United States of America

# Congressional Record

PROCEEDINGS AND DEBATES OF THE 114th CONGRESS, SECOND SESSION

Vol. 162 WASHINGTON, MONDAY, JUNE 20, 2016 No. 98

# Senate

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

## PRAYER

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

Let us pray.

Eternal God, as the final game of the National Basketball Association reminded us of redemption, we place our confidence in You, the Redeemer of humanity. Be exalted, O God, above the highest Heaven. May Your splendor shine over all the Earth.

Today, use our Senators to do mighty things for Your glory. May they settle for nothing less than their best efforts to fulfill Your purposes. As they depend on Your strength, do for them more than they can imagine. Empower them to strengthen the foundation of justice, righteousness, and truth, doing their part to accomplish Your will.

Lord, make our lawmakers so sensitive to Your grand vision for our Nation that they will be a conscience for our citizens in calling them back to You.

We pray in Your sacred 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. SULLIVAN). The majority leader is recognized.

## FIGHTING TERRORISM

Mr. MCCONNELL. Mr. President, the terrorist attack that claimed 49 innocent victims in Orlando left families broken and our country shaken. It was a deliberately targeted attack inspired by the hateful ideology of ISIL, and it tragically reminded us of the continuing threat of ISIL-directed and ISIL-inspired attacks right here in our country.

We know that the way to prevent more of these terrorist attacks is to actually defeat ISIL where it trains, operates, and prepares for attacks, like in Iraq and Syria.

The President at least appeared to recognize that this weekend when he said that ''we are and we will keep doing everything in our power to stop these kinds of attacks and to ultimately destroy ISIL.''

But as the Nation just learned from CIA Director John Brennan, ISIL remains ''a formidable, resilient, and largely cohesive enemy.'' Our efforts thus far ''have not reduced the group's terrorism capability and global reach''—this is Brennan—and ISIL is ''training and attempting to deploy operatives for further attacks'' in the West.

It is evident that the President's campaign to contain ISIL has not been sufficient to defeat this group abroad or prevent more ISIL-inspired attacks right here at home. He needs to finally lead a campaign to accomplish this objective or at least prepare the military and intelligence community to help the next President do so if he won't.

Here in the Senate, we should continue our efforts to fight terror beyond our borders and prevent attacks within them. These have been priorities for Republican Senators for a long time, and they continue to be at the forefront of our efforts now.

We have offered proposals to help connect the dots with respect to terrorist communications. We have offered proposals to help address the threat of lone-wolf attacks like the one we saw in Orlando. And we have offered proposals to help ensure terrorists are not able to purchase weapons.

We will consider two of them today, along with two Democratic alternatives. The first proposal, from Senator CORNYN, would immediately block the sale of a firearm or explosive or explosives to a suspected terrorist and, once probable cause is shown, not only permanently block that sale but also allow the suspected terrorist to be arrested and detained. This would apply to anyone currently investigated as a terrorist suspect as well as to anyone who was investigated within the last 5 years.

Unlike Senator CORNYN's proposal, the Democratic alternative would not—would not—prevent a terrorist from buying explosives as the alternative pertains only to firearms. Unlike Senator CORNYN's proposal, the Democratic alternative would not notify State and local law enforcement when a terrorist tries to buy a weapon nor would the alternative even give authority for that terrorist to be arrested or detained.

Unlike Senator CORNYN's proposal, the Democratic alternative would not ensure due process, protect our constitutional rights, or require the government to periodically review its procedures to ensure it is investigating the right people.

The second proposal, from Senator GRASSLEY, would improve the background check database by helping ensure all levels of government are actually submitting the necessary records, including mental health records. It would also allow for additional resources to update and improve the system further.

Unlike Senator GRASSLEY's proposal, the Democratic alternative would not study the causes of mass shootings.

Unlike Senator GRASSLEY's proposal, the Democratic alternative would not help prevent failed gun walking operations like Fast and Furious.

Unlike Senator GRASSLEY's proposal, the Democratic alternative would not require the Department of Justice to

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



Printed on recycled paper.

explain why it has not been using the gun laws already on the books to prosecute gun cases. We know that weapons-related convictions under the Obama administration are down more than 30 percent compared to a decade ago.

So, look, no one wants terrorists to be able to buy guns or explosives—no one. Instead of using this as an opportunity to push a partisan agenda or craft the next 30-second campaign ad, colleagues like Senator CORNYN and Senator GRASSLEY are pursuing real solutions that can help keep Americans safer from the threat of terrorism. They are approaching this serious topic in a serious and constitutional way. They also understand that ultimately the most important way to prevent more terrorist tragedies at home is by defeating terrorism overseas.

Serious solutions—that is what the American people now demand more than ever. That is where we should keep our focus.

## RECOGNITION OF THE MINORITY LEADER

The PRESIDING OFFICER. The Democratic leader is recognized.

## GUN VIOLENCE

Mr. REID. Mr. President, we have an epidemic of gun violence. It is here. I wish it weren't, but it is here, and it is getting worse every day.

Last week's attack at a popular night club in Orlando, FL, was the deadliest shooting in modern American history. It was an act of hate and an act of terror. Forty-nine people were killed, and dozens were wounded. Many of those wounded are going to suffer for the rest of their lives from paralysis, blindness, and other maladies caused by the evil of Mr. Mateen.

Sadly, mass shootings are occurring with sickening regularity in our country. Let's just talk about some of them in recent years.

Tucson, AZ, 2011: Six were killed, and a number were injured, one of whom was Gabby Giffords—a wonderful, wonderful human being. She was critically injured. Her good husband, a famous astronaut, is doing everything he can to make her life as normal as possible.

Carson City, NV, 2011: Four were killed in a popular restaurant in Carson City called Heidi's. Three of the dead were National Guardsmen getting ready to do their duty, having a break. In fact, they were having breakfast when they were gunned down by a madman.

Aurora, CO: People there watching a popular movie in 2012 were gunned down in a night of terror.

Newton, CT, 2012: Twenty little kids—20 babies—and six educators were killed.

The Navy Yard, Washington, DC, 2013: Twelve were killed.

Las Vegas, NV, 2014: A couple of people had just left the Bundy domestic terror situation. I guess they didn't get enough opportunities to do terrible things up there. So they came to Las Vegas and went to a restaurant where two police officers were sitting there having breakfast—two men with families. This man and woman walked up, having left the Bundy enclave, and shot both of them in the head right in front of everybody. They walked out, went next door to Walmart, and killed another unsuspecting shopper.

Charleston, SC, 1 year ago: Nine were killed in a church—praying and singing. That is what you should do in a church, but a murderer was there, and he killed nine of them.

Roseburg, OR, 2015: Nine were killed at a community college.

Colorado Springs, CO: Some crazy person hell-bent on doing something in his own mind—stopping abortion—killed three innocent people. They had nothing to do with abortion. They were just innocent people.

San Bernardino, CA: In a government facility, people there for a holiday celebration were maimed and 14 killed by two domestic terrorists.

Kalamazoo, MI, 2016: An Uber driver picked up a fare, drove around town to kill another one and got six.

So if we add these up, it comes to 100, not counting the 49 who were killed a week or so ago. We add to that the 90 who are killed every day—90 every day—with guns in America. That is a pretty staggering number.

But after the murders I have outlined here—Tucson; Carson City; Aurora; Newton, CT; DC; Las Vegas; Charleston, SC; Roseburg, OR; San Bernardino, CA; Colorado Springs, CO; Kalamazoo, MI—the American people have looked to Congress to stop them. No more, they say. The American people don't feel safe. They want to feel safe. They want the violence to stop. They want it to end. But instead of getting help from their elected officials, our constituents see a disturbing pattern of inaction. It is always the same. After each tragedy, we Democrats try to pass sensible gun safety measures. Sadly, our efforts are blocked by the Republican Congress, which takes its marching orders from the National Rifle Association.

In April 2013, just months after the shootings in Aurora and Newtown, Democrats proposed legislation that would expand background checks and reinstate the assault weapons ban, limit the size of ammunition clips. The man who went into the nightclub a week ago had an assault rifle that would hold a magazine of 30 shells. He could fire that every time he pulled the trigger. It would take him about 3 or 4 seconds to empty the 30 shells. He could reload in 1 or 2 seconds. We don't know for sure, but he had at least two extra clips, so 90 bullets. Does anyone think there is anything you hunt in America that requires 90 bullets? Is there anyone who thinks that in America you need 30 bullets to go hunting—for what? Well, the man in Orlando, FL, went hunting for people.

We tried to limit the size of ammunition clips, to prevent firearms trafficking, but the NRA didn't accept any of our proposals, and so the Senate Republicans didn't accept them and they filibustered and blocked every one of them.

It happened again last December. Following the shooting in San Bernardino, Senator FEINSTEIN proposed legislation to close the so-called terror loophole. Senator FEINSTEIN's bill would have prevented suspected terrorists from legally purchasing firearms and explosives. Keeping terrorists from buying guns should be something upon which every Member of the Senate agrees. Again, the NRA said no, the Republicans said no, and they blocked Senator FEINSTEIN's legislation. That is a pattern we see. We see it repeatedly. It doesn't matter how sensible the legislation or how terrible the tragedy, the Republicans are beholden to the National Rifle Association, the NRA, and not the people who elect them to come here and represent them.

Today I am afraid it will be more of the same. About 2 hours from now, the U.S. Senate will have an opportunity to stop the rampant gun violence that has plagued our Nation. Stop it all? No, but it certainly will do something. So, at 5:30, Senators will vote on four gun-related amendments, two from Democrats, two from Republicans. Two of these amendments—the Murphy and Feinstein amendments—are serious proposals to protect Americans from gun violence. The Murphy-Booker-Schumer amendment would close loopholes in our background check system and ensure that firearms and explosives are kept out of the hands of terrorists and criminals and those who suffer from mental illness.

Senator FEINSTEIN's amendment would close the terror loophole, which allows suspected terrorists to legally purchase weapons and explosives. Both of these proposals are in keeping with what America wants and what America needs. About 90 percent of Americans favor expanded background checks, and more than 80 percent of Americans want to close the terror loophole. These are Democrats, Republicans, and Independents. I might say, as to the National Rifle Association, all NRA Members don't feel the way the leaders of the NRA do. Even though 90 percent of Americans favor expanded background checks and more than 80 percent want to close the terror loophole, Republicans will again, I am confident, reject the voice of the American people. Instead, Republicans are proposing legislation that will actually make it easier for someone who has a mental illness to get a gun. Instead, Republicans are proposing legislation that will actually make it more difficult for law enforcement to keep guns out of the hands of the dangerous.

The first Republican amendment proposed by the senior Senator from Iowa would make it easier for a person with severe mental illness to buy a gun.

That is what it says. The Republicans would make it easier for one who just gets out of a psychiatric facility to walk out of a psychiatric facility and go buy whatever he wants in the way of firearms.

The second Republican amendment, the Senator from Texas proposed legislation that would allow the sale of firearms to terrorists after a brief 72-hour waiting period, which would compromise ongoing counterterrorism investigations. The Grassley and Cornyn amendments are political stunts that are meaningless in doing something to stop gun violence. These are amendments to divert attention from real legislation. Why? So Republicans can say: Hey, look, we tried. And all the time they are cheerleaders to the bosses at the NRA who are cheering them.

My Republican colleagues are again stuck in the same rut, the same warp, giving in to the demands of the NRA. The Republican leaders always find an excuse to say no. Democrats look at any reasonable proposal when it comes to gun safety. Right now there are Democrats like Senator HEINRICH who are working with Republicans to find a solution. We are open to any of their ideas, provided the legislation really does keep guns and explosives away from suspected terrorists, criminals, and people with mental illness—but we know the NRA will never support any of these proposals. That is why we need the Senate Republicans to take a stand against gun violence and against the NRA.

As I stand here, the NRA is sending a lot of direct mail. They are even getting better now and putting stuff on the Internet, saying: We need more money. They are trying to take your guns away from you. It is a fundraising operation. What we need is the Senate Republicans to take a stand against gun violence and against the NRA for a change. If they don't—if the Senate Republicans continue down this path and reject the Feinstein and Murphy amendments, it will be the third time recently they walked away from sensible gun legislation. It will be the third time recently Republicans have walked away from sensible gun legislation and will be the third time Republicans will have voted to give suspected terrorists, criminals, and the mentally ill access to firearms. It will be the third time recently that the Senate Republicans have protected the gun lobby, even as their own constituents have been gunned down in cold blood.

The Senate Republicans should be embarrassed, but they are not because the NRA is happy. The Republicans need to put the lives of innocent Americans ahead of the NRA.

I yield the floor and ask the Chair to announce the business of the day.

## RESERVATION OF LEADER TIME

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

## COMMERCE, JUSTICE, SCIENCE, AND RELATED AGENCIES APPROPRIATIONS ACT, 2016

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of H.R. 2578, which the clerk will report.

The legislative clerk read as follows:

A bill (H.R. 2578) making appropriations for the Departments of Commerce and Justice, Science, and Related Agencies for the fiscal year ending September 30, 2016, and for other purposes.

Pending:

Shelby/Mikulski amendment No. 4685, in the nature of a substitute.

McConnell (for Feinstein) amendment No. 4720 (to amendment No. 4685), to authorize the Attorney General to deny requests to transfer a firearm to known or suspected terrorists.

McConnell (for Cornyn) amendment No. 4749 (to amendment No. 4720), to Secure our Homeland from radical Islamists by Enhancing Law enforcement Detection (''SHIELD'').

McConnell motion to commit the bill to the Committee on the Judiciary, with instructions, (McConnell (for Murphy) amendment No. 4750), to ensure that all individuals who should be prohibited from buying a firearm are listed in the national instant criminal background check system and require a background check for every firearm sale.

McConnell (for Grassley) amendment No. 4751 (to (the instructions) amendment No. 4750), to address gun violence and improve the availability of records to the National Instant Criminal Background Check System.

McConnell amendment No. 4752 (to amendment No. 4751), to change the enactment date.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Mr. President, a few days after the mass shooting in Orlando, I received a very powerful letter from Ella Staats, a young Vermonter who, like Americans across our land, was sickened and horrified by this senseless act of hatred that we saw in Orlando.

What was pointed out to me in this letter, this eloquent, passionate heartfelt letter, is that Ella is 15 years old. In her letter addressed to me, under the auspices of the Young Writers Project, she explained that even at her age, she has ''already seen so many mass shootings that it is becoming harder and harder to faze [her].'' Ella calls on Congress to act, writing: ''It is time that the gun laws in our country were completely reformed'' so these violent and hateful acts will be prevented.

After I read and reread her eloquent letter, I was moved. I sat down in my home in Vermont, and I started to draft a response, going through all the votes I had taken over the years. I started looking up all the hearings I had convened on gun violence, all the bills I authored and cosponsored, those I moved through the Judiciary Committee and even on the Senate floor, but then I stopped—this was just a catalogue.

I decided the nature and the quality and the moving aspect of Ella's letter deserved a response on the Senate floor because Ella has given voice to something urgent that many people in Vermont and across the country are feeling right now.

Here is my reply to Ella:

Dear Ella, thank you for your thoughtful letter. I have read it several times and I want you to know how powerful it is to speak up about issues as important as this one. Some worry that many of your generation have disengaged from involvement in the big issues of our day, but your letter gave me hope. You are right. It is long past time for Congress to reform the laws that allow mass gun violence to flourish in our country.

You deserve to feel safe. You should not have to fear that guns designed for the battlefield will end up in the hands of terrorists or violent criminals. A large majority of our fellow Americans feel just as we do and support sensible answers. But your government has let you down. Time and time and time again, commonsense remedies are thwarted by obstruction and inertia and powerful lobbies, and only if more people like you stand up will we be able to change this.

Ella, I want you to know that I have been working for years to find practical solutions that will stop the gun violence that continues to touch every corner of our country. But I bet that the last thing you want is a list of all the bills I have written or voted for but have not passed. You want to know how we are going to overcome the well-funded opposition to passage of laws that will reduce gun violence.

First, we must remember the amazing men, women and children who die from gun violence every day. Sadly these tragedies are not limited to mass shootings. It is essential that we pay attention to the loss that thousands of mothers and fathers, sons and daughters feel each day because of a shooting that could have been prevented.

Second, we need new voices like yours. We need you to hold us accountable. We need more people to demand reform so that we can finally overcome the well-funded opposition to commonsense laws that would keep guns out of the hands of criminals and terrorists.

Ella, I share your frustrations and I beg you not to become numb to this hatred and violence. I urge you to speak out in your community, on social media and to demand accountability. It often takes time—too long a time—but speaking out, sharing your ideas and views, and contacting your elected representatives makes a difference. I hope the votes that I cast on your behalf tonight demonstrate that I hear you and I agree that we must act to prevent the next Orlando. Ella, thank you for doing that—for speaking out and for holding us accountable.

Mr. President, I ask unanimous consent that Ella Staat's full letter be printed in the RECORD.

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

(By Ella Staats )

DEAR SENATOR LEAHY:

I am a Vermont teen who has been deeply saddened by the Orlando shooting. I am enraged at this terrible act of targeted violence against the LGBT+ community, saddened by the immense loss of life, and mourning for the victims and their families.

It is time that the gun laws in our country were completely reformed. It is time that people with such senseless hatred cannot commit such a terrible crime so easily.

I would expect and, frankly, hope that you and every Congressperson around the United States are receiving thousands more letters like this one.

Because something needs to change.

I am a teenager growing up in a world where, at 15, I have already seen so many mass shootings that it is becoming harder and harder to faze me.

But the homophobia, and the scale of this attack deeply disturb me. I may not know everything about politics, but I am urging you to please, please do something. Something big.

This may not be a long letter, but I hope I have gotten my point across.

I am tired of excuses. I am tired of waiting. I am tired because I know this is not the last awful shooting I will see in my lifetime. Unless this government finally steps up and makes a change, this will continue to be the norm.

And a country where something like the Orlando shootings is commonplace is not a country I want to spend the rest of my life in.

Mr. LEAHY. Like Ella, Marcelle and I continue to mourn the deaths of 49 innocent people in Orlando just over a week ago. Just a year ago we were mourning the loss of 9 parishioners who were murdered in their church by a hateful domestic terrorist. It is unacceptable that hundreds more have died as a result of mass shootings since that tragic day in Charleston. This includes the victims killed at military facilities in Tennessee, a college in Oregon, a Planned Parenthood clinic in Colorado, an office gathering in San Bernardino, and dozens of other communities around the country.

Enough is enough. Ella is rightfully tired of excuses—and so am I. We cannot accept that daily shootings are the new normal. I was proud to join Senator MURPHY, Senator BOOKER, Senator BLUMENTHAL, and others here on the Senate floor last Wednesday in a call to action, and I commend those Senators for their determined leadership last week. We have to do something. Congress must act.

When Democrats were last in the majority in the Senate, I was Chairman of the Judiciary Committee last Congress and we took action. We convened hearings, debated and reported out sensible legislation to punish criminals who traffic in firearms, to close loopholes that allow criminals to acquire guns, and other measures to prevent mass shootings. We had broad support from the public and a bipartisan group of Senators. But Senate Republicans blocked every single one of these responsible proposals. And since re-taking control of the Senate, Republicans have stood in the way of even the most modest reforms. There have been no hearings and there was no willingness to allow votes on any gun violence legislation until Democrats took a stand.

Last week, Democrats demanded action on this issue, and tonight we will have four votes, and Americans across the country will know where each Senator stands. I am a responsible and proud gun owner, and most Vermonters know we should do everything we can to keep guns out of the hands of suspected terrorists. In order to do that, we must close the loophole that allows suspected terrorists to pass the background checks conducted at gun stores. Senator FEINSTEIN's amendment would give law enforcement the discretion to actually stop the sale of a gun to a known or suspected terrorist who presents a public safety threat. Had Senator FEINSTEIN's amendment been law when the Orlando shooter attempted to buy his assault weapon, the FBI would have had notice to see what he was doing and could have prevented the tragedy in Orlando. The Department of Justice, which includes the FBI, supports Senator FEINSTEIN's amendment and I support this commonsense amendment.

Closing the ''terror gap'' is not enough. If a potential terrorist is prevented from buying a gun in a local store, we have to ensure that he cannot simply buy the same gun online without any sort of background check. If background checks are not universal—online, at gun shows, and everywhere else—then what is the point? Senator MURPHY's amendment closes a major loophole by requiring background checks for every firearm sale, including gun shows and Internet sales—with reasonable exceptions including transfers to close family members.

The amendments offered by Senators FEINSTEIN and MURPHY are sensible approaches that will help stop the gun violence that is plaguing our Nation. In contrast, the alternatives offered by Senators CORNYN and GRASSLEY do not adequately address the problems we face—and in some respects they make things worse. The Cornyn amendment would impose impractical and unnecessary burdens on law enforcement, and could allow a known or suspected terrorist to buy a gun even when the government has filed an emergency petition to block the sale. And the Grassley amendment does nothing to fix the gaping holes in the background check system. I am concerned that the Grassley amendment could actually make it easier for individuals with known mental illnesses to obtain firearms. Anyone who is watching this debate to determine which proposals would help prevent the next Orlando tragedy need to understand that neither the Cornyn nor Grassley amendments would have stopped the Orlando shooter from getting his guns. Congress must pass bills that fix loopholes in a responsible way, not create more dangerous gaps in our gun laws.

The vast majority of Americans support stronger background checks. They want to prevent terrorists of all types from obtaining guns. When I pick up a firearm from a gun store in Vermont, even though the person may have known me all his life, I have to go through a background check. That does not bother me a bit. But I do not want somebody who has warrants outstanding against them or restraining orders from their spouse against them to be able to walk into a gun show and buy the same weapon with no background check. If Senators listen to their constituents, they will do the right thing and vote for the Feinstein and the Murphy amendments to keep guns out of the hands of criminals and suspected terrorists. And they will vote against the Cornyn and Grassley amendments.

In the wake of mass gun violence, whether the victims are members of the LGBT community, African-American church parishioners, first graders in an elementary school, college students, or military servicemembers or others in our community, we are called to come together in solidarity as Americans. We must come together in support of the victims, their families, law enforcement personnel and first responders, and the entire community tonight. Let's enact real solutions. They might prevent further acts of senseless violence.

To the millions of Americans who agree with Ella, I hope you are watching the Senate today. I thank Ella for reminding us all that we cannot stand idly by, wait for the next tragedy, and simply offer our thoughts and prayers.

Now is the time Congress has to act to pass commonsense measures that have languished for too long and could save American lives. I support the amendments offered by Senator FEINSTEIN and Senator MURPHY.

I hope my fellow Senators will do the same.

I yield the floor.

The PRESIDING OFFICER. The Senator from Maryland.

Ms. MIKULSKI. Mr. President, we are now debating the Commerce-Justice-Science appropriations bill. I am the vice chair of that subcommittee and just wanted to make people aware that the pending bill funds the Department of Commerce—which hopefully works to create jobs in our country—the Justice Department, the National Science Foundation, the space agency, all related to how we build a strong economy and how we protect our people.

It is a bill that I have worked on not only all year long, but I have worked on this bill for close to 30 years. When this subcommittee bill moves, it will be the final subcommittee in which I will have been in a major chairmanship, vice-chairmanship role.

So people would think: Gee, Senator Barb wants to move this major bill along. I sure do. I have worked hands-on with my colleague, the Senator from Alabama, Mr. SHELBY. We have a good bill. We have a bill for which I will continue to advocate.

But people say: Well then, Barb, why would you support a filibuster? I will tell you why I supported a filibuster: guns, guns, guns, guns. And on the anniversary of the assassination of those people at the Charleston church, we had yet another mass murder scene occur in Orlando, FL.

We organized the filibuster so that we could get a vote to stop the terrorist suspects from getting guns and also to extend background checks for all gun sales and to extend those background checks to the Internet and gun shows so that we could curb violence.

I actually wanted to go further. I wanted to bring back the ban on assault weapons that expired because an assault weapon is no more than a weapon of war to be used by the military or those in defense of our country who have to kill a lot of people in a short amount of time with as few trigger pulls as possible. But, no, we couldn't get that, so we went to these two bills—one to close the terrorist loophole and the other to extend background checks.

I supported the men of Newtown. I see one Senator on the floor now, the distinguished Senator from Connecticut, a former attorney general who was in the Senate when Newtown happened, along with his junior colleague, Senator CHRIS MURPHY also of Connecticut, and Senator BOOKER of New Jersey. They led this fight.

I am proud of what they did because—what did they filibuster for? Only to get a vote. We had to have a filibuster to get a vote on offering ideas on how we could curb gun violence in our country and protect our own people. One is against terrorists getting guns, and the other is extending background checks to the Internet sales and to gun show sales.

I come from a State with a proud heritage of hunting. In many parts of our State, it is part of our way of life. We respect that, and this will in no way impede anybody from being able to do that. Yet we had to filibuster to get a vote—not even a filibuster on the bill. In just a matter of 2 hours from now, we will be voting on those two amendments. I hope those amendments pass.

The other side of the aisle also has alternatives to those. That is the American way. We presented an idea, and they think they have an idea. But let's vote on who has the best idea to curb violence and protect us against terrorism.

This isn't the first time someone filled with hate and armed with a high-powered weapon has killed his fellow citizens. Time and again, innocent Americans have died—in a church in Charleston, in schools such as Newtown, in a movie theater, or at work. The list goes on.

Also, the availability of guns occurs in our cities—in places such as Baltimore where we have a high homicide rate due to the drug trade. We would like to be able to address that today, but instead we have focused on these two specific things. As I said, I would like to have done more, but this is a fantastic start. I salute those colleagues who led the filibuster. America wants us to take action.

Let's go to closing the terrorist loophole. When I get on an airplane, I go through a metal detector, I take my shoes off, and I take my jacket off. There was a time when they even looked at what I had in my tube of lipstick so that it would not be a lethal weapon.

I support that. I don't want to be blown up in the sky, and I don't want anybody else on that plane to be either. But why is it we would go through such incredible scrutiny to board an airplane to protect us against terrorists, yet we have no scrutiny of the people on a terrorist watch list to be able to buy a gun.

You can be on a terrorist watch list, but one of the ways you are going to commit terror is to kill people—one through mass murder like the horrific 9/11 event that still sears our memory and breaks our heart every time we think about it. But, my gosh, if I am going to get on an airplane and they are going to want to know what is in my tube of lipstick when I go through—that it is not a lethal weapon—certainly, why don't we try to curb lethal weapons?

That is why I support the Feinstein amendment. You could walk into a gun store now, and in 3 days or less you can walk out with a high-powered rifle, a high-capacity magazine, unless you have committed a crime.

You cannot get on an airplane, but you can buy an AR–15. This is unbelievable, and this is what Senator FEINSTEIN's amendment would fix. I am proud to be a cosponsor of her amendment. I am pleased the Senate will vote on it, and I hope we can pass it.

The distinguished Senator from Texas, Mr. CORNYN, has an alternative. Let him explain it and defend it. I think the Feinstein amendment is superior.

I also hope we pass the Murphy amendment to close the gun show loophole. Today 40 percent of gun sales are unlicensed. They are sold online or at gun shows. It means that 40 percent of the gun sales have no background check, giving felons, domestic-violence abusers, or terrorists easy access to guns.

This amendment will help with two things: It will get all of the names of all people prohibited from buying guns into the National Instant Criminal Background Check System, which is the Federal background check system run by the FBI, and it will require background checks for the sale or transfer of all firearms by private sellers.

Background checks do work. In 18 States where background checks are required for all handgun sales, 46 percent fewer women are killed by domestic partners and 48 percent fewer law enforcement officers are killed with handguns.

So if you want to protect law enforcement, if you want to protect us from domestic violence abusers, you want to close this gun show loophole. It will not only deal with terrorists, but it will deal with people who are deeply, deeply troubled.

I urge my colleagues to pass the Murphy-Blumenthal amendment.

Before I leave the floor, I wish to say something to the Senator from Connecticut. After Newtown, I really thought we would do something. After the massacre of 20 children and 6 educators who literally put themselves in harm's way to save the children—6 educators, 20 children, killed by an assault weapon—I thought we would do something.

If we didn't do it after Newtown, I didn't know when we would do it. Then there was Aurora, there was Charleston, and now there is Orlando. But we didn't do it after Newtown.

I really hope this is a new day. I thank the Senator for standing up for those families and for all in this country. I am honored and pleased to stand with him.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Hampshire.

Ms. AYOTTE. Mr. President, I rise today to say to my colleagues who are here that I hope that we can stop the politics and really focus on a result that will make a difference for the American people.

All of our hearts were broken across this country as we woke up the Sunday before last to the news of the horrific terrorist attack on the nightclub in Orlando that took the lives of 49 innocent people, and 53 more were injured. I can't imagine how their families feel and the pain their loved ones must be experiencing. Our prayers are with them and those who were wounded and with our brave first responders who had to go there to address this horrible terrorist attack.

This was an attack that shook our Nation. It was an attack on our LGBT community in a place where people come together to enjoy themselves to celebrate who they are. It was an act of terrorism; it was an act of hatred. This was the worst terrorist attack on our soil since September 11.

It is a somber reminder—unfortunately, the terrorist who committed this attack, someone who pledged allegiance to the leader of ISIS, someone who, unfortunately, committed an act of terrorism and an act of hatred—that ISIS continues to plan and inspire attacks against us here at home and that we do have to take this fight to ISIS much more aggressively and make sure that they don't continue to have the capacity to inspire terrorist attacks against us on our homeland or against our allies around the world, as we have seen in other places such as Paris and Brussels.

We have to defeat radical Islamic terrorists, and we have to destroy ISIS so

they can no longer spread hatred, violence, and death.

Unfortunately, the terrorist who committed this horrible attack in Orlando was investigated by our FBI. During that investigation, he was placed on what is called the selectee list. That list is part of a larger list sometimes referred to as the terrorist watch list. When an individual goes to purchase a firearm and they are on the terrorist watch list, the FBI is notified that purchase is taking place. They have up to 72 hours to take some action or to further their investigation. This individual, this horrible terrorist was taken off the list because the FBI had closed its investigation.

So I hope we do not lose sight on this floor of the fact that we better do everything we can to understand any gaps that exist in our intelligence system regarding that investigation, understand why it was closed, and make sure investigations like this don't get closed in the future. We must have a situation where the FBI has the resources and tools it needs to follow up properly when they have someone in their sights the way they had with this terrorist. The reality is, had he been on the list, as he had been previously before the investigation was closed, the FBI would have been notified of his firearm purchase.

On the floor today, we have proposals to address whether terrorists should be allowed to purchase guns. Make no mistake, Mr. President, gun control won't stop terrorism. However, I think we can all agree that we do not want terrorists to purchase firearms.

With both these competing proposals on the floor, we do have some common ground: that terrorists should not be permitted to purchase firearms. Unfortunately, where we find ourselves is playing our typical political football. I believe we should stop playing political football with something so important.

As a member of the Committee on Armed Services, I am going to recommit myself—and I hope everyone in this body will—to doing everything I can to defeat ISIS. I also believe we should recommit ourselves to finding out if there are gaps in our intelligence system that need to be addressed and understanding why this investigation was closed. We must also make sure the FBI has the tools it needs to prevent these attacks.

I also believe we should work together to ensure that terrorists are not allowed to buy firearms. But we know what is going to happen. We will not find a solution by sticking to two measures that failed before, mostly on party lines. So I have been working with Senator COLLINS, Senator FLAKE, and Senator GRAHAM, and talking to people on both sides of the aisle about coming together with a compromise that can pass this body and make sure terrorists are not allowed to buy guns.

If you are too dangerous to board a commercial plane, it stands to reason you should not be able to buy a gun. It is as simple as that. And I think people on both sides of the aisle agree on that in principle. So why can't we act in good faith and figure out the best way to achieve that goal? This is a gravely serious issue that requires a serious response. There is a solution here, and I am committed to finding it, but to find that solution, we have to come together.

Instead of having competing proposals that have already mostly failed in this Chamber when we took those votes back in December, let's put aside the gamesmanship and come together to get a proposal that will be effective and get a result for the American people.

The Senate will be considering two proposals, as I referenced. Both have failed, mostly on party lines. By all accounts, these proposals are likely to fail again and we will then be right back where we started—no safer, no smarter, no more successful in protecting our citizens. There will be more political blame, but we will be no closer to a solution, to a result on something that matters, that means we will move forward in ensuring that terrorists do not have access to firearms.

