

''(D) procedures and criteria for the approval of an extension of a period of investigative leave under subsection (d) or (e).

''(2) AGENCY ACTION.—Not later than 1 year after the date on which the Director prescribes regulations under paragraph (1), each agency shall revise and implement the internal policies of the agency to meet the requirements of this section.

''(i) RELATION TO OTHER LAWS.—Notwithstanding subsection (a) of section 7421 of title 38, this section shall apply to an employee described in subsection (b) of that section.''.

(2) PERSONNEL ACTION.—Section 2302(a)(2)(A) of title 5, United States Code, is amended—

(A) in clause (xi), by striking ''and'' at the end;

(B) by redesignating clause (xii) as clause (xiii); and

(C) by inserting after clause (xi) the following:

''(xii) a determination made by an agency under section 6329b(c)(1) that the continued presence of an employee in the workplace during an investigation of the employee or while the employee is in a notice period, if applicable, may—

''(I) pose a threat to the employee or others;

''(II) result in the destruction of evidence relevant to an investigation;

''(III) result in loss of or damage to Government property; or

''(IV) otherwise jeopardize legitimate Government interests; and''.

(3) GAO REPORT.—Not later than 5 years after the date of enactment of this Act, the Comptroller General of the United States shall report to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Oversight and Government Reform of the House of Representatives on the results of an evaluation of the implementation of the authority provided under sections 6329a and 6329b of title 5, United States Code, as added by subsection (c)(1) and paragraph (1) of this subsection, respectively, including—

(A) an assessment of agency use of the authority provided under subsection (e) of such section 6329b, including data regarding—

(i) the number and length of extensions granted under that subsection; and

(ii) the number of times that the Director of the Office of Personnel Management, under paragraph (3) of that subsection—

(I) concurred with the decision of an agency to grant an extension; and

(II) did not concur with the decision of an agency to grant an extension, including the bases for those opinions of the Director;

(B) recommendations to Congress, as appropriate, on the need for extensions beyond the extensions authorized under subsection (d) of such section 6329b; and

(C) a review of the practice of agency placement of an employee in investigative or notice leave under subsection (b) of such section 6329b because of a determination under subsection (c)(1)(D) of that section that the employee jeopardized legitimate Government interests, including the extent to which such determinations were supported by evidence.

(4) TELEWORK.—Section 6502 of title 5, United States Code, is amended by adding at the end the following:

''(c) REQUIRED TELEWORK.—If an agency determines under section 6329b(c)(1) that the continued presence of an employee in the workplace during an investigation of the employee or while the employee is in a notice period, if applicable, may pose 1 or more of the threats described in that section and the employee is eligible to telework under subsections (a) and (b) of this section, the agency may require the employee to telework for the duration of the investigation or the notice period, if applicable.''.

(5) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for subchapter II of chapter 63 of title 5, United States Code, is amended by inserting after the item relating to section 6329a, as added by this section, the following:

''6329b. Investigative leave and notice leave.''.

(e) LEAVE FOR WEATHER AND SAFETY ISSUES.—

(1) IN GENERAL.—Subchapter II of chapter 63 of title 5, United States Code, as amended by this section, is further amended by adding at the end the following:

''§ 6329c. Weather and safety leave

''(a) DEFINITIONS.—In this section—

''(1) the term 'agency'—

''(A) means an Executive agency (as defined in section 105 of this title); and

''(B) does not include the Government Accountability Office; and

''(2) the term 'employee'—

''(A) has the meaning given the term in section 2105; and

''(B) does not include an intermittent employee who does not have an established regular tour of duty during the administrative workweek.

''(b) LEAVE FOR WEATHER AND SAFETY ISSUES.—An agency may approve the provision of leave under this section to an employee or a group of employees without loss of or reduction in the pay of the employee or employees, leave to which the employee or employees are otherwise entitled, or credit to the employee or employees for time or service only if the employee or group of employees is prevented from safely traveling to or performing work at an approved location due to—

''(1) an act of God;

''(2) a terrorist attack; or

''(3) another condition that prevents the employee or group of employees from safely traveling to or performing work at an approved location.

''(c) RECORDS.—An agency shall record leave provided under this section separately from leave authorized under any other provision of law.

''(d) REGULATIONS.—Not later than 1 year after the date of enactment of this section, the Director of the Office of Personnel Management shall prescribe regulations to carry out this section, including—

''(1) guidance to agencies regarding the appropriate purposes for providing leave under this section; and

''(2) the proper recording of leave provided under this section.

''(e) RELATION TO OTHER LAWS.—Notwithstanding subsection (a) of section 7421 of title 38, this section shall apply to an employee described in subsection (b) of that section.''.

(2) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for subchapter II of chapter 63 of title 5, United States Code, is amended by inserting after the item relating to section 6329b, as added by this section, the following:

''6329c. Weather and safety leave.''.

(f) ADDITIONAL OVERSIGHT.—

(1) IN GENERAL.—Not later than 3 years after the date of enactment of this Act, the Director of the Office of Personnel Management shall complete a review of agency policies to determine whether agencies have complied with the requirements of this section and the amendments made by this section.

(2) REPORT TO CONGRESS.—Not later than 90 days after completing the review under paragraph (1), the Director shall submit to Congress a report evaluating the results of the review.

SA 4211. Mr. TESTER submitted an amendment intended to be proposed by him to the bill S. 2943, to authorize appropriations for fiscal year 2017 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 673. CREDIT PROTECTIONS FOR SERVICEMEMBERS.

(a) ACTIVE DUTY FREEZE ALERTS.—Section 605A of the Fair Credit Reporting Act (15 U.S.C. 1681c–1) is amended—

(1) in the heading for such section, by striking ''**AND ACTIVE DUTY ALERTS**'' and inserting ''**, ACTIVE DUTY ALERTS, AND ACTIVE DUTY FREEZE ALERTS**'';

(2) by redesignating subsections (d) through (h) as subsections (e) through (i), respectively;

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

''(d) ACTIVE DUTY FREEZE ALERTS.—Upon the direct request of an active duty military consumer, or an individual acting on behalf of or as a personal representative of an active duty military consumer, a consumer reporting agency described in section 603(p) that maintains a file on the active duty military consumer and has received appropriate proof of the identity of the requester, at no cost to the active duty military consumer while the consumer is deployed, shall—

''(1) include an active duty freeze alert in the file of that active duty military consumer or such longer period as the Bureau shall determine, by regulation, beginning on the date of the request, unless the active duty military consumer or such representative requests that such freeze alert be removed before the end of such period, and the agency has received appropriate proof of the identity of the requester for such purpose;

''(2) during the 2-year period beginning on the date of such request, exclude the active duty military consumer from any list of consumers prepared by the consumer reporting agency and provided to any third party to offer credit or insurance to the consumer as part of a transaction that was not initiated by the consumer, unless the consumer requests that such exclusion be rescinded before the end of such period; and

''(3) refer the information regarding the active duty freeze alert to each of the other consumer reporting agencies described in section 603(p), in accordance with procedures developed under section 621(f).'';

(4) in subsection (e), as so redesignated—

(A) by striking ''extended, and active duty alerts'' and inserting ''extended, active duty, and active duty freeze alerts''; and

(B) by striking ''extended, or active duty alerts'' and inserting ''extended, active duty, or active duty freeze alerts'';

(5) in subsection (f), as so redesignated—

(A) in the matter preceding paragraph (1), by striking ''or active duty alert'' and inserting ''active duty alert, or active duty freeze alert'';

(B) in paragraph (2), by striking ''; and'' and inserting a semicolon;

(C) in paragraph (3), by striking the period and inserting ''; and''; and

(D) by adding at the end the following:

''(4) paragraphs (1) and (2) of subsection (d), in the case of a referral under subsection (d)(3).'';

(6) in subsection (g), as so redesignated, by striking ''or active duty alert'' and inserting ''active duty alert, or active duty freeze alert''; and

(7) in subsection (i), as so redesignated, by adding at the end the following:

''(3) REQUIREMENTS FOR ACTIVE DUTY FREEZE ALERTS.—

''(A) NOTIFICATION.—Each active duty freeze alert under this section shall include information that notifies all prospective users of a consumer report on the consumer to which the freeze alert relates that the consumer does not authorize the establishment of any new credit plan or extension of credit, including any credit under an open-end credit plan (as defined in section 103(i)), in the name of the consumer, or issuance of an additional card on an existing credit account requested by a consumer, or any increase in credit limit on an existing credit account requested by a consumer.

''(B) PROHIBITION ON USERS.—No prospective user of a consumer report that includes an active duty freeze alert in accordance with this section may establish a new credit plan or extension of credit, including any credit under an open-end credit plan (as defined in section 103(i)), in the name of the consumer, or issue an additional card on an existing credit account requested by a consumer, or grant any increase in credit limit on an existing credit account requested by a consumer.''.

(b) RULEMAKING.—The Bureau of Consumer Financial Protection shall prescribe regulations to define what constitutes appropriate proof of identity for purposes of section 605A(d) of the Fair Credit Reporting Act, as amended by subsection (a).

(c) TECHNICAL AMENDMENT.—Section 603(q)(2) of the Fair Credit Reporting Act (15 U.S.C. 1681a(q)(2)) is amended—

(1) in the heading for such paragraph, by striking ''ACTIVE DUTY ALERT'' and inserting ''ACTIVE DUTY ALERT; ACTIVE DUTY FREEZE ALERT''; and

(2) by inserting ''and 'active duty freeze alert' '' before ''mean''.

(d) EFFECTIVE DATE.—This Act, and any amendment made by this Act, shall take effect 1 year after the date of enactment of this Act.

SA 4212. Mr. TESTER submitted an amendment intended to be proposed by him to the bill S. 2943, to authorize appropriations for fiscal year 2017 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle H of title V, add the following:

SEC. 597. DEFERRAL OF STUDENTS LOANS FOR CERTAIN PERIOD IN CONNECTION WITH RECEIPT OF ORDERS FOR MOBILIZATION FOR WAR OR NATIONAL EMERGENCY.

(a) FEDERAL FAMILY EDUCATION LOANS.—Section 428(b)(1)(M) of the Higher Education Act of 1965 (20 U.S.C. 1078(b)(1)(M)) is amended—

(1) in the matter preceding clause (i), by striking '', during any period'';

(2) in clause (i), by striking ''during which'' and inserting ''during any period during which'';

(3) in clause (ii), by striking ''during which'' and inserting ''during any period during which'';

(4) in clause (iii)—

(A) by striking ''during which'' and inserting ''during any period during which''; and

(B) in the matter following subclause (II), by striking ''or'' after the semicolon;

(5) by redesignating clause (iv) as clause (vi);

(6) by inserting after clause (iii) the following:

''(iv) in the case of any borrower who has received a call or order to duty described in subclause (I) or (II) of clause (iii), during the shorter of—

''(I) the period beginning on the date such call or order to duty is received by the borrower and ending on the first day of the service described in subclause (I) or (II) of clause (iii); and

''(II) the 180-day period preceding the first day of such service;

''(v) notwithstanding clause (iv)—

''(I) in the case of any borrower described in such clause whose call or order to duty is cancelled before the first day of the service described in subclause (I) or (II) of clause (iii) because of a personal injury in connection with training to prepare for such service, during the period described in clause (iv) and during an additional period equal to the duration of such service, as specified by or otherwise determined in the original call or order to duty; and

''(II) in the case of any borrower whose call or order to duty is cancelled before the first

day of such service for a reason other than an injury described in subclause (I), during the period beginning on the date the call or order to duty is received by the borrower and ending on the date that is 14 days after such call or order to duty is cancelled; and''; and

(7) in clause (vi) (as redesignated by paragraph (5)), by striking ''not in excess'' and inserting ''during any period not in excess''.

(b) DIRECT LOANS.—Section 455(f)(2) of the Higher Education Act of 1965 (20 U.S.C. 1087e(f)(2)) is amended—

(1) in the matter preceding subparagraph (A), by striking ''during any period'';

(2) in subparagraph (A), by striking ''during which'' and inserting ''during any period during which'';

(3) in subparagraph (B), by striking ''not in excess'' and inserting ''during any period not in excess'';

(4) in subparagraph (C)—

(A) in the matter preceding clause (i), by striking ''during which'' and inserting ''during any period during which''; and

(B) in the matter following clause (ii), by striking ''or'' after the semicolon;

(5) by redesignating subparagraph (D) as subparagraph (F);

(6) by inserting after subparagraph (C) the following:

''(D) in the case of any borrower who has received a call or order to duty described in clause (i) or (ii) of subparagraph (C), during the shorter of—

''(i) the period beginning on the date such call or order to duty is received by the borrower and ending on the first day of the service described in clause (i) or (ii) of subparagraph (C); and

''(ii) the 180-day period preceding the first day of such service;

''(E) notwithstanding subparagraph (D)—

''(i) in the case of any borrower described in such subparagraph whose call or order to duty is cancelled before the first day of the service described in clause (i) or (ii) of subparagraph (C) because of a personal injury in connection with training to prepare for such service, during the period described in subparagraph (D) and during an additional period equal to the duration of such service, as specified by or otherwise determined in the original call or order to duty; and

''(ii) in the case of any borrower whose call or order to duty is cancelled before the first day of such service for a reason other than an injury described in clause (i), during the period beginning on the date the call or order to duty is received by the borrower and ending on the date that is 14 days after such call or order to duty is cancelled; and''; and

(7) in subparagraph (F) (as redesignated by paragraph (5)), by striking ''not in excess'' and inserting ''during any period not in excess''.

(c) PERKINS LOANS.—Section 464(c)(2)(A) of the Higher Education Act of 1965 (20 U.S.C. 1087dd(c)(2)(A)) is amended—

(1) in the matter preceding clause (i), by striking ''during any period'';

(2) in clause (i), by striking ''during which'' and inserting ''during any period during which'';

(3) in clause (ii), by striking ''not in excess'' and inserting ''during any period not in excess'';

(4) in clause (iii), by striking ''during which'' and inserting ''during any period during which'';

(5) by redesignating clauses (iv) and (v) as clauses (vi) and (vii), respectively;

(6) by inserting after clause (iii) the following:

''(iv) in the case of any borrower who has received a call or order to duty described in subclause (I) or (II) of clause (iii), during the shorter of—

''(I) the period beginning on the date such call or order to duty is received by the borrower and ending on the first day of the service described in subclause (I) or (II) of clause (iii); and

''(II) the 180-day period preceding the first day of such service;

''(v) notwithstanding clause (iv)—

''(I) in the case of any borrower described in such clause whose call or order to duty is cancelled before the first day of the service described in subclause (I) or (II) of clause (iii) because of a personal injury in connection with training to prepare for such service, during the period described in clause (iv) and during an additional period equal to the duration of such service, as specified by or otherwise determined in the original call or order to duty; and

''(II) in the case of any borrower whose call or order to duty is cancelled before the first day of such service for a reason other than an injury described in subclause (I), during the period beginning on the date the call or order to duty is received by the borrower and ending on the date that is 14 days after such call or order to duty is cancelled;'';

(7) in clause (vi) (as redesignated by paragraph (5)), by striking ''not in excess'' and inserting ''during any period not in excess''; and

(8) in clause (vii) (as redesignated by paragraph (5)), by striking ''during which'' and inserting ''during any period during which''.

