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Senate

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

PRAYER

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

Let us pray.

Immortal, invisible, God only wise, do not stand far from us, for we need You every hour.

May our lawmakers remember that their success comes from You. Give them the wisdom to seek justice, to love mercy, and to walk humbly with You. Lord, free them from any entanglements that dishonor You. Protect them from dangers, seen and unseen, as they strive to return good for evil. When they feel overwhelmed, remind them that, in everything, You are working for the good of those who love You.

Help us all to strive to glorify You in every action, both large and small.

We pray in Your strong Name. Amen.

PLEDGE OF ALLEGIANCE

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

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

RECOGNITION OF THE MAJORITY LEADER

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

HEARING ON THE PRESIDENT'S POWER PLAN

Mr. McCONNELL. Mr. President, today the U.S. Court of Appeals for the D.C. Circuit will hear arguments in the case challenging the merits of the President's so-called Clean Power Plan.

My home State of Kentucky is one of more than two dozen States that have signed on to that suit, and I have been proud to lead efforts in support of the Commonwealth on this issue. In fact, I joined Chairman INHOFE, more than 30 other Senators, and more than 170 Representatives in filing an amicus brief to push back on the President's power grab.

I was pleased that the Supreme Court stepped in earlier this year to issue an unprecedented stay of this plan until the Federal courts review it.

In light of the court's hold on the plan, I wrote a letter encouraging the Governors of all 50 States to take advantage of this much-needed reprieve and to adopt a wait-and-see approach before complying with the plan's standards.

As I noted then, the President's plan is yet another example of Executive overreach patterned after this administration's political and ideological agenda, rather than scientific evidence.

This massive regulatory overreach would cause energy bills to skyrocket. It would strike at the most vulnerable. It would ship middle class jobs overseas. It would bring further harm to families like those in Kentucky who have been devastated by this administration's anticonal policies. And it would do little to nothing to actually achieve its intended purpose—reducing global emissions.

This plan, which I have long believed may not be upheld in court, could place significant legal and economic burdens on our States. That is why I have encouraged them to take advantage of the court's stay as we await a final ruling.

I look forward to today's hearing, which is an important step in determining whether the President's misguided plan will survive legal scrutiny.

CONTINUING RESOLUTION

Mr. McCONNELL. Mr. President, I wish to bring a little perspective to to-

day's vote on the clean CR-Zika package. Remember, this is a 10-week funding bill. Its contents command broad support. It contains zero controversial riders from either party.

Can it really be that Democratic leaders have embraced dysfunction so thoroughly that they attack a non-controversial 10-week funding bill over—what exactly? Now, remember, the reason we are in this position is that our friends on the other side didn't want to have a regular appropriations process. Does anybody know what the issue is? Do they even know?

The rationale seems to change by the hour. What we do know is it has almost nothing to do with what is actually in the bill. They have agreed to its spending levels, so it isn't that. They have agreed to its compromise Zika package, so it can't be that. They have agreed with us to help veterans and those hurt by floods and the heroin and prescription opioid crisis, too, so it can't be that either.

We also know that the Senate has already voted to pass assistance for families affected by lead poisoning in Flint—in its proper vehicle—the Water Resources Development Act, with Chairman INHOFE pledging to continue to pursue resources for Flint once the bill goes to conference. So Flint can't really be an issue either. And the White House said yesterday that the WRDA bill is an appropriate vehicle for the Flint funding.

It is almost as if a few Democratic leaders decided long ago that bringing our country to the brink would make for good election-year politics, and then they have just made up a rationale as they go along. But that couldn't really be true, could it? Could it be true?

That would mean Democrats have been playing politics with the lives of expectant mothers and babies suffering from Zika after a few months ago demanding immediate action. That would mean Democrats have been playing

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



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politics with the lives of those struggling with the heroin and prescription opioid crisis after promising they would help. That would mean Democrats have been playing politics with the lives of flood victims after saying they cared.

I know our Democratic friends wouldn't want the American people to think that.

I hope every one of our Democratic friends will show us today that they are actually serious about supporting veterans and tackling Zika and flood relief and the heroin and prescription opioid crisis, and we all know the way to do that is by supporting the legislation before us that actually does those things.

This 10-week funding bill need not be, as some Democratic leaders seem to wish, some titanic struggle for the ages. It is just a 10-week funding bill. It is hard to believe Democrats would really be willing to hold up this commonsense package and its critical resources to address Zika, the heroin and prescription opioid epidemic, and floods.

The clean CR-Zika package before us is fair. It is a result of literally weeks of bipartisan negotiations. It does the very things Members of both parties and, more importantly, our constituents have been calling for.

We really cannot afford to delay any longer. Passing this clean CR-Zika package should be one of the easiest votes we cast.

ORDER OF PROCEDURE

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Senate recess from 3 p.m. until 4 p.m. today for an all-Senators briefing; further, that the time from 10:45 a.m. until 11:30 a.m. be under the control of the majority, and 4 p.m. until 5 p.m. be under the control of the Democrats.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

RECOGNITION OF THE MINORITY LEADER

The PRESIDING OFFICER. The Democratic leader is recognized.

CONTINUING RESOLUTION

Mr. REID. Mr. President, the Republican leader just said: What are the Democrats trying to do, have built-in dysfunction?

During the 8 years I was majority leader, we had to overcome 644 filibusters led by the Republicans—644. A comparable time: Lyndon Johnson, who was the majority leader for 6 years, had to overcome one and, arguably, two filibusters. Two compared to 644, so don't lecture us on building dysfunction. They have invented it in the modern Senate.

This afternoon the Senate will vote on cloture on the CR proposed by the

Republicans. I appreciate the good work done by appropriators, on our side led by Senator MIKULSKI. They have done good work, and tremendous progress has been made.

The Republican proposal will likely fail to get cloture this afternoon, and for good reason. The Republican legislation misses the mark. It seeks to keep in place the status quo with regard to undisclosed, unaccountable dark money that is flooding our political system.

On the way to work this morning, I learned that the National Rifle Association is placing another \$1 million of TV ads in Nevada. We all know that the National Rifle Association was really good at direct mailing. They raised that money from their members. That is not how it works now. Most of the NRA money comes from the Koch brothers. We are fortunate there are not two Trumps. That is the dark money we are talking about. Those ads will say NRA, but it is not NRA money. The ads will say the Chamber of Commerce, but it is not Chamber of Commerce money. It is all Koch money. It is how it works with the dark money, nondisclosed money. And the provision my friend the Republican leader has to have in this resolution is this: The Securities and Exchange Commission will be powerless to tell corporations that they have to disclose their campaign contributions. They have to disclose everything else at their shareholders meeting, but not that; oh, no, that would be terrible, any type of disclosure. We want to keep all of this money out there dark, secret—no one knows. All of these phony names they advertise are just so unfair.

The Republican bill includes a rider to the government funding bill that prevents shareholders from knowing how their money is being used in political campaigns. Again, the Republican leader is trying to shut the door on disclosure.

The Republican continuing resolution also ignores the 2½-year crisis in Flint, MI. Lead has poisoned all 100,000 people—almost 10,000 children, some of whom are babies. Lead is a killer for children. After a short period of time—a month, a few weeks—a child who ingests lead in any way, whether they are eating paint off the floor but certainly drinking water, will be affected the rest of their lives. They will not be as smart as they could be; they will not be as agile as they could be. It really hurts them. And it is not good for adults. So after 2½ years, don't those people deserve something?

The Republican leader said there is a water resources development bill, and I acknowledge that. I think good work was done to get that passed. I said yesterday, and I will say again today, that I appreciate the work of Senator INHOFE. He has worked with one of the most liberal Members of the Senate, BARBARA BOXER, and he is one of the most conservative, and they did good work and I appreciate it very much.

But would it be asking too much for the Speaker of the House and the Republican leader of the Senate to stand and say: We are going to get that thing done. We are going to pass it; we are going to make sure that the bill that passed overwhelmingly here in the Senate is going to become law. But they ignored that. They ignored the people of Flint.

We are happy to help with the disaster that took place in Louisiana. Since the Republican leader is here, we have been happy to help with all of the problems, the emergencies they have had in Texas. We stepped up to the plate, and we took care of that. We were happy to do that in Louisiana.

This will not be the reason I will not support this legislation, but I think Louisiana deserved more than what is in this bill. The emergency declaration for them is \$2.8 billion, and in this bill there is \$500 million, and they will get most of that. A little bit will go to West Virginia, and some—a little bit, even less—will go to Maryland. It will be distributed on a proportionate basis. But couldn't they help Flint?

Here was the response of the junior Senator from Louisiana: That is someone else's grief. That is what he said: That is someone else's grief. Louisiana wasn't someone else's grief when the hurricanes struck. It was our grief. The junior Senator from Louisiana should understand that he is a U.S. Senator, not a State senator from Louisiana. It is not someone else's grief; it is our grief.

The Republicans are essentially saying that disasters in our States are more important than disasters in your State. It is unfair and it is wrong.

This morning my leadership team sent a letter to the Republican leader. DURBIN, SCHUMER, and MURRAY—they sent a letter to the Republican leader encouraging the Republicans to come back and give us a solution for the people of Flint.

After the vote on the Republican CR this afternoon, I encourage my Republican colleagues to help us have some degree of certainty that the people of Flint will be helped. It is not deficit spending even though it is an emergency. I believe it should be taken care of just like we had taken care of Louisiana. It is paid for. In fact, I commend Senators STABENOW and PETERS for taking money from a program they have in Michigan to pay for this. It is not deficit spending. Why can't we do it? The reasons are apparent, and that is too bad.

This doesn't need to be a manufactured crisis. We know the Republicans know how to close the Senate. They did it for 17 days, and they have done it another time. We don't need to have this manufactured crisis. We want to make sure that Flint has some degree of certainty that after 2½ years they would get some help. We need to work together to keep our government properly funded and the people of Flint protected. Certainly, we should be able to do that.

DONALD TRUMP

Mr. REID. Mr. President, last night the Republican nominee for President failed to give any assurance as any kind or a coherent explanation as to why he refuses to release his tax returns—because there is no coherent reason. It is hard to give one when there isn't one.

He said he couldn't release his tax information because the Internal Revenue Service hasn't certified it. Everyone debunks that—everyone, except Donald Trump. But even as Trump tried to say nothing about his tax returns, he revealed at least one shocking truth: Donald Trump thinks that paying taxes is a fool's errand. People shouldn't pay taxes. He said—and it was reported at least five times in three decades—that he paid nothing in Federal income taxes, and Secretary Clinton alluded to that fact in last night's debate. Donald Trump's response was this: "That makes me smart." So what does that make the rest of us—suckers, unintelligent, dumb? He is smart; so does that make us dumb because we pay our taxes? He knows that refusing to pay taxes makes him, as we have come to learn, a scam artist. He is good at that. Every day that he refuses to release his tax returns is another slap in the face to the American people. People running for office for scores of decades have released their income taxes. That may be a little bit of an exaggeration, but let's say that for the last 70 years, they have released their income tax returns. So why won't he release his? Why doesn't he do this? Because the tax returns would show that he is not the rich guy he thinks he is. Tax returns would show he is a spoiled, rich brat who inherited his daddy's money and hasn't done so well with it. After \$14 million, he hasn't done that well with how much his dad gave him. Trump's tax returns would show he isn't as generous as he claims to be and that he uses charities as his personal slush fund. Did you see this morning's news? He had an appearance on a TV show, and they owed him money. They paid that into his charity so he can then say that he gave this away. Trump's tax returns would show that, in spite of getting over \$1 billion of assistance from New York, in New York City alone Donald Trump is a failed businessman who is buried under a mountain of debt. They would show that he refuses to pay his Federal income taxes.

So I would hope that Donald Trump would release those tax returns the way Hillary Clinton has released 40 years of hers and her husband's.

Mr. President, I 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.

LEGISLATIVE BRANCH
APPROPRIATIONS ACT, 2017

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of H.R. 5325, which the clerk will report.

The senior assistant legislative clerk read as follows:

A bill (H.R. 5325) making appropriations for the Legislative Branch for the fiscal year ending September 30, 2017, and for other purposes.

Pending:

McConnell (for Cochran) amendment No. 5082, in the nature of a substitute.

McConnell amendment No. 5083 (to amendment No. 5082), to change the enactment date.

McConnell amendment No. 5084 (to amendment No. 5083), of a perfecting nature.

McConnell amendment No. 5085 (to the language proposed to be stricken by amendment No. 5082), to change the enactment date.

McConnell amendment No. 5086 (to amendment No. 5085), of a perfecting nature.

McConnell motion to commit the bill to the Committee on Appropriations, with instructions, McConnell amendment No. 5087, to change the enactment date.

McConnell amendment No. 5088 (to (the instructions) amendment No. 5087), of a perfecting nature.

McConnell amendment No. 5089 (to amendment No. 5088), of a perfecting nature.

The PRESIDING OFFICER. The assisting majority leader.

Mr. CORNYN. Mr. President, I came to the floor to talk about the pending business, but I have to just comment based on what the Democratic leader has said. Apparently, he has so little confidence in his party's nominee for President that he insists on coming to the floor every day that we are in session, trying to assist her by making arguments either she cannot make or that she has not made. We do have pending business that is very important and which I know he would agree is important, and that is to keep the government running past the end of this fiscal year, which ends on Friday.

That actually is the subject that I came here to talk about. We are continuing to work on a continuing resolution to fund the government through the end of the fiscal year. The fact of the matter is that we would not find ourselves in this distasteful position were it not for the filibusters of our Democratic colleagues who try to use the leverage and have effectively used the leverage to shut down the normal functioning of the appropriations process in order to gain some leverage to spend more money, notwithstanding the fact that we are \$19 trillion in debt. They simply shifted from one excuse to another in order to refuse to do their job, which is actually to work in a bipartisan way through the appropriations process to fund the functioning of the government at agreed-to spending levels.

So we are now staring at a Friday deadline to keep the government open. Of course, this was their design all along—to drag their feet, delay, and turn from one excuse to another in order to keep from actually working in

a bipartisan way to appropriate the money to fund the government so the government would continue to function. We could have finished this job a long time ago, but our Democratic colleagues simply made it clear that they wouldn't lose any sleep even as we get closer and closer to the funding deadline.

This is actually the narrative they hoped for all along. They want to talk about shutdowns or potential shutdowns that they, in fact, could cause, not because of anything that we have done on this side of the aisle.

The Appropriations Committee, chaired by Senator COCHRAN, and the Appropriations subcommittees have voted out on a bipartisan basis all 12 appropriations bills, and they have done their work. Many of them have passed unanimously. Most of them have passed overwhelmingly with bipartisan support, which is very encouraging. So our Democratic colleagues have had a lot of participation and a lot of influence, as I know they would want, in the priorities of the Federal Government as reflected in the appropriations bill. Of course, that wasn't good enough, and that didn't meet their underlying need, which is to try to gain any advantage they possibly can when it comes to spending levels or in the upcoming November 8 election, which very much appears to be on the Democratic leader's mind as he continues to come to the floor and talk about the Presidential race rather than the pending business.

Of course, now we know that we are running out of time. So the majority leader, Senator MCCONNELL, has now proposed to call their bluff. They said they wanted a clean continuing resolution. As a matter of fact, the Democratic leader said last week that if a clean continuing resolution were brought to a vote, we could "leave in 10 minutes." That is what the Democratic leader said last week. But as of yesterday, we know he changed his tune. He said a clean CR wasn't near enough. He said: "We want more."

We will soon have a chance to vote on that clean continuing resolution after lunch. This is the continuing resolution that the Democratic leader said we could pass and leave in 10 minutes. This continuing resolution funds the government at levels this Chamber has already agreed to. There are no riders or anything that the Democrats can claim as controversial. It is a simple continuation of funding at current levels under the same terms that the President has already signed into law last December. It also includes resources for bipartisan priorities like veterans programs, flood control, fighting the opioid epidemic that is devastating communities across our country, and dealing with prevention of the Zika virus—something the Democrats said they wanted money for since last May. Well, this is it. This is the \$1.1 billion agreed to on a bipartisan basis. But this is when they shift their argument to something else.

We remember that during the summer, our Democratic colleagues were quick to call for action on Zika funding. Ironically, they filibustered a bill that would have provided that funding, but when push came to shove, they flat out refused to act to give communities the funding they need to fight this real health crisis.

We know from what has happened in Florida, where they have had domestic infections of people from the mosquitoes carrying the Zika virus in Florida, that it is just a matter of time before this will spread to other parts of the United States, including warmer weather States like mine, in Texas.

I have spent some time in Houston, TX, with the mosquito and vector control folks at the Harris County Health Department, where they are monitoring these mosquitoes on a daily basis to see whether there are signs of the Zika virus in those mosquitoes. Thankfully, there is none yet, but they are identifying West Nile virus and other mosquito-borne diseases, and thank goodness for the work and leadership they are showing at the local level. It would be nice if the Nation's congressional leaders would demonstrate similar leadership getting our job done, getting the money to the people who need it and can put it to good use.

I have shown the picture of the devastating birth defects caused by the Zika virus in women of childbearing age. It is devastating. How our colleagues across the aisle can continue to block this funding in giving the money that could actually help address this potential health crisis is beyond me. We have given them what they wanted, and they refuse to take yes for an answer. They still talk a lot about it and the urgent need to get it done, while dragging their feet the whole way.

The Democratic leader even said at the beginning of this month that we need to handle the Zika threat first and foremost. Well, I guess that is why he continues to delay a vote on the continuing resolution and why they continue to do what they say they are going to do. They are going to block the cloture vote this afternoon, again, because now they have changed the subject.

Well, this is their chance to act, to send resources to fight the virus in communities across the country. I am glad the senior Senator from Florida, a Member of the Democratic caucus, has already said that he will support this clean CR, in light of the public health threat Zika poses to his constituents in Florida. He clearly has his priorities straight. It is not politics first and foremost. It is public health. I hope more of his colleagues follow his lead and vote to get on this continuing resolution so we can get our work done and so the money can go to those communities like those in his State and in my State that need it most.

Some of our Democratic colleagues say they don't like the continuing res-

olution because it doesn't allow for funding for the water problems in Flint, MI. But I have to say that this is just another manufactured excuse. It ignores reality. We just passed overwhelmingly the Water Resources Development Act with more than 90 votes in this Chamber. That bill provides funding for the crisis in Flint, MI. The House is taking up their version of the bill this week. The chairman of the Environment and Public Works Committee, the senior Senator from Oklahoma, has made it clear he is committed to sending this Water Resources Development Act, including funding for Flint, to the President for his signature. So that excuse doesn't hold any water either.

Our Democratic friends may say: Well, that is not included in the House bill. That is true. But with the commitment of the chairman and the ranking member of the Environment and Public Works Committee, Senator BOXER, who work so well together, there is no way in the world that a conference report is going to come back to the Senate without that Flint, MI, money in the bill. So that excuse doesn't hold water either.

Once again, I guess because they think it helps them somehow politically, our Democratic friends are marching this country closer and closer to a shutdown. They have been slow-walking the process, starting months ago when they refused to consider and even pass bipartisan appropriations bills. As I said earlier, these were bills passed overwhelmingly on a bipartisan basis. Why in the world would they do that, I guess, perhaps is the question before us. Well, a Member of their leadership implied in yesterday's Washington Post that it is purely for political purposes.

I am not naive. I understand politics is part of this process, but clearly the priority of our colleagues across the aisle is not to do their job and to address the funding needs for the Federal Government, including the Zika crisis or even to deal in a bipartisan way with the very issue they have identified, the Flint, MI, issue that is going to get that money to the community.

In the article I mentioned in the Washington Post, the senior Senator from Montana, who heads the Democratic campaign committee, gave us just a momentary glimpse into our Democratic friends' playbook this election cycle. He said that in order to win more seats in the U.S. Senate, Democratic candidates need to show that "Republicans really haven't done anything."

That was the campaign chairman of the Democratic Senatorial Campaign Committee, saying in order for them to win seats, they have to show that under Republican leadership nothing has been done. The facts would show otherwise. This reminds me of the story of a propaganda technique where, if you tell a big enough falsehood and you tell it over and over and over,

there are some people who are actually going to believe it.

Facts are a stubborn thing. Democrats are marching us down a path that leads to a shutdown in order to gain some sort of political advantage. What a terrible thing to do to this country, to be brought to the brink purely for some perceived, temporary political game.

The facts are, under the leadership of Senator MCCONNELL as the majority leader and under a Republican majority, the Senate has been brought back to regular order, which means we are actually doing the people's business. Committee chairmen have had the freedom to flesh out legislation on a bipartisan basis and craft good policy solutions for the American people, rather than have bills cooked up in the Democratic leaders' conference room that have never seen the light of day in any committee and certainly were not bipartisan. That was the record when the Democratic leader was majority leader during the last Congress.

We have had more votes on more bills so individual Senators could offer specific ideas on how to make legislation better, and the results speak for themselves. It is a long list, but the Senate has passed much needed overhauls of our education system and our transportation system, both on a bipartisan basis. We have passed bipartisan bills to help root out the dangers to our society from opioid addiction, heroin addiction, and human trafficking. We passed foreign policy measures that have made our country safer, including a bill to impose stronger sanctions on North Korea.

Again, it is a long list. Last week, we passed the Water Resources Development Act I was referring to earlier, thanks to the leadership of a Republican, the senior Senator from Oklahoma, and a Democrat, the senior Senator from California. That is the way this process is supposed to work.

The point is, until very recently, this Congress has been marked by a willingness of folks on both sides of the aisle to work through the issues and to find a path forward that would represent the best solution for the people we represent, the American people.

According to the senior Senator from Montana—in what appears to be an act of desperation—that doesn't make for good campaign strategy in the days leading up to the election, apparently, and now they want to try to sell this propaganda, this gigantic falsehood repeated over and over so people, at some point, at some level, begin to believe it. They want to paint this Congress as ineffective under Republican control.

When our friends on the other side of the aisle put the "d" in dysfunction during the 113th Congress, that is why the Republicans won the majority in the 2014 election, among other things, because Democratic incumbents running for reelection in 2014 had no record of accomplishment they could point to. That strategy backfired on

our Democratic colleagues. You would think they would have learned something from that experience.

For example, they had the incumbent Senator from Alaska go home to Alaska and ask to be returned to the Senate. He could not point to a single amendment on a single bill he actually sponsored that received a rollcall vote in the Senate. That is pretty hard to explain, especially when you are in the majority, but that is what happened. You would think our colleagues would have learned something from that.

What do they gain by edging our country toward a government shutdown this Friday? I don't see how it helps anyone, but that is why we are here today, staring at a deadline and trying to hammer out a stopgap spending bill—and this only gets us to December 9.

Again, the reason we find ourselves having to do this is because they have simply shut down the Senate appropriations process, forcing us into a position that no one who actually has any interest in performing the duties of their job actually likes. This is not the way the Senate is supposed to work, but this is the hand we have been dealt because of their obstruction.

I would hope more Democrats would join the senior Senator from Florida and take yes for an answer when it comes to funding the government, when it comes to dealing with Zika, the potential Zika crisis in our country.

I hope our colleagues on the other side will reconsider their decision to block the vote this afternoon. We are ready to move forward with the solution our Democratic colleagues have called for, a clean continuing resolution, but again it is like Charlie Brown and the football. Do you remember that cartoon? Every time Lucy would put the football out, she would pull it back at the last minute and Charlie Brown would end up on his back.

All we need is a partner who will work with us. I encourage some of our friends across the aisle to reconsider their position.

JUSTICE AGAINST SPONSORS OF TERRORISM ACT

Mr. President, late on Friday afternoon, the President fulfilled his promise to veto the Justice Against Sponsors of Terrorism Act.

I have a hard time understanding the President's rationale. This legislation was approved unanimously in the Senate and in the House. That doesn't happen very often, where Democrats and Republicans, where Senators and House Members, unanimously support a piece of legislation, but tomorrow afternoon we will vote on an override of that veto. President Obama made clear in his message that he doesn't understand how limited and narrow in scope this legislation is. As a matter of fact, he misrepresents what this legislation actually does, which is an extension of current law, and it is well within the bounds of historical practice and modern court guidance under the Foreign Sovereign Immunities Act.

The victims of terrorism in this country need an ability to seek justice in a court of law. That is all this bill is about. It doesn't identify a single country, and it doesn't purport to decide the merits of the case. All it says is, yes, you can present your case to a judge and a jury in a court of law. Why the President would object to that is lost on me.

This legislation will help victims of terrorism on U.S. soil seek compensation. By doing so, it will potentially deter other terrorist acts. If there are consequences associated with sponsoring terrorist attacks on American soil, don't you think this might have some modest deterrence effect, including our counterterrorism measures that our national security forces are engaged in?

This also sends an important message that the United States takes care of its own and that we will never tolerate terrorism and we will never ever shy away from the pursuit of justice for Americans.

I realize there are some of our colleagues who say: Well, Saudi Arabia or some other country might be upset with us.

Frankly, I could care less. We are here to represent the American people, not some foreign country. The fact is, our colleagues—our friends in Saudi Arabia, to the extent that we have aligned interests, we work well together and that will continue despite this veto override. To simply say because some foreign country or some King or some Prince of some other country doesn't like legislation so the President is going to veto it is simply unacceptable, when clearly the American interest here is for these victims of terrorism to find recourse in our courts of law.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The assistant Democratic leader.

Mr. DURBIN. Mr. President, while the Republican whip is still on the floor, I believe there is an agreement, at 10:45, Republicans will have control of the floor.

I have waited patiently while the Senator from Texas has given his speech. I ask unanimous consent to allow me 10 minutes to speak on the floor before the Republicans claim their time.

Mr. CORNYN. Absolutely.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. DURBIN. Thank you very much.

Mr. President, why are we facing a continuing resolution to fund the government of the United States of America? Because our budget expires on October 1.

It is a new budget. We are supposed to pass spending bills, appropriations bills, budget bills that will cover this next 12 months of the fiscal year, and we have failed. The Senate Appropriations Committee, which I am proud to serve on, has done its job on a bipar-

tisan basis. In fact, we have reported out all 12 spending bills but had very little luck on the floor of the Senate moving those bills forward. The first one we took up was the military construction bill, which passed with good support, and was sent over to the House of Representatives. They loaded it up with every political issue they could think of for this campaign season, and that bill started floundering at that point. That is why, at this moment in time, we need to pass a continuing resolution. This is no way to run a government but, to be honest with you, both political parties have been guilty of finding themselves in this mess before, where we have had to buy a little extra time into the fiscal year in order to agree on the budget for the remainder of that year.

What the President said to the Republican leaders of the House and Senate last week is, if you want to do this continuing resolution bill, just keep the government running until you can agree on all the appropriations bills, give me a continuing resolution bill until December 9, and—if you would—please acknowledge that we are facing a public health crisis with the Zika virus. The President raised that issue because in February of this year, 7 months ago, he notified Congress this was going to happen; that we were going to see these mosquitoes carrying the Zika virus infecting people in Puerto Rico and in the United States and endangering mothers who were carrying babies. In February, the President asked for Congress to give \$1.9 billion to eradicate the mosquitoes, to lessen the danger, and, equally important, to develop a vaccine. This is a vaccine which frankly, when it is developed, all of us will want to take, one that protects all of us from Zika virus infection in the future.

What did the Republican-controlled Congress do with the President's emergency public health crisis request for Zika? Nothing. They ignored it until May of this year, when the Senate finally passed, with 89 votes, Democrats and Republicans together—it was not \$1.9 billion but \$1.1 billion to deal with the Zika virus, this emergency public health crisis. It took 3 months. It should have taken 3 days.

In May, with 89 votes, we sent a bill from the Senate over to the House of Representatives to deal with this crisis. What did they do with it? Instead of passing the bipartisan bill the President requested, they decided to load it up with politically controversial issues that they thought would help them in this election cycle. Listen to some of the things they added to this bill, this emergency public health crisis bill.

First, they put in the provision that there was a prohibition of funding any efforts by Planned Parenthood on family planning under this bill. Why? Because mothers, facing the prospect of a pregnancy and the possibility of an infection, would seek family planning help at Planned Parenthood. Two million American mothers did last year.

They put this provision in to defund Planned Parenthood. They knew that was going to be a fight. They put it in anyway. They eliminated \$500 million from the Veterans' Administration funding to process veterans' claims—something we desperately need. They took the authority of the Environmental Protection Agency to monitor the chemicals that would be used to kill the mosquitoes. And then, to add insult to injury, they put in a provision that said you could display Confederate flags in U.S. military cemeteries. What does that have to do with the Zika virus? Nothing. It was political gamesmanship. It was going nowhere. The President would never sign it under those circumstances, and they knew it.

Now the President says: Give me a clean Zika funding bill and we will move forward with this continuing resolution.

Finally, last week the Senate Republican leader gave us that clean bill as part of the CR, and if that were all he did, we would be finished, we would be home, but he kept moving forward in other areas of controversy. You see, there was terrible flooding in Louisiana, and a lot of innocent people were hurt. They lost their homes and businesses. It has been a custom in the Congress to rally to the aid of victims of disasters. I have voted for that over and over again, for maybe every State across the United States, because I knew the day would come—and it has—when Illinois would need a helping hand, and I wanted to be there for my colleagues.

So we said this to the leader on the Republican side: If you want to help Louisiana—and I do—also help the people living in Flint, MI.

Remember when their water supply was contaminated? There were 100,000 people ingesting lead, when there is zero tolerance in our blood streams for that. The damage is obvious. Imagine 9,000 children in Flint poisoned with lead-contaminated water. That happened. In that poor city, they are still drinking water out of bottles every single day.

So we said to the Republican leader: Yes, we care about Louisiana. You should care about Flint, MI. If you are going to help Louisiana, help those poor people in Flint who are facing this kind of contamination.

He refused. He said: There will be money for Louisiana but no money for Michigan.

Why? We think there are victims in both places, and in the past the Senate and Congress have risen to those tragedies and those demands. I have done it on a bipartisan basis. It makes no difference to me that we have two Republican Senators in Louisiana, and it should make no difference to Senator MCCONNELL that we have two Democratic Senators in Michigan. Let's think about the Americans who are hurting in both places instead of playing political games. But no—Senator MCCONNELL said: We will help Lou-

isiana; we will provide no help to Flint, MI. That is unfair, and it complicates the situation.

If that were all he did, it would be bad enough, but Senator MCCONNELL has a pet project that he needs to put into this bill. Listen to what it is. It is a prohibition at the Securities and Exchange Commission that would promulgate a rule to require America's corporations to publicly disclose the campaign contributions they are making. Under Citizens United, in warped thinking at the Supreme Court, it was determined that corporations are persons when it comes to contributing money. Look what has happened—a flood of millions of dollars. Republicans were boasting that they raised \$43 million in their super PAC in August, and they got \$20 million last week from Sheldon Adelson, a rich man who lives out in Nevada. Oh, they are rolling in millions, but Senator MCCONNELL is determined to keep secret the source of these funds, so he wants to prohibit the Securities and Exchange Commission from requiring corporations to simply state publicly that they are making these contributions. We do. If corporations are persons—individual persons, like myself have to make a disclosure of contributions that are made. Why should corporations have the benefit of being treated as a person to make contributions but not the responsibility facing persons to disclose this publicly? Senator MCCONNELL wants to keep that secret, and that is why he included it in this legislation and made it as controversial as it is.

A simple word to the leader on the Republican side and to the wise who want to leave and go home and campaign: There is a way out of here. Treat the people in Flint, MI, with the same respect we are treating the victims in Louisiana. Provide the resources for opioid funding, which we desperately need. Leave out this special interest provision protecting corporations that want to make political contributions but want to keep it secret so nobody knows what they are doing. Make sure that we finally—finally—7 months later, adequately fund the Zika crisis so we can deal with this and develop a vaccine to protect all of America.

Mr. President, to reiterate, after weeks of bipartisan negotiations and significant progress made in settling our differences on a bill to keep the government open through December 9, Republican leadership has given up on negotiations and instead filed a bill that completely ignores the ongoing emergency in Flint, MI. For over a year, the good people of Flint have waited for Congress to do our job and address the public health emergency that has poisoned 9,000 children and left 100,000 residents without access to clean and safe water. But once again, they are being told to wait. They are being told that the emergency their community is facing is somehow less important than emergencies other

communities around the country are facing.

Republicans continue to argue that the ongoing crisis in Flint and other cities is better addressed through the Water Resources Development bill or WRDA. But while the Senate WRDA bill, which we passed earlier this month, includes vital funding for Flint, the House has made no commitment to help Flint in their bill. We cannot afford to wait any longer. The people of Flint have waited far too long already. We need to address the emergency in Flint now—in this bill—just as we are addressing the emergency in Louisiana.

It is unbelievable that Congress continues to hold up federal funds to help aid these Americans in their time of need. Almost 100,000 people are currently living without reliable access to clean water in their homes and 9,000 children are suffering from lead poisoning. Just like those suffering from flooding and tornados, these families did nothing to deserve this. And just as the federal government always helps when Americans are hit by disasters, it should do so now.