I am here to talk about a better way. During the past week, in working with Senators COLLINS, FLAKE, GRAHAM, and others and reaching out to my colleagues on the other side of the aisle, we want to propose legislation that may actually pass the Senate. To get to that solution, we have to move this debate forward. That is why I will be voting today to advance both options before us in order to provide an opportunity for us to come together with a bipartisan compromise that will get a result for the American people.

There is an opportunity in this debate to go forward and to get a result. Unfortunately, both bills on the floor aren't the answer. We know that. They both failed before. So I will be continuing to push to get a result.

What we are doing this afternoon in this political exercise is pushing for legislation that both sides know is going to fail. Both options before us—that of Senator FEINSTEIN and Senator CORNYN—are well-intentioned, but each has flaws that I am concerned about. Senator FEINSTEIN's approach is very broad, and it would include the entire terrorism database. It could include instances where there has only been a derogatory allegation made about an American which has not been validated. There are real due process questions about that, using the broader list. It is much broader than the phrase ''no fly, no buy.'' I think we all understand that—no fly, no buy. But this is much broader, and it is misleading to call the Feinstein proposal that proposal. If you cannot get on a plane, you shouldn't be able to buy a firearm, but this measure doesn't require the government show anything other than a reasonable belief that you have been engaged in conduct relating to terrorism, and it doesn't necessarily mean it has been validated.

In December, I supported Senator CORNYN's legislation because it was similar to Senator FEINSTEIN's legislation but it had additional, stronger due process protections. However, Senator CORNYN's legislation requires the FBI to act in 72 hours, to go to a court in 72 hours to present probable cause. Having been a former murder prosecutor, I am concerned that is not enough time under these circumstances to take proper action and to be able to mount all of that before a court to meet a probable cause standard. So I think there are some concerns that I have in terms of the timing with Senator CORNYN's legislation and also the fact that if you had probable cause, you probably would have already charged someone with a crime.

There is a better way. These two pieces of legislation that I will be moving forward in this debate are a start, but they are not the end. They are not an end until we get a commonsense result that ensures that terrorists can't buy guns and that we protect the due process rights of American citizens. So our proposal is one that would ensure that if you are on the no-fly list—which, by the way, roughly 800 Americans are on the no-fly list—that would ensure you could not go and purchase a firearm. But if you believe you are being wrongfully denied your right, you can challenge that in court. If the government is wrong, then they are going to have to pay your costs and attorney fees.

Our legislation would also ensure that individuals like the horrible terrorist who committed these attacks in Orlando and who are on a smaller sublist called the selectee list, which is a list that is smaller than the overall terrorist watch list—there must be reasonable suspicion that an individual meets additional heightened criteria, where they have additional derogatory information above and beyond the criteria required for the broader database that someone is engaged in terrorism. The Orlando terrorist who committed these horrific attacks was on this list. That group of individuals would not be permitted to purchase a firearm, but they, too, would have the opportunity to go to court and to challenge that decision and, if the government is wrong, to make sure their costs are paid for.

Our proposal would also ensure that if you have been on this list for the last 5 years, the FBI would be notified if you went to purchase a firearm. Why is that important? Because unfortunately the terrorist who committed these horrible attacks was taken off the list. We better find out why that happened. But we will make sure, in this legislation, that if you were on the list and you go to purchase a firearm, that at least the FBI is notified so they can follow up. If they want to conduct additional investigation and surveillance—like I hope they would have done in this instance had they learned about this individual—they have the opportunity to do that.

We believe this is a fair, workable solution. It is a solution that makes sense. It is a solution when we think about the overall terror database, which has about 1 million people on it. The no-fly list has about 800 Americans on it. If you combine the selectee list and the no-fly list, we are talking about fewer than 2,500 Americans. If you are on that list and you are being focused on in an open investigation by the FBI, with the belief you are engaged in terrorism or engaged with terrorists, then you should not be able to buy a firearm.

We have a responsibility to protect peoples' constitutional rights. We need to make sure there is due process for anything we do here. That is our basic responsibility. That is why our legislation makes sure terrorists can't buy guns, and it also makes sure the due process rights of Americans are protected. If the government is wrong, their costs and attorney's fees will be paid for because the government should have that burden.

I suspect these two proposals may fail tonight—not because of anything I will do, because I am going to be asking to get to this debate. I want a result. I think we should stop playing political football with this. If these two proposals fail tonight—which, unfortunately, I think is likely to happen since it is almost Groundhog Day again, since they are similar to two proposals we voted on in December, and we know what the result of that was: They both failed—I hope we can come together.

I have talked about a good-faith, workable solution tonight that makes sense. I hope that on both sides of the aisle we can work together to get a result for the American people. We need to make sure we get something done and ensure terrorists cannot purchase firearms. But let's also make sure we continue to go after ISIS and defeat ISIS so they cannot inspire further attacks like this on our country. Let's also make sure that if there are gaps in our intelligence system—because the FBI didn't follow up or should have followed up or they need more resources to follow these cases to their end—that we work together to address that as well because this was a horrific act of terrorism, and we need to treat it accordingly.

It is my hope that we can work together on bipartisan solutions that will help keep the American people safe.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Connecticut is recognized.

Mr. BLUMENTHAL. Mr. President, I am pleased to follow my colleague and friend from New Hampshire, who served as attorney general of her State during part of the time that I served as attorney general in the State of Connecticut. We have in this body common ground in seeking more effective law enforcement solutions to all of the harm and unspeakable violence that has so plagued our Nation in recent years. But I cannot help but remark that we would not be having this debate but for an effort last week—in fact, a filibuster—that took the floor under the leadership of my great colleague and friend Senator MURPHY, supported by Senator BOOKER and myself and then by tens of other Senators, to make sure that we debate and that we vote. Our feeling was that there should be no business as usual on this appropriations bill—as important as it might be—in the wake of the terrorist extremist harm in Orlando.

We demanded action because America is demanding action. We have been deluged before today, and I am sure that we will be deluged after, by Americans saying that the time has come for commonsense measures to stop gun violence inspired by ISIS or other terrorist extremists abroad and supported by them, as well as the homegrown terrorists and the lone wolf.

During the 15 hours that we were on the floor, our offices were deluged by encouragement and support from Connecticut and from all around the country, joining us in saying: Enough is enough; the time for action is now. These were letters, tweets, Facebook posts, demonstrations, rallies, and other insistent cries for Congress to do its job and respond to this public health crisis, much as we would to any other epidemic. It is an epidemic that we face—an epidemic of gun violence.

In Connecticut, we have a special understanding with the people of Orlando about what it is like to have a community go through such a horrible tragedy. We sought action in the wake of Newtown some years ago, and I am often asked: What now has changed since Newtown? What will make the difference? The reason I think we have reached a tipping point and why I think there has been a sea change and a critically important change in the dynamic here in the Senate is that we now know that these endless progressions of massacres, gang violence, domestic violence, and other gun crimes at every level will continue and, indeed, will rise in number and severity unless we act and, equally, if not more importantly, that the link to terrorist extremists abroad has become irretrievable. We know violent terrorists at home, inspired and supported by ISIS abroad, will continue to wreak havoc and take lives. They will continue to use AR–15s and semi-automatic assault weapons, which have been designed to kill and maim as many people as possible, as quickly as possible.

We have become much better at stopping terrorists from carrying bombs onto planes because we adopted a no-fly list, and we have a terrorist watch list. Those AR–15s and other military-style assault weapons have now become the weapon of choice, rather than explosives. The form no longer preferred by terrorists is a plane. Now it is a nightclub, an office, a school, a church, or wherever people gather. There is no question that we need to take the fight to ISIS, as my colleague from New Hampshire has said, and it needs to be taken to ISIS more aggressively and effectively. But the Nation also needs to harden its defenses at home and to use information and intelligence that comes to us about people who are preparing, undertaking, or engaging actively in terrorist activity—as evidenced by fact, not mere speculation—and make sure that we are protected from them by stopping them from buying guns. With weapons that can be easily and legally purchased, one or two gunmen can wreak unimaginable havoc, killing and injuring hundreds of people in a matter of minutes. They need to be barred from buying guns. That is why I am supporting, strongly and enthusiastically, the proposal made by my colleague, Senator FEINSTEIN, that embodies the basic principle: no fly, no gun. If you are too dangerous to be permitted on a plane, you should be deemed too dangerous to buy a gun. That is in no way to interfere with anybody's Second Amendment rights. I believe in the Second Amendment. It is the law of the land. There should be due process, as well, for anybody who is erroneously on any list.

The Feinstein proposal, which I am pleased to cosponsor, would give the Attorney General of the United States the flexible authority to stop people who are on a compilation of lists—no fly, terrorist watch lists—or under investigation by the FBI 5 years previously from buying a gun. That is the basic principle that is at stake. It offers a strong hope. Indeed, it might well have prevented the shooter in Orlando from buying a gun, because he had been under investigation by the FBI in the previous 5 years.

These measures are necessary to protect America. The alternative, the proposal made by Senator CORNYN, I believe is unworkable and ineffective. The government has to meet a probable cause standard and prove in a public proceeding, a trial, that standard is met. If an individual can be proved by probable cause to be sufficiently dangerous to be barred from a gun purchase, that person can be arrested. The Cornyn proposal, in effect, makes it more difficult to stop someone from buying a gun than to arrest them. So it seems to be that in most circumstances it would be ineffective—indeed, meaningless. To put it simply, the Cornyn amendment essentially adds nothing to the tools law enforcement already have. I have heard it described as a wolf in sheep's clothing. In my view, it is actually a sheep in wolf's clothing, with the pretense of being strong and effective in the fight of terrorism but in fact much less than meets the eye. Folks in law enforcement will know that investigations and analyses concerning highly complex and sensitive information that has to do with terrorism sometimes take time, and the 72-hour requirement placed an unrealistic and unworkable limit on the

United States. I want to emphasize again that none of this is to say that due process is to be deemed unimportant. In fact, anyone erroneously on this list ought to be provided with effective and speedy due process, which is what the Feinstein amendment does.

We are also going to be voting on another pair of amendments addressed at the broader background check issue. I urge my colleagues to support the measure that I have led with my colleagues, Senator MURPHY, Senator SCHUMER, and Senator BOOKER, which ensures that our background system works in the only rational way it should—by requiring everyone purchasing a firearm to undergo a background check. That background check process is necessary for any terrorist list to be effectively implemented, because otherwise there would be no way of knowing whether someone is on such a list. ''No fly, no gun'' is effective only if there is a list that can be enforced by review of background. These measures are supported by 90 percent of the American people or more. Everywhere I went over the weekend in Connecticut—Boys State convention sponsored by the American Legion in Winstead, the Branford Road Race for Father's Day, yesterday, the blessing of the fleet in Southport—Americans and the people of Connecticut have shown us that we must act. This Chamber is the place where there are speeches. It is often filled with words. Now is the time for action.

An alternative to the Murphy-Schumer-Blumenthal-Booker amendment has been offered by Senator GRASSLEY. Unfortunately, it would not only fail to fix the problem, but, in fact, it would worsen the status quo. It makes broad sweeping changes to portions of our gun laws that now prevent people with dangerous mental illnesses from obtaining weapons. This proposal would make an abrupt sweeping change to the definition that could result in many individuals currently prohibited from purchasing firearms suddenly being able to do so, even if they do in fact have conditions that make them dangerous to themselves or others.

There is no single solution to the problem of extremist terrorism inspired or supported by ISIS or enemies abroad. We need to be mindful and aggressive and effective in countering. The link to terrorism abroad is undeniably seen at home. I want to commit that today is in a sense the beginning of a new chapter, when perhaps we can seek common ground in light of the sea change and the tipping point we have reached in this Nation. We can seek common ground on measures that are realistic. My quarrel with the Collins amendment is that it would, in fact, fail to cover 90 percent of the suspected terrorists who pose danger, and it would not have stopped the shooter in Orlando, as the Feinstein proposal might well have done.

There is a basis for common ground. I am committed to seek it. We have not only the opportunity but the obligation to do more and to do it better. This effort will not be a sprint, as I said literally within days of the Newtown tragedy. It is an effort that requires continued work to stop assault weapons and AR–15s, which are weapons of war and mass destruction, to prevent illegal trafficking and straw purchases, to enact a mental health initiative and school safety measures, to prevent domestic violence from careening into gun violence, and to prevent the continued broad immunity unique to the gun industry under PLCAA. These steps will come in time because the American people are saying, as we said last week on the floor of the Senate: Enough is enough.

The time is now for action. I thank my colleagues for supporting this effort and for their continuing support and, most importantly, the people of Connecticut who have been so generous and caring and most important for the survivors and victims who have shared their stories again and again. The face and voice of Newtown has been here through groups such as Sandy Hook Promise and Newtown Action Alliance. In the end, citizen activism will enable us to do more and do better to counter extremist violence and gun violence throughout America.

I yield the floor.

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

Mr. CORNYN. Madam President, before I yield to the Senator from California, I ask unanimous consent that she be recognized for up to 20 minutes, and following that, that I be recognized for my remarks.

The PRESIDING OFFICER. Is there objection?

Mrs. BOXER. Madam President, reserving the right to object, may I ask for 10 minutes after my colleagues have spoken?

The PRESIDING OFFICER. Will the Senator modify his request?

Mr. CORNYN. Madam President, I am not sure I understood it. If it is 10 minutes after I conclude my remarks, then I have no objection to that.

Mrs. BOXER. Yes.

Mrs. FEINSTEIN. If I may, Madam President, I thought what the Senator was proposing was that he would have 20 minutes and I would have 20 minutes.

Mr. CORNYN. Right.

Mrs. BOXER. That is fine.

Mrs. FEINSTEIN. I will go first, and then he is going to do his 20 minutes, and then Mrs. BOXER will speak.

Mrs. BOXER. That is exactly what I asked.

Mr. CORNYN. I have no objection to that.

The PRESIDING OFFICER. Is there objection to the modified request?

Mr. CORNYN. No objection.

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

Mrs. FEINSTEIN. I appreciate the Senator from Texas.

AMENDMENT NO. 4720

Madam President, I rise to speak in support of the amendment to keep guns out of the hands of known or suspected terrorists. The Orlando attack again exposed a dangerous loophole in our law that allows known or suspected terrorists to legally purchase guns through the National Instant Criminal Background Check System, known as NICS. We call this loophole the terror gap. Let me explain what that means.

There are currently 10 categories of people who are blocked from buying guns through the National Instant Criminal Background Check System, known as NICS, and here they are. They include felons, those under felony indictment, fugitives from justice, drug users or addicts, those committed to mental institutions or adjudicated as mentally defective, foreign nationals here unlawfully or those with nonimmigrant visas, such as temporary workers, those dishonorably discharged from the military, and those with a domestic violence restraining order.

But one group that cannot be blocked from buying guns are those who are known or suspected terrorists on the FBI's consolidated terrorist watch list. They can buy guns, but certain aliens can't, dishonorably discharged can't, people of renounced citizenship can't, drug users can't, fugitives from justice, felons, et cetera, are the ones who cannot.

We know that individuals on the watch list have exploited this loophole. According to FBI data, over the past 11 years, the success rate for known or suspected terrorists who undergo background checks to buy guns is 91 percent. So 91 percent of over 2,000 gun buyers were found by a GAO study to be able to purchase guns. Closing this dangerous loophole was first proposed by the Bush Justice Department in 2007. In fact, we derived the language in our amendment from that original bill.

Our amendment would give the Attorney General the authority to block a gun sale to known or suspected terrorists. It also provides an appeals process, both administrative and judicial. Let me read that language because it is derived out of the 2007 Bush Justice Department.

''The Attorney General may deny the transfer of [a] firearm if the Attorney General determines, based on the totality of circumstances, that the transferee represents a threat to public safety based on a reasonable suspicion that the transferee is engaged, or has been engaged, in conduct constituting, in preparation for, in aid of, or related to terrorism, or providing material support or resources therefor.''

That is from that bill.

In order to ensure that FBI would be alerted in the case of an individual such as Omar Mateen, our amendment also includes language proposed by Senators LEAHY and NELSON. This language would ensure that any suspected terrorist who tries to buy a gun within 5 years of being investigated for terrorism crimes would automatically trigger a notification to the Justice Department about the attempted purchase.

As you know, in 2013 and 2014, the FBI conducted two inquiries on the Orlando gunman related to suspected terrorism. Even though the FBI was investigating him for possible terrorism, and at one point placed him on the FBI's terrorist watch list, it had no power to prevent him from purchasing weapons at a gun store.

That is the key issue. It had no power to prevent him from purchasing a gun at a gun store. Had this amendment been in place, it would have allowed the Attorney General to know about the Orlando shooter's attempt to buy a Sig Sauer MCX assault rifle, and then investigate to determine whether to deny the gun based off this man's entire history.

Let me now explain how the terrorist screening database, also known as the consolidated terrorist watch list, works. Under this amendment, the Attorney General would look to this database to identify a known or suspected terrorist. To be included in this database, the FBI must have a reasonable suspicion—based on a totality of circumstances and objective facts—that a person is a known or suspected terrorist. Information is derived from intelligence and law enforcement sources at home and abroad. To ensure that only individuals who pose a threat to national security are placed on this list, FBI Director Comey told the Intelligence Committee in February that information is thoroughly vetted.

The FBI's process is also rigorously audited to reduce the number of false positives. There are approximately 1 million records in this database, but less than one-half of 1 percent are U.S. persons.

This is the net. This is the terrorist screening database. This is the product of intelligence and law enforcement. It is scrutinized, and if it is worthy, it is placed on this database—1 million records maintained by the FBI's Terrorist Screening Center, fewer than 5,000 U.S. persons. That is one-half of 1 percent.

This is a targeted list that is carefully put together. It is focused on known or suspected terrorists believed to represent a risk to public safety.

One thing I want to say, and I will repeat this when I discuss Senator COLLINS' bill, but many people confuse this list with the no-fly list. The no-fly list is this dark blue center. It is 81,000 records. It is maintained by the FBI's Terrorist Screening Center, and it has fewer than 1,000 persons.

Then there is the selectee list. It is even smaller. It is 28,000 records maintained by the FBI's Terrorist Screening Center—fewer than 1,700 U.S. persons. But you can see, if you are going to have a net, the net has to be big enough. I am going to explain to you why in a moment.

Our amendment also includes due process protections. It allows an individual who believes they were mistakenly denied a gun to learn the reason for the denial and appeal that decision, both administratively with the Justice Department and judicially. This is the same appeals process currently in place for anyone who believes they are wrongly denied a gun through the NICS database, which I just went through a few minutes ago.

Let me speak about two Republican proposals, why I think they wouldn't work. I am delighted the Senator from Texas is on the floor. We both sit on the Judiciary Committee. I have had the pleasure of working with him for a number of years. But his amendment requires the probable cause standard to be met. That is a very high standard because if that standard is met, there is already enough evidence to arrest the person, search their home and car, seize their property, and indict the person.

It is not a practical standard to block a gun purchase. It would just be an infinitesimal part of what is actually out there. The proposal also says that somebody should be entitled to a full-blown contested hearing with counsel, but if this hearing is not completed within 72 hours, the gun sale goes through. The hearing would require the filing of an emergency petition, the service of process, the opportunity for the individual to get a lawyer, and then the actual full-blown hearing. This is nearly impossible to achieve within 72 hours, and if it isn't achieved, the terrorist gets the gun.

Senator COLLINS has also circulated alternative language. I consider myself a friend of hers. I have great respect for her. We serve on the Intelligence Committee together. But my view is that her alternative is not enough to close the loophole that creates this terror gap and allows terrorists to buy guns.

This alternative would focus on narrow parts of the database. This no-fly list—you can see how small it is—and the selectee list, which is here—the selectee list includes those persons who can fly but who receive additional screening before boarding a plane.

Focusing so narrowly on these two smaller lists is not enough, and I would like to tell you why. It would leave out a huge number of known or suspected terrorists—one, as you can see. I have gone through that. I have gone through the no-fly list. If we were to focus only on the no-fly list and the selectee list, we would be leaving out 891,000 foreign nationals—names given to us by law enforcement, intelligence sources, both here and among our allies—who are on the terrorist watch list and approximately 2,300 U.S. persons determined by the FBI to be known or suspected terrorists. Focusing on the smaller lists leaves out close to 90 percent of known or suspected terrorists, covering both U.S. persons and foreigners.

I remind my colleagues, you don't need to be a U.S. person to legally buy guns in this country. That makes it important to understand how this list is larger. Let me give you an example. Travelers using the Visa Waiver Program can legally buy guns. There are 20 million travelers in that program annually, and more than 100,000 of them don't go home when they should.

Now I would like to share one example where a known or suspected terrorist was on the FBI's radar but likely had not been placed on the no-fly list. Over the weekend, my staff went through 86 cases and pulled out some of them. I have them here, and at this time I would like to mention one.

Nader Saadeh, a U.S. citizen, was radicalized and became a devoted follower of ISIL. The FBI received a critical tip about Saadeh in April of 2015. The tip included a detailed account of his radicalization and support of ISIL. This is all available in a 13-page criminal complaint. In May, Saadeh flew from New York City to Jordan. He was detained and later arrested by the FBI. Here is someone who clearly met the definition of a known or suspected terrorist but was permitted to fly out of a major U.S. airport in the city where the 9/11 attacks occurred. This shows the danger of focusing only on narrow subsets of the terrorist watch list. To me, that just doesn't make sense.

There is broad support for our amendment, including more than 260 organizations and community leaders around the country.

Madam President, I ask unanimous consent that the list be added to the CONGRESSIONAL RECORD directly following my remarks.

The Justice Department and the White House support this amendment. They believe it is a workable approach to help prevent terrorists from obtaining weapons. We worked with the Justice Department, and the Justice Department made some additions to our amendment. They released a statement of support. I will read it in part: ''This amendment gives the Justice Department an important additional tool to prevent the sale of guns to suspected terrorists by licensed firearms dealers while ensuring protection of the department's operational and investigative sensitivities.''

Thirty-eight Senators have cosponsored the amendment, including Republican Senator MARK KIRK, making it bipartisan.

Closing the terror loophole gap is an important step, but it isn't enough. Let me explain why. Today, you can buy a gun at a gun show without a background check. As a matter of fact, my chief of staff, a woman, was pursued at a gun show to buy a .50-caliber rifle, which is a sniper rifle from which a bullet can travel for a mile and still go through a brick wall. You can buy a gun on the Internet without a background check. You can buy a gun on the private market without a background check. That is why we must pass the amendment offered by Senators MURPHY, SCHUMER, BOOKER, and BLUMENTHAL. This would ensure that guns sold at gun shows, over the Internet, and from person to person are subject to background checks. If we don't also make that change, known or suspected terrorists will still be able to

buy guns at gun shows with no questions asked.

Now, with ISIL intent on perpetrating and inspiring attacks in this country, there is an increased urgency to make it harder for terrorists to get their hands on guns. To me, this isn't a gun control issue. It is really a national security issue. If there is any doubt about that, let me briefly share a portion of CIA Director John Brennan's remarks from last week's open hearing of the Senate Intelligence Committee. He said:

> We judge that ISIL is training and attempting to deploy operatives for further attacks. ISIL has a large cadre of Western fighters who could potentially serve as operatives for attacks in the West. The group is probably exploring a variety of means for infiltrating operatives into the West, including refugee flows, smuggling routes, and legitimate methods of travel.
>
> Further, as we have seen in Orlando, San Bernardino, and elsewhere, ISIL is attempting to inspire attacks by sympathizers who have no direct links to the group. Last month for example, a senior ISIL figure publicly urged the group's followers to conduct attacks in their home countries if they were unable to travel to Syria and Iraq.

Those are the words of the head of the world's most prominent intelligence agency. We should heed those words. We know ISIL adherents and sympathizers are already inside the United States. In fact, since March of 2014, Federal prosecutors have charged 86 men and women around the country in connection with the Islamic State, and 36 have been convicted. We also know that terrorists are well aware just how weak our gun laws are and that they urge their followers to exploit them.

In 2011, a man by the name of Adam Gadahn, an Al Qaeda spokesman—he is actually an American who went to Syria and was a suicide bomber—urged terrorists to take advantage of our weak gun laws. Gadahn stated on the Internet: ''America is absolutely awash with easily obtainable firearms.''

This bears repeating. Terrorist groups—like Al Qaeda, ISIL, al-Nusra, and others—know that our gun laws are weak and can be exploited.

We can't continue to do nothing in the face of such potential death and potential devastation. I have been fighting to reduce gun violence throughout my career, since my days as a county supervisor and as mayor of San Francisco. I know how difficult it is to make changes because the opposition is so extreme and opposes any measure to curtail gun violence—no matter what it is. It was against all odds that the assault weapons legislation passed in 1994, and the gun lobby fought hard not only to defeat the amendment, which succeeded, but to defeat those in the House who supported it, and that started its own reign of terror.

When the Brady background check passed in 1993, multiple cloture motions on the bill failed before it ultimately passed with 63 votes, but that bill did not cover sales at gun shows, private sales, or Internet sales, which have increased significantly.

After the Newtown shooting, I thought we would do something to stem the tide of these weapons. We tried.

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

Mrs. FEINSTEIN. Madam President, I am just about finished. I ask unanimous consent for an additional minute.

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

Mrs. FEINSTEIN. Madam President, we tried to renew the ban on assault weapons, but that failed. We tried to expand the background check, even through a compromise offered by Senator MANCHIN, but that effort failed. I remember that when the vote on the background check failed, the New York Daily News put the photos of the Newtown victims on the front cover. There were 20 young children, ages 6 and 7, and their educators, and the headline read: ''For Shame.''

It is time for us to stand up. It is time to force elected representatives to take action. We must expand background checks. We must make sure that the government can stop a gun from being sold to a known or suspected terrorist, and that is not too much to ask.

I thank the Presiding Officer, and I yield the floor.

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

LIST OF SUPPORTERS

LAW ENFORCEMENT ORGANIZATIONS

Department of Justice (DOJ), Prosecutors Against Gun Violence, International Association of Chiefs of Police, Los Angeles County Police Chiefs' Association, Police Executive Research Forum (PERF), The National Law Enforcement Partnership to Prevent Gun Violence, Commission on Accreditation for Law Enforcement Agencies, Inc. (CALEA), Hispanic American Police Command Officers Association (HAPCOA), International Association of Campus Law Enforcement Administrators (IACLEA), Major Cities Chiefs Association (MCC), National Association of Women Law Enforcement Executives (NAWLEE), National Organization of Black Law Enforcement Executives (NOBLE), Police Foundation, Women in Federal Law Enforcement, Inc. (WIFLE).

GUN SAFETY

Brady Campaign To Prevent Gun Violence united with the Million Mom March, Coalition to Stop Gun Violence, Campaign to Unload, Law Center to Prevent Gun Violence, Sandy Hook Promise, Newtown Action Alliance, Americans for Responsible Solutions, Illinois Council Against Handgun Violence, Faiths United to Prevent Gun Violence, Wisconsin Anti-Violence Effort (WAVE), CeaseFirePA, North Carolinians Against Gun Violence (NCGV), Iowans for Gun Safety, Arizonans for Gun Safety (AzGS), Women Against Gun Violence (WAGV), Colorado Ceasefire Legislative Action, Delaware Coalition Against Gun Violence (DeCAGV), Georgians for Gun Safety (GGS), Hawaii Coalition to Prevent Gun Violence, Hoosiers Concerned About Gun Violence (HCGV), Maine Gun Safety Coalition, Marylanders to Prevent Gun Violence, Stop Handgun Violence, Connecticut Against Gun Violence (CAGV), Michigan Coalition to Prevent Gun Violence, Everytown for Gun Safety, Greenwich Council Against Gun Violence.

Missouri and Kansas Grandparents Against Gun Violence, Nebraskans Against Gun Violence (NAGV), New Mexicans to Prevent Gun Violence (NMPGV), New Yorkers Against Gun Violence (NYAGV), Ohio Coalition Against Gun Violence (OCAGV), National Cathedral Gun Violence Prevention Group, OK GunSense, Ceasefire Oregon, Rhode Island Coalition Against Gun Violence (RICAGV), Safe Tennessee Project, Texas Gun Sense, Gun Violence Prevention Center of Utah, Virginia Center for Public Safety, Washington CeaseFire, States United to Prevent Gun Violence, Stop Our Shootings, Violence Policy Center (VPC), Protect Minnesota, Gun Free Businesses, Virginia GVP Coalition, ART = AMMO Artists Against Gun Violence.

RELIGIOUS

San Francisco Interfaith Council (SFIC), Orthodox Union Advocacy Center, The Rabbinical Assembly (RA), Baptist Peace Fellowship of North America (BPFNA), Catholics in Alliance for the Common Good, National Council of Jewish Women (NCJW), Rabbis Against Gun Violence, Jewish Women International (JWI), Union for Reform Judaism (URJ), Hadassah, The Women's Zionist Organization of America, Washington National Cathedral.

OTHER ORGANIZATIONS

The United States Conference of Mayors, American Bar Association (ABA), Washington Office on Latin America (WOLA), Center for American Progress (CAP), CODEPINK: Women for Peace, Vote Vets.org, Coalition for Humane Immigrant Rights of Los Angeles (CHIRLA), Generation Progress Action Network, Safe Campus Colorado, Black American Political Association of California (BAPAC), Sierra Club, California Latino Water Coalition (CLWC), Grandmothers for Peace International, Equality California, GLBT Historical Society, Joint Action Committee for Political Affairs (JAC), Battle Born Progress, Majority Ohio Action Fund, UltraViolet, Larkin Street Youth Services, Cure Violence, Futures Without Violence.

EDUCATION AND CHILD WELFARE

American Federation of Teachers (AFT), Every Child Matters, Children's Defense Fund (CDF), National Association of Social Workers (NASW), Child Welfare League of America (CWLA), National Education Association (NEA).

LAW ENFORCEMENT LEADERS

Jackie Lacey, District Attorney, Los Angeles County, Mike Feuer, City Attorney, City of Los Angeles, Charlie Beck, Chief of Police, City of Los Angeles, Jim McDonnell, Sheriff, Los Angeles County, Toney Chaplin, Chief of Police, City of San Francisco, Jarrod Burguan, Chief of Police, City of San Bernardino, Ed Davis, Former Police Commissioner, City of Boston, Eric Jones, Chief of Police, City of Stockton, Jerry Dyer, Chief of Police, City of Fresno, Robert Castro, Chief of Police, City of Glendale, Jim Smith, Chief of Police, City of Monterey Park, Cliff Mar, Interim Chief of Police, City of Alhambra, Robert T. Guthrie, Chief of Police, City of Arcadia, Sam Gonzalez, Chief of Police, City of Azusa, Ed Dadisho, Chief of Police, City of Bell, Robert Barnes, Chief of Police, City of Bell Gardens, Sandra Spagnoli, Chief of Police, City of Beverly Hills, Scott LaChasse, Chief of Police, City of Burbank, Paul Cooper, Chief of Police, City of Claremont, Kim Raney, Chief of Police, City of Covina, Scott Bixby, Chief of Police, City of Culver City, Carl Charles, Chief of Police, City of Downey, Mitch Tavera, Chief of Police, City of El Segundo,

Edward Medrano, Chief of Police, City of Gardena, Sharon Papa, Chief of Police, City of Hermosa Beach.

Cosme Lozano, Chief of Police, City of Huntington Park, Mark Fronterotta, Chief of Police, City of Inglewood, Anthony Miranda, Chief of Police, City of Irwindale, Scott Pickwith, Chief of Police, City of La Verne, Jim Hunt, Chief of Police, City of Monrovia, Kevin McClure, Chief of Police, City of Montebello, Jeff Kepley, Chief of Police, City of Palos Verdes, Phillip Sanchez, Chief of Police, City of Pasadena, Paul Capraro, Chief of Police, City of Pomona, Keith Kauffman, Chief of Police, City of Redondo Beach, David Lawton, Chief of Police, City of San Gabriel, John Incontro, Chief of Police, City of San Marino, Larry Giannone, Chief of Police, City of Sierra Madre, Michael Langston, Chief of Police, City of Signal Hill, Randy Davis, Chief of Police, City of South Gate, Mark Matsuda, Chief of Police, City of Torrance, Daniel Calleros, Chief of Police, City of Vernon, Jeff Piper, Chief of Police, City of Whittier, David Bejarano, Chief of Police, City of Chula Vista, Ian Parkinson, Sheriff, San Luis Obispo County, Adam Christianson, Sheriff, Stanislaus County, Lisa Smittcamp, District Attorney, Fresno County.