(d) RULE OF CONSTRUCTION.—Nothing in the amendments made by this section shall be construed to authorize any refunding of any repayment of a loan.

(e) APPLICABILITY.—The amendments made by this section shall apply with respect to all loans made, insured, or guaranteed under title IV of the Higher Education Act of 1965 (20 U.S.C. 1070 et seq.).

(f) CONFORMING AMENDMENTS.—Title IV of the Higher Education Act of 1965 (20 U.S.C. 1070 et seq.) is further amended—

(1) in section 428B(d)(1)(A)(ii) (20 U.S.C. 1078–2(d)(1)(A)(ii)), by striking ''428(b)(1)(M)(i)(I)'' and inserting ''or clause (i)(I), (iv), or (v) of section 428(b)(1)(M)''; and

(2) in section 493D(a) (20 U.S.C. 1098f(a)), by striking ''section 428(b)(1)(M)(iii), 455(f)(2)(C), or 464(c)(2)(A)(iii)'' and inserting ''clause (iii) or (iv) of section 428(b)(1)(M), subparagraph (C) or (D) of section 455(f)(2), or clause (iii) or (iv) of section 464(c)(2)(A)''.

SA 4213. Mr. TESTER (for himself, Mr. HELLER, Mrs. ERNST, Mr. ROUNDS, and Mr. LEAHY) submitted an amendment intended to be proposed by him to the bill S. 2943, to authorize appropriations for fiscal year 2017 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 709. PILOT PROGRAM ON EXPANSION OF ELIGIBILITY FOR READJUSTMENT COUNSELING FROM DEPARTMENT OF VETERANS AFFAIRS TO INCLUDE MEMBERS OF THE SELECTED RESERVE OF THE ARMED FORCES.

(a) IN GENERAL.—Beginning not later than one year after the date of the enactment of this Act, the Secretary of Veterans Affairs shall commence a three-year pilot program to assess the feasibility and advisability of furnishing counseling under section 1712A(a) of title 38, United States Code, to any member of the Selected Reserve of the Armed Forces who has a behavioral health condition or psychological trauma.

(b) COMPREHENSIVE INDIVIDUAL ASSESSMENT.—Counseling furnished under the pilot program may include a comprehensive individual assessment under section 1712A(a)(1)(B)(i) of such title.

(c) CONFIDENTIALITY.—The Secretary shall ensure that the confidentiality of individuals furnished counseling under the pilot program is protected to the same extent as the confidentiality of individuals furnished counseling under section 1712A(a) of such title.

(d) REPORT.—

(1) IN GENERAL.—Not later than 120 days after the date of the completion of the pilot program, the Secretary of Veterans Affairs shall, in consultation with the Secretary of Defense, submit to Congress a report on the findings of the Secretary of Veterans Affairs with respect to the pilot program.

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

(A) A description of the individuals who benefitted from counseling under the pilot program.

(B) A description of any impediments to the Secretary of Veterans Affairs in furnishing counseling under the pilot program.

(C) A description of any impediments encountered by individuals in receiving counseling under the pilot program.

(D) An assessment of the feasibility and advisability of furnishing counseling under the pilot program to all members of the Selected Reserve of the Armed Forces who have behavioral health conditions or psychological trauma.

(E) Such recommendations for legislative or administrative action as the Secretary considers appropriate with respect to the furnishing of counseling to such members.

(e) VET CENTER DEFINED.—In this section, the term ''Vet Center'' means a center for readjustment counseling and related mental health services for veterans under section 1712A of title 38, United States Code.

SA 4214. Mr. KIRK (for himself and Mr. DURBIN) submitted an amendment intended to be proposed by him to the bill S. 2943, to authorize appropriations for fiscal year 2017 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle F of title V of division A, add the following:

SEC. _____. IMPACT AID.

Notwithstanding section 5(d) of the Every Student Succeeds Act (Public Law 114–95; 129 Stat. 1806), the amendment made by section 7004(1) of such Act (Public Law 114–95; 129 Stat. 2077)—

(1) for fiscal year 2016, shall—

(A) be applied as if amending section 8003(a)(5)(A) of the Elementary and Secondary Education Act of 1965, as in effect on the day before the date of enactment of the Every Student Succeeds Act (Public Law 114– 95; 129 Stat. 1802); and

(B) be in effect with respect to appropriations for use under title VIII of the Elementary and Secondary Education Act of 1965, as in effect on the day before the date of enactment of the Every Student Succeeds Act; and

(2) for fiscal year 2017 and each succeeding fiscal year, shall be in effect with respect to appropriations for use under title VII of the Elementary and Secondary Education Act of 1965, as amended by the Every Student Succeeds Act (Public Law 114–95; 129 Stat. 1802).

SA 4215. Mr. REID (for himself, Mr. SCHUMER, and Ms. HIRONO) submitted an amendment intended to be proposed by him to the bill S. 2943, to authorize appropriations for fiscal year 2017 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. _____. CREDITABLE SERVICE FOR FEDERAL RETIREMENT FOR CERTAIN INDIVIDUALS.

(a) DEFINITIONS.—In this section—

(1) the term ''annuity'' includes a survivor annuity; and

(2) the terms ''survivor'', ''survivor annuitant'', and ''unfunded liability'' have the meanings given those terms under section 8331 of title 5, United States Code.

(b) AMENDMENTS.—

(1) IN GENERAL.—Section 8332(b) of title 5, United States Code, is amended—

(A) in paragraph (16), by striking ''and'' at the end;

(B) in paragraph (17), by striking the period at the end and inserting ''; and'';

(C) by inserting after paragraph (17) the following:

''(18) any period of service performed—

''(A) not later than December 31, 1977;

''(B) while a citizen of the United States;

''(C) in the employ of—

''(i) Air America, Inc.; or

''(ii) any entity associated with, predecessor to, or subsidiary to Air America, Inc., including Air Asia Company Limited, CAT Incorporated, Civil Air Transport Company Limited, and the Pacific Division of Southern Air Transport; and

''(D) during the period that Air America, Inc. or such other entity described in subparagraph (C) was owned and controlled by the United States Government.''; and

(D) in the second undesignated paragraph following paragraph (18) (as added by subparagraph (C)), by adding at the end the following: ''For purposes of this subchapter, service of the type described in paragraph (18) of this subsection shall be considered to have been service as an employee.''.

(2) EXEMPTION FROM DEPOSIT REQUIREMENT.—Section 8334(g) of title 5, United States Code, is amended—

(A) in paragraph (5), by striking ''or'' at the end;

(B) in paragraph (6), by striking the period at the end and inserting '' ; or''; and

(C) by adding at the end the following:

''(7) any period of service for which credit is allowed under section 8332(b)(18) of this title.''.

(c) APPLICABILITY.—

(1) IN GENERAL.—Except as otherwise provided in this subsection, the amendments made by this section shall apply with respect to annuities commencing on or after the effective date of this section.

(2) PROVISIONS RELATING TO CURRENT ANNUITANTS.—

(A) ELECTION.—Any individual who is entitled to an annuity for the month in which this section becomes effective may elect to have the amount of such annuity recomputed as if the amendments made by this section had been in effect throughout all periods of service on the basis of which the annuity is or may be based.

(B) SUBMISSION OF ELECTION.—An individual shall make an election under subparagraph (A) by submitting an appropriate application to the Office of Personnel Management not later than 2 years after the effective date of this section.

(C) EFFECTIVE DATE OF RECOMPUTATION; RETROACTIVE PAY AS LUMP-SUM PAYMENT.—

(i) EFFECTIVE DATE.—A recomputation under subparagraph (A) shall be effective as of the commencement date of the annuity.

(ii) RETROACTIVE PAY AS LUMP-SUM PAYMENT.—Any additional amounts becoming payable, due to a recomputation under subparagraph (A), for periods before the first month for which the recomputation is reflected in the regular monthly annuity payments of an individual shall be payable to the individual in the form of a lump-sum payment.

(3) PROVISIONS RELATING TO INDIVIDUALS ELIGIBLE FOR (BUT NOT CURRENTLY RECEIVING) AN ANNUITY.—

(A) IN GENERAL.—

(i) ELECTION.—An individual not described in paragraph (2) who becomes eligible for an annuity or an increased annuity as a result of the enactment of this section may elect to have the rights of the individual under subchapter III of chapter 83 of title 5, United States Code, determined as if the amendments made by this section had been in effect throughout all periods of service on the basis of which the annuity is or would be based.

(ii) SUBMISSION OF ELECTION.—An individual shall make an election under clause (i) by submitting an appropriate application to the Office of Personnel Management not later than 2 years after the later of—

(I) the effective date of this section; or

(II) the date on which the individual separates from service.

(B) EFFECTIVE DATE OF ENTITLEMENT; RETROACTIVITY.—

(i) EFFECTIVE DATE.—

(I) IN GENERAL.—Subject to clause (ii), any entitlement to an annuity or an increased annuity resulting from an election under subparagraph (A) shall be effective as of the commencement date of the annuity.

(II) RETROACTIVE PAY AS LUMP-SUM PAYMENT.—Any amounts becoming payable for periods before the first month for which regular monthly annuity payments begin to be made in accordance with the amendments made by this section shall be payable to the individual in the form of a lump-sum payment.

(ii) RETROACTIVITY.—Any determination of the amount, or of the commencement date, of any annuity, all the requirements for entitlement to which (including separation, but not including any application requirement) would have been satisfied before the effective date of this section if this section had been in effect (but would not then otherwise have been satisfied absent this section) shall be made as if application for the annuity had been submitted as of the earliest date that would have been allowable, after the date on which the individual separated from service, if the amendments made by this section had been in effect throughout the periods of service referred to in subparagraph (A)(i).

(4) RIGHT TO FILE ON BEHALF OF A DECEDENT.—

(A) IN GENERAL.—The regulations promulgated under subsection (e)(1) shall include provisions, in accordance with the order of precedence under section 8342(c) of title 5, United States Code, under which a survivor of an individual who performed service described in section 8332(b)(18) of such title (as added by subsection (b)(1)(C)) shall be allowed to submit an application on behalf of and to receive any lump-sum payment that would otherwise have been payable to the decedent under paragraph (2)(C)(ii) or (3)(B)(i)(II) of this subsection.

(B) SUBMISSION OF APPLICATION.—An application under this paragraph shall not be valid unless it is filed not later than the later of—

(i) 2 years after the effective date of this section; or

(ii) 1 year after the date of the decedent's death.

(d) FUNDING.—

(1) LUMP-SUM PAYMENTS.—Any lump-sum payment under paragraph (2)(C)(ii) or (3)(B)(i)(II) of subsection (c) shall be payable out of the Civil Service Retirement and Disability Fund.

(2) UNFUNDED LIABILITY.—Any increase in the unfunded liability of the Civil Service Retirement System attributable to the enactment of this section shall be financed in accordance with section 8348(f) of title 5, United States Code.

(e) REGULATIONS AND SPECIAL RULE.—

(1) IN GENERAL.—The Director of the Office of Personnel Management shall promulgate any regulations necessary to carry out this section, which shall include provisions under which rules similar to those established under the amendments made by section 201 of the Federal Employees' Retirement System Act of 1986 (Public Law 99–335; 100 Stat. 588) shall be applied with respect to any service described in section 8332(b)(18) of title 5, United States Code (as added by subsection (b)(1)(C)) that was subject to title II of the Social Security Act.

(2) SPECIAL RULE.—For purposes of any application for any benefit which is computed or recomputed taking into account any service described in section 8332(b)(18) of title 5, United States Code (as added by subsection (b)(1)(C)), section 8345(i)(2) of such title shall be applied by deeming the reference to the date of the ''other event which gives rise to title to the benefit'' to refer to the effective date of this section, if later than the date of the event that would otherwise apply.

(f) EFFECTIVE DATE.—This section and the amendments made by this section shall take effect on the first day of the first fiscal year beginning after the date of enactment of this Act.

SA 4216. Mr. BOOKER (for himself and Mr. MENENDEZ) submitted an amendment intended to be proposed by him to the bill S. 2943, to authorize appropriations for fiscal year 2017 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 154. REPORT ON NORTHCOM JOINT URGENT OPERATIONS NEED FOR AESA RADARS.

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

(1) The United States Northern Command (NORTHCOM) requested a Joint Urgent Operational Need (JUON) in 2015 at the request of the First Air Force for 72 F–16 aircraft equipped with active electronically scanned array (AESA) radars.

(2) According to a June 2009 report of the Defense Science Board Task Force on the Fulfillment of Urgent Operational Needs, a JUON is ''a need prioritized by a combatant commander and is defined as a need requiring a solution that, if left unfilled, could result in the loss of life and/or prevent the successful completion of a near-term military mission''.

(3) According to Department of Defense Instruction 5000.02 ''Operation of the Defense Acquisition System'', the purpose of urgent

operational needs is ''to deliver capability quickly, within days or months''.

(4) Furthermore, Department of Defense Instruction 5000.02 states that ''DoD Components will use all available authorities to expeditiously fund, develop, assess, produce, deploy, and sustain these capabilities for the duration of the urgent need''.

(5) One of the criteria for selecting a rapid fielding such as JUON is that the capability can be fielded within 2 years. However, to date no AESA Radars have been fielded in support of this JUON.

(b) REPORT REQUIRED.—Not later than 60 days after the date of the enactment of this Act, the Commander of U.S. Northern Command and the Secretary of the Air Force shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report setting forth—

(1) the status of the NORTHCOM JUON for 72 AESA radar-equipped F–16 aircraft;

(2) when the Air Force expects to field all 72 radars;

(3) what acquisition strategy the Department of Defense will use for the full buy; and

(4) how NORTHCOM is addressing threats to the homeland and capability gaps in United States air combat alert in the absence of F–16 aircraft equipped with AESA radars.