There were no complaints last May when the Federal government declared an emergency and reached out to residents of Texas to help them rebuild their lives after a tornado hit. So I see no reason why Senators should hesitate to provide funding to Flint, Michigan, to help deal with this public health emergency. The crisis in Flint is a tragedy that demands Senate action.

Instead of turning on the tap to make breakfast or take a shower, like all of us did this morning, these residents start their day by waiting in long lines for bottled water to feed and bathe their children, take showers, and stay healthy. And for those elderly or disabled residents that cannot make it to the pick-up location, they are left with the option of continuing to use water that they know is poisoning their bodies with lead and causing numerous health issues.

The lead contamination levels in the City mean that an entire generation of children are in danger of suffering from irreversible brain damage, lower IQ scores, developmental delays, and behavior issues for the rest of their lives.

This truly is a tragedy that requires federal support.

And what is frightening, is that Flint is not the only city battling with lead issues, nor is it an isolated incident. Elevated lead contamination levels have been reported in cities nationwide—including in Ohio, South Carolina, New Jersey, Mississippi, and Washington, DC. In my own home state of Illinois, Chicagoans have been battling with lead contamination in their homes for years.

Recent articles in the Chicago Tribune have highlighted this struggle. In 2012, an EPA study found high levels of lead in the drinking water of several Chicago homes—despite the City's use of anticorrosive chemicals to treat the water. And since then, at least 179

young children in federally-subsidized homes in Chicago have suffered lead poisoning stemming from exposure to lead-based paint.

These issues have led to Illinois having some of the country's highest rates of children with elevated blood lead blood levels, which, unfortunately, have hit low-income and minority communities the hardest.

Thankfully, however, lead levels in Illinois and across the nation have not risen to the severity of those in Flint.

But the widespread nature of these issues does show that we need to get serious about investing in infrastructure programs that address the housing, environmental, and public health aspects of preventing lead contamination in American homes. That is why I was proud to join Senators from both sides of the aisle in supporting a bipartisan deal to address the ongoing lead crisis in Flint and other communities across the country and ensure all Americans have access to safe drinking water.

The Senate's bipartisan WRDA bill provides \$220 million in direct emergency assistance to Flint and other communities facing similar drinking water emergencies. It provides \$1.4 billion over five years to help small and disadvantaged communities comply with the Safe Drinking Water Act. The bill modernizes our State Revolving Loan Fund program and provides \$300 million in grants for communities to replace lead service lines. And because we are also seeing high levels of lead in our schools' water, the bill authorizes \$100 million for additional lead testing in schools.

This bill also addresses many of the issues that I raised in the Lead-Safe Housing for Kids Act that I introduced with Senator MENENDEZ and the CLEAR Act that I introduced with Senator CARDIN, two bills that would ensure our children are protected from the dangerous effects of lead in our water and our housing.

While we still haven't figured out our differences over aid for communities affected by lead contamination, Democrats and Republicans have finally agreed to address the Zika public health emergency in this bill.

In February, the President requested \$1.9 billion to fight the Zika virus. In May, the Senate overwhelmingly passed a bipartisan bill to provide \$1.1 billion in emergency funding to combat this virus, but then partisan politics took over. Republicans insisted on attaching a variety of controversial policy riders to the Zika bill, from attempting to overturn provisions of the Clean Water Act to trying to block money from going to Planned Parenthood health centers.

Thankfully, 7 months after the President first made his request, commonsense is prevailing and Republicans have finally dropped their outrageous demands to load this bill up with contentious and extraneous items. I wish it had happened sooner. The bill before

us today includes \$1.1 billion in funding to help States and our Federal health agencies properly respond to the ongoing Zika epidemic. This money will be used for vaccine development, mosquito control, and the delivery of needed health care.

What the bill before us today does NOT include are ill-conceived partisan poison pills. As of last week, there were more than 23,000 reported cases of Zika in the United States and its territories, including more than 2,000 pregnant women. We are 7 months overdue in passing this emergency funding. It is my hope that pregnant women and children won't have to wait much longer.

While this bill is missing vital funding for Flint, Leader MCCONNELL had no problem including controversial language that limits the Security and Exchange Commission's ability to require disclosure of corporate political spending.

In 2010, the Supreme Court issued a far-reaching decision in *Citizens United v. Federal Election Commission*. On a divided 5-4 vote, the Court struck down years of precedent and held that the First Amendment permitted corporations to spend freely from their treasuries to influence elections. As a result of *Citizens United* and the series of decisions that followed in its wake, special interests and wealthy, well-connected campaign donors have so far poured more than \$2 billion dollars of outside spending into recent Federal elections, including 2016 races.

In the years since *Citizens United*, several of my colleagues and I have called for the SEC to initiate a rulemaking requiring public companies to disclose their political spending to shareholders. More than 1.2 million securities experts, institutional and individual investors, and members of the public have asked the SEC for a disclosure rule.

Such a rulemaking would bring much needed transparency to the U.S. political process. Shareholders deserve to know when outside spending in political campaigns comes from the coffers of a company they have invested in.

Unfortunately, last year, this provision limiting the SEC's rulemaking authority was slipped into the omnibus appropriations bill, which we had to pass in order to fund the government for the 2016 fiscal year. We should not allow this rider to continue to strangle the SEC's authority.

Despite weeks of bipartisan progress on a deal to fund the government, the Republicans have decided to move forward on a bill that continues to ignore the ongoing crisis in Flint and other cities like Chicago. Congress and the Federal government's primary responsibility is to protect the American people. And just as the Federal government always helps when Americans are hit by disasters, it should do so now.

Like the communities in Louisiana suffering from devastating flooding,

the people of Flint deserve our help in responding to this public health emergency. A deal to provide funding for Flint has already passed the Senate with overwhelming bipartisan support. We need to address the emergency in Flint NOW, in this bill. The people of Flint have waited long enough.

I yield the floor.

The PRESIDING OFFICER. Under the previous order, the time until 11:30 a.m. will be controlled by the majority.

The Senator from Wyoming.

OBAMACARE

Mr. BARRASSO. Mr. President, the Senate minority leader, Senator REID, came to the floor a couple of days ago and talked about health care. He said: If people would just look at the newspaper, they would see that ObamaCare has changed America—in his words—for the better.

Well, millions of Americans do pick up the newspaper. I hope many of them saw the Presiding Officer's article in today's Wall Street Journal about some of the travel and things he has seen regarding our Nation's security. But I would like to point out to Senator REID that there have been headlines in the papers repeatedly, including one in the Reno Gazette-Journal this month, that said his home State—"Nevada ranked 48th in healthcare by finance website." This from a finance Web site. They are talking about just how bad the health care law has been for the people of his home State of Nevada. It was about a new survey that looked at things such as health care costs and access to care and how it impacts people at home. So if ObamaCare is so great—at least as great as Senator REID says it is—then why is his home State ranked almost dead last?

Look, Americans are seeing headlines like the one that appeared on the front page of the Washington Times the day the Senator came to the floor. Had he picked it up and looked at it on the way to the floor, he would have seen the headline on the front page saying "Failures of Obamacare. . . ." This was on the front page the day he came to the floor and said: Check out the headlines. The article says: "Democrats see need for fallback plan." They need a fallback plan because this health care law has been so devastating to people all across this country. If ObamaCare is so great, why do the Democrats need a fallback plan?

Look, people across the country are seeing headlines like this every day.

A Washington Post headline: "Health-care exchange sign-ups fall short of forecasts."

The New York Times: "ObamaCare Options? In Many Parts of Country, Only One Insurer Will Remain."

Another New York Times article: "Cost of health law's plans set to rise more sharply."

This is from the paper The Hill: "Dems to GOP: Help us fix ObamaCare."

They didn't turn to Republicans for solutions and ideas when they forced it through on a party-line vote. They didn't listen to us and our concerns about the impact of this law on the families of this country. Now they come to us and ask us to help them fix the mess they have made.

USA TODAY—I would point out to Senator REID—“Obamacare rate hikes rattle consumers, could threaten enrollment.”

The New York Times: “The Incredible Shrinking Obamacare.”

Senator REID came to the floor and made his statement just a couple of days ago. Let me point out a few other headlines that have arrived since then.

Bloomberg, Friday: “Failing Obamacare Nonprofit Co-Ops Add to ‘Death Spiral’ Fears.”

You don't even have to turn to the newspapers; you could have turned on the radio—National Public Radio, just this past Friday, talking about people who are buying insurance for their insurance because the ObamaCare program is so bad for them personally.

Sunday's New York Times, in the business section: “Why Obamacare Markets Are in Crisis.”

I would suggest the minority leader look at today's newspaper in Indiana regarding Indiana University health plans. “IU Health Plans quit Obamacare exchange, citing ‘heightened financial uncertainty.’”

Those are the headlines people are seeing all across the country. So I am not sure exactly what newspapers the minority leader is reading, but he is not reading the same papers Americans all across the country are reading.

All across the country, people are hearing about their rates going up—in Georgia, 33 percent; Illinois, 45 percent; Tennessee, 59 percent—and people are feeling the pinch from this rising cost of the Obama health care law. It is hurting the people who buy insurance through ObamaCare exchanges, and it is hurting the people who get their insurance through their jobs. A new report by the Kaiser Family Foundation says that for people who get their insurance at work, the deductibles have risen four times faster than the premiums did. So it is not just the premiums going up, but the deductibles are going up. And all of those are new costs as a result of the health care law. The American people are feeling it in their wallets, and millions of Americans are rejecting ObamaCare insurance because they know it is not a good value for them personally.

According to one article, 8 million people face tax penalties this year for not buying ObamaCare coverage. These are people who can't afford this expensive, second-rate insurance, or they do not think it is right for them or their family. The Democrats who wrote this law and who are now asking for help in “fixing it” do not really care; they just want people to write their checks to the IRS, their penalties because of the mandates of the law—the taxes, the

finances. These are for people who have no options.

No options is exactly the situation most Americans are facing. Major insurance companies have decided to leave most of the ObamaCare markets. Just look at the insurers who are fleeing the ObamaCare exchange. Humana is selling coverage in 19 States this year; it is going to be in just 11 States next year. Look at UnitedHealthcare—in 34 States this year but down to 3 next year. Aetna is going from selling ObamaCare plans in 15 States this year to just 4 States next year.

On November 1, millions of Americans will go to sign up for ObamaCare and they will find their insurance plan has disappeared. Companies are running for the exits. The program is collapsing. It is in a death spiral. And so far, of the 23 co-ops under the health care law, 17 of them have failed, including the one in the home State of Senator REID, Nevada, which went out of business at the end of last year.

With all these companies shutting down and dropping out, people living in one-third of the country are going to be left with just one option for ObamaCare coverage in November. One option is no choice. It is not a marketplace, it is a monopoly.

Under ObamaCare, we have seen medical costs skyrocketing and people losing their insurance. So it is no surprise that there is enormous anger and anxiety about the health care law, to the point that in a Gallup poll earlier this month, 29 percent of American families say they have actually been hurt personally by the health care law and only 18 percent say they have been helped.

Mr. President, Republicans said this was what was going to happen. Democrats ignored them. They ignored our concerns to try to improve health care for all Americans. Democrats went into a back room, behind closed doors in HARRY REID's office, they wrote a law they passed with no Republican support, and this is the result.

We have offered direct solutions to the problems. We have offered relief for the American people. My colleague from Arizona, Senator MCCAIN, who is now on the floor, has offered a bill to provide that relief for people who are hit with mandates, taxes, fines, and penalties because of the mandates of a law that is too expensive, too costly, and hurting American families. I am proud to cosponsor Senator MCCAIN's legislation to provide that relief.

So when people say “Will you work with Democrats?” I will say this: If Democrats want to work on a plan that provides nothing but more ObamaCare and more Federal control, count me out, but if they want to work on a plan, such as the plan I have introduced with Senator GRAHAM from South Carolina and Senator AYOTTE to provide opportunity, freedom, choice, and flexibility at the State level, to empower individuals in States, then count me in.

But, Mr. President, when you look at a program that is impacting America,

with 29 percent of people having been hurt by the President and his law and only 18 percent helped, I would say to the President of the United States: You shouldn't have had to hurt so many good people while trying to help those who didn't have insurance.

This is a law that needs to be repealed and replaced, and right now I am proud to stand with Senator MCCAIN in his efforts to provide relief to the families who feel betrayed by this President and this law.

Mr. President, I yield the floor.

The PRESIDING OFFICER (Mr. FLAKE). The Senator from Arizona.

Mr. MCCAIN. Mr. President, I thank the Senator from Wyoming, who continues to be the voice of reason and the voice for so many millions of Americans who feel betrayed by ObamaCare—who have not been given their choice of a doctor if they wanted a doctor, who have not been able to keep the policy that the President promised they would be able to keep, period. He is the voice of those fellow citizens of mine who, in all counties but one in my home State of Arizona, have one choice—not a choice of their doctor, not a choice of their health care policy, but one, and one only. And now they are looking at as much as a 65-percent increase in the rate of their premiums beginning the next 1st of November—disgraceful.

I thank the doctor. I thank my colleague and friend from Wyoming.

Mr. President, I ask unanimous consent to address the Senate for 30 minutes as in morning business.

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

Mr. MCCAIN. Mr. President, I ask unanimous consent to engage in a colloquy with my colleague from South Carolina, Senator GRAHAM.

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

GENOCIDE IN SYRIA

Mr. MCCAIN. Mr. President, last night was one of the most watched political events in American history: the debate between Donald Trump and Secretary Clinton. A lot of issues were addressed or not addressed, depending on your point of view. But the stunning aspect of this, to me, is there was not a single comment about the genocide taking place in Syria as we speak—not a comment about this terrible situation, which has taken the lives of over 400,000 innocent men, women, and children in Syria, driven 6 million into refugee status, destabilized the European Union, and continues to this day in an endless flood. I think the American people deserve better than what they got last night, to be honest. So the beat goes on, the genocide goes on, and the slaughter goes on—only at an increased tempo.

From today's Wall Street Journal: “Syria Defies Calls to End Offensive.” Of course they defy calls to end the offensive because their whole job is to take Aleppo, consolidate their control, kill off anybody who is in opposition,

and then declare a cessation of hostilities once they have solidified their position and slaughtered thousands more.

Whatever happened to the United States' commitment that Bashar al-Assad had to leave power? Obviously, that is not happening, and it is being abetted by our intrepid Secretary of State. But it is not the fault of the Secretary of State; it is the fault of the President of the United States. "It would be diplomatic malpractice' not to pursue talks, Mr. Kerry said."

"It would be diplomatic malpractice."

One of the greatest diplomats that I have ever had the honor of knowing is a man by the name of George Shultz, one of the major reasons the Cold War ended and we won. I would like to give a quote in direct contradiction to Mr. Kerry's continuous quest to bend the knee and hope that Vladimir Putin will agree with him and stop the slaughter in Syria—time after time after time. Here is what Secretary Shultz said on diplomacy:

Americans have sometimes tended to think that power and diplomacy are two distinct alternatives. This reflects a fundamental misunderstanding. The truth is, power and diplomacy must always go together, or we will accomplish very little in this world. Power must always be guided by purpose. At the same time, the hard reality is that diplomacy not backed by strength will always be ineffectual at best, dangerous at worst.

I wish the Secretary of State would read what one of the great diplomats and leaders of our time, Secretary George Shultz, said.

Meanwhile, the slaughter goes on. Mr. President, I ask unanimous consent that the editorial, "As Aleppo burns," be printed in the RECORD.

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

[From the Washington Post, Sept. 27, 2016]

AS ALEPPO BURNS

"WHAT RUSSIA is sponsoring and doing" in the Syrian city of Aleppo "is barbarism," U.S. Ambassador to the United Nations Samantha Power, said on Sunday. She's right: For days, Russian and Syrian planes have rained bombs—including white phosphorus, cluster munitions and "bunker-busters" designed to penetrate basements—on the rebel-held side of the city. Hundreds of civilians have been killed; as many as half are children, U.N. special envoy Staffan de Mistura described "new heights of horror." Ms. Power said that "instead of helping get lifesaving aid to civilians, Russia and [Syria] are bombing the humanitarian convoys, hospitals and first responders who are trying desperately to keep people alive."

It goes without saying that this war-crimes-rich offensive, which Syria's U.N. ambassador said is aimed at recapturing east Aleppo, has shredded the Obama administration's attempt to win Russian and Syrian compliance with a cessation of hostilities. So naturally reporters asked senior officials as the "attack was getting underway how the United States would respond. "I don't think . . . this is the time to say where we will go from here," one answered. Said another: "We're waiting to see what the Russians come back with."

In other words: Hem, haw.

By Monday, the administration's response seemed clear: It will hotly condemn the assault on Aleppo, but do absolutely nothing to stop it. On the contrary, Secretary of State John F. Kerry insisted he will continue to go back to the regime of Vladimir Putin with diplomatic offers, hoping it will choose to stop bombing. "The United States makes absolutely no apology for going the extra mile to try and ease the suffering of the Syrian people," he grandly declared after a meeting Thursday on Syria. By "extra mile," he doesn't mean actual U.S. steps to protect civilians—just more futile and debasing appeals to Moscow.

The Putin and Bashar al-Assad regimes are well aware that the only U.S. action President Obama has authorized is diplomatic, and that they are therefore under no pressure to alter their behavior. They already obtained, via Mr. Kerry, U.S. agreement to the principle that the Assad regime should remain in power while the United States and Russia join in fighting those rebels deemed to be terrorists. The regime then took advantage of a mistaken bombing of Syrian soldiers in eastern Syria to launch the assault on Aleppo, and Russia joined in. If it succeeds, Damascus will have essentially won the civil war and will have no real need for the negotiations Mr. Kerry says the cease-fire should lead to. If the offensive stalls, Mr. Putin can send Foreign Minister Sergei Lavrov back to renew the deal with Mr. Kerry. Either way, Russia wins.

The losers are the civilian trapped in eastern Aleppo—250,000 to 275,000 human beings—who are cut off from supplies of food and medicine and being bombed mercilessly. They are being offered the same choice the regime has successfully imposed on other towns across the country: surrender or starve. Those who try to approach the evacuation corridors Russia says have been established are shot at. They are, indeed, victims of barbarism—but the rhetoric of U.S. diplomats, and continued petitioning to Mr. Putin, won't help them much.

Mr. MCCAIN. Mr. President, here we are:

What Russia is sponsoring and doing in the Syrian city of Aleppo "is barbarism," U.S. Ambassador to the United Nations Samantha Power said on Sunday. She's right: For days, Russian and Syrian planes have rained bombs—including white phosphorus, cluster munitions and "bunker-busters" designed to penetrate basements—on the rebel-held side of the city. Hundreds of civilians have been killed; as many as half are children. . . . Ms. Powers said that "instead of helping get lifesaving aid to civilians, Russia and [Syria] are bombing the humanitarian convoys, hospitals and first responders who are trying desperately to keep people alive."

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We are now treated to seeing the Secretary of State of the most powerful Nation on Earth on bended knee, going to Moscow, begging his friend Lavrov to stop this slaughter. Did anybody not

see the picture of the little boy covered with dirt and blood? Did no one see that?

The Putin and Bashar al-Assad regimes are well aware that the only U.S. action President Obama has authorized is diplomatic, and that they are therefore under no pressure to alter their behavior. They already obtained, via Mr. Kerry, U.S. agreement to the principle that the Assad regime should remain in power while the United States and Russia join in fighting those rebels deemed to be terrorists.

Remember, the President of the United States said: It's not a matter of whether Bashar al-Assad will leave but a matter of when.

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I don't claim to be an academician, but I am a student of history. There was a guy named Calgacus, who, talking to his people who were fighting against the Romans, once described the Roman conquest of Carthage—where not one stone was left on top of the other, the ground was salted, and the Carthaginians were slaughtered. He described it: They made a desert, and they called it peace.

We are seeing a repetition of history. My friends, Mr. Assad, Mr. Putin, the Iranians, the Iranian Revolutionary Guard, Hezbollah are making a desert, and they will call it peace. This is one of the most shameful chapters in American history.

I ask my friend and colleague, how many hospitals, markets, schools, and playgrounds do Russian and Syrian regime aircraft have to bomb before we realize that Putin and Assad are not interested in stopping the violence? They are interested in victory; they are not interested in stopping the violence. How many aid warehouses and U.N. humanitarian convoys do they have to destroy before we realize Putin and Assad are not interested in delivering aid to those in need? Four hundred thousand Syrian civilians have been murdered. Six million are refugees. When will the President of the United States do what is necessary to stop this slaughter before they make it a desert?

Mr. GRAHAM. Mr. President, I thank the Senator for his passion and caring for the people of Aleppo and Syria. History will judge Senator MCCAIN well. I am proud to be by his side.

But let's be honest with each other. It is not just the Obama administration that is the problem here. Where is

the United Nations? A convoy carrying aid to Aleppo was bombed, and we all believe it was by the Russians. What has the U.N. done? What about the countries in the region that border Syria? What do they know? Our friends in France have been attacked several times based on ISIL's ability to project wars by having the caliphate in Syria. They have dropped bombs. All of us have used air power. Where is Trump? If you can understand what he would do differently, I would love to hear it. I don't understand it. I can tell you this, Secretary Clinton really disappointed me when she said "no ground forces in Iraq and Syria."

Mr. MCCAIN. May I ask my colleague, when former Secretary of State Clinton said "no ground troops in Iraq or Syria," do you think that means the 4,500 that are there now have to be withdrawn? Does she really believe that you can destroy ISIS with air power alone, which was basically what she said last night?

Mr. GRAHAM. Yes, I agree. We have over 5,000 troops on the ground in Iraq, and if we count the people who come and go, it is closer to 7,000. So from their point of view, I think that is a pretty offensive statement. We have lost one SEAL, and other people are definitely at risk.

We live in an interesting time. It is probably much like the 1930s, when Hitler was building up. I am not saying al-Assad is Hitler, and I am not saying Putin is Hitler. But I am saying there is evil on the march, and most people are not doing anything about it. If you are in Aleppo right now, you feel as the Jewish people must have felt in the 1930s—and other countries who were being overrun by evil—when a lot of people just stood along the sidelines and issued statements.

To Samantha Powers, whom I have known and actually personally like her: Do you think anybody listens to you, Samantha? Do you think anybody cares what you say? Because it is just all words. You have been up there for months now, and every ceasefire agreement has been broken.

To my good friend John Kerry: You said it would be diplomatic malpractice not to try to get a ceasefire solution. At what point does it become malpractice to misread the person you are talking to? At what point will you understand that the Russians are not interested in a ceasefire agreement? They want to install al-Assad in a military fashion so that he cannot be overtaken by power, which means they win.

So to me, the real crime here is that the world, not just Obama, has let this happen, and to the people in this body.

Several years ago, we were in an authorization-to-use-military-force debate after al-Assad used chemical weapons in violation of the redline that President Obama drew. To Senator MCCAIN's credit—and I went with him during Labor Day several years ago. The President called us up and said: I want to take action because it is clear

to us that al-Assad used chemical weapons. We went outside the Oval Office in the driveway and stood by our President, called the Speaker of the House, Mr. Boehner, who stood with the President. There was a lot of Republican support for the idea that the President must act to put this brutal man back in check. That was early in the week. By Friday, President Obama takes a stroll in the Rose Garden with Denis McDonough, and, all of a sudden, now we are coming to Congress.

I have yet to get a call. I read it in the paper. When it came to Congress, it completely melted down. People on our side objected to the use of force, saying we would be the Air Force for Al Qaeda. People on our side did not understand what it meant to draw a red line and not use some force.

There is plenty of blame to go around. People on the Democratic side almost never come to the floor and challenge what is going on in Syria. President Obama is getting a complete pass, except from pockets, like Senator MCCAIN and every now and then an editorial. Why? Most people don't care about Syria because it seems distant.

When you talk about the young boy, it breaks our heart, and then we move on. Most people think we can't get involved ever again in the Middle East because it is just hopeless over there. Here is what I would suggest to you that we learn: If you let Syria continue to deteriorate, you will regret it. The King of Jordan, one of our best allies, is being overrun with Syrian refugees. One in five children in Lebanon is a Syrian refugee. This war will never end until America leads.

Back to Obama—you and your administration are very deceitful when it comes to foreign policy. You are the ones who told us, as to Benghazi, that this was a protest caused by a hateful video rather than an organized terrorist attack, for weeks. In the debate last night, Secretary Clinton said that the reason we had no troops in Iraq was because the Iraqis did not want them and would not agree to leave some troops behind.

All I can say is that is a lie. I know that to be a lie because I was called by her before the decision to leave was made, and she asked that I, Senator MCCAIN, and Senator Lieberman go to Iraq to talk to the parties about a follow-on force. We did. We went to Prime Minister Maliki, President Barzani of the Kurds, and Mr. Allawi, who was representing the Shia group—the Iraqiya Party, I believe it is called.

The bottom line is that we left there with an understanding that all three groups would work with each other to have a follow-on force because they understood the need for it. This is the moment I will never forget as long as I live. During the meeting with Prime Minister Maliki, when it was my turn to ask him questions, he turned to me before I could speak and said: How many troops are you talking about leaving?

I turned to General Austin, who was the commander, and Ambassador Jeffrey, who was the Ambassador at the time, and I said: General, what is the answer to the Prime Minister's question?

He said: We are still working on that. Here is the truth. There never was a protest outside the consulate in Benghazi. It was always a terrorist attack. They should never have had the Ambassador there to begin with, and they left him hanging.

Here is the truth. The Obama administration wanted to leave. They wanted to get to zero to fulfill a campaign promise. The reason the general could not answer Prime Minister Maliki's question is because the White House was trying to get the numbers down to the point where it wouldn't matter if he left anybody because they were so low.

You can say a lot about Trump. You can say a lot about Republicans, and a lot of it is true. You can say a lot about President Obama and Hillary Clinton when it comes to Iraq. But the one thing you can't say is that it was the Iraqis' fault that we left.

The reason I will not tolerate that is because too many people fought and died to get Iraq back in a better place. The surge did work, and they held it as a success.

Back to Syria, if you don't realize that we have several hundred people on the ground today in Syria, you are dishonoring them. If you don't realize that the strategy Obama has come up with will never work, you are not doing your homework. The people we are training to take ISIL down and to hold Raqqa after they take ISIL down are YPG Kurds. That may not mean anything to you, but it means a lot to the region.

The Kurdish element that is being trained cannot hold Raqqa, cannot liberate Raqqa. General Dunford, Chairman of the Joint Chiefs, said that. The people we are relying on to destroy ISIL can't take them down and hold the territory because it is an Arab town. As to the people we are training to fight ISIL, the vast majority of the force has no interest in going after Assad.

If you leave Assad in power, the war never ends. Some 450,000 people have been slaughtered by Assad's forces—mostly through barrel bombing and brutal tactics. There is no plan to create a military counter push coming from the Syrians themselves to create negotiating space. Without power, there is no diplomacy. The force to destroy ISIL will never be successful in holding the territory. The force we are training to destroy ISIL has no interest in going after Assad. If you leave Assad in power, this never ends.

This whole foreign policy approach of the Obama administration is ill-conceived, shortsighted, and deceitful, and they know everything I am saying is true. There are people in the White House who know that the reason we

left Iraq was because of politics in the White House. There are people in the White House who know—and the Pentagon who know—that the Kurdish force being trained can't get the job done. They are just trying to buy time until the next President comes along.

All I can say about Syria is that it seems to be a faraway place with strange sounding names. It seems to be something we shouldn't get involved in, in the minds of a lot of people. The one thing I would challenge you to think about is that the last time powers gathered up to murder and butcher hundreds of thousands of people, it eventually mattered to us. It is going to matter to you sooner than you think because all of these children who lost their parents and all of these parents who lost their children are looking at us, and they are going to hate our guts, along with the world community at large, because we sat on the sidelines and watched it happen.

Come with me and Senator MCCAIN to a refugee camp and look into these kids' eyes. I see broken-hearted children who need somebody to help them and a good investment. The terrorists see a recruiting opportunity, a literal gift from the world at large. You may not think it will affect you, but I promise you that the policies of the Barack Obama administration—when it comes to Syria—are going to haunt the world for generations if we don't do something about it soon and change course.

Mr. MCCAIN. My colleague mentioned this meeting that we had with Maliki about maintaining a residual force. I would also like to point out to my colleague that the reason given by Obama and then-Secretary of State Clinton was that we couldn't get a status of forces agreement with the Iraqi government, which then would not make it tenable for our troops to remain. We now have 4,000 or 5,000—whatever it is—there. Where is the status of forces agreement that was so necessary then? It is not there because they wanted out.

By the way, I believe it was the President of the United States who said we are leaving behind the most peaceful, prosperous, and democratic Iraq in its history. Last night, Mr. Trump was right when he said that Al Qaeda went to Syria and became ISIS. We had Al Qaeda defeated. It was over.

I would also remind my colleague that one of the most consequential hearings in the history of the Armed Services Committee was when we were about to have a resolution through the Congress calling for the withdrawal of all troops because our strategy had failed. There was no strategy. The Senator from South Carolina and I called for the resignation and the firing of the then-Secretary of Defense of our own President, George W. Bush, because we were failing. Then along came the surge and David Petraeus. It was then-Senator Clinton at that hearing who said—and whoever wrote it for her, in clever style: I would have to have a

willing suspension of disbelief in order to think that the surge will work.

She was wrong then, and she is wrong now because the surge did work—thanks to the sacrifice of so much precious American blood at places like Fallujah. Then, we had it won. Then, the worst lie that I have seen in my time in the Senate was this: Well, we couldn't have stayed because we had to withdraw.

That is a lie. We could have stayed. The Senator from South Carolina just described the meeting we had with Maliki. The fact is clear. Al Qaeda then moved to Syria. It became ISIS. Now we have seen the consequences of the abject failure of that administration, that President, and that Secretary of State. You cannot deny the facts.

I would say to my friend from South Carolina that this didn't have to happen. But what is happening now, as a consequence of that failure—as much as we want to revisit history—is that we could stop it now. We could stop it now. We could declare a no-fly zone. We could have a 100,000-person force—90 percent of them from Sunni Arab countries—and go into Raqqa and take them. We could tell Bashar Assad that he has to stop the slaughter. The barrel bombs have to stop, or we will take their planes out of the air.

You know what would happen? The next time one of them was shot down after dropping bombs and these terrible weapons on innocent civilians, it would stop.

Mr. GRAHAM. You have been a fighter pilot in combat, flying for your Nation, and you know what it is like to risk your life. I would say this. If we had an American President who would tell the Russian President that we are going to train forces inside of Syria to replace Assad because Assad must go for the benefit of the region and the world at large, and if you come after the forces we trained, then you put your own people at risk, they wouldn't come. If you shot down one Syrian jet that was trying to bomb innocent people or the people we are training, it would be hard to get the next pilot to fly. That is the fact. That is a fact, I think.

Here is the other fact. We are doing none of that. We are watching people get slaughtered. Here is the question for those who want to be President and for this body. You are never going to win in Iraq again unless you have some troops left behind this time. Here is the question. Let's say we liberate Mosul, and that is going to be hard to do with the number of troops we have on the ground, because every American soldier is a force multiplier—a trainer, an adviser bringing capability to the fight that the Iraqis don't have themselves. So everyone we have over there, within reason, ensures the demise of ISIL and accelerates the chance of destroying ISIL and not having to rely on the Shia militia from Iran.

If you are worried about Iran being the big winner in Iraq, you should be

because they are. The only way you are going to stop this dynamic is to have more American forces—somewhere around 10,000, and we are getting close at about 7,000 now—and they have to stay behind to keep Iraq from falling apart again. That is my humble opinion.

JOHN MCCAIN has been far more right than he has been wrong. Everybody tells us that every time we suggest something, that would create a lot of problems. All I can say is this: At what point do you realize we have a lot of problems? This thing is going to get worse if it doesn't get better, and the only way for it to get better is to do something different. The 5,000 troops are appreciated. Incrementally, they are doing what we suggested 3 years ago. We are still not there.

But look at Syria. Here is my warning to the American people and to the world at large. What we have on the ground in Syria cannot possibly destroy ISIL and hold the territory. You are going to need a lot more troops from the region who would be welcomed in the area in question. The Kurds cannot liberate Raqqa. They cannot destroy ISIL. They cannot hold the territory. Until you get regional forces involved, this will never work. You will never have any diplomatic solution until there is military pressure put on Assad.

Currently, if you are joining the American effort to destroy ISIL, you are prohibited from going after Assad. The people in Syria and the region want two things—the destruction of ISIL and the removal of Assad, who has been the butcher of Damascus. We are not providing the second. The Russians and the Iranians are all in behind Assad. We have abandoned the people who joined our cause years ago. Four years ago Assad was on the ropes. Obama blinked; the rest is history. Going forward, if we don't have a different ground component in Syria, we will never destroy ISIL and hold the territory, and we will never end the war without putting military pressure on Assad, and that is going to require a regional commitment with an American component. If you don't do that, another 9/11 is coming here because they have the ability to plan and project force. We have seen it in Paris and other places. I am not talking about one or two people; I am talking about a group of people who can do a lot of damage to the United States. Every day that we let Syria get worse, every day that ISIL enjoys the ability to operate, the longer it takes to get them destroyed will put us more at risk. This strategy will not work.