CALIFORNIA COMMUNITY LEADERS

CA Lieutenant Governor Gavin Newsom, CA Assembly Speaker Emeritus Toni Atkins, CA State Senator Dr. Ed Hernandez, CA Assemblymember Dr. Joaquin Arambula, Mayor Edwin M. Lee, City of San Francisco, Mayor R. Carey Davis, City of San Bernardino, Mayor Casey Tanaka, City of Coronado, CA Assembly Majority Floor Leader Ian Calderon, Supervisor John Benoit, Riverside County, Mayor Sam Liccardo, City of San Jose, Mayor Libby Schaaf, City of Oakland, Councilmember Lindsey Horvath, West Hollywood City Council, Chancellor Dr. Francisco Rodriguez, Los Angeles Community College District, CA Assemblymember Cristina Garcia, Mayor Serge Dedina, City of Imperial Beach, Mayor Mary Casillas Salas, City of Chula Vista, Mayor Mary Teresa Sessom, City of Lemon Grove, Mayor Alma Beltran, City of Parlier, Mayor Sylvia Chavez, City of Huron, Mayor David Cardenas, City of Fowler, Supervisor Bruce Gibson, San Luis Obispo County, Mayor Victor Lopez, City of Orange Cove.

Mayor Robert Silva, City of Mendota, CA Assemblymember Mike Gipson, Caucus Chair, CA Assemblymember Miguel Santiago, Majority Whip, CA Assemblymember Kevin McCarty, CA Assemblymember Phil Ting, CA Assemblymember Rob Bonta, CA Assemblymember Marc Levine, CA State Senator Lois Wolk, Mayor-Elect Darrell Steinberg, City of Sacramento, Councilmember Esmeralda Soria, Fresno City Council, CA State Senator Kevin de Leon, CA State Senator Bill Monning, CA State Senator Bob Wieckowski, CA State Senator Fran Pavley, CA State Senator Marty Block, CA State Senator Tony Mendoza, CA State Senator Bob Hertzberg, CA State Senator Jerry Hill, CA State Senator Carol Liu, CA State Senator Benjamin Allen, CA State Senator Jim Beall, CA State Senator Ben Hueso, CA State Senator Isabel Hall III, CA State Senator Steven Glazer, CA State Senator Mike McGuire, CA State Senator Connie Leyva, CA State Senator Richard Pan, CA State Senator Mark Leno, CA State Senator Hannah-Beth Jackson, CA State Senator Ricardo Lara, CA State Senator Loni Hancock.

HEALTH

Catholic Health Association of the United States, Physicians for Social Responsibility, American Public Health Association, Association for Ambulatory Behavioral Healthcare, American Pediatric Association, American Academy of Pediatrics, American Association of Child and Adolescent Psychiatry, American Association of Colleges of Pharmacy, Academic Consortium for Integrative Medicine and Health, American College of Physicians, American College of Preventive Medicine, The American Geriatrics Society, American Medical Student Association, American Medical Women's Association, American Pediatric Society and the Society for Pediatric Research, American Psychological Association (APA), American Public Health Association (APHA), American Society of Hematology, American Thoracic Society (ATS), Association of American Medical Colleges, Association of Maternal & Child Health Programs (AAMCHP), Association of Medical School Pediatric Department Chairs, Association of State and Territorial Health Officials, Big Cities Health Coalition, California Chapter of the American College of Emergency Physicians, Care for the Homeless, Delaware Academy of Medicine/Delaware Public Health Association, Doctors Council SEIU, Doctors for America, Foundation for Healthy Generations, Global Healthy Living Foundation, HealthHIV, National Association of County and City Health Officials, National AHEC Organization, National Association of State Head Injury Administrators.

National Coalition for LGBT Health, National Health Care for the Homeless Council, National Hispanic Health Foundation, National Hispanic Medical Association, National Medical Association, National Network of Public Health Institutes, National Physicians Alliance, Pediatric Policy Council, Physicians for Prevention of Gun Violence, Physicians for Reproductive Health, Prevention Institute, Public Health Institute, Research!America, Suicide Awareness Voices of Education (SAVE), School-Based Health Alliance, Society for Public Health Education (SOPHE), Society of General Internal Medicine (SGIM), Student National Medical Association (SNMA), The Koop Institute, Trust for America's Health.

LOCALITIES

City of Solana Beach, California, San Diego Unified School District.

INDIVIDUALS

Jim Gray, Candidate for U.S. Senate, Kentucky, Dannel P. Malloy, Governor, Connecticut.

The PRESIDING OFFICER. The Senator from Texas.

AMENDMENT NO. 4749

Mr. CORNYN. Madam President, as to the two main amendments that we will hear about tonight regarding the no-fly list, the watch list, or the known suspected terrorist list, we agree that terrorists should not have guns. Terrorists should not have guns. The only difference between the amendment of the Senator from California and my amendment is that once the gun purchase was stopped, under her amendment the bad guy walks away, and like the bombers who used the makeshift bomb in Massachusetts or some other device, they would be able to go buy guns illegally or create some other weapon of mass destruction and commit terrorist acts. My amendment would make sure that the law enforcement officials were notified on a timely basis, and then they would have up to 3 additional days to go to court and show probable cause to get a wiretap to listen to phone conversations, to execute search warrants to get additional information, and then to go before a judge and not just to deny access to the firearm but to take the terrorists off the street. Actually, in many ways, the amendment of my friend from California would not be as tough on the terrorists as mine would be.

We really should not be focusing on restricting the rights of law-abiding citizens under the Second Amendment without due process of law. That is what the Feinstein amendment does. We ought to be asking ourselves if there are those in this Chamber who believe you can deny American citizens their constitutional rights without due process of law based on a secret list that the government maintains. I don't care who it is. Whether it is the Obama administration or the former Bush administration, I don't think any American should sacrifice their constitutional rights without forcing the government to go to an impartial magistrate or judge and be able to show sufficient evidence to convince the judge that they have the evidence to deny those constitutional rights. This is really surreal to me.

Our colleagues want to make this about gun control when what we should be making this about is the fight to eliminate the Islamic extremism that is the root cause for what happened in Orlando. My colleagues, in many ways, want to treat the symptoms without fighting the disease. There is absolutely nothing in the Feinstein amendment that would have prevented the Orlando shooting from occurring—nothing.

Conversely, under my amendment, the FBI would be immediately notified of anybody who was or had been on a watch list during the preceding 5 years, and this would obviously escalate the investigation. The FBI could go to court, get a search warrant, get a wiretap, after getting the appropriate waivers, and get the sort of evidence necessary to detain or arrest, in other words, the terrorists rather than just deny them access to a firearm. If they are too dangerous to buy a firearm, they are too dangerous to be loose on our streets.

The Boston Marathon bombers, which I mentioned a moment ago, the San Bernardino jihadists, and the ISIS-inspired radicals in Garland, TX, are all examples of the fact that Islamic extremists want the American people to trade our liberties and values for fear and panic.

CIA Director John Brennan made it clear last week that this threat from ISIS, or the Islamic State, is not going away. He said that the President and just about every other member of the administration have refused to acknowledge that the administration's efforts ''have not reduced the group's terrorism capability and global reach.''

Each time an attack has happened, my colleagues on the other side of the aisle want to make this about their

gun control agenda. We can have that debate, but to act like this is a substitute for dealing with the threat of ISIS, either abroad or here at home through radicalization of American citizens using social media and the Internet, is just a diversion.

I think all we need to do is to look at what the administration decided on the 911 transcripts from Orlando. Originally, they said they were going to redact those transcripts. Well, I am glad they had a chance to reconsider it because this reveals what was going on in that nightclub in Orlando. This reveals what the motivation was of the shooter. This wasn't just some street crime incident. This was a premeditated terrorist attack on American soil. Failing to release the complete 911 tapes would have been an affront not only to any promise of open government—and the administration said they were going to be the most open, transparent government in American history—but it would be an insult to the American people. You can't redact away the hurt and pain that so many are feeling from the loss of loved ones or the loss of a sense of security. You can't redact away the reality that a hate-filled killer pledged his allegiance to a terrorist organization before killing 49 Americans.

I still believe one of the administration's goals is to avoid any discussion about their failed strategy to combat radical Islamic terrorism either abroad or here at home. Instead, they decided to pivot and limit Americans' constitutional rights without due process of law.

If they can do that to the Second Amendment, can they do it to the First Amendment? How about the Fourth or Fifth Amendment? How many more provisions of the Bill of Rights do our Democratic friends believe can be denied, absent due process of law or forcing the government to go in front of an impartial judge and actually producing some evidence? We are indeed facing a serious threat from radical terrorism, both overseas and at home, and if we can't be honest and clear-eyed about who is attacking us, how in the world do we have any chance to defeat them? Because that needs to be our ultimate goal—to degrade and ultimately destroy ISIS.

We all agree that terrorists should not be able to purchase a weapon. That is not up for debate, and anybody who suggests that it is, is simply misleading you. The question before us is whether we are going to do so in a way that is constitutional. The question before us is, Are we going to do it in a way that would actually improve terrorist investigations or not?

My amendment is called the SHIELD Act, and it would stop terrorists from buying guns while ensuring that law-abiding citizens placed on a watch list by mistake don't have their rights taken away because of some secret list created by the Obama administration or by this government. And it will also—this is important—it will also set up a process to monitor, investigate, and detain terrorists where warranted by evidence. In that way, my proposal is far and away stronger than the proposal of the senior Senator from California for several reasons.

First, her amendment is unconstitutional. Last week I mentioned the problems that the late Senator Teddy Kennedy had when his name came up on a watch list by mistake. He was denied a ticket at an airport on one of his trips between Washington and Boston. After realizing the problem, he had a lot of trouble getting it resolved. And you can bet, if Teddy Kennedy had trouble getting it resolved, what kind of a chance does an average American have? He said as much. He said: Now, if they have that kind of difficulty for a Member of Congress, how in the world are average Americans, getting caught up in this kind of thing, going to be able to get treated fairly and not have their rights abused?

Senator Kennedy asked the question we all need to be asking right now. If a well-known, well-connected, and powerful public figure like Ted Kennedy had trouble getting his name removed from a watch list, do we have any confidence that average Americans won't have their constitutional rights denied with no legal process to remedy it? Our friends across the aisle wouldn't provide due process for law-abiding citizens placed on a watch list by mistake, like the late Senator Kennedy, and mine would.

Secondly, the Feinstein amendment has another fatal flaw. There are no additional tools for law enforcement to monitor, investigate, and detain suspected terrorists. My proposal not only stops them from buying a gun, it would take them off the streets.

FBI Director Comey has testified before the Senate that legislation that merely blocks a firearm transfer to a person on a watch list, without more, could actually disrupt a terrorism investigation. That is because if we automatically block the transfer, then it would tip the suspected terrorists that law enforcement is watching them and building a case, and they would simply turn to some other weapon, either illegal or manufactured. This could have tragic consequences, as a terrorist could take immediate steps to speed up their attack, obtain illegal weapons, as I said, or bomb-making materials, all the while thwarting law enforcement surveillance.

We need to be careful about enacting legislation that could, in the words of the FBI Director, effectively blow a terrorism investigation. No matter how well-intentioned, I believe that would be the effect of Senator FEINSTEIN's amendment.

The truth is, under that amendment a motivated terrorist could buy a gun, be denied, then walk out of the gun shop and find another avenue to carry out a terrorist attack. By letting a dangerous terrorist roam free on the streets, the proposal of our Democratic friends would make us less safe, not more.

My legislation, in contrast, would not only block that person from buying a firearm because the FBI would be immediately notified and they wouldn't be able to take it with them—they would have to wait at least 3 days while the FBI conducted an additional investigation—it would also allow the authorities the opportunity to carry out that investigation, followed by an expedited court hearing where a judge could block the sale and authorize the arrest of the terrorist if, in fact, there was some evidence to prove that was the case. If the judge deems there is probable cause to block the sale, the terrorist can be immediately detained by law enforcement.

I repeat myself: If someone is dangerous enough not to own a firearm, aren't they also dangerous enough to be taken off the streets? The amendment of the Senator from California would let the bad guy go.

In this way, my proposal goes much further than our Democratic friends who have to do more to prevent terrorists from buying guns, and we have to lock them up and stop them before they kill innocent Americans too.

Importantly, my amendment would apply to anyone who was previously under an investigation for suspicion of terrorism within the last 5 years, like the Orlando attacker. The Orlando attacker wasn't even on the watch list, so I don't know what my friend from California is trying to propose here by saying that if you are on a watch list, you ought to be denied a gun. But I guess she is saying that even if you are not on a watch list, you ought to be denied a gun. We have said that if you have been on a watch list for the last 5 years, then the FBI would be provided notice.

Mrs. FEINSTEIN. Madam President, will the Senator yield for just one forward comment? Our bill does the same thing.

Mr. CORNYN. I will yield to the Senator after my remarks. I am almost through.

When similar proposals were offered in December, the amendment from the senior Senator from California didn't even get a majority of votes in this body. My related proposal back in December was bipartisan and garnered 55 votes.

I am glad the junior Senator from Indiana and the junior Senator from West Virginia—both Democrats—supported that bill then, and I hope they will do so again. Both made the decision to do what was right instead of what was politically convenient. The due process clause of the U.S. Constitution is more than just a convenience; it is, after all, our Constitution. Senators pledge to uphold and defend the Constitution of the United States, but then to vote for an amendment that would deny constitutional rights without due process of law—it sure seems intentioned with that oath.

We must advance commonsense legislation to defend ourselves against Islamic extremism, and I believe my amendment is a good place to start.

It is not the only idea. The Senator from Maine, Ms. COLLINS, and the Senator from Pennsylvania, Mr. TOOMEY, have some interesting ideas that I know they would like to develop and have a chance perhaps to vote on, but in the meantime, we need to do more to equip the FBI with the law enforcement tools they need to gather information on terrorists so that we can lock them up, and we have to be able to collect the dots before we can connect the dots.

I hope today my colleagues vote for my amendment. It blocks terrorists from buying guns, it detains terrorists if there is evidence to prove sufficient to satisfy a judge that they should be taken off the streets, and it upholds the Second Amendment to the Constitution of the United States.

Again, the question before us couldn't be clearer. We are going to vote on two proposals, both of which stop terrorists from buying guns. One is constitutional; one is not. I would strongly urge my colleagues on the other side of the aisle to support the one that is constitutional, and that would be the SHIELD Act, or the Cornyn amendment.

I yield to the Senator for a question.

Mrs. FEINSTEIN. Madam President, it is my belief that our amendment does cover the—Senator LEAHY and Senator NELSON submitted to us an amendment, which is incorporated, which does cover the Orlando killer. I wanted the Senator to know that.

Thank you very much.

Mr. CORNYN. Madam President, I would say to my friend from California, the problem in this instance is this shooter was a licensed security guard. He was guarding a courthouse. He also had a firearms license from the State of Florida. So there is nothing about her amendment that would have prevented him from purchasing a firearm. Indeed, the only thing that might have happened would be that the FBI would be notified under the 5-year lookback provision, but the FBI had already conducted two investigations of this particular shooter and had cleared him, notwithstanding all of the troubling signals we see now in retrospect. So I still believe there is nothing in the Feinstein amendment that would have prevented this shooter from purchasing firearms because he had a firearms license already and had previously been cleared by two FBI investigations and taken off the watch list.

Madam President, I yield the floor.

Mrs. BOXER. Madam President, what is the order?

The PRESIDING OFFICER. The Senator from California has up to 10 minutes.

Mrs. BOXER. OK. I understand that Senator NELSON wants some time and Senator MURPHY wants some time. May I ask through the Chair how much time remains on our side?

The PRESIDING OFFICER. The time is not equally divided.

Mrs. BOXER. Let me suggest, then, that after I finish on our side, that Senator NELSON be followed by Senator MURPHY at times they can work out on our side and Senator GRASSLEY in between—for how many minutes?

Mr. GRASSLEY. You guys want to take up all the time; is that what you want to do?

Mrs. BOXER. I didn't say that, no, sir.

Madam President, I think we will let everyone work it out, but I know I have 10 minutes, so I will take that time at this time.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. Thank you, Madam President.

First, I thank my colleague Senator FEINSTEIN for her decades of work to address gun violence. I also thank Senators MURPHY, BLUMENTHAL, and BOOKER for standing on their feet for almost 15 hours to force the Republican leadership to at least allow some votes on gun safety.

Six months after we joined the Senate, Senator FEINSTEIN and I—this was in 1993—learned the horrific impacts of assault weapons when a deranged gunman entered the law offices of 101 California Street in San Francisco and killed eight people and wounded six others. When you lose someone you know to gun violence, it is very hard to get that out of your soul. And one of those killed in that attack in a law office with an assault weapon was one of my son's best friends. Yes, the soul of our family and his family and all the other families who were gunned down—I will tell you this: The pain does not go away. And I know we all feel that. I know we all feel that. The question is, ''What are we going to do about it?'' If not now, when is the time to do something about it?

After Orlando—the worst mass shooting in American history—and I see my friend Senator NELSON, who has been there and who has looked into the eyes of families, and he will never be the same, having done that.

This is a moment for us to do the right thing, to finally take action. Is it going to stop everything in the future? No. But it is a crisis, so we have to do what we can do. We should have done it after San Bernardino, we should have done it after Sandy Hook, and we should have done it after Santa Barbara and Aurora, but we didn't, so let's do it now.

By the end of this year, 30,000 Americans will have died from gun violence. In 10 years, roughly 300,000 Americans are killed by guns—300,000.

We lost more than 4,000 after 10 years in Iraq and nearly 60,000 after 10 years in Vietnam. Losing those incredibly large numbers of soldiers—64,000, roughly, in 10 years of those two wars—tore our Nation apart. It tore our Nation apart. But we lose 300,000 Americans from gun violence over 10 years and my Republican friends do nothing. That is the hard, cold truth. They claim they want to do something, but, as Senator FEINSTEIN pointed out, when we look at the bottom line of their proposals, they essentially do nothing. And the gun epidemic continues.

How many times do we come to the Senate floor to send our thoughts and prayers to families, but we don't do anything of substance to back those prayers up—not since my colleague got through her assault weapons ban. Since then we have done nothing, and that was in the 1990s.

Unfortunately, I was just on the floor in December after a mass shooting at a holiday party that killed 14 people and wounded 17 others in San Bernardino. I stood right here, and I begged for us to come together and pass sensible laws to prevent another community from the gut-wrenching heartbreak my state was going through. That was just six months ago. We did nothing.

I was on the floor after a mass shooting in Santa Barbara in 2014, and I called for us to pass a pause that gives family and friends who fear their loved ones are going to use a gun in a dangerous way—to give them a way to temporarily stop that loved one from obtaining a gun and do it legally through a court hearing. California passed that law. We did nothing—no action.

When is it finally going to happen? When are we going to do something?

I would urge every single person watching this debate to watch the votes. The only two proposals that do anything are the Feinstein proposal and the Murphy proposal. One deals with keeping guns out of the hands of terrorists; the other makes sure that people who buy a gun at a gun show or a private transaction get a background check.

Should terrorists have guns? Every one of us says: Oh, no.

Do we need to defeat ISIS? Yes, they are one of the most brutal, vicious terrorist groups, and that is why I support the President's actions to take them out. I was glad to see the Iraqis recapture Fallujah from ISIS, but that doesn't stop the lone wolves over here. We need to make sure those lone wolves don't get a gun.

Should mentally unstable people have guns? No. We need to address that.

Should weapons of war be allowed on our streets? Even the inventor of the assault-style weapon—his family said he never meant it to be used on the streets. It is a weapon of war. Those weapons have no business being in civilian hands.

Today we have some good news out of the Supreme Court. They refused to take up a case that challenged the assault weapons ban in Connecticut. That is good news. It follows the legal opinions we have seen from the Court that say: Yes, there is a right to bear arms, but, yes, you can have commonsense gun laws so that people who can

be trusted get a weapon and those who cannot, do not. Responsible people should be able to get a gun and pass a background check.

What happened in the world? Look at this chart. Do you see this big huge line? That is America. These are the rest of all the industrialized nations in terms of gun deaths. We know that tough gun safety laws around the world save lives.

Germany tightened their laws and shooting deaths dropped in half from 106 in 2002 to 61 in 2012 after they acted. In Australia, after they acted, gun deaths dropped from 98 in 1996 to 35 in 2014—after they took action.

In my home State of California, there was a 56 percent drop in gun violence between 1993 and 2010, according to the Law Center to Prevent Gun Violence, because our State took action. According to Johns Hopkins, Connecticut also saw an estimated 40-percent drop in gun-related murders in 10 years because they passed a 1995 law requiring a license before a gun purchase.

No, we can't prevent every single tragedy, but we can respect the Second Amendment and still pass commonsense gun safety laws.

We should pass Senator FEINSTEIN's amendment to prevent a suspected terrorist from buying firearms or explosives, and we should pass Senator MURPHY's amendment requiring background checks for all firearms sold or transferred privately.

There are 30,000 reasons to pass these amendments—one for every American who will die by year's end because of gun violence.

There is another number I want to conclude with—100.

We are 100 Senators. We have the honor and the privilege of being here.

We can do something about those 30,000 deaths a year. No, we are not going to cure it all with two measures. It is going to take more time than that. But people deserve to be safe at work, safe at school, safe at a shopping mall, at a movie theater, at a restaurant, at a health care clinic, and, yes, at a nightclub. So it is up to us to act. One hundred of us can look at the fact that we lose 300,000 Americans over 10 years, and we have done nothing since the 1990s. Today we can change all that.

I do thank so very much my colleagues, Senator FEINSTEIN and Senator BLUMENTHAL, for their work on this legislation.

Mr. President, I retain the time for the debate on our side.

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

Mr. GRASSLEY. Mr. President, before I speak, I ask unanimous consent that I be permitted to speak for up to 20 minutes, to be followed by Senators Nelson and Murphy for 5 minutes each.

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

Mr. GRASSLEY. Mr. President, would you please tell me when I have used 17 minutes, and then I want to reserve 3 minutes for the Senator from Pennsylvania to follow me with his 3 minutes.

The PRESIDING OFFICER. The Chair will do so.

AMENDMENT NO. 4751

Mr. GRASSLEY. Mr. President, today I wish to address three topics.

First, I want to express my unwavering support for those who were killed and wounded in Orlando and for their families, friends, loved ones, and community members.

This terrorist attack represents a great tragedy and an affront to our way of life and very existence as Americans.

I look forward to doing what I can as chairman of the Judiciary Committee to support and give the FBI the tools it needs to investigate the circumstances of this attack by a radical Islamic terrorist.

All Americans have every reason to be upset and even furious over the deadliest attack since the awful events of September 11.

I, too, am angry. I am angry that this individual was interviewed twice, yet evaded detection. I am angry that this radical made his plans known to others and generally raised suspicions of others, yet was still able to carry out his horrific plot.

And I am upset that the attack in a sense reflects the failure of our foreign policy. There are more lone wolf attacks because there are more lone wolves.

I was asked recently: Why does it make any difference whether President Obama references ''radical Islamic terrorism'' or not?

The answer is that growing numbers of jihadists are spewing radical Islamic terrorist ideology over the Internet, radicalizing Americans into lone wolves.

President Obama said, after the Orlando attack, that the shooter was not involved in a ''larger plot,'' as if that would provide comfort.

By not calling out that the attack developed from radical Islamic terrorism, he failed to recognize the dangerous ideology that derives from radical Islam and its deadly influence on individuals who are not part of any ''larger plot.''

Moving on to my second course of business, I am here to talk about guns and the Second Amendment.

Over the course of multiple hours on Wednesday, we heard my colleagues across the aisle take all of their anger and focus it on firearms—not the war on terror, not radical Islam, not our porous borders, but guns.

Through the hours of finger wagging, many things were stated as the gospel truth, and if we are truly to have a discussion regarding guns, those misleading or incomplete statements must be corrected.

We can have a debate on the merits.

My colleagues across the aisle are entitled to their opinions, but they are not entitled to manufacture their own facts.

From the first moment the minority leader hit the floor on Wednesday, we heard erroneous statements on the law on gun purchasing by those who would commit terror.

He cited comments from a jihadist that would-be terrorists can go to gun shows and buy fully automatic weapons without a background check.

Well, they can't.

Even the Washington Post Fact Checker gave the minority leader two pinocchios on this claim.

No one can buy a fully automatic weapon without a background check.

The gun used in Orlando was not a fully automatic weapon.

It was a semi-automatic weapon, where each pull of the trigger makes one shot.

Those guns are used legitimately for recreational purposes by large numbers of law-abiding Americans for target practice.

Surely the minority leader knows the law on this point.

The fact that a radical Islamic terrorist would lie about the law is not a reason that the law needs to be changed.

The minority leader also invoked what he referred to as the ''terror loophole.''

So did the Senator from Connecticut, whose amendment is before us.

What is this terror loophole?

To hear the minority talk about it, it means that terrorists are able to lawfully purchase firearms.

This is nonsense.

Anyone convicted of terrorism can't legally buy a gun.

For people we know are going to commit terrorism, I hope that we are not only preventing that individual from buying a gun, but we are either killing, arresting, or detaining that individual, depending on where he or she is found and in what capacity.

What the other side means when they say terror loophole is someone who might be on any number of flawed terrorist watch lists.

If we actually had a list that contained only actual terrorists, I would gladly support an effort to not only prevent them from acquiring firearms, but also to detain and bring them to justice as quickly as possible.

What we really have are these flawed watch lists that contain errors and are at the same time both under- and over-inclusive.

Time and again, the other side says they support Second Amendment rights.

Don't believe them.

The terrorist watch list amendment they now propose achieves the remarkable feat of violating two different provisions of the Bill of Rights at the same time.

It violates the Second Amendment right to keep and bear arms and it violates the Fifth Amendment's Due Process Clause.

The Senator from Connecticut has discussed on the floor that the Second Amendment is not absolute.

That is a truism. No one says it is absolute.

The question for the other side is: What rights do they think the Second Amendment protects?

Secretary Clinton has refused to say that she believes that the Second Amendment protects a fundamental individual right.

If it doesn't, then what individual rights of gun ownership does it protect?

And the terrorist watch list amendment also doesn't treat the Second Amendment as protecting a fundamental individual right to own any guns.

The amendment violates the Second Amendment because a fundamental constitutional right cannot be infringed without due process of law.

The executive branch compiles a secret no-fly list without notice to the individual, any opportunity to be heard, or any judicial finding that there is probable cause to believe that the individual should be on the list.

As a result, the list fails to include some who should be on it, and it includes people who shouldn't.

We know that our former colleague, Senator Kennedy, was on the list.

This Senator helped a former high-ranking army officer be removed from the list.

The statement that the other side made that there is no due process problem because all these individuals are dangerous is false for many reasons, including that there is no proof that they are all actually dangerous.

Depriving people of constitutional rights based on an inaccurate list and no process at all prior to that denial of rights violates due process.

One list is compiled for purposes of allowing flight, which, unlike gun ownership, is not a constitutional right.

It was never designed for any other purpose.

To apply it to gun purchases is, in the words of an Obama administration official, ''apples and oranges.''

But the amendment treats apples as oranges.

The other side just doesn't care that the Feinstein amendment is unconstitutional.

We know that because experts have made this indisputable point for 6 months since the amendment was first proposed.

But when the amendment is offered again, the same flaws appear.

Like the Bourbon kings, the sponsors have learned nothing and forgotten nothing.

To be sure, the Bush administration proposed a similar wrong-headed idea.

But that was before the Supreme Court recognized that the Second Amendment protects an individual right to gun ownership.

And Congress did not pass that proposal.

It is important to note that some of the most prominent voices against the terrorist watch list amendment are people who support gun control.

For instance, in an editorial featuring a photo of Senators FEINSTEIN and MURPHY, the Los Angeles Times asked and answered the question this way: ''Should people on the no-fly list be able to buy guns? Yes.''

The editorial pointed out correctly that people on the various no-fly list and terrorist watch lists are not convicted of any crime.

We don't know that a person is actually dangerous because he or she is on the list.

The vast majority of the people on the list are foreigners who are already prohibited from buying guns.

And the Los Angeles Times accurately stated that, since the Second Amendment is a fundamental right, the ''reasonable suspicion'' standard in the Feinstein Amendment is too weak a standard for a government agency to abridge that right without judicial supervision.

And it also faulted the amendment for only allowing a challenge to a gun sale after it was denied, with no judicial involvement prior to that point.

The editorial also noted that the San Bernardino shootings would not have been stopped had an amendment prohibiting people on the terrorist watch list from buying guns been in place.

And I will add neither would the killings in Orlando, since this person was not on the list at the time of the gun purchase.

Claims made to the contrary on the floor are without merit.

My amendment, which I will discuss in a little while, and the Cornyn amendment, would have given law enforcement notice that this individual sought to purchase a gun, for them to take appropriate action.

The Los Angeles Times was not the only major newspaper that editorialized against the Feinstein amendment—so did the largest newspaper in my state of Iowa, the Des Moines Register, for many of the same reasons.

I know that the minority leader pays close attention to the Register's editorials.

But if he blew up their editorial against the Feinstein amendment on a chart behind him on the Senate floor, as he has with various other of their editorials, I must have missed it.

Just this past week, the New York Times ran an opinion piece by Adam Winkler, another Californian, and a law professor at UCLA.

Professor Winkler noted that the National Rifle Association has raised objections to the Feinstein amendment, in particular, that the Attorney General has too much leeway under that amendment in placing people on the list based only on suspicion.

And they object as well to the bill's flawed process of denying the sale based solely on the Justice Department's say so, and allowing a prospective purchaser to sue the Department in court, but only after their right is denied.

But unlike many other gun control supporters, Professor Winkler wrote, ''We should take the N.R.A's criticisms seriously.

''Due process of law is a vital constitutional principle and Americans have a right to own firearms for self-protection.''

Professor Winkler also wrote, ''If the attorney general believes a suspected terrorist should be added to the list, she should have to go to court first and offer up evidence.

''Only after concluding that the attorney general has probable cause should the court approve the denial of the suspect's right to own a gun.''

This proposal's violation of the Second Amendment is demonstrated by considering whether the other side would condition the exercise of any other constitutional right in the same way.

Lone wolves are susceptible to radical Islamist terrorist propaganda on the internet.

But the sponsors of that amendment would never propose curtailing a person's First Amendment right to search the internet because the Attorney General suspected they might be a terrorist.

What if inclusion on one of these lists deprived an individual of their right to worship at a church, mosque, or temple?

Or their ability to qualify for public assistance, the ability to obtain an abortion, or their right to vote?

It is not credible to believe that the Senators who support the amendment from the Senator from California would be so passionate about stripping these other rights and benefits based upon inclusion on a flawed list.

Let's talk straight.

Taking away a fundamental constitutional right based on a flawed list and the Attorney General's suspicion can't be called closing a terrorist loophole.

I am not sure how you tell constituents that you believe that the Second Amendment guarantees an individual right to keep and bear arms if you vote for that amendment.

The terrorist watch list amendment is not only unconstitutional, but is based on faulty premises.

Its supporters would have the public believe that a person on that list can go buy a gun without anyone stopping them. This is simply not true.

At a Judiciary Committee hearing last December, FBI Director James Comey stated that currently the FBI is notified when an individual in the terrorist database attempts to buy a firearm.

More to the point, Mr. Comey stated there are ''a variety of things that we do when we are notified that someone on our known or suspected terrorist database is attempting to buy a firearm.

''The FBI is alerted when that is triggered, and then we do an investigation to understand are there disqualifiers that we are aware of that could stop the transaction. And if the transaction goes through, the agents who are assigned to that case, to that subject, are alerted so they can investigate.''

So let's be clear, the FBI is notified when someone in the database attempts to purchase a firearm, and then they investigate the individual.

All of the rhetoric you heard about the FBI not knowing about a particular purchase is not true; they are notified.

The reason they were not notified in Orlando is because the terrorist had been removed from the watch list.

There have been so many poorly reasoned arguments and misstatements of law and fact on the Senate floor that cry out for a response.

One thing this attack should show is the need for increased ability of our intelligence agencies to identify and monitor individuals who are either tied to radical Islamic terrorism or are potential lone wolves.