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

SA 4217. Ms. AYOTTE (for herself, Mrs. SHAHEEN, Mr. GRAHAM, Mr. KING, Mr. WICKER, Mr. NELSON, and Mr. KIRK) submitted an amendment intended to be proposed by her to the bill S. 2943, to authorize appropriations for fiscal year 2017 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

Strike section 145 and insert the following:

SEC. 145. COMPASS CALL RE-HOST PROGRAM.

(a) AUTHORIZATION.—The Secretary of the Air Force is authorized to obligate and expend fiscal year 2017 funds for the purpose of re-hosting the primary mission equipment of the current EC–130H Compass Call aircraft fleet on to a more operationally effective and survivable airborne platform to meet combatant commander requirements. This program may be implemented consistent with existing authorities, including Federal Acquisition Regulation Part 6.3 and Department of Defense Instruction 5000.02 ''Operation of the Defense Acquisition System''.

(b) FUNDING ADJUSTMENTS.—

(1) AIRCRAFT PROCUREMENT, AIR FORCE.—The amount authorized to be appropriated for fiscal year 2017 for the Department of Defense by section 101 for procurement for the Army, the Navy and the Marine Corps, the Air Force, and Defense-wide activities is hereby increased by $32,600,000, with the amount of the increase to be allocated to aircraft procurement, Air Force, as specified in the funding tables in section 4101, and available for the following procurement in the amounts specified:

(A) EC–130H, Scope Increase, $103,000,000.

(B) Compass Call Mods, Program Restructure, a decrease in the amount of $70,400,000.

(2) PROCUREMENT OF AIRCRAFT SPARES AND REPAIR PARTS, AIR FORCE.—The amount authorized to be appropriated for fiscal year 2017 for the Department of Defense by section 101 for procurement for the Army, the Navy and the Marine Corps, the Air Force, and Defense-wide activities is hereby reduced by $13,200,000, with the amount of the decrease to be allocated to aircraft spares and repair parts, Air Force, as specified in the funding tables in section 4101, and available for Initial Spares/Repair Parts; Compass Call, Program Restructure.

(3) PROCUREMENT OF AIRCRAFT SPARES AND REPAIR PARTS FOR OCO, AIR FORCE.—The amount authorized to be appropriated for fiscal year 2017 for the Department of Defense by section 1503 for procurement for overseas contingency operations is hereby reduced by $25,600,000, with the amount of the decrease to be allocated to aircraft spares and repair parts, Air Force, for overseas contingency operations, as specified in the funding tables in section 4102, and available for Initial Spares/Repair Parts; Compass Call, Program Restructure.

(4) RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, AIR FORCE.—The amount authorized to be appropriated for fiscal year 2017 for the Department of Defense by section 201 for research, development, test, and evaluation is hereby increased by $37,100,000, with the amount of the increase to be allocated to operational systems development, as specified in the funding tables in section 4201, and available for Compass Call, Program Restructure.

(5) OPERATION AND MAINTENANCE, AIR FORCE.—The amount authorized to be appropriated for fiscal year 2017 for the Department of Defense by section 301 for operation and maintenance is hereby reduced by $56,500,000, with the amount of such decrease to be allocated to operation and maintenance, Air Force operating forces for depot maintenance, as specified in the funding tables in section 4301, and available for Compass Call, Program Restructure.

(6) OPERATION AND MAINTENANCE FOR OCO, AIR FORCE.—The amount authorized to be appropriated for fiscal year 2017 by section 1505 for the Department of Defense for operation and maintenance for overseas contingency operations is hereby increased by $25,600,000, with the amount of such increase to be allocated to operation and maintenance, Air Force operating forces, for overseas contingency operations, for depot maintenance, as specified in the funding tables in section 4302, and available for Compass Call, Program Restructure.

SA 4218. Mr. WICKER submitted an amendment intended to be proposed by him to the bill S. 2943, to authorize appropriations for fiscal year 2017 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 147. ACQUISITION STRATEGY FOR AIR FORCE HELICOPTERS.

(a) IN GENERAL.—Not later than 60 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees an acquisition strategy for replacement of the Air Force UH–1N helicopter program.

(b) ELEMENTS.—The acquisition strategy required under subsection (a) shall include—

(1) a description of the separate and distinct rotorcraft requirements among Air Force Global Strike Command, Air Force District of Washington, and other Major Command airlift missions;

(2) a life-cycle cost analysis of mixed-fleet versus single-fleet acquisition of aircraft; and

(3) consideration of the trade-offs between the capability and affordability of commercial derivative aircraft versus military purpose designed aircraft.

SA 4219. Mr. DAINES (for himself, Mr. HOEVEN, and Mr. TESTER) submitted an amendment intended to be proposed by him to the bill S. 2943, to authorize appropriations for fiscal year 2017 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle D of title XVI, insert the following:

SEC. 1655. EXPEDITED DECISION WITH RESPECT TO SECURING LAND-BASED MISSILE FIELDS.

To mitigate any risk posed to the nuclear forces of the United States by the failure to replace the UH–1N helicopter, the Secretary of Defense shall, in consultation with the Chairman of the Joint Chiefs of Staff—

(1) decide if the land-based missile fields using UH–1N helicopters meet security requirements and if there are any shortfalls or gaps in meeting such requirements;

(2) not later than 30 days after the date of the enactment of this Act, submit to Congress a report on the decision relating to a request for forces required by paragraph (1); and

(3) not later than 60 days after such date of enactment, implement that decision, if the Chairman determines the implementation of the decision to be warranted to mitigate any risk posed to the nuclear forces of the United States.

SA 4220. Mr. BARRASSO submitted an amendment intended to be proposed by him to the bill S. 2943, to authorize appropriations for fiscal year 2017 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 1097. EXPANSION OF PROHIBITION ON TRANSFER OF VETERANS MEMORIAL OBJECTS WITHOUT SPECIFIC AUTHORIZATION BY LAW.

Paragraph (3) of section 2572(e) of title 10, United States Code, is amended to read as follows:

''(3) The prohibition imposed by paragraph (1) does not apply to a transfer of a veterans memorial object that is specifically authorized by law.''.

SA 4221. Mr. BARRASSO submitted an amendment intended to be proposed by him to the bill S. 2943, to authorize appropriations for fiscal year 2017 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 341. REIMBURSEMENT OF STATES FOR CERTAIN FIRE SUPPRESSION SERVICES AS A RESULT OF FIRE CAUSED BY MILITARY TRAINING OR OTHER ACTIONS OF THE ARMED FORCES OR THE DEPARTMENT OF DEFENSE.

(a) REIMBURSEMENT REQUIRED.—

(1) IN GENERAL.—The Secretary of Defense shall, upon application by a State, reimburse the State for the reasonable costs of the State for fire suppression services coordinated by the State as a result of a wildland fire caused by military training or other actions of units or members of the Armed Forces in Federal status or employees of the Department of Defense on a military training installation owned by the State.

(2) SERVICES COVERED.—Services reimbursable under this subsection shall be limited to services proximately related to the fire for which reimbursement is sought under this subsection.

(3) LIMITATIONS.—Nothing in this section shall apply to Department-owned military training installations. Nothing in this section shall affect existing memoranda of understanding between Department-owned military training installations and local governments. Reimbursement may not be made under this section for any services for which a claim may be made under the Federal Tort Claims Act.

(b) APPLICATION.—Each application of a State for reimbursement for costs under subsection (a) shall set forth an itemized request of the services covered by the application, including the costs of such services.

(c) FUNDS.—Reimbursements under subsection (a) shall be made from amounts authorized to be appropriated for the Department of Defense for operation and maintenance.

SA 4222. Ms. MURKOWSKI submitted an amendment intended to be proposed by her to the bill S. 2943, to authorize appropriations for fiscal year 2017 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

Strike section 604.

SA 4223. Mr. BARRASSO submitted an amendment intended to be proposed by him to the bill S. 2943, to authorize appropriations for fiscal year 2017 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 1059. USE OF THE NATIONAL GUARD FOR SUPPORT OF CIVILIAN FIREFIGHTING ACTIVITIES.

The Secretary of Defense may authorize members and units of the National Guard performing duty under section 328(b), 502(f), or 709(a) of title 32, United States Code, or on active duty under title 10, United States Code, to support firefighting operations, missions, and activities, including aerial firefighting employment of the Mobile Airborne Firefighting System (MAFFS), undertaken in support of a request from the National Interagency Fire Center or another Federal agency.

SA 4224. Mr. BROWN (for himself and Mr. PORTMAN) submitted an amendment intended to be proposed by him to the bill S. 2943, to authorize appropriations for fiscal year 2017 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle I of title XII, add the following:

SEC. 1097. COLLABORATION BETWEEN FEDERAL AVIATION ADMINISTRATION AND DEPARTMENT OF DEFENSE ON UNMANNED AIRCRAFT SYSTEMS.

(a) COLLABORATION BETWEEN FEDERAL AVIATION ADMINISTRATION IN DEPARTMENT OF DEFENSE REQUIRED.—

(1) IN GENERAL.—The Administrator of the Federal Aviation Administration and the Secretary of Defense shall collaborate on developing ground-based sense and avoid (GBSAA) and airborne sense and avoid (ABSAA) capabilities for unmanned aircraft systems (UAS).

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

(A) Sharing information and technology on safely integrating unmanned aircraft systems and manned aircraft in the national airspace system.

(B) Building upon Air Force and Department of Defense experience to inform the Federal Aviation Administration's development of civil standards, policies, and procedures for integrating unmanned aircraft systems in the national airspace system.

(C) Assisting in the development of best practices for unmanned aircraft airworthiness certification, development of airborne and ground-based sense and avoid capabilities for unmanned aircraft systems, and research and development on unmanned aircraft systems, especially with respect to matters involving human factors, information assurance, and security.

(b) PARTICIPATION BY FEDERAL AVIATION ADMINISTRATION IN DEPARTMENT OF DEFENSE ACTIVITIES.—

(1) IN GENERAL.—The Administrator may participate and provide assistance for participation in test and evaluation efforts of the Department of Defense, including the Air Force, relating to ground-based sense and avoid and airborne sense and avoid capabilities for unmanned aircraft systems.

(2) PARTICIPATION THROUGH CENTERS OF EXCELLENCE AND TEST SITES.—Participation under paragraph (1) may include provision of assistance through the Unmanned Aircraft Systems Center of Excellence and Unmanned Aircraft Systems Test Sites.

(c) UNMANNED AIRCRAFT SYSTEM DEFINED.—In this section, the term ''unmanned aircraft system'' has the meaning given that term in section 331 of the FAA Modernization and Reform Act of 2012 (Public Law 112–95; 49 U.S.C. 40101 note).

SA 4225. Mr. MENENDEZ (for himself, Mr. BROWN, and Mr. BOOKER) submitted an amendment intended to be proposed by him to the bill S. 2943, to authorize appropriations for fiscal year 2017 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 1097. MILITARY FAMILIES CREDIT REPORTING ACT.

(a) SHORT TITLE.—This section may be cited as the ''Military Families Credit Reporting Act''.

(b) NOTICE OF STATUS AS AN ACTIVE DUTY MILITARY CONSUMER.—The Fair Credit Reporting Act (15 U.S.C. 1681 et seq.) is amended—

(1) in section 605 (15 U.S.C. 1681c), by adding at the end the following:

''(i) NOTICE OF STATUS AS AN ACTIVE DUTY MILITARY CONSUMER.—

''(1) IN GENERAL.—With respect to an item of adverse information about a consumer that arises from the failure of the consumer to make any required payment on a debt or other obligation, if the action or inaction that gave rise to the item occurred while the consumer was an active duty military consumer, the consumer may provide appropriate proof, including official orders, to a consumer reporting agency that the consumer was an active duty military consumer at the time such action or inaction occurred, and any consumer report provided by the consumer reporting agency that includes the item shall clearly and conspicuously disclose that the consumer was an active duty military consumer when the action or inaction that gave rise to the item occurred.

''(2) MODEL FORM.—The Bureau shall prepare a model form, which shall be made publicly available, including in an electronic format, by which a consumer may—

''(A) notify, and provide appropriate proof to, a consumer reporting agency in a simple and easy manner, including electronically, that the consumer is or was an active duty military consumer; and

''(B) provide contact information of the consumer for the purpose of communicating with the consumer while the consumer is an active duty military consumer.

''(3) NO ADVERSE CONSEQUENCES.—Notice, whether provided by the model form described in paragraph (2) or otherwise, that a consumer is or was an active duty military consumer may not provide the sole basis for—

''(A) with respect to a credit transaction between the consumer and a creditor, a creditor—

''(i) denying an application of credit submitted by the consumer;

''(ii) revoking an offer of credit made to the consumer by the creditor;

''(iii) changing the terms of an existing credit arrangement with the consumer; or

''(iv) refusing to grant credit to the consumer in a substantially similar amount or on substantially similar terms requested by the consumer;

''(B) furnishing negative information relating to the creditworthiness of the consumer by or to a consumer reporting agency; or

''(C) except as otherwise provided in this title, a creditor or consumer reporting agency noting in the file of the consumer that the consumer is or was an active duty military consumer.'';

(2) in section 605A (15 U.S.C. 1681c–1)—

(A) in subsection (c)—

(i) by redesignating paragraphs (1), (2), and (3) as subparagraphs (A), (B), and (C), respectively, and adjusting the margins accordingly;

(ii) in the matter preceding subparagraph (A), as so redesignated, by striking ''Upon'' and inserting the following:

''(1) IN GENERAL.—Upon''; and

(iii) by adding at the end the following:

''(2) NEGATIVE INFORMATION NOTIFICATION.—If a consumer reporting agency receives an item of adverse information about a consumer who has provided appropriate proof that the consumer is an active duty military consumer, the consumer reporting agency

shall promptly notify the consumer, according to a frequency, manner, and timeliness determined by the Bureau or specified by the consumer—

''(A) that the consumer reporting agency has received the item of adverse information, along with a description of the item; and

''(B) the method by which the consumer may dispute the validity of the item.

''(3) CONTACT INFORMATION FOR ACTIVE DUTY MILITARY CONSUMERS.—

''(A) IN GENERAL.—If a consumer who has provided appropriate proof to a consumer reporting agency that the consumer is an active duty military consumer provides the consumer reporting agency with contact information for the purpose of communicating with the consumer while the consumer is an active duty military consumer, the consumer reporting agency shall use that contact information for all communications while the consumer is an active duty military consumer.