Secretary Clinton's approach is no different than Obama's. She is for a no-fly zone, and I give her credit for that, but if you don't realize we need a new ground component in Syria, then you are giving ISIL the time they need to send their forces throughout the world, including here. If we don't stop them over there, they are coming here, and

our plan to stop them over there will never work unless we change it.

Mr. MCCAIN. I will leave my colleagues again with the words of former Secretary of State George Shultz:

The truth is, power and diplomacy must always go together, or we will accomplish very little in this world. Power must always be guided by purpose. At the same time, the hard reality is that diplomacy not backed by strength will always be ineffectual at best, dangerous at worst.

That is the situation we are in today. I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. RUBIO. Mr. President, I ask unanimous consent to be recognized as in morning business.

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

REMEMBERING JOSE FERNANDEZ

Mr. RUBIO. Mr. President, I awoke early Sunday morning to familiar news in Florida. Three boaters had lost their lives in an accident, and at the time their names were not known. Unfortunately this happens quite often, especially at night and during this time of the year. A couple of hours later, as I was driving to church with my family early that morning, I got a text that I didn't get to look at until we had parked, and it basically said that Jose Fernandez, the all-star pitcher from the Miami Marlins, had lost his life in a boating accident. Immediately I was able to connect the two events and realized that one of the three boaters who had lost their lives in the boating accident was Jose Fernandez—and his two friends, Emilio Macias and Eduardo Rivero.

His death at just 24 years of age has obviously devastated his family, but it has also had an extraordinary impact on our community. It has shaken the Miami Marlins organization and its fans. It has rocked Tampa, FL, where he played in high school, and South Florida communities where he lived and was just starting to make his mark. It has had a deep impact on immigrant communities, especially the Cuban exile communities in South Florida, and, of course, the entire baseball and sporting world.

His talents were unquestionable, even though he had only a brief and shining career in Major League Baseball. He had played for a year, was injured over the past 2 years, and when he came back, he had a better year than he did in 2013 when he was Rookie of the Year. He was obviously a young man on his way to a distinguished career that I believe would have led to the Hall of Fame and, perhaps along the way, a couple of pennants.

It is interesting that his impact goes well beyond what one would normally

think of a star baseball player. You ask yourself: Why did this young man, who had been with us for just a brief moment, lead to such an outpouring of grief from a community? Anywhere you go in Miami, that is all anyone could talk about over the last 48 hours. I think that to understand it, you have to understand his story.

I had never met Jose Fernandez, yet I feel as though I knew him, and that is how millions of people feel. They had never met him, but they feel as if they know him. They feel as though they know him because his story, his family, and his passion, in the end, is our story, both as Cuban Americans and as Americans.

By now, most of the Nation has seen tributes to Jose. They have seen commemorations showing footage of what he accomplished on the field in the way most baseball fans knew him—as Jose Fernandez, the dominant baseball player, the Tampa Alonzo High School phenom who led them to two State titles. He was a first-round draft choice, Rookie of the Year, and two-time All Star. As a baseball player, quite frankly, there were few better than Jose Fernandez. But, from everything we know, off the field, as a human being, a son, a grandson, a teammate, and a neighbor, I believe he was even better.

He was born in Santa Clara, Cuba, in a place where tree branches and rocks are what passes for Louisville sluggers and Rawlings balls. He was drawn to the national sport of Cuba. He would spend countless hours swinging branches at rocks he had collected, dreaming of the day his talents could and would take him somewhere else. Thanks to sacrifices by his mother, who would take him to the ballpark so he could play youth baseball, he started to demonstrate a special talent at a young age.

By the time he was a teenager, like more than a million Cubans during the past 50 years, Jose faced a difficult choice. His stepfather, a baseball player in his own right, had defected after 13 attempts and made himself a life in Tampa. Jose could stay in Cuba, a place that, to this day, is still ruled by a despotic regime where your talent and work can take you only as far as unelected dictators say you can go, or he could risk it all for a chance at freedom. He risked it, not once, but on four separate occasions. So desperate was he to leave that island that he took his chances crossing the Florida Straits on boats that probably had no business being more than a few miles off shore. Three times he tried, and three times he failed. After his third attempt, the Cuban Government put him in prison for 2 months. He was 14 years of age at the time and was placed in a prison cell with hardened criminals, murderers—a boy among the worst.

Then came a fourth try, but instead of a short and treacherous journey to Miami, they chose a longer and more dangerous journey to Mexico. At one point during that fourth journey on a

boat being tossed by crashing waves and high seas, he heard a splash and saw someone in the water thrashing about 60 feet away from the boat. He didn't know who it was, and without thinking, he jumped in to save that person. It was only when he got close to the person who had fallen overboard that he realized who it was—his mother. He recalled swimming toward her and watching her struggle in the rough seas. When he finally reached her, he calmed her and told her: Grab my back, but don't push me down. Let's go slow and we will make it. She held his left shoulder, and with his right arm—by the way, his pitching arm—he paddled. He swam 15 minutes back to the boat in waves he later described as “stupid big,” and he pulled himself and his mother to safety. Jose was 15 years old.

Before America ever met Jose Fernandez and before his fastball earned him millions of dollars and countless fans, this young man of only 15 had struggled against all odds in the middle of the night in rough seas, revealing who he was and what he would one day be. As he would later tell us, the harder part of his life was still to come.

Like so many immigrants, my parents included, his first years were difficult. He struggled when he first arrived, feeling overwhelmed by his new surroundings and new language. He was helpless, alone, and missing his family, especially his grandmother, who he once said was the love of his life: “She was my everything.” He said it was the toughest period of his young life. It was even tougher than the time he spent in a Cuban prison after he tried to defect, but he overcame all of that and eventually came into his own.

He was a star on the high school diamond in Tampa, and the scouts took notice. Before the 2011 draft, Major League Baseball released their scouting report on him. He got high marks for his athletic abilities, but what set him apart was how he rated when it came to his poise, instincts, and aggressiveness. The notes on the official scouting report read: “Exudes confidence. No fear approach.” This was not cockiness or arrogance. It is the kind of peaceful self-assurance that comes from a kid who had known life and death, had known freedom and captivity, and had lived more life in 19 years than a kid his age should have to.

He finally reached the Major Leagues with the Marlins, and right away you saw a young man blessed with Hall of Fame talent, blue-collar work ethic, and played the game with the energy and enthusiasm of a boy who understood and appreciated just how blessed he was.

One of Jose's proudest accomplishments—in fact, he said his proudest—was not on the diamond. We know this because he told us. Last year, Jose became an American citizen, and afterward he said:

This one is my most important accomplishment. I'm an American citizen now. I'm

one of them. I consider myself now to be free.

I thank this amazing country for giving me the opportunity to go to school here and learn the language and pitch in the major leagues.

It's an honor to be a part of this country, and I respect it so much.

Jose knew. He knew how special and fortunate and blessed he was and we are. He knew how improbable his journey was, from the rocks and branches in Santa Clara to the brightest lights of the show, from a Cuban prison to a Major League clubhouse, from living in a Communist nightmare to living the American dream. And that is why Jose's death has hit so many so hard; Jose's story is our story. He reminds so many in my community of someone they know—a brother, a son, or a nephew. Jose represented not just all of us who were fortunate to live our own American dream; he represents countless others who never made it, the ones who lie in unmarked graves along the Florida Straits, those who died in political prisons in Cuba, those who sent their children to America hoping to join them later only to never see them again, those who long gave up hope that life in Cuba could ever return to what it once was but had found new hope, joy, and gratitude in this, the greatest country the world has ever known.

We loved him just a little more and took more pride in him than most, but Jose didn't just belong to Cuban Americans. He was a young man from Santa Clara, Cuba, playing America's pastime in a truly unique American city on a team with players from Taiwan; Venezuela; Japan; Dominican Republic; Mobile, AL; and Panorama, CA. Jose Fernandez was the pride of Miami, but he belonged to every fan who loved to watch him pitch. When Miami saw Jose, they saw more than just a great athlete, they saw all their hopes, dreams, and aspirations—all we are and all we could be, and we said to ourselves: This is what the American dream looks like, and, boy, is the American dream alive and well.

This young man meant a lot to a lot of us for different reasons and in different ways, and now, just as quickly as he came into our lives and was coming into his own and really starting to fulfill his athletic potential—just as we were getting to know him, he was gone.

In a moment of unimaginable grief, I thank his family for bringing him into this world and raising him, despite difficult obstacles, to become the man he was, and for encouraging Jose to never give up in the search for freedom—a freedom that eventually allowed him to share his many gifts with us on and off the field.

Jose Fernandez made Tampa's Alonso High better, the Miami Marlins better, and he made all of baseball better. He made Miami and Tampa better, and the way he lived his life reminded us of how blessed we are to live in this, the greatest Nation on Earth. My friends, that is not bad for a 24-year-old kid from Santa Clara, Cuba.

With that, I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. Will the Senator withhold his suggestion?

Mr. RUBIO. Yes.

Mrs. BOXER. I thank the Senator.

The PRESIDING OFFICER. The Senator from California is recognized.

Mrs. BOXER. Mr. President, I want to associate myself with those remarks that were made. It is a tragedy to lose such a fighter, talent, and hero like that.

Speaking of heroism, we need a little bit of it on the floor here. We need to have a leadership here that understands when children are being poisoned by lead in their water, we need to do something about it. We need leadership that understands that, just as the people of Louisiana deserve every bit of help, so do the families of Flint. We need a leadership that understands our responsibility to children.

What good are we?

Now, I have to say, I stand here as the ranking member of the Environment and Public Works Committee, and we are responsible for the Safe Drinking Water Act and Clean Water Act. My partnership with Senator INHOFE, which has been noted by a few around here, has extended to taking care of the people of Flint. We took care of the people of Flint and all of the kids who were exposed to lead in the water in the Water Resources Development Act that passed here with over 90 votes. That is good. That says there is goodness in the U.S. Senate, but unless we can deliver this bill and put it on the President's desk, it is a meaningless goodness. It is for-show goodness.

I have to say, it is so simple. The continuing resolution has in it help for Louisiana, and those people deserve that help but so do the people of Flint.

How easy is it? It is already paid for. We figured it out. It doesn't cost a penny. Unlike helping the people of Flint where we put that into the emergency spending, we have paid for the way to help the people of Flint and the children all over this country who have suffered from the impact of lead.

I want to show you some charts that demonstrate what it is like. This is what corrosive water has done to leach the lead out of these pipes. These are the drinking water pipes. Why did it happen? Because unelected people in Flint, appointed by the Governor there, decided they wanted to save a few bucks and they changed the source of the drinking water. They switched to a very corrosive drinking water. It leached all this lead out, and the lead poisoned the children. That is a simple fact in evidence. We need to fix it. We need to replace it.

I want to show you something else. This is what it looks like. If you saw this color water coming out of your tap, you would get out of the house with your family. I would get out of the house with my family. We are lucky. We have more resources than a lot of folks.

I want to show you some more pictures and some more charts. This headline: "Pregnant women, kids cautioned over Jackson water, lead."

This is Newsweek: "WITH LEAD IN THE WATER, COULD SEBRING, OHIO BECOME THE NEXT FLINT?"

The next Flint? These are other cities in our country where the lead is leaching into the drinking water. This is not a Democratic or Republican issue. We fixed it over here, all of us together. Now we are being told by the Republican leader that he can't possibly take care of it in the continuing resolution while he takes care of other places. Since when do we play God and decide which people are deserving of our help? When they are suffering, you help people. When there has been terrible mistakes made with the drinking water supply, you help people, and we did it in a way that is financially and fiscally responsible. We figured out a way to pay for this new program that will not only help Flint pay for their pipes but will help cities like this all over the country.

Here is another headline: "Elevated Lead Levels Found in Newark Schools' Drinking Water."

"Lead in water not confined to Flint."

Our provision that we put in helps people all over this great Nation of ours. What else do we have to show? I want to tell you the list of organizations who are calling to add aid to Flint and these other cities into the continuing resolution: The AFL-CIO, Catholic Charities, First Focus Campaign for Children, the Congressional Black Caucus, Human Rights—represents more than 200 national organizations—A. Philip Randolph Institute, the ACLU, African American Ministers, American University Women, American Family Voices, American Federation of Government Employees, American Federation of State, County and Municipal Employees, American Federation of Teachers, American Islamic Congress, American Rivers, American-Arab Anti-Discrimination Committee, Americans for Democratic Action, Andrew Goodman Foundation, Asian and Pacific Islander American Health Forum, Asian Americans Advancing Justice, Asian Pacific American Alliance, Bend the Arc Jewish Action, Campaign for America's Future, Catholics in Alliance for the Common Good, Center for Community Change Action.

We can see all the interfaith groups. Every religion is asking the majority leader to take care of these children. For God's sake, where is your heart? Where is your heart?

We have paid for it. We have taken care of it. We are helping Flint. We are helping all the communities. Let's continue to see these groups: Center for Law and Social Policy, Children's Defense Fund, Children's Health Fund, Common Cause, Disability Rights Education & Defense Fund, Environment America, Every Child Matters, International Association of Official Human

Rights Agencies, National Association of Social Workers, National Black Justice Coalition, the National Coalition on Black Civic Participation Black Women's Roundtable, Jobs With Justice, the League of Conservation Voters, the League of United Latin American Citizens, MomsRising, the NAACP, the United Automobile, Aerospace and Agricultural Implement Workers of America, the Jesuit Conference of Canada and the United States.

Where are your values? Where are your religious values, I say to the majority leader. You can take care of this, and it doesn't cost a penny, and you will shut down the government rather than do this? You have to be kidding.

Here are some more organizations: National Council of La Raza, National Disability Rights Network, National Education Association, National Employment Law Project, National Fair Housing Alliance, National Jobs for All Coalition, National Urban League, National Women's Law Center, the National WIC Association.

Do you know what WIC stands for? Women, Infants and Children. They make sure our babies are healthy, and they know there is no safe exposure of lead in a child, and they know lead builds up.

Here are more organizations: Restaurant Opportunities Centers United, Service Employees International Union, the Sierra Club, the United Church of Christ Justice and Witness Ministries, the United Methodist Church General Board of Church and Society, Voices for Progress, People for the American Way.

We don't want to listen to Democrats? Listen to the churches. Listen to the great religions. Listen to the people who fight for children. Put Flint in the continuing resolution. It doesn't cost a penny.

I want to go back to the photo of what it looks like when lead comes out of the water. I want to show you that picture. That is what it looks like. The majority leader, when asked about this, says: Oh, I don't have to put this in the continuing resolution. I just know, I know that we are going to get this in the Water Resources Development Act.

As I started out saying, this Senate voted by more than 90 votes to fix Flint and to fix this problem with lead in the drinking water by setting up a paid-for program in the WRDA bill. I thank Senator INHOFE, my chairman. What a joy to work with him and his staff office. He is committed to this. I am committed to this.

What about the House? Because I don't have to tell you or explain to you how a bill becomes a law. It has to go to the Senate. It has to go to the House. It has to go through a conference committee to debate the differences, then it has to go to the President to either sign or veto. OK. The House passed a WRDA bill. Guess what is not in their bill? Flint.

Guess what is not in their bill? Any provision to deal with lead in drinking water. They think: Trust us. We don't need it in the CR. Let's take care of these other people, but we don't need a continuing resolution. Don't shut down the government. Come on. We will take care of it in WRDA. Really? Well, they had a chance yesterday to allow an amendment to add Flint's provisions to the WRDA bill. Guess what they did. They said no. They said no. They will not even allow a vote. Chairman SESSIONS—not Senator SESSIONS, this is Chairman SESSIONS over there in the Rules Committee. He said: You know, Flint can be an earmark. Well, No. 1, it is not an earmark because we take care of all areas where there is lead in the drinking water.

No. 2, what did PAUL RYAN say? The Speaker over there, the one who said he is so compassionate for poor people, said: This is a local matter.

A local matter? How is it a local matter, when the people of Flint were being governed by people appointed by the Governor and they decided to save money and they didn't care what happened? They went to a cheaper water supply and they poisoned the people.

A local matter, really? Is it a local matter to not have safe drinking water? Really? Ask the people who served when Richard Nixon was the President, and he started all the environmental landmark laws.

People have a right to clean air. People have a right to clean water. People have a right to safe drinking water. People have a right to these things, and we have a responsibility to ensure that they have that right because the consequences are dire.

A local matter? That is Speaker RYAN, the Republican Speaker, who said he is so compassionate. Why isn't he making this happen? Why isn't he helping us? We cannot trust the House to address Flint. They proved it yesterday. They will not even allow an amendment. All they have to do is allow an amendment and the amendment passes, same as the Senate, send it to the President. It is in the bill. We are done. We are happy. Then you don't have to put it in the continuing resolution. All you have to do is take up and pass the Senate bill, the Senate WRDA bill, which passed here with over 95 votes. Do you think they would take it and pass it in a time when we can't even agree on a resolution commending Mother's Day? We can't even agree on something simple.

We agreed with 95 votes on a WRDA bill. Take it up and pass it, get it off the plate, and then we can get this issue behind us. They will not do it.

The suffering in Flint has gone on for far too long. The crisis began in 2014, when that unelected Flint leadership appointed by the Republican Governor of Michigan cut costs by switching the water supply to the corrosive Flint River. The city managers failed to use corrosion control measures, and that was a disaster because lead began

leaching into the water from the aging drinking water pipes.

We will show those pipes again. Look at that picture. That is frightening.

It wasn't until January of 2016 when the government declared a state of emergency. Meanwhile, a local doctor began warning of the high levels of lead in children's blood, but State officials assured those parents their water was safe to drink. One hundred thousand working-class Americans in Flint—African Americans, White Americans, Hispanic Americans—41 percent living below the poverty line, used contaminated water for drinking, for cooking, for bathing for months without knowing about it because these so-called local officials appointed by the Republican Governor refused to tell them there was a problem, and the Republican leadership here has the temerity to say those people don't deserve relief or say that we will take care of it in the Water Resources Development Act, when yesterday the House refused to do it. There are 12,000 Flint children who were exposed to lead-tainted water, according to NBC. Those children will be dealing with the harmful consequences of lead contamination for the rest of their lives. No safe level of lead is known. There is no safe level, and the exposures are generally irreversible.

What does lead do? It harms the developing brains and nervous systems of children and fetuses. This is a tragedy. Yet the Republican leader comes to the floor and says: Oh, we will take care of it after the election. Don't worry about it.

No, that is wrong. That is not right.

In my position as the ranking member of the Environment and Public Works Committee and before that, as chairman, I swear I could stand here and tell you I gave my heart and soul for the people of Louisiana and the gulf coast when they were hit by strife. I went to Louisiana. I stood with the people of Louisiana. I stand with them now. They deserve our help. So do the people of Flint, and so do the people of all the communities that are suffering from lead in drinking water.

It has been over 9 months since Flint was granted an emergency declaration, and the citizens continue to deal with the horrible water crisis. They do not have access to safe drinking water. This started in 2014, and in 2016 the Republican leader doesn't understand that is wrong, that we haven't helped those people. Come on. Don't hide behind the Water Resources Development Act because in the House they have not agreed to fix it. Why are Republicans picking and choosing communities that deserve our help?

We are going to have a vote today, and that vote is important. We need to be strong. We need to say we are for helping the people of Louisiana, we are for helping people, but we are not for leaving out these poisoned children and this community that has been suffering when we can fix it without a penny of taxpayer cost.

I hope we are going to vote no on that, and maybe then the leader will decide to put Flint into this continuing resolution. We cannot play games with this. This can be fixed. Ninety-five Senators know how to fix it. This can be fixed.

We are very worried about this issue of lead in drinking water because millions of homes across America receive water from pipes that date to an era before scientists fully understood the harm of lead exposure, so there are lead pipes. If you put the wrong type of water into those pipes, it will leach the lead out. So families are unknowingly bathing in lead, they are drinking lead, and they are cooking with lead. This is wrong.

The Presiding Officer has to hear this. This is very important to hear. We don't just fix the problem in Flint, we set up a new program to help communities all over the country. The American Water Works Association estimates that as many as 22 million Americans have lead service lines. So what are we going to say? We won't take care of this in the continuing resolution; we will just throw it over into the water bill. Yet the House Republicans are very disinterested in this.

I have read the organizations—and this is the first time I have actually looked at all those organizations.

I just wish to make this last plea to the Republican leader and to all of you who run this place here, for now, and that is this: If we are here for any reason—and we thank God we are here. What an honor it is to be here. As I look at my days dwindling down in the Senate, I am filled with an emotion that I have been able to help so many people. Why are we here? Not to hurt people, not to turn a blind eye to the suffering of people, but to step up to the plate and say: You know what, we understand, and we are going to help. We have a chance to do that.

I was so proud of my partnership with my Republican friends on the Environment and Public Works Committee. We took care of this in the WRDA bill. We solved the problem in a fiscally responsible way and a judicious way. We have it solved. It is done. The work is done, and 95 Senators stood behind that work.

What we want to say to the House is this: Take up and pass the Senate bill. Take care of this matter. If you can't do that, give us an ironclad commitment that you will absolutely get it done.

Short of that, it has to go into the continuing resolution. Until then, what we are doing in the continuing resolution is saying yes to the suffering and pain of some of our beloved citizens and no to the suffering and pain of another set of our beloved citizens. This is the United States of America, not the Divided States of America. We care for all our children, for all our families. We look at safe drinking water as a right. That is why we have the Safe Drinking Water Act. That is why we

have the Clean Water Act. These were signed by Republicans and Democrats, signed into law by Republican and Democratic Presidents.

I hope that the leader, with whom I have had some excellent relations of late, will rethink this and that we can leave here in an election year knowing we helped all the people.

Thank you very much.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. COCHRAN. Mr. President, the Senate is scheduled to vote at 2:15 on the continuing resolution. The resolution will provide \$1.1 billion in emergency funding to respond to the Zika virus outbreak. Funds are included to accelerate vaccine development, provide mosquito control in areas where the virus is being transmitted, and address health conditions related to the Zika virus.

The bill also includes \$500 million to help Louisiana, West Virginia, and other States recover from devastating floods. We will continue to assess the total recovery needs in those States, but this funding is needed immediately to help get residents back into their homes and businesses.

The fiscal year 2017 Military Construction and Veterans Affairs appropriations bill is also included in this legislation. The bill provides record levels of funding for medical care and other important veterans programs. It also funds housing for military personnel and their families and supports infrastructure that sustains U.S. military forces.

Enactment of the Military Construction and Veterans Affairs appropriations bill would mark the first time since 2009 that a regular appropriations bill has been signed into law before the end of the fiscal year. This would be another step in the right direction as we seek more regular consideration of appropriations measures.

This legislation also includes a continuing resolution to sustain government operations at current levels until December 9. This will give us additional time to complete work on the fiscal year 2017 appropriations bills. I am pleased that the Appropriations Committee reported all 12 of the regular appropriations bills for the second year in a row. The Senate has approved three of these bills. We look forward to completing our work on the remainder.

I urge the Senate to approve the continuing resolution.

The PRESIDING OFFICER. The Senator from West Virginia.

Mrs. CAPITO. Mr. President, I rise today to ask my colleagues to support this cloture motion this afternoon and move forward in passing the continuing resolution to fund our government through December 9.

Flooding is a national emergency. I have heard many Members talk about the flooding in Louisiana, West Virginia, and Texas.

It is a devastating circumstance we find ourselves in in the State of West

Virginia. Twenty-three West Virginians lost their lives. Amazingly, the last victim was found—a 14-year-old girl—probably just a month ago. Twelve counties were declared Federal disaster areas. For some areas of West Virginia, this was a thousand-year event. It came up so quickly. Some of our oldest and our poorest communities suffered serious destruction, and nearly 90 percent of the homes and businesses affected did not have flood insurance.

I toured most all of the affected areas and talked to some very brave people and very brave local mayors, who were doing a great job. There are 5,100 homes and businesses that have suffered a loss, as verified by FEMA. Seventy-five percent of the affected homes have been deemed unsafe by inspectors, so we have thousands of people who are not living in a permanent home situation. Some are still living in temporary situations that are unsafe, and certainly, moving into the fall, it would be very unhealthy.

There is a significant need for resources to help communities, individuals, and small businesses to recover, and disaster-related needs go beyond the disaster reimbursement provided by FEMA. Our Governor, Earl Ray Tomblin of West Virginia, wrote to President Obama earlier this month outlining the significant need for disaster aid. The Governor's letter identified \$310 million in flood-related needs from the Federal Community Development Block Grant Program.

I am a member of the Senate Appropriations Committee. I very much appreciate our chairman, Senator COCHRAN, coming to the floor today to implore, after all this hard work trying to get this continuing resolution confirmed.

I have worked hard to secure the resources in this bill for our West Virginia flood victims. The legislation we will vote on today takes an important step to address flood recovery in disaster-stricken portions of West Virginia and certainly for our friends in Louisiana and other parts of the country. I thank my colleagues on the Appropriations Committee. I thank the leader for listening to me. I thank Chairman COCHRAN and Senator COLLINS, who chairs the subcommittee, for responding favorably to my request for these desperately needed resources.

This bill begins to address this by including funds for the Community Development Block Grant Disaster Recovery Program. Those funds will help meet housing and infrastructure needs in communities impacted by the flooding in West Virginia and all across the country.

Given the need in my State and other States, such as Louisiana and Texas, additional disaster funds beyond those in this bill will be needed. This is an emergency. This means now. These floods occurred several months ago.

I could have easily come to the floor today and heralded the record funding

this bill includes for our Nation's veterans or the important resources it provides to help combat our opioid and heroin epidemic—something that is devastating my State and many States across this country. These are needs facing all States. They should have been addressed by our regular appropriations bills.

No one likes the fact—well, I don't think anyone likes the fact that a continuing resolution is necessary. The Senate Appropriations Committee, of which I am a member, passed all 12 of the appropriations bills. Many of them were bipartisan and worked out between the chair and the ranking member. I wish the Senate had acted on all of these. We tried for weeks and weeks to get cooperation to move through these bills in a predictable and very responsible manner so that we could have addressed our Nation's priorities in a fiscally responsible way. But this bill today keeps our government open and provides the additional resources to help our flood victims who are still suffering so much. It helps our veterans, and it helps to address those who are suffering this new and devastating scourge of opioid and heroin addiction. I ask my colleagues to join me in supporting this legislation.

I yield the floor.

The PRESIDING OFFICER. The Senator from Maryland.

Ms. MIKULSKI. Mr. President, I rise to also speak about the continuing resolution, and I speak in opposition to the continuing resolution.

I just want to say to the Senator from West Virginia that I so respect the leadership role she has played in the Senate. What a diligent Senator she is, in her advocacy for West Virginia and the flood victims who really have not only my sympathy but as the vice chair of the Committee on Appropriations, I would like to be of help to her and to the people of Louisiana and West Virginia, but I would also say we can't leave out Flint, MI. We just can't.

Now, we don't want to "Christmas tree" the bill—she and I are experienced legislators—but really, when we think about Flint, imagine living off of bottled water. Imagine trying to run a small business. I don't know if my father who had a small grocery store could have kept it open. I do hope we can put our heads together to come up with a solution, get rid of the poison pill riders, and meet the compelling human needs, as the Senator articulated so well, and find a solution to keeping the doors of government open. Right now we need an open mind in talking with each other, and so I look forward to being able to do that.

Mr. President, I do come here to discuss keeping the government open. That is really important to me. I have 300,000 Federal employees in Maryland, and they do everything from working at NIH to find a cure for cancer or find a cure for Alzheimer's to working at the weather service so we can provide

communities large and small throughout America the information about the weather they need to prepare for everything from natural disasters to planning to prevent our oranges and peaches from freezing on the trees.

The Senate has until Friday of this week to avoid a government shutdown. As I said last week—and I have said many times—Democrats are ready to negotiate. We are willing to compromise, but there are certain things we cannot capitulate on, and Flint, MI, is one.

Last week, the majority leader, the distinguished Senator from Kentucky, Mr. MCCONNELL, filed a Republican continuing funding resolution. The leader has "filled the tree," which is Senate speak for meaning we cannot amend the continuing resolution before us. So we are stuck. We are stuck in the same old ways, with the drama of being so close to the deadline, it can threaten a showdown, a slamdown. This is not where we want to go.

What do Democrats want? Well, we want what the American people should want. No. 1, let us keep the government open through December 9. Now, I am not saying shut it down December 9. I am saying that by December 9, we could come to a complete omnibus bill, meaning our total funding for the fiscal year that lies ahead.

Second, as Americans, we need to look at each other across the aisle, across State borders, and meet compelling, urgent needs, such as Zika, such as the floods in Louisiana and West Virginia and other States, and in Flint, MI.

We need to be free of poison pill riders like the rider preventing the Securities and Exchange Commission from requiring companies to tell investors where they are putting their political contributions. What is wrong with that? Shouldn't we have an open and transparent process? We are not asking any company to reveal their trade secrets, but trading in political contributions should not be a trade secret. It is about are you trading, are you ashamed—are you ashamed of your political contribution? Wow. Is that what you want to do? You want to hide it? I don't think that is America. We are not saying to whom companies should give, but they should tell us to whom they did give.

Let us also provide a full year of funding for our veterans and our military construction, most of all for our veterans. Talk about compelling human needs. We are just weeks away from once again celebrating Veterans Day. Celebrating veterans shouldn't be just 1 day a year. It has to be every day of every year.

We have men and women—some of whom have served in the Senate, such as the distinguished Senator from Georgia, Mr. Max Cleland, and others—who come back bearing the permanent wounds of war, and we need to pay and bear the permanent responsibility for caring for those who did serve. We need

to be able to back our veterans and not just with lip service and wonderful yellow ribbons. We need to do our duty. We have the funding ready for the defense of the Nation and the things to protect America outside of DOD.

We have agreed on helping with Zika and victims in Louisiana, but the Republican continuing resolution doesn't help Flint, MI, and it includes poison pills. So I want to end the partisan gamesmanship—no shutdowns, no slamdowns, no showdowns. That is why I want to be clear about three changes I strongly recommend.

No. 1, we need Flint, MI, funding. I see the Senator from Michigan is now on the floor. She is a sister social worker, and I so admire her unabashed, unrelenting, unflagging support, particularly for the children and particularly for the small businesses for Flint, MI. She has been so steadfast, unflagging and unrelenting, and we need to be the same way.

We had \$220 million for water infrastructure that passed in the Water Resources Development Act on a vote of 95 to 3. Guess what. It is fully paid for. So what is the problem? What is the problem with Flint, MI?

When I think about Flint, I think about little children with lead in their drinking water. What does that do? It stifles intellectual development. It inhibits you for the rest of your life from fulfilling your God-given full intention. If we respect life, we should do all we can to sustain it.

Then, think about small businesses. Think about trying to run a business when you don't have water. Water, water, everywhere water, water, but none of it fit to drink. How do you run a little diner? How do you run a little diner or a produce stand?

As I said, my father owned a small grocery store. Everything was spotless. Everything was meticulously clean. He made sure his fruits and vegetables were clean. Everything was clean. He didn't have lead in the water. So let's get on with it.

We know there are people in this country who have been hit by floods. They have too much water. Flint has too much of the wrong water. We can right that wrong by just joining our hands and understanding compelling human need. It doesn't come from a Democrat or a Republican ZIP Code, it comes from the United States of America, and we should be united in dealing with it.

We should strip out the poison pill riders, such as the SEC political contribution transparency rider. We should reduce the Zika offset package to \$375 million. These are reasonable changes that if the Republican caucus is willing to agree, we could pass the continuing resolution today.

I remind my colleagues that when I became the first woman to chair the Committee on Appropriations upon the death of the esteemed Senator Inouye, the funding to respond to Hurricane Sandy was on the floor. Working together, we were able to pass that bill

and meet compelling human need. I would like to be able to do that now.

Throughout my tenure as the chair and vice chair of the Committee on Appropriations, I have lived by the principle that we owe the American people help when disaster strikes. We should respond to Zika that is now affecting 23,000 people, 2,000 pregnant women. We need to help the victims of Louisiana and other States that have been hit. We just saw the terrible things going on in Iowa. We must help the 100,000 people in Flint who are still waiting for the water in their pipes to be clean and their children, being exposed to lead, protected. The people of Flint need help.

We passed the WRDA bill, and we need now to pass a CR that gets rid of poison pill riders, meets compelling human needs in every part of our country, and also makes sure our veteran funding is there to ensure there is no backlog in applying for their disability benefits and no backlog when they try to get to see a doctor.

I am so proud of my Committee on Appropriations that is working with the VA on the veterans bill. We have a wonderful bipartisan bill working to meet the needs of rural veterans and veterans who had to wait in line for mental health needs and the other support we need to help with.

So let's do our job, really. Hello? Let's do our job. I believe there is still time to work this out, but until we do, I oppose cloture on the McConnell substitute.