Recently, a Senator spoke of his unwillingness to give the FBI additional surveillance tools in the form of national security letters for fear that the FBI might use that power as it had unfairly investigated the likes of Martin Luther King, Jr.

This same Member came to the floor Wednesday, demanding we used a flawed list to deny Second Amendment rights without due process.

I don't see how it is possible to simultaneously deny the FBI the tools its needs to fight terrorism, but favor depriving the civil liberties of lawful gun owners based upon a flawed list that could be subject to the same overreach.

The Senator from Connecticut has offered an amendment requiring universal background checks.

Such an amendment would not reduce crime, according to the Deputy Director of the Obama administration's National Institute of Justice.

He wrote that the problems of criminal obtaining guns through straw purchases and theft, the main ways they do get them, ''would likely become larger if background checks at gun shows and private sellers were addressed.''

And the amendment of the Senator from Connecticut would eliminate private sales.

Talk about unintended consequences.

In the same memo, the Deputy Director concluded concerning universal background checks that their ''[e]ffectiveness depends on . . . requiring gun registration.''

Criminals already don't comply with background checks.

When ''universal'' checks are circumvented, we will be back here debating gun registration.

We should not do anything that will further the cause of gun registration.

In addition, the Senator from Connecticut and others invoke the so-called ''gun show loop hole.''

That is the leading basis offered for his amendment.

Anyone watching the floor Wednesday and today would be left with the impression that people who buy a firearm at a gun show aren't subject to a background check.

In fact, all gun show purchases made from commercial gun dealers require a background check.

These commercial gun dealers, or Federal firearms licensees as the law refers to them, typically make up the majority of the gun vendors at gun shows.

So let's be clear: If someone goes to a gun show and purchases a firearm from a commercial gun dealer, they are subject to a background check, period.

So, then, who are these people who aren't subject to a background check?

If you are an individual and you want to sell your gun to another individual, you may do so, assuming you don't know or have reasonable cause to believe that such person is prohibited from owning a gun.

The government does not dictate where this sale takes place.

You can sell your hunting rifle to your neighbor's daughter, and you can make that sale in your home, driveway, or a parking lot.

You can also make this sale to another individual at a gun show.

This is what is referred to as a peer-to-peer transaction: Two adults engaged in a personal transaction.

Just as there is no background check required in your driveway, there generally is no background check required when that private, peer-to-peer sale happens to occur at a gun show.

This is not a loophole in the pejorative sense of the word; this is an American lawfully selling their property to another without Federal Government involvement.

In this same vein, to hear my colleagues discuss it, you would assume that these gun shows were lawless free-for-alls for felons and terrorists to obtain their newest illegal weapon.

In fact, local, State, and Federal law enforcement are often present at gun shows, both in uniform and covertly in plain clothes.

They monitor and intervene in suspected unlawful firearms sales, such as straw purchasing, attempted purchases by prohibited individuals, and the attempted sale of illegal firearms.

As the Washington Times reported late last year, law enforcement arrests at gun shows hit new highs last year.

I recently attended a gun show in Iowa, and there was a robust law enforcement presence.

But we have heard that communities that would otherwise be violence-free due to their strict gun control laws are dangerous because of people who buy guns at gun shows in other States and bring them to those otherwise safe cities, causing large numbers of homicides.

This claim has no basis in reality.

Federal law enforcement is present at gun shows.

They monitor vehicles with out-of-state license plates.

They stop cars from such shows that head to cross State lines.

Their important efforts to enforce the law and to protect us all should be praised and recognized, not minimized or omitted.

In fact, enforcement of any kind has yet to be a topic in this debate.

The push is for new gun control measures without any appreciation for what can be done to address the problem of violence with the laws already on the books.

President Obama has stated unequivocally that firearms enforcement has been a priority for his administration.

This simply is not true.

The Obama administration chose to focus its criminal justice resources elsewhere.

Federal firearms prosecutions are down at least 25 percent under this President.

In addition, he suspended successful programs specifically designed to thwart firearms offenses.

Unfortunately, as has so often been the case with the Obama administration, the rhetoric just does not match the action.

As I have repeatedly called for, we need greater enforcement of the existing law, which simply has not happened under this administration.

In fact, in a remarkably senseless move, the Obama Administration eliminated an earlier restriction on the ability of foreign citizens to purchase guns unless they had lived in a particular State for 90 days.

Remember that when considering that asylees or refugees or visitors who have not been screened before entering this country under the visa waiver program can legally buy a gun.

Last week, the Senator from Connecticut contended that there is less gun crime and fewer homicides in States that have passed strict gun control laws, like his State.

Perhaps gun crime has declined there.

But homicide rates are higher in Connecticut than in many States that provide greater protection of gun rights, such as my State of Iowa.

And leaving aside the question of causation versus correlation, all one has to do is look at Maryland to refute the claim that imposing tougher gun control reduces crime.

Maryland, under its prior Governor, imposed some of the toughest regulations on purchasing guns.

What has happened?

Murders in Maryland, and particularly in Baltimore, have increased dramatically.

Murder is increasing right here in Washington, DC, despite very stringent gun control laws.

The other side wants it both ways, heads-I-win, tails-you-lose.

Where crime falls and State laws are stringent, they say the State laws work, regardless of laws anywhere else.

Where crime rises in States with gun control, they argue it is because other States have lenient laws.

You can't apply a situational analysis to the effectiveness of State gun laws.

The Washington Post recently reported a study that found no correlation at all, much less causation, between homicides and State gun laws.

And that same newspaper's ''Fact Checker'' gave my colleague's claim three pinocchios.

Similarly, we hear that if we only reenacted the assault weapons ban, we could stop mass shootings.

This is an argument not for a policy that has never been tried, but a policy that has been tried and failed.

Nonetheless, for some inexplicable reason, we continue to hear calls for an assault weapons ban.

Columbine occurred when the assault weapons ban was in effect.

Murder rates continued to fall after the assault weapons ban expired.

And even Justice Department-funded research found the effects of the ban on crime to be none to minimal.

But even when gun control fails, the calls to enact more never stop.

Additional gun control, as William F. Buckley, Jr., stated in a different context, was once ''a fixed rational conviction, then blind faith, and now . . . rank superstition.''

Once again, the Washington Post fact-checked the Democrats' erroneous claim and gave it three pinocchios.

The Senator from Connecticut has also statements made about online purchases of guns, as if a would-be terrorist could order one from Amazon and it would show up at their door without a background check.

That is not the law, either.

Guns can be ordered online.

But anyone who orders a gun from out of State or from a licensed dealer online is not allowed to actually take possession of a gun without undergoing a background check.

In-state private sales are not subject to that requirement, but that is true of all in-state private sales whether or not advertised on the Internet.

The Senator from Connecticut's amendment would create a new Federal felony for not reporting a lost or stolen gun to local police and to the U.S. Attorney General.

This new crime would apply only to lawful gun owners and not to criminals.

The amendment provides, ''It shall be unlawful for any person who lawfully possesses or owns a firearm . . .'' to fail to report the theft or loss.

There is no requirement that a person who unlawfully owns a gun report its threat or loss.

This provision poses a major threat to freedom—because in America, we prohibit criminal actions.

Although that limits freedom, it does so much less than a law that criminalizes inaction.

It is very rare to criminalize inaction.

Only a few classes of people have an obligation to act, like police officers and doctors.

But for ordinary citizens, this is rare.

One very limited exception is to file a tax return, and it took a constitutional amendment to give the government the power to mandate that.

We should not impose a prison sentence of up to 5 years on a law-abiding person who fails to act.

I have been calling the Second Amendment a fundamental right.

What does this mean to you and me as Americans?

It means that the right to bear arms falls into the same category as our other most closely held individual rights: the right to free speech, the right to freedom of religion, and the right to due process under the law.

It should be emphasized that the Second Amendment right to bear arms is an individual, fundamental constitutional right.

Let me remind my minority colleagues of this as they are ready to run roughshod over the Bill of Rights.

Finally, I now want to talk about my amendment, which will be offered as a side-by-side with the Murphy amendment.

The Protecting Communities and Preserving the Second Amendment Act of 2016 has five key components that are designed to fix our current background check system, among other things.

First, as we all know from our own life experience, a database is only as good as the data it contains, with accuracy and completeness being paramount.

Our National Instant Criminal Background Check System, or NICS, is the background check database for firearms purchases.

This database needs improvement.

In that vein, my amendment requires that agencies containing relevant records make their submission to NICS a priority and provides specific guidance that federal courts are to upload their records to NICS forthwith. Yes, we currently have a database that contains inconclusive Federal court records; there is simply no excuse for this.

In addition, this amendment incentivizes States to submit relevant mental health records to NICS.

And my amendment has real teeth, authorizing $125 million for operating and improving the NICS system.

Next, my amendment modernizes the prohibition on those with certain mental illness or involuntary commitments from acquiring or possessing firearms.

We not only update the definitions, but provide critical due process protections for individuals like veterans and others prior to an adjudication of mental incompetence.

Contrary to what some have said, my amendment does not permit someone who has been involuntarily committed to a mental institution to legally purchase a gun simply by virtue of their release.

A second, additional requirement must be satisfied as well.

Either a court or similar body must make an adjudication, or an appropriate official of the institution must find, that the individual poses no danger to himself, herself, or others. Mere release from the institution, for instance because of a need to find space for another individual, will not allow the person to be able to buy a gun under the plain terms of my amendment.

Third, my amendment contains multiple provisions that requires agencies to report to Congress on NICS records submissions, firearms prosecutions, declinations, and convictions, as well as Federal ammunition purchasing.

There is also a requirement that any Department of Justice component that wishes to use the potentially dangerous tactic of ''gun walking'' obtain direct approval from the Attorney General, Deputy Attorney General, or the Assistant Attorney General for the criminal division and include an operational plan with built in safeguards to prevent firearms from being transferred to a third party as occurred in the fatally flawed ''Fast and Furious'' investigation.

Finally, my amendment includes a provision that would alert the authorities if a firearms or explosives transfer request involves a person who is, or within the previous 5 years was, investigated as a known or suspected terrorist.

This notification provision would ensure that law enforcement is alerted when all those who are, or were within the last 5 years, suspected of terrorism, seek to obtain a firearm or explosive.

This provision ensures protection of Americans' fundamental Second Amendment rights, but also alerts key law enforcement officials to the possibility of a terrorist plot.

The other sides says that no progress is being made on gun crimes.

But my amendment would improve the situation, even for people who would favor going further.

We can make important improvements, such as through my amendment.

Senators who are unwilling to support important progress are putting a higher premium on politics.

The Second Amendment right to bear arms is a fundamental right, and any legislative action must start and finish with recognition of this fact.

Mr. President, I yield my time to the Senator from Pennsylvania, regardless of how much time it is.

Mr. TOOMEY. I thank the Senator from Iowa for yielding to me.

Mr. President, what I really wish to do is express my deep frustration that we are here with what is about to happen on the Senate floor because we are talking past each other. We have a system, a series of votes, all designed to fail. We are going to accomplish nothing. That is what we are making sure of tonight.

It doesn't have to be this way. That is what is so maddening about this. I will briefly give you one aspect of this. The background check legislation we are going to vote on is the version that

goes further than the bipartisan compromise that Senator MANCHIN and I worked out a couple of years ago. What are the chances that is going to pass? I would say pretty close to zero. We know that. If we are going to have a vote on background checks, it ought to be the only bill that I am aware of in recent time that has had bipartisan support. It may not pass, I understand that, but at least it would have a chance. We are not even going to have that vote.

Let's talk about the other big, controversial issue that we are going to vote on—we already know the outcome of this vote—and that is about terrorists and whether terrorists can buy guns and what do we do about this.

Let me start with what ought to be a pretty simple goal that we ought to be able to agree on. No. 1, terrorists shouldn't be able to buy guns legally. That shouldn't be terribly controversial, but it also shouldn't be controversial that if an innocent American is denied his or her right to buy a gun because they are alleged to be a terrorist, they ought to have an opportunity to clear their name. Guess what. Governments make mistakes. The Federal Government makes mistakes all the time. The mere fact that they have a list almost guarantees that somebody is wrongly on that list.

That is not a reason to do nothing, but it is a reason that you have to have a meaningful process whereby people could challenge their status on the list.

I think the bills we are going to vote on tonight have serious flaws.

First, the Feinstein amendment. There is no due process at all, nothing to speak of. Think about the way this is designed—the way this bill is designed. By the way, we have already had this vote, and it failed overwhelmingly.

Under the Feinstein approach, the Attorney General can put anyone he or she wants on the list. There is no judicial review; there is no kind of review. She can create the criteria, she creates her list, and now all of a sudden anyone on that list is denied the opportunity to buy a gun.

Proponents will argue that there is an opportunity for the gun buyer. The problem is that person has to go to court. The burden is on the buyer to prove his innocence, and he doesn't even get to see the evidence. How can you possibly prove the evidence against you is flawed if you are not allowed to see the evidence? Clearly, that is not a serious attempt to give someone who is wrongfully placed on the list the chance to clear his name.

The Cornyn approach. The Cornyn approach is better than what we have now because it creates a new tool. It provides a new tool that the AG does not have—the Attorney General doesn't have—and that is a 3-day period during which the Attorney General would have an opportunity to make and win a case. I think that is a difficult thing for an Attorney General to do, and I have suggested this legislation is flawed because of that. It is better than what we have now, but it is probably not enough in many circumstances—which is why we shouldn't just be talking past each other and revoting on things we know are going to fail.

I have legislation, and Senator COLLINS is working on legislation. What we both have tried to do with different mechanisms is to make sure that a terrorist cannot buy a gun legally but also to make sure that the people on the list are put there properly and, if there is a mistake, a law-abiding American citizen has a reasonable opportunity to litigate that to get his or her name off the list.

In my approach, the Attorney General can come up with a list, but it has to be vetted by a court. If someone is not on the list, there is an emergency mechanism available to the Attorney General that would block the sale—it would block the sale if the Attorney General said so—and then provide a reasonable and manageable amount of time during which this could be litigated.

In other words, if the buyer says ''Wait a minute; I am not the John Smith you think I am, and I shouldn't be denied my Second Amendment right,'' under my approach—and I believe under Senator COLLINS' approach—that innocent American would have a chance to have his or her day in court, which is denied under the Feinstein approach.

The bottom line is we know the Feinstein bill is going to fail. We know the Cornyn bill is going to fail. They are both going to fail tonight. There is nobody who disputes that.

Why aren't we working on something that could actually get done, something that would actually stop terrorists from being able to legally buy guns and at the same time give a law-abiding American the opportunity to clear his name if he is wrongfully put on the list?

That is what we ought to be doing. I am not saying I have the only way to get this accomplished. I think Senator COLLINS' legislation is going to be unveiled soon. I know she has been working on this very constructively with a group of folks. But one or the other of these approaches—either the Collins approach or mine—needs to get a vote in this body because it is the only kind of approach that really is a serious way to balance these two important priorities and has a chance to earn bipartisan support.

I yield the floor.

The PRESIDING OFFICER. The Senator from Florida.

AMENDMENT NO. 4720

Mr. NELSON. Mr. President, yes, this Senator is from Florida. This Senator is from Orlando.

This is an AR–15. It is the civilian semi-automatic version of the military version M–16. This is what the killer used in Orlando a week ago. It is the same .223 caliber. It is collapsible stock. It is the SIG SAUER MCX. Do we think that a person who is on the no-fly list ought to be able to buy one of these lethal killing machines?

I have been a hunter all my life. I grew up on a ranch. I own numbers of guns, but my guns are for hunting. These guns are for killing, and that is exactly what that weapon did to 49 people just a little over a week ago.

If we have a list, and it is approximately 1,000 American citizens or American people who are here legally, both—not Americans—that category is called American persons. There are roughly a thousand on the no-fly list. If they cannot get on a plane to fly, should they be able to go out and buy one of these?

There are another 1,700 folks that are on a selectee list, and those are the ones for which there is close to credible evidence that they are a terrorist—1,700. There is close to credible evidence that they are a terrorist, and do we want them to go and buy this kind of a weapon?

Then there is another category, and that is those on what we call the terrorist watch list. In this country that is about 5,000 people—American persons—for which there is declaratory evidence that they are a terrorist. Do we want them to be able to purchase these weapons?

The Feinstein bill—that group of 5,000; that is it in America, there are 5,000. There are many more who are internationals, but there are 5,000 American persons on that list. I don't think we want them to be able to buy this gun. Even if that had been the law, it would not have caught Mateen. Thus, Senator FEINSTEIN included the bill that I had filed which would catch Mateen because it says if you have been on the terrorist watch list—as he was back in 2013 and 2014, and they didn't have any prosecutable evidence, so they closed that case—when you purchase a gun, the FBI would be notified so that the FBI could make an up-to-date decision that they want to go back and interview that person.

If they had seen Omar Mateen purchasing these, knowing that he had been on their watch list, they would have gone and talked to him. That is what is in front of us. It seems to me it is common sense. We hear words out here: Oh, this is the NRA locking down its votes, putting the fear of God in our Republican friends and colleagues about the next Republican primary they are going to be in.

I am so proud of the Senator from Connecticut and what he did for 15 hours to bring this thing to a head.

The PRESIDING OFFICER. The time of the Senator from Florida has expired.

Mr. NELSON. Thank you for listening to my plea.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Connecticut.

AMENDMENT NO. 4750

Mr. MURPHY. Mr. President, I thank the Senator.

I thank all the staff and, again, all colleagues—40 of them—for joining us on the floor on Wednesday night into the early hours.

Let's be clear about what happened. Let's be clear about the fact that this body was going to ignore what happened last weekend in Orlando—the largest mass shooting in the history of this country. We were going to pretend that it didn't happen. If not for the actions of Senator BOOKER, Senator BLUMENTHAL, 30-some odd others, and me, we would be moving on to business that had nothing to do with keeping this Nation safer.

I don't know how these votes are going to turn out tonight. I know people are skeptical, but we are at least going to get to see where people stand on some pretty simple concepts—the concept that if you are suspected of terrorism, you should not be able to walk out of a gun store in this country with a dangerous assault weapon.

A new poll today tells us that 87 percent of Americans support that. Guess what. A greater percentage of Republicans than Democrats support that. Do you know why that number is so high? Because this country is under attack. This country is under attack, and the new weapon of choice of terrorists is not a plane or an explosive device, it is an assault weapon.

After September 11, we made a decision. We made a decision to stop terrorists from getting onto planes because they were using them to kill Americans. Well, today terrorist recruiters are specifically instructing would-be terrorists to go into gun shops and to gun shows and walk out with assault weapons that, as we saw last weekend, can kill 50 people in an instant. So why wouldn't we apply the same careful protection and make sure people who are suspected of terrorism can't get on a plane and also can't get an assault weapon? Second, why don't we make sure that protection exists whether they are walking into a gun store or a gun show?

That same poll that came out today suggested that an even greater percentage of Americans—90 percent—support expanding background checks so that you have to prove that you are not a criminal, that you are not a potential terrorist before you buy a weapon.

These two measures are not controversial anywhere else in the American public except for here. And the amendments offered by Senator GRASSLEY and Senator CORNYN aren't even half measures. Senator GRASSLEY's amendment would take people off the background check list, would allow people who were leaving a psychiatric institution to buy a weapon the next day. Senator CORNYN's bill would force the Department of Justice to go to court to stop a suspected terrorist from getting a weapon. They are just shields. They are just shields for Members who don't want to stand up and do the right thing.

The reason I came to the floor on Wednesday and didn't leave for 15 hours is that I know at a deep personal level what Orlando is going through. I don't know what the families are going through. That is something which is unique to losing a loved one. But I know what that community is going through. And I believe that for all of the scarring psychological harm that comes from losing a loved one or a neighbor, more harm is piled on when you find out the people you elected to run your country just don't care. It hurts something awful when you lose someone, but it gets worse when your leaders are silent—are totally silent—in the face of your personal horror.

Long after all of the moms and dads had left the firehouse in Sandy Hook after learning their boys and girls were lying dead on the floor of that school, there was one father who was left and who wouldn't leave—who couldn't leave. His name was Neil Heslin. He came to this Congress to tell us his story, and as we head into this vote, I will leave you with his words. In speaking about his son Jesse—he was a divorced dad with one son, his best friend. His best friend, his son, was dead. He said:

> Before he died, Jesse and I used to talk about maybe coming to Washington someday. He wanted to go up to the Washington Monument. When we talked about it last year, Jesse asked if we could come and meet the President . . . because Jesse believed in you. He learned about you in school and he believed in you. I want to believe in you, too. I know you can't give me Jesse back. Believe me, if I thought you could, I'd be asking for that. But I want to believe that you will think about what I told you here today. I want to believe that you will think about it and you'll do something about it, whatever you can do, to make sure no other father has to see what I've seen.

My friends, we need to have an answer for Neil and the 80 other fathers every single day who join the ranks of those who know his pain. I urge the adoption of the Murphy and the Feinstein amendments.

I yield back.

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 Senate amendment No. 4751 to the instructions of the motion to commit H.R. 2578, an act making appropriations for the Departments of Commerce and Justice, Science, and Related Agencies for the fiscal year ending September 30, 2016, and for other purposes.

Mitch McConnell, Roger F. Wicker, Thad Cochran, Tom Cotton, Thom Tillis, John Boozman, Richard C. Shelby, John Hoeven, Pat Roberts, Joni Ernst, Mike Rounds, John Cornyn, John Barrasso, Deb Fischer, Johnny Isakson, David Vitter, James M. Inhofe.

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 amendment No. 4751, offered by the Senator from Kentucky, Mr. MCCONNELL, for the Senator from Iowa, Mr. GRASSLEY, to the instructions of the motion to commit H.R. 2578, shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The legislative clerk called the roll.

The yeas and nays resulted—yeas 53, nays 47, as follows:

[Rollcall Vote No. 103 Leg.]

YEAS—53

| | | |
|---|---|---|
| Alexander | Enzi | Paul |
| Ayotte | Ernst | Perdue |
| Barrasso | Fischer | Portman |
| Blunt | Flake | Risch |
| Boozman | Graham | Roberts |
| Burr | Grassley | Rounds |
| Capito | Hatch | Rubio |
| Cassidy | Heller | Sasse |
| Coats | Hoeven | Scott |
| Cochran | Inhofe | Sessions |
| Collins | Isakson | Shelby |
| Corker | Johnson | Sullivan |
| Cornyn | Lankford | Thune |
| Cotton | Lee | Tillis |
| Crapo | McCain | Toomey |
| Cruz | McConnell | Vitter |
| Daines | Moran | Wicker |
| Donnelly | Murkowski | |

NAYS—47

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

The PRESIDING OFFICER. On this vote, the yeas are 53, the nays are 47.

Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SHELBY. Mr. President, I ask unanimous consent that the votes following the first vote in this series be 10 minutes in length.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

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 McConnell motion to commit H.R. 2578 to the Judiciary Committee with instructions (Murphy amendment No. 4750).

Harry Reid, Jeff Merkley, Jeanne Shaheen, Kirsten E. Gillibrand, Amy Klobuchar, Claire McCaskill, Debbie Stabenow, Charles E. Schumer, Sherrod

Brown, Mark R. Warner, Richard Blumenthal, Tom Udall, Tammy Baldwin, Jack Reed, Robert P. Casey, Jr., Angus King, Jr., Brian E. Schatz.

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 commit H.R. 2578 to the Committee on the Judiciary with instructions to report back forthwith with amendment No. 4750, offered by the Senator from Kentucky, Mr. MCCONNELL, for the Senator from Connecticut, Mr. MURPHY, 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.

The yeas and nays resulted—yeas 44, nays 56, as follows:

[Rollcall Vote No. 104 Leg.]

YEAS—44

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

NAYS—56

| | | |
|---|---|---|
| Alexander | Fischer | Paul |
| Ayotte | Flake | Perdue |
| Barrasso | Gardner | Portman |
| Blunt | Graham | Risch |
| Boozman | Grassley | Roberts |
| Burr | Hatch | Rounds |
| Capito | Heitkamp | Rubio |
| Cassidy | Heller | Sasse |
| Coats | Hoeven | Scott |
| Cochran | Inhofe | Sessions |
| Collins | Isakson | Shelby |
| Corker | Johnson | Sullivan |
| Cornyn | Lankford | Tester |
| Cotton | Lee | Thune |
| Crapo | Manchin | Tillis |
| Cruz | McCain | Toomey |
| Daines | McConnell | Vitter |
| Enzi | Moran | Wicker |
| Ernst | Murkowski | |

The PRESIDING OFFICER (Mr. LANKFORD). On this vote, the yeas are 44, the nays are 56.

Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected.

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 senior assistant legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on Senate amendment No. 4749 to amendment No. 4720 to Calendar No. 120, H.R. 2578, an act making appropriations for the Departments of Commerce and Justice, Science, and Related Agencies for the fiscal year ending September 30, 2016, and for other purposes.

Mitch McConnell, Tom Cotton, Thom Tillis, John Boozman, Richard C. Shelby, John Hoeven, Pat Roberts, James M. Inhofe, David Vitter, Joni Ernst, Mike Rounds, John Cornyn, John Barrasso, Deb Fischer, Cory Gardner, Shelley Moore Capito, Johnny Isakson.

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 amendment No. 4749, offered by the Senator from Kentucky, Mr. MCCONNELL, for the Senator from Texas, Mr. CORNYN, to amendment No. 4720 to amendment No. 4685 to H.R. 2578, shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The senior assistant legislative clerk called the roll.

The yeas and nays resulted—yeas 53, nays 47, as follows:

[Rollcall Vote No. 105 Leg.]

YEAS—53

| | | |
|---|---|---|
| Alexander | Ernst | Paul |
| Ayotte | Fischer | Perdue |
| Barrasso | Gardner | Portman |
| Blunt | Graham | Risch |
| Boozman | Grassley | Roberts |
| Burr | Hatch | Rounds |
| Capito | Heller | Rubio |
| Cassidy | Hoeven | Sasse |
| Coats | Inhofe | Scott |
| Cochran | Isakson | Sessions |
| Corker | Johnson | Shelby |
| Cornyn | Lankford | Sullivan |
| Cotton | Lee | Thune |
| Crapo | Manchin | Tillis |
| Cruz | McCain | Toomey |
| Daines | McConnell | Vitter |
| Donnelly | Moran | Wicker |
| Enzi | Murkowski | |

NAYS—47

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

The PRESIDING OFFICER. On this vote, the yeas 53, the nays are 47.

Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected.

CLOTURE MOTION

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

The senior assistant legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the Feinstein amendment No. 4720 to Shelby amendment No. 4685 to H.R. 2578.

Harry Reid, Jeff Merkley, Jeanne Shaheen, Kirsten E. Gillibrand, Amy Klobuchar, Claire McCaskill, Debbie Stabenow, Charles E. Schumer, Sherrod Brown, Mark R. Warner, Richard Blumenthal, Tom Udall, Tammy Baldwin, Jack Reed, Robert P. Casey, Jr., Angus King, Jr., Brian E. Schatz.

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 amendment No. 4720, offered by the Senator from Kentucky, Mr. MCCONNELL, for the Senator from California, Mrs. FEINSTEIN, to amendment No. 4685 to H.R. 2578, shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The senior assistant legislative clerk called the roll.

The yeas and nays resulted—yeas 47, nays 53, as follows:

[Rollcall Vote No. 106 Leg.]

YEAS—47

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

NAYS—53

| | | |
|---|---|---|
| Alexander | Fischer | Paul |
| Barrasso | Flake | Perdue |
| Blunt | Gardner | Portman |
| Boozman | Graham | Risch |
| Burr | Grassley | Roberts |
| Capito | Hatch | Rounds |
| Cassidy | Heitkamp | Rubio |
| Coats | Heller | Sasse |
| Cochran | Hoeven | Scott |
| Collins | Inhofe | Sessions |
| Corker | Isakson | Shelby |
| Cornyn | Johnson | Sullivan |
| Cotton | Lankford | Thune |
| Crapo | Lee | Tillis |
| Cruz | McCain | Toomey |
| Daines | McConnell | Vitter |
| Enzi | Moran | Wicker |
| Ernst | Murkowski | |

The PRESIDING OFFICER. On this vote, the yeas are 47, the nays are 53.

Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected.

MOTION TO COMMIT WITH AMENDMENT NO. 4750

Mr. MCCONNELL. Mr. President, I move to table the motion to commit with instructions.

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

Mr. DURBIN. 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 Utah (Mr. LEE).

Mr. DURBIN. I announce that the Senator from Delaware (Mr. CARPER) is necessarily absent.

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

The result was announced—yeas 56, nays 42, as follows:

[Rollcall Vote No. 107 Leg.]

YEAS—56

| | | |
|---|---|---|
| Alexander | Fischer | Paul |
| Ayotte | Flake | Perdue |
| Barrasso | Gardner | Portman |
| Blunt | Graham | Risch |
| Boozman | Grassley | Roberts |
| Burr | Hatch | Rounds |
| Capito | Heitkamp | Rubio |
| Cassidy | Heller | Sasse |
| Coats | Hoeven | Scott |
| Cochran | Inhofe | Sessions |
| Collins | Isakson | Shelby |
| Corker | Johnson | Sullivan |
| Cornyn | Kirk | Tester |
| Cotton | Lankford | Thune |
| Crapo | Manchin | Tillis |
| Cruz | McCain | Toomey |
| Daines | McConnell | Vitter |
| Enzi | Moran | Wicker |
| Ernst | Murkowski | |

NAYS—42

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

NOT VOTING—2

| | |
|---|---|
| Carper | Lee |

The motion was agreed to.

The PRESIDING OFFICER. The majority leader.

AMENDMENT NO. 4720

Mr. MCCONNELL. Mr. President, I move to table the amendment No. 4720.

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

The motion was agreed to.

AMENDMENT NO. 4787 TO AMENDMENT NO. 4685

Mr. MCCONNELL. Mr. President, I call up amendment No. 4787.

The PRESIDING OFFICER. The clerk will report.

The senior assistant legislative clerk read as follows:

The Senator from Kentucky, [Mr. MCCONNELL], for Mr. MCCAIN, proposes an amendment numbered 4787 to amendment No. 4685.

The amendment is as follows:

(Purpose: To amend section 2709 of title 18, United States Code, to clarify that the Government may obtain a specified set of electronic communication transactional records under that section, and to make permanent the authority for individual terrorists to be treated as agents of foreign powers under the Foreign Intelligence Surveillance Act of 1978)

At the appropriate place , insert the following:

SEC. _____. Section 2709 of title 18, United States Code, is amended by striking subsection (b) and inserting the following:

''(b) REQUIRED CERTIFICATION.—

''(1) IN GENERAL.—The Director of the Federal Bureau of Investigation, or his or her designee in a position not lower than Deputy Assistant Director at Bureau headquarters or a Special Agent in Charge in a Bureau field office designated by the Director, may, using a term that specifically identifies a person, entity, telephone number, or account as the basis for a request, request information and records described in paragraph (2) of a person or entity, but not the contents of an electronic communication, if the Director (or his or her designee) certifies in writing to the wire or electronic communication service provider to which the request is made that the information and records sought are relevant to an authorized investigation to protect against international terrorism or clandestine intelligence activities, provided that such an investigation of a United States person is not conducted solely on the basis of activities protected by the first amendment to the Constitution of the United States.

''(2) OBTAINABLE TYPES OF INFORMATION AND RECORDS.—The information and records described in this paragraph are the following:

''(A) Name, physical address, e-mail address, telephone number, instrument number, and other similar account identifying information.

''(B) Account number, login history, length of service (including start date), types of service, and means and sources of payment for service (including any card or bank account information).

''(C) Local and long distance toll billing records.

''(D) Internet Protocol (commonly known as 'IP') address or other network address, including any temporarily assigned IP or network address, communication addressing, routing, or transmission information, including any network address translation information (but excluding cell tower information), and session times and durations for an electronic communication.''.

SEC. _____. Section 6001 of the Intelligence Reform and Terrorism Prevention Act of 2004 (50 U.S.C. 1801 note) is amended by striking subsection (b).

CLOTURE MOTION

Mr. MCCONNELL. Mr. President, I send a cloture motion to the desk for the amendment.

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

The senior assistant legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on Senate amendment No. 4787 to amendment No. 4685 to Calendar No. 120, H.R. 2578, an act making appropriations for the Departments of Commerce and Justice, Science, and Related Agencies for the fiscal year ending September 30, 2016, and for other purposes.