''(B) DIRECT REQUEST.—Unless the consumer directs otherwise, the provision of contact information by the consumer under subparagraph (A) shall be deemed to be a request for the consumer to receive an active duty alert under paragraph (1).

''(4) SENSE OF CONGRESS.—It is the sense of Congress that any person making use of a consumer report that contains an item of adverse information should, if the action or inaction that gave rise to the item occurred while the consumer was an active duty military consumer, take such fact into account when evaluating the creditworthiness of the consumer.''; and

(B) in subsection (e), by striking paragraph (3) and inserting the following:

''(3) subparagraphs (A) and (B) of subsection (c)(1), in the case of a referral under subsection (c)(1)(C).''; and

(3) in section 611(a)(1) (15 U.S.C. 1681i(a)(1)), by adding at the end the following:

''(D) NOTICE OF DISPUTE RELATED TO ACTIVE DUTY MILITARY CONSUMERS.—With respect to an item of information described under subparagraph (A) that is under dispute, if the consumer to whom the item relates has notified the consumer reporting agency, and has provided appropriate proof, that the consumer was an active duty military consumer at the time the action or inaction that gave rise to the disputed item occurred, the consumer reporting agency shall—

''(i) include that fact in the file of the consumer; and

''(ii) indicate that fact in each consumer report that includes the disputed item.''.

SA 4226. Ms. CANTWELL submitted an amendment intended to be proposed by her to the bill S. 2943, to authorize appropriations for fiscal year 2017 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 1641. PILOT PROGRAM ON TRAINING FOR NATIONAL GUARD PERSONNEL ON CYBER SKILLS FOR THE PROTECTION OF INDUSTRIAL CONTROL SYSTEMS ASSOCIATED WITH CRITICAL INFRASTRUCTURE.

(a) IN GENERAL.—The Chief of the National Guard Bureau shall carry out within the National Guard Bureau a pilot program to provide National Guard personnel with training on cyber skills for the protection of industrial control systems associated with critical infrastructure that utilizes the Industrial Control System cyber assessment expertise assigned to a National Guard Cyber Operations Group.

(b) DURATION.—The duration of the pilot program shall be three years.

(c) SCOPE OF TRAINING.—The training provided pursuant to the pilot program shall be designed to permit personnel who receive such training to assist National Guard Cyber Protection Teams in carrying out activities to protect systems and infrastructure described in subsection (a) from cyber attacks in situations where such activities are otherwise authorized.

(d) CONSULTATION.—The Chief of the National Guard Bureau shall consult with the Under Secretary of Homeland Security for National Protection and Programs, Department of Energy national laboratories, and appropriate institutions of higher education and other organizations and entities in the private sector in carrying out the pilot program.

(e) RELATIONSHIP WITH EXISTING TRAINING PROGRAMS.—In conducting the pilot program, the Chief of the National Guard Bureau shall not duplicate, and shall consult with and may leverage, existing training programs, including training available through the national cybersecurity and communications integration center established under section 227 of the Homeland Security Act of 2002 (6 U.S.C. 148).

(f) REPORT.—

(1) IN GENERAL.—Not later than six months after the completion of the pilot program, the Chief of the National Guard Bureau shall submit to the officials, and the committees of Congress, specified in paragraph (2) a report that sets forth the following:

(A) An evaluation of the training needs of the National Guard Cyber Protection Teams in protecting industrial control systems from cyber attacks.

(B) An assessment whether new training capabilities are necessary for the remainder of the National Guard Cyber Protection Teams.

(C) Any other assessments, conclusions, and recommendations that the Chief of the National Guard Bureau considers appropriate in light of the pilot program.

(2) OFFICIALS AND COMMITTEES OF CONGRESS.—The officials, and the committees of Congress, specified in this paragraph are the following:

(A) The Secretary of Defense, the Secretary of Homeland Security, and the Secretary of Energy.

(B) The Committee on Armed Services, the Committee on Homeland Security and Governmental Affairs, and the Committee on Energy and Natural Resources of the Senate.

(C) The Committee on Armed Services, the Committee on Homeland Security, and the Committee on Energy and Commerce of the House of Representatives

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SA 4227. Mrs. FEINSTEIN submitted an amendment intended to be proposed by her to the bill S. 2943, to authorize appropriations for fiscal year 2017 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 1674. INTELLIGENCE SHARING RELATIONSHIPS.

(a) REVIEW OF AGREEMENTS.—Not later than 90 days after the date of the enactment of this Act, the Director of National Intelligence, in consultation with the Secretary of Defense, shall complete a review of each intelligence sharing agreement between the United States and a foreign country that—

(1) is experiencing a significant threat from the Islamic State of Iraq and the Levant; or

(2) is participating as part of the coalition in activities to degrade and defeat the Islamic State of Iraq and the Levant.

(b) INTELLIGENCE SHARING RELATED TO THE ISLAMIC STATE OF IRAQ AND THE LEVANT.—Not later than 90 days after the date that the Director of National Intelligence completes the reviews required by subsection (a), the Director shall develop an intelligence sharing agreement between the United States and each foreign country referred to in subsection (a) that—

(1) applies to the sharing of intelligence related to defensive or offensive measures to be taken with respect to the Islamic State of Iraq and the Levant; and

(2) provides for the maximum amount of sharing of such intelligence, as appropriate, in a manner that is consistent with the due regard for the protection of intelligence sources and methods, protection of human rights, and the ability of recipient nations to utilize intelligence for targeting purposes consistent with the laws of armed conflict.

SA 4228. Ms. HIRONO (for herself, Ms. MURKOWSKI, and Ms. CANTWELL) submitted an amendment intended to be proposed by her to the bill S. 2943, to authorize appropriations for fiscal year 2017 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle H of title XII, add the following:

SEC. 1277. APPROVAL OF AGREEMENT BETWEEN UNITED STATES AND REPUBLIC OF PALAU.

(a) DEFINITIONS.—In this section:

(1) AGREEMENT.—The term ''Agreement'' means the Agreement and appendices signed by the United States and the Republic of Palau on September 3, 2010.

(2) COMPACT.—The term ''Compact'' means the Compact of Free Association between the Government of the United States of America and the Government of Palau, as contained in section 201 of Public Law 99–658 (48 U.S.C. 1931 note).

(b) RESULTS OF COMPACT REVIEW.—

(1) IN GENERAL.—Title I of Public Law 99–658 (48 U.S.C. 1931 et seq.) is amended by adding at the end the following:

''SEC. 105. RESULTS OF COMPACT REVIEW.

''(a) IN GENERAL.—The agreement and appendices signed by the United States and the Republic of Palau on September 3, 2010 (referred to in this section as the 'Agreement'), pursuant to section 432 of the Compact, are approved—

''(1) except for the extension of article X of the Agreement regarding Federal programs and services, concluded pursuant to article II of title II and section 232 of the Compact; and

''(2) subject to the provisions of this section.

''(b) WITHHOLDING OF FUNDS.—If the Republic of Palau withdraws more than $5,000,000 from the trust fund established under section 211(f) of the Compact during fiscal year 2016, or more than $8,000,000 during fiscal year 2017, the amounts payable under sections 1,

2(a), 3, and 4(a) of the Agreement shall be withheld from the Republic of Palau until the date on which the Republic of Palau reimburses the trust fund for the total amounts withdrawn that exceeded $5,000,000 during fiscal year 2016 or $8,000,000 during fiscal year 2017, as applicable.

''(c) FUNDING FOR CERTAIN PROVISIONS.—Not later than 30 days after the date of enactment of this section, out of any funds in the Treasury not otherwise appropriated, the Secretary of the Treasury shall transfer to the Secretary of the Interior such sums as are necessary for the Secretary of the Interior to implement sections 1, 2(a), 3, 4(a), and 5 of the Agreement, to remain available until expended, without any further appropriation.

''(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated—

''(1) to the Secretary of the Interior to subsidize postal services provided by the United States Postal Service to the Republic of Palau, the Republic of the Marshall Islands, and the Federated States of Micronesia $1,500,000 for each of fiscal years 2017 through 2024, to remain available until expended; and

''(2) to the head of each Federal entity described in paragraphs (1), (3), and (4) of section 221(a) of the Compact (including any successor of such a Federal entity) to carry out the responsibilities of the Federal entity under section 221(a) of the Compact such sums as are necessary, to remain available until expended.''.

(2) OFFSET.—Section 3 of the Act of June 30, 1954 (68 Stat. 330, 82 Stat. 1213, chapter 423), is repealed.

(c) PAYMENT SCHEDULE; WITHHOLDING OF FUNDS; FUNDING.—

(1) COMPACT FUND.—Section 1 of the Agreement is amended to read as follows:

''SECTION 1. COMPACT FUND.

''The Government of the United States shall contribute $30,250,000 to the Fund established under section 211(f) of the Compact in accordance with the following schedule:

''(1) $20,000,000 for fiscal year 2017.

''(2) $2,000,000 for each of fiscal years 2018 through 2022.

''(3) $250,000 for fiscal year 2023.''.

(2) INFRASTRUCTURE MAINTENANCE FUND.—Subsection (a) of section 2 of the Agreement is amended to read as follows:

''(a) GRANT.—

''(1) IN GENERAL.—The Government of the United States shall provide a grant in an amount equal to $3,500,000 for each of fiscal years 2017 through 2024 to create a trust fund (referred to in this agreement as the 'Infrastructure Maintenance Fund'), to be used for the routine and periodic maintenance of major capital improvement projects financed using funds provided by the Government of the United States.

''(2) CONTRIBUTIONS BY PALAU.—The Government of Palau shall match the contributions made by the Government of the United States by making contributions of $150,000 to the Infrastructure Maintenance Fund on a quarterly basis during the period beginning on October 1, 2016, and ending on September 30, 2024.

''(3) REQUIREMENT.—The implementation of this subsection shall be carried out in accordance with appendix A to this agreement.''.

(3) FISCAL CONSOLIDATION FUND.—Section 3 of the Agreement is amended to read as follows:

''SEC. 3. FISCAL CONSOLIDATION FUND.

''(a) IN GENERAL.—The Government of the United States shall provide to the Government of Palau $5,000,000 for each of fiscal years 2017 and 2018 for deposit in an interest-bearing account to be used to reduce government arrears of the Government of Palau.

''(b) REQUIREMENT.—The implementation of this section shall be carried out in accordance with appendix B to this agreement.''.

(4) DIRECT ECONOMIC ASSISTANCE.—Subsection (a) of section 4 of the Agreement is amended to read as follows:

''(a) DIRECT ECONOMIC ASSISTANCE.—

''(1) IN GENERAL.—In addition to economic assistance in an amount equal to $13,147,000 provided to the Government of Palau by the Government of the United States for each of fiscal years 2010 through 2016, and unless otherwise specified in this agreement or an appendix to this agreement, the Government of the United States shall provide to the Government of Palau $28,721,000 in economic assistance, as follows:

''(A) $7,500,000 for fiscal year 2017.

''(B) $6,250,000 for fiscal year 2018.

''(C) $5,000,000 for fiscal year 2019.

''(D) $4,000,000 for fiscal year 2020.

''(E) $3,000,000 for fiscal year 2021.

''(F) $2,000,000 for fiscal year 2022.

''(G) $971,000 for fiscal year 2023.

''(2) METHOD.—Unless otherwise specified in this agreement or in an appendix to this agreement, the funds provided for a fiscal year under this subsection shall be provided in 4 quarterly payments in an amount equal to—

''(A) 30 percent of the total applicable amount during the first quarter;

''(B) 30 percent of the total applicable amount during the second quarter;

''(C) 20 percent of the total applicable amount during the third quarter; and

''(D) 20 percent of the total applicable amount during the fourth quarter.''.

(5) INFRASTRUCTURE PROJECTS.—Section 5 of the Agreement is amended to read as follows:

''SEC. 5. INFRASTRUCTURE PROJECTS.

''(a) IN GENERAL.—The Government of the United States shall provide to the Government of Palau grants in a total amount equal to $40,000,000, as follows:

''(1) $8,000,000 for each of fiscal years 2017 through 2019.

''(2) $6,000,000 for fiscal year 2020.

''(3) $5,000,000 for each of fiscal years 2021 and 2022.

''(b) USE.—The Government of Palau shall use each grant provided under subsection (a) for 1 or more mutually agreed-upon infrastructure projects, in accordance with appendix C to this agreement.''.

(d) PASSPORT REQUIREMENT.—Section 141 of the Compact is amended to read as follows:

''SEC. 141. PASSPORT REQUIREMENT.

''(a) ADMISSION.—

''(1) IN GENERAL.—Any person who meets the requirements of any category described in paragraph (2) may be admitted to, and lawfully engage in occupations and establish residence as a nonimmigrant in, the United States and its territories and possessions, without regard to paragraph (5) or (7)(B)(i)(II) of section 212(a) of the Immigration and Nationality Act (8 U.S.C. 1182(a)), subject to the condition that the passport presented to satisfy paragraph (7)(B)(i)(I) of that section is a valid, unexpired, machine-readable passport that satisfies the internationally accepted standard for machine readability.

''(2) DESCRIPTION OF CATEGORIES.—The categories referred to in paragraph (1) are the following:

''(A) A person who—

''(i) on September 30, 1994, was a citizen of the Trust Territory of the Pacific Islands (as defined in title 53 of the Trust Territory Code in force on January 1, 1979); and

''(ii) has become, and remains, a citizen of Palau.

''(B) A person who acquires the citizenship of Palau, at birth, on or after the effective date of the Constitution of Palau.

''(C) A naturalized citizen of Palau who—

''(i) has been an actual resident of Palau for not less than 5 years after attaining that naturalization; and

''(ii) holds a certificate of that actual residence.

''(3) EFFECT OF SUBSECTION.—Nothing in this subsection—

''(A) confers on a citizen of Palau the right—

''(i) to establish residence necessary for naturalization under the Immigration and Nationality Act (8 U.S.C. 1101 et seq.); or

''(ii) to petition for benefits for alien relatives under that Act; or

''(B) prevents a citizen of Palau from otherwise acquiring—

''(i) a right described in subparagraph (A); or

''(ii) lawful permanent resident alien status in the United States.

''(b) ACCEPTANCE OF EMPLOYMENT.—Any person who meets the requirements of any category described in subsection (a)(2) shall be considered to have the permission of the Secretary of Homeland Security to accept employment in the United States.