Mr. President, that concludes my remarks, and I yield the floor.

The PRESIDING OFFICER (Mr. PAUL). The Senator from Michigan.

Ms. STABENOW. Mr. President, I ask unanimous consent to speak for up to 10 minutes.

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

Ms. STABENOW. I thank the Chair.

Mr. President, the first thing I want to do is thank our very distinguished Democratic ranking member on the Committee on Appropriations, the former chair, Senator MIKULSKI. She has been with us every step of the way.

I have learned a lot about lead exposure. I thought I knew a lot, but by sitting down with Senator MIKULSKI, when we have had an opportunity to have discussions about potential treatments to help and impacts regarding the lead, I have learned how very frightening it is, particularly for children what lead poisoning means.

Over the years, I have appreciated Senator MIKULSKI's advocacy and leadership with the National Institutes of Health and the Centers for Disease Control and in other areas on health care. That leadership has made a tremendous difference, including helping to create a way to have some options on treatment for children. So I want to thank her. We are going to greatly miss her. I don't think we are going to let her go. She is just amazing, as is her staff and their commitment and

support and understanding of what the people in Flint are going through.

Two weeks ago now, we were feeling like we were on our way finally. We spent the last 8 months getting through various procedural hurdles and objections to get help for Flint and other communities with lead poisoning and other water issues. We had a bill come to the floor, and I greatly appreciate the majority leader bringing it to the floor. We had a terrific bipartisan team, with Senator INHOFE and Senator BOXER leading us in passing a very important bill. As I have said, it passed 95 to 3. That doesn't happen a lot around here—95 to 3. We thought we were on our way. The families of Flint were in town at that time, and we felt like, finally, maybe there was some hope.

We were told WRDA would be coming up quickly the next week in the House. That didn't happen. What we saw instead were comments that House leadership—the Speaker and the chairman of the committee—would not support Flint being a part of the House WRDA bill.

We have heard, on the one hand, that we should wait for WRDA, and then the same people say, but we don't support putting Flint in WRDA. OK. We have the same people saying this is a local issue, while the House Government and Oversight Committee and Chairman CHAFFETZ held hearings, bringing in the EPA Administrator and challenging her to step down because of what the EPA did in Flint. So, OK, it is local. No, it is the EPA, which is Federal.

We feel like we are being bounced back and forth and back and forth, and the bottom line is, people in Flint still can't drink the water. Since mid-August, we have had more than 611,000 cases of bottled water delivered to families in Flint. In fact, "delivered" is the wrong word because most of the time they have to figure out a way to pick it up. If you are riding a bus, walking, or if you have a car, you are trying to figure out when you are going to get the bottled water to bathe in, feed your children with, cook with. This has gone on day after day after day.

So while we thought we had a path, now it is extremely unclear. I trust our leaders here—Senator INHOFE and Senator BOXER—in the Senate, but we are getting a very different message from the House of Representatives, and then all of a sudden we have a short-term appropriations bill, a continuing resolution, where we could, in fact, stop all the back-and-forth, ping-ponging, and get this done for the people of Flint. We are told no. The people of Flint are told no. Then all of a sudden there is help for Louisiana.

I am happy to support the people of Louisiana. It would be a tragedy and, frankly, an outrageous way to make decisions if the answer, after all of this, is, OK, we won't help Louisiana, either. That is not what we are suggesting. We are saying that whether it is hurricanes, floods, disaster assist-

ance; whether it is livestock disaster assistance, which I put in the last farm bill, which affects very few people in Michigan but an awful lot of people in the West and the South; whether it is that or a fertilizer plant explosion caused by various issues of malfeasance in West Texas that exposed people to chemicals, and the Federal Government came in to help—wherever it is, we step up together in extraordinary circumstances when there is an emergency, a disaster beyond the control of the citizens and the community involved, and we help. This has not been partisan in the past. We have not decided by ZIP Code or whether you had a Republican Senator or a Democratic Senator representing you. We have stepped up together to support efforts, and I supported every single one of them. What is different about Flint, MI? That is the question. The only thing I know that is different is that we have actually agreed to eliminate a program to fully pay for what we are doing to help. Normally it is not paid for; it goes on the deficit. We don't see a program being eliminated to fund the floods in Louisiana or other areas, but we took the extra step. We are actually phasing out a program that affects predominantly Michigan, that I authored in the 2007 Energy bill, because of the urgency and the dire circumstances in the city of Flint. That is the only difference I see, is that it costs nothing to do this—nothing. We could do it by unanimous consent today. It costs nothing.

So then the real question is, well, why? Why is there such a problem? Why is there such a problem including something that costs nothing on this short-term appropriations bill? I don't get it. The people of Flint don't get it. The fact is, I hear from people all over the country who don't get it.

This is an opportunity today, and I am strongly urging that we reject the continuing resolution in front of us and ask the leaders to go back to the drawing board and get it right and to indicate that we see, we hear, and we care about 100,000 people in Flint, MI; about 9,000 children under the age of 6; about people who live in homes that have some lead levels higher than a toxic waste dump; about the mom who was here 2 weeks ago whose daughter was bright and engaged and going to school and now, after lead exposure, is lethargic, is not focused, and she can't eat a sandwich because her teeth are crumbling because she had zero vitamin D—zero. When she was tested, the doctors immediately put her into the hospital to give her massive doses of vitamin D for her bones. How do I tell that mom that we could help her now and it is not going to happen? I don't get it.

It is time to vote no on this procedural motion on the CR and get back to work and make sure that families who had floods in Louisiana, in West Virginia, and other places get the support they need and that we help in partnering—to help, not total, but help

with some of the costs that will put the water back on in Flint.

When you turn on the faucet today, wherever you are, think about what would happen if you didn't have confidence that what came out of that faucet wasn't going to poison you. This is the United States of America. We can do better than this. This body has supported doing better than this. It is time to get it done.

RECESS

The PRESIDING OFFICER. Under the previous order, the Senate stands in recess until 2:15 p.m.

Thereupon, the Senate, at 12:37 p.m., recessed until 2:15 p.m. and reassembled when called to order by the Presiding Officer (Mr. PORTMAN).

LEGISLATIVE BRANCH APPROPRIATIONS ACT, 2017—Continued

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 assistant bill 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. 5082 to H.R. 5325, an act making appropriations for the Legislative Branch for the fiscal year ending September 30, 2017, and for other purposes.

Mitch McConnell, Mike Rounds, Thad Cochran, John Cornyn, Daniel Coats, Roger F. Wicker, Thom Tillis, John Barrasso, Lamar Alexander, John Hoeven, Pat Roberts, Orrin G. Hatch, Susan M. Collins, Lisa Murkowski, Steve Daines, Tom Cotton.

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. 5082, offered by the Senator from Kentucky, Mr. McCONNELL, to H.R. 5325, 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 45, nays 55, as follows:

[Rollcall Vote No. 146 Leg.]

YEAS—45

Alexander	Donnelly	Murkowski
Ayotte	Enzi	Nelson
Barrasso	Ernst	Portman
Blunt	Fischer	Risch
Boozman	Flake	Roberts
Burr	Gardner	Rounds
Capito	Grassley	Rubio
Cassidy	Hatch	Shelby
Coats	Hoeven	Sullivan
Cochran	Isakson	Tester
Collins	Johnson	Thune
Corker	Kirk	Tillis
Cornyn	Manchin	Toomey
Cotton	McCain	Vitter
Crapo	Moran	Wicker

NAYS—55

Baldwin	Heitkamp	Perdue
Bennet	Heller	Peters
Blumenthal	Hirono	Reed
Booker	Inhofe	Reid
Boxer	Kaine	Sanders
Brown	King	Sasse
Cantwell	Klobuchar	Schatz
Cardin	Lankford	Schumer
Carper	Leahy	Scott
Casey	Lee	Sessions
Coons	Markey	Shaheen
Cruz	McCaskill	Stabenow
Daines	McConnell	Udall
Durbin	Menendez	Warner
Feinstein	Merkley	Warren
Franken	Mikulski	Whitehouse
Gillibrand	Murphy	Wyden
Graham	Murray	
Heinrich	Paul	

The PRESIDING OFFICER. On this vote, the yeas are 45, the nays are 55.

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

The majority leader.

Mr. McCONNELL. Mr. President, I enter a motion to reconsider the vote.

The PRESIDING OFFICER. The motion is entered.

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 H.R. 5325, an act making appropriations for the Legislative Branch for the fiscal year ending September 30, 2017, and for other purposes.

Mitch McConnell, Mike Rounds, Thad Cochran, John Cornyn, Daniel Coats, Thom Tillis, Roger F. Wicker, John Barrasso, Lamar Alexander, John Hoeven, Pat Roberts, Orrin G. Hatch, Susan M. Collins, Lisa Murkowski, Steve Daines, Tom Cotton.

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 H.R. 5325, an act making appropriations for the Legislative Branch for the fiscal year ending September 30, 2017, and for other purposes, shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The senior assistant legislative clerk called the roll.

Mr. CORNYN. The following Senator is necessarily absent: the Senator from Arkansas (Mr. COTTON).

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

The yeas and nays resulted—yeas 40, nays 59, as follows:

[Rollcall Vote No. 147 Leg.]

YEAS—40

Alexander	Coats	Fischer
Ayotte	Cochran	Flake
Barrasso	Collins	Gardner
Blunt	Corker	Grassley
Boozman	Cornyn	Hatch
Burr	Crapo	Hoeven
Capito	Enzi	Isakson
Cassidy	Ernst	Johnson

Kirk
McCain
Moran
Murkowski
Portman
Risch

Roberts	Tillis
Rounds	Toomey
Rubio	Vitter
Shelby	Wicker
Sullivan	
Thune	

NAYS—59

Baldwin	Heitkamp	Paul
Bennet	Heller	Perdue
Blumenthal	Hirono	Peters
Booker	Inhofe	Reed
Boxer	Kaine	Reid
Brown	King	Sanders
Cantwell	Klobuchar	Sasse
Cardin	Lankford	Schatz
Carper	Leahy	Schumer
Casey	Lee	Scott
Coons	Manchin	Sessions
Cruz	Markey	Shaheen
Daines	McCaskill	Stabenow
Donnelly	McConnell	Tester
Durbin	Menendez	Udall
Feinstein	Merkley	Warner
Franken	Mikulski	Warren
Gillibrand	Murphy	Whitehouse
Graham	Murray	Wyden
Heinrich	Nelson	

NOT VOTING—1

Cotton

The PRESIDING OFFICER. On this vote, the yeas are 40, the nays are 59.

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

The Republican leader.

Mr. McCONNELL. Mr. President, I enter a motion to reconsider the vote.

The PRESIDING OFFICER. The motion is entered.

Mr. McCONNELL. Let me just say to my colleagues that Senate Republicans are prepared to pass a clean CR-Zika bill. We hope that important flood relief will be a part of it. We will continue working on this important matter.

We are now going to an important security briefing, and I will have more to say about the matter later today.

The PRESIDING OFFICER. The Senator from South Dakota.

UNANIMOUS CONSENT REQUEST—S. 2555

Mr. THUNE. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 446, S. 2555. I further ask that the Thune amendment be agreed to; that the committee-reported substitute amendment, as amended, be agreed to; that the bill, as amended, be read a third time and passed; and that the motion to reconsider be considered made and laid upon the table.

The PRESIDING OFFICER. Is there objection?

The Democratic leader.

Mr. REID. Mr. President, reserving the right to object, Bob Dole, whom we all knew and still know and who is a wonderful man, said: "As we all learn around here, if you don't keep your word, it doesn't make much difference what agenda you try to advance."

So it is very difficult for me to allow Senator THUNE's bill to advance today. I have great respect for him, and that is without any question.

I am still waiting, though, on Republicans to keep a promise they made nearly 18 months ago on the Senate floor. They came to me and said: It is so important to John Kyl, whom I also

like, from neighboring Arizona. They had somebody whom they wanted to put on a very important commission. I didn't want to do it because I thought it was fair that we had somebody to pair with him. That is what we do around here. That is what Senator MCCONNELL has done, and I respect that.

But I said: Give me your word, and we will go ahead and do this.

No problem, I got their word—Senator MCCONNELL and Senator THUNE. They said they would do it as soon as the new Congress started. That is almost 2 years ago, and this woman is in limbo. There is an extremely important vote now before the Commission dealing with top boxes on television sets, and she has not been confirmed in that job.

It is wrong.

I brokered that agreement between MCCONNELL and THUNE. I didn't want it. It wasn't my idea—it was theirs—to confirm Republican Commissioner Michael Riley, the Kyl person, to a 5-year term in the FCC.

In return, I repeat, Senators THUNE and MCCONNELL assured me they would confirm Jessica Rosenworcel—I have been working on that name for 2 years—to a new term when they were in the majority. They got in the majority just a few months after that. This was in December.

She spent many years in public service. No one questions her qualifications. The Senate confirmed her unanimously in 2012. Her credentials and integrity are unquestionable. There is no doubt that she will continue to serve the FCC well.

Yet Republicans have refused to keep their promise and hold a vote on her nomination. That is breaking someone's word. As Bob Dole said: "As we all learn around here, if you don't keep your word, it doesn't make much difference what agenda you try to advance."

JOHN THUNE, from the great State of South Dakota, knows that when Senators make agreements, they should be honored. The American people also expect Congress to do its job. They are not doing their job because of what we are facing every day with Republicans.

Here is something from one of the major newspapers in America, the Washington Post. I will only read part of it:

With no budget resolution or regular appropriations bills ready to go, Congress is now merely trying to extend current funding levels for a few more months. This would allow legislators to return to the campaign trail and delay the hard decisions until after Election Day.

So far they still haven't even been able to execute that second-rate plan, though, because legislators have repeatedly tried to tuck poison-pill provisions into this must-pass bill.

The result is that with a little more than a month before the election, Congress is again flirting with a shutdown. And a year into the worldwide Zika epidemic, Congress still hasn't successfully appropriated a cent toward the crisis, nor has it passed any fund-

ing to help families affected by emergencies in Louisiana or Flint, Mich.

It can't get anyone confirmed, either.

Merrick Garland, President Obama's Supreme Court pick, famously can't get a hearing, but he's hardly the only nominee being snubbed. The Republican-led Senate has confirmed just 22 federal judges this Congress, putting it on pace for the lowest number of confirmed judges . . . [in almost 70 years] according to the Alliance for Justice. For context, the Senate had confirmed more than three times as many judges by this point in the final Congresses of previous two-term presidents George W. Bush, Bill Clinton and Ronald Reagan. In all these cases, mind you, presidents had also faced Senates controlled by the opposing party.

But it is not just that.

Continuing:

This Congress, the Senate has confirmed the fewest civilian nominees in modern history. . . . As of mid-September, just 248 nominees had been confirmed. That's, again, half the average. . . .

It is a shame that we are at a point here where I have to come to the floor—I have been in Congress for 34 years—and talk about people not keeping their word. Let somebody deny what was done.

It is unfair, and I object.

The PRESIDING OFFICER. Objection is heard.

Mr. THUNE. Mr. President, I ask unanimous consent to be able to complete my remarks with respect to this subject.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. THUNE. Mr. President, I am disappointed that the minority has again chosen to put partisan politics ahead of passing noncontroversial, bipartisan, pro-growth legislation.

My understanding is that their sole objection to passing the MOBILE NOW Act is the wholly unrelated nomination of FCC Commissioner Jessica Rosenworcel. I know that the distinguished minority leader is frustrated that Commissioner Rosenworcel has not yet been confirmed to another term. On the floor previously, he also said that I have done everything possible within my authority as chairman of the Commerce Committee to advance her nomination through the process, and that is correct.

We had her hearing. We voted her out of the committee. Scheduling the floor is not something that I control.

What I don't understand, however, is why Senate Democrats believe that blocking the MOBILE NOW Act and other bipartisan bills that come out of my committee will help her cause. We invited Commissioner Rosenworcel to testify at one of our hearings leading up to the bill. Ironically, many of her ideas are reflected in this legislation.

The bill also reflects the priorities and hard work of so many Commerce Committee Democrats. In particular, two of the most important additions to the bill were Senator SCHATZ's Promoting Unlicensed Spectrum Act and Senator KLOBUCHAR's "dig once bill," or the Streamlining and Investing in Broadband Infrastructure Act.

If the MOBILE NOW Act is not passed by the Senate soon, their legislative efforts will have been made in vain. While I respect how important it is to Senator REID and to other Democrats that Commissioner Rosenworcel be confirmed this year, there is simply no reason for that effort to jeopardize the good-faith effort that Senators on both sides of the aisle did to create this bill. These two issues have been inexplicably linked, but they need not be.

I urge my colleagues to separate these unrelated matters and to pass the MOBILE NOW Act now without further delay.

The PRESIDING OFFICER. The minority leader.

Mr. REID. How do you feel about the American people? How do you feel about how they are being treated, with case after case hung up in the Supreme Court?

We cannot even get a hearing on Merrick Garland. Why? Because they know the appearance he will make will be a good one. After a public hearing, they will be even more embarrassed by not voting for this man.

Even though a couple of Senators didn't keep their word—and it wasn't just me and them. We have staff here who would be willing to vouch for what I just said. Even if it weren't two Senators not keeping their word, at the very least, shouldn't they be concerned about the Supreme Court, what is not going on there?

So I have no reservations whatsoever. It is unfair to come and ask for legislation to pass when we have a Supreme Court that is stymied and is working shorthanded. It is incredible that justice is not being served well in our great country.

As indicated in this article of which I read only part, Congress is dysfunctional.

As I mentioned this morning, my Republican friend, the leader, said that, well, he can't understand what is going on. There seems to be some dysfunction here.

Talk about dysfunction, during the time Lyndon Johnson was leader, we had one or perhaps two filibusters. The second was arguable. As for me, for my first 8 years, there were 644 filibusters—how is that for dysfunction—led by the Republican minority, trying to embarrass Barack Obama and bring this country to its knees. So I do not apologize to anybody for objecting to this legislation. He can bring it out every other day, and I will object to it every other minute, every other hour. It is wrong that Republicans are treating the American people the way they are.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. INHOFE. Mr. President, I realize that many of my colleagues on the other side of the aisle just voted against the short funding resolution because it doesn't include critical funding for Flint. Unfortunately, I believe

this is a misguided strategy. Now, I voted against it but on the basis of something that can be corrected, having to do with the funding of the increased number of troops that we will have in Afghanistan and Iraq.

But I must be clear that the \$300 million Flint package that passed this body several weeks ago will become law by the end of the year. It is a mistake to take the country to the brink of a shutdown over an issue when we already have a bipartisan agreement on the solution.

When the national press opened the eyes of America to the lead water contamination crisis affecting Flint, MI—a city of roughly 100,000 people—I told my staff it was time to get to work, to see what went wrong and what could be done. We are so close to making this a reality.

I urge my colleagues to not create a standoff on the CR when we are taking care of the people of Flint and communities around the country, which is very important. We did this in our WRDA bill.

I know that Leader MCCONNELL spoke with Speaker RYAN and Minority Leader PELOSI this morning and assured them that he is dead serious about ensuring the Flint package becomes law once we return from the break. Let me remind you that on September 15, when the Senate passed WRDA 2016 with an overwhelming 95-to-3 vote, I pledged to not let politics or any lameduck session jeopardize the emergency relief in WRDA and to get this signed into law by the end of the year.

I have been standing with my colleagues in Michigan from the very beginning in support of our fiscally responsible solutions to help not only the Flint community but also other communities facing drinking water emergencies and water infrastructure challenges and solutions that the Republican majority Senate has supported strongly.

The Senate-passed WRDA bill not only provides the critical support that Flint needs but also would help to prevent future water and wastewater infrastructure crises across the Nation. WRDA is the right vehicle. I am committed to getting this bill to the President's desk with Senator BOXER and my good friend Senator STABENOW by the end of the year.

I know that many on the other side of the aisle are skeptical of our resolve, in particular, because of the uncertainty about the WRDA bill moving through the House this week without the Senate Flint compromise attached. It is important to understand that, unlike the Senate, different committees in the House have jurisdiction over the Corps of Engineers and the Safe Drinking Water Act. On our side, on the Republican side, they are both in the committee that I chair, and Senator BOXER is the ranking minority member.

The House Transportation and Infrastructure Committee has jurisdiction

over the Army Corps of Engineers. However, it is the House Energy and Commerce Committee that has jurisdiction over the Safe Drinking Water Act. The House WRDA bill only includes issues that are under the jurisdiction of the Transportation and Infrastructure Committee. That is why the House WRDA bill does not include Safe Drinking Water Act amendments, like the Flint package. Once the House sends us their T&I version of the WRDA bill tomorrow, hopefully, Senator BOXER and I will immediately attach the Senate Flint compromise as we conference with the House for a final bill. The Republican House leadership has already assured me this is the plan.

So it is time for us to stop playing politics with the CR on this issue and focus our attention on making WRDA 2016 a reality. I can assure you that Senator BOXER and I are in lockstep agreement to get this done. People doubted us on the 5-year highway bill we passed last year, and we showed this body that when we work together on issues such as this, our word is as good as a guarantee, even during difficult political gamesmanship like what is happening on the continuing resolution.

I urge my colleagues to trust in our unique relationship and our ability to get the Flint package and make sure it is on the President's desk this year.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. Mr. President, I trust my colleague totally. My chairman—I trust him totally but as far as the House is concerned, no. Trust but verify.

My friend says we have the wrong-headed strategy on objecting to the CR. He has the right to his opinion, but we don't agree. This is the only way we can make the case because right now the House has the WRDA bill. All they have to do is allow a vote to cover Flint. Yesterday the Rules Committee said no. Yesterday, Chairman SESSIONS of the Committee on Rules in the House said it is an earmark, which it is not because it does not just affect Flint. In fact, it is a program to help all cities that have lead in the water that is poisoning the families.

So, trust? I have been around here a long time. I think Ronald Reagan was right when he said trust but verify. Show me the language. Show me the commitment.

I see my friend here from Louisiana. He wasn't in the Senate at the time I was here with his predecessor, but I will say this: Senator INHOFE and I—when there was a tragic problem in Louisiana with Hurricane Katrina, we stepped up and we put aside any issues in our own States to go where the suffering was. I fought so hard for Louisiana. I fought my heart out for them to get the money they needed after Katrina. And, actually, with the help of my colleague, we made sure that all the Gulf States got the money from BP to rebuild.

My heart is open to every person in this country—every child in this country, no matter where they are, whether in Louisiana, West Virginia, California, Oklahoma, or Michigan. We are one Nation under God, indivisible. And when we have an issue and a crisis, we need to move.

Here is where I see it a little differently than my friend. I think it is absolutely the right strategy to keep fighting to get the help to Flint in the CR. That is called leverage. That is called smart politics. That is called fairness. That is called justice. At the same time, I support my friend and colleague in trying to get an ironclad commitment from the House leaders.

It wasn't a good day yesterday for Flint. They turned down Congressman KILDEE's request to have a simple vote. Speaker RYAN said this is a local issue, and so did BILL SHUSTER. They called it a local issue. They do not even understand it if they call it a local issue because there was no elected local government in Flint, MI. There were leaders appointed by the Republican there.

My friend is so sincere, and I trust him 100 percent. I don't have to verify a thing he says because he is a man of his word. That is it. He knows how we feel about each other. We have never, ever, ever walked away from each other. But the fact that he and I may be in agreement doesn't necessarily bring along the people in the House.

My colleague says he has heard it on good authority. That is great. Show me in writing. Show me where it is going to happen. Show me the guarantees. Show me they are not going to load up WRDA poison pills that my friend and I know we can't—either side—accept poison pills. I don't see it. So right now, I think what we are doing is right.

I want to make a point. Many Republicans voted against the CR. It could be for other reasons. But even if many more Democrats had voted for the CR today, it would have gone down with the number of Republicans being so large voting against it. So we have a lot of work to do.

I would say, through the Chair, to our majority leader, MITCH MCCONNELL: You can add this thing in 2 minutes. You can talk about jurisdiction. We add all kinds of things to CRs. This would be something where we could keep in Louisiana, we could keep in everything else, and we could add in a totally paid-for bill.

None of the other emergencies are paid for, by the by. They just go on the debt, on the credit card, pretty much. But we have paid for every penny of this, thanks to my friend's leadership and thanks to my friend from Michigan, who stepped up and did away with a program in the auto industry that was very important to her because she wanted to do the right thing.

Here is the path forward. Our leader can look at the vote. It was pretty sad for his clean CR, as he calls it. It is not clean. That went down in flames. He can simply add Flint to it, and we

would pass it in a heartbeat. Or the House can take up and pass the Senate WRDA bill or send us a completely ironclad statement as to time, place, venue, and when they are going to fix the Flint issue.

I know my friend from Michigan would like to be heard, but this is not rocket science. We have a bill fully paid for that takes care of the whole country and is not an earmark. It passed here with 95 votes. Let's get it done. Disentangle it from WRDA. Disentangle it from WRDA and pass it on the CR. Disentangle it. Take care of the people. Whether they are in Louisiana, West Virginia, Maryland, Michigan, let's take care of the people. That is our job.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. INHOFE. Mr. President, I believe I actually had the floor anyway, and I am glad to yield the floor, which I will do to my colleague from Michigan. But I want to make sure I am clear in the statement I made in that I don't disagree and that my colleague doesn't disagree with the statements I made.

We have a commitment to do everything we can to ensure this is in the WRDA bill. I tried to explain the difference in jurisdiction, which makes it impossible for them to do it over there within the T&I Committee. They have jurisdiction over WRDA but not these particular provisions.

I have a lot of things in the CR I am really wanting to get done. I mentioned the military end, but on the Zika funding, I have given speeches on the floor saying how important this is because I happen to have a grandniece in Florida who is pregnant right now. So I am really interested in getting this thing done, and it is going to get done. It is going to be a part of the ultimate CR.

I just wanted to say—and I listened to the statement by the ranking member of the committee that I chair, and I don't think she disagrees with anything I am saying in terms of our commitment to getting it done. I understand where she is coming from, and I will yield the floor.

Mrs. BOXER. Mr. President, through the Chair, I would just like 1 minute to respond.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. I agree with my colleague. If we can get an ironclad commitment to fix the Flint issue in WRDA and not just a vague conversation that somebody had—that NANCY PELOSI had with PAUL RYAN, but I have to look at the public statements. The public statements are that a big leader in the House said this is an earmark. It is not. The Speaker over there, who is supposed to care about poor people and kids, said it is a local issue, which it is not. They voted down a chance to have a vote. It is not very encouraging.

I am always encouraged when my colleague from Oklahoma speaks be-

cause he is the most positive person I have ever met. He says we are going to get it done. And if it is up to us, it gets done. But there are other people who don't view this issue the way he and I view this issue. All I am saying is, as I wind down my days here, I have had a lot of experience in expecting that I get things done.

People have said to me: Oh my God, you are right. You are so right. You are on target. Don't worry. Well, that is all good, but show me the money. Show me the path. Show me the ironclad path for Flint, and I will step out of the way in a heartbeat, believe me.

I encourage my friend to keep working with the Republicans, and I will work with the Democrats. Let's get an ironclad way that assures the people of Michigan that, finally, they are going to have some light at the end of the tunnel.

In closing, I would say the simplest way to do it is just to add the package to the CR. It is easy. Just do it. It doesn't have a cost, it has all been thought out, and 95 of us have voted for it. Get it done. For the life of me, I don't know how the majority leader can't do this thing. Just do it. As they say in the Nike ad: Just do it.

Every religious organization in the country from the Catholics to the Jews, to the Muslims, to everybody else has said: Yes, this is a moral issue. Take care of these people. I had the list today. It is in the RECORD.

We are all supposed to be people who care about moral issues and care about our children. When my friend said he has a pregnant niece in Florida, my heart skipped a beat. It is a scary time. That is why we have to take care of the Zika issue.

At the same time, if his niece was in Flint and bathing in water that still has lead in it, he would be just as upset. I know he cares deeply. My friend cares deeply. If everybody cared as deeply as he does, we would be in good shape.

I yield the floor.

The PRESIDING OFFICER. The Senator from Michigan.

Ms. STABENOW. Mr. President, first of all, I want to thank two really great leaders on the Environment and Public Works Committee—the chairman and ranking member. I absolutely take the chairman at his word. I have since the beginning. Chairman INHOFE has been an extraordinary leader on this issue and other infrastructure issues. I believe him completely in terms of what he wants to get done, and the same goes for our ranking member, Senator BOXER. I have no doubts whatsoever.

Two weeks ago, when we passed the WRDA bill 95 to 3 in the Senate—the bill that helped the people of Flint as well as other communities that have water and lead-in-water issues—I was prepared to go and, in fact, went to House colleagues, Democratic colleagues, and said: I trust the chairman and ranking member. Let's get the bill going in the House, even if Flint is not

in it. Let's get it to a conference committee and work it out because I trust them, and we will make sure it is in the final package.

Well, the bill didn't get taken up in the House due to whatever problems they had a week ago. Then we began to hear there was not support for Flint in a final bill. We heard, on the one hand, from the Speaker that the CR was not the appropriate place—that WRDA was the appropriate place to help families in Flint. But, by the way, he said: I don't support helping the families in Flint in WRDA. It was the same thing with the chairman of the committee.

I know there are multiple jurisdictions. The distinguished chairman of the committee that has jurisdiction in the House, Congressman FRED UPTON, supports the provision, and we are very grateful for his leadership and help as well. So this is easily worked out in terms of the jurisdictions because the people with the jurisdiction are not objecting to this.

We have been given every signal now, coming from the Republican majority in the House, that there is not a willingness to help. As late as yesterday, with the Committee on Rules, there was an amendment offered to put it in order to vote on it in the House, and it was rejected. We were looking for some sign that was concrete, that was real, that we can actually do this, and over and over we are getting exactly the opposite messages. So then we find ourselves in a situation where the one thing we do know is going to happen is the short-term continuing resolution, and another State, other communities—Louisiana being the principal one with flooding—are going to get help. I support that. I have supported every disaster effort that has come before the U.S. Senate on behalf of many, many, many other States and communities that are not even close to Michigan because I think that is what we should do.

So the people in Flint, MI, have been waiting and waiting and waiting every day—bottled water—every day, trying to figure out how to get more bottled water, and once again they are being told wait and maybe something will happen—maybe something will happen—but Louisiana is so important, we are going to do it now. I don't think it should matter what your ZIP Code is or whether you have Democratic or Republican Senators. I believe it is our requirement—our obligation—to help.

Then, to add insult to injury, we are the only disaster situation coming forward that is fully paid for by eliminating a program. We phase out a program I authored in 2007 that predominantly affects my State in order to pay for help for Flint and other communities—we are not just helping Flint but other communities with lead and water problems because it is so important. It is about lifesaving measures, literally, for people. It is easy to put this on the CR. It is totally paid for. We are not cutting another program to

put the \$500 million in for Louisiana, but the fund for Flint and other communities is totally paid for. So it adds insult to injury to families in Flint who have waited so long.

Again, I trust the chairman completely. What I don't trust is what I am hearing from the House of Representatives. Given that fact and given the fact that we have the ability to actually help them right now through the CR, I believe we should do that.

RECESS

The PRESIDING OFFICER. Under the previous order, the Senate stands in recess until 4 p.m.

Thereupon, the Senate, at 3:32 p.m., recessed until 4 p.m. and reassembled when called to order by the Presiding Officer.

LEGISLATIVE BRANCH APPROPRIATIONS ACT, 2017—Continued

The PRESIDING OFFICER. The Democratic leader.

NOMINATION OF MERRICK GARLAND

Mr. REID. Mr. President, this Republican Senate that had such promise, according to the Republicans, has been a flop. The Senate hasn't kept its word to the Nation. When Republicans assumed the majority in the Senate, the Republican leader made grand promises to the American people. He pledged bipartisanship. He promised to bring an end to the Senate's dysfunction, which he spearheaded.

As I mentioned this morning on the floor, how many filibusters Lyndon Johnson overcame in his 6 years as a majority leader is debatable—there was one for sure and maybe two—but it is easy to figure out as far as when I was majority leader for 8 years. There were 644 Republican filibusters.

The Republican leader pledged that the Senate would do its work. For all his lofty rhetoric, the Republican leader has failed to fill his promises time and time again. There is no better example than the Senate Republicans' refusal to consider the nomination of Merrick Garland to be a member of the U.S. Supreme Court. Chief Judge Merrick Garland was nominated by President Obama 195 days ago. For 195 days, Republicans have blocked this good man from getting a hearing or a vote in spite of the fact that Merrick Garland is extremely qualified.

Some ask, why wouldn't they hold a hearing? It is obvious. Merrick Garland would show the American people what kind of a man he is, what kind of a judge he would be, and it would be very hard for the Republicans to vote against him. So they decided to double down and not even allow a hearing. Even Republicans can't dispute his qualifications. The senior Senator from Utah, who formerly chaired the Judiciary Committee, said that there was "no question" that Garland could be confirmed and that he would be a "con-

sensus nominee." No one questions Judge Garland's education, his qualifications, his judicial temperament, his experience, or his integrity, but Senate Republicans refuse to give this person a hearing. It is shameful.