Mitch McConnell, Chuck Grassley, Orrin G. Hatch, John Thune, Thad Cochran, Marco Rubio, Tom Cotton, Richard Burr, Pat Roberts, Thom Tillis, Mike Rounds, John Cornyn, John Barrasso, Deb Fischer, Cory Gardner, Shelley Moore Capito, Johnny Isakson.

Mr. MCCONNELL. Mr. President, I ask unanimous consent to waive the mandatory quorum call.

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

MOTION TO RECOMMIT

Mr. MCCONNELL. Mr. President, I move to recommit the bill to the Appropriations Committee for a period of 14 days.

The PRESIDING OFFICER. The clerk will report the motion.

The senior assistant legislative clerk read as follows:

The Senator from Kentucky [Mr. MCCONNELL] moves to recommit H.R. 2578 to the Appropriations Committee for a period of 14 days.

## MORNING BUSINESS

Mr. MCCONNELL. 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.

The Senator from Ohio.

## CONGRATULATING THE CLEVELAND CAVALIERS ON WINNING THE NBA CHAMPIONSHIP

Mr. PORTMAN. Mr. President, last night was a big night for Ohio and for the Cleveland Cavaliers in the NBA finals.

I have tried not to rub it in today. My colleague Senator BROWN and I have been careful not to offend our California colleagues. However, I did wear my Cavaliers tie today.

It was a very exciting night for Cleveland. I rise to simply commend the Cavs for an outstanding performance and a really gutsy performance throughout the entire series.

This team worked together and they showed that together they could overcome all kinds of obstacles and challenges: Kyrie Irving, Tristan Thompson, Kevin Love, J.R. Smith, Mo Williams, Matthew Dellavedova, Richard Jefferson, Iman Shumpert, Coach Tyronn Lue, and then, of course, the king, LeBron James. It was an amazing performance.

There have been a lot of good teams and a lot of great professional sports in Cleveland over the past 50 years, but this is the first championship won by a Cleveland team since 1964 and first ever for the Cavaliers so this is a big deal in Cleveland. We are very excited about it.

During that long drought, it would have been tempting to go give up, but Cleveland fans never did. They never do. Cleveland is ''Believeland,'' as it has been called recently, and now it is the comeback city.

It was not an easy series. It followed a tough year last year. We had a lot of injuries last year, which hammered our ability to be competitive in the finals, and we changed coaches in the middle of the season. We were trailing three games to one. I went to the game a week ago Friday when we lost in Cleveland and went out West. It was a tough situation. Being down 3 to 1 in NBA finals means you usually lose. In fact, no one had ever won being down 3 to 1. But the Cavs aren't just any team; they overcame the odds and showed real grit and persistence, determination, and perseverance. And that is more than just basketball; that embraces and embodies the spirit of Cleveland, and it is a lesson for all of us.

LeBron James put it well when he said:

In northeast Ohio, nothing is given. Everything is earned. You work for what you have.

And the Cavs certainly earned it. They worked hard for it, and they deserve it.

It was fitting that the win was sealed by LeBron James, a proud son of Akron, OH, a graduate of St. Vincent-St. Mary High School, and the unanimously chosen NBA Finals MVP who, by the way, led all players on both teams in the series in every single major statistical category. So in points scored, in rebounds and assists, steals and blocks, he led everyone. We are told this is the first time anyone has ever done that, by the way, in any series. Extraordinary. LeBron scored or assisted on half of the Cavs' points in the finals. He became the third player in NBA history to achieve a triple-double in game 7 of the finals. He almost averaged a triple-double. Over the course of the series, he scored, on average, 29 points, 11 rebounds, and 8.9 assists per game.

His mission to bring this championship to Cleveland is now complete. He came home to Ohio for the same reason so many Ohioans come back or stay in Ohio: That is where he wanted to raise his family, and I commend him for that and also the fact that he really wanted to bring this championship back home.

When he announced his return to Cleveland, he said, ''Before anyone ever cared where I would play basketball, I was just a kid from Northeast Ohio.''

Of course, I want to congratulate Golden State on a historic season, and I want to offer my condolences to my friends and colleagues, Senators Feinstein and Boxer. Senator FEINSTEIN and I made a friendly wager on this. Tomorrow, since the Cavs have won, she will be giving me a case of California wine, and I am pleased I get to keep the case of Great Lakes beer that I had bought for her.

Congratulations to general manager David Griffin, who made a lot of difficult decisions and took the risks necessary in putting together a championship team.

Congratulations to the owner, Dan Gilbert. This is a guy whose strong and consistent support of Cleveland, both on the court and off the court, is paying off for Cleveland, and we appreciate him—and, of course, for his helping to be sure LeBron James came back.

Congratulations, above all, to Believeland—to Cleveland—and to an incredible championship run here.

Mr. President, I am all in for the Cavs.

I yield back.

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

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

## WORLD REFUGEE DAY

Mr. LEAHY. Mr. President, today, we commemorate World Refugee Day. It is a day we make clear that we stand with those who have survived the horrors of war, torture, and persecution. It is a day when we remember our common humanity and the moral imperative to love and care for one another. I can think of no better time than now to pause and remember those fundamental principles. The rhetoric of hate and intolerance has reached a frightening pitch in this country, much of it directed against innocent victims of persecution. We must forcefully reject this un-American rhetoric. With more than 65 million people forcibly displaced around the globe, we must not lower our torch—we must raise it higher. Our national values demand it, and our national interest requires it. As we reflect upon the fate of refugees across the world, we must reclaim our history as a refuge for the persecuted. Today—and every day—I stand with refugees.

Over the past 5 years, the world has witnessed millions of Syrians desperately fleeing the terror inflicted by ISIS and Bashar Al-Assad's regime. Hundreds of thousands have died, and more than half of Syria's 23 million people have been forced from their homes. The vast majority of these are women and children. As a humanitarian leader among nations, the United States must play a significant role in efforts to resettle those displaced by this devastating conflict.

While we must do more for Syria and the surrounding countries, we must not turn a blind eye to the humanitarian crisis growing even closer to home. In the Northern Triangle of Central America, ruthless armed criminal organizations in El Salvador, Honduras, and Guatemala brutalize women and children with impunity. El Salvador and Guatemala have the highest child murder rates in the world—higher even than the child murder rates in the once-active war zones of Iraq and Afghanistan. These three Central American countries also account for some of the highest rates of female homicides worldwide. This pandemic of gang violence in the Northern Triangle has forced thousands of mothers and children to flee and seek refuge wherever they can find it. I remain deeply troubled by the administration's continuing immigration raids directed at these vulnerable women and children. We must do everything we can to ensure that these individuals receive meaningful due process before they are sent back to the chaos and violence from which they fled.

In the face of such staggering suffering, we must live up to our long tradition of being a safe and welcoming haven for those fleeing persecution. Since the passage of the landmark Refugee Act of 1980, the people and communities of the United States have opened their arms to more than 2.5 million refugees. America is the great country that it is because of the contributions of refugees, including the likes of Albert Einstein and Madeleine Albright.

I am especially proud that Vermont has welcomed nearly 8,000 refugees from more than a dozen war-torn countries. These refugees have enriched our communities and are making important contributions to our State. They have become college-educated citizens, small business owners, nurses, and soccer coaches. Recently, Mayor Christopher Louras and members of the Rutland community announced plans to resettle 100 Syrian refugees. I applaud their decision, which should serve as an example to other communities in Vermont and across the country. I am confident that Vermont will prove to be a welcoming home for all of these families.

And we must do more. Last year, the United States announced a very modest plan to resettle 10,000 refugees. To date, however, we have admitted only a fraction of that number. Despite recent attempts to foment our fears, we must not forget that refugees continue to be the most stringently vetted travelers to the United States. And we must remember that ISIS is our enemy; the suffering Syrian people fleeing ISIS are not.

Months ago, the heartbreaking image of 3-year-old Aylan Kurdi's lifeless body washed up on a beach stirred the conscience of the international community. The image was forever seared in my mind, laying bare the human cost of the Syrian crisis. In the United States, there were passionate calls for our country to live up to its humanitarian legacy. Amid today's hateful rhetoric against refugees, we must once again conjure up that image of Aylan. We must reaffirm our commitment to those risking their lives to flee persecution. Now, more than ever, the world needs the United States to lead.

Soon, I will reintroduce the Refugee Protection Act of 2016. Our bicameral bill would make important strides in bolstering and updating our Nation's laws to address the unprecedented refugee crisis we face today, honoring our rich history as a refuge for the persecuted. In this dark chapter of human history, there are dangerous voices urging us to lower our torch. Let the world see that the United States chose instead to hold its torch even higher.

## VOTE EXPLANATION

Mr. NELSON. Mr. President, I was necessarily absent for three rollcall votes for S. 524, the Comprehensive Addiction and Recovery Act of 2016, on June 16, 2016. Had I been present, I would have voted in favor of the motions to instruct led by Senator SHAHEEN and Senator WHITEHOUSE, rollcall vote No. 101 and rollcall vote No. 102, respectively.

I would have also voted in favor of rollcall vote No. 100, cloture on the motion to disagree to the House amendments to the Senate bill, agree to the

request for conference, and the Presiding Officer appoint the following conferees: Senators GRASSLEY, ALEXANDER, HATCH, SESSIONS, LEAHY, MURRAY, and WYDEN.

## WORLD ELDER ABUSE AWARENESS DAY

Mr. GRASSLEY. Mr. President, I have fought for years to protect our Nation's seniors from abuse and exploitation—initially, in my capacity as former chairman of the Senate Aging Committee and more recently as chairman of the Senate Judiciary Committee. Last Wednesday was World Elder Abuse Awareness Day, but because the Democrats were unfortunately blocking the business of the American people on the Senate floor, I was unable to give this statement, so I want to take this opportunity today to express my renewed commitment to ending the abuse and exploitation of older Americans.

We don't know the full extent and scope of the problem of elder abuse, mainly due to underreporting.

Many older Americans don't report instances of elder abuse due to embarrassment, a refusal to acknowledge that they were victimized, or reliance on the perpetrator as their caretaker.

But we do know that serious cases of abuse or exploitation of older Americans seem to be increasing and that it can take several forms: financial, physical, and emotional.

Financial exploitation is the most widespread form of elder abuse, costing seniors in the U.S. between an estimated $2.9 and $36 billion annually. In fact, it is been called ''the crime of the 21st century.''

In my home State of Iowa, for example, so-called grandparent scams are becoming more prevalent. Fraudsters initiating a grandparent scam will present themselves to a senior citizen as a grandchild in distress, in the hope of convincing the grandparent to immediately send cash or give out a credit card number.

Another common scam in Iowa is the sweetheart scam, in which criminals cultivate a romantic relationship with a lonely elder, typically online, and then convince the senior to part with their hard-earned money.

Across the United States, con artists reportedly are also using sweepstakes scams to steal money. A senior is called and told they have won some great prize or sum of money, but before they can claim the supposed prize, the victim is required to pay taxes or processing fees. Once the money is paid to cover the taxes and fees, however, no prize ever materializes.

Other instances of elder financial exploitation are more personal in nature and have especially devastating effects. Some victims are pressured into signing over a deed, modifying a will, or giving a power of attorney. Americans have lost their farms, homes, and life savings to this form of fraud. In Iowa, we have recently revised our laws to protect against these types of abuse, and I will be doing what I can to raise awareness to help stop this nationwide.

Physical abuse is another form of abuse that can have a devastating impact on older Americans. In fact, older Americans who experience physical abuse reportedly have a 300 percent greater chance of dying sooner.

Many older Americans may also face emotional abuse. According to the National Center on Elder Abuse, common examples of emotional abuse include treating an elder like an infant, isolating an elderly person from his or her loved ones or regular activities, and giving an older person the ''silent treatment.''

I have also recently become aware of instances of seniors in nursing homes who were unknowingly photographed in embarrassing and compromising situations. These photos or videos wind up on social media outlets, such as Snapchat, Facebook, and Instagram, simply so a depraved individual can get a few cheap laughs or attention.

I sent a letter to the Attorney General and the Health and Human Services inspector general on this very issue earlier this year because it remains unclear to me what specifically is being done on a Federal level to stop this form of abuse.

I have sent letters to Snapchat, Facebook, and Instagram to better understand what efforts they have taken to help prevent this form of abuse of nursing home residents. And I wrote to the American Health Care Association to inquire about the efforts, if any, that nursing homes have taken to prevent this activity.

I also recently called upon the Justice Department to detail the steps it is taking to protect seniors from financial exploitation. I have asked the Department what it is doing to combat government imposter scams that are bilking millions of dollars out of the pockets of older Americans.

Combating elder abuse and exploitation requires all of us to work together in a bipartisan way. To this end, I will convene a Judiciary Committee hearing later this month on the subject of elder financial exploitation.

This hearing will give us a chance to examine whether the Federal Government is doing all it can to prevent older Americans from being victimized and to ensure that perpetrators are held accountable. We also will hear from State officials on how to best educate older Americans about the ever-changing forms of elder abuse and financial exploitation.

Local, State, and Federal law enforcement agencies are on the front lines in responding to crimes of elder abuse. For this reason, I would like to take a moment to highlight the efforts of the many adult protective service units, local prosecutors, and other practitioners across the country who have helped bring the perpetrators to justice.

I would also like to recognize family, friends, and caretakers who report instances of elder abuse and help their communities better understand the nature of this problem.

In closing, I invite my colleagues to use World Elder Abuse Awareness Day as an opportunity to highlight the problem of elder abuse and to rededicate efforts to protect our Nation's seniors. These men and women are our fathers and mothers, sisters and brothers, mentors and friends. They are the fabric of our country and communities, our greatest generation, and we owe it to them to protect their dignity in their golden years.

Thank you.

## REMEMBERING GEORGE VOINOVICH

Ms. MURKOWSKI. Mr. President, George Voinovich served in this body as the Senator from Ohio from 1999 until 2010. Senator Voinovich was a friend of mine, and I think our colleagues would agree with me that he was among the most respected members of this body. He was respected for his thoughtfulness, for his humility, for his self-effacing nature.

It is sometimes said that the Senate is composed of 100 prospective Presidents of the United States, each of whom is just waiting for the American people to recognize their unappreciated talents. That concept did not apply to George Voinovich. It is not that he was not well prepared to assume the highest office in the land; George Voinovich simply chose to make his contribution in a different way.

George Voinovich was one of the most prepared people ever to serve in the Senate. He was responsible for the turnaround of the city of Cleveland; elected as a Republican mayor in a Democratic town. He served as Lieutenant Governor and Governor the State of Ohio. He was elected by his peers first to the role of president of the National League of Cities and subsequently to chair the National Governors Association.

In the Senate, he contributed significantly to the work of the Foreign Relations Committee, the Homeland Security and Governmental Affairs Committee, the Environment and Public Works Committee, and the Appropriations Committee.

This was a ''workhorse'' not a ''show horse.'' For a politician, he was deliberately the ''unpolitician.'' An individual who built a reputation on his efforts and accomplishments and not on his press releases. Approachable and grassroots as they come, which is especially an admirable quality in one who represents a large State. It bears repeating: ''a self-effacing and humble man.''

George Voinovich was one of the most principled people ever to serve in this body. He was profoundly independent in his thinking. He was frugal in both his policy and in his personal

lives. He was a family man—in fact, an individual prone to public displays of affection. Completely devoted to his wife, Janet, his children, and his grandchildren. He was a pillar of the Cleveland community, proud of his ethnic heritage and a role model for immigrants. George Voinovich was the children of immigrants, and his career demonstrates how far one can go in this great Nation through hard work and character. He was a profoundly ethical individual, chosen by his Senate colleagues to lead the Senate Ethics Committee. He epitomized the way the Senate should be.

Senator Voinovich's loss is not only a loss for Ohio, but a loss to the Nation. For even in retirement, Senator Voinovich had much to contribute to the public discourse. Days before his death, he was out making speeches. He never slowed down. He was expected to serve as a delegate to the 2016 Republican National Convention in his beloved Cleveland.

So let me take this opportunity on behalf of the people of Alaska to thank Janet for sharing George with the Nation. I express condolences to the entire Voinovich family.

The Voinovich family also includes Senator Voinovich's former staff members, some of whom are still part of our Senate family. I would like to personally express condolences to Tara Shaw, who served Senator Voinovich on the Homeland Security and Governmental Affairs Committee. After Senator Voinovich's retirement, Tara came to my office in the role of legislative director and currently serves as legislative director to the Senator from Wyoming, Mr. ENZI. Great Senators groom great staff members. And George Voinovich was one great Senator.

## TRIBUTE TO DAVID WEINER

Mr. ENZI. Mr. President, today, along with my colleague, the ranking member of the Budget Committee, Senator SANDERS, I wish to honor and recognize the outstanding service of David Weiner on his retirement after 32 years of public service, including 25 years at the Congressional Budget Office. David's expertise as a forecaster, modeler, and policy analyst have made him an invaluable contributor to the development of much of the key tax legislation of the past quarter century, starting with the Tax Reform Act of 1986. Since 2013, David has led CBO's tax analysis division, superbly overseeing its forecasts of tax revenues, cost estimates of legislative proposals, reports on important current issues in tax policy, and development of the modeling infrastructure needed to conduct those tasks.

David's first job in Washington was as an evaluator at the U.S. General Accounting Office. He then moved to the Office of Tax Analysis in the Department of Treasury, where he constructed models to estimate revenue effects and produce economic analyses of numerous tax proposals, including those related to capital gains, corporate tax integration, and taxpayer compliance. At Treasury and later at CBO, David was also responsible for the forecasts of individual income tax receipts. CBO was very fortunate in 1991 when David brought his skills to the agency, where he built and maintained microsimulation models used for forecasting receipts and analyzing changes in the distribution of tax burdens. He also wrote influential studies on critical topics in tax policy, including marriage penalties and bonuses in the tax system and effective Federal tax rates. In the tax analysis division, David served as the unit chief for modeling from 2002 to 2009, Deputy Assistant Director from 2009 to 2013, and Assistant Director for the rest of his tenure at CBO.

As head of the tax analysis division, David has led his staff in providing high-quality and timely analysis of tax policy and budget issues. His expansive knowledge of tax policy and how it interacts with other facets of public policy has been a tremendous resource to the Congress. Colleagues who have worked with David appreciate his uncanny ability to find solutions to challenges and his commitment to producing top-caliber analyses but they will especially miss his wit, his generosity with his time and knowledge, and his compassion.

I know my colleagues join me in extending our thanks and appreciation to David for his service to our Nation. We wish him well in his retirement from CBO and hope he will continue in future years to lend his expertise to the analysis of important tax policy issues.

I would like to now yield to my colleague Senator SANDERS for his remarks.

Mr. SANDERS. I thank Mr. ENZI and join him in commending Mr. Weiner for his many years of dedicated and outstanding service to CBO, the Congress, and the American people. Through his diligence and hard work, he has more than earned additional time for biking, training for the annual Washington Post hunt, and most importantly, for his family—his wife, Joan, and his sons, Kevin, Daniel, and Eric.

We hope our colleagues will join us in thanking Mr. Weiner for his service.

## ADDITIONAL STATEMENTS

### TRIBUTE TO DARIN GORDON

• Mr. ALEXANDER. Mr. President, I request that a copy of my letter to Darin Gordon, TennCare director and deputy commissioner of the Tennessee Health Care Finance Administration, be printed in the RECORD.

The material follows:

TRIBUTE TO DARIN GORDON

I am writing to express my sincere appreciation for your service as director of TennCare over the past 10 years.

As the state's longest-serving TennCare director and the longest-serving Medicaid director in the country, you have helped transition our state's Medicaid program from being one of Tennessee's biggest budget headaches to being consistently ranked as one of the nation's most fiscally responsible.

As Governor of Tennessee, I saw firsthand the impact that runaway health care costs can have on other important state programs—like higher education and roads and bridges. For the past ten years, you have worked tirelessly to restrain unnecessary state spending on TennCare and have developed innovative solutions to increase patient access and satisfaction. Your leadership has proven that you understand how critical it is for the state to get health care costs under control, and I'm also impressed with what you've been able to accomplish under both a Democratic and Republican governor.

Medicaid spending is on track to double over the next ten years. Congress needs advice on growing entitlement programs from experienced leaders like you because you understand the challenges states are facing and how the federal role has contributed to the increases in state spending related to Medicaid.

You have led TennCare through challenging times and have been instrumental in helping the state modernize its Medicaid delivery system. I thank you for your service to Tennesseans and your willingness to work with me and my staff to help advance good Medicaid policies and avoid Washington mandates.

I wish you the best as you continue your professional career.

Very best wishes.•

### GREENFIELD'S 225TH ANNIVERSARY CELEBRATION

• Ms. AYOTTE. Mr. President, today I wish to honor Greenfield, NH—a flourishing community in Hillsborough County that is celebrating the 225th anniversary of its founding. I am proud to join citizens across the Granite State in recognition of this special event.

Greenfield originally encompassed parts of the towns of Peterborough and Lyndeborough, as well as the Lyndeborough Slip and Society Land until the residents petitioned the General Court of New Hampshire to become a separate town, so that they might have access to a church and school. Permission was granted, and the town of Greenfield was incorporated on June 15, 1791.

Founded primarily by Revolutionary War veterans, the town of Greenfield was named by Major Amos Whittemore for its peaceful and fertile location between the Monadnock Hills. The early settlers were known for growing hops, building carriages, and their many sawmills. The first townhall meeting was held at the house of Mr. Daniel Gould on July 5, 1791, and since that time, the population has grown to include 1,477 residents as of the year 2014.

Known for its mountainous terrain, Greenfield is home to North Pack Monadnock and Crotched Mountains. Due to the prevalence of the mountains, the town contains an abundance of scenic trails that travel throughout the region. This has made Greenfield the perfect venue for all kinds of recreational outdoor activities.

Greenfield's past is well represented by its historic meeting house. The town's other notable landmarks include the Crotched Mountain Foundation, a rehabilitation center for handicapped children, the County Covered Bridge, Yankee Siege, a onetime world record holding trebuchet, and Greenfield State Park.

On behalf of all Granite Staters, I am pleased to offer my congratulations to the citizens of Greenfield as they celebrate 225 years of exemplifying what is best about our home, and I thank them for their many integral contributions to the life and spirit of New Hampshire.●

## TRIBUTE TO KENNETH KUEHNL

● Mr. JOHNSON. Mr. President, today I wish to recognize Kenneth Kuehnl who earlier this month left the position of Wisconsin State adjutant and chief operating officer of the Disabled American Veterans, DAV, after 11 years. As Ken steps down from his leadership role with the Wisconsin DAV, I want to acknowledge Ken's service to Wisconsin and our Nation.

Ken is a Vietnam war veteran who began his U.S. military service in April 1971. He is a longtime member of the DAV Kenosha Chapter 20 in Wisconsin, with 34 years as a DAV member. Before becoming the Wisconsin DAV State adjutant and chief operating officer in 2005, Ken served as the Wisconsin department commander from 1996 to 1997.

I hope all of my colleagues will join me in offering our congratulations to Ken Kuehnl and his wife, Lynn. Ken has dedicated his time, talents, and energy to serving the finest among us, our Nation's veterans. I thank Ken for his service and wish him continued success in the future.●

## TRIBUTE TO JOHN NIEBERGALL

● Mr. WYDEN. Mr. President, I come to the floor today to honor a great educator in my home State. John Niebergall of Sherwood, OR, has been recognized as a White House ''Champion of Change.'' John's tremendous recognition and White House visit is well deserved. As an educator for more than 30 years, he has provided so many students at Sherwood High School with hands-on learning opportunities that prepare them for a 21st century career after graduation.

On May 4, I had the opportunity to visit Sherwood High School to witness firsthand the remarkable projects students were turning out in John's Mobile Makerspace. Students enrolled in his career and technical education programs—otherwise known as CTE courses—showed me their expertise handling a laser-cutter and a 3–D printer. John's students also have access to a welding shop and woodworking shop, where one student showed me a guitar he was building. It was clear to see that students participating in John's classes were excited about their work and motivated to be creative in the workspace.

Research has shown that students enrolled in CTE courses graduate from high school at a higher rate, and students enrolled in these courses are more likely to show up to class. After getting a tour of John's engineering classes and woodshop classes, it is no surprise to me that Sherwood High School is a high-performing school. The connection between good CTE programs and student success could not be clearer.

I am committed to supporting programs like the ones John teaches in Sherwood and will continue to do all that I can to provide Federal and State-funded career and technical education courses at more schools in my home State. His model can—and should—be replicated around the country. That is why I was thrilled to take a ride in his ''Fab-Lab'' mobile trailer that was full of computers and manufacturing equipment. He takes this mobile trailer on the road to connect with other CTE teachers in Oregon. When teachers like John collaborate with other educators, more students benefit.

As part of the ''Champions of Change'' program, the White House recognizes Americans who are making positive changes in their communities. There is no doubt John is doing just that. I commend John for teaching a diverse course load that exposes students to the many different types of CTE fields they could pursue after high school.

To finish, I want to send a big thank you to everyone at Sherwood High School for allowing me to visit. And I want to send a big congratulations to John for this tremendous recognition. I look forward to working with him to promote Career and Technical Education programs in Oregon and across the country.●

## MESSAGE FROM THE HOUSE

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

H.R. 5293. An act making appropriations for the Department of Defense for the fiscal year ending September 30, 2017, and for other purposes.

H.R. 5471. An act to combat terrorist recruitment in the United States, 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. 5471. An act to combat terrorist recruitment in the United States, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

## MEASURES PLACED ON THE CALENDAR

The following bill was read the first and second times by unanimous consent, and placed on the calendar:

H.R. 5293. An act making appropriations for the Department of Defense for the fiscal year ending September 30, 2017, and for other purposes.

## PRIVILEGED NOMINATIONS REFERRED TO COMMITTEE

On request by Senator Schumer, Senator Whitehouse, and Senator Warren, under the authority of S. Res. 116, 112th Congress, the following nominations were referred to the Committee on Finance:

Charles P. Blahous, III, of Maryland, to be a Member of the Board of Trustees of the Federal Supplementary Medical Insurance Trust Fund for a term of four years. (Reappointment)

Charles P. Blahous, III, of Maryland, to be a Member of the Board of Trustees of the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund for a term of four years. (Reappointment)

Charles P. Blahous, III, of Maryland, to be a Member of the Board of Trustees of the Federal Hospital Insurance Trust Fund for a term of four years. (Reappointment)

## EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC–5790. A joint communication from the Assistant Secretary, Legislative Affairs, Department of State and the Assistant Secretary of Defense (Legislative Affairs), transmitting, pursuant to law, a report on the ongoing bilateral security relationship between the United States and the Republic of Cyprus; to the Committees on Armed Services; and Foreign Relations.

EC–5791. A joint communication from the Secretary of Defense and the Chairman of the Joint Chiefs of Staff, transmitting a request relative to issuing a travel restriction on senior officials' travel to Iraq for the period of June 15, 2016 through August 31, 2016; to the Committee on Armed Services.

EC–5792. A communication from the Under Secretary of Defense (Personnel and Readiness), transmitting a report on the approved retirement of General Frank J. Grass, Army National Guard of the United States, and his advancement to the grade of general on the retired list; to the Committee on Armed Services.

EC–5793. A communication from the Honors Attorney, Legal Division, Bureau of Consumer Financial Protection, transmitting, pursuant to law, the report of a rule entitled ''Civil Penalty Inflation Adjustments'' (RIN3170–AA62) received in the Office of the President of the Senate on June 15, 2016; to the Committee on Banking, Housing, and Urban Affairs.

EC–5794. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Wyoming: Final Authorization of State Hazardous Waste Management Program Revisions and Incorporation by Reference'' (FRL No. 9947–06–Region 8) received in the Office of the President of the Senate on June 16, 2016; to the Committee on Environment and Public Works.

EC–5795. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''South Dakota: Final Authorization of State Hazardous Waste Management Program Revisions and Incorporation by Reference'' (FRL No. 9947–04–Region 8) received in the Office of the President of the Senate on June 16, 2016; to the Committee on Environment and Public Works.

EC–5796. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval, Disapproval and Promulgation of Air Quality Implementation Plans; Partial Approval and Partial Disapproval of Air Quality Implementation Plans and Federal Implementation Plan; Utah; Revisions to Regional Haze State Implementation Plan; Federal Implementation Plan for Regional Haze'' (FRL No. 9947–42–Region 8) received in the Office of the President of the

Senate on June 16, 2016; to the Committee on Environment and Public Works.

EC–5797. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval of Iowa's State Implementation Plan (SIP); Definition of Greenhouse Gas and Prevention of Significant Deterioration (PSD) Plantwide Applicability Limits (PALs) Revisions'' (FRL No. 9947–81–Region 7) received in the Office of the President of the Senate on June 16, 2016; to the Committee on Environment and Public Works.

EC–5798. A communication from the Director of Congressional Affairs, Nuclear Material Safety and Safeguards, Nuclear Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled ''Fuel Retrievability in Spent Fuel Storage Applications'' (NRC–2015–0241) received in the Office of the President of the Senate on June 15, 2016; to the Committee on Environment and Public Works.

EC–5799. A communication from the Chair of the Medicaid and CHIP Payment and Access Commission, transmitting, pursuant to law, a report entitled ''Report to Congress on Medicaid and CHIP''; to the Committee on Finance.

EC–5800. A communication from the Acting Assistant Secretary, Bureau of Political-Military Affairs, Department of State, transmitting, pursuant to law, an addendum to a certification, of the proposed sale or export of defense articles and/or defense services to a Middle East country regarding any possible affects such a sale might have relating to Israel's Qualitative Military Edge over military threats to Israel (OSS–2016–0851); to the Committee on Foreign Relations.

EC–5801. A communication from the Principal Deputy Assistant Secretary, Bureau of Political-Military Affairs, Department of State, transmitting, pursuant to law, an addendum to a certification, of the proposed sale or export of defense articles and/or defense services to a Middle East country regarding any possible affects such a sale might have relating to Israel's Qualitative Military Edge over military threats to Israel (OSS–2016–0850); to the Committee on Foreign Relations.

EC–5802. A communication from the Acting Assistant Secretary, Bureau of Political-Military Affairs, Department of State, transmitting, pursuant to law, an addendum to a certification, of the proposed sale or export of defense articles and/or defense services to a Middle East country regarding any possible affects such a sale might have relating to Israel's Qualitative Military Edge over military threats to Israel (OSS–2016–0849); to the Committee on Foreign Relations.

EC–5803. A communication from the Acting Assistant Secretary, Bureau of Political-Military Affairs, Department of State, transmitting, pursuant to law, an addendum to a certification, of the proposed sale or export of defense articles and/or defense services to a Middle East country regarding any possible affects such a sale might have relating to Israel's Qualitative Military Edge over military threats to Israel (OSS–2016–0848); to the Committee on Foreign Relations.

EC–5804. A communication from the Acting Assistant Secretary, Bureau of Political-Military Affairs, Department of State, transmitting, pursuant to law, an addendum to a certification, of the proposed sale or export of defense articles and/or defense services to a Middle East country regarding any possible affects such a sale might have relating to Israel's Qualitative Military Edge over military threats to Israel (OSS–2016–0845); to the Committee on Foreign Relations.

EC–5805. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to the UN Multidimensional Integrated Stabilization Mission in Mali (MINUSMA) mandate; to the Committee on Foreign Relations.

EC–5806. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to section 36(c) of the Arms Export Control Act (DDTC 15–146); to the Committee on Foreign Relations.

EC–5807. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to section 36(d) of the Arms Export Control Act (DDTC 16–144); to the Committee on Foreign Relations.

EC–5808. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to section 36(c) of the Arms Export Control Act (DDTC 16–002); to the Committee on Foreign Relations.

EC–5809. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to section 36(c) of the Arms Export Control Act (DDTC 15–097); to the Committee on Foreign Relations.

EC–5810. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to section 36(c) of the Arms Export Control Act (DDTC 15–135); to the Committee on Foreign Relations.

EC–5811. A communication from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting, pursuant to the Case-Zablocki Act, 1 U.S.C. 112b, as amended, the report of the texts and background statements of international agreements, other than treaties (List 2016–0077—2016–0083); to the Committee on Foreign Relations.