''(c) ESTABLISHMENT OF HABITUAL RESIDENCE IN CERTAIN TERRITORIES AND POSSESSIONS.—The right of a person who meets the requirements of any category described in subsection (a)(2) to establish habitual residence in a territory or possession of the United States may be subject to any nondiscriminatory limitation under any law (including regulations) of—

''(1) the United States; or

''(2) the applicable territory or possession of the United States.''.

(e) CONTINUING PROGRAMS AND LAWS.—Section 105(f)(1)(B)(ix) of the Compact of Free Association Amendments Act of 2003 (48 U.S.C. 1921d(f)(1)(B)(ix)) is amended by striking ''2009'' and inserting ''2024''.

SA 4229. Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill S. 2943, to authorize appropriations for fiscal year 2017 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 1512. INCREASE IN AUTHORIZATIONS AND AUTHORIZATIONS OF APPROPRIATIONS TO MEET UNFUNDED PRIORITIES OF THE ARMED FORCES.

(a) SUPERSEDING END STRENGTHS FOR ACTIVE FORCES.—

(1) INEFFECTIVENESS OF SPECIFIED END STRENGTHS.—Section 401 shall have no force or effect.

(2) SUPERSEDED END STRENGTHS.—The Armed Forces are authorized strengths for active duty personnel as of September 30, 2017, as follows:

(A) The Army, 475,000.

(B) The Navy, 325,782.

(C) The Marine Corps, 185,000.

(D) The Air Force, 321,000.

(b) SUPERSEDING END STRENGTHS FOR SELECTED RESERVE.—

(1) INEFFECTIVENESS OF SPECIFIED END STRENGTHS.—Section 411(a) shall have no force or effect.

(2) SUPERSEDING END STRENGTHS.—The Armed Forces are authorized strengths for Selected Reserve personnel of the reserve components as of September 30, 2017, as follows:

(A) The Army National Guard of the United States, 342,000.

(B) The Army Reserve, 198,000.

(C) The Navy Reserve, 58,300.

(D) The Marine Corps Reserve, 38,900.

(E) The Air National Guard of the United States, 106,200.

(F) The Air Force Reserve, 69,200.

(G) The Coast Guard Reserve, 7,000.

(3) APPLICABILITY OF CERTAIN AUTHORITIES.—Subsections (b) and (c) of section 411 shall apply in the calculation of end strengths under paragraph (2).

(c) SUPERSEDING PAY RAISE.—

(1) INEFFECTIVENESS OF SPECIFIED PAY RAISE.—Section 601(b) shall have no force or effect.

(2) SUPERSEDING INCREASE IN BASIC PAY.—Effective on January 1, 2017, the rates of monthly basic pay for members of the uniformed services are increased by 2.1 percent.

(d) INEFFECTIVENESS OF REDUCTION IN MINIMUM NUMBER OF NAVY CARRIER AIR WINGS.—Section 1088 shall have no force or effect, and the amendments proposed to be made by that section shall not be made.

(e) INCREASE IN AUTHORIZATION FOR OCO FOR AIRCRAFT PROCUREMENT, ARMY.—The amount authorized to be appropriated for fiscal year 2017 for the Department of Defense by section 1503 for procurement for overseas contingency operations is hereby increased by $1,052,000,000, with the amount of the increase to be allocated to aircraft procurement, Army, for overseas contingency operations, as specified in the funding tables in section 4102, and available for the following procurement in the amounts specified:

(1) 10 AH–64 Apache Advance Procurement, consistent with the recommendation of the National Commission on the Future of the Army, $71,000,000.

(2) 17 LUH–72 Lakota, consistent with the recommendation of the National Commission on the Future of the Army, $110,000,000.

(3) 36 UH–60M Black Hawk, consistent with the recommendation of the National Commission on the Future of the Army, $440,000,000.

(4) 5 AH–64 Apache New Builds, consistent with the recommendation of the National Commission on the Future of the Army, $191,000,000.

(5) 5 Reman CH–47 Chinook, consistent with the recommendation of the National Commission on the Future of the Army, $240,000,000.

(f) INCREASE IN AUTHORIZATION FOR OCO FOR PROCUREMENT OF W&TCV, ARMY.—The amount authorized to be appropriated for fiscal year 2017 for the Department of Defense by section 1503 for procurement for overseas contingency operations is hereby increased by $245,000,000, with the amount of the increase to be allocated to procurement of wheeled and tracked combat vehicles, Army, for overseas contingency operations, as specified in the funding tables in section 4102, and available for the following procurement in the amounts specified:

(1) Modernization of 14 M1 Abrams for the European Reassurance Initiative, $172,200,000.

(2) Modernization of 14 M2 Bradley for the European Reassurance Initiative, $72,800,000.

(g) INCREASE IN AUTHORIZATION FOR OCO OTHER PROCUREMENT, ARMY.—The amount authorized to be appropriated for fiscal year 2017 for the Department of Defense by section 1503 for procurement for overseas contingency operations is hereby increased by $60,000,000, with the amount of the increase to be allocated to other procurement, Army, for overseas contingency operations, as specified in the funding tables in section 4102, and available for the following procurement in the amounts specified:

(1) Assured Positioning Navigation and Timing (PNT), consistent with the recommendation of the National Commission on the Future of the Army, $28,000,000.

(2) Modernized Warning System, consistent with the recommendation of the National Commission on the Future of the Army, $32,000,000.

(h) INCREASE IN AUTHORIZATION FOR OCO FOR AIRCRAFT PROCUREMENT, NAVY.—The amount authorized to be appropriated for fiscal year 2017 for the Department of Defense by section 1503 for procurement for overseas contingency operations is hereby increased by $2,489,700,000, with the amount of the increase to be allocated to aircraft procurement, Navy, for overseas contingency operations, as specified in the funding tables in section 4102, and available for the following procurement in the amounts specified:

(1) 14 F–18 Super Hornet, $1,200,000,000.

(2) 2 AH–1Z Viper, $57,000,000.

(3) 2 Marine Corps F–35B, $269,600,000.

(4) 2 Marine Corps F–35C, $270,000,000.

(5) 2 Marine Corps KC–130J, $158,000,000.

(6) 2 Marine Corps MV–22, $150,000,000.

(7) 2 Navy F–35C, $270,000,000.

(8) CH–35 Degraded Visual Environment Display, $13,300,000.

(9) KC–130J Digital Interoperability, $20,800,000.

(10) RF Kill Chain Enhancements, $81,000,000.

(i) INCREASE IN AUTHORIZATION FOR OCO FOR WEAPONS PROCUREMENT, NAVY.—The amount authorized to be appropriated for fiscal year 2017 for the Department of Defense by section 1503 for procurement for overseas contingency operations is hereby increased by $36,000,000, with the amount of the increase to be allocated to weapons procurement, Navy, for overseas contingency operations, as specified in the funding tables in section 4102, and available for the following procurement in the amounts specified:

(1) 23 MK 54 Lightweight Torpedo Mod 0, $16,000,000.

(2) 8 MK 48 Heavy Weight Torpedo, $20,000,000.

(j) INCREASE IN AUTHORIZATION FOR OCO FOR PROCUREMENT OF AMMO, NAVY & MC.—The amount authorized to be appropriated for fiscal year 2017 for the Department of Defense by section 1503 for procurement for overseas contingency operations is hereby increased by $58,000,000, with the amount of the increase to be allocated to procurement of ammo, Navy and Marine Corps, for overseas contingency operations, as specified in the funding tables in section 4102, and available for the procurement of JDAM Components in the amount of $58,000,000.

(k) INCREASE IN AUTHORIZATION FOR OCO FOR SHIPBUILDING AND CONVERSION, NAVY.—The amount authorized to be appropriated for fiscal year 2017 for the Department of Defense by section 1503 for procurement for overseas contingency operations is hereby increased by $1,830,000,000, with the amount of the increase to be allocated to shipbuilding and conversion, Navy, for overseas contingency operations, as specified in the funding tables in section 4102, and available for the following procurement in the amounts specified:

(1) 3 Ship to Shore Connector, $165,000,000.

(2) DDG–51 Incremental Funding, $383,000,000.

(3) LCU Replacement, $22,000,000.

(4) Littoral Combat Ship, $385,000,000.

(5) LX(R) Advance Funding, $800,000,000.

(6) T–ATS(X) (SCN–21), $75,000,000.

(l) INCREASE IN AUTHORIZATION FOR OCO FOR OTHER PROCUREMENT, NAVY.—The amount authorized to be appropriated for fiscal year 2017 for the Department of Defense by section 1503 for procurement for overseas contingency operations is hereby increased by $65,000,000, with the amount of the increase to be allocated to other procurement, Navy, for overseas contingency operations, as specified in the funding tables in section 4102, and available for the following procurement in the amounts specified:

(1) SSEE Inc F, $43,000,000.

(2) Submarine Towed Arrays, $22,000,000.

(m) INCREASE IN AUTHORIZATION FOR OCO FOR AIRCRAFT PROCUREMENT, AIR FORCE.—The amount authorized to be appropriated for fiscal year 2017 for the Department of Defense by section 1503 for procurement for overseas contingency operations is hereby increased by $1,167,800,000, with the amount of the increase to be allocated to aircraft procurement, Air Force, for overseas contingency operations, as specified in the funding tables in section 4102, and available for the following procurement in the amounts specified:

(1) 5 Air Force F–35A, $691,000,000.

(2) 5 Air Force C–130J, $452,000,000.

(3) F–16 Mission Training Center, $24,800,000.

(n) INCREASE IN AUTHORIZATION FOR OCO FOR PROCUREMENT, DEFENSE-WIDE.—The amount authorized to be appropriated for fiscal year 2017 for the Department of Defense by section 1503 for procurement for overseas contingency operations is hereby increased by $303,000,000, with the amount of the increase to be allocated to procurement, Defense-wide, for overseas contingency operations, as specified in the funding tables in section 4102, and available for the following procurement in the amounts specified:

(1) Israeli Missile Defense Procurement Arrow 3 Upper Tier, $120,000,000.

(2) Israeli Missile Defense Procurement David's Sling, $150,000,000.

(3) Israeli Missile Defense Procurement Iron Dome, $20,000,000.

(4) SOUTHCOM Other Electronic Warfare/Countermeasures, $13,000,000.

(o) INCREASE IN AUTHORIZATION FOR OCO FOR RDT&E, NAVY.—The amount authorized to be appropriated for fiscal year 2017 for the Department of Defense by section 1504 for research, development, test, and evaluation for overseas contingency operations is hereby increased by $43,400,000, with the amount of the increase to be allocated to research, development, test, and evaluation, Navy, for overseas contingency operations, as specified in the funding tables in section 4202, and available for the following research, development, test, and evaluation in the amounts specified:

(1) APKWS II F/A–18D, $25,900,000.

(2) LCS Propulsion and machinery control test capability, $17,500,000.

(p) INCREASE IN AUTHORIZATION FOR OCO FOR RDT&E, DEFENSE-WIDE.—The amount authorized to be appropriated for fiscal year 2017 for the Department of Defense by section 1504 for research, development, test, and evaluation for overseas contingency operations is hereby increased by $29,900,000, with the amount of the increase to be allocated to research, development, test, and evaluation, Defense-wide, for overseas contingency operations, as specified in the funding tables in section 4202, and available for the following research, development, test, and evaluation in the amounts specified:

(1) Israeli Missile Defense Development Arrow, $6,500,000.

(2) Israeli Missile Defense Development Arrow–3, $4,100,000.

(3) Israeli Missile Defense Development David's Sling, $19,300,000.

(q) INCREASE IN AUTHORIZATION FOR OCO FOR O&M, ARMY.—The amount authorized to be appropriated for fiscal year 2017 for the Department of Defense by section 1505 for operation and maintenance for overseas contingency operations is hereby increased by $4,369,800,000, with the amount of the increase to be allocated to operation and maintenance, Army, for overseas contingency operations, as specified in the funding tables in

section 4302, and available for the following operation and maintenance in the amounts specified:

(1) 4 ANG AH–64 Training, consistent with the recommendation of the National Commission on the Future of the Army, $62,100,000.

(2) Army Readiness Aviation Assets, $7,200,000.

(3) Army Readiness Echelons Above Brigade, $18,300,000.

(4) Army Readiness Facilities, Sustainment, Restoration & Modernization, $354,400,000.

(5) Army Readiness Flight Training, $6,400,000.

(6) Army Readiness Land Forces Operations Support, $8,900,000.

(7) Army Readiness Maneuver Units, $202,800,000.

(8) Army Readiness Modular Support Brigades, $2,700,000.

(9) Army Readiness Theater Level Assets, $10,200,000.

(10) ERI Realignment, a decrease of $245,000,000.

(11) Force structure in Afghanistan 9,800, $3,191,000,000.

(12) Heel-to-toe presence of CAB Europe, $100,000,000.

(13) Maintain Eleventh Combat Aviation Brigades, $305,400,000.

(14) National Guard Readiness, consistent with the recommendation of the National Commission on the Future of the Army, $70,000,000.

(15) Army Readiness Aviation Assets, $68,000,000.

(16) Army Readiness Land Forces Operations Support, $207,400,000.

(r) INCREASE IN AUTHORIZATION FOR OCO FOR O&M, ARMY NATIONAL GUARD.—The amount authorized to be appropriated for fiscal year 2017 for the Department of Defense by section 1505 for operation and maintenance for overseas contingency operations is hereby increased by $156,100,000, with the amount of the increase to be allocated to operation and maintenance, Army National Guard, for overseas contingency operations, as specified in the funding tables in section 4302, and available for the following operation and maintenance in the amounts specified:

(1) Army National Guard Readiness Echelons Above Brigade, $15,000,000.

(2) Army National Guard Readiness Modular Support Brigades, $15,000,000.

(3) Army National Guard Readiness Theater Level Assets, $15,000,000.

(4) Army National Guard Readiness Facilities, Sustainment, Restoration & Modernization, $32,100,000.

(5) Army National Guard Readiness Aviation Assets, $44,000,000.

(6) Army National Guard Readiness Maneuver Units 111, $35,000,000.

(s) INCREASE IN AUTHORIZATION FOR OCO FOR O&M, ARMY RESERVE.—The amount authorized to be appropriated for fiscal year 2017 for the Department of Defense by section 1505 for operation and maintenance for overseas contingency operations is hereby increased by $81,500,000, with the amount of the increase to be allocated to operation and maintenance, Army Reserve, for overseas contingency operations, as specified in the funding tables in section 4302, and available for the following operation and maintenance in the amounts specified:

(1) Army Reserve Readiness Echelons Above Brigade, $60,000,000.