So I ask, where is the bipartisanship? The Republicans and Democrats agree that this man is exceptionally qualified. Yet his nomination languishes day after day, week after week, now month after month.

Where is the end of the dysfunction? Where is the regular order? There is no bipartisanship. There is a lot of dysfunction. There is no end to it. Where is the regular order? It doesn't exist. No Supreme Court nominee in modern times has waited this amount of time without at least getting a hearing. This is unprecedented.

As legal analyst Jeffrey Toobin has noted, there is only dysfunction to be found in the Republican leader's actions. This is what he said: "Such premeditated obstruction by a Senate leader, aimed at a President with nearly a full year remaining in his term, [is] without precedent."

Where is the hard-working Senate? With Republicans acting as they are, we have established that bipartisanship is really elusive. We have established that the dysfunction hasn't ended. We have established that there is no regular order. Now we have established that we are not working hard, and that is an understatement.

The Senate isn't attending to one of its basic constitutional duties—providing its advice and consent on the President's Supreme Court nomination. Instead, this Senate has worked the fewest days of any Senate in modern history. After we have this next 10-week break, it will be the longest break in some 80 years. How about that?

Chief Judge Garland deserves a hearing; he deserves a vote. Across the street from where we are standing now, at the Upper Senate Park, at 5 o'clock, Democratic Senators will be gathering at a rally in support of Merrick Garland. The people there are of good will, only interested in our country. At that time, they are going to call on Republicans, as we will, to heed their constitutional duty and act on Garland's nomination.

Republicans have another chance to keep the promises they made to the American people. Republicans should right this historic wrong on Judge Garland. They should give him a hearing and a vote, and they should do it right now.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Mr. President, I agree with what the Democratic leader said. We have waited far too long.

I would like to give some history. Eleven years ago this week, following the death of Chief Justice Rehnquist, the Senate confirmed John Roberts to the Supreme Court and as Chief Justice. He had his Judiciary Committee

hearing in September and was given full and fair consideration by the Senate. He was confirmed about 2 weeks later, September 29. All of us, whether or not we supported John Roberts, felt it was important to get this done so that the Supreme Court was not missing a Justice when it began its term on the first Monday in October, as it always does. The Senate acted responsibly. That was 11 years ago. There was a Republican in the White House. I was one of those who voted for Chief Justice John Roberts. There are others who voted against him, but he was confirmed. That is what we did then with a Republican President but not today. In fact, under Republican leadership, the Senate is deliberately leaving the Supreme Court shorthanded. None of us, whether for or against Justice Roberts, felt we should delay and have the Court come into session with a four-four makeup.

I believe Chief Judge Merrick Garland deserves the same consideration that Chief Justice Roberts received 11 years ago. What is the difference? There was a Republican President then, a Democratic President now. This is playing politics with the U.S. Supreme Court, and it hurts the credibility of our whole Federal court system.

Like Chief Justice Roberts, Chief Judge Garland is eminently qualified. Like Chief Justice Roberts, he hails from the Midwest. He is a D.C. Circuit judge who has earned the respect and admiration of those who work for him. But, unlike Chief Justice Roberts, who was confirmed in about 2 months, Chief Judge Garland has been pending before the Senate for more than 6 months. I mentioned that to my colleagues. I went back and checked the history. No Supreme Court nominee in the history of our country has waited that long. There has been no hearing, no vote, no consideration at all by the Senate because the Senate refuses to do its job—the job we are required to do under the Constitution.

Maybe the Republicans feel this somehow benefits their party. It doesn't. Our independent judicial branch is fundamental to our constitutional system of government. The Senate's duty to consider judicial nominations under the Constitution is not a political game. This Republican obstruction has consequences for all Americans. Because Senate Republicans refuse to do their jobs, the Supreme Court has been repeatedly unable to uphold its essential constitutional role as a final arbiter of the law. The uncertainty in the law has been harmful to businesses, and it has been harmful to law enforcement and to families and children across our country.

I don't know if the American people realize how much this refusal of the Republican leadership to do their jobs has hurt them. This term, the Supreme Court will consider cases that will impact our voting rights—all of us—our

religious rights, our access to fair housing, even the ATM fees we pay. The Court may also decide to hear important cases on the right of transgender students to be treated equally, environmental protection and climate change, women's reproductive health, and money in politics. The Supreme Court should be at full strength and provide the American people certainty and clarity of our rights under the Constitution.

The same Republicans who expedited consideration of Chief Justice Roberts have since February used the excuse of the election year to justify their unconstitutional, prolonged obstruction. Yet there is no election-year exception in the Constitution for the President's duty to nominate Supreme Court Justices. The Constitution says the President shall nominate. The President did that. It also says that every one of us who held up our hand and took a solemn oath to uphold the Constitution—it says that we shall give advice and consent on these nominations. There is no election-year exception in the Constitution. None of us hold up our hands and say we will uphold the Constitution, so help me God, except in an election year. There is no election-year exception in the Constitution for the Supreme Court's role as the final arbiter of the law. Our history proves this case.

There have been more than a dozen vacancies in election years—in fact, most recently, Justice Kennedy. I was here. We had a Democratic-led Senate. It was President Reagan's last year in office. It was a Presidential election year, and it took a Democratic Senate just over 2 months to confirm Justice Kennedy.

President Obama's nominee, Chief Judge Garland, has been pending in the Senate with no action for 195 days; 195 days and we haven't done one solitary thing. When we had a Democratically controlled Congress and a Republican President's last year in office, we confirmed him in 65 days.

The Judiciary Committee plays an important role in the examination of Supreme Court nominees, reviewing the nominee's records and holding public hearings so that the American people can hear from that individual. Ever since the Judiciary Committee started holding public confirmation hearings of Supreme Court nominees more than a century ago, the Senate has never denied a Supreme Court nominee a hearing and a vote. The current Republican leadership has broken with this century of practice to make its own shameful history.

Even when a majority of the committee has not supported a Supreme Court nominee, the committee has still sent the nomination to the floor so that all 100 Senators can fulfill their constitutional role of providing advice and consent on Supreme Court nominees. When I became chairman of the Judiciary Committee in 2001 during the Bush administration, I and Senator

HATCH—who was then the ranking member—memorialized in a letter this agreement regarding President Bush's Supreme Court nominees.

This is an important point. Senators are free to make their own decision to vote against a Supreme Court nominee, but that does not justify the complete refusal to provide any process whatsoever. I have heard the other side offer the example of some Republican Senators pledging to vote "no" on Justice Fortas's nomination to replace Chief Justice Warren in an election year as justification for their obstruction today. That example does little to prove their point. In 1968, there was no current vacancy on the Court, as Chief Justice Warren's resignation was conditional upon the confirmation of his successor. That meant that there was never any fear that the Supreme Court would be operating at less than full strength. Just as importantly, public hearings went forward and the full Senate was able to consider the nomination. Everett Dirksen, the Republican leader who also served as the ranking member of the Judiciary Committee at the time, did not sign on to that pledge and proceeded to work with the chair of the committee to move forward with hearings.

We worked across the aisle to ensure that the Supreme Court would be fully functioning with Chief Justice Roberts' nomination 11 years ago. Thirty years ago, the Senate voted to confirm both Justice Scalia and Chief Justice Rehnquist. More than a dozen Supreme Court justices have been confirmed in the month of September. That is not surprising given that the Supreme Court begins its terms on the first Monday in October.

By the standards the Democrats gave to Republicans, Chief Judge Garland should have been confirmed by Memorial Day. We have had more than 6 months to examine his record. It is not as though the Senate has been consumed and overworked considering other nominees; the last time we confirmed any judicial nominee was on July 6.

Republicans refuse to allow votes even on uncontroversial district court nominees who have been pending more than a year, even those supported by Republicans in their States, and our independent Federal judiciary is suffering as a result of this unprecedented obstruction, as a result of the Senate not doing its job. It is long time past for the Senate to do its job. We have to treat our coequal branch of government with respect. There is no reason the Senate should not do its job in an election year. There is much work to be done.

Senate Republicans are calling for another very long recess. The resolution introduced today by the senior Senator from Connecticut would keep the Senate here to do its job for Chief Judge Garland's nomination. It should not require a resolution to keep us accountable to the oath we all swore to

uphold the Constitution. The Senate majority leader should let us get to work for all American people. We have had more recesses than anytime since I have been here. Why not take a few days and immediately consider Chief Judge Garland for the Supreme Court of the United States? Our highest Court should not be diminished further by Republican obstruction in the Senate. When the Supreme Court comes into session on the first Monday in October, the American people deserve to have nine members on the Supreme Court. The Supreme Court deserves to have nine members, and the American people deserve to have us do our job.

Mr. President, I ask unanimous consent that the letter I referred to from myself and Senator HATCH be printed in the RECORD.

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

U.S. SENATE,
COMMITTEE ON THE JUDICIARY,
Washington, DC, June 29, 2001.

DEAR COLLEAGUE: We are cognizant of the important constitutional role of the Senate in connection with Supreme Court nominations. We write as Chairman and Ranking Republican Member on the Judiciary Committee to inform you that we are prepared to examine carefully and assess such presidential nominations.

The Judiciary Committee's traditional practice has been to report Supreme Court nominees to the Senate once the Committee has completed its consideration. This has been true even in cases where Supreme Court nominees were opposed by a majority of the Judiciary Committee.

We both recognize and have every intention of following the practices and precedents of the Committee and the Senate when considering Supreme Court nominees.

Sincerely,

PATRICK J. LEAHY,
Chairman.
ORRIN G. HATCH,
Ranking Republican
Member.

Mr. LEAHY. I yield the floor.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. Mr. President, I thank my colleagues for coming to the floor this afternoon for a historic presentation.

I just spent this last weekend—an enjoyable weekend—being a babysitter. My wife and I were able to babysit our 5-year-old grand-twins. It is always a kick to hear what is on their minds and have conversations. We spend a lot of time discussing the concept of fiction and nonfiction. They were trying to figure out which things were fiction and which were nonfiction. We went back and forth through superheroes and all the rest of it, and it was a lot of fun.

I thought about that as I came to the floor today because when it comes to looking for fiction and nonfiction, the Executive Calendar of the U.S. Senate on our desk would have to fall in the category of fiction. It is not true because in this calendar, you will find the nominations sent from the committee to the floor of the Senate to be considered. At least that is what you think

you are going to find, but instead what we find are the names of 30 nominees to become Federal judges and have cleared the committees, such as the Judiciary Committee, and languish on this calendar never to be called by the Republican majority. Some have been here for a year. They cleared the committee with bipartisan votes. Many of them were nominated and approved by Republican Senators, but when they come to the floor, it comes to a full stop.

Senator MCCONNELL, the Republican leader, is not scheduling votes for Federal judges under President Obama. He argues that whether it is the Supreme Court or other Federal district courts, this is a lameduck President, and he has no obligation, being of the opposite political faith, to give this President anything when it comes to judges. That is the Republican Senate position, that is Senator MCCONNELL's position, but it is totally inconsistent with two things.

The tradition of the Senate is the first issue. When George W. Bush was in his last term in office and the Democrats were in control, we approved 68 judges in that last Congress—in his “lameduck” Congress. So far this Congress Senator MCCONNELL has allowed only 22 judges to come through the Senate, and 30 of them are sitting on the calendar. By the tradition of the Senate, where the Senate fills the vacancies when they need to be filled, regardless of the President's party or the year of his term—Senator MCCONNELL ignores that. We have 91 Federal judicial vacancies across the United States that need to be filled. Nearly half of them are emergencies. The caseload is overwhelming and justice is not being served in those districts, but Senator MCCONNELL says no.

The most egregious example is the vacancy on the U.S. Supreme Court. You can almost look through the windows and outside of the doors of the Chamber here and see that beautiful building, the Supreme Court, and realize that in a matter of days they will reconvene to consider the most important cases pending before the United States of America. What is different about this Supreme Court is that there are only eight Justices seated on the Court. The untimely passing of Antonin Scalia in February led to a vacancy on the Supreme Court. President Obama met his obligation under the Constitution. Article II, section 2 says the President shall nominate someone to fill the vacancy on the Supreme Court. President Obama did it. As the Constitution directs him, he sent that name to the U.S. Senate for advice and consent 195 days ago.

Senator MCCONNELL announced he would not fill that vacancy and would not even give that nominee, Merrick Garland of the D.C. Circuit, a hearing so he could be asked the basic questions about his service on the Court. In fact, Senator MCCONNELL took another step and said: I will not even meet with

him. How many times has that happened in the history of the U.S. Senate? Never. Politicians are careful when they use that word—“never.” We have never had a President submit the nominee to fill a pending vacancy on the Supreme Court who has been denied a hearing in the Senate—never.

Why? Senator MCCONNELL says: Well, President Obama is leaving soon, as if he were elected only for a 7-year tenure and isn't entitled to be President in his eighth year, but the real reason is pretty obvious. Senator MCCONNELL and the Republicans are praying that Donald Trump will be able to fill this vacancy on the Supreme Court. After watching the performance last night, can you imagine that man choosing a Justice for life on the Supreme Court? That is what they are counting on. That is why they are leaving these vacancies open, too, so that Donald Trump can fill those vacancies.

It is a sad moment in the history of this country. It is the most accurate reflection of the dysfunction of the U.S. Senate I can think of—that the Senate Republican leadership would ignore the Constitution and the traditions of the Senate, leave these poor judicial nominees languishing for up to a year on the calendar, and refuse to meet their constitutional obligation to give Merrick Garland—even though the American Bar Association deemed him as being unanimously “well qualified”—his time to come before the Senate for an open hearing, answer questions under oath, and receive a vote on the floor of the Senate.

The Republicans in the Senate want to brag about their great record of performance this year as the party in control of the U.S. Senate, but what they cannot explain or live down is the embarrassment they brought to this institution by refusing to meet their constitutional responsibility.

I yield the floor.

The PRESIDING OFFICER. The Senator from Washington.

Mrs. MURRAY. Mr. President, I come to the floor this afternoon to join my colleagues who have already noted that we are now at an unbelievable, unprecedented 195 days—over 6 months—since the President nominated Judge Merrick Garland to the Supreme Court.

Do you know what else could have happened in this time period? We could have gone through the confirmation process for the last Republican-nominated Justice twice and still have 11 days leftover. We could have sailed around the world almost four times or flown to the moon and back 30 times, but Senate Republicans have refused to even hold one hearing for Judge Merrick Garland.

By allowing this absurd political game to continue, Republicans are preventing the rest of us from upholding our constitutional duty to consider the Supreme Court nominee. Senate Republicans will not say that their historic obstruction is because they are opposed to Judge Garland; they are

just refusing to consider him, even though many Republicans have met with him and admitted that Judge Garland's distinguished career and work history show that he is, without a doubt, someone who deserves fair consideration by all of us here in the U.S. Senate. He deserves a hearing and a vote. I should add that by refusing to do their jobs and by saying they want to leave it to the next President, Republicans are telling the American people they would rather save the seat for their Presidential nominee to fill than give a strong nominee a fair hearing and a vote. We all know what that means.

This is far too important to the people of this country to hold off any longer. They have now seen the results of a short-handed Supreme Court with split decisions and continued uncertainty about important issues. The Court is now days away from beginning its October session. With every day that goes by and every Supreme Court decision that comes down without a full bench, the need for action is clearer and clearer. This gridlock and dysfunction that has dominated too much of our time and other work here in the Congress should be pushed aside right now. Republicans blocked the Zika emergency funding bill for 7 months, and the gridlock has once again brought us far too close to another manufacturing crisis—a government shutdown.

I hope Republicans will realize how ridiculous this partisan gridlock is. After 195 days of being one Justice short on the Supreme Court of the United States, I urge our colleagues to fulfill our constitutional responsibility, hold a hearing for Judge Merrick Garland, and give him a vote. We owe that to the people we represent, and it is simply the right thing to do.

Washington State families should have a voice. Families across America should have a voice. They have waited long enough—nearly 200 days—to have nine Justices serving on the highest Court in the land, and they deserve better.

SHOOTING IN BURLINGTON, WASHINGTON

Mr. President, while I have the floor, I want to bring another issue to my colleagues' attention, and that is the anguish of the people in a community in my home State of Washington, the city of Burlington. This is yet another community that is hurting after another senseless act of violence in a mall—a shooting that left five people dead. This is a headline that has become all too common in our country.

I urge everyone listening today to keep the victims, their families, their friends, and their coworkers in their thoughts and prayers. I implore everyone in this Chamber to come together and address the scourge of gun violence that has devastated one too many communities once again. Enough is enough.

I thank the Presiding Officer and yield the floor.

The PRESIDING OFFICER. The Senator from New Jersey.

NOMINATION OF MERRICK GARLAND

Mr. BOOKER. Mr. President, I thank my colleague from Washington for her remarks. As for me, this is the third time this month that I have come to the Senate floor to speak about the Supreme Court nomination currently pending before the judiciary and the judicial vacancy crisis as a whole in our country.

It has been 7 months since Chief Judge Merrick Garland's nomination to the Supreme Court, and it is still pending. It has been about 19 months since Judge Julien Neals was nominated to the District Court of New Jersey, and it is still on hold.

As was the case in the last two times I have come to the floor to speak, our country is not only operating with an incomplete Supreme Court, but it is also operating with a judicial vacancy crisis across the Nation in multiple Federal courts.

The Supreme Court's term is about to begin next week, and without action to schedule a vote and confirm Judge Garland's nomination, the Supreme Court will still be operating without a ninth Justice, just as it has been for the past 7 months. I do not believe that was the intention of our Framers. I do believe that because this body is not doing anything about this nomination, it is having a material effect on another branch of government, which I believe is a subversion of the framing of our Constitution and the functioning of our government.

By failing to hold the vote on Judge Garland's nomination, we are continuing to cripple one of our coequal branches of government. It is unacceptable that we would consider taking a 7-week break from the business of the Senate before ensuring that one of our coequal branches of government is operating as it was intended by our Framers.

There is no credible reason for the refusal of a vote for Judge Garland's nomination, and this kind of wait for a Supreme Court Justice's confirmation is unprecedented in our history.

Republicans and Democrats have clearly stated over the years how well qualified Judge Garland is as a nominee. In fact, we have seen multiple people remark that he is not just well qualified, but in the grand scheme of the partisan divides in our country, he is relatively moderate in his judicial history. Unfortunately, though, with that, we are still failing to see an up-or-down vote in this body.

There is no reason this distinguished body should not confirm Chief Judge Garland so that we have a full complement of Justices on the Supreme Court when the next term convenes. We also know that across the country, as I said earlier, Federal judges are overworked and, of course, understaffed because of the vacancy crisis.

The last time I came to the floor on this issue, I noted that we faced 90 judi-

cial vacancies in our courts across the country, 35 of which have been deemed judicial emergencies. A judicial emergency is not some subjective conclusion; it is an objective conclusion by judicial experts and judicial staff that has nothing to do with the partisan politics of our land. Yet we are seeing no action being taken.

There are 30 nominations currently pending on the Senate Executive Calendar, and all but two were voted out of committee by unanimous vote. That includes 20 district court nominees. Both Republicans and Democrats in this body gave a unanimous vote in the Judiciary Committee. The nominations pending on the Executive Calendar are from States all across the country, from east to west. These places include New Jersey, New York, California, Rhode Island, Pennsylvania, Hawaii, Utah, Massachusetts, Maryland, Oklahoma, Louisiana, Wisconsin, Indiana, North Dakota, South Carolina, and Idaho. Today, when we are perhaps days from adjourning for another long recess—7 weeks—I rise, as I said, for the third time not only to ask Republicans with great respect and reverence for all nominations going on in the Senate, but also to ask that we push this bipartisan package of well-qualified nominees that includes two people who are next on the list, Ed Stanton and Julien Neals, the two longest waiting judicial nominees from Tennessee and New Jersey, as well as nominees from New York, California, Rhode Island, and two nominees from Pennsylvania, again supported in a bipartisan fashion in the Judiciary Committee. The nominees from New Jersey and Tennessee are the two longest waiting nominees currently before the Senate, and as such, deserve to be the next two scheduled nominees up for a vote. I have rejected or stood up in opposition to any efforts to skip those two nominees.

Mr. Stanton is the nominee for the Western District of Tennessee. He is highly qualified, and his experience will suit him well as a judge in the Federal court. Mr. Stanton is a highly regarded member of the Memphis community and someone recommended to the President by my colleague Senator LAMAR ALEXANDER.

Judge Neals is the nominee for the U.S. District Court for the District of New Jersey, possessing undeniably strong qualifications. He possesses significant legal experience, a distinguished judicial career, and an unwavering commitment to justice. His skill, legal aptitude, and unique thoughtful perspective are needed on the Federal bench now more than ever. I know Julien Neals personally. I worked by his side for close to a decade when I was a mayor—7 years to be exact—and I have seen the thoughtfulness of this individual. He is one of the more impressive people I have met in my professional journey.

There is no reason why Judge Neals or Edward Stanton, the two longest

waiting nominees, have had to wait so long to be confirmed. So I hopefully and simply ask that the Senate promptly vote on the next two nominees in line, making sure our judicial system is functioning at its highest capacity. This isn't a Republican or Democratic issue. It is an American issue.

I have been honored to serve people in New Jersey in the Senate for nearly 3 years. During my time in this body, I have been surprised, inspired, and challenged by colleagues on both sides of the aisle, but I have come to a point of hope and hopefulness that when it comes to real issues, such as the functioning of another branch of government, we can come together, and we have the capacity to do the right thing.

I know this body is better than a tit-for-tat process, where we measure how many nominees President Bush got versus President Obama. This was not the intention of the Constitution, not the intention of our Framers, and it is not something that has been the tradition of our country.

I know the good the Senate can do for Americans across the country. Part of our obligation is to ensure a functioning judicial system that can deliver justice for America. This Senate is failing to uphold its duty now and has plunged our Nation into a level of judicial crisis that is unacceptable. We can and we must do better.

The PRESIDING OFFICER (Ms. AYOTTE). The Senator from New York.

Mr. SCHUMER. Thank you, Madam President.

Today I join my colleagues in rising to remind the Republican majority of its abject failure to fulfill its constitutional duty.

I first spoke on the floor urging the majority to schedule a hearing and vote on the vacant Supreme Court seat on February 23 of this year, over 7 months ago. Just to remind everyone, that was before Judge Garland was even nominated by the President. We shouldn't forget that, even before the nominee was named, the Republican majority told the American people they were planning to ignore their responsibility to consider a Supreme Court nominee. That is the one promise they have actually kept.

Unlike their promise to "get the Senate back to work," they have kept their promise not to do their jobs when it comes to the Supreme Court and so many other issues. It certainly is not because they have been too busy. In the last 200 days since the President nominated Judge Garland, instead of giving him a fair hearing and vote, the Republican Senate has taken the longest recess in 60 years; spent time fighting partisan battles over Planned Parenthood, instead of combatting Zika; neglected to act on economic issues for working families, such as college affordability; done nothing to address the influence of special interest money in politics; and failed to take action to keep guns out of the hands of terrorists. Make no mistake, the Republican

Senate has not done its job, and that failure has real consequences.

With the Nation's highest Court shorthanded and often deadlocked, it has been unable to serve its constitutional function as the final arbiter of the law. Because of Republican obstruction, the Court was unable to reach a decision on the final merits in seven cases in its last term, leaving millions of families and children, law enforcement, and businesses uncertain of the law. From immigration to consumer privacy to a case about whether lenders can discriminate against married women, the Court has been unable to produce a final verdict.

The Supreme Court handles "the people's business" as President Reagan put it. Every day that goes by without a ninth Justice is another day the American people's business is not getting done.

Now we are only a week away from a new Supreme Court term, during which it will hear another docket of important cases involving voting rights, racial discrimination in housing, and cases that will impact women's reproductive rights and the rights of transgender children in schools. Because Republicans will not schedule a hearing and a vote on Judge Garland to the Supreme Court, the Supreme Court will again go into these cases shorthanded.

Seven months later, I again say to my Republican colleagues, to the distinguished majority leader, and to the chairman of the Judiciary Committee: Schedule a hearing and a vote on Judge Garland. Because you refuse to do your job, the people's business is not getting done.

I yield the floor.

The PRESIDING OFFICER. The Senator from Minnesota.

Ms. KLOBUCHAR. Madam President, I come to the floor to speak again about the dangerous effects of leaving the current vacancy on the Supreme Court unfilled and the real consequences that the current vacancy has caused for this country.

It has now been more than 6 months since President Obama nominated Judge Merrick Garland to fill the current vacancy on the Supreme Court, and we still haven't had a hearing, much less a vote. As a result, Judge Garland is now the longest pending Supreme Court nominee in history.

Since the Senate has not acted, the Supreme Court will still be without a full complement of Justices when it begins its October term next week. There is a lot at stake in the Supreme Court's upcoming term. The cases that the Court will hear focus on significant issues that affect Americans' everyday lives.

Among those cases are important questions involving voting rights and discrimination in housing. The Court will also take up cases on immigration and environmental protection that would impact millions of people across the country. We know they have been

taking less cases, and we also know there have been a number of split decisions, including a recent one on a death penalty case.

Further delay in the confirmation of a new Justice will compromise the Court's ability to resolve these questions of law effectively. If we do not have a fully staffed Court in the next term, we risk more cases in which the Court is unable to issue binding precedent and in which access to justice is denied for too many Americans. In some decisions where there is a 4-4 split, the result is effectively the same as if the Supreme Court had never heard the case. That is certainly not what our Founding Fathers intended with the Constitution.

But more split decisions are not the only risk that we are facing here. The current vacancy on the Supreme Court also has implications for the number of cases that the Court is able to take in the first place. We saw this played out many times last spring. In March of last year, the Supreme Court granted certiorari on eight cases. This year, it only did so for two. Indeed, we have seen time and again over the Court's last term that the Supreme Court simply cannot function well without a ninth Justice—with split decisions, diminished decisions, delayed decisions, and no decisions.

With only eight Justices, the current Court could not reach a final decision on the merits in seven cases during its most recent term. In five of these cases, the Court deadlocked in split decisions with four Justices on either side. In the other two cases the Court had to remand the case back to the lower courts when it was unable to render a decision on the merits.

The lower courts rely on the Supreme Court as the final decision-maker. There are courts all over the Nation that may have different decisions, and they are waiting for the final word from the Supreme Court. That is how our system of justice has worked. But what is most important is that in each of these cases the Court was unable to carry out its constitutional obligation.

The potential for worse during the Court's next term is real. For instance, what if some of the landmark cases that are familiar to citizens, such as *Miranda v. Arizona*, were a 4-to-4 decision? Or an emergency case like *Bush v. Gore*—what if that were 4 to 4? Or *Brown v. Board of Education*?

Former President Ronald Reagan recognized the importance of having a fully staffed Supreme Court in 1987. He said: "Every day that passes with the Supreme Court below full strength impairs the people's business in that crucially important body."

President Reagan made that statement around the same time he nominated Justice Kennedy, who was confirmed unanimously by the Senate, which was controlled by the opposite party—the Democratic Party—in the last year of a Republican Presidency.

Over the past several months, I have tried to put myself in my colleagues' shoes, and I asked myself: What if we had the opposite case? What if we had a Republican President and a Democratic-controlled Senate? What would I do? Well, I would demand a hearing. I would never let a nominee float out there for 6 months while we have less decisions, diminished decisions, and no decisions.

I don't know how I would vote on the nominee. I would like to ask the nominee questions and decide if they were qualified to serve on the Supreme Court.

Our job under the Constitution is to advise and consent. It is not to advise and consent only after a Presidential election has occurred. This has been our practice in the Senate for more than a century. For more than 100 years the Senate has had a process that worked under both Democratic and Republican Presidents and even in—yes—Presidential years. Through World War I and World War II, through the Great Depression, through the Vietnam war, through the economic downturns, we were somehow able to make it as a democracy. We were somehow able to do our job to advise and consent.

I would also add in closing my remarks about Judge Garland's widely credited ability to draft thoughtful, narrow legal opinions and build consensus among his colleagues on the bench. The President was well aware when he nominated Judge Garland that he would need to nominate someone who had that ability, and, with the kind of votes that we have seen in the Senate, someone who is a fine man. He deserves the opportunity to make his case to the Senate, and the public deserves the opportunity to see the kind of Justice he would be.

It remains my sincere hope that he will have that opportunity for a hearing to prove himself in the months to come.

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

The PRESIDING OFFICER. The Senator from Delaware.

Mr. COONS. Madam President, I rise today to join my Democratic colleagues on the floor in opposition to this Chamber's inability to do its job and fulfill our constitutional obligation by holding a public hearing and taking a vote on President Obama's nomination of Chief Judge Merrick Garland to the U.S. Supreme Court.

As this body appears to apparently head home for the next month and a half, let me share yet another reason why it is so important that we put partisan politics aside and do our jobs. As a member of the Senate Foreign Relations Committee, I have had the opportunity to travel to many other countries. Just this past June, I spent a week in South Africa to commemorate the 50th anniversary of Robert F. Kennedy's "Ripples of Hope" speech in Cape Town. Robert F. Kennedy, a former Senator himself, inspired the

early, nascent anti-apartheid movement in South Africa with this uplifting and challenging speech.

Just earlier today, I had a chance to meet with a friend from South Africa with whom I connected on that trip. I had a reminder in our conversation—a reminder that what we do teaches, engages, and challenges much of the rest of the world. The United States and South Africa, although we are very different countries with different histories, are similar in important ways.

What struck me on this trip to South Africa back in June and in the months since has been some of our important similarities and our important current challenges. We share powerful foundational commitments to our original documents—to the Freedom Charter in South Africa and to our Declaration of Independence here—and to our respective constitutions. We have historically shared a strong respect for the rule of law. We share deep understanding of the importance of capable and independent judiciaries to preserving our multiparty democracy.

But, today in the United States, as in South Africa, divisiveness and dysfunction are beginning to genuinely challenge the institutions that protect our constitutional order. Here we need look no further than the matter that drives us to the floor today—the vacancy on the U.S. Supreme Court that is now approaching 200 days without any sign of promise or compromise from our Republican colleagues, without any expression of a willingness to do what has been done routinely for a century here.

On the Judiciary Committee, on which I serve, we have not had a hearing, and we have not had a vote. I have heard no significant issues or questions raised about the qualifications of Chief Judge Garland. Frankly, I don't think one could raise significant questions. This is one of the most seasoned, most experienced judges ever nominated to the U.S. Supreme Court. Yet no progress—no hope of progress—seems to be heard on our committee or here on the floor.

Even if we were to confirm Chief Judge Garland today, I think we need to realize that our inaction has already had a significant impact. All around the world, what the United States says and does sends a strong message. It matters what we say. It matters what we do. In this case, it matters deeply what we aren't doing.

This Chamber alone cannot heal a divided country with a single committee hearing. We cannot heal congressional dysfunction with just one vote, but these actions could serve as the first in a series of concrete steps to help repair the dysfunction and the division in our Senate. We should start by holding public hearings, by letting the people of the United States understand what, if any, questions or concerns there might be about this talented, capable, decent man, Judge Merrick Garland, who has been nominated to the Supreme Court, and then build on that

momentum by giving timely, thorough consideration to the President's other nominees for judgeships across the country. With 89 judicial vacancies—with 89 current judicial vacancies—from district courts to courts of appeals, to the U.S. Supreme Court itself, our inaction doesn't just create uncertainty for those involved, it impairs our courts and actively harms our constitutional commitment to justice.

From Justice Marshall to Justice Warren, to Justice Scalia himself, the Supreme Court has been home to many icons of American jurisprudence, men and women whose work, writings, and reflections are known around the world, but as I suspect they might themselves have been the very first to remind us, nations don't endure because of unique or historic individuals, free nations endure because of institutions.

When it comes both to ensuring the proper functioning of our treasured American institutions and to ensuring its future independence and liberty, we are not doing our job. We are failing to fulfill our constitutional obligations and, in doing so, we are directly challenging the strength of our constitutional order.

We must not forget that everything we do here and everything we do not do here sends forth a message to the rest of the world, to those who we hope watch and imitate our democracy. This inaction is something I hope they do not imitate.

If we were to take action on Chief Judge Garland's nomination, we would have the opportunity not only to strengthen our own institutions but to return to setting a constructive and positive example for the rest of the free world. We must leave no doubt that our democratic institutions can handle all the challenges they face.

I urge all my colleagues to seriously consider the consequences of this tragic inaction, for nearly 200 days, to consider this able and qualified nominee.

With that, I yield the floor.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. BLUMENTHAL. Madam President, I am proud to join my colleagues who have come to the floor, including the distinguished Senator from Delaware and my friend and colleague from the great State of Vermont, and with other colleagues who will follow us in saying, very simply, we should do our job and avoid the damage to our democracy that will result from our dereliction of duty if we leave town without a hearing and a vote to fill the vacancy created by the tragic death of Justice Scalia.