EC–5812. A communication from the Deputy Special Master, Civil Division, Department of Justice, transmitting, pursuant to law, the report of a rule entitled ''James Zadroga 9/11 Victim Compensation Fund Reauthorization Act'' (RIN1105–AB49) received in the Office of the President of the Senate on June 15, 2016; to the Committee on Health, Education, Labor, and Pensions.

EC–5813. A communication from the Director, Office of Federal Contract Compliance Programs, Department of Labor, transmitting, pursuant to law, the report of a rule entitled ''Office of Federal Contract Compliance Programs'' (RIN1250–AA05) received in the Office of the President of the Senate on June 15, 2016; to the Committee on Health, Education, Labor, and Pensions.

EC–5814. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 21–414, ''Fiscal Year 2017 Local Budget Act of 2016''; to the Committee on Homeland Security and Governmental Affairs.

EC–5815. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 21–412, ''Homeless Shelter Replacement Act of 2016''; to the Committee on Homeland Security and Governmental Affairs.

EC–5816. A communication from the Administrator of the Small Business Administration, transmitting, pursuant to law, the Semiannual Report from the Office of the Inspector General for the period from October 1, 2015 through March 31, 2016; to the Committee on Homeland Security and Governmental Affairs.

EC–5817. A communication from the Chair of the Equal Employment Opportunity Commission, transmitting, pursuant to law, the Commission's Semiannual Report of the Inspector General and the Semiannual Management Report for the period from October 1, 2015 through March 31, 2016; to the Committee on Homeland Security and Governmental Affairs.

EC–5818. A communication from the Chairwoman of the Federal Trade Commission, transmitting, pursuant to law, the Semiannual Report of the Inspector General for the period from October 1, 2015 through March 31, 2016; to the Committee on Homeland Security and Governmental Affairs.

EC–5819. A communication from the Secretary of Education, transmitting, pursuant to law, the Department's Semiannual Report to Congress on Audit Follow-up for the period of October 1, 2015 through March 31, 2016; to the Committee on Homeland Security and Governmental Affairs.

EC–5820. A communication from the Assistant Secretary for Civil Rights, Department of Agriculture, transmitting, pursuant to law, the Department's fiscal year 2015 annual report relative to the Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002 (No FEAR Act); to the Committee on Homeland Security and Governmental Affairs .

EC–5821. A communication from the Deputy Assistant Administrator of the Office of Diversion Control, Drug Enforcement Agency, Department of Justice, transmitting, pursuant to law, the report of a rule entitled ''Redelegation of Functions; Delegation of Authority to Drug Enforcement Administration Official'' (Docket No. DEA–441) received in the Office of the President of the Senate on June 14, 2016; to the Committee on the Judiciary.; to the Committee on the Judiciary.

EC–5822. A communication from the Acting Chief of the Office of Regulatory Affairs, Bureau of Alcohol, Tobacco, Firearms, and Explosives, Department of Justice, transmitting, pursuant to law, the report of a rule entitled ''Recordkeeping Regulations'' (RIN1140–AA50) received in the Office of the President of the Senate on June 15, 2016; to the Committee on the Judiciary.

EC–5823. A communication from the Trial Attorney, Federal Railroad Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Railroad Workplace Safety; Roadway Worker Protection Miscellaneous Revisions (RRR)'' (RIN2130–AB89) received in the Office of the President of the Senate on June 16, 2016; to the Committee on Commerce, Science, and Transportation.

EC–5824. A communication from the Trial Attorney, Federal Railroad Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''National Highway-Rail Crossing Inventory Reporting Requirements'' (RIN2130–AC55) received in the Office of the President of the Senate on June 16, 2016; to the Committee on Commerce, Science, and Transportation.

EC–5825. A communication from the Senior Attorney Advisor, Federal Highway Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Heavy Vehicle Use Tax; Technical Correction'' (RIN2125–AF71) received in the Office of the President of the Senate on June 16, 2016; to the Committee on Commerce, Science, and Transportation.

EC–5826. A communication from the Deputy Assistant Chief Counsel for Safety, Federal Railroad Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Control of Alcohol and Drug Use: Coverage of Maintenance of Way (MOW) Employees and Retrospective Regulatory Review-Based Amendments'' (RIN2130–AC10) received in the Office of the President of the Senate on June 16, 2016; to the Committee on Commerce, Science, and Transportation.

EC–5827. A communication from the Assistant Administrator for Procurement, National Aeronautics and Space Administration, transmitting, pursuant to law, the report of a rule entitled ''Cooperative Agreements with Commercial Firms'' (RIN2700–AE25) received in the Office of the President of the Senate on June 15, 2016; to the Committee on Commerce, Science, and Transportation.

EC–5828. A communication from the Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service,, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic: Snapper-Grouper Fishery Off the Southern Atlantic States; Amendment 35'' (RIN0648–BE70) received in the Office of the President of the Senate on June 15, 2016; to the Committee on Commerce, Science, and Transportation.

EC–5829. A communication from the Deputy Assistant Administrator for Regulatory Programs, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries Off West Coast States; West Coast Salmon Fisheries; 2016 Management Measures and a Temporary Rule'' (RIN0648–BF56) received in the Office of the President of the Senate on June 15, 2016; to the Committee on Commerce, Science, and Transportation.

EC–5830. A communication from the Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Pacific Island Fisheries; 2015–16 Annual Catch Limits and Accountability Measures; Main Hawaiian Islands Deep 7 Bottomfish'' (RIN0648–XE062) received in the Office of the President of the Senate on June 15, 2016; to the Committee on Commerce, Science, and Transportation.

EC–5831. A communication from the Deputy Assistant Administrator for Regulatory Programs, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries Off West Coast States; Pacific Coast Groundfish Fishery Management Plan; Trawl Rationalization Program; Flow Scale Requirements'' (RIN0648–BF39) received in the Office of the President of the Senate on June 15, 2016; to the Committee on Commerce, Science, and Transportation.

## REPORTS OF COMMITTEES

The following reports of committees were submitted:

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

S. 1817. A bill to improve the effectiveness of major rules in accomplishing their regulatory objectives by promoting retrospective review, and for other purposes (Rept. No. 114–282).

By Mr. INHOFE, from the Committee on Environment and Public Works, with amendments:

S. 2848. A bill to provide for the conservation and development of water and related resources, to authorize the Secretary of the Army to construct various projects for improvements to rivers and harbors of the United States, and for other purposes (Rept. No. 114–283).

## 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. COTTON:

S. 3076. A bill to amend title 38, United States Code, to authorize the Secretary of Veterans Affairs to furnish caskets and urns for burial in cemeteries of States and tribal organizations of veterans without next of kin or sufficient resources to provide for caskets or urns, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. SCHATZ (for himself, Mr. HATCH, Mr. TILLIS, and Mr. COONS):

S. 3077. A bill to improve medical research on marijuana; to the Committee on the Judiciary.

## SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

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

By Mr. PERDUE (for himself, Mr. JOHNSON, Mrs. SHAHEEN, Mr. MENENDEZ, Mr. RISCH, and Mr. GARDNER):

S. Res. 501. A resolution expressing the sense of the Senate on Russian military aggression; to the Committee on Foreign Relations.

By Mr. ALEXANDER (for himself and Mr. DURBIN):

S. Res. 502. A resolution designating June 20, 2016, as ''American Eagle Day'' and celebrating the recovery and restoration of the bald eagle, the national symbol of the United States; considered and agreed to.

By Mr. CARDIN (for himself, Mr. MURPHY, Mr. MENENDEZ, Ms. KLOBUCHAR, Mr. DURBIN, Mr. COONS, Mrs. MURRAY, Ms. STABENOW, Mr. WYDEN, Ms. BALDWIN, Mr. MARKEY, Mr. BOOKER, Mr. BROWN, Mr. REED, Mr. PETERS, Mr. BLUMENTHAL, and Mr. KAINE):

S. Res. 503. A resolution recognizing June 20, 2016, as ''World Refugee Day''; to the Committee on Foreign Relations.

## ADDITIONAL COSPONSORS

S. 6

At the request of Mr. REID, his name was added as a cosponsor of S. 6, a bill to reform our government, reduce the grip of special interest, and return our democracy to the American people through increased transparency and oversight of our elections and government.

S. 314

At the request of Mr. GRASSLEY, the name of the Senator from South Carolina (Mr. SCOTT) 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 Iowa (Mrs. ERNST) 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 Vermont (Mr. LEAHY) 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 Oregon (Mr. MERKLEY) 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. 553

At the request of Mr. CORKER, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 553, a bill to marshal resources to undertake a concerted, transformative effort that seeks to bring an end to modern slavery, and for other purposes.

S. 1127

At the request of Mr. REED, the name of the Senator from Massachusetts (Mr. MARKEY) was added as a cosponsor of S. 1127, a bill to amend the Internal Revenue Code of 1986 to expand the denial of deduction for certain excessive employee remuneration, and for other purposes.

S. 1421

At the request of Mr. HATCH, the name of the Senator from New Jersey (Mr. BOOKER) was added as a cosponsor of S. 1421, a bill to amend the Federal Food, Drug, and Cosmetic Act to authorize a 6-month extension of certain exclusivity periods in the case of approved drugs that are subsequently approved for a new indication to prevent, diagnose, or treat a rare disease or condition, and for other purposes.

S. 1555

At the request of Ms. HIRONO, the names of the Senator from Oklahoma (Mr. INHOFE) and the Senator from Arkansas (Mr. BOOZMAN) 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. 1760

At the request of Mrs. GILLIBRAND, the name of the Senator from Rhode Island (Mr. REED) was added as a cosponsor of S. 1760, a bill to prevent gun trafficking.

S. 2067

At the request of Mr. WICKER, the name of the Senator from South Carolina (Mr. SCOTT) was added as a cosponsor of S. 2067, a bill to establish EUREKA Prize Competitions to accelerate discovery and development of disease-modifying, preventive, or curative treatments for Alzheimer's disease and related dementia, to encourage efforts to enhance detection and diagnosis of such diseases, or to enhance the quality and efficiency of care of individuals with such diseases.

S. 2217

At the request of Mr. KING, the name of the Senator from North Dakota (Ms. HEITKAMP) was added as a cosponsor of S. 2217, a bill to amend the Federal Food, Drug, and Cosmetic Act to improve and clarify certain disclosure requirements for restaurants and similar

retail food establishments, and to amend the authority to bring proceedings under section 403A.

S. 2219

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

S. 2311

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

S. 2469

At the request of Mr. BLUMENTHAL, the name of the Senator from Rhode Island (Mr. REED) was added as a cosponsor of S. 2469, a bill to repeal the Protection of Lawful Commerce in Arms Act.

S. 2551

At the request of Mr. CARDIN, the name of the Senator from Minnesota (Ms. KLOBUCHAR) was added as a cosponsor of S. 2551, a bill to help prevent acts of genocide and mass atrocities, which threaten national and international security, by enhancing United States civilian capacities to prevent and mitigate such crises.

S. 2598

At the request of Ms. WARREN, the name of the Senator from Michigan (Mr. PETERS) was added as a cosponsor of S. 2598, a bill to require the Secretary of the Treasury to mint coins in recognition of the 60th anniversary of the Naismith Memorial Basketball Hall of Fame.

S. 2671

At the request of Mr. NELSON, the name of the Senator from Nevada (Mr. HELLER) was added as a cosponsor of S. 2671, a bill to amend title XVIII of the Social Security Act to establish rules for payment for graduate medical education (GME) costs for hospitals that establish a new medical residency training program after hosting resident rotators for short durations.

S. 2730

At the request of Mr. MARKEY, the name of the Senator from Alabama (Mr. SESSIONS) was added as a cosponsor of S. 2730, a bill to award a Congressional Gold Medal to the 23rd Headquarters Special Troops, known as the ''Ghost Army'', collectively, in recognition of its unique and incredible service during World War II.

S. 2736

At the request of Mr. THUNE, the name of the Senator from Wisconsin (Mr. JOHNSON) 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 name of the Senator from Kansas (Mr. MORAN) was added as a cosponsor of S. 2750, a bill to amend the Internal Revenue Code to extend and modify certain charitable tax provisions.

At the request of Mr. WYDEN, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 2750, supra.

S. 2790

At the request of Mr. CRUZ, the name of the Senator from Louisiana (Mr. CASSIDY) was added as a cosponsor of S. 2790, a bill to provide requirements for the appropriate Federal banking agencies when requesting or ordering a depository institution to terminate a specific customer account, to provide for additional requirements related to subpoenas issued under the Financial Institutions Reform, Recovery, and Enforcement Act of 1989, and for other purposes.

S. 2800

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

S. 2904

At the request of Mr. WHITEHOUSE, the name of the Senator from New York (Mrs. GILLIBRAND) was added as a cosponsor of S. 2904, a bill to amend title II of the Social Security Act to eliminate the five month waiting period for disability insurance benefits under such title for individuals with amyotrophic lateral sclerosis.

S. 2934

At the request of Mr. SCHUMER, the name of the Senator from Hawaii (Ms. HIRONO) was added as a cosponsor of S. 2934, a bill to ensure that all individuals who should be prohibited from buying a firearm are listed in the national instant criminal background check system and require a background check for every firearm sale.

S. 2949

At the request of Ms. KLOBUCHAR, the names of the Senator from Michigan (Mr. PETERS) and the Senator from Minnesota (Mr. FRANKEN) were added as cosponsors of S. 2949, a bill to amend and reauthorize the Great Lakes Fish and Wildlife Restoration Act of 1990.

S. 3053

At the request of Mr. CASEY, the name of the Senator from Rhode Island (Mr. REED) was added as a cosponsor of S. 3053, a bill to prevent a person who has been convicted of a misdemeanor hate crime, or received an enhanced sentence for a misdemeanor because of hate or bias in its commission, from obtaining a firearm.

S. 3058

At the request of Mr. NELSON, the names of the Senator from New Mexico (Mr. UDALL) and the Senator from Connecticut (Mr. BLUMENTHAL) were added as cosponsors of S. 3058, a bill to require that certain information relating to terrorism investigations be included in the NICS database, and for other purposes.

S. 3074

At the request of Mr. MARKEY, the name of the Senator from New York (Mrs. GILLIBRAND) was added as a cosponsor of S. 3074, a bill to authorize the National Oceanic and Atmospheric Administration to establish a Climate Change Education Program.

S. CON. RES. 36

At the request of Mr. NELSON, the name of the Senator from New Jersey (Mr. BOOKER) was added as a cosponsor of S. Con. Res. 36, a concurrent resolution expressing support of the goal of ensuring that all Holocaust victims live with dignity, comfort, and security in their remaining years, and urging the Federal Republic of Germany to reaffirm its commitment to that goal through a financial commitment to comprehensively address the unique health and welfare needs of vulnerable Holocaust victims, including home care and other medically prescribed needs.

S. RES. 349

At the request of Mr. ROBERTS, the names of the Senator from Florida (Mr. NELSON), the Senator from California (Mrs. BOXER) and the Senator from Massachusetts (Mr. MARKEY) were added as cosponsors of S. Res. 349, a resolution congratulating the Farm Credit System on the celebration of its 100th anniversary.

S. RES. 482

At the request of Mrs. SHAHEEN, the names of the Senator from Colorado (Mr. BENNET) and the Senator from New Jersey (Mr. MENENDEZ) were added as cosponsors of S. Res. 482, a resolution urging the European Union to designate Hizballah in its entirety as a terrorist organization and to increase pressure on the organization and its members to the fullest extent possible.

AMENDMENT NO. 4715

At the request of Mr. HELLER, the name of the Senator from Alabama (Mr. SESSIONS) was added as a cosponsor of amendment No. 4715 intended to be proposed to H.R. 2578, a bill making appropriations for the Departments of Commerce and Justice, Science, and Related Agencies for the fiscal year ending September 30, 2016, and for other purposes.

AMENDMENT NO. 4719

At the request of Ms. BALDWIN, the name of the Senator from Maryland (Mr. CARDIN) was added as a cosponsor of amendment No. 4719 intended to be proposed to H.R. 2578, a bill making appropriations for the Departments of Commerce and Justice, Science, and Related Agencies for the fiscal year ending September 30, 2016, and for other purposes.

AMENDMENT NO. 4720

At the request of Mrs. FEINSTEIN, the names of the Senator from Hawaii (Ms. HIRONO), the Senator from Illinois (Mr. KIRK), the Senator from New Hampshire (Mrs. SHAHEEN), the Senator from Maine (Mr. KING) and the Senator from Massachusetts (Ms. WARREN) were added as cosponsors of amendment No. 4720 proposed to H.R. 2578, a bill making appropriations for the Departments of Commerce and Justice, Science, and Related Agencies for the fiscal year ending September 30, 2016, and for other purposes.

AMENDMENT NO. 4733

At the request of Mr. CRUZ, the name of the Senator from Nebraska (Mr. SASSE) was added as a cosponsor of amendment No. 4733 intended to be proposed to H.R. 2578, a bill making appropriations for the Departments of Commerce and Justice, Science, and Related Agencies for the fiscal year ending September 30, 2016, and for other purposes.

AMENDMENT NO. 4743

At the request of Mr. HATCH, the name of the Senator from Alabama (Mr. SESSIONS) was added as a cosponsor of amendment No. 4743 intended to be proposed to H.R. 2578, a bill making appropriations for the Departments of Commerce and Justice, Science, and Related Agencies for the fiscal year ending September 30, 2016, and for other purposes.

AMENDMENT NO. 4750

At the request of Mr. MURPHY, the names of the Senator from Vermont (Mr. SANDERS) and the Senator from New York (Mrs. GILLIBRAND) were added as cosponsors of amendment No. 4750 proposed to H.R. 2578, a bill making appropriations for the Departments of Commerce and Justice, Science, and Related Agencies for the fiscal year ending September 30, 2016, and for other purposes.

AMENDMENT NO. 4762

At the request of Mr. MERKLEY, the names of the Senator from Connecticut (Mr. BLUMENTHAL), the Senator from Oregon (Mr. WYDEN), the Senator from New York (Mr. SCHUMER), the Senator from Vermont (Mr. LEAHY), the Senator from Massachusetts (Mr. MARKEY), the Senator from Vermont (Mr. SANDERS), the Senator from Connecticut (Mr. MURPHY) and the Senator from Ohio (Mr. BROWN) were added as cosponsors of amendment No. 4762 intended to be proposed to H.R. 2578, a bill making appropriations for the Departments of Commerce and Justice, Science, and Related Agencies for the fiscal year ending September 30, 2016, and for other purposes.

## SUBMITTED RESOLUTIONS

### SENATE RESOLUTION 501—EXPRESSING THE SENSE OF THE SENATE ON RUSSIAN MILITARY AGGRESSION

Mr. PERDUE (for himself, Mr. JOHNSON, Mrs. SHAHEEN, Mr. MENENDEZ, Mr. RISCH, and Mr. GARDNER) submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 501

Whereas, 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;

Whereas 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'';

Whereas, 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 Seal;

Whereas, 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'';

Whereas, on April 12, 2014, a Russian Su–24 again conducted close-range low altitude passes for about 90 minutes near the DONALD COOK;

Whereas 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'';

Whereas, 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'';

Whereas, 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'';

Whereas, 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;

Whereas 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;

Whereas Russia's military build-up and increasing Anti-Access/Area Denial capabilities in Kaliningrad and its expanded operations in the Arctic, 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;

Whereas 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; and

Whereas 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'': Now, therefore, be it

*Resolved*, That the Senate—

(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.

### SENATE RESOLUTION 502—DESIGNATING JUNE 20, 2016, AS ''AMERICAN EAGLE DAY'' AND CELEBRATING THE RECOVERY AND RESTORATION OF THE BALD EAGLE, THE NATIONAL SYMBOL OF THE UNITED STATES

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

S. RES. 502

Whereas the bald eagle was chosen as the central image of the Great Seal of the United States on June 20, 1782, by the Founding Fathers at the Congress of the Confederation;

Whereas the bald eagle is widely known as the living national symbol of the United States and for many generations has represented values such as—

(1) freedom;
(2) democracy;
(3) courage;
(4) strength;
(5) spirit;
(6) independence;
(7) justice; and
(8) excellence;

Whereas the bald eagle is unique only to North America and cannot be found naturally in any other part of the world, which was one of the primary reasons the Founding Fathers selected the bald eagle to symbolize the Government of the United States;

Whereas the bald eagle is the central image used in the official logos of many branches and departments of the Federal Government, including—

(1) the Executive Office of the President;
(2) Congress;
(3) the Supreme Court;
(4) the Department of Defense;
(5) the Department of the Treasury;
(6) the Department of Justice;
(7) the Department of State;
(8) the Department of Commerce;
(9) the Department of Homeland Security;
(10) the Department of Veterans Affairs;
(11) the Department of Labor;
(12) the Department of Health and Human Services;
(13) the Department of Energy;

(14) the Department of Housing and Urban Development;

(15) the Central Intelligence Agency; and

(16) the United States Postal Service;

Whereas the bald eagle is an inspiring symbol of the spirit of freedom and the sovereignty of the United States;

Whereas the image and symbolism of the bald eagle has played a significant role in art, music, literature, architecture, commerce, education, and culture in the United States, and on United States stamps, currency, and coinage;

Whereas the bald eagle was once endangered and facing possible extinction in the lower 48 States, but has made a gradual and encouraging comeback to the lands, waterways, and skies of the United States;

Whereas the dramatic recovery of the national bird of the United States is an endangered species success story and an inspirational example to other environmental, natural resource, and wildlife conservation efforts worldwide;

Whereas, in 1940, noting that the species was ''threatened with extinction'', Congress passed the Bald Eagle Protection Act (16 U.S.C. 668 et seq.), which prohibited killing, selling, or possessing the species, and a 1962 amendment expanded protection to the golden eagle, thereby establishing the Bald and Golden Eagle Protection Act;

Whereas, by 1963, there were only an estimated 417 nesting pairs of bald eagles remaining in the lower 48 States, with loss of habitat, poaching, and the use of pesticides and other environmental contaminants contributing to the near demise of the national bird of the United States;

Whereas the bald eagle was officially declared an endangered species in 1967 under the Endangered Species Preservation Act of 1966 (Public Law 89-669; 80 Stat. 926) in all areas of the United States south of the 40th parallel due to the dramatic decline in the population of the bald eagle in the lower 48 States;

Whereas the Endangered Species Act (16 U.S.C. 1531 et seq.) was signed into law in 1973 and, in 1978, the bald eagle was listed as ''endangered'' throughout the lower 48 states, except in Michigan, Minnesota, Oregon, Washington, and Wisconsin, where it was designated as ''threatened'';

Whereas, in July 1995, the United States Fish and Wildlife Service announced that bald eagles in the lower 48 States had recovered to the point where populations of bald eagles previously considered ''endangered'' were now considered ''threatened'';

Whereas, by 2007, bald eagles residing in the lower 48 States had rebounded to approximately 11,000 pairs;

Whereas the Department of the Interior and the United States Fish and Wildlife Service removed the bald eagle from Endangered Species Act protection on June 28, 2007, but the species continues to be protected under the Bald and Golden Eagle Protection Act of 1940 (16 U.S.C. 668 et seq.), the Migratory Bird Treaty Act of 1918 (16 U.S.C. 703 et seq.), and the Lacey Act and the amendments thereto (16 U.S.C. 3371 et seq.);

Whereas the trained, educational bald eagle ''Challenger'' of the American Eagle Foundation in Pigeon Forge, Tennessee, was invited by the Department of the Interior to perform a free-flight demonstration during the official bald eagle delisting ceremony held at the Jefferson Memorial in Washington, DC;

Whereas experts and population growth charts estimate that the bald eagle population could reach 15,000 pairs, even though a physical count has not been conducted by State and Federal wildlife agencies since 2007;

Whereas caring and concerned agencies, corporations, organizations, and people of the United States representing the Federal, State, and private sectors passionately and resourcefully banded together, determined to save and protect the national bird of the United States;

Whereas the recovery of the bald eagle population in the United States was largely accomplished due to the dedicated and vigilant efforts of Federal and State wildlife agencies and non-profit organizations, such as the American Eagle Foundation, through public education, captive breeding and release programs, hacking and release programs, and the translocation of bald eagles from places in the United States with dense bald eagle populations to suitable locations in the lower 48 States which had suffered a decrease in bald eagle populations;

Whereas various non-profit organizations, such as the Southeastern Raptor Center at Auburn University in the State of Alabama, contribute to the continuing recovery of the bald eagle through rehabilitation and educational efforts;

Whereas the bald eagle might have been lost permanently if not for dedicated conservation efforts and strict protection laws like the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.), the Bald and Golden Eagle Protection Act of 1940 (16 U.S.C. 668 et seq.), the Migratory Bird Treaty Act of 1918 (16 U.S.C. 703 et seq.), and the Lacey Act and the amendments thereto (16 U.S.C. 3371 et seq.); and

Whereas the sustained recovery of the bald eagle population will require the continuation of recovery, management, education, and public awareness programs to ensure that the population numbers and habitat of the bald eagle will remain healthy and secure for generations to come: Now, therefore, be it

*Resolved,* That the Senate—

(1) designates June 20, 2016, as ''American Eagle Day'';

(2) applauds the issuance of bald eagle commemorative coins by the Secretary of the Treasury as a way to generate critical funds for the protection of the bald eagle; and

(3) encourages—

(A) educational entities, organizations, businesses, conservation groups, and government agencies with a shared interest in conserving endangered species to collaborate and develop educational tools for use in the public schools of the United States; and

(B) the people of the United States to observe American Eagle Day with appropriate ceremonies and other activities.

## SENATE RESOLUTION 503—RECOGNIZING JUNE 20, 2016, AS ''WORLD REFUGEE DAY''

Mr. CARDIN (for himself, Mr. MURPHY, Mr. MENENDEZ, Ms. KLOBUCHAR, Mr. DURBIN, Mr. COONS, Mrs. MURRAY, Ms. STABENOW, Mr. WYDEN, Ms. BALDWIN, Mr. MARKEY, Mr. BOOKER, Mr. BROWN, Mr. REED, Mr. PETERS, Mr. BLUMENTHAL, and Mr. KAINE) submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 503

Whereas World Refugee Day is a global day to acknowledge the courage, strength, and determination of women, men, and children who are forced to flee their homes due to conflict, violence, and persecution;

Whereas according to the United Nations High Commissioner for Refugees (referred to in this preamble as ''UNHCR'')—

(1) there are more than 65,300,000 displaced people worldwide, the highest levels ever recorded, including almost 21,300,000 refugees, 40,800,000 internally displaced people, and 3,200,000 people seeking asylum;

(2) children account for 51 percent of the refugee population in the world, millions of whom are unable to access basic services including education;

(3) nearly 4,800,000 refugees have fled Syria since the start of the Syrian conflict and more than 6,600,000 people are internally displaced within Syria;

(4) since January 2014, more than 3,300,000 Iraqis fleeing violence have been internally displaced, and 277,000 refugees have fled to neighboring countries;

(5) ongoing conflict, violence, and persecution have resulted in the displacement of millions across South Sudan, Ukraine, Colombia, and the Central African Republic;

(6) since April 2015, sporadic outbursts of violence in Burundi have prompted more than 265,000 Burundians to flee to the neighboring countries of Rwanda, Tanzania, Uganda, and the Democratic Republic of the Congo;

(7) violent insurgent attacks in Nigeria have forced 220,000 people to flee to the neighboring countries of Cameroon, Chad, and Niger, and have internally displaced nearly 2,200,000 people;

(8) between January and June of 2016, more than 206,000 refugees and migrants have crossed the Mediterranean Sea attempting to reach Europe and at least 2,800 women, men, and children have died during such crossings or are missing after such attempts; and

(9) approximately 95,000 women, men, and children, including many persecuted Rohingya refugees from Burma, have departed on the boats of smugglers in the Bay of Bengal since 2014, more than 1,100 of whom have died at sea;

Whereas refugees who are women and girls are often at a greater risk of sexual violence and exploitation, forced or early marriage, human trafficking, and other forms of gender-based violence;

Whereas the United States is the largest donor to UNHCR and provides critical resources and support to international and nongovernmental organizations working with refugees around the world; and

Whereas since 1975, the United States has welcomed more than 3,000,000 refugees who are resettled in communities across the country: Now, therefore, be it

*Resolved,* That the Senate—

(1) reaffirms the commitment of the United States to promote the safety, health, and well-being of the millions of refugees, including the education of refugee children and displaced persons who flee war, persecution, or torture in search of peace, hope, and freedom;

(2) calls upon the United States Government—

(A) to continue its international leadership role in response to those who have been displaced, including the most vulnerable populations who may endure sexual violence, human trafficking, forced conscription, persecution, or exploitation;

(B) to find solutions to existing conflicts and prevent new conflicts from beginning;

(C) to provide humanitarian and development support to countries around the world that are hosting millions of refugees to alleviate social and economic strains placed on host communities; and

(D) to encourage the international community to increase resources to address current and projected refugee crises;

(3) commends those who have risked their lives working individually and for nongovernmental organizations and international agencies such as UNHCR who have

provided life-saving assistance and helped protect those displaced by conflict around the world; and

(4) reiterates the strong commitment of the United States to protect and assist millions of refugees and other forcibly uprooted persons worldwide, consistent with the values of the United States and with the interests of national security.

Mr. CARDIN. Mr. President, today I submit a resolution to mark World Refugee Day, June 20, and to address the unprecedented humanitarian crisis of millions of men, women, and children who are forced to flee from their homes due to conflict, violence, persecution, or human rights violations.

According to the United Nations High Commission for Refugees, UNHCR, the numbers of refugees and internally displaced people in 2015 uprooted from their home outstripped even the catastrophic levels of displacement following World War II. By the end of last year, 65.3 million people were forcibly displaced worldwide. Fifty percent of the displaced are children. These individuals and families have been uprooted by violence and persecution in Syria, Iraq, Yemen, Somalia, Burundi, South Sudan, Ukraine, and Afghanistan. These brutal conflicts churning through entire regions are shattering nations, and scattering an unprecedented number of people. Yet, we cannot allow these suffering people to become an abstraction or mere grim statistics. We cannot allow the wearying repetition of the horrors to numb our ability to think of each individual and each family as people just like ourselves, struggling to cope with unbearable circumstances.

Closer to home, rising numbers of people fleeing gang and other violence in Central America have contributed wider displacement across the wider region. Nearly 110,000 refugees and asylum seekers have come from El Salvador, Guatemala, and Honduras to Mexico and the United States, representing a more than five-fold increase over three years.

The relentless, horrifying violence of the Syrian conflict is perhaps the most shocking. By the end of 2015, there were close to 5 million Syrian refugees worldwide, an increase of 1 million men, women, and children within one year. After 5 years of war, the situation is increasingly desperate for both the refugees and host countries such as Jordan, Lebanon, Turkey and Iraq. It is hard to comprehend the demographic, economic, and social impact of millions of refugees on these host countries. The number of refugees in Lebanon, for instance, would be equivalent to 88 million new refugees arriving in the United States.

The futures of millions of Syrian children are being stolen because they have no access to education. In the tiny country of Lebanon alone, there are over 300,000 Syrian refugee children who have no access to school. Over 2 million Syrian women are in the neighboring countries trying to survive. Dangerous coping mechanisms are on the rise. More and more families are forced to send their children to work or marry off their young daughters.

While contributing generously to humanitarian funding, the United States has only accepted about 2,850 Syrian refugees to date. Because Syrians are finding it increasingly difficult to find safety, they are being forced to move further afield. Hundreds of thousands of people, most from Syria, have crossed the Mediterranean in boats in search of protection in Europe. Since January 2015, almost 5,000 mothers, fathers, and children lost their lives in their desperate bid to escape violence.

We know that the Syrian humanitarian disaster, which has destabilized an entire region, is not the accidental byproduct of conflict. It is, rather, one result of the strategy pursued by the Assad regime. The UN's Commission of Inquiry on Syria has documented that the Assad regime intentionally engages in the indiscriminate bombardments of homes, hospitals, schools, and water and electrical facilities to terrorize the civilian population. The terrorist groups Islamic State of Iraq & the Levant, ISIL, and Al-Nusra have also deliberately shelled areas with high concentrations of civilians.

There is also a grave and escalating humanitarian crisis in Yemen. That country was particularly vulnerable even before the current conflict, and now civilians throughout the country are facing alarming levels of suffering and violence. By the end of 2015, almost 200,000 people had fled to other countries, and about 2.5 million people were forced from their homes and live in empty schools, and other public buildings, or along highways.