(2) Army Reserve Facilities, Sustainment, Restoration and Modernization, $21,500,000.

(t) INCREASE IN AUTHORIZATION FOR OCO FOR O&M, NAVY.—The amount authorized to be appropriated for fiscal year 2017 for the Department of Defense by section 1505 for operation and maintenance for overseas contingency operations is hereby increased by $1,007,400,000, with the amount of the increase to be allocated to operation and maintenance, Navy, for overseas contingency operations, as specified in the funding tables in section 4302, and available for the following operation and maintenance in the amounts specified:

(1) Dry Dock Initiative, $80,000,000.

(2) Navy Readiness Mission and Other Ship Operations, $158,000,000.

(3) Navy Readiness Ship Depot Maintenance, $238,000,000.

(4) Navy Readiness Sustainment, Restoration, and Modernization, $160,900,000.

(5) Reactive Yard Patrol Craft, $45,000,000.

(6) Navy Readiness Ship Depot Operations Support, $79,000,000.

(7) Restore 10th Air Wing, $86,500,000.

(8) Restore Cruisers, $161,000,000.

(u) INCREASE IN AUTHORIZATION FOR OCO FOR O&M, NAVY RESERVE.—The amount authorized to be appropriated for fiscal year 2017 for the Department of Defense by section 1505 for operation and maintenance for overseas contingency operations is hereby increased by $25,800,000, with the amount of the increase to be allocated to operation and maintenance, Navy Reserve, for overseas contingency operations, as specified in the funding tables in section 4302, and available for the following operation and maintenance in the amounts specified:

(1) Navy Reserve Readiness Ship Operations Support & Training, $20,000,000.

(2) Navy Reserve Sustainment, Restoration, and Modernization, $5,800,000.

(v) INCREASE IN AUTHORIZATION FOR OCO FOR O&M, MARINE CORPS.—The amount authorized to be appropriated for fiscal year 2017 for the Department of Defense by section 1505 for operation and maintenance for overseas contingency operations is hereby increased by $39,300,000, with the amount of the increase to be allocated to operation and maintenance, Marine Corps, for overseas contingency operations, as specified in the funding tables in section 4302, and available for operation and maintenance for Marine Corps Readiness Sustain, Restoration, & Modernization in the amount of $39,300,000.

(w) INCREASE IN AUTHORIZATION FOR OCO FOR O&M, MARINE CORPS RESERVE.—The amount authorized to be appropriated for fiscal year 2017 for the Department of Defense by section 1505 for operation and maintenance for overseas contingency operations is hereby increased by $5,500,000, with the amount of the increase to be allocated to operation and maintenance, Marine Corps Reserve, for overseas contingency operations, as specified in the funding tables in section 4302, and available for operation and maintenance for Marine Corps Reserve Sustain, Restoration and Modernization in the amount of $5,500,000.

(x) INCREASE IN AUTHORIZATION FOR OCO FOR O&M, AIR FORCE.—The amount authorized to be appropriated for fiscal year 2017 for the Department of Defense by section 1505 for operation and maintenance for overseas contingency operations is hereby increased by $392,700,000, with the amount of the increase to be allocated to operation and maintenance, Air Force, for overseas contingency operations, as specified in the funding tables in section 4302, and available for the following operation and maintenance in the amounts specified:

(1) Air Force Readiness Airlift Operations, $16,700,000.

(2) Air Force Readiness Facilities Sustainment, Restoration & Modernization, $157,700,000.

(3) Contract Maintenance Shortfall A–10, $74,000,000.

(4) Air Force Readiness Combatant Command Direct Mission Support, $50,000,000.

(5) Air Force Readiness Logistics Operations, $61,400,000.

(6) Air Force Readiness Primary Combat Forces, $32,900,000.

(y) INCREASE IN AUTHORIZATION FOR OCO FOR O&M, AIR FORCE RESERVE.—The amount authorized to be appropriated for fiscal year 2017 for the Department of Defense by section 1505 for operation and maintenance for overseas contingency operations is hereby increased by $11,700,000, with the amount of the increase to be allocated to operation and maintenance, Air Force Reserve, for overseas contingency operations, as specified in the funding tables in section 4302, and available for operation and maintenance for Air Force Reserve Facilities Sustainment, Restoration & Modernization in the amount of $11,700,000.

(z) INCREASE IN AUTHORIZATION FOR OCO FOR O&M, AIR NATIONAL GUARD.—The amount authorized to be appropriated for fiscal year 2017 for the Department of Defense by section 1505 for operation and maintenance for overseas contingency operations is hereby increased by $14,000,000, with the amount of the increase to be allocated to operation and maintenance, Air National Guard, for overseas contingency operations, as specified in the funding tables in section 4302, and available for operation and maintenance for Air Guard Readiness Echelons Above Brigade 113 in the amount of $14,000,000.

(aa) INCREASE IN AUTHORIZATION FOR OCO FOR O&M, DEFENSE-WIDE.—The amount authorized to be appropriated for fiscal year 2017 for the Department of Defense by section 1505 for operation and maintenance for overseas contingency operations is hereby increased by $400,000,000, with the amount of the increase to be allocated to operation and maintenance, Defense-wide, for overseas contingency operations, as specified in the funding tables in section 4302, and available for the following operation and maintenance in the amounts specified:

(1) PGM stockpiling for partners and allies in Europe/Middle East, $200,000,000.

(2) Stipends for Kurdish Peshmerga, $200,000,000.

(bb) INCREASE IN AUTHORIZATION FOR OCO FOR MILITARY PERSONNEL.—The amount authorized to be appropriated for fiscal year 2017 for the Department of Defense by section 1506 for military personnel for overseas contingency operations is hereby increased by $2,734,800,000, with the amount of the increase to be allocated to military personnel for overseas contingency operations, as specified in the funding tables in section 4402, and available for military personnel for purposes and in the amounts specified as follows:

(1) Active Army Endstrength to 475,000, $1,539,000,000.

(2) Air Force Reserve endstrength increase 200, $6,000,000.

(3) Air National Guard Endstrength increase 500, $17,000,000.

(4) Army National Guard endstrength increase 7,000, $217,000,000.

(5) Army Reserve endstrength increase 3,000, $73,000,000.

(6) Increase Active Marine Endstrength to 185,000, $300,000,000.

(7) Increase Military Pay Raise to 2.1%, $300,000,000.

(8) Navy Reserve endstrength increase 300, $10,000,000.

(9) Restore 10th Air Wing Endstrength increase 1,167, $46,500,000.

(10) Restore 10th Air Wing Endstrength Medicare Eligible Retirement Health Fund, $2,300,000.

(11) Restore Cruisers increase 1,715, $67,000,000.

(12) USAF Endstrength to 321,000, $145,000,000.

(13) USMC Reserve endstrength increase 400, $12,000,000.

(cc) INCREASE IN AUTHORIZATION FOR AFGHANISTAN SECURITY FORCES FUND.—The amount authorized to be appropriated for fiscal year 2017 for the Department of Defense by this title for overseas contingency operations is hereby increased by $800,000,000, with the amount of the increase to be allocated to the Afghanistan Security Forces Fund as specified in the funding tables in division D, and available for purposes of the Afghanistan Security Forces Fund in the amount of $800,000,000.

(dd) INCREASE IN AUTHORIZATION FOR COUNTER ISLAMIC STATE IN IRAQ AND THE LEVANT FUND.—The amount authorized to be appropriated for fiscal year 2017 for the Department of Defense by this title for overseas contingency operations is hereby increased by $100,000,000, with the amount of the increase to be allocated to the Counter Islamic State in Iraq and the Levant Fund as specified in the funding tables in division D, and available for the Counter Islamic State in Iraq and the Levant Fund for Iraq Train and Equip Fund (Mosul) in the amount of $100,000,000.

(ee) INCREASE IN AUTHORIZATION FOR UKRAINE SECURITY ASSISTANCE INITIATIVE.—The amount authorized to be appropriated for fiscal year 2017 for the Department of Defense by this title for overseas contingency operations is hereby increased by $150,000,000, with the amount of the increase to be allocated to the Ukraine Security Assistance Initiative as specified in the funding tables in division D, and available for purposes of the Ukraine Security Assistance Initiative in the amount of $150,000,000.

(ff) INCREASE IN AUTHORIZATION FOR OCO FOR ARMY MILITARY CONSTRUCTION.—

(1) MILITARY CONSTRUCTION PROJECTS INSIDE THE UNITED STATES.—The amount authorized to be appropriated under section 2903 and available for Army military construction projects as specified in the funding table in section 4602 is increased by $29,900,000, with the amount of such increase to be allocated as follows:

(A) $23,000,000 for a Vehicle Maintenance Shop, Fort Belvoir, Virginia.

(B) $6,900,000 for a Fire Station, Fort Leonard Wood, Missouri.

(2) FAMILY HOUSING.—The amount authorized to be appropriated under section 2903 and available for Army military family housing functions as specified in the funding table in section 4602 is increased by $14,400,000, with the amount of such increase to be allocated to Family Housing Replacement, Natick, Massachusetts.

(gg) INCREASE IN AUTHORIZATION FOR OCO FOR NAVY MILITARY CONSTRUCTION.—The amount authorized to be appropriated under section 2903 and available for Navy military construction projects as specified in the funding table in section 4602 is increased by $143,000,000, with the amount of such increase to be allocated as follows:

(1) $108,300,000 to cover funding shortfalls, various locations.

(2) $34,700,000 for a Communications Complex and Infrastructure Upgrades, Miramar, California.

(hh) INCREASE IN AUTHORIZATION FOR OCO FOR AIR FORCE MILITARY CONSTRUCTION.—The amount authorized to be appropriated under section 2903 and available for military construction projects inside the United States as specified in the funding table in section 4602 is increased by $119,465,000, with the amount of such increase to be allocated as follows:

(1) $17,000,000 for a Fire and Rescue Station, Joint Base Charleston, South Carolina.

(2) $10,965,000 for the Vandenberg Gate Complex, Hanscom Air Force Base, Massachusetts.

(3) $35,000,000 for Dormitories, Eglin Air Force Base, Florida.

(4) $41,000,000 for a Consolidated Communications Facility, Scott Air Force Base, Illinois.

(5) $15,500,000 for Judge Advocate General's School Expansion, Maxwell Air Force Base, Alabama.

(ii) INCREASE IN AUTHORIZATION FOR OCO FOR AIR NATIONAL GUARD MILITARY CONSTRUCTION.—The amount authorized to be appropriated under section 2903 and available for the National Guard and Reserve as specified in the funding table in section 4602 is increased by $11,000,000, with the amount of such increase to be allocated as follows:

(1) $6,000,000 for an Indoor Small Arms Range, Toledo Airport, Ohio.

(2) $5,000,000 for a Munitions Load Crew Training/Corrosion Control Facility, Andrews Air Force Base, Maryland.

SA 4230. Mr. ROUNDS (for Mr. SCHATZ) proposed an amendment to the resolution S. Res. 416, recognizing the contributions of Hawaii to the culinary heritage of the United States and designating the week beginning on June 12, 2016, as ''National Hawaiian Food Week''; as follows:

Strike the preamble and insert the following:

Whereas when individuals first came to the Hawaiian islands more than 1,500 years ago, there was little to eat other than birds and a few species of ferns, but the individuals found rich volcanic soil, a year-round growing season, and abundant fisheries;

Whereas the history of Hawaii is inextricably linked with—

(1) foods brought to the Hawaiian islands by the first individuals who came to Hawaii and successive waves of voyagers to the Hawaiian islands;

(2) the agricultural and ranching potential of the land of Hawaii; and

(3) the readily available seafood from the ocean and coasts of Hawaii;

Whereas the food cultures initially brought to Hawaii came from places including French Polynesia, China, Japan, Portugal, North Korea, South Korea, the Philippines, Puerto Rico, and Samoa;

Whereas the foods first brought to Hawaii were simple, hearty fare of working men and women that reminded the men and women of their distant homes;

Whereas individuals in Hawaii, in the spirit of Aloha, shared favorite dishes with each other, and as a result, the individuals began to appreciate new tastes and learned how to bring new ideas into their cooking;

Whereas the blend of styles in Hawaiian cooking evolves as new groups of individuals make Hawaii their home;

Whereas the fusion of dishes from around the world creates a unique cuisine for Hawaii that is as much a part of a visit to Hawaii as the welcoming climate, friendly individuals, and beautiful beaches in Hawaii;

Whereas the food of Hawaii is appealing because it came from hard-working communities of individuals that farmed, fished, or ranched for their livelihoods, which are core experiences of individuals throughout the United States; and

Whereas the growing appreciation for the food of Hawaii comes from hard-working and ingenious farmers, fishers, educators, ranchers, chefs, and businesses that innovate and export the taste of Hawaii all over the world: Now, therefore, be it

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SA 4231. Mr. KIRK submitted an amendment intended to be proposed by him to the bill S. 2943, to authorize appropriations for fiscal year 2017 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle H of title XII, add the following:

SEC. 1277. DEFENSE AND SECURITY COOPERATION WITH INDIA.

(a) AUTHORIZATION OF DEFENSE TRANSACTIONS.—The Secretary of Defense, in coordination with the Secretary of State and the Secretary of Commerce, shall ensure that the authorization of any proposed sale or export of defense articles, defense services, or technical data to India is treated in a manner similar to that of the United States' closest partners and allies, which include NATO members, Australia, Japan, the Republic of Korea, Israel, and New Zealand.

(b) DEFENSE TRADE FACILITATION.—

(1) IN GENERAL.—The President shall endeavor to further align laws, regulations, and systems within India and the United States for the facilitation of defense trade and the protection of mutual security interests.

(2) FACILITATION PLAN.—The President shall develop a plan for such facilitation and coordination efforts that identifies key priorities, any impediments, and the timeline for such efforts.

(3) REPORT.—Not later than 90 days after the date of the enactment of this Act, the President shall submit to Congress a report detailing this coordination plan.

SA 4232. Mr. HELLER submitted an amendment intended to be proposed by him to the bill S. 2943, to authorize appropriations for fiscal year 2017 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 341. ACCESS TO WIRELESS HIGH-SPEED INTERNET AND NETWORK CONNECTIONS FOR CERTAIN MEMBERS OF THE ARMED FORCES DEPLOYED OVERSEAS.