I know something about the Supreme Court, having clerked there for 1 year with Justice Harry Blackmun, having argued cases there as attorney general of the State of Connecticut. I walk by or ride by the U.S. Supreme Court every day as I come to work at the Capitol, and I have tremendous respect, in fact, reverence, for the U.S. Supreme

Court. Its power derives from its credibility and trust. It is being above politics. It has no armies, no police force. Its decisions are enforceable and enforced simply because the American people have confidence in its credibility.

The reason for that credibility was well stated by Chief Justice John Roberts, who said: "We don't work as Democrats or Republicans, and I think it's a very unfortunate impression the public might get from the confirmation process."

That confirmation process is stymied and stopped, stalled now by bipartisan paralysis that reinforces the misimpression among the public that the Supreme Court may simply be another part of the political process.

The Supreme Court should be above politics. This dysfunction and dereliction of duty does damage to our democracy because it drags the Supreme Court into the muck and morass of partisan politics and deprives it of the credibility and trust that are the underpinning of its force as a democratic institution. Think of it for a moment. There are two elected branches, the President and Congress, and then an unelected one, appointed for life, totally dependent on its being above politics.

We have a constitutional duty to advise and consent, not when it is politically convenient, not when it fits into our schedules but when the President makes a nomination. We have fulfilled that duty consistently during the last 100 years, taking action on every pending nominee to fill a vacancy on the Supreme Court.

The current impasse has real, practical consequences in depriving individuals in this Nation of justice they need and deserve. It has real consequences for real people. As we saw last term and as we are about to see on Monday with the beginning of a new term, issues of law essential to a functioning democracy and basic fairness will be left unresolved because of a deadlocked Court. The resulting uncertainty causes harm across the land and across our economy, creating confusion among businesses that need to know what the rules of the road are going to be. If money is borrowed, when does it have to be repaid? If regulation is to be challenged, will it be upheld?

These kinds of decisions are, in fact, real cases before the U.S. Supreme Court. The uncertainty and confusion resulting from deadlocked Court decisions and the lack of law—because in-decision means a lack of resolution of legal issues—have consequences that impede job creation and economic growth in this country. By refusing to do its job, the Senate of the United States is precluding others from doing their jobs, from creating jobs, and from growing our economy, as all of us would like to see done.

I am not arguing that any individual Senator has an obligation to vote for Merrick Garland. I believe he is preeminently qualified. I have known him

for years. I have tremendous respect for his intelligence and integrity. I believe he will convince other of my colleagues that he is extraordinarily well qualified to serve as the next Justice on the U.S. Supreme Court.

That job of convincing our colleagues is his to do. He should be given an opportunity to do it in a hearing, as he has done for many of us in his individual conversations with us. Unfortunately, our Republican colleagues have denied him even a hearing, not to mention a vote.

It adds insult to injury when this body not only stonewalls Judge Garland's nomination but departs for lengthy breaks, as we did in August and as we will now do again, without giving him consideration. This year, the Senate has worked fewer days and taken a longer recess than in the past 50 years, despite leaving our constitutional duty unfulfilled.

That is why I am proud to submit today, along with 42 of my Democratic colleagues, including Senator LEAHY of Vermont, the ranking member on the Judiciary Committee, along with my colleagues on the Judiciary Committee, a resolution that says to the Senate of the United States: Do not leave town for a recess until we have provided a hearing and a vote on the pending Supreme Court nomination. Do not leave town without doing your job. Do not leave town without fulfilling your constitutional duty to advise and consent.

That is what we should be doing.

I am not going to read the resolution, but it essentially says the President has the obligation to nominate. We have the obligation to advise and consent. We have done so in past years. We should do so now. I will quote this one sentence: "Whereas forcing the Supreme Court to function with only 8 sitting justices has created several instances, and risks creating more instances, in which the justices are evenly divided as to the outcome of a case, preventing the Supreme Court from resolving conflicting interpretations of the law from different regions of the United States and thereby undermining the constitutional function of the Supreme Court as the final arbiter of the law."

Paraphrasing: Be it resolved that the Senate should not adjourn, recess, or convene solely in pro forma session until we have taken action on the pending nomination through holding a hearing in the Judiciary Committee, holding a vote in the Judiciary Committee, and holding a vote in the full Senate.

Some of the threats to our democracy come from outside this country, from violent extremists or military aggressors who mean to do us harm, but the threats to our democracy can also include self-inflicted wounds—unintentional, perhaps.

I know my colleagues—and I say this with the greatest respect—believe they are justified in what they are doing. We

have legitimate disagreements. We may disagree whether Merrick Garland is qualified to be on the U.S. Supreme Court. I believe, without question or reservation, he would be a great Justice on the U.S. Supreme Court, and he will be, but let's at least give him a vote. Let's do our job and avoid the self-inflicted damage to our democracy that will result from our leaving without upholding our constitutional duty.

Madam President, I yield the floor.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mrs. SHAHEEN. Madam President, I am pleased to join Senator BLUMENTHAL on the floor this afternoon as a cosponsor of his resolution. I share his concerns that Merrick Garland has not yet gotten a hearing nor a vote in this body on his nomination to be on the Supreme Court of the United States.

Since the beginning of our Nation, the U.S. Senate has respected an important, bipartisan tradition of giving timely and fair consideration to Supreme Court nominees, even during the years when there is a Presidential election.

Sadly, this year the majority party has broken that tradition by refusing even to hold a hearing on the nomination of Judge Merrick Garland to serve as a Justice. The current vacancy was created more than 200 days ago. President Obama nominated Judge Garland more than 7 months ago. I am joining my colleagues on the floor this afternoon to urge the majority party and the leadership of this body to give Judge Garland a hearing, to give him a vote. It is time to extend to Judge Garland the same fair treatment the Senate has given to every other person previously nominated to the Supreme Court by an elected President during a Presidential election year.

The majority party's refusal, to date, to consider the nomination of Judge Garland is a shocking break with Senate tradition. Article II, section 2 of the Constitution is unambiguous about the respective duties and responsibilities of the President and the Senate when there is a Supreme Court vacancy. I do not believe the Founders intended that these rules should be optional or should be something that could be disregarded. Article II states that the President "shall hold this office during the term of four years"—not 3 years, not 3 years and 1 month, but 4 full years.

Time and again, Senators have done their constitutional duty by considering and confirming Supreme Court Justices in the final year of a Presidency. Most recently, Justice Anthony Kennedy was confirmed in the last year of President Reagan's final term in February of 1988. Indeed, it was a Senate with a Democratic majority that confirmed President Reagan's nominee, Justice Kennedy, and they did it unanimously—97 to 0.

The Senate Committee on the Judiciary began holding public confirmation

hearings on Supreme Court nominees back in 1916. In the 100 years since then, never before has the committee denied a hearing to a nominee to be a Justice of the Supreme Court. So never before in our history have we seen this happen, that the majority party in the Senate has refused to conduct a hearing.

Since 1975, the average length of time from nomination to a confirmation vote for the Supreme Court has been 67 days because our predecessors in the Senate recognized just how important it is for the Supreme Court to be fully functioning. This bipartisan tradition regarding the Supreme Court has been put at risk by the majority's actions this year, but the Senate will have another opportunity to act on the nomination of Judge Garland when we reconvene after election day during the lameduck session. Once we get through this election, I hope that the majority party will honor the Senate's tradition, that it will do the right thing, that it will give Judge Garland the hearing and the floor vote he deserves.

We all know that, as Senators, we have sworn to support and defend the Constitution. Our oath doesn't say: Uphold the Constitution most of the time or only when it is not a Presidential election year. The American people expect us, as Senators, to be faithful to our oath of office, and they also expect us to do our jobs regardless of whether it is an election year. So let's respect that oath of office. Let's do the job we were sent here to do by the American people. Let's follow the Constitution.

As former Justice Sandra Day O'Connor—a Justice nominated by a Republican President—said just days after the current vacancy occurred back in February, "I think we need somebody [on the Supreme Court] now to do the job, and let's get on with it." Well, let's get on with it. It is time for us to do our jobs.

I yield the floor.

The PRESIDING OFFICER. The Senator from Rhode Island.

CLIMATE CHANGE

Mr. WHITEHOUSE. Madam President, on other judicial business, today the U.S. Court of Appeals for the District of Columbia Circuit heard oral argument in *West Virginia v. U.S. Environmental Protection Agency*, which is the case that will determine the fate of the EPA's Clean Power Plan. As that court considers our national plan to reduce carbon pollution from powerplants, which is our largest source of carbon emissions, I rise now for the 148th time to urge us all to wake up to the threats of climate change.

In the runup to today's argument, Leader REID, Senator BOXER, Senator MARKEY, and I released a report entitled "The Brief No One Filed" highlighting who is behind the legal challenge to the President's Clean Power Plan. Our report, which is structured as an amicus brief, although not filed with the court, shows how State officials, trade associations, front groups,

and industry-funded scientists in the case are connected to the fossil fuel industry. In short, the court of appeals has been barraged with briefs by amici curiae and parties who are funded by oil, gas, and coal interests. I hope the court considers the appalling conflict of interest these briefs present when it considers this case.

Let's begin with why there is such a big effort by the fossil fuel industry to launch its proxies in this case. A working paper by the International Monetary Fund puts the effective subsidy of the fossil fuel industry in this country at nearly \$700 billion per year. For the record, that is billion with a "b." That includes the climate harm they get away with for free.

To protect this massive subsidy—perhaps the biggest subsidy in the history of the world—the fossil fuel polluters have concocted a complex web of climate change denial. The web includes deceptively named nonprofits and fake think tanks—to use Jane Mayer's apt phrase, "think tanks as disguised political weapons"—whose purpose is to propagate phony science, manipulate public opinion, and create an echo chamber of climate science denialism. The polluters also wield their influence in our election campaigns, with especially devilish effect since the dreadful Citizens United decision of 2010. A lot of this fossil fuel apparatus has turned up in the DC Circuit.

If we examine the Members of Congress filing amicus briefs against the Clean Power Plan, we find massive funding to them from the fossil fuel industry. The Center for American Progress Action Fund and the Center for Responsive Politics report that since 1989, Member amici signing these briefs have received over \$40 million in oil, gas, and coal campaign contributions. Thirty-four Senators opposing the Clean Power Plan received over \$16 million in direct contributions, and 171 Representatives opposing the Clean Power Plan received nearly \$24 million. And that is just direct spending to candidate campaigns. On top of that come fossil fuel-related political action committee contributions, over \$42 million more to Member amici since 1989—nearly \$12 million to the 34 Senators and nearly \$31 million to the 171 Representatives.

In total, the fossil fuel industry's disclosed political spending to Members on these briefs amounts to nearly \$83 million, with approximately \$55 million split among 34 Senators and nearly \$28 million split among 171 Representatives. And, of course, Citizens United opened the door to unlimited spending that is not disclosed as well. So we actually don't know the full amount or the full effect of fossil fuel political spending above and beyond that disclosed \$83 million.

The CAP Action Fund has labeled 135 of the 205 Member amici as "climate deniers" based on their past statements and their voting records. Climate deniers reject the overwhelming

consensus of peer-reviewed science about the causes and effects of carbon in our atmosphere and oceans, often, interestingly, contradicting the research of scientists and academic institutions in their home States, even as to the effects of climate change manifesting in their home States. In this path, climate deniers are not following their constituents. Seven in ten Americans in a nationwide survey released this month favor the Clean Power Plan. More than 80 percent acknowledge the health benefits of the plan.

Of course, the big polluters don't spend just to influence legislators at the Federal level, they also spend big on State officials, and they prop up trade associations, think tanks, and front groups willing to push their anti-science agenda. Many of these State politicians, trade associations, and front groups sure enough showed up in the Clean Power Plan litigation.

From the 27 States currently challenging the Clean Power Plan in court, the CAP Action Fund has identified 24 climate-denying attorneys general and Governors based on their own past statements. These State officials have received over \$19 million in contributions from the fossil fuel industry since 2000. One small example of this: Documents obtained by the Center for Media and Democracy show that Murray Energy, a coal company, donated \$250,000 to the Republican Attorneys General Association in 2015 and received a closed-door meeting with State prosecutors to discuss the Clean Power Plan. According to research director Nick Surgey:

It's no coincidence that GOP attorneys general have mounted an aggressive fight alongside the fossil fuel industry to block the Clean Power Plan. That appears to be exactly what the industry paid for.

Other energy companies and trade groups that gave money last year to the Republican Attorneys General Association include Koch Industries, ExxonMobil, Southern Company, and Cloud Peak Energy.

Then there are the industry trade groups, such as the American Coalition for Clean Coal Electricity and the National Association of Manufacturers also petitioning against the EPA. To pick just one, the National Association of Manufacturers has been described as a "trade association and corporate front group that has a long history of hiring lobbyists to promote anti-environmental, pro-industry legislation."

Other front groups, such as the Energy and Environment Legal Institute, have also filed briefs. E&E Legal advances what it calls "free-market environmentalism" using strategic litigation. It has made it its hallmark to harass climate scientists who work at public institutions and are vulnerable to State and Federal FOIA requests. E&E Legal received significant funding from the fossil fuel industry to engage in this harassment.

Documents made public in the bankruptcy proceedings of three separate

coal companies—Arch Coal, Peabody Coal, and Alpha Natural Resources—reveal payments to E&E Legal or to its senior fellow, Chris Horner, a gentleman who has written not one but two books on why global warming is a hoax. E&E Legal is also an associate member of the State Policy Network, which the Center for Media and Democracy's SourceWatch describes as an "\$83 million right-wing empire" that in turn receives money from a Koch family foundation and from the identity-scrubbing Donors Trust and Donors Capital, organizations set up to launder the identities of big donors. Such is the web of denial.

Madam President, I could go on. Our report contains substantial detail on the network connecting the opponents of the Clean Power Plan to the fossil fuel companies behind their effort. ExxonMobil's CEO may pretend concern about climate change and mouth support for a carbon fee, but on his political gun decks, all their cannons are aimed to protect the freeloading, polluting status quo. And the Koch brothers don't even pretend; they will send us off a climate cliff to enforce their extremist ideology and to maintain their power to socialize their costs. These Koch brothers are fine capitalist free-marketeters when it comes to extracting private profits, but when it comes to imposing public costs, they are more socialist than Trotsky. The fossil fuel powers whistle, and the hounds all come running to bay at the court. Before the court of appeals takes their arguments seriously, it should consider the industry's financial relationship with so many of the Clean Power Plan opponents, it should consider their sordid record of deceiving Americans about climate science for years, and it should consider the massive, massive conflict of interest of the industry lurking in the shadows behind their front groups.

Madam President, I yield the floor.

THE PRESIDING OFFICER. The Senator from Wyoming.

REMEMBERING GEORGE "FLIP" MCCONNAUGHEY

Mr. ENZI. Madam President, last week I lost my chief of staff whom I have worked with in various roles for over 40 years. A member of my staff, Ron Hindle, wrote a remembrance on behalf of the staff that begins with this:

September 21st was a day that my fellow Enzi staffers and I will never forget. It was on that day we learned that George McConnaughey, or Flip, as we all knew him, had lost a valiant battle he had waged against cancer for the past year. His loss has made these past few days a time of reflection and remembrance for us all about Flip and his life.

Madam President, I ask unanimous consent that the entire statement be printed in the RECORD following my comments.

Yesterday we had a celebration in Casper, WY. It was well attended. It turned out to be a kind of reunion of people who had been touched by his life

and his actions and particularly those who had worked with him. I am sorry I can't share the video we all got to see of him growing up and his interactions with family and others, particularly since family meant so much to him. Since we can't see that video, I will share some of my remembrances, some of my memories.

In the end, there is only faith, family, and friends. Flip was one of the richest men I know in all three categories.

Flip had faith. Senate Chaplain Black lists Flip as his hero because of Flip's faith, in spite of the fight that went on inside him. Chaplain Black drove out to Flip and Sheila's home when they were moving back to Wyoming to do an anointing. I think that helped Flip make the long drive to Wyoming.

Flip quietly shared his faith with others. Flip participated in the Chaplain's weekly Bible study. Flip attended a men's prayer breakfast on Saturdays. Flip attended church faithfully. Flip had strength through his faith.

Flip knew the importance of family. His closest friend, of course, was his wife Shelia. He knew how lucky he was that she said yes when he proposed. He said it was the best thing that ever happened to him. He also said his parents liked her better than him.

Flip knew about cancer since he was the caregiver through Shelia's bouts of chemotherapy. Then, she was the caregiver and researcher through his operations, tests, and treatments. Her research saved his life more than once. Her love kept him going.

Flip knew family as a son, as a brother, as a husband, as a father, and especially as a grandfather. He filled all those roles well, and he was an example to others. My wife Diana and I feel like we are part of his family and his family is part of our family. Flip has been a caring brother to me, and Flip has also always treated staff as family.

Now, I didn't know Flip when he was the center for the Glenrock Herders football team, and I wasn't there when his dad lost the race for mayor by one vote and years later found out that his own wife didn't vote for him. I didn't know Flip when his dad found out he had skipped school for a few days, and his dad was on the school board. He loved his parents, but he revered his mother and he feared his father.

I didn't know him when he graduated from the University of Wyoming, or when he married Shelia, or when he got the job as Casper's assistant city manager. I didn't get to know him until I was mayor of Gillette. As an accountant, I ran on a balanced budget plan and attended council meetings. Then I found out—and you can imagine the shock I had when I learned that as mayor you had to learn about sewer and sewer treatment, garbage, police, fire, parks, not to mention water, which in Gillette smelled and was color-coded and in short supply, or that

the town owned its own dilapidated electrical system.

Now, it is hard to entice somebody with knowledge of those issues to come to a boomtown, but I was able to persuade Flip to pull up roots and become Wyoming's first city administrator. It wasn't until he had bought a house and moved Shelia to Gillette that he found out the ordinance he was to work under was only through the first of three readings and that the mayor had to break the tie with a vote to get it that far.

Flip and I have gotten a lot of things done working together over 40 years, starting with that job in Gillette. Flip has never worked for me, he has always worked with me. As a team, we used his city skills. I was just a salesman.

I remember when his son Jeff was born and then his daughter Sarah. I remember their excitement for each of these gifts of Heaven. I also remember when our two sons discovered Star Wars and each wanted a Millennium Falcon transporter. We were able to find models, and Flip and I spent our lunch hours for 2 weeks helping each other with the difficult instructions to meet the Christmas deadline.

As a team in Gillette, we also negotiated industrial siting agreements with 12 coal mines. We insisted that the companies provide a town that their employees would want to live in and to work from. Some of those companies were hard to convince. In their first trip to city hall, they would bring a small plan. I would look at it, suggest that they weren't serious, and then throw their plan in the garbage as I left the room. Flip would be the good guy and stay behind to put them on the right track. I am sure those old-line company execs wondered about negotiating with two kids just 30 and 27 years old.

Earlier I mentioned the color-coded smelly water that was in short supply. Thanks in large part to Flip, the town got a water system for 30,000 people, with only 10,000 people to pay for it. Together we were able to convince Standard & Poor's and Moody's that we had a sound plan for the system. What made our job more difficult at the time is that we were taking this on while New York City was facing bankruptcy.

Flip had to put back together a town, too, that was ravaged by a man on a stolen D9 Cat. The man drove over cars. He particularly didn't like sports cars, and he would go over them and back again. He pushed over power lines. He ripped up sprinkler systems and gas lines. He drove through a bank drive-up and through a schoolyard, and he wound up in an apartment basement after the D9 Cat pushed the building off its foundation. The Governor was in China at the time and sent the article about the incident in Chinese. My college roommate was in Saudi Arabia at the time and sent an article about the D9 Cat in Arabic—those were both a little hard to read.

Madam President, I also mentioned garbage. That is always a huge problem

in towns and cities. In Gillette we had a landfill that was about full, and we needed another site. We made our annual visit to the county commissioners to request \$25,000 from the county people for the use of the landfill. The chairman said: Why, with that amount of money, we could run the whole thing. Flip said: We would be willing to pay you \$25,000. They agreed. Flip had the paperwork to them that afternoon and had it signed. It saved the city millions. After that, everywhere Flip went, other towns would ask: Now, how were you able to get the county to take that landfill over? I can tell you, it hasn't happened since.

Even recently, reflecting on the lack of money we saved and the problems we worked to solve, he said, only partly joking: We can finally tell about all the things that happened since the statutes of limitation have run out. I think Gillette was the test case in court for every new way the State suggested that towns could operate.

After our time together in Gillette, Flip got a job as city manager in Laramie—an actual city manager. You know he did his usual excellent job because his 15 years of serving there set a new record for longevity. He was a leader in other ways, including by serving on the board of the Wyoming Association of Municipalities until he came to Washington. He attended conferences for, spoke to, and was a part of the International City Management Association for the rest of his life. In Washington, his municipal reputation followed him. Any State with a city or town problem referred the administrators to Flip, and he usually could work with them to find a solution. He also counseled city managers, often resolving their situation—although sometimes also helping to find them a more suitable occupation.

Let me tell you how he came to be in Washington. When I was elected Senator, I had over 500 applications to be my chief of staff. Flip had not applied. He was the only one I could picture working with in that role—organized, focused, a superb manager; he knew how I liked to operate, could find good people, was able to successfully juggle multiple crises. So my son Brad and I drove to Laramie. I caught him at the office after everyone else had left, which was normal for Flip.

I said: Flip, I need you to come to Washington and be my chief of staff. He said: I never went to Washington. I don't like Washington. I don't want to go to Washington. I won't go to Washington. So we visited about our families. Then, as Brad and I left to drive home, Brad said: I think you got him. In disbelief I asked: What part of "absolutely no" do you think was yes? But Brad turned out to be right. I got a call the next day from Flip, who said: If that job is still open and I can get a few answers, Shelia and I talked it over, and we might be interested. Well, I got the answers, and he and Shelia came to Washington, and he and I were a team again for the next 20 years.

Flip knew the importance of working with everyone and co-founded the bipartisan chiefs of staff organization here in the Senate. He organized and managed a Senate team that helped pass a record number of bills.

Flip was also the best planning meeting facilitator in the country. He led our staff in an annual planning session to focus everyone on what they would be expected to get done the next year, and then he pushed to get those things done. He insisted that we never call it a planning retreat. He would emphatically slap his hand on the desk and say, like General Patton: We never retreat.

Flip was also competitive. I remember a contest between him and my first legislative director, Katherine McGuire, to see who could take the most spice in their Mongolian barbecue—without beer.

Sometimes Flip traveled with Diana and me on the weekends and the Wyoming work periods. Now, you know, in Wyoming that can include bad weather. One time Flip was driving us in a blizzard that hit us between towns, and it was one of those wet, heavy storms—the kind that clogs up your windshield and you have to stop your car every few miles and clean the wipers off and clean the windows off. We were wondering if we would ever get to Kemmerer. He stopped once, then quickly got back in the car, laughing vigorously. It was very un-Flip. I got out to see what was so funny. We had almost run over the sign that said: “Welcome to Kemmerer.” What a relief.

Flip was always quick to take the blame for any setbacks. That infuriated me, since I usually knew who really set us back. But he always got to the source, and like a good father, he turned the employee error into a teaching moment. Flip was a people person. He was a brother to me, and through the years he provided me with teachable moments too. I can still hear him say: “Mike, that is something you really need to do.” Of course, if it was a really tough assignment to talk me into, he knew to enlist my wife Diana.

Everyone learned to listen closely to Flip’s commonsense instruction. He always downplayed his role. The most prideful thing I ever heard him say was “Not bad for a butcher’s son from Glenrock.”

I mentioned faith, family, and friends. Let me conclude with a few notes from friends, as I ask you, the staff, his friends, to jot down any and all memories that you can think of about Flip and share them with Sheila and the rest of his family. I assure you, that is the best way to fill the hole of the hurt we all feel.

From Leader MCCONNELL’s chief of staff: “He had a great knack for knowing when to encourage, when to kid and when to make you laugh through the stresses we all face.”

From a new leader of the chiefs of staff:

Our beloved friend, colleague and fellow chief, Flip has passed after a long and coura-

geous battle with cancer. We appreciated Flip’s self-deprecating humor, straight talk and professionalism. We were witness to tremendous character, faith and courage as he walked through the blow of cancer. He was a friend and mentor when I was a young chief of staff. I was privileged to be part of a weekly prayer group with him.

From Steve Northrup, who was the health policy director of the HELP Committee:

What Flip went through these last several months would have broken the spirit of a lesser man. We can take solace knowing he is with God now, with no more pain, only peace. He was a friend and mentor and an inspiration as a public servant. He was a “scary man” when he needed to be, but he was always there when I needed support, advice, or [to give you] a kick in the pants.

So you can see that Flip had friends everywhere he went and even ones whom he didn’t know because he served and he listened. Many people have mentioned that he actually heard what they said.

Flip, we know you have been welcomed into your Heavenly home and the Lord has told you: Well done, my good and faithful servant.

Flip, I thank you for calling me in your last hours to say goodbye. We miss you, Flip.

I yield the floor.

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

[From the Staff of Senator Enzi]

REMEMBERING GEORGE “FLIP”
MCCONNAUGHEY

September 21st was a day that my fellow Enzi staffers and I will never forget. It was on that day we learned that George McConnaughey, or Flip, as we all knew him, had lost a valiant battle he had waged against cancer for the past year. His loss has made these past few days a time of reflection and remembrance for us all about Flip and his life.

If we could turn back the hands of time and take a trip to Casper, Wyoming on September 10, 1947, we would arrive just in time to witness Flip’s birth and see the pride on the faces of his parents, George and Phyllis.

Although I never had a chance to meet or get to know his parents, his Dad was a part of our everyday life. Over the years, George had collected quite a collection of sayings and colorful phrases and Flip had acquired them and kept them close to his heart. Whenever a time came that brought one of those reflections to mind he would share them with us. “My Dad used to say,” became a phrase we would not only hear quite often, but look forward to, as well.

Now that Flip has been taken from us all too soon, it means even more to me and to all our staff that our boss has shared so much with us about his life and their history together. It really is a remarkable story.

When Flip was still in college he met the person who was to completely change his life and get him pointed in the right direction from that day to the end of his life. Her name was Shelia and I don’t think we have ever met anyone quite like her. Flip took a great deal of pride in her and her willingness to go along with him on a number of adventures.

That was important because, after graduation, Flip found his calling when he took on the responsibilities of Administrative Assistant and Assistant City Manager in Casper. The job of a City Manager isn’t easy. It’s his

responsibility to make sure the resources of the town are used wisely in the present to take care of current needs, and a reserve is put aside to take care of future demands.

While Flip was taking those first steps as a local official, Mike Enzi and his wife Diana were busy running NZ Shoes. A set of interesting circumstances would soon bring them together. It all began with Mike’s decision to run for Mayor and his subsequent election.

Mike knew that winning the election would turn out to be the easy part of the job. He now had an agenda of challenge and change before him and he needed someone with the experience and the knowledge that could help him make Gillette a better place to live. That someone was Flip McConnaughey.

As the story goes, when Flip was offered the job, he was less than enthusiastic. He had achieved a reputation for his skills and knowledge already and he had a good future in Casper. All he had to do was to keep doing what he was already doing.

It was either Mike’s way with words or Shelia McConnaughey’s willingness to take on an adventure, or a combination of both, but soon Flip and Shelia were heading to Gillette to take on the job of bringing that town from a small town to a city of 30,000 plus.

In many ways, Gillette was fortunate. They had the jobs and they had the people. What they needed to do was to ensure they had the infrastructure in place so that people would have good homes in which they could raise their families. A survey showed them that they needed a lot of things—roads, sidewalks, schools and so much more. They couldn’t get any of that done, however, without a short term plan and long term goals.

Flip was now to be the first City Administrator in Wyoming. He had a vision for what could be done and how to accomplish it that proved to be invaluable. The boom he helped guide the city through lasted seven years. Thanks to Flip, not only were they able to get those first projects done, they set off on a more long term plan to provide city services of every kind, especially water, and oh, yes—garbage collection—to 30,000 people while upgrading the whole city-owned electrical system.

Somehow it was all done. Then, when Mike headed to the State Legislature to continue to serve the people of the community of Gillette, Flip went to Laramie where he became the longest serving City Manager.

While Mike was serving in the State Legislature, Al Simpson announced his retirement from the Senate. After some thought, Mike decided to take on what some thought would be a very difficult campaign with no promise of success.

Once again, he took on the challenge with his family. Once again, somehow he got the job done.

He probably knew—once again—that winning the election would be the easy part. What he needed now was someone who could once again help him put together a team that would face a very different challenge—running a Senate office.

That was the perfect job for Flip. At least Wyoming’s newest Senator thought so. It turned out that Mike would be number 100 on a roster of 100. The beginning of his service in the Senate wouldn’t be easy, but if he could convince Flip to work with him as his Chief of Staff it still might work.

Flip was less than enthusiastic. Actually, I’m told that Flip said something to Senator Enzi like—absolutely not! He was flattered to be asked, but he and Shelia had established a routine in their lives and they were enjoying life in Laramie. I think Flip would have considered it but he didn’t want to completely disrupt their lives in Wyoming.

He knew Shelia loved Wyoming and probably wouldn't want to leave.

I will always believe that at this point Flip must have sat down at the kitchen table for a cup of coffee and some serious conversation with Shelia. I also think Shelia expressed her willingness to do whatever she could to make the whole thing work.

Soon, Flip was in Washington spending part of his time setting up our Senate office and the other part looking for a new home for the McConnaughey's—Flip and Shelia.

It seems like yesterday when they arrived in Washington, but it was years ago—just about 20 years in fact. That's when I and our Washington staff met Flip. For each of us there was a moment as we got to know Flip in which we understood why Mike knew there was no more valuable part of his Senate team than Flip.

Flip had an amazing ability to understand people and to help them grow professionally and personally. He was a mentor in every sense of the word. All of us feel very fortunate to have had the chance to know him and to work with him.

Over the years we would often continue to hear stories about Flip's father and a saying or two he or his Dad had collected would shortly make their appearance. One of his favorites was "if you like what you do, you never have to work a day in your life."

That is a good description of Flip and the way he lived his life. Flip accepted every moment with the same determination and focus and none of us ever heard him complain—about work, life and just about everything else that came his way.

One of his great contributions to the office was his commitment to annual planning meetings. Each year he would lead us—Washington and Wyoming staffs—on a nearby adventure where we would settle in to a local hotel or meeting place—where we would come up with a plan for the coming year that would build on the previous year's successes.

Our first session produced our Mission Statement. Those words would stay with us from that day on as we proudly displayed its message on the walls of our offices. Here is the text as we worked on it together—

STATEMENT OF PRINCIPLE

We have been given a sacred trust to work for our families, grandparents and grandchildren. We will respect the wisdom of those before and the future of those to follow. We will discharge this trust through our legislative policy, our constituent services and the way we treat each other, guided by these three principles:

Doing What Is Right.

Doing Our Best.

Treating Others as They Wish to be Treated.

STATEMENT OF PURPOSE

In all that we do our purpose will be to allow the family to be strengthened by keeping more of what they earn, assuring jobs and their future with sound financial policies; restoring common sense to law and regulation; and, to promote decision-making at the level closest to the people—our communities, counties, school districts and most importantly our homes.

I know we missed a year here and there, but for the most part we found time to get away for a strategy session every year.

One thing I will always remember is how much he hated to hear us say we needed to "communicate" better. No, he would say, that is a what—tell me how you're going to do it and more importantly tell me the standards we'll use to grade our success and see if we're making progress.

Then came that awful day. I can't even put into words how we felt on that day when we

learned that Flip had received a diagnosis of cancer. We all thought it was unfair, but Flip was too focused on continuing to live his life day by day with all the strength, determination and enthusiasm he could muster.

We went on one of those planning meetings earlier this year. It was to be our last with Flip in charge. We were surprised we went on the annual adventure, given Flip's health issues, but Flip would hear nothing of a change in schedule. Having that part of our routine still there for us meant a lot to us, but it meant a lot to Flip, too. It energized him and gave him a sense of routine that helped to bring him a moment of calm in what had been a very difficult and complex time in his life.

Over the past months, day by day we watched as Flip battled cancer with the strength and determination of a warrior. Now we can see much more clearly what that battle was like, but once again, he never complained or felt he was being treated unfairly by life—or by God. He knew his future was in God's hands—but his present—the day to day of his life—was his to live—each day—as it was given to him.

Now he has gone home to be with his Lord and Savior, and I'm sure heaven is glad to have him. As the old adage reminds us, God must have needed someone with his skills and abilities to take him from us—well before any of us were ready to say goodbye. Moving on, we will always remember Flip for the way he taught us how to do our jobs—better—how to get along with friends, family and fellow staffers—better—and how to live our lives fully focused on what we can do today to make our tomorrows better and brighter.

In the years to come, that will be Flip's legacy. There will be so many things that will bring him to mind. There is that chicken dish at the carryout he always enjoyed. The park where he would stroll around to give some problem or issue some quiet reflection. His love of his family and especially his grandchildren.