We are also witnessing violent conflict that has pushed millions of people out of regions in Sub-Saharan Africa. The outbreak of violence in Burundi forced over 200,000 people to flee their country last year. In Libya, smuggling and trafficking networks thrive as the country has become a major transit route for sub-Saharan Africans seeking safety and security in Europe. Most of these refugees are fleeing Boko Haram in Nigeria, and decades of armed conflict and al-Shabaab in Somalia and Eritrea, where the government carries out extrajudicial killings, torture, and other serious human rights violations. In the Lake Chad Basin region, more than 2.4 million people—1.5 million of them children—have fled their homes due to violence and attacks by the terrorist group Boko Haram. The conflict has forced more than 200,000 Nigerians to flee to Cameroon, Chad, and Niger following attacks on their villages. While violence persists in Somalia, I am deeply concerned about the recent announcement by the government of Kenya that it would seek to close Dadaab, the largest refugee camp in the world and home to almost 400,000 Somali refugees. Shutting down the camp will mean increased protection risks for the thousands of refugees, the majority of who are women, children and unaccompanied minors. Moreover, Somalia is faced with a severe drought and other security risks which will increase the vulnerability of its displaced people.

The international community must get serious about protecting the most vulnerable refugees—women and children. Women are facing ferocious threats in conflicts across the globe where rape and sexual assault are being used as weapons of war, and as vulnerable refugees they continue to be targets of gender-based violence. Children now make up one-half of all refugees worldwide. We must do more to protect them from sexual exploitation and abuse, from recruitment as child soldiers, and from being forced into early marriage. Organizations such as the United Nations Population Fund, UNFPA, Mercy Corps, Catholic Relief Services, and others know how to provide targeted support and protection to women and children refugees. But we in the international community must fund them adequately to help them do the job. The United States has lead in terms of humanitarian assistance, but we must encourage other nations to do more.

Against this tragic backdrop, we have all listened recently to divisive political rhetoric and hate speech on refugee and migration issues which is feeding rising levels of xenophobia. Instead of burden-sharing, we see borders closing; instead of political will, there is political paralysis. Humanitarian organizations and their field staff, overstretched and exhausted, are left to deal with consequences while, at the same time, they are trying to save lives on shrinking budgets. As the UN High Commissioner for Refugees has noted, ''Yet, there is cause for hope. In contrast to the toxic narrative repeatedly played out in the media we have often witnessed an outpouring of generosity; by host communities, by individuals, and by families opening their homes. These ordinary people see refugees not as beggars, competitors for jobs, or terrorists—but as people like you or me whose lives have been disrupted by war.''

In closing, we must recognize that as these conflicts proliferate, no corner of the world will be left unaffected. Today, on World Refugee Day, we recognize that every person fleeing his or her home deserves compassion and help; displaced people should be able to live their lives in safety and dignity. We must recommit ourselves to work smarter and harder to assist the world's most vulnerable people. Next year, on this day, I want to stand before the Senate to speak of the progress we have made and the lives we have saved by our collective efforts.

## AMENDMENTS SUBMITTED AND PROPOSED

SA 4768. Mr. PAUL submitted an amendment intended to be proposed to amendment SA 4685 proposed by Mr. SHELBY (for himself

and Ms. MIKULSKI) to the bill H.R. 2578, making appropriations for the Departments of Commerce and Justice, Science, and Related Agencies for the fiscal year ending September 30, 2016, and for other purposes; which was ordered to lie on the table.

SA 4769. Mr. NELSON (for himself, Mr. KIRK, Mr. UDALL, and Mr. BLUMENTHAL) submitted an amendment intended to be proposed to amendment SA 4685 proposed by Mr. SHELBY (for himself and Ms. MIKULSKI) to the bill H.R. 2578, supra; which was ordered to lie on the table.

SA 4770. Mr. TESTER submitted an amendment intended to be proposed to amendment SA 4685 proposed by Mr. SHELBY (for himself and Ms. MIKULSKI) to the bill H.R. 2578, supra; which was ordered to lie on the table.

SA 4771. Mrs. GILLIBRAND submitted an amendment intended to be proposed to amendment SA 4685 proposed by Mr. SHELBY (for himself and Ms. MIKULSKI) to the bill H.R. 2578, supra; which was ordered to lie on the table.

SA 4772. Mrs. GILLIBRAND submitted an amendment intended to be proposed to amendment SA 4685 proposed by Mr. SHELBY (for himself and Ms. MIKULSKI) to the bill H.R. 2578, supra; which was ordered to lie on the table.

SA 4773. Mrs. GILLIBRAND submitted an amendment intended to be proposed to amendment SA 4685 proposed by Mr. SHELBY (for himself and Ms. MIKULSKI) to the bill H.R. 2578, supra; which was ordered to lie on the table.

SA 4774. Ms. CANTWELL (for herself and Mrs. MURRAY) submitted an amendment intended to be proposed to amendment SA 4685 proposed by Mr. SHELBY (for himself and Ms. MIKULSKI) to the bill H.R. 2578, supra; which was ordered to lie on the table.

SA 4775. Mr. JOHNSON submitted an amendment intended to be proposed to amendment SA 4685 proposed by Mr. SHELBY (for himself and Ms. MIKULSKI) to the bill H.R. 2578, supra; which was ordered to lie on the table.

SA 4776. Mr. JOHNSON submitted an amendment intended to be proposed to amendment SA 4685 proposed by Mr. SHELBY (for himself and Ms. MIKULSKI) to the bill H.R. 2578, supra; which was ordered to lie on the table.

SA 4777. Mr. JOHNSON submitted an amendment intended to be proposed to amendment SA 4685 proposed by Mr. SHELBY (for himself and Ms. MIKULSKI) to the bill H.R. 2578, supra; which was ordered to lie on the table.

SA 4778. Mr. SHELBY (for himself and Ms. MIKULSKI) submitted an amendment intended to be proposed to amendment SA 4685 proposed by Mr. SHELBY (for himself and Ms. MIKULSKI) to the bill H.R. 2578, supra; which was ordered to lie on the table.

SA 4779. Mr. SHELBY (for himself and Mr. DAINES) submitted an amendment intended to be proposed to amendment SA 4685 proposed by Mr. SHELBY (for himself and Ms. MIKULSKI) to the bill H.R. 2578, supra; which was ordered to lie on the table.

SA 4780. Mr. JOHNSON submitted an amendment intended to be proposed to amendment SA 4685 proposed by Mr. SHELBY (for himself and Ms. MIKULSKI) to the bill H.R. 2578, supra; which was ordered to lie on the table.

SA 4781. Mr. BOOZMAN submitted an amendment intended to be proposed to amendment SA 4685 proposed by Mr. SHELBY (for himself and Ms. MIKULSKI) to the bill H.R. 2578, supra; which was ordered to lie on the table.

SA 4782. Mrs. BOXER (for herself and Mr. BOOKER) submitted an amendment intended to be proposed to amendment SA 4685 proposed by Mr. SHELBY (for himself and Ms. MIKULSKI) to the bill H.R. 2578, supra; which was ordered to lie on the table.

SA 4783. Mrs. BOXER submitted an amendment intended to be proposed to amendment SA 4685 proposed by Mr. SHELBY (for himself and Ms. MIKULSKI) to the bill H.R. 2578, supra; which was ordered to lie on the table.

SA 4784. Mr. HATCH submitted an amendment intended to be proposed to amendment SA 4685 proposed by Mr. SHELBY (for himself and Ms. MIKULSKI) to the bill H.R. 2578, supra; which was ordered to lie on the table.

SA 4785. Mr. TOOMEY (for himself, Mr. SESSIONS, Mr. COTTON, and Mr. INHOFE) submitted an amendment intended to be proposed to amendment SA 4685 proposed by Mr. SHELBY (for himself and Ms. MIKULSKI) to the bill H.R. 2578, supra; which was ordered to lie on the table.

SA 4786. Mr. BARRASSO (for himself and Ms. MURKOWSKI) submitted an amendment intended to be proposed to amendment SA 4685 proposed by Mr. SHELBY (for himself and Ms. MIKULSKI) to the bill H.R. 2578, supra; which was ordered to lie on the table.

SA 4787. Mr. McCONNELL (for Mr. McCAIN (for himself, Mr. BURR, Mr. McCONNELL, Mr. CORNYN, Mr. SESSIONS, and Mr. COTTON)) proposed an amendment to amendment SA 4685 proposed by Mr. SHELBY (for himself and Ms. MIKULSKI) to the bill H.R. 2578, supra.

SA 4788. Mr. GRASSLEY submitted an amendment intended to be proposed by him to the bill H.R. 2578, supra; which was ordered to lie on the table.

SA 4789. Mr. CASEY (for himself, Mr. MURPHY, Mr. BLUMENTHAL, Mrs. BOXER, Mrs. GILLIBRAND, Ms. BALDWIN, Mrs. SHAHEEN, Mr. MARKEY, Mr. WYDEN, and Ms. WARREN) submitted an amendment intended to be proposed by him to the bill H.R. 2578, supra; which was ordered to lie on the table.

SA 4790. Mr. NELSON (for himself and Mr. WICKER) submitted an amendment intended to be proposed to amendment SA 4685 proposed by Mr. SHELBY (for himself and Ms. MIKULSKI) to the bill H.R. 2578, supra; which was ordered to lie on the table.

## TEXT OF AMENDMENTS

**SA 4768.** Mr. PAUL submitted an amendment intended to be proposed to amendment SA 4685 proposed by Mr. SHELBY (for himself and Ms. MIKULSKI) to the bill H.R. 2578, making appropriations for the Departments of Commerce and Justice, Science, and Related Agencies for the fiscal year ending September 30, 2016, and for other purposes; which was ordered to lie on the table; as follows:

On page 107, between lines 9 and 10, insert the following:

SEC. 539. (a) Congress finds that neither the 2001 Authorization for Use of Military Force (Public Law 107–40; 50 U.S.C. 1541 note) or the Authorization for Use of Military Force Against Iraq Resolution of 2002 (Public Law 107–243; 50 U.S.C. 1541 note) authorize the use of military force against the Islamic State in Iraq and al-Sham (ISIS).

(b) It is the sense of Congress that the President, unless acting out of self-defense or to address an imminent threat to the United States, is not authorized to conduct military operations against ISIS without explicit authorization for the use of such force, and Congress should debate and pass such an authorization.

---

**SA 4769.** Mr. NELSON (for himself, Mr. KIRK, Mr. UDALL, and Mr. BLUMENTHAL) submitted an amendment intended to be proposed to amendment SA 4685 proposed by Mr. SHELBY (for himself and Ms. MIKULSKI) to the bill H.R. 2578, making appropriations for the Departments of Commerce and Justice, Science, and Related Agencies for the fiscal year ending September 30, 2016, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in title V, insert the following:

**SEC. 5___. REPORTING OF TERRORISM INVESTIGATIONS TO NICS.**

(a) DEFINITIONS.—In this section—

(1) the term ''firearm'' has the meaning given the term in section 921 of title 18, United States Code;

(2) the term ''licensee'' means a licensed importer, licensed manufacturer, or licensed dealer, as those terms are defined in section 921 of title 18, United States Code;

(3) the term ''NICS'' means the national instant criminal background check system established under section 103 of the Brady Handgun Violence Prevention Act (18 U.S.C. 922 note); and

(4) the term ''terrorism'' includes international terrorism and domestic terrorism, as defined in section 2331 of title 18, United States Code.

(b) INCLUSION OF INFORMATION IN NICS.—Not later than 90 days after the date of enactment of this Act, the Attorney General shall establish a process to ensure that if any person has been or is under a terrorism investigation conducted by the Department of Justice or any other department or agency of the Federal Government, information about such terrorism investigation of the person shall be included in the NICS database.

(c) SUBMISSION OF INFORMATION.—The head of each department or agency of the Federal Government that has information about a person who has been or is under a terrorism investigation conducted by the department or agency shall provide such information to the Attorney General for inclusion in the NICS database under subsection (b).

(d) NOTIFICATION OF FEDERAL BUREAU OF INVESTIGATION.—If a licensee contacts NICS to request a unique identification number for the transfer of a firearm to a prospective purchaser under section 922(t) of title 18, United States Code, and the prospective purchaser is a person who has been or is under a terrorism investigation conducted by the Department of Justice or any other department or agency of the Federal Government, NICS shall notify the appropriate division of the Federal Bureau of Investigation of the request and pending firearm transfer.

---

**SA 4770.** Mr. TESTER submitted an amendment intended to be proposed to amendment SA 4685 proposed by Mr. SHELBY (for himself and Ms. MIKULSKI) to the bill H.R. 2578, making appropriations for the Departments of Commerce and Justice, Science, and Related Agencies for the fiscal year ending September 30, 2016, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. Not later than 30 days after the date of enactment of this Act, the Attorney General shall publish a final rule relating to the crime victim assistance programs authorized by section 1404 of the Victims of Crime Act of 1984 (42 U.S.C. 10603) that permits the grant funds awarded under that section to be used for forensic interviews and medical examinations.

**SA 4771.** Mrs. GILLIBRAND submitted an amendment intended to be proposed to amendment SA 4685 proposed by Mr. SHELBY (for himself and Ms. MIKULSKI) to the bill H.R. 2578, making appropriations for the Departments of Commerce and Justice, Science, and Related Agencies for the fiscal year ending September 30, 2016, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____. The matter under the heading ''SALARIES AND EXPENSES'' under the heading ''BUREAU OF ALCOHOL, TOBACCO, FIREARMS AND EXPLOSIVES'' in title II of division B of the Consolidated and Further Continuing Appropriations Act, 2013 (Public Law 113–6; 127 Stat. 247) is amended by striking the fifth proviso.

---

**SA 4772.** Mrs. GILLIBRAND submitted an amendment intended to be proposed to amendment SA 4685 proposed by Mr. SHELBY (for himself and Ms. MIKULSKI) to the bill H.R. 2578, making appropriations for the Departments of Commerce and Justice, Science, and Related Agencies for the fiscal year ending September 30, 2016, and for other purposes; which was ordered to lie on the table; as follows:

On page 35, line 9, insert '': *Provided further*, That the Federal Bureau of Investigation shall include a course providing trauma-informed training for law enforcement officers dealing with victims of sexual assault'' before the period.

---

**SA 4773.** Mrs. GILLIBRAND submitted an amendment intended to be proposed to amendment SA 4685 proposed by Mr. SHELBY (for himself and Ms. MIKULSKI) to the bill H.R. 2578, making appropriations for the Departments of Commerce and Justice, Science, and Related Agencies for the fiscal year ending September 30, 2016, and for other purposes; which was ordered to lie on the table; as follows:

Strike section 531.

---

**SA 4774.** Ms. CANTWELL (for herself and Mrs. MURRAY) submitted an amendment intended to be proposed to amendment SA 4685 proposed by Mr. SHELBY (for himself and Ms. MIKULSKI) to the bill H.R. 2578, making appropriations for the Departments of Commerce and Justice, Science, and Related Agencies for the fiscal year ending September 30, 2016, and for other purposes; which was ordered to lie on the table; as follows:

On page 17, between lines 9 and 10, insert the following:

FISHERIES DISASTER ASSISTANCE

For providing fisheries disaster assistance, $4,100,000, to remain available until September 30, 2018, to provide assistance for any commercial fishery failure that was determined by the Secretary of Commerce, in 2014, to be a fishery resource disaster.

---

**SA 4775.** Mr. JOHNSON submitted an amendment intended to be proposed to amendment SA 4685 proposed by Mr. SHELBY (for himself and Ms. MIKULSKI) to the bill H.R. 2578, making appropriations for the Departments of Commerce and Justice, Science, and Related Agencies for the fiscal year ending September 30, 2016, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title II (before the short title), insert the following:

SEC. __. None of the funds made available under this Act shall be used to take any action to apply or enforce title II of the Americans with Disabilities Act of 1990 (42 U.S.C. 12131 et seq.) with respect to any private school on the basis that the school is a public entity under that title II because the school receives funds or other support through assistance provided by a State or local agency to, or on behalf of, any student whose parent chooses to place the student in the private school.

---

**SA 4776.** Mr. JOHNSON submitted an amendment intended to be proposed to amendment SA 4685 proposed by Mr. SHELBY (for himself and Ms. MIKULSKI) to the bill H.R. 2578, making appropriations for the Departments of Commerce and Justice, Science, and Related Agencies for the fiscal year ending September 30, 2016, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title V, insert the following:

SEC. 539. (a) Notwithstanding any other provision of law, none of the funds appropriated or otherwise made available under this Act may be used by the Department of Justice to prevent a State from implementing a State law that authorizes—

(1) the production, manufacture, distribution, prescribing, or dispensing of an experimental drug, biological product, or device that—

(A) is intended to treat a patient who has been diagnosed with a terminal illness; and

(B) is authorized by, and in accordance with, State law; and

(2) the possession or use of an experimental drug, biological product, or device—

(A) that is described in subparagraphs (A) and (B) of paragraph (1); and

(B) for which the patient has received a certification from a physician, who is in good standing with the physician's certifying organization or board, that the patient has exhausted, or otherwise does not meet qualifying criteria to receive, any other available treatment options.

(b)(1) Notwithstanding any other provision of law, no liability shall lie against a producer, manufacturer, distributor, prescriber, dispenser, possessor, or user of an experimental drug, biological product, or device for the production, manufacture, distribution, prescribing, dispensing, possession, or use of an experimental drug, biological product, or device that is in compliance with a State law described in subsection (a).

(2) Notwithstanding any other provision of law, the outcome of any production, manufacture, distribution, prescribing, dispensing, possession, or use of an experimental drug, biological product, or device that was done in compliance with a State law described in subsection (a) shall not be used by a Federal agency reviewing the experimental drug, biological product, or device to delay or otherwise adversely impact review or approval of such experimental drug, biological product, or device.

(c) In this section—

(1) the term ''biological product'' has the meaning given to such term in section 351 of the Public Health Service Act (42 U.S.C. 262);

(2) the terms ''device'' and ''drug'' have the meanings given to such terms in section 201 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321);

(3) the term ''experimental drug, biological product, or device'' means a drug, biological product, or device that—

(A) has successfully completed a phase 1 clinical investigation;

(B) remains under investigation in a clinical trial approved by the Food and Drug Administration; and

(C) is not approved, licensed, or cleared for commercial distribution under section 505, 510(k), or 515 of the Federal Food, Drug, or Cosmetic Act (21 U.S.C. 355, 360(k), 360(e)) or section 351 of the Public Health Service Act (42 U.S.C. 262);

(4) the term ''phase 1 clinical investigation'' means a phase 1 clinical investigation, as described in section 312.21 of title 21, Code of Federal Regulations (or any successor regulations); and

(5) the term ''terminal illness'' has the meaning given to such term in the State law specified in subsection (a)(1)(B).

---

**SA 4777.** Mr. JOHNSON submitted an amendment intended to be proposed to amendment SA 4685 proposed by Mr. SHELBY (for himself and Ms. MIKULSKI) to the bill H.R. 2578, making appropriations for the Departments of Commerce and Justice, Science, and Related Agencies for the fiscal year ending September 30, 2016, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____. (a) None of the funds made available in this Act may be used to deny an Inspector General funded under this Act timely access to any records, documents, or other materials available to the department or agency over which that Inspector General has responsibilities under the Inspector General Act of 1978 (5 U.S.C. App.), or to prevent or impede that Inspector General's access to such records, documents, or other materials, under any provision of law, except a provision of law that expressly refers to the Inspector General and expressly limits the Inspector General's right of access.

(b) A department or agency covered by this section shall provide its Inspector General with access to all such records, documents, and other materials in a timely manner.

(c) Each Inspector General shall ensure compliance with statutory limitations on disclosure relevant to the information provided by the establishment over which that Inspector General has responsibilities under the Inspector General Act of 1978 (5 U.S.C. App.).

(d) Each Inspector General covered by this section shall report to the Committees on Appropriations of the House of Representatives and the Senate within 5 calendar days any failures to comply with this requirement.

---

**SA 4778.** Mr. SHELBY (for himself and Ms. MIKULSKI) submitted an amendment intended to be proposed to amendment SA 4685 proposed by Mr. SHELBY (for himself and Ms. MIKULSKI) to the bill H.R. 2578, making appropriations for the Departments of Commerce and Justice, Science, and Related Agencies for the fiscal year ending September 30, 2016, and for other purposes; which was ordered to lie on the table; as follows:

On page 23, beginning on line 15, strike ''U.S. Census Bureau,'' and insert ''Bureau of the Census,''.

**SA 4779.** Mr. SHELBY (for himself and Mr. DAINES) submitted an amendment intended to be proposed to amendment SA 4685 proposed by Mr. SHELBY (for himself and Ms. MIKULSKI) to the bill H.R. 2578, making appropriations for the Departments of Commerce and Justice, Science, and Related Agencies for the fiscal year ending September 30, 2016, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title II, add the following:

SEC. 2____. In addition to any other transfer authority available to the Department of Justice, for fiscal year 2017, of the unobligated balances available in the Department of Justice Working Capital Fund, (1) up to $175,000,000 may be transferred to the ''Federal Bureau of Investigation, Salaries and Expenses'' account, for personnel, training, and equipment needed to counter both foreign and domestic terrorism, including lone wolf actors; and (2) up to $15,000,000 may be transferred to the ''Office of Justice Programs'' account for State and local law enforcement assistance, for an Officer Robert Wilson III Memorial Initiative on Preventing Violence Against Law Enforcement Officer Resilience and Survivability (VALOR).

---

**SA 4780.** Mr. JOHNSON submitted an amendment intended to be proposed to amendment SA 4685 proposed by Mr. SHELBY (for himself and Ms. MIKULSKI) to the bill H.R. 2578, making appropriations for the Departments of Commerce and Justice, Science, and Related Agencies for the fiscal year ending September 30, 2016, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____. None of the funds appropriated or otherwise made available by this Act may be obligated or expended to negotiate a trade agreement that contains a provision providing for the protection or recognition of geographical indications that would limit the use of generic names used by United States businesses, such as generic names of certain cheeses, meats, and other products.

---

**SA 4781.** Mr. BOOZMAN submitted an amendment intended to be proposed to amendment SA 4685 proposed by Mr. SHELBY (for himself and Ms. MIKULSKI) to the bill H.R. 2578, making appropriations for the Departments of Commerce and Justice, Science, and Related Agencies for the fiscal year ending September 30, 2016, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. (a) None of the funds made available by this Act may be used to—

(1) pay the salaries or expenses of personnel to fail to—

(A) make final dispositions on appeals of denials from the National Instant Criminal Background Check System (commonly referred to as ''NICS'') within 90 days of receipt of the appeal;

(B) eliminate the current backlog of appeals not later than 1 year after the date of enactment of this Act; or

(C) continue to add individuals to the voluntary appeal file (commonly referred to as the ''VAF'') to prevent subsequent delays and erroneous denials; or

(2) pay expenses of the Federal Bureau of Investigation (referred to in this section as the ''FBI'') if the FBI fails to submit to Congress an annual report on the disposition of appeals of NICS determinations during the previous year that includes—

(A) the number of NICS checks on individuals that were—

(i) conducted by the FBI; or

(ii) conducted by a Point of Contact (commonly referred to as ''POC'') State or local agency;

(B) with respect to the NICS checks described in subparagraph (A), the number of denials of firearm transfers that resulted from checks—

(i) conducted by the FBI; or

(ii) conducted by a POC State or local agency;

(C) with respect to the denials of firearm transfers described in subparagraph (B), the number of denials resulting from NICS checks conducted by—

(i) the FBI that were appealed; or

(ii) a POC State or local agency that were appealed—

(I) to the POC State or local agency; or

(II) to the FBI;

(D) with respect to the appeals described in—

(i) clause (i) or (ii)(II) of subparagraph (C), that number that were reversed by the FBI for—

(I) FBI denials; or

(II) POC State or local agency denials; or

(ii) clause (ii)(I) of subparagraph (C), the number that were reversed by the POC State or local agency; and

(E) the number of FBI denials that involved a VAF application without a preceding appeal of a NICS denial.

---

**SA 4782.** Mrs. BOXER (for herself and Mr. BOOKER) submitted an amendment intended to be proposed to amendment SA 4685 proposed by Mr. SHELBY (for himself and Ms. MIKULSKI) to the bill H.R. 2578, making appropriations for the Departments of Commerce and Justice, Science, and Related Agencies for the fiscal year ending September 30, 2016, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in title V, insert the following:

**SEC. 5___. COMMUNITY AND LAW ENFORCEMENT PARTNERSHIP GRANT PROGRAM.**

(a) GRANTS AUTHORIZED.—The Attorney General shall make grants to eligible States and Indian tribes to be used for the activities described in subsection (c).

(b) ELIGIBILITY.—

(1) IN GENERAL.—In order to be eligible to receive a grant under this section a State or Indian tribe shall—

(A) report incidents in accordance with paragraph (2); and

(B) demonstrate that the use-of-force policy for law enforcement officers in the State or Indian tribe is publicly available.

(2) REPORTING OF INCIDENTS.—

(A) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, and each year thereafter, and subject to subparagraph (C), a State or Indian tribe shall report to the Attorney General information on—

(i) any incident involving the shooting of a civilian by a law enforcement officer;

(ii) any incident involving the shooting of a law enforcement officer by a civilian;

(iii) any incident in which use of force by a law enforcement officer against a civilian results in serious bodily injury (as defined in section 2246 of title 18, United States Code) or death; and

(iv) any incident in which use of force by a civilian against a law enforcement officer results in serious bodily injury (as defined in section 2246 of title 18, United States Code) or death.

(B) REQUIRED INFORMATION.—For each incident reported under subparagraph (A), the information reported to the Attorney General shall include, at a minimum—

(i) the gender, race, ethnicity, and age of each individual who was shot, injured, or killed;

(ii) the date, time, and location of the incident;

(iii) whether the civilian was armed, and, if so, the type of weapon the civilian had;

(iv) the type of force used against the officer, the civilian, or both, including the types of weapons used;

(v) the number of officers involved in the incident;

(vi) the number of civilians involved in the incident; and

(vii) a brief description regarding the circumstances surrounding the incident.

(C) INCIDENTS REPORTED UNDER DEATH IN CUSTODY REPORTING ACT.—A State is not required to include in a report under subparagraph (A) an incident reported by the State in accordance with section 20104(a)(2) of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 13704(a)(2)) before the date of the report under subparagraph (A).

(c) ACTIVITIES DESCRIBED.—A grant made under this section may be used by a State or Indian tribe for—

(1) the cost of complying with the reporting requirements described in subsection (b)(2);

(2) the cost of establishing necessary systems required to investigate and report incidents as required under subsection (b)(2);

(3) public awareness campaigns designed to gain information from the public on use of force against police officers, including shootings, which may include tip lines, hotlines, and public service announcements; and

(4) use of force training for law enforcement agencies and personnel, including de-escalation and bias training.

(d) INDEPENDENT AUDIT AND REVIEW.—Not later than 1 year after the date of enactment of this Act, and each year thereafter, the Attorney General shall conduct an audit and review of the information provided under subsection (b)(2) to determine whether each State or Indian tribe receiving a grant under this section is in compliance with the requirements of this section.

(e) PUBLIC AVAILABILITY OF DATA.—

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, and each year thereafter, the Attorney General shall publish, and make available to the public, a report containing the data reported to the Attorney General under subsection (b)(2).

(2) PRIVACY PROTECTIONS.—Nothing in this subsection shall be construed to supersede the requirements or limitations under section 552a of title 5, United States Code (commonly known as the ''Privacy Act of 1974'').

(f) GUIDANCE.—Not later than 180 days after the date of enactment of this Act, the Attorney General, in coordination with the Director of the Federal Bureau of Investigation, shall issue guidance on best practices relating to establishing standard data collection systems that capture the information required to be reported under subsection (b)(2), which shall include standard and consistent definitions for terms, including the term ''use of force''.

(g) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Attorney General such sums as are necessary to carry out this section.

---

**SA 4783.** Mrs. BOXER submitted an amendment intended to be proposed to amendment SA 4685 proposed by Mr.

SHELBY (for himself and Ms. MIKULSKI) to the bill H.R. 2578, making appropriations for the Departments of Commerce and Justice, Science, and Related Agencies for the fiscal year ending September 30, 2016, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

**TITLE VI—GUN VIOLENCE INTERVENTION ACT**

**SEC. 601. SHORT TITLE.**

This title may be cited as the ''Gun Violence Intervention Act of 2016''.

**SEC. 602. DEFINITIONS.**

In this title—

(1) the term ''close associate'' means, with respect to an individual—

(A) a dating partner, friend, co-worker, or neighbor of the individual; or

(B) any other person who has a relationship with the individual so as to be concerned about the safety and well-being of the individual, as determined by a State;

(2) the term ''family member'' means, with respect to an individual, a spouse, child, parent, sibling, grandchild, or grandparent of the individual;

(3) the term ''firearm'' has the meaning given the term in section 921 of title 18, United States Code;

(4) the term ''gun violence prevention order'' means a written order, issued by a State court or signed by a magistrate (or other comparable judicial officer), prohibiting a named individual from having under the custody or control of the individual, owning, purchasing, possessing, or receiving any firearms;

(5) the term ''gun violence prevention warrant'' means a written order, issued by a State court or signed by a magistrate (or other comparable judicial officer), regarding an individual who is subject to a gun violence prevention order and who is known to own or possess 1 or more firearms, that directs a law enforcement officer to temporarily seize and retain any firearm in the possession of the individual;

(6) the term ''law enforcement officer'' means a public servant authorized by State law or by a State government agency to engage in or supervise the prevention, detection, investigation, or prosecution of an offense; and

(7) the term ''wellness check'' means a visit conducted by a law enforcement officer to the residence of an individual for the purpose of assessing whether the individual poses a danger to the individual or others due to a mental, behavioral, or physical condition.

**SEC. 603. NATIONAL GUN VIOLENCE PREVENTION ORDER AND WARRANT LAW.**

(a) ENACTMENT OF GUN VIOLENCE PREVENTION ORDER LAW.—In order to receive a grant under section 604, on the date that is 3 years after the date of enactment of this Act, each State shall have in effect legislation that—

(1) authorizes a gun violence prevention order and gun violence prevention warrant in accordance with subsection (b); and

(2) requires each law enforcement agency of the State to comply with subsection (c).

(b) REQUIREMENTS FOR GUN VIOLENCE PREVENTION ORDERS AND WARRANTS.—Legislation required under subsection (a) shall be subject to the following requirements:

(1) APPLICATION FOR GUN VIOLENCE PREVENTION ORDER.—A family member or close associate of an individual may submit an application to a State court, on a form designed by the court, that—

(A) describes the facts and circumstances necessitating that a gun violence prevention order be issued against the named individual;

(B) is signed by the applicant, under oath; and

(C) includes any additional information required by the State court or magistrate (or other comparable judicial officer) to demonstrate that possession of a firearm by the named individual poses a significant risk of personal injury to the named individual or others.

(2) EXAMINATION OF APPLICANT AND WITNESSES.—A State court or magistrate (or other comparable judicial officer) may, before issuing a gun violence prevention order—

(A) examine under oath, the individual who applied for the order under paragraph (1) and any witnesses the individual produces; and

(B)(i) require that the individual or any witness submit a signed affidavit, which describes the facts the applicant or witness believes establish the grounds of the application; or

(ii) take an oral statement from the individual or witness under oath.

(3) STANDARD FOR ISSUANCE OF ORDER.—

(A) IN GENERAL.—A State court or magistrate (or other comparable judicial officer) may issue a gun violence prevention order only upon a finding of probable cause that possession of a firearm by the named individual poses a significant risk of personal injury to the named individual or others.

(B) NOTIFICATION.—

(i) IN GENERAL.—The court shall notify the Department of Justice and comparable State agency of the gun violence prevention order not later than 2 court days after issuing the order. The court shall also notify the Department of Justice and comparable State agency of any order restoring the ability of the individual to own or possess firearms not later than 2 court days after issuing the order to restore the individual's right to own or possess any type of firearm that may be lawfully owned and possessed. Such notice shall be submitted in an electronic format, in a manner prescribed by the Department of Justice and the comparable State agency.

(ii) UPDATE OF DATABASES.—As soon as practicable after receiving a notification under clause (i), the Department of Justice and comparable State agency shall update the background check databases of the Department and agency, respectively, to reflect the prohibitions articulated in the gun violence prevention order.