Consistent with section 2492a of title 10, United States Code, the Secretary of Defense is encouraged to enter into contracts with third-party vendors in order to provide members of the Armed Forces who are deployed overseas at any United States military facility, at which wireless high-speed Internet and network connections are otherwise available, with access to such Internet and network connections without charge.

SA 4233. Mr. HELLER submitted an amendment intended to be proposed by him to the bill S. 2943, to authorize appropriations for fiscal year 2017 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 565. REPORT AND GUIDANCE ON JOB TRAINING, EMPLOYMENT SKILLS TRAINING, APPRENTICESHIPS, AND INTERNSHIPS AND SKILLBRIDGE INITIATIVES FOR MEMBERS OF THE ARMED FORCES WHO ARE BEING SEPARATED.

(a) REPORT REQUIRED.—Not later than 90 days after the date of the enactment of this Act, the Under Secretary of Defense for Personnel and Readiness shall submit to the Committees on Armed Services of the Senate and the House of Representatives, and make available to the public, a report evaluating the success of the Job Training, Employment Skills Training, Apprenticeships, and Internships (known as JTEST–AI) and SkillBridge initiatives, under which civilian businesses and companies make available to members of the Armed Forces who are being separated from the Armed Forces training or internship opportunities that offer a high probability of employment for the members after their separation.

(b) ELEMENTS.—In preparing the report required by subsection (a), the Under Secretary shall use the effectiveness metrics described in Enclosure 5 of Department of Defense Instruction No. 1322.29. The report shall include the following:

(1) An assessment of the successes of the Job Training, Employment Skills Training, Apprenticeships, and Internships and SkillBridge initiatives.

(2) Recommendations by the Under Secretary on ways in which the administration of the initiatives could be improved.

(3) Recommendations by civilian companies participating in the initiatives on ways in which the administration of the initiatives could be improved.

(4) Testimony from a sample of members of the Armed Forces who are participating in each of the initiatives regarding the effectiveness of such initiatives and the members' support for such initiatives.

(5) Testimony from a sample of recently separated members of the Armed Forces who participated in each of the initiatives regarding the effectiveness of such initiatives and the members' support for such initiatives.

(c) ISSUANCE OF GUIDANCE.—Not later than 180 days after the submittal of the report required by subsection (a), the Under Secretary shall issue guidance to commanders of units of the Armed Forces for the purpose of encouraging commanders, consistent with unit readiness, to permit members of the Armed Forces under their command who are being separated from the Armed Forces to participate in the Job Training, Employment Skills Training, Apprenticeships, and Internships or SkillBridge initiative.

SA 4234. Mr. HELLER submitted an amendment intended to be proposed by him to the bill S. 2943, to authorize appropriations for fiscal year 2017 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 538. REPORT ON PROGRESS OF THE DEPARTMENT OF DEFENSE IN ESTABLISHING AND IMPLEMENTING PROCESS BY WHICH MEMBERS OF THE ARMED FORCES MAY CARRY APPROPRIATE FIREARMS ON MILITARY INSTALLATIONS.

(a) REPORT REQUIRED.—The Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report setting forth a description and assessment of the progress of the Department of Defense in establishing and implementing a process by which members of the Armed Forces may carry appropriate firearms on military installations as required by section 526 of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114–92; 129 Stat. 813; 10 U.S.C. 2672 note).

(b) ELEMENTS.—The report required by subsection (a) shall include the following:

(1) A description of the process established pursuant to section 526 of the National Defense Authorization Act for Fiscal Year 2016.

(2) A description and assessment of the implementation of that process at military installations, including a list of the military installations at which that process has been implemented.

SA 4235. Mr. HELLER (for himself and Mr. TESTER) submitted an amendment intended to be proposed by him to the bill S. 2943, to authorize appropriations for fiscal year 2017 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 623. TRANSPORTATION ON MILITARY AIRCRAFT ON A SPACE-AVAILABLE BASIS FOR MEMBERS AND FORMER MEMBERS OF THE ARMED FORCES WITH DISABILITIES RATED AS TOTAL.

(a) AVAILABILITY OF TRANSPORTATION.—Section 2641b of title 10, United States Code, is amended—

(1) by redesignating subsection (f) as subsection (g); and

(2) by inserting after subsection (e) the following new subsection (f):

''(f) SPECIAL PRIORITY FOR CERTAIN DISABLED VETERANS.—(1) The Secretary of Defense shall provide transportation on scheduled and unscheduled military flights within the continental United States and on scheduled overseas flights operated by the Air Mobility Command on a space-available basis for any member or former member of the armed forces with a disability rated as total on the same basis as such transportation is provided to members of the armed forces entitled to retired or retainer pay.

''(2) The transportation priority required by paragraph (1) for veterans described in such paragraph applies whether or not the Secretary establishes the travel program authorized by this section.

''(3) In this subsection, the term 'disability rated as total' has the meanings given that term in section 1414(e)(3) of this title.''.

(b) EFFECTIVE DATE.—Subsection (f) of section 2641b of title 10, United States Code, as added by subsection (a), shall take effect at the end of the 90-day period beginning on the date of the enactment of this Act.

SA 4236. Mr. PORTMAN (for himself and Mr. BROWN) submitted an amendment intended to be proposed by him to the bill S. 2943, to authorize appropriations for fiscal year 2017 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 1085. REPORT ON PRIORITIES FOR BED DOWNS, BASING CRITERIA, AND SPECIAL MISSION UNITS FOR C–130J AIRCRAFT OF THE AIR FORCE.

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

(1) the Air Force Reserve Command contributes unique capabilities to the total force, including all the weather reconnaissance and aerial spray capabilities, and 25 percent of the Modular Airborne Firefighting System capabilities, of the Air Force; and

(2) special mission units of the Air Force Reserve Command currently operate aging aircraft, which jeopardizes future mission readiness and operational capabilities.

(b) REPORT ON PRIORITIES FOR C–130J BED DOWNS, BASING CRITERIA, AND SPECIAL MISSION UNITS.—Not later than February 1, 2017, the Secretary of the Air Force shall submit to the congressional defense committees a report on the following:

(1) The overall prioritization scheme of the Air Force for future C–130J aircraft unit bed downs.

(2) The strategic basing criteria of the Air Force for C–130J aircraft unit conversions.

(3) The unit conversion priorities for special mission units of the Air Force Reserve Command, the Air National Guard, and the regular Air Force, and the manner which considerations such as age of airframes factor into such priorities.

(4) Such other information relating to C–130J aircraft unit conversions and bed downs as the Secretary considers appropriate.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. SULLIVAN. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on May 25, 2016, at 2:30 p.m., to conduct a hearing entitled ''Understanding the Role of Sanctions Under the Iran Deal: Administration Perspectives.''

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

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. SULLIVAN. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet during the session of the Senate on May 25, 2016, at 2 p.m., in room SR–253 of the Russell Senate Office Building to conduct a Subcommittee hearing entitled ''Improvements in Hurricane Forecasting and the Path Forward.''

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

COMMITTEE ON FOREIGN RELATIONS

Mr. SULLIVAN. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on May 25, 2016, at 4:30 p.m., to conduct a closed briefing entitled ''Trafficking in Persons: Preparing The 2016 Annual Report.''

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

COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

Mr. SULLIVAN. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs be authorized to meet during the session of the Senate on May 25, 2016, at 10 a.m.

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

SUBCOMMITTEE ON EAST ASIA, THE PACIFIC, AND INTERNATIONAL CYBERSECURITY POLICY

Mr. SULLIVAN. Mr. President, I ask unanimous consent that the Committee on Foreign Relations Subcommittee on East Asia, the Pacific, and International Cybersecurity Policy be authorized to meet during the session of the Senate on May 25, 2016, at 10 a.m., to conduct a hearing entitled ''International Cybersecurity Strategy: Deterring Foreign Treats and Building Global Cyber Norms.''

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

PRIVILEGES OF THE FLOOR

Mr. MCCAIN. Mr. President, I ask unanimous consent that LCDR Amy M. Gabriel, a Navy fellow in my office, be granted floor privileges for the duration of the Senate debate on the National Defense Authorization Act for the Fiscal Year 2017.

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

Mr. MERKLEY. Mr. President, I ask unanimous consent that my intern, Sierra Brummett, be granted privileges of the floor for the balance of the day.

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

Mr. WYDEN. Mr. President, I ask unanimous consent that Lucy Ohlsen, a legislative fellow in my office, be given floor privileges for the remainder of this Congress.

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

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. ROUNDS. Mr. President, I ask unanimous consent that the Senate proceed to executive session to consider the following nomination: Calendar No. 552 only, with no other executive business in order.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The clerk will report the nomination.

The senior assistant legislative clerk read the nomination of Patrick A. Burke, of the District of Columbia, to be United States Marshal for the District of Columbia for the term of four years.

Thereupon, the Senate proceeded to consider the nomination.

Mr. ROUNDS. Mr. President, I know of no further debate on the nomination.

The PRESIDING OFFICER. Is there any further debate?

Hearing none, the question is, Will the Senate advise and consent to the Burke nomination?

The nomination was confirmed.

Mr. ROUNDS. Mr. President, I ask unanimous consent that the motion to reconsider be considered made and laid upon the table, the President be immediately notified of the Senate's action, and the Senate then resume legislative session.

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

LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will now resume legislative session.

CYSTIC FIBROSIS AWARENESS MONTH

Mr. ROUNDS. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 476, submitted earlier today.

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

The senior assistant legislative clerk read as follows:

A resolution (S. Res. 476) designating the month of May 2016 as ''Cystic Fibrosis Awareness Month.''

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

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

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

The resolution (S. Res. 476) was agreed to.

The preamble was agreed to.

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

PROMOTING MINORITY HEALTH AWARENESS AND SUPPORTING THE GOALS AND IDEALS OF NATIONAL MINORITY HEALTH MONTH IN APRIL 2016

Mr. ROUNDS. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 477, submitted earlier today.

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

The senior assistant legislative clerk read as follows:

A resolution (S. Res. 477) promoting minority health awareness and supporting the goals and ideals of National Minority Health Month in April 2016, which include bringing attention to the health disparities faced by minority populations of the United States such as American Indians, Alaskan Natives, Asian Americans, African Americans, Latino Americans, and Native Hawaiians or other Pacific Islanders.

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

Mr. CARDIN. Mr. President, I rise today to ask my Senate colleagues to join me in recognizing—belatedly—April as National Minority Health Month. For over 30 years, this commemorative event has provided us the opportunity to celebrate the progress we have made in addressing minority health disparities and related issues in our Nation, and to renew our commitment to continue this critically important effort.

The theme of this year's National Minority Health Month observance, ''Accelerating Health Equity for the Nation,'' reflects both a sense of urgency and determination in moving the country forward toward health equity. Minorities now make up more than 35 percent of the American population and that number is expected to rise in the future. Studies have shown, however, that disparities persist for minority populations and are evident in higher rates of diabetes, heart disease, hepatitis B, HIV/AIDS and infant mortality, among other conditions. For instance, over 29 million Americans suffer from diabetes. But African Americans are twice as likely to be diagnosed with, and to die from, diabetes compared to non-Hispanic Whites. In addition, nearly one-half of all African Americans and Latinos experience the highest rates of adult obesity.

This year marks the 30th anniversary of the Department of Health & Human Services Office of Minority Health, which leads the Nation in raising awareness about minority health disparities, their causes, and the impact they have on minority communities and the Nation as a whole. To commemorate this occasion, a renewed effort is underway with public and private stakeholders to accelerate achieving health equity for all Americans through the development of research, community programs, and legislation. We owe it to our constituents to advance this national movement. For these reasons, I am proud my colleagues, Senators HIRONO, BLUMENTHAL, BROWN, MENENDEZ, and SCHATZ have joined me in introducing a resolution recognizing April as National Minority Health Month.

In our country, we are incredibly fortunate to have the National Institutes of Health (NIH), which works tirelessly to improve the health of all Americans. Within the NIH, the National Institute for Minority Health & Health Disparities (NIMHD) has the specific mission of addressing minority health issues and eliminating health disparities. I am proud of my role in the establishment of the NIMHD, which supports groundbreaking research at universities and medical institutions across our country. This critically important work ranges from enhancing our understanding of the basic biological processes associated with health disparities to applied, clinical, and translational research and interventions that seek to address those disparities.

Today, because of the steadfast work of committed leaders and individuals

we have made significant strides to achieving health equity for all. Thanks to innovative reforms such as the Affordable Care Act (ACA), we have made health coverage more accessible and affordable than it has been in decades. By reducing the number of uninsured Americans across the country, the ACA is helping to address health inequalities. In Maryland, due to increased funding as a result of the ACA, over 300,000 Marylanders—a majority of which come from minority communities—now have access to community health clinics and life-saving health care.

Every community across this great Nation deserves optimal health. One's ethnic or racial background should never determine the length or quality of life. As we belatedly recognize April as National Minority Health Month, let us renew our commitment to ensuring all Americans' access to affordable, high-quality health care and renew our pledge to do everything possible to eliminate health disparities and ultimately achieve health equity for all.

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

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

The resolution (S. Res. 477) was agreed to.

The preamble was agreed to.

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

NATIONAL HAWAIIAN FOOD WEEK

Mr. ROUNDS. Mr. President, I ask unanimous consent that the Judiciary Committee be discharged from further consideration of S. Res. 416 and the Senate proceed to its immediate consideration.

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

The clerk will report the resolution by title.

The senior assistant legislative clerk read as follows:

A resolution (S. Res. 416) recognizing the contributions of Hawaii to the culinary heritage of the United States and designating the week beginning on June 12, 2016, as ''National Hawaiian Food Week.''

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

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

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

The resolution (S. Res. 416) was agreed to.