I know I speak for all our staff when I offer our heartfelt sympathy to Shelia and to all who knew and loved that remarkable guy. He was a good friend, a helpful and supportive coworker and a loving husband, father and grandfather. Flip had one dream his whole life—making the world a better place—and in more ways than we will ever know—he succeeded.

Well, maybe he had one more dream. There wasn't anything in his life he enjoyed more than going on an adventure with his beloved Shelia. Together they may have grown older, but they never grew up. They loved baseball games, shopping trips, exploring new restaurants and eateries and so much more. In my heart I would like to believe that Flip is sitting in Nationals Park—in the good seats—and waiting patiently for Shelia to join him.

God bless you, Flip. We couldn't be more proud of all you accomplished in your life and all you made possible for us to accomplish in our own lives. We will never forget you.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Ms. WARREN. Mr. President, the Republicans are threatening to shut down the government again. In less than 100 hours, the U.S. Government will run out of money. Why? What is so important that Republicans are willing to destroy thousands of jobs and cost our economy billions of dollars the way they did in 2013? The answer is money. Not tax money. Not government spending. No. This is all about secret money for political campaigns. Republicans who control Congress are refusing to fund the government unless everyone agrees to let giant, publicly traded companies that spend millions of dollars trying to influence our elections keep all that money hidden.

In just 6 years, the world has turned upside down. Since 2010 when the Supreme Court said in *Citizens United* that American corporations are "people," those corporations have been allowed to spend as much corporate money as they want to get their friends elected. And, boy, have they spent money—more than half a billion dollars from 2010 to 2015. Today a powerful group of millionaires and billionaires runs around tossing out checks for millions of dollars to influence who wins and who loses elections. Anyone whose eyes haven't been glued shut can see that these waves of money are drowning out ordinary citizens, corrupting our politics, and corrupting our government.

We need to reverse *Citizens United* and take back our government. We need to reaffirm the basic principle that corporations are not people. But that is going to be a long haul. The first thing we can do—the least we can do, the thing we can do right now—is make sure publicly traded corporations at least tell us when they spend money on political campaigns.

Let's be brutally frank about this. Despite the impression that they usually give on television and in congressional hearings, public companies do not belong to their executives. They are not piggybanks for rich CEOs who want to advance their own personal political ideologies. By law, these companies can spend money only in ways that will benefit their shareholders. So when a public corporation decides to spend \$1 million on politics, one of two things is true: Either the corporation is trying to buy a politician or some government favor or it isn't. If it is, then that is corruption, plain and simple, and if it isn't, that is a waste of shareholder money, and it is illegal. Either way, shareholders and the public have a right to know.

The next time you buy cookies or shop on a Web site or use a credit card, you may be contributing to the profits of a corporation that is funneling millions of dollars to political candidates you detest. You may be helping some corporation buy a Senator who will help roll back environmental regulations or privatize Social Security or block a woman's access to birth control. That may be OK with you, but if

it isn't, you might want to know about it and buy different cookies. The Republicans don't want you to know. They are saying they will shut down this government before they will let the SEC make corporations tell about the secret money they are pushing into political campaigns.

The American people want to know if giant corporations are buying politicians, and the SEC can make those corporations tell. More than 1 million people and organizations have written to the SEC, asking it to issue such a rule. This massive show of support has spooked Republicans. After all, there is an election in 6 weeks. At this very moment, billions of dollars in secret money are flowing into our political system—much of it to prop up Donald Trump and his Republican friends in Congress. Just turn on your TV and you will see it.

Senator MITCH MCCONNELL and the rest of the Senate Republicans have billions of reasons for keeping this funding secret and billions of reasons to defend this rotten system. They are willing to shut down the government to do it.

If Republicans think they can quietly hold the government hostage to protect the anonymous corporate donors who want to buy off politicians, if they think nobody else will notice, they should think again. If the Republicans really think the American people sent us here to protect political corruption, then let's get it right out here in the open and let the American people see who is standing up for them and who isn't.

There is a second threat the Republicans have issued. They will not help Flint, MI. The people of Flint, MI, have been poisoned by lead seeping into their drinking water; poisoned by a rightwing State government that decided to play fast and loose with the health and safety of a largely African-American town; poisoned by a fraudulent coverup that hid what happened while lead built up in the bodies of thousands of young children and caused terrible developmental problems and chronic health issues that will last for the rest of their lives; poisoned by a philosophy that says: Let's give tax breaks to billionaires and big corporations and then shrug it off when there is no money left to build infrastructure for clean water or provide education or opportunity for anyone else; poisoned by a Republican philosophy that says: No one matters but me and my children. Your children can drink lead; poisoned by the callous indifference of the Republicans who control the United States Congress.

It has been over a year since Flint's water was declared undrinkable. It has been 9 months since it was designated a Federal disaster eligible for our help. During that time, 100,000 residents of Flint—mothers and fathers, sons and daughters, children and babies—haven't had access to drinking water because of a Republican-State govern-

ment that didn't care about the people living in Flint and a Republican Congress that didn't care either.

Michigan's two Senators, DEBBIE STABENOW and GARY PETERS, have spent nearly a year trying to work out some kind of solution—any kind of solution—that the Republicans who control Congress would agree to. They even got a fully paid for emergency relief package to move through the Senate with 95 votes—95 votes in the Senate—only to watch in horror as Republicans in the House are trying to tank it.

Recently, major floods hit Louisiana. Like Flint, Louisiana received a Federal disaster declaration to make the thousands of people who have lost their homes eligible for our help. Congressional Republicans, urged on by the two Republican Senators from Louisiana, have decided to give Louisiana the support it needs to recover from this disaster as part of the government funding bill, and that is great. The Republicans who control Congress said: There will be nothing for Flint. This is raw politics. Two Republicans represent Louisiana and two Democrats represent Michigan. Congress is controlled by Republicans so Louisiana gets immediate help, but after a year of waiting, Michigan gets told to pound sand.

Is this what we have come to? Is this what politics has become? There are 100,000 people in Flint, a town where more than half the residents are African-American and nearly half live in poverty. They get nothing because voters sent two Democrats to the Senate?

This is not a game. Flint is not a Democratic city or a Republican city; it is an American city. The children who have been poisoned are American children. The principle of standing up for those in need is an American principle.

I am a Democratic Senator from Massachusetts, but I will help the Republican Senators from Louisiana. I stand shoulder to shoulder with them in their hour of need, but I am sick and tired—I am past sick and tired—of Republican Senators who come here and demand Federal funding when their communities are hit by a crisis but block help when other States need it. Their philosophy screams, "I want mine, but the rest of you are on your own." It is ugly, un-American, and just plain wrong.

We must stand with the Senators from Michigan. We must stand with the children of Flint, and we must put aside ugly partisanship that is literally poisoning a town full of American families. Any Member of the House or Senate who doesn't stand with them lacks the moral courage to serve in this Congress.

I yield the floor.

The PRESIDING OFFICER. The Senator from Iowa.

SURVIVORS' BILL OF RIGHTS BILL

Mr. GRASSLEY. Mr. President, I come to the floor to speak about an

overwhelmingly bipartisan piece of legislation. I had hoped to be on the floor today to celebrate the passage of the Survivors' Bill of Rights; however, as is the case far too often here in Washington, political gamesmanship is taking precedence over sound policy.

The Democratic leadership is holding up this bill for purely political reasons. The Democratic leadership is delaying passage of this noncontroversial bill despite the fact that it enjoys broad bipartisan support. They are holding up this bill despite the fact that it is critical to help victims of sexual violence. They are holding up this bill despite the fact that the same language passed the Senate Judiciary Committee unanimously. They are holding up this bill despite the fact that it passed the Senate 89 to 0 and the House of Representatives 399 to 0.

The Survivors' Bill of Rights has been championed by a courageous rape survivor named Amanda Nguyen. Amanda is the founder and president of an organization that goes by the acronym RISE, a group that worked closely with me on the development of this survivors' rights package to establish new rights for survivors of sexual assault.

Amanda was the victim of sexual assault as a college student. Her struggle with the criminal justice system in the aftermath of this event transformed her into a tireless young advocate for survivors of sexual violence. Sexual violence, as you know, impacts millions of American women and men in our country every year. Victims of such crimes should not face an uphill battle in their pursuit of justice, as Ms. Nguyen did, and that is why I included this language in the Adam Walsh Reauthorization Act. That bill, which makes grants available to help States track convicted sex offenders, unanimously passed the Senate Judiciary Committee and the full Senate just a few months ago.

I am very proud to have shepherded this bill through the Judiciary Committee. It is a commonsense piece of legislation. For months, I urged the House Judiciary Committee to pass this very bill. Thankfully, that committee and the full House passed this bill just a few weeks ago. Now the Senate must act, of course, so we can send it to the President. Unfortunately, the Democratic leadership has chosen partisan politics over helping victims of sexual violence.

Since the House passed this legislation, Amanda has been checking in with my office nearly daily on the status of when the Senate will pass this bill. While Republicans are poised to move forward on this bill, Democratic leadership has continued to stall Ms. Nguyen's efforts.

Among other things, this bill ensures that each and every survivor of sexual assault should have equal access to all available tools in their pursuit of justice. This includes proper collection and preservation of forensic evidence.

The Survivors' Bill of Rights also secures a package of new rights for sexual assault survivors. Amanda Nguyen has been working with both political parties to help fellow survivors.

It has been an honor to work alongside Ms. Nguyen on this critical piece of legislation. I will fight for Amanda and every survivor of sexual assault until this bill passes.

I call on the Democratic leadership to stop delaying this bill immediately. We have an important bipartisan opportunity to improve the criminal justice system for survivors of sexual assault.

Today I ask the Democratic leadership to simply put the victims of sexual violence on the highest of priorities. Put these courageous individuals above partisan politics. We have done this before, and we should do it again, particularly in this environment of today's speeches from the other side of the aisle, decrying the fact that there might be too much partisanship in this body. This is a chance to demonstrate not only bipartisanship but also unanimity in the U.S. Senate that has already been demonstrated on this piece of legislation and get it to the President so we can help these courageous people who are fighting to help victims of sexual assault.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. MERKLEY. Mr. President, I rise today, like many of my colleagues, to express frustration and outrage that we are once again considering leaving town without helping the people of Flint, MI, and people in other communities afflicted by lead poisoning across our Nation. It is the height of irresponsibility, and we are neglecting our duty as representatives of the American people.

It has now been over a year since doctors first reported that the high levels of lead in children's blood was caused by Flint's water supply. It has been 9 months since health officials reported that an increase in the cases of Legionnaires' disease was connected to the city of Flint after it changed its source of water, but still, the 100,000 residents of Flint are unable to drink the city's water, so they are still tied to bottled water.

Up to 12,000 children living in Flint now have to live with the specter of what their future might be after being exposed to lead in their water, and we know what lead does to developing brain cells. It leads to lower IQ scores, poor performance in school, inattention and impulsive behavior, as well as aggression and hyperactivity. It severely damages the prospects of the children it has poisoned.

This is a tragic story that has outraged our Nation. Yet here we are after more than a year, and we still have not taken action.

What have we done in this last year to help the families of Flint? While we have heard speech after speech in this

Chamber, we have held hearings in which my colleagues have questioned Michigan officials about what happened and what needs to be done. There have been press conferences, there have been op-eds, there have been media interviews discussing the need to take action, but here we are without taking any action and without a bill on the President's desk.

Some here may say: Well, we passed the Water Resources Development Act, which did include money to assist the citizens of Flint, but we all know that the House hasn't passed their WRDA legislation. We all know that if they did pass their bill today, it doesn't have support for the citizens of Flint. We all know that a conference committee is far into the future since the House hasn't acted; therefore, a solution is not nearby. The prospect of a water development bill to aid the people of Flint by getting it to the President's desk is simply a hope, but it is a hope that is far away.

We have a better vehicle right here, right now, and that is the continuing resolution, which will make sure that the people of Flint get the help they need. It is the bird in the hand, not the bird in the bush. However, at this moment the continuing resolution before us does not contain a single cent for Flint or other communities affected by lead poisoning. It does contain millions of dollars for the people in Louisiana hurt by the terrible flooding that hit the State, and it is certainly the right thing to do to assist the citizens in Louisiana.

Thousands of families lost their homes, their belongings, and everything they owned. There were 60,000 homes damaged by the flood. The Coast Guard, National Guard, and local first responders rescued more than 30,000 residents, and in the immediate aftermath, more than 7,000 were living in shelters.

What happened in Louisiana is a major natural disaster. It was the largest to hit our Nation since the devastation brought on by Hurricane Sandy. We need to act, but we also need to act on Flint and other cities affected by lead poisoning. Louisiana needs our help, and Flint needs our help.

When disaster strikes, we should not weigh our response by whether a community's representatives here in Congress are Democrats or Republicans. Disaster knows no party. When disaster strikes, we should not pay more attention to helping the rich and influential than assisting the poor. When disaster strikes, geography should not determine one's worthiness to receive assistance. When disaster strikes, race should play no part in our response, but when it comes to the failure to act on Flint, I believe that we in this Chamber should reflect on the role race has played.

Does anyone here think that it would take more than a year for Congress to act if this disaster in Flint had befallen a wealthy White suburb of Dallas or

Orlando or Chicago or L.A., or if it were the upper middle-class White kids of lawyers and doctors and corporate executives who had been poisoned by lead? Does anyone here believe that we would have sat and done nothing?

But with Flint, which is a poor African-American community, we have done nothing. Our Nation was founded on a legacy of slavery and racism, but we were also founded on a vision of equality and opportunity, and we have moved step-by-step to put the legacy of discrimination behind us and to embrace the vision of equality and opportunity for all. We still have a long road ahead of us to achieve that vision in its entirety.

We have often been too slow to respond to the pain, the suffering, and the loss of life in our minority communities. That is why the phrase "Black Lives Matter" resonates powerfully. It is not OK to profile Americans based on race. It is not OK to target one community with stop-and-frisk tactics. It is not OK to treat one race as a client and another as a problem. Black lives matter, and it is time we acted like that here in the Senate.

Let's start by responding quickly from this point forward on this crisis in Flint. Let's respond with the same urgency as the crisis in Louisiana. The flooding in Louisiana wreaked havoc on Louisiana families, but we all know that the poisoned water in Flint, MI, wreaked havoc on the families there. If you go to Flint today, you see pallet after pallet filled with water, and it is scattered all over the city, necessary for drinking, cooking, washing dishes, and brushing teeth. They use it because they don't have another choice.

Yes, the people of Louisiana have suffered a great loss, and I want to help them rebuild. But we know the people of Flint have suffered a great loss, and I want to help the people of Flint—not at some vague point after the election, not at some uncertain future date. They need action now. The people of Louisiana need action now, and the people of Flint need action now. Well, actually, they needed action a year ago.

We cannot choose between helping these two American communities. Both are suffering, both are in need, and both deserve our attention. We cannot play election-year politics with people's lives hanging in the balance. We must provide in this continuing resolution—the opportunity we have before us at this very moment—aid to help the citizens of both tragedies.

I hope that our leadership from the right of the aisle and our leadership on the left of the aisle come together to negotiate a compromise that treats the people of Louisiana and the people of Flint equally. If it doesn't, I will be voting against this continuing resolution, and I urge my colleagues to do the same.

Thank you, Mr. President.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. MENENDEZ. Mr. President, I rise today to talk about one of the most important responsibilities we have, which is the responsibility to help every community in a time of crisis.

When Sandy struck back in my home State of New Jersey, more than 100 people lost their lives, 8.5 million people lost power, and more than 650,000 homes were damaged and 40,000 more were severely damaged or destroyed. Hundreds of thousands of businesses were forced to close, with a \$65 billion pricetag in economic loss in 13 States up and down the east coast. Unfortunately, emergency relief languished for weeks as some of my colleagues on the other side actually debated the value of helping others.

The junior Senator from Louisiana wouldn't vote for Sandy funding because it wasn't paid for, but now it seems he has found Jesus and seeks funding for flooding in Louisiana—and I would say rightfully so. The fact is that we can't have a disaster policy that says blue States have to pay for disasters, purple States have to partially pay, and no pay is needed for red States. We shouldn't be playing politics with disaster funding. When we do, real people suffer.

When it came to Sandy, a party that never had a second thought about giving billions of dollars in subsidies to Big Oil and never saw a tax break for millionaires they didn't like didn't step up to help families recover from one of the most devastating and ferocious coastal storms in history.

The decision to turn the responsibility of government into a political calculation is not how this Nation responds to disasters. But, unfortunately, the unthinkable is becoming all too common. We saw it this summer in a fight over providing Zika funding, which should have been a no-brainer. Alarm bells had been ringing for months, but instead of being proactive in preparing an adequate and appropriate response, Republicans chose to poison our efforts with rightwing ideological policy riders that prevented us from appropriately addressing these issues. So thanks to the majority, we did nothing while 20,000 Americans in Puerto Rico contracted the virus. We did nothing while the virus spread to the mainland, forcing the CDC to take the virtually unprecedented step of issuing a travel advisory in the continental United States—not some third world country but one of our Nation's largest and most vibrant cities, Miami. Yet, even after all of this, once again we did nothing. Why? Once again three words come to mind as they have for the last 8 years, which is Republican political obstructionism.

Now my friends on the other side seem to have moved past their state of suspended political animation and dropped their rigid ideological opposition to the Zika funding. But there are still serious issues that have a major impact on children's health that we

have not acted on—namely, the lead crisis confronting not only those in Flint but those in our schools in New Jersey.

It took 3 full months for the victims of Sandy to get relief. It has taken months for this Congress to act against a clear threat of Zika. Here we are, 1 year after we learned about Flint, and yet the Republicans in Congress have done what they do best, which is absolutely nothing.

I have even heard the lame counter-argument: "Well, Flint was a man-made disaster, not a natural disaster—so we don't have an obligation to help—others." Seriously? We don't have an obligation as a nation to help others? I reject that argument.

The Federal Government always has an obligation to help a community facing a crisis, whether leading the initial response to the BP oil spill, responding to wildfires, superstorms, tornadoes, floods, or manmade disasters such as the failure of the levies in Hurricane Katrina. We were there as a nation. The question should not be manmade versus natural disaster. It should be the relief of human suffering in any event.

Last week, one of my colleagues dismissed the crisis in Flint as "other people's grief." Other people's grief? That is a pretty stunning statement, shocking in its blatant disregard in our fundamental mission to protect every American.

In this Chamber there is no "other people's grief." We are all Americans—one Nation, one community, indivisible—and in the community there is no room to brush off the crisis as "other people's problems." In the case of Flint, the other people are 100,000 fellow Americans, the majority of whom are African Americans. Forty percent live in poverty, and 1 in 10 are unemployed. The so-called other people are children facing a lifetime of challenges, poisoned by a substance that we have known is toxic for decades. The other people are parents whose hearts are heavy with the thought that one of life's most basic needs—clean water to drink—is being denied to their children. The other people are community advocates who have spent the last year knocking on tens of thousands of doors trying to get the latest information to their neighbors about the ongoing health crisis. The other people were those whose health has been threatened by a local government that was more concerned about saving a buck than protecting their residents' lives. Now the Federal Government is failing them as well, by a callous dismissal that these are other people's problems—not ours, as Americans, but theirs—and they are on their own.

That is not the America I know. The America I know is one that stands together in times of crisis. We saw it in the aftermath of a disaster, whether it was first responders running into the burning towers on the morning of September 11, whether it was neighbors of-

fering a place to sleep and a home-cooked meal to those whose homes were destroyed in Hurricane Katrina, whether it was hundreds of people who lined up to donate blood in the Orlando shooting. In a time of crisis, Americans stand together. We don't dismiss cries of help as the problems of others.

We heard talk of the urgency of providing aid to the people of Louisiana in the wake of the flooding, and I agree. But we cannot let the people of Flint be an afterthought. Now, some say the majority leader is thinking about removing the disaster aid that will help Louisiana just to prove a political point. Think about it. He would hang out communities to dry because some in his party don't want to look out for Flint. If the majority leader decides to withhold disaster assistance to both Flint and Louisiana, that would be a cynical stunt that would hurt real people and, frankly, we are better than that.

We cannot turn what should be a question of the basic health and safety of our citizens into a political calculation. But, unfortunately, the Republican continuing resolution doesn't see it that way. It focuses on corporate giveaways at the expense of families, businesses, and communities trying to recover from a disaster. While our colleagues are fighting over which communities are more worthy of disaster relief—a calculation I do not understand—they are also shamelessly pushing policy riders that favor corporations over investors, constituents, and the American public at large. They pat themselves on the back for funding to address flooding in Louisiana while quietly working behind closed doors to shield the pathways of dark money in politics.

Let me take a moment to tell our constituents what they won't see in their Republican Senators' press releases. They won't see any mention of a policy rider intended to block the Securities and Exchange Commission from requiring companies to disclose their political spending.

Here is why that is so important. The Supreme Court's 2010 decision in Citizens United fundamentally changed our Nation's campaign finance laws by opening the floodgates for unlimited and unchecked corporate spending on campaign ads, Federal and State law advocacy efforts, and many other methods of political communication.

In the 2012 elections, outside groups spent more than \$1 billion, with much of it funneled through trade associations and nonprofits with minimal disclosure. In the 2016 cycle, which I don't need to remind my colleagues is far from over, outside groups have already spent \$790 million. For 6 long years companies have had free rein to solidify their influence in politics and maximize their impact on elections. With no corresponding requirement to disclose how this money is being spent, there is simply no way to know if corporations are spending more money to defund Social Security or Medicare, dismantle

environmental protections, undermine education programs, or eviscerate Wall Street reform, including taking down the Consumer Financial Protection Bureau. Think about that.

The Republican Party is trying to make it harder for the American people to know how much money is being poured into the efforts that hurt consumers. In the past weeks alone, Wells Fargo perpetuated a huge scam on their customers, costing account holders millions of dollars and creating over 2 million fraudulent accounts. It was the Consumer Financial Protection Bureau that was instrumental in uncovering the scam and levying the largest fine in history.

So here we are just 2 weeks later sticking in riders to hide dark money from shareholders. That is exactly the type of dark money that attacks the Consumer Financial Protection Bureau, and the American people deserve to know who is funding those attacks.

The significance of this should not be understated. Ultimately, this is about silencing the voice of hard-working American families in favor of amplifying the speech and magnifying the influence of corporations. Unfortunately, it is all too emblematic of my Republican colleagues' approach to lawmaking. When corporations ask Republicans to jump, they say: How high? When big banks ask Republicans to roll back critical Wall Street reforms, they say: How far? When the oil industry asks Republicans for a tax subsidy, they say: How much? It is shameless. Clearly, my Republican colleagues are defiantly turning their backs on consumers.

We cannot continue down this obstructionist path paved with the shattered remains of our long-held willingness to help each other in times of crisis. If we continue down this path when Republicans are in charge, no assistance would be provided if the east coast suffered another superstorm because those are blue States. It would mean that a slow-moving infrastructure crisis in an inner city would be ignored as "other people's grief." It would mean that when Democrats are in charge, no relief would be provided for tornadoes in Oklahoma or floods in Kentucky because those are red States. That is not what we Democrats would do, and it is not, at the end of the day, the way to govern. We need to stop dividing our country into us versus them when it comes to fundamental human needs.

In this election season, let's remember that, above all, we are all Americans with common votes and shared values. Let's focus on doing right by the American people, rather than telling them we can solve all of our problems if we just turn the clock back to a better time and blame someone else—those people, the others—for our problems. That is not good politics, it is not good government, and it is not who we are as a nation or as a people.

I yield the floor.

Mr. DONNELLY. Mr. President, today I voted to move forward with a continuing resolution because I believe it is a fundamental responsibility of Congress to keep the government open. I am deeply frustrated, however, that, among the policies included in the amendment, the authors have failed to provide funding to address the Flint lead crisis or to allow the Export-Import Bank to operate at full capacity. As this body continues to work to develop a plan to keep the government operating, I strongly encourage both the majority leader and my colleagues to address these commonsense priorities.

The PRESIDING OFFICER. The Senator from Arkansas.

NATIONAL RICE MONTH

Mr. BOOZMAN. Mr. President, famously known as the Natural State, my home State of Arkansas holds the proud distinction as the Nation's leader in rice production.

Last year, Arkansas produced more than 50 percent of the total rice grown in the country. On average, farmers in Arkansas grow rice on 1.5 million acres each year. Ninety-six percent of those farms are family owned and operated. As the No. 1 producer of this crop, Arkansas has a unique role in the industry. That is why I am proud to recognize the 26th anniversary of National Rice Month.

I am pleased to promote policies that enable our farmers to manage risk and ensure that high-quality U.S. rice remains a staple on tables across the globe.

This industry is not only contributing to a nutritious and balanced diet, it is also an economic engine in rural America. Nationwide, the rice industry accounts for 125,000 jobs and contributes more than \$34 billion to the U.S. economy. In Arkansas, rice contributes more than \$1.8 billion to our State's economy and provides thousands of jobs. We can increase both of these numbers even more if we open additional markets for our rice producers to compete in.

Rice farmers all across America would benefit from a changing policy with Cuba because rice is a staple of the Cuban diet. The U.S. Department of Agriculture estimates that U.S. rice exports could increase by \$365 million per year if financing and travel restrictions were lifted. Arkansas' agricultural secretary has said that the economic impact on the State's rice industry could be about \$30 million.

Rice production is efficient. More rice is being produced on less land, using less water and energy than 20 years ago. As great stewards of the land, rice farmers are committed to protecting and preserving our natural resources. I am proud to celebrate 26 years of National Rice Month and honor the more than 100,000 Americans involved in the rice industry.

Additionally, I wish to make a comment about the devastating floods that northeastern Arkansas experienced in

August. The recent floods caused serious damage to crop production, including rice. Many of these crops were near harvest stage.

The University of Arkansas estimates that the State suffered \$50 million in crop losses due to the recent flooding. This damage has largely flown under the radar, and the final damages may be more than this preliminary estimate. The Governor of Arkansas has requested disaster assistance from the USDA, and last week the Arkansas congressional delegation wrote a letter in support of the Governor's request. Secretary Vilsack committed to me that he would expedite this request as quickly as possible, and I encourage him to do so.

Agriculture accounts for nearly one-quarter of Arkansas' economic activity. One out of every six jobs in Arkansas is tied to agriculture. Rice production is a vital part of agriculture's contribution to Arkansas' economy. I am committed to helping our rice producers succeed in today's global economy.

MORNING BUSINESS

Mr. BOOZMAN. 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.

RECENT EVENTS IN ETHIOPIA

Mr. LEAHY. Mr. President, I want to bring the Senate's attention to the Ethiopian Government's brutal crackdown on protestors over the past 9 months. According to Human Rights Watch, more than 500 people have been killed by Ethiopian security forces in antigovernment demonstrations since November 2015, including over 100 gunned down in early August of this year alone.

These protests by the country's two largest ethnic groups, the Oromos and Amharas, reflect enduring tensions brought on by the Ethiopian Government's longstanding marginalization and persecution of these communities. But such grievances are shared by even broader segments of Ethiopian society, including from other communities that have been forcibly evicted from their land in the name of development and the journalists, civil society activists, and countless other political prisoners sitting in Ethiopian jails for speaking out against the government's repressive rule.

The international community, including the United States, has paid too little attention to the Ethiopian Government's repressive policies, focusing instead on the country's rapid development gains and the government's cooperation on regional security. But it is time for the Ethiopian Government to acknowledge that grievances stemming from marginalization, abuse, and

exclusive governance cannot be effectively addressed through the provision of basic services alone.

The United States should set an example by redefining its relationship with Ethiopia, starting with the recognition of this reality. In too many developing countries, legitimate concerns about unaccountable governance are given short shrift as aspirational and inconvenient tradeoffs for positive relations with host governments. But the quiet diplomacy of the past—backroom condemnation and public praise—has proven unable to ensure the sustainability of U.S. investments by failing to protect and promote stability, let alone encourage meaningful reform by the Ethiopian Government.

It is precisely because Ethiopia is a strategic partner of the U.S. that we should encourage remedies to the underlying tensions in the country. That does not mean we walk away from our partnership, but we should examine the type of assistance we provide to the Ethiopian Government to ensure it aligns with shared interests and activities that contribute to government capacity in a manner that addresses local concerns.

This is not without its challenges, and the only government that has the ability to successfully reform Ethiopia is its own. Prime Minister Hailemariam Desalegn and the rest of the Ethiopian leadership should begin by reassessing its crowd control tactics and ensuring accountability for those who have committed abuses. I support the call by the Office of the UN High Commissioner for Human Rights for an independent, transparent, thorough, and effective investigation into violations of human rights committed during the unrest, and if the Ethiopian Government is interested in demonstrating its legitimacy, it would welcome such an inquiry.

I look forward to working with other Members of Congress, the Obama administration, and their successors to determine how best we can ensure that the assistance U.S. taxpayers provide to Ethiopia serves our long-term interests in the region.

IMPRISONMENT OF AYA HIJAZI

Mr. LEAHY. Mr. President, I want to speak about a matter in Egypt, a long-time ally of the United States, a country with a rich history and culture, but whose people have suffered for years due to corrupt, repressive governments and an anemic economy that stagnates under excessive statist control. This is the situation despite more than \$75 billion in U.S. economic and military aid for Egypt over the past 50 years.

Today, more than 5 years after public protests led to the resignation of President Mubarak, followed by the election of the Muslim Brotherhood, the military-supported coup that forcibly removed and imprisoned President Morsi and thousands of his followers, and the election that brought President al-Sisi,

a former army general, to power, the United States and Egypt are struggling to preserve a long history of security cooperation.

That cooperation is important to the Middle East region as a whole, but U.S.-Egypt relations face increasing challenges as President al-Sisi tightens his grip on power by persecuting political opponents, silencing members of the media, including deporting American and other foreign journalists who criticize his policies and imprisoning representatives of civil society.

The brutal torture and killing of Giulio Regeni, an Italian student and journalist who many believe was an innocent victim of the Egyptian police, occurred only 4 months after the Egyptian army attacked a convoy of tourists in September 2015, killing 12 and injuring 10, including an American who continues to suffer from her injuries for which she has received no compensation.

Just last week, a court in Cairo froze the assets of some of Egypt's most prominent human rights defenders in an attempt to silence them and put their organizations out of business. The State Department responded by urging the Egyptian Government to ease restrictions on association and expression.

These and other incidents have cast a dark cloud over efforts to find a common way forward with the al-Sisi government.

In May 2015, after repeated appeals by me, Secretary of State Kerry, and others, the Egyptian Government finally released Mohammed Soltan, a young Egyptian-American who was imprisoned, along with his father, for nearly 2 years. His crime, if one can call it that, was taking part in a public protest. In return for his release, he was forced to give up his Egyptian citizenship, a Hobson's choice that no citizen of any country should have to make.

In the meantime, on May 1, 2014, the government arrested Aya Hijazi, 29 years old and also an Egyptian-American, whose husband, an Egyptian citizen, was also arrested, along with Sherif Talaat Mohammed, Amira Farag, and eventually Ibrahim Abd Rabbo, Karim Magdi, and Mohammed al-Sayyed Mohammed, for operating a nonprofit organization called the Belady Foundation, which is dedicated to helping abandoned and homeless children.

Backing up for a moment, Aya's mother and father came to the United States to pursue master's degrees and because Aya's grandmother, who lived in Virginia, wanted her family nearby. Three of Aya's uncles, an aunt, and their families live in Houston and are all American citizens. Aya grew up here, went to middle school and high school in Virginia, and graduated from George Mason University. At George Mason, she was a volunteer for Search for Common Ground, a respected peacebuilding organization based in Washington.

After graduating, Aya moved to Cairo where she met Mohammed Hassanein, whom she married, and who, like Aya, wanted to be involved in social work. Together they founded Belady, which means "our country," and which Aya and the members of her organization call "an island of humanity." That same year, Aya was accepted to study at the American University in Cairo, a prestigious institution that receives funding from the U.S. Government, focusing on social work and children's welfare, but she and her husband were arrested before she began her studies.

The charges against them are as salacious as they are farcical: sexually abusing children and paying them to participate in antigovernment demonstrations. Since then, Aya, her husband, and the five Belady volunteers have been in prison. After more than 2 years, the government has yet to disclose a shred of evidence to support the allegations, and Aya, her husband, and the other defendants are still awaiting a fair, public trial and a chance to defend themselves.

Aya Hijazi's case fits a pattern. We have seen it time and again, not only in Egypt, but in other repressive societies where governments are unaccountable and abuse the judicial process to silence dissent and intimidate those who are perceived, rightly or wrongly, to be engaged in activities that may reflect poorly on the authorities.

We all want relations with Egypt to improve, just as we want the Egyptian people to enjoy the rights and opportunities they deserve. With ISIS and other extremist groups infiltrating throughout the Middle East and beyond, impoverished Egyptian youths, who have few educational and professional options, are particularly vulnerable to ISIS recruitment.

But the more governments curtail the rights and ability of people with grievances to express themselves and to seek redress through peaceful means, the more likely it is that they will resort to violence. This is not a new concept. Anyone who has read the Declaration of Independence understands it. It is what ultimately brought about the downfall of President Mubarak.