(4) ISSUANCE OF GUN VIOLENCE PREVENTION WARRANT.—

(A) IN GENERAL.—After issuing a gun violence prevention order, a State court or magistrate (or other comparable judicial officer) shall, upon a finding of probable cause to believe that the named individual subject to the order has a firearm in his custody or control, issue a gun violence prevention warrant ordering the temporary seizure of all firearms specified in the warrant.

(B) REQUIREMENT.—Subject to paragraph (6), a gun violence prevention warrant issued under subparagraph (A) shall require that any firearm described in the warrant be taken from any place, or from any individual in whose possession, the firearm may be.

(5) SERVICE OF GUN VIOLENCE PREVENTION ORDER.—When serving a gun violence prevention order, a law enforcement officer shall provide the individual with a form to request a hearing in accordance with paragraph (6)(F).

(6) TEMPORARY SEIZURE OF FIREARMS.—

(A) IN GENERAL.—When a law enforcement officer takes property under a gun violence prevention warrant, the law enforcement officer shall give a receipt for the property taken, specifying the property in detail, to the individual from whom it was taken. In the absence of a person, the law enforcement officer shall leave the receipt in the place where the law enforcement officer found the property.

(B) TEMPORARY CUSTODY OF SEIZED FIREARMS.—All firearms seized pursuant to a gun violence prevention warrant shall be retained by the law enforcement officer or the law enforcement agency in custody, subject to the order of the court that issued the warrant or to any other court in which an offense with respect to the firearm is triable.

(C) LIMITATION ON SEIZURE OF FIREARMS.—If the location to be searched during the execution of a gun violence prevention warrant is jointly occupied by multiple parties and a firearm is located during the execution of the seizure warrant, and it is determined that the firearm is owned by an individual other than the individual named in the gun violence prevention warrant, the firearm may not be seized if—

(i) the firearm is stored in a manner that the individual named in the gun violence prevention warrant does not have access to or control of the firearm; and

(ii) there is no evidence of unlawful possession of the firearm by the owner.

(D) GUN SAFE.—If the location to be searched during the execution of a gun violence prevention warrant is jointly occupied by multiple parties and a gun safe is located, and it is determined that the gun safe is owned by an individual other than the individual named in the gun violence prevention warrant, the contents of the gun safe shall not be searched except in the owner's presence, or with the owner's consent, or unless a valid search warrant has been obtained.

(E) RETURN OF FIREARM TO RIGHTFUL OWNER.—If any individual who is not a named individual in a gun violence prevention warrant claims title to a firearm seized pursuant to a gun violence prevention warrant, the firearm shall be returned to the lawful owner not later than 30 days after the date on which the title is claimed.

(F) RIGHT TO REQUEST A HEARING.—A named individual may submit 1 written request at any time during the effective period of a gun violence prevention order issued against the individual for a hearing for an order allowing the individual to own, possess, purchase, or receive a firearm.

(7) HEARING ON GUN VIOLENCE PREVENTION ORDER AND GUN VIOLENCE PREVENTION WARRANT.—

(A) IN GENERAL.—Except as provided in subparagraph (E), not later than 14 days after the date on which a gun violence prevention order and, when applicable, a gun violence prevention warrant, is issued, the court that issued the order and, when applicable, the warrant, or another court in that same jurisdiction, shall hold a hearing to determine whether the individual who is the subject of the order may have under the custody or control of the individual, own, purchase, possess, or receive firearms and, when applicable, whether any seized firearms should be returned to the individual named in the warrant.

(B) NOTICE.—The individual named in a gun violence prevention order requested to be renewed under subparagraph (A) shall be given written notice and an opportunity to be heard on the matter.

(C) BURDEN OF PROOF.—

(i) IN GENERAL.—Except as provided in clause (ii), at any hearing conducted under subparagraph (A), the State or petitioner shall have the burden of establishing probable cause that the individual poses a significant risk of personal injury to the individual or others by owning or possessing the firearm.

(ii) HIGHER BURDEN OF PROOF.—A State may establish a burden of proof for hearings conducted under subparagraph (A) that is

higher than the burden of proof required under clause (i).

(D) REQUIREMENTS UPON FINDING OF SIGNIFICANT RISK.—If the named individual is found at the hearing to pose a significant risk of personal injury to the named individual or others by owning or possessing a firearm, the following shall apply:

(i) The firearm or firearms seized pursuant to the warrant shall be retained by the law enforcement agency for a period not to exceed 1 year.

(ii) The named individual shall be prohibited from owning or possessing, purchasing or receiving, or attempting to purchase or receive a firearm for a period not to exceed 1 year, a violation of which shall be considered a misdemeanor offense.

(iii) The court shall notify the Department of Justice and comparable State agency of the gun violence prevention order not later than 2 court days after issuing the order. The court shall also notify the Department of Justice and comparable State agency of any order restoring the ability of the individual to own or possess firearms not later than 2 court days after issuing the order to restore the individual's right to own or possess any type of firearm that may be lawfully owned and possessed. Such notice shall be submitted in an electronic format, in a manner prescribed by the Department of Justice and the comparable State agency.

(iv) As soon as practicable after receiving a notification under clause (iii), the Department of Justice and comparable State agency shall update the background check databases of the Department and agency, respectively, to reflect—

(I) the prohibitions articulated in the gun violence prevention order; or

(II) an order issued to restore an individual's right to own or possess a firearm.

(E) RETURN OF FIREARMS.—If the court finds that the State has not met the required standard of proof, any firearm seized pursuant to the warrant shall be returned to the named individual not later than 30 days after the hearing.

(F) LIMITATION ON HEARING REQUIREMENT.—If an individual named in a gun violence prevention warrant is prohibited from owning or possessing a firearm for a period of 1 year or more by another provision of State or Federal law, a hearing pursuant to subparagraph (A) is not required and the court shall issue an order to hold the firearm until either the individual is no longer prohibited from owning a firearm or the individual sells or transfers ownership of the firearm to a licensed firearm dealer.

(8) RENEWING GUN VIOLENCE PREVENTION ORDER AND GUN VIOLENCE PREVENTION WARRANT.—

(A) IN GENERAL.—Except as provided in subparagraph (E), if a law enforcement agency has probable cause to believe that an individual who is subject to a gun violence prevention order continues to pose a significant risk of personal injury to the named individual or others by possessing a firearm, the agency may initiate a request for a renewal of the order, on a form designed by the court, describing the facts and circumstances necessitating the request.

(B) NOTICE.—The individual named in the gun violence prevention order requested to be renewed under subparagraph (A) shall be given written notice and an opportunity to be heard on the matter.

(C) HEARING.—After notice is given under subparagraph (B), a hearing shall be held to determine if a request for renewal of the order shall be issued.

(D) ISSUANCE OF RENEWAL.—Except as provided in subparagraph (E), a State court may issue a renewal of a gun violence prevention order if there is probable cause to believe that the individual who is subject to the order continues to pose a significant risk of personal injury to the named individual or others by possessing a firearm.

(E) HIGHER BURDEN OF PROOF.—A State may establish a burden of proof for initiating a request for or issuing a renewal of a gun violence prevention order that is higher than the burden of proof required under subparagraph (A) or (D).

(F) NOTIFICATION.—

(i) IN GENERAL.—The court shall notify the Department of Justice and comparable State agency of a renewal of the gun violence prevention order not later than 2 court days after renewing the order. The court shall also notify the Department of Justice and comparable State agency of any order restoring the ability of the individual to own or possess firearms not later than 2 court days after issuing the order to restore the individual's right to own or possess any type of firearm that may be lawfully owned and possessed. Such notice shall be submitted in an electronic format, in a manner prescribed by the Department of Justice and the comparable State agency.

(ii) UPDATE OF DATABASES.—As soon as practicable after receiving a notification under clause (i), the Department of Justice and comparable State agency shall update the background check databases of the Department and agency, respectively, to reflect—

(I) the prohibitions articulated in the renewal of the gun violence prevention order; or

(II) an order issued to restore an individual's right to own or possess a firearm.

(c) LAW ENFORCEMENT CHECK OF STATE FIREARM DATABASE.—Each law enforcement agency of the State shall establish a procedure that requires a law enforcement officer to, in conjunction with performing a wellness check on an individual, check whether the individual is listed on any of the firearm and ammunition databases of the State or jurisdiction in which the individual resides.

(d) CONFIDENTIALITY PROTECTIONS.—All information provided to the Department of Justice and comparable State agency pursuant to legislation required under subsection (a) shall be kept confidential, separate, and apart from all other records maintained by the Department of Justice and comparable State agency.

**SEC. 604. GUN VIOLENCE INTERVENTION GRANT PROGRAM.**

(a) IN GENERAL.—The Director of the Office of Community Oriented Policing Services of the Department of Justice may make grants to an eligible State to assist the State in carrying out the provisions of the State legislation described in section 603.

(b) ELIGIBLE STATE.—A State shall be eligible to receive grants under this section on and after the date on which—

(1) the State enacts legislation described in section 603; and

(2) the Attorney General determines that the legislation of the State described in paragraph (1) complies with the requirements of section 603.

(c) USE OF FUNDS.—Funds awarded under this section may be used by a State to assist law enforcement agencies or the courts of the State in carrying out the provisions of the State legislation described in section 603.

(d) APPLICATION.—An eligible State desiring a grant under this section shall submit to the Director of the Office of Community Oriented Policing Services an application at such time, in such manner, and containing or accompanied by such information, as the Director may reasonably require.

(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section.

**SEC. 605. FEDERAL FIREARMS PROHIBITION.**

Section 922 of title 18, United States Code, is amended—

(1) in subsection (d)—

(A) in paragraph (8)(B)(ii), by striking ''or'' at the end;

(B) in paragraph (9), by striking the period at the end and inserting ''; or''; and

(C) by inserting after paragraph (9) the following:

''(10) is subject to a court order that prohibits such person from having under the custody or control of the person, owning, purchasing, possessing, or receiving any firearms.''; and

(2) in subsection (g)—

(A) in paragraph (8)(C)(ii), by striking ''or'' at the end;

(B) in paragraph (9), by striking the comma at the end and inserting ''; or''; and

(C) by inserting after paragraph (9) the following:

''(10) who is subject to a court order that prohibits such person from having under the custody or control of the person, owning, purchasing, possessing, or receiving any firearms,''.

**SEC. 606. FULL FAITH AND CREDIT.**

Any gun violence prevention order issued under a State law enacted in accordance with this title shall have the same full faith and credit in every court within the United States as they have by law or usage in the courts of such State from which they are issued.

**SEC. 607. SEVERABILITY.**

If any provision of this title, or an amendment made by this title, or the application of such provision to any person or circumstance, is held to be invalid, the remainder of this title, or an amendment made by this title, or the application of such provision to other persons or circumstances, shall not be affected.

---

**SA 4784.** Mr. HATCH submitted an amendment intended to be proposed to amendment SA 4685 proposed by Mr. SHELBY (for himself and Ms. MIKULSKI) to the bill H.R. 2578, making appropriations for the Departments of Commerce and Justice, Science, and Related Agencies for the fiscal year ending September 30, 2016, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. (a) In this section, the term ''covered agency''—

(1) means an agency, as defined in section 551 of title 5, United States Code; and

(2) does not include—

(A) the Department of Defense;

(B) the Department of Justice;

(C) the Department of Homeland Security;

(D) the Nuclear Regulatory Commission;

(E) the United States Capitol Police;

(F) the Bureau of Diplomatic Security;

(G) the Central Intelligence Agency;

(H) a military department (as defined in section 102 of title 5, United States Code); or

(I) any division of subparagraphs (A) through (H).

(b) Not later than 180 days after the date of enactment of this Act, the Inspector General of each covered agency, or in the case of a covered agency that does not have an Inspector General, the head of the covered agency, shall submit to Congress a detailed accounting that shall include the following:

(1) Amounts spent by the covered agency for each of the last 5 fiscal years on guns,

ammunition, body armor, military-style equipment, and military-style training for employees of the covered agency.

(2) Anticipated outlays by the covered agency for the first fiscal year beginning after the date of enactment of this Act on guns, ammunition, body armor, military-style equipment, and military-style training for employees of the covered agency.

(3) A detailed explanation of the covered agency's need for, and justification for purchasing, the quantity or amount purchased during each of the last 5 fiscal years of each of the following: guns, ammunition, body armor, military-style equipment.

(4) A detailed explanation of the covered agency's need for, and justification for providing, military-style training for employees of the covered agency, if the covered agency has provided such training to any employee during the last 5 fiscal years.

(5) A list of the positions and the number of employees of the covered agency who have received guns, ammunition, body armor, or military-style equipment as part of their employment.

(6) A list of the positions and the number of employees of the covered agency who have received training to handle, operate, discharge, or otherwise use guns, ammunition, body armor, or military-style equipment as part of their employment.

(7) A list of the positions and the number of employees of the covered agency who have received military-style training as part of their employment.

(8)(A) Whether the covered agency has any specialized units that receive special tactical or military-style training or that use hard-plated armor, shields, or helmets and that respond to high-risk situations that fall outside the capabilities of regular law enforcement officers, including any special weapons and tactics (commonly known as ''SWAT'') teams, tactical response teams, special events teams, special response teams, or active shooter teams.

(B) The number of units of the covered agency described in subparagraph (A).

(C) With respect to each unit of the covered agency described in subparagraph (A)—

(i) the number of employees of the covered agency who participate in, are authorized to participate in, or have received training for the unit;

(ii) a description of the unit;

(iii) a description of the training and weapons of the unit;

(iv) the criteria for activating the unit and how often each unit was activated during each of the last 5 fiscal years;

(v) a summary of each activation described in clause (iv), including a description of the need for the activation, the number of employees of the covered agency involved in the activation, the location of the activation, and the outcome of the activation;

(vi) the annual cost of equipping and operating the unit during each of the last 5 fiscal years; and

(vii) any other information that is relevant to understanding the usefulness and justification for the unit.

(9) A detailed explanation of the procedures and methods the covered agency follows to safeguard and store guns, ammunition, body armor, and military-style equipment in the possession of the covered agency or in the possession of employees of the covered agency.

(c) Each accounting submitted under this section shall be—

(1) in unclassified form, but may include a classified annex; and

(2) made available upon request by any member of Congress.

**SA 4785.** Mr. TOOMEY (for himself, Mr. SESSIONS, Mr. COTTON, and Mr. INHOFE) submitted an amendment intended to be proposed to amendment SA 4685 proposed by Mr. SHELBY (for himself and Ms. MIKULSKI) to the bill H.R. 2578, making appropriations for the Departments of Commerce and Justice, Science, and Related Agencies for the fiscal year ending September 30, 2016, and for other purposes; which was ordered to lie on the table; as follows:

On page 5, line 13, strike the period at the end and insert the following:

: *Provided*, That none of the funds made available under this heading may be obligated or expended for any State, or any political subdivision of a State—

(1) that has in effect a statute, ordinance, policy, or practice that prohibits or restricts any government entity or official—

(A) from sending, receiving, maintaining, or exchanging with any Federal, State, or local government entity information regarding the citizenship or immigration status (lawful or unlawful) of any individual other than an individual who comes forward as a victim or a witness to a criminal offense; or

(B) from complying with a request lawfully made by the Department of Homeland Security under section 236 or 287 of the Immigration and Nationality Act (8 U.S.C. 1226 and 1357) to comply with a detainer for, or notify about the release of, an individual other than an individual who comes forward as a victim or a witness to a criminal offense; or

(2) whose law enforcement officers and other employees, contractors, and agents are not certified by the Department of Homeland Security (whether under section 287(g) of the Immigration and Nationality Act (8 U.S.C. 1357(g)) or other authority and whether through a memorandum of understanding, regulations, or otherwise) to be acting as agents of the Department of Homeland Security with all the authority available to employees of the Department of Homeland Security when they take actions to comply with a detainer issued by the Department of Homeland Security under section 236 or 287 of such Act.

---

**SA 4786.** Mr. BARRASSO (for himself and Ms. MURKOWSKI) submitted an amendment intended to be proposed to amendment SA 4685 proposed by Mr. SHELBY (for himself and Ms. MIKULSKI) to the bill H.R. 2578, making appropriations for the Departments of Commerce and Justice, Science, and Related Agencies for the fiscal year ending September 30, 2016, and for other purposes; which was ordered to lie on the table; as follows:

After section 217, insert the following:

**SEC. 2____. TRIBAL VICTIMS OF CRIME.**

(a) OFFICE OF TRIBAL JUSTICE SUPPORT AND VICTIMS SERVICES.—Section 101(e)(1) of the Indian Tribal Justice Act (25 U.S.C. 3611(e)(1)) is amended, in the first sentence of the matter preceding subparagraph (A), by inserting ''and timely notice regarding technical assistance and training resources and activities of the Office'' before the period at the end.

(b) GRANT PROGRAM.—The Indian Tribal Justice Act is amended by inserting after section 104 (25 U.S.C. 3614) the following:

**''SEC. 105. GRANT PROGRAM FOR TRIBAL CRIME VICTIM SERVICES AND COMPENSATION.**

''(a) DEFINITION OF INDIAN TRIBE.—In this section, the term 'Indian tribe' has the meaning given the term in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b).

''(b) DUTIES.—The Office shall—

''(1) administer the grant program described in subsection (c); and

''(2) provide planning, research, training, and technical assistance to grant recipients for grants provided under subsection (c).

''(c) GRANT PROGRAM.—On an annual basis, the Office shall make competitive grants to Indian tribes for the purposes of funding services to victims of crime, which may be provided in traditional form or through electronic, digital, or other technological formats, including—

''(1) services provided through subgrants to victim services agencies or departments of tribal governments or nonprofit organizations;

''(2) domestic violence shelters, rape crisis centers, and child advocacy centers providing services to victims of crime in Indian country or in Alaska Native villages;

''(3) medical care, treatment, and related evaluations arising from the victimization, including—

''(A) emergency medical care and evaluation, nonemergency medical care and evaluation, psychological and psychiatric care and evaluation, and other forms of medical assistance, treatment, or therapy, regardless of the setting in which the services are delivered;

''(B) mental health and crisis counseling, evaluation, and assistance, including outpatient therapy, counseling services, substance abuse treatment, and other forms of specialized treatment, including intervention and prevention services; and

''(C) prophylactic treatment to prevent a victim of crime from contracting HIV/AIDS or any other sexually transmitted disease or infection;

''(4) medical equipment, such as wheel chairs, prosthetics, crutches, canes, hearing aids, and eyeglasses, the need for which arises directly from the victimization;

''(5) legal services, legal assistance services, and legal clinics (including services provided by pro bono legal clinics and practitioners), the need for which arises directly from the victimization;

''(6) forensic interviews, medical evaluations, and forensic medical evidence collection examinations for victims of crime, the need for which arises directly from the victimization; and

''(7) through the implementation of tribal action plans under section 4206 of the Indian Alcohol and Substance Abuse Prevention and Treatment Act of 1986 (25 U.S.C. 2412).''.

(c) FUNDING FOR GRANTS FOR TRIBAL VICTIMS OF CRIME AND TRIBAL ACTION PLANS.—Section 1402(d) of the Victims of Crime Act of 1984 (42 U.S.C. 10601(d)) is amended—

(1) by inserting before paragraph (2) the following:

''(1) Beginning on October 1, 2016, and each fiscal year thereafter for a period of 10 fiscal years, 5 percent of the total amount in the Fund available for obligation during a fiscal year shall be made available to the Secretary of the Interior to make grants under section 105 of the Indian Tribal Justice Act.''; and

(2) in paragraph (3)(A), in the matter preceding clause (i), by striking ''paragraph (2)'' and inserting ''paragraphs (1) and (2)''.

(d) REGULATIONS REGARDING INDIAN TRIBES.—

(1) EXISTING REGULATIONS.—Any regulation, rule, or guidance promulgated by the Attorney General or the Secretary of the Interior before the date of enactment of this Act shall have no force or effect with respect to section 105 of the Indian Tribal Justice Act, as added by subsection (b).

(2) NEGOTIATED RULEMAKING.—

(A) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Secretary of the Interior, in consultation with Indian tribes (as defined in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b) and through notice and comment rulemaking, shall promulgate final regulations carrying out section 105 of the Indian Tribal Justice Act, as added by subsection (b).

(B) REQUIREMENTS.—The Secretary of the Interior shall ensure that—

(i) not fewer than 2 Indian tribes from each Bureau of Indian Affairs region participate in the consultation; and

(ii) small, medium, and large land-based Indian tribes are represented.

---

**SA 4787.** Mr. MCCONNELL (for Mr. MCCAIN (for himself, Mr. BURR, Mr. MCCONNELL, Mr. CORNYN, Mr. SESSIONS, and Mr. COTTON)) proposed an amendment to amendment SA 4685 proposed by Mr. SHELBY (for himself and Ms. MIKULSKI) to the bill H.R. 2578, making appropriations for the Departments of Commerce and Justice, Science, and Related Agencies for the fiscal year ending September 30, 2016, and for other purposes; as follows:

At the appropriate place , insert the following:

SEC. _____. Section 2709 of title 18, United States Code, is amended by striking subsection (b) and inserting the following:

''(b) REQUIRED CERTIFICATION.—

''(1) IN GENERAL.—The Director of the Federal Bureau of Investigation, or his or her designee in a position not lower than Deputy Assistant Director at Bureau headquarters or a Special Agent in Charge in a Bureau field office designated by the Director, may, using a term that specifically identifies a person, entity, telephone number, or account as the basis for a request, request information and records described in paragraph (2) of a person or entity, but not the contents of an electronic communication, if the Director (or his or her designee) certifies in writing to the wire or electronic communication service provider to which the request is made that the information and records sought are relevant to an authorized investigation to protect against international terrorism or clandestine intelligence activities, provided that such an investigation of a United States person is not conducted solely on the basis of activities protected by the first amendment to the Constitution of the United States.

''(2) OBTAINABLE TYPES OF INFORMATION AND RECORDS.—The information and records described in this paragraph are the following:

''(A) Name, physical address, e-mail address, telephone number, instrument number, and other similar account identifying information.

''(B) Account number, login history, length of service (including start date), types of service, and means and sources of payment for service (including any card or bank account information).

''(C) Local and long distance toll billing records.

''(D) Internet Protocol (commonly known as 'IP') address or other network address, including any temporarily assigned IP or network address, communication addressing, routing, or transmission information, including any network address translation information (but excluding cell tower information), and session times and durations for an electronic communication.''.

SEC. _____. Section 6001 of the Intelligence Reform and Terrorism Prevention Act of 2004 (50 U.S.C. 1801 note) is amended by striking subsection (b).

**SA 4788.** Mr. GRASSLEY submitted an amendment intended to be proposed by him to the bill H.R. 2578, making appropriations for the Departments of Commerce and Justice, Science, and Related Agencies for the fiscal year ending September 30, 2016, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**SEC. _____. PERMANENT AUTHORITY FOR INDIVIDUAL TERRORISTS TO BE TREATED AS AGENTS OF FOREIGN POWERS UNDER THE FOREIGN INTELLIGENCE SURVEILLANCE ACT OF 1978.**

Section 6001 of the Intelligence Reform and Terrorism Prevention Act of 2004 (50 U.S.C. 1801 note) is amended by striking subsection (b).

---

**SA 4789.** Mr. CASEY (for himself, Mr. MURPHY, Mr. BLUMENTHAL, Mrs. BOXER, Mrs. GILLIBRAND, Ms. BALDWIN, Mrs. SHAHEEN, Mr. MARKEY, Mr. WYDEN, and Ms. WARREN) submitted an amendment intended to be proposed by him to the bill H.R. 2578, making appropriations for the Departments of Commerce and Justice, Science, and Related Agencies for the fiscal year ending September 30, 2016, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**SEC. _____. PREVENTION OF PERSON WHO HAS BEEN CONVICTED OF A MISDEMEANOR HATE CRIME, OR RECEIVED AN ENHANCED SENTENCE FOR A MISDEMEANOR BECAUSE OF HATE OR BIAS IN ITS COMMISSION, FROM OBTAINING A FIREARM.**

(a) DEFINITIONS.—Section 921(a) of title 18, United States Code, is amended by adding at the end the following:

''(36) The term 'convicted in any court of a misdemeanor hate crime'—

''(A) means being convicted by a court of an offense that—

''(i) is a misdemeanor under Federal, State, or tribal law;

''(ii) has, as an element, that the conduct of the offender was motivated by hate or bias because of the actual or perceived race, color, religion, national origin, gender, sexual orientation, gender identity (as defined in section 249), or disability of any person; and

''(iii) involves the use or attempted use of physical force, the threatened use of a deadly weapon, or other credible threat to the physical safety of any person; and

''(B) does not include—

''(i) a conviction of an offense described in subparagraph (A), unless—

''(I) the person—

''(aa) was represented by counsel in the case; or

''(bb) knowingly and intelligently waived the right to counsel in the case; and

''(II) in the case of a prosecution for an offense described in subparagraph (A) for which a person was entitled to a jury trial in the jurisdiction in which the case was tried—

''(aa) the case was tried by a jury; or

''(bb) the person knowingly and intelligently waived the right to have the case tried by a jury, by guilty plea or otherwise; or

''(ii) a conviction of an offense described in subparagraph (A) if—

''(I) the conviction—

''(aa) has been expunged or set aside; or

''(bb) is an offense for which the person has been pardoned or has had civil rights restored (if the law of the applicable jurisdiction provides for the loss of civil rights under such an offense); and

''(II) the pardon, expungement, or restoration of civil rights does not expressly provide that the person may not ship, transport, possess, or receive firearms.

''(37) The term 'received from any court an enhanced hate crime misdemeanor sentence'—

''(A) means a court has imposed a sentence for a misdemeanor under Federal, State, or tribal law—

''(i) that involves the use or attempted use of physical force, the threatened use of a deadly weapon, or other credible threat to the physical safety of any person; and

''(ii) based, in whole or in part, on a judicial finding that the conduct of the offender was motivated, in whole or in part, by hate or bias for any reason referred to in paragraph (36)(A)(ii); and

''(B) does not include—

''(i) the imposition of a sentence described in subparagraph (A), unless—

''(I) the person—

''(aa) was represented by counsel in the case; or

''(bb) knowingly and intelligently waived the right to counsel in the case; and

''(II) if the sentence described in subparagraph (A) was imposed in a prosecution for an offense for which a person was entitled to a jury trial in the jurisdiction in which the case was tried—

''(aa) the case was tried by a jury; or

''(bb) the person knowingly and intelligently waived the right to have the case tried by a jury, by guilty plea or otherwise; or

''(ii) the imposition of a sentence described in subparagraph (A) if—

''(I)(aa) the conviction of the offense for which the sentence was imposed has been expunged or set aside; or

''(bb) the offense for which the sentence was imposed is an offense for which the person has been pardoned or has had civil rights restored (if the law of the applicable jurisdiction provides for the loss of civil rights under such an offense); and

''(II) the pardon, expungement, or restoration of civil rights does not expressly provide that the person may not ship, transport, possess, or receive firearms.''.

(b) PROHIBITION ON SALE OR OTHER DISPOSITION OF FIREARM.—Section 922(d) of such title is amended in the first sentence—

(1) in paragraph (8), by striking ''or'' at the end;

(2) in paragraph (9), by striking the period and inserting ''; or''; and

(3) by inserting after paragraph (9) the following:

''(10) has been convicted in any court of a misdemeanor hate crime, or has received from any court an enhanced hate crime misdemeanor sentence.''.

(c) PROHIBITION ON POSSESSION, SHIPMENT, OR TRANSPORT OF FIREARM.—Section 922(g) of such title is amended—

(1) in paragraph (8), by striking ''or'' at the end;

(2) in paragraph (9), by striking the comma and inserting ''; or''; and

(3) by inserting after paragraph (9) the following:

''(10) who has been convicted in any court of a misdemeanor hate crime, or has received from any court an enhanced hate crime misdemeanor sentence,''.

---

**SA 4790.** Mr. NELSON (for himself and Mr. WICKER) submitted an amendment intended to be proposed to amendment SA 4685 proposed by Mr. SHELBY (for himself and Ms. MIKULSKI)

to the bill H.R. 2578, making appropriations for the Departments of Commerce and Justice, Science, and Related Agencies for the fiscal year ending September 30, 2016, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**SEC. _____. NASA LEASE OF NON-EXCESS PROPERTY.**

(a) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) partnerships with public and private sector entities can provide mission-enhancing, programmatic benefits to the National Aeronautics and Space Administration;

(2) enabling the Administration to continue to enter into leases of underutilized but non-excess property can help reduce operating costs, incrementally improve facility conditions, and improve mission effectiveness; and

(3) expansion of the authority to accept in-kind consideration for leases of non-excess property will enable the Administration to accept, as consideration for the lease, improvements to the property by the lessee or other services the lessee may offer that would benefit the Administration.

(b) LEASE OF NON-EXCESS PROPERTY.—

(1) REPEAL OF SUNSET.—Section 20145 of title 51, United States Code, is amended by striking subsection (g).

(2) IN-KIND CONSIDERATION.—Section 20145(b) of title 51, United States Code, is amended—

(A) in the heading, by striking ''CASH CONSIDERATION'' and inserting ''CONSIDERATION'';

(B) by amending paragraph (1) to read as follows:

''(1) FAIR MARKET VALUE.—

''(A) IN GENERAL.—A person or entity entering into a lease under this section shall provide consideration for the lease at fair market value of the lease interest as determined by the Administrator.

''(B) IN-KIND CONSIDERATION.—Subject to subsection (e)(3), the Administrator may accept in-kind consideration instead of, or in addition to, any monetary consideration, for any lease entered into under this section.''; and

(C) in paragraph (2)(B)(ii), by striking ''of nonexcess'' and inserting ''of non-excess''.

(3) LEASE RESTRICTIONS.—Section 20145 of title 51, United States Code, is amended—

(A) in subsection (a), by striking ''The Administrator'' and inserting ''Notwithstanding section 1302 of title 40, the Administrator''; and

(B) in subsection (e)—

(i) in the heading, by striking ''LEASE RESTRICTIONS'' and inserting ''RESTRICTIONS''; and

(ii) by adding at the end the following:

''(3) IN-KIND CONSIDERATION.—The Administrator may accept as in-kind consideration under this section any maintenance, capital revitalization, or improvement of any real property and related personal property under the jurisdiction of the Administrator if, prior to entering into the lease, the Administrator determines—

''(A) the current estimated amount of capital expenditures needed for the Administration to maintain and operate the property annually; and

''(B) that the proposed maintenance, capital revitalization, or improvement will not increase the estimated amount under subparagraph (A) by more than $500,000 annually.''.

(4) DEFINITION OF NON-EXCESS REAL PROPERTY.—Section 20145 of title 51, United States Code, as amended, is further amended by adding at the end the following:

''(g) DEFINITION OF NON-EXCESS REAL PROPERTY.—In this section, the term 'non-excess real property' means real property that is not excess property (as defined in section 102 of title 40).''.

(c) RULE OF CONSTRUCTION.—Nothing in this section, or the amendments made by this section, may be construed as affecting any duties of the National Aeronautics and Space Administration to identify excess property under section 524(a) of title 40, United States Code.

## AMERICAN EAGLE DAY

Mr. PORTMAN. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of S. Res. 502, submitted earlier today.

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

The legislative clerk read as follows:

A resolution (S. Res. 502) designating June 20, 2016, as ''American Eagle Day'' and celebrating the recovery and restoration of the bald eagle, the national symbol of the United States.

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

Mr. PORTMAN. 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. 502) was agreed to.

The preamble was agreed to.

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

## ORDERS FOR TUESDAY, JUNE 21, 2016

Mr. PORTMAN. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 10 a.m., Tuesday, June 21; 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 be in a period of morning business until 12:30 p.m., with Senators permitted to speak therein for up to 10 minutes each; further, that following morning business, the Senate resume consideration of H.R. 2578; further, that the Senate recess from 12:30 p.m. until 2:15 p.m. to allow for the weekly conference meetings; finally, that the filing deadline under rule XXII be at 2:30 p.m., Tuesday.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

## ADJOURNMENT UNTIL 10 A.M. TOMORROW

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

There being no objection, the Senate, at 7:32 p.m., adjourned until Tuesday, June 21, 2016, at 10 a.m.