The amendment (No. 4230) was agreed to, as follows:

(Purpose: To amend the preamble)

Strike the preamble and insert the following:

Whereas when individuals first came to the Hawaiian islands more than 1,500 years ago, there was little to eat other than birds and a few species of ferns, but the individuals found rich volcanic soil, a year-round growing season, and abundant fisheries;

Whereas the history of Hawaii is inextricably linked with—

(1) foods brought to the Hawaiian islands by the first individuals who came to Hawaii and successive waves of voyagers to the Hawaiian islands;

(2) the agricultural and ranching potential of the land of Hawaii; and

(3) the readily available seafood from the ocean and coasts of Hawaii;

Whereas the food cultures initially brought to Hawaii came from places including French Polynesia, China, Japan, Portugal, North Korea, South Korea, the Philippines, Puerto Rico, and Samoa;

Whereas the foods first brought to Hawaii were simple, hearty fare of working men and women that reminded the men and women of their distant homes;

Whereas individuals in Hawaii, in the spirit of Aloha, shared favorite dishes with each other, and as a result, the individuals began to appreciate new tastes and learned how to bring new ideas into their cooking;

Whereas the blend of styles in Hawaiian cooking evolves as new groups of individuals make Hawaii their home;

Whereas the fusion of dishes from around the world creates a unique cuisine for Hawaii that is as much a part of a visit to Hawaii as the welcoming climate, friendly individuals, and beautiful beaches in Hawaii;

Whereas the food of Hawaii is appealing because it came from hard-working communities of individuals that farmed, fished, or ranched for their livelihoods, which are core experiences of individuals throughout the United States; and

Whereas the growing appreciation for the food of Hawaii comes from hard-working and ingenious farmers, fishers, educators, ranchers, chefs, and businesses that innovate and export the taste of Hawaii all over the world: Now, therefore, be it

The preamble, as amended, was agreed to.

The resolution, with its preamble, as amended, reads as follows:

S. RES. 416

Whereas when individuals first came to the Hawaiian islands more than 1,500 years ago, there was little to eat other than birds and a few species of ferns, but the individuals found rich volcanic soil, a year-round growing season, and abundant fisheries;

Whereas the history of Hawaii is inextricably linked with—

(1) foods brought to the Hawaiian islands by the first individuals who came to Hawaii and successive waves of voyagers to the Hawaiian islands;

(2) the agricultural and ranching potential of the land of Hawaii; and

(3) the readily available seafood from the ocean and coasts of Hawaii;

Whereas the food cultures initially brought to Hawaii came from places including French Polynesia, China, Japan, Portugal, North Korea, South Korea, the Philippines, Puerto Rico, and Samoa;

Whereas the foods first brought to Hawaii were simple, hearty fare of working men and women that reminded the men and women of their distant homes;

Whereas individuals in Hawaii, in the spirit of Aloha, shared favorite dishes with each other, and as a result, the individuals began to appreciate new tastes and learned how to bring new ideas into their cooking;

Whereas the blend of styles in Hawaiian cooking evolves as new groups of individuals make Hawaii their home;

Whereas the fusion of dishes from around the world creates a unique cuisine for Hawaii that is as much a part of a visit to Hawaii as the welcoming climate, friendly individuals, and beautiful beaches in Hawaii;

Whereas the food of Hawaii is appealing because it came from hard-working communities of individuals that farmed, fished, or ranched for their livelihoods, which are core experiences of individuals throughout the United States; and

Whereas the growing appreciation for the food of Hawaii comes from hard-working and ingenious farmers, fishers, educators, ranchers, chefs, and businesses that innovate and export the taste of Hawaii all over the world: Now, therefore, be it

Resolved, That the Senate—

(1) designates the week beginning on June 12, 2016, as ''National Hawaiian Food Week''; and

(2) recognizes the contributions of Hawaii to the culinary heritage of the United States.

NATIONAL CANCER RESEARCH MONTH

Mr. ROUNDS. Mr. President, I ask unanimous consent that the Judiciary Committee be discharged from further consideration of S. Res. 459 and the Senate proceed to its immediate consideration.

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

The clerk will report the resolution by title.

The senior assistant legislative clerk read as follows:

A resolution (S. Res. 459) recognizing the importance of cancer research and the vital contributions of scientists, clinicians, cancer survivors, and other patient advocates across the United States who are dedicated to finding a cure for cancer, and designating May 2016, as ''National Cancer Research Month.''

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

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

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

The resolution (S. Res. 459) was agreed to.

The preamble was agreed to.

(The resolution, with its preamble, is printed in the RECORD of May 9, 2016, under ''Submitted Resolutions.'')

ORDERS FOR THURSDAY, MAY 26, 2016

Mr. ROUNDS. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 9:30 a.m., Thursday, May 26; that following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, and the time for the two leaders be reserved for their use later in

the day; further, that following leader remarks, the Senate resume consideration of the motion to proceed to S. 2943, postcloture; finally, that all time during adjournment, recess, and morning business count postcloture on the motion to proceed.

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

ORDER FOR ADJOURNMENT

Mr. ROUNDS. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that it stand adjourned under the previous order, following the remarks of Senator WHITEHOUSE.

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

The Senator from Rhode Island.

CLIMATE CHANGE

Mr. WHITEHOUSE. Mr. President, I am back with my increasingly scuffed and battered ''Time to Wake Up'' sign now for the 138th time to urge that we stop sleepwalking through history. Climate change, as we know, is already harming our oceans and our farms, our health and our communities. Yet here in the Senate we continue to just stand idly by as carbon pollution piles up in the atmosphere, driving unprecedented changes in our States. I urge us again to wake up and to act with urgency.

Just 3 years ago the monitoring station atop Hawaii's Mauna Loa measured a significant milestone—400 parts per million of carbon dioxide in the atmosphere.

This chart of the data from Mauna Loa illustrates the negligible march upwards of our carbon levels. And it is not just at this one spot in the Pacific. The World Meteorological Organization maintains a global atmosphere watch network of atmospheric monitoring stations that spans 100 countries, including stations high in the Alps, Andes, Himalayas, as well as in the Arctic and Antarctic. Earlier this month, the Cape Grim Station—perhaps aptly named—in remote northwestern Tasmania saw its first measurement above 400 parts per million. A few days later, Casey Station in Antarctica measured carbon dioxide concentrations above 400 parts per million.

What is significant about 400 parts per million? The Earth has existed in a range between 170 and 300 parts per million of carbon dioxide for at least the last 800,000 years—probably millions of years but at least the last 800,000 years. Homo sapiens as a species have only been around for about 200,000 years, so 800,000 really goes back a ways. Primitive farming began only about 20,000 years ago. Before that, we were just hunter-gatherers. So 800,000 in that context is a long, safe, comfortable run for this planet that has been very good to humankind in that carbon concentration window of 170 to 300. Since the Industrial Revolution, when the great carbon dump began, we have completely blown out of that range.

At the bottom of this chart is 300.

What is also apparent in this chart is the breathing, if you will, of the planet. The sawtooth effect of this line comes from carbon dioxide levels changing as spring triggers the collective inhale of trees and other plant life in the Northern Hemisphere.

This is another version of the same data. The line at the border between the white and the lavender is the carbon data for the year 2011—between 388 and 393 parts per million, going up and then going back down and then going up as the Earth inhales and exhales the carbon dioxide. In 2012, this was the line, up above 2011. In 2013, this was the line. In 2014, this was the line. In 2015—it is hard to see, but it is right here where my finger is tracing and then onward from here. And this is 2016 to date, and then the data stops. It is going to continue. That shelf is just the data ending because of the time of year we are in. So every single year we see the carbon dioxide levels marching up and up and up.

Dr. Ralph Keeling is director of the Mauna Loa CO_2 Program at the Scripps Institution of Oceanography and a sort of hero among scientists. He has said that he doubts carbon dioxide levels at Mauna Loa will ever again dip below 400 parts per million.

As our carbon pollution accumulates, we can actually measure the change in the amount of energy trapped by the atmosphere from the Sun. NOAA calls this the ''Annual Greenhouse Gas Index,'' and the latest edition shows that in just the past 25 years, our carbon emissions have increased the heat-trapping capacity of our atmosphere by 50 percent above preindustrial levels. That is our doing.

The director of NOAA's Global Monitoring Division, Dr. Jim Butler, said: ''We're dialing up Earth's thermostat in a way that will lock more heat into the ocean and atmosphere for thousands of years.''

Last week the Washington Post reported that both NOAA and NASA found April 2016 to have been the warmest April ever recorded. What is remarkable is that April was the 12th consecutive month in a row in which that month was the warmest ever recorded for that month. That is a full year's worth of months that topped every previous such month for temperature, and it is the longest streak ever in NOAA's 137-year temperature record.

One thing we know about all of this excess heat is that the oceans have absorbed more than 90 percent of it. You think things are weird now with the weather, imagine if the oceans had not absorbed more than 90 percent of that excess heat. That is a measurement, not a theory. Unless we are going to repeal the laws of physics, we know that when water warms from absorbing that 90-plus percent of the heat energy, it expands. That is the law of thermal expansion. As a result, sea levels around the world are measurably rising because oceans are warming and expanding, as well as because of ice sheets and glaciers melting.

Sea level rise is a serious matter for my constituents and for all coastal communities. We measure approximately 10 inches of sea level rise at Naval Station Newport, RI, since the 1930s. Higher sea levels erode our shoreline. They push saltwater up into our marshes. Worst of all, from our human perspective, the big storms that get launched in this weather come riding ashore on higher seas, and they inflict more damage and worse flooding in our homes.

A couple of years ago, I visited South Florida with our friend Senator NELSON. In parts of Miami and Fort Lauderdale, sea water continues to flood streets and homes at high tide on perfectly calm and sunny days. It is not rain. These flooding events are occurring because sea level is rising.

A study published in February by Climate Central determined climate change was to blame for approximately three-quarters of the coastal floods recorded in the United States between 2005 and 2014, most of which were high-tide floods. The blue is the natural floods they experienced and the red is the flooding that was driven by climate change.

Dr. Ben Strauss, who led this analysis, said: ''[T]his is really the first placing of human fingerprints on coastal floods, and thousands of them.'' And the body of science revealing those human fingerprints from climate change is growing. In the past, I have said that climate change ''loads the dice'' for extreme weather, but it is hard to link a particular event to climate change. That is beginning to change as the science continues to develop and the evidence continues to pile up.

In March, the National Academies of Sciences, Engineering, and Medicine released a report outlining a rigorous science-based system for attributing extreme weather events to climate change with statistical confidence. In other words, scientists are now able to assess how the risk of an extreme weather event has changed since these heat-trapping greenhouse gases have altered our climate.

Certain kinds of extreme events are relatively straightforward to assess and attribute heat waves, heavy rains, certain types of drought. Other kinds of extreme events, such as tornadoes, wildfires, and the frequency and intensity of hurricanes, are more complicated to dissect.

For example, heat waves are expected to become more common, more intense, and longer lasting because of the increase in heat-trapping gases in the atmosphere. An analysis of an extreme heat wave last May in Australia found it was made 23 times more likely to have happened because of climate change. When the odds in favor have

become so great, it is fair to say, according to one scientist associated with that report, that ''some episodes of extreme heat would have been virtually impossible without climate change.'' The attribution to specific events is closing in.

Dr. Heidi Cullen, chief scientist at Climate Central and a contributor to the National Academies report, has said:

> The days of saying no single weather event can be linked to climate change are over. For many extreme weather events, the link is now strong.

Australian researchers have determined that the ocean warming that led to widespread and devastating coral bleaching on the Great Barrier Reef in March was made not 23 times more likely but 175 times more likely by human-caused climate change. Average water temperatures in the Coral Sea are up about 1.5 degrees Celsius since 1900. We measure that. And about one-half of that 1.5 degrees is due to natural variability, and 1 whole degree of it is from greenhouse gas emissions.

David Kline, a coral reef scientist at the Scripps Institution of Oceanography, has said: ''We've had evidence before'' that ''human-induced climate change is behind the increase in severity and frequency of bleaching events. But this is the smoking gun.''

By the way, a bleaching event on a coral reef is like a heart attack in a human. The reef may survive it, but it will take a long time to recover, and very often the reef simply dies. With all of that happening, here we are in this Chamber, sitting on our hands, helpless. We have a responsibility, not only to the voters of today but to the generations who will follow us and inherit the world as we leave it to them.

Here is how Professor of Oceanography, Dr. Laura Faye Tenenbaum, at NASA's Jet Propulsion Laboratory, describes her predicament:

> As a college professor who lectures on climate change, I will have to find a way to look into those 70 sets of eyes that have learned all semester long to trust me and somehow explain to those students, my students—who still believe in their young minds that success mostly depends on good grades and hard work, who believe in fairness, evenhandedness and opportunity—how much we as people have altered our environment, and that they will end up facing the consequences of our inability to act.

Where do we look for leadership? Not to one of the leading Presidential contenders. This character says he is just ''not a great believer in man-made climate change.'' So there. Like the science cares what his opinion is. All the science? The decades of research by thousands of scientists across the globe, the pride of the scientific profession? It is a ''hoax,'' he said, a ''con job,'' ''pseudoscience,'' and ''BS.'' I guess in that latter characterization, he can claim some real expertise. To my Republican colleagues, I have to ask: Is that really the line that we want to have about this problem? Is this your guy? Are you going to stand by him on this stuff?

But wait, it actually gets better. Yesterday POLITICO reported the New York billionaire is also applying for permission to build a seawall. He is a wall-building kind of guy, and he wants to build a seawall to protect his seaside golf resort. What does he want to protect his golf resort from with a wall—rapist Mexicans coming across the border? No. What he wants to defend his seaside golf resort from with a wall is ''global warming and its effects.''

Remember the sea level rise I talked about? That is correct. That is what he said. Climate change is a hoax when his political interests dictate, but then it is real and a threat when his economic interests are involved. Throughout the discussion of climate change, how often we see this—say one thing, do another.

I have to close by reminding my colleagues that my home State of Rhode Island is the Ocean State. We cannot fail to take climate change seriously. If this is uncomfortable for my colleagues, I apologize, but I don't care. I have obligations to my State that I must discharge. We in Rhode Island are going to stand with America's leading research institutions and scientists, we are going to stand with our national security experts, we are going to stand with the great American corporations such as Apple, Google, Mars, and National Grid, we are going to stand with President Obama, and we are going to stand with Pope Francis to do everything we can to face this climate challenge head-on. I hope that soon one day it will be time when we can all wake up and stand together.

I yield the floor.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

The PRESIDING OFFICER. The Senate stands adjourned until 9:30 a.m. tomorrow.

Thereupon, the Senate, at 6:52 p.m., adjourned until Thursday, May 26, 2016, at 9:30 a.m.

CONFIRMATION

Executive nomination confirmed by the Senate May 25, 2016:

DEPARTMENT OF JUSTICE

PATRICK A. BURKE, OF THE DISTRICT OF COLUMBIA, TO BE UNITED STATES MARSHAL FOR THE DISTRICT OF COLUMBIA FOR THE TERM OF FOUR YEARS.