The Egyptian Government has imprisoned Aya without trial for more than 850 days. That alone is inexcusable and a violation of Egyptian law, which holds that no one can be subjected to pretrial detention for more than 2 years without being released with or without bail. On February 3, 2016, the Egyptian Initiative for Personal Rights published a petition signed by 25 Egyptian human rights organizations against the detention of the Belady founders and volunteers. On May 20, 2016, the Robert F. Kennedy Human Rights organization submitted Aya's case to the UN Working Group on Arbitrary Detention, seeking her release. On May 21, Aya's trial date was

postponed, yet again, to November 19, 2016. Last week, White House officials called for her release.

Aya has suffered emotionally and physically. She is often prohibited from writing to or receiving correspondence from her family, and her reputation and that of the other defendants, as well as her organization, has been tarnished by unproven allegations. She and the others should be immediately released. Absent proof, made available for all to see, that they have committed a punishable offense, the charges should be dismissed.

Egypt was among the 48 countries that voted for the Universal Declaration of Human Rights on December 10, 1948. That is a vote to be proud of, but the al-Sisi government's persecution of Aya Hijazi and others who have been subjected to lengthy imprisonment without trial or whose only offense is to criticize government corruption and abuse or to participate in nonviolent social activism makes a mockery of Egypt's vote.

The Universal Declaration, among other rights, includes the following: article 9, No one shall be subjected to arbitrary arrest, detention, or exile; article 10, Everyone is entitled in full equality to a fair and public hearing by an independent and impartial tribunal, in determination of his rights and obligations and of any criminal charge against him; article 11(1), Everyone charged with a penal offense has the right to be presumed innocent until proven guilty according to law in a public trial at which he has had all the guarantees necessary for his defense; article 19, Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers; and article 20, Everyone has the right to freedom of peaceful assembly and association.

Each of these articles has been violated in Aya Hijazi's case.

On January 20, 2017, the next President of the United States will take the oath of office. That is 116 days from today. The next President will immediately face every imaginable challenge, foreign and domestic, including the instability and violence in the Middle East and North Africa.

I therefore urge the Government of Egypt, in the remaining months of the Obama administration, and in particular President al-Sisi, who also has a daughter named Aya and who I believe, if he examined this case, would agree that Aya Hijazi does not belong in prison, to recognize this opportunity and take steps to enable our next President to immediately engage with Egypt in a manner that brings our countries closer together, not farther apart. A key step would be the satisfactory resolution of the cases of Aya Hijazi, her husband, and the Belady volunteers and of United States non-governmental organizations that have

been prevented from working in Egypt on behalf of the Egyptian people.

RECENT DEVELOPMENTS IN THE PHILIPPINES AND INDONESIA

Mr. LEAHY. Mr. President, according to recent reports, more than 3,000 people have been killed in the Philippines in the 12 weeks since President Duterte announced his campaign to wipe out illicit drug use.

More than 1,000 of those deaths were at the hands of the Philippine National Police during counternarcotic operations, compared to 68 such killings this year in the months prior to President Duterte taking office, half of which happened in the period between his election and inauguration. The rest were killed apart from police operations, incited by President Duterte's violent rhetoric, which has been well documented. The vast majority of these individuals were low-level drug users, victims of a government seeking to make up for years of ineffective, corrupt law enforcement and rampant crime by terrorizing the population into submission.

As the ranking member or chairman for more than 25 years of the Senate Appropriations subcommittee that funds U.S. foreign assistance programs, I have been frustrated that we often fail to learn obvious lessons when it comes to foreign assistance investments. One example is that economic opportunity and security alone cannot assure stability. Stability requires legitimate governance and the protection of human rights. This is not just an aspiration; it is a practical, strategic imperative.

As a former prosecutor and now ranking member of the Judiciary Committee, I know the difference between those who need help versus those who deserve to be punished. I also know, as do most people, that, when governments condone extrajudicial killings and forced disappearances and prey on vulnerable populations, they are sowing the seeds of instability, not preventing it.

For roughly 700,000 Filipino drug users, the prospect of being summarily executed on the street has led them to turn themselves into the authorities. That would seem to be a good thing. But given the shortage of drug treatment centers, these individuals are either told to pledge that they will remain drug free and sent home to recover on their own, or they are imprisoned in overcrowded, inhumane conditions. By failing to address the needs of those who have risked coming forward, President Duterte is missing an opportunity to combat the drug trade in one of the most sustainable ways possible: by helping hundreds of thousands of people get the help they want to beat their addiction.

No amount of killing will result in reforms that improve the judiciary, end corruption and impunity in law enforcement, or rehabilitate those caught

in the vicious cycle of addiction. To the contrary, if President Duterte is serious about improving conditions in the Philippines, he should be focusing on improving services for Filipinos, not casting them aside; holding law enforcement accountable, not giving them a blanket license to kill suspects; and strengthening the judiciary, not undercutting it.

In a troubling sign that these concerns are falling on deaf ears, President Duterte's most vocal opponent of his antidrug policies, whom President Duterte has publicly accused of being involved in drug trafficking and attempting to smear him, was recently removed from her position as the head of the senate human rights panel investigating the killings. She was replaced by a senator who supports giving the police the authority to arrest anyone without a warrant.

I know that as ranking member of the Foreign Relations Committee, Senator CARDIN also has concerns with the situation in the Philippines, and I yield to him for any remarks he may wish to make.

Mr. CARDIN. I thank my friend from Vermont for his raising this important issue and appreciate the opportunity to join him today.

The relationship between the United States and the Philippines is tremendously important for both our nations and both of our people; yet I fear that today, because of the way in which the new government of President Duterte is approaching this issue, we may find ourselves at something of a crossroads.

If the current trends continue, we can expect that over 6,000 people will be dead as a result of extrajudicial killings in the Philippines by the end of this year—6,000 people. This is not a situation in which there is occasional error or the overzealous application of force. This is systematic, widespread, brutal, and beyond the bounds for a constitutional democracy.

And as my colleague from Vermont pointed out, these dead are not just drug dealers—although that would be troubling enough given the lack of due process—but also include addicts, who need help, as well as innocent bystanders.

I understand President Duterte's desire to stop the devastation caused by illegal narcotics. I believe that most of my colleagues do. We, too, have seen what drug trafficking and addiction can do in our communities. We also have a long history of both successful and unsuccessful efforts to combat narcotics, but we have learned that there is a right way to approach this issue—with law enforcement, due process and rule of law, with treatment—and a wrong way. President Duterte, in advocating and endorsing what amounts to mass murder, has chosen the wrong way. Senator LEAHY is absolutely right when he said that a lack of respect for rule of law and democratic governance breeds instability, distrust, and sometimes violence.

Filipino police have attributed most of the killings to suspects who “resisted arrest and shot at police officers.” Yet it has been impossible to assess police claims that the killings were all lawful, since President Duterte has rejected calls to investigate these deaths. He has instead declared the killings as proof of the “success” of his antidrug campaign and, along with other more forceful and “colorful” statements which appear to endorse vigilante killings, urged police to “seize the momentum.” Human rights groups, the United Nations, the U.S. Government, and a Philippine Senate panel have expressed concerns about the killings, which allegedly have been carried out without legal proceedings as provided for under Philippine law and international obligations.

As the distinguished gentleman from Vermont knows, I have been a strong supporter of the Philippines’ law enforcement institutions, including recently introducing legislation which would increase law enforcement cooperation between our two countries.

But these recent reports of thousands of extrajudicial killings, as well as detentions and a lack of respect for international human rights commitments, are profoundly troubling. They undermine our mutual goals of upholding liberal democratic values in the region and to strengthening international law.

Indeed, as the Senator from Vermont knows, just this past week, President Duterte said that he intends to reconstitute the constabulary, the most abusive parapolice under the Marcos regime. For any historian of human rights abuses in the Philippines, this is a deeply troubling development.

I would ask my friend and colleague if he shares my concerns with the direction that the Philippines appears to be going and the implications for the US-Filipino relationship.

Mr. LEAHY. Yes, like the Senator from Maryland, I am deeply concerned with these events, and I believe that, if the extrajudicial killings and state-sanctioned violence continue and there is no accountability for the abuses that have been committed, there will need to be an appropriate response by the U.S. Government.

Mr. CARDIN. Indeed, as we celebrate the 70th anniversary of diplomatic relations between our two countries, we should underscore that our alliance is needed now more than ever. With a more assertive China in the maritime domain, a changing global economic landscape, and an increase of transnational challenges confronting the region, the U.S.-Philippines alliance is critical to both our nations.

But this alliance is about more than just interests narrowly construed. The relationship between our nations is more than an alliance. It is a genuine friendship. This is a deep relationship built on shared values and a deep appreciation, both here and in the Phil-

ippines, of the importance of democracy, of rule of law, of due process, of the proper application of justice, and of constitutional order. It is because these extrajudicial killings shake the very foundation of that shared vision of shared values that I find these developments so deeply troubling.

So I would also ask my colleague his opinion, as the author of the “Leahy Law,” whether he thinks that the application of ordinary U.S. policy and law, and the Leahy Law in particular, is sufficient to meet the challenges that we see in the Philippines. Given the nature of these extrajudicial killings, how would unit-level vetting apply? And if the United States is unable to use the normal tools available, what are the other options that we might need to consider?

Mr. LEAHY. I share the Senator’s views about the importance of the U.S.-Philippines alliance and his concerns with the implications of President Duterte’s antidrug policies for that alliance. I wrote the Leahy Law, which applies worldwide, to ensure that the U.S. is not complicit in human rights violations committed by forces that might receive U.S. assistance and to encourage foreign governments to hold accountable perpetrators of such abuses. While there are ways we can find out which units were involved in these abuses, if President Duterte’s government is unwilling to work with us, including by refusing to investigate allegations of abuses, then we are faced with a broader issue that cannot be remedied simply by withholding assistance from specific units or individuals.

The Leahy Law should be used to encourage reform and accountability, but to address these systemic challenges, it may be necessary to consider further conditions on assistance to the Duterte government to ensure that U.S. taxpayer funds are properly spent and until that government demonstrates a commitment to the rule of law. I have asked the State Department to discuss this with us to help inform our deliberations on current assistance for the Philippines and on decisions we will make for appropriations in fiscal year 2017.

Mr. CARDIN. I thank my colleague for his thoughtful response. I, too, am greatly concerned that, unless we are able to see a more constructive approach on these issues from the government of President Duterte—an approach that is just as serious about combatting the scourge of narcotics, but approaches the issue in a legal framework—that we may need to consider taking these steps. This is an important relationship. I have many Filipino-American citizens in Maryland, and I care deeply about strengthening the US-Philippines Alliance, especially given the challenges that the regional order faces from a rising China, but this issue is critical as well.

Mr. LEAHY. I thank my friend from Maryland for his leadership on the Foreign Relations Committee and for his

interest in this issue. I look forward to working with him to respond to the challenges President Duterte’s policies pose to our relations with his government, as we seek to continue our strategic cooperation with the Philippines.

Mr. President, on a separate but related matter, we are seeing another missed opportunity to reform the criminal justice system in Indonesia. President Joko Widodo took office in 2014 amid the hopes of many that he would improve on the country’s history of human rights abuses. Instead, he reinstated the death penalty for drug trafficking, and the head of his government’s antinarcotics agency recently expressed his approval of President Duterte’s approach to combating illicit drugs. To the contrary, it is a serious mistake, and I urge President Joko to reverse course and focus on improving his police force and judicial system.

Any government that uses capital punishment risks taking innocent life. But it is a particularly egregious practice in a country like Indonesia, where executions are peddled as effective justice despite a weak judicial system that is vulnerable to abuse, and to the detriment of its reform—nor is torturing and burying those suspected of involvement in the drug trade effective law enforcement. It is an abuse of power, it prevents remedies to deeply flawed practices within the security forces, and it belies the legitimacy of the government.

We have a complex relationship with both Indonesia and the Philippines due to our own history in the region. However, we also share many interests. I have supported assistance for both countries, but I have also supported conditions on U.S. assistance related to progress on human rights and reform of the judiciary, police, and armed forces. Unfortunately, I fear that the progress that has been made is now at risk of being eroded.

Often, we are presented with the false choice of supporting human rights or national security. I see no such dichotomy here. Consider the impact of our complicity in these governments’ actions, both on our own legacy and on the efforts we are undertaking to help improve security and stability in the region. The Philippines and Indonesia cannot combat extremism or profess to govern legitimately by murdering innocent and nonviolent people, by creating a culture of lawlessness and impunity.

The United States is far from perfect. We have not done as well as we should in addressing the illicit drug problem in our own country. Many Americans need and want treatment and cannot get it. But we should not support those who make a practice of using excessive force or the death penalty, rather than protecting the rights of due process and fair trials.

I ask unanimous consent that two articles on this subject, both published in the New York Times last month, be printed in the RECORD.

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

[From the New York Times, Aug. 13, 2016]

INDONESIA'S PUSH TO EXECUTE DRUG CONVICTS UNDERLINES FLAWS IN JUSTICE SYSTEM

(By Joe Cochrane)

JAKARTA, INDONESIA.—Sixteen years ago, Zulfiqar Ali left his native Pakistan for Indonesia in search of a new life. Last month, that life was on the verge of ending in front of a firing squad.

Mr. Ali has been on Indonesia's death row since 2005, after he was convicted of heroin trafficking. A government-ordered inquiry later found that he was probably innocent. Still, in July, he was one of 14 convicts, most of them foreigners, who were taken to the prison island of Nusakambangan off Java's southern coast to be put to death.

Minutes before they were to be executed, on July 29, Mr. Ali and nine other convicts were given a reprieve, for reasons the government has yet to explain. But four were shot dead as scheduled, including a Nigerian who supporters say was framed. And Mr. Ali, like the rest who were spared, remains condemned.

More than a year after Indonesia drew international censure by putting to death 12 foreigners convicted of drug crimes, the country has resumed a war on narcotics by way of executions—and has again put a spotlight on its profoundly flawed justice system.

Critics in Indonesia and abroad say those flaws go so deep that the country should not employ the death penalty at all. Researchers have found that many condemned convicts were tortured by the police into confessing, did not receive access to lawyers or were otherwise denied fair trials.

The resumption of executions means “that the government has ignored that there is something seriously wrong with our judiciary and law enforcers,” said Robertus Robet, a lecturer and researcher at the State University of Jakarta's sociology department. He characterized the government as “trigger-happy.”

“When you execute someone, you execute the possibility of finding out the truth,” he said.

Amnesty International has denounced “the manifestly flawed administration of justice in Indonesia that resulted in flagrant human rights violations.” Similar concerns have been raised by the United Nations and the European Union, which sent a delegation to try to persuade Indonesia to spare inmates who were condemned to die last year.

Indonesia has long had the death penalty, but its use was sporadic in the years before President Joko Widodo took office in October 2014. Declaring drug abuse a “national emergency,” Mr. Joko denied clemency appeals from 64 death row inmates who had been convicted of drug crimes, most of them foreigners, and the government set a goal of executing all of them by the end of 2015.

That did not happen, but five drug convicts were put to death in January of that year, and eight more in April. (An Indonesian was also executed for murder in January.) Among the convicts executed in April, seven of whom were foreigners, were Andrew Chan, 31, and Myuran Sukumaran, 34, Australians who were arrested in 2005 trying to smuggle heroin out of Bali, the resort island.

The men admitted their guilt, but their lawyers said the judge in the case was corrupt, having offered a lesser sentence in exchange for a bribe. Indonesia rejected appeals by the Australian government to spare them, and Australia withdrew its ambassador in protest.

Also executed in April was Rodrigo Gularte, 42, a Brazilian convicted of drug smuggling who had repeatedly been given a diagnosis of schizophrenia and bipolar disorder. Indonesian law forbids the execution of mentally ill convicts.

Dave McRae, a senior research fellow at the Asia Institute at the University of Melbourne in Australia who has researched the use of capital punishment in Indonesia, said that the deficiencies in the justice system here could be found in most countries that still used the death penalty.

“A lot of the objections to Indonesia's use of the death penalty—inconsistent and arbitrary sentencing and application of the death penalty, allegations of corruption and wrongful convictions, questions over access to lawyers and interpreters and adequacy of representation—are questions that are raised all over the world,” he said.

Such concerns have been raised about the cases against some of the convicts spared last month—and some who were executed, including the Nigerian, Humphrey Jefferson Ejike Eleweke.

Mr. Eleweke was arrested in 2003 after the police found heroin at a restaurant he ran in Jakarta, the capital; he said an employee had planted it. His lawyers say that the police beat him until he confessed.

They also say that by law, an 11th-hour appeal for clemency issued to Mr. Joko should have automatically halted his execution. Last week, legal activists filed a complaint with a judicial watchdog against Indonesia's attorney general, saying that Mr. Eleweke's execution and those of two others should have been stopped because of those appeals, according to local news reports.

“We cannot have the death penalty here because of the judicial system—it's problematic, it's dysfunctional,” said Ricky Gunawan, director of the Community Legal Aid Institute, a nongovernmental organization that represented Mr. Eleweke.

Another allegation of corruption emerged just before the executions last month, when one of the men put to death, an Indonesian named Freddy Budiman, was quoted as saying that he had paid senior law enforcement officials more than \$40 million to let his drug smuggling operation continue before he was arrested.

That accusation was included in a report released by a rights activist, Haris Azhar, who had interviewed Mr. Budiman in prison; shortly thereafter, the police, the military and Indonesia's anti-narcotics board, all of which were implicated in the report, filed a criminal defamation complaint against Mr. Azhar. On Thursday, Mr. Joko ordered those agencies to investigate the corruption allegations.

The case of Mr. Ali, the Pakistani who was spared execution, has also raised concerns.

Mr. Ali, who immigrated to Indonesia in 2000, was accused of drug dealing in 2004 by a friend, Gurdip Singh, who had been caught with heroin; Mr. Singh later said the police had pressured him and offered a reduced sentence to name accomplices. Mr. Ali's lawyers say their client was arrested without a warrant at his home, where no drugs were found, and signed a confession after being beaten so badly in custody that he needed two operations.

Though Mr. Ali retracted his confession and Mr. Singh withdrew his accusation, both men were sentenced to death in 2005. But the severity of Mr. Ali's beating drew attention to the case, and the government ordered an unusual inquiry, which concluded that he was likely to be innocent.

The government never acted on those findings, and Mr. Ali and Mr. Singh were among those who nearly faced a firing squad.

“He was never involved in drugs,” Mr. Ali's wife, Siti Rohani, who lives in West Java

Province with their three children, said in an interview.

A spokesman for Mr. Joko, Johan Budi, denied that the judicial system was dysfunctional, saying the executions had followed legal procedures.

Mr. Ali, along with Mr. Singh and several of the other convicts who were given reprieves, is still in prison on Nusakambangan Island, where Indonesia conducts executions. Ms. Siti said she and her husband's family in Pakistan were in a torturous state of limbo.

“We're just confused because there is no certainty about my husband's fate,” she said.

M. Rum, a spokesman for the attorney general's office, declined to explain why Mr. Ali and the other convicts had been given reprieves, saying only that it was “for judicial and nonjudicial reasons.” But he said the executions would eventually be carried out.

[From the New York Times, Aug. 2, 2016]

BODY COUNT RISES AS PHILIPPINE PRESIDENT WAGES WAR ON DRUGS

(By Jason Gutierrez)

MANILA.—Since Rodrigo Duterte became president of the Philippines just over a month ago, promising to get tough on crime by having the police and the military kill drug suspects, 420 people have been killed in the campaign, according to tallies of police reports by the local news media.

Most were killed in confrontations with the police, while 154 were killed by unidentified vigilantes. This has prompted 114,833 people to turn themselves in, as either drug addicts or dealers, since Mr. Duterte took office, according to national police logs.

Addressing Congress last week in his first State of the Nation address, Mr. Duterte reiterated his take-no-prisoners approach, ordering the police to “triple” their efforts against crime.

“We will not stop until the last drug lord, the last financier and the last pusher have surrendered or been put behind bars or below the ground, if they so wish,” he said.

But human rights groups, Roman Catholic activists and the families of many of those killed during the crackdown say that the vast majority were poor Filipinos, many of whom had nothing to do with the drug trade. They were not accorded an accusation and a trial, but were simply shot down in the streets, the critics say.

“These are not the wealthy and powerful drug lords who actually have meaningful control over supply of drugs on the streets in the Philippines,” said Phelim Kine, a deputy director of Human Rights Watch in Asia.

Critics of the president's campaign have rallied around the case of Michael Siaron, a 29-year-old rickshaw driver in Manila, who was shot one night by unidentified gunmen as he pedaled his vehicle in search of a passenger. When his wife rushed to the scene, a photographer took a picture of her cradling his body in the street, and the photograph quickly gained wide attention.

Scribbled in block letters on a cardboard sign left near his body was the word “pusher.” His family members insist that he was not involved in the drug trade, though they said he sometimes used meth.

Indirectly acknowledging criticism that his policies trample over the standard judicial process, Mr. Duterte said that human rights “cannot be used as a shield to destroy the country.”

He has called for drug users and sellers to turn themselves in or risk being hunted down, a threat backed up by the bodies piling up near daily on the streets of Philippine cities.

The approach appears to be driving down crime: The police say that they have arrested more than 2,700 people on charges related to using or selling illegal drugs, and

that crime nationwide has fallen 13 percent since the election, to 46,600 reported crimes in June, from 52,950 in May.

Mr. Duterte's crackdown has been hugely popular. Filipinos, pummeled by years of violent crime and corrupt, ineffective law enforcement, handed him an overwhelming victory in the May presidential election, and have largely embraced his approach.

A national opinion poll conducted after his election and just before he took office found that 84 percent of Filipinos had "much trust" in him.

The model for Mr. Duterte's policies is Davao City, where he was mayor for most of the past 20 years. Draconian laws there, including a strict curfew and a smoking ban as well as a zero-tolerance approach to drug users and sellers, have been credited with turning the city into an oasis of safety in a region plagued by violence.

The dark side of that approach was that more than 1,000 people were killed by government-sanctioned death squads during his administration, according to several independent investigations.

Mr. Duterte has denied having direct knowledge of death squads, but he has long called for addressing crime by killing suspects, whom he calls criminals and has referred to as "a legitimate target of assassination."

He has repeatedly said that those hooked on meth, the most popular drug here, were beyond saving or rehabilitation.

He ran for president largely on the pledge of applying the same policies nationwide, promising to kill 100,000 criminals in his first six months in office. While the number may have been typical Duterte bravado, the threat of mass killing appears to have been real.

On Tuesday, the International Drug Policy Consortium, a network of nongovernmental organizations, issued a letter urging the United Nations drug control agencies "to demand an end to the atrocities currently taking place in the Philippines" and to state unequivocally that extrajudicial killings "do not constitute acceptable drug control measures."

Ramon Casiple, a political analyst at the Institute for Political and Electoral Reform, said that he shared those concerns but that it was too early to decide whether Mr. Duterte's approach is effective. "Let's give him his 100 days," Mr. Casiple said.

Mr. Duterte has recently raised his sights beyond street-level users and dealers, accusing five police generals of protecting drug lords, though he presented no specific evidence.

He also publicly accused a mayor, the mayor's son and a prominent businessman of drug trafficking, threatening their lives if they did not surrender.

But the people killed on the street tend to be more like Mr. Siaron, the rickshaw driver.

Mr. Siaron lived with his wife in a shack above a garbage-strewn creek. Having never finished high school, he survived on odd jobs like house painting and working in fast-food restaurants.

Lately he had been pedaling a rickshaw, earning about \$2 a day ferrying passengers through the warren of alleyways in a rundown part of metropolitan Manila.

On the night he died, he had stopped by his father's fruit stand to ask for an apple.

Then he told his father he would seek one more fare before heading home. As he rode off, gunmen on motorcycles sped by, pumping several bullets into him.

What happened next turned him into a national symbol of the human toll of Mr. Duterte's war.

When she heard he had been shot, Mr. Siaron's wife, Jennilyn Olayres, ran into the

street, burst through police lines and collapsed next to him on the asphalt. The photographer snapped the picture: a distraught woman cradling her lifeless husband under a streetlight, a Pietà of the Manila slums.

The police have not commented publicly about the case and have not accused Mr. Siaron of selling drugs.

"My husband was a simple man," Ms. Olayres said at his wake several days later. "He may have used drugs, but he was not violent and never bothered anyone. His only concern was looking for passengers so we can eat three meals a day."

During his speech to Congress, Mr. Duterte dismissed the photo, which had appeared on the front page of *The Philippine Daily Inquirer* the previous day under the banner headline "Thou shall not kill."

"There you are sprawled on the ground, and you are portrayed in a broadsheet like Mother Mary cradling the dead cadaver of Jesus Christ," he said. "That's just drama."

But if the antidrug campaign has targeted people on the margins of society, Mr. Siaron is an apt symbol.

"We're small people, insignificant," Ms. Olayres said through sobs as she stood next to her husband's coffin. "We may be invisible to you, but we are real. Please stop the killings."

TRIBUTE TO JOHN HOMER CALDWELL

Mr. LEAHY. Mr. President, I want to briefly call the Senate's attention to a Vermonter who, more than any other individual, has been responsible for the sport of cross-country skiing becoming a winter pastime and passion for countless Americans of all ages. I count myself and my wife, Marcelle, among them.

There have been many articles written about former Olympic combined skier John Caldwell of Putney, VT, who in 1964 wrote the how-to guide to cross-country skiing, and about his sons and daughter and granddaughter Sophie and grandson Patrick, each of them outstanding cross-country skiers in their own right, two of whom, son Tim and Sophie, have represented the United States at the winter Olympics. Chances are they are not going to be the last Vermonters with the Caldwell name to do so.

I will not repeat what those articles have said, but I ask unanimous consent that one of them, published in the *Rutland Herald* on February 23, 2014, entitled "Vt. ski pioneer sustains Olympic spirit," be printed in the *RECORD* at the end of my remarks. It gives you a pretty good idea of the 87-year-old Vermonter I am talking about.

John Caldwell, known to his many friends as Johnny, is a pioneer and legend in every sense of the words. After the 1952 Olympics, he embarked on a lifelong campaign to teach and coach others to enjoy the sport of cross-country skiing as he did, whether as a simple way to get out in wintertime and experience the snow-filled woods and fields of Vermont or to ski competitively. I think it is fair to say that just about every cross-country skier in this country, from the fastest racers to the recreational ski tourers like me and

Marcelle, owes our love of the sport, directly or indirectly, to Johnny. He got us started. He convinced us to not be deterred by up hills or down hills or subfreezing temperatures and to get outside and enjoy a sport that requires nothing more than a pair of narrow skis and poles, a bit of wax, and a love of using your own power to glide silently over the snow.

Johnny has a way with words, and the *Rutland Herald* article captures a bit of it. He is dry wit who doesn't suffer fools easily, a fiercely loyal Vermonter who I think it is fair to assume finds a lot to like in the words of Robert Frost, whose poem "New Hampshire," a long poem that compares the people, geography, and traditions of various States, ends with these lines:

"Well, if I have to choose one or the other, I choose to be a plain New Hampshire farmer With an income in cash of, say, a thousand (From, say, a publisher in New York City). It's restful to arrive at a decision, And restful just to think about New Hampshire.

At present I am living in Vermont."

There is a lot more I could say about John Caldwell, who besides coaching and writing about skiing, among other things taught mathematics for 35 years at the Putney School, has been a long-time gardener and wood splitter and for years was a tireless maker of maple syrup.

But most important are his personal qualities: a devoted husband to his wife, Hester, affectionately known to everyone as "Hep," who he first met at the Putney School 75 years ago; a role model for his children and grandchildren in good times and sad times; an inspiration to everyone who puts on boots and skis and propels themselves forward in all kinds of weather; and an octogenarian who will be out on skis for years to come, even if it is just to cheer on others a fraction his age, who has contributed in exceptional and lasting ways to the sport of skiing, to the Putney community, to Vermont, and to this country.

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

[From the *Rutland Herald*, Feb. 23, 2014]

VT. SKI PIONEER SUSTAINS OLYMPIC SPIRIT
(By Kevin O'Connor)

John Caldwell, the Vermonter who literally wrote the book on cross-country skiing 50 years ago—his trailblazing 1964 how-to guide reaped the Boston *Globe* rave "the bible of the sport"—stopped writing updated editions after the eighth a quarter-century ago. Now 85, he's entitled to sleep in.

But the man considered the father of U.S. Nordic is also the grandfather of 2014 Olympian Sophie Caldwell, 23, of the Green Mountain town of Peru. That's why he has risen the past two weeks before dawn to watch the third generation of his family compete in the Winter Games.

"Despite what the governor says, and he's a Putney boy, we don't have high-speed Internet here," says Caldwell, who has been waking in the town he shares with Peter Shumlin as early as 4 a.m., then driving to his nephew's ski shop down the road to watch live online races from Sochi.

So much has changed since Caldwell himself competed in the 1952 Olympics, where a lack of television coverage required family and friends seeking results to await the newspaper the next day.

"That was back in the dark ages," he says only half-jokingly. "When I was racing, nobody knew much about cross-country, and people hardly knew we were there. Everything is much, much better than it used to be. All this ease of communication has helped."

Caldwell has helped, too—by turning his lowest point of adversity into a lifetime of achievement.

Some Vermonters may remember his Oslo Winter Games as the ones where Rutlander Andrea Mead Lawrence became the only U.S. woman to win two skiing gold medals. But while the late female legend experienced the thrill of victory, Caldwell felt the agony of defeat.

"I was on the combined team—cross-country and ski jumping—but I was poorly prepared."

Born in Detroit in 1928, Caldwell had moved to Putney with his family in 1941. When his high school needed a cross-country racer for the 1946 state championships, he strapped on his sister's wooden alpine skis. Continuing on to Dartmouth College, he borrowed his coach's slats before the school bought him a pair.

Caldwell tried out and made the 1952 Olympic team. But knowing little about proper training, he toured too many Norwegian bakeries beforehand. The onetime 145-pound athlete weighed 170 by the time he dressed for his event. But that wasn't why he needed help buttoning his shirt—his shoulders ached from falling so often in practice.

The rest is history—just not Olympic history.

"That really inspired me to help better prepare athletes so they wouldn't be so flummoxed, overwhelmed and thoroughly thrashed."

Caldwell started by coaching at his alma mater, the Putney School, where he worked with such up-and-coming skiers as Bill Koch, the first U.S. Nordic athlete to win an Olympic medal (silver in 1976). That, in turn, led him to help the American team in a succession of Winter Games.

Off the job, Caldwell befriended Brattleboro publishers Stephen and Janet Greene.

"They said, 'Are there any books on cross-country?' I said no."

Soon there was one—his simply titled "The Cross-Country Ski Book"—which he updated until its eighth and final edition in 1987.

Caldwell also nurtured the sport by helping found the New England Nordic Ski Association and by forging a family with his wife, Hep, and their four children: Tim competed in the Olympics in 1972, 1976, 1980 and 1984. Peter raced undefeated in college. Jennifer made the U.S. ski team. And Sverre coached the Americans in 1988 and fathered the latest generation of family champions, Sophie.

John Caldwell has been waking in the dark the past two weeks to drive to Putney's Caldwell Sport—owned by his nephew Zach, who's assisting U.S. skiers in Russia, and wife, Amy—to watch live Sochi races that, because of the time difference, have started as early as 4:15 a.m.

"I'm a Luddite," he says, "but I emailed Sophie before the sprint and said, 'Go fast.'"

Caldwell then cheered her sixth-place finish (the best U.S. women's Olympic cross-country result ever) before, a week later, she ended up eighth in the team sprint.

Seen the way skiers collapse after a race? "I joke with them, 'Are you suffering?' I spell and say it 's-u-f-f-a-h.' It sounds masochistic, but that's the way it is. When you

do it you hurt, but you feel great afterward—like when you stop hitting your head against the wall. All of us must be nuts, but it's a lifestyle, a culture."

It's the same for the spectator back home. "It takes me a long time to recover from these early mornings," the grandfather says.

Even so, after rising this past Wednesday before dawn, Caldwell still stayed up for his weekly 7 to 10 p.m. bridge game. Then on Saturday, he was set to watch grandson Patrick, a freshman at Dartmouth College, compete in the Eastern Intercollegiate Ski Association championships in Middlebury.

The grandfather of 10 still takes a turn himself. But the cross-country pioneer says he's going downhill fast—as an alpine season pass holder at Stratton.

"A guy who's 88 and I go over together. It's slow getting the strength back. I got a new hip in May and two new knees in October. I have a plastic heart valve and fake shoulder, too."

So goes life. So much "s-u-f-f-a-h-ing." So much satisfaction.

"I'm bionic—and still plugging along."

TRIBUTE TO DR. ROBERT LARNER

Mr. LEAHY. Mr. President, those who call the Green Mountains home know that Vermonters value hard work and community in equal measure. The two often go hand in hand when individuals give back to the institutions and communities that played roles in their success. Today I am honored to recognize both an outstanding individual and an exceptional institution for their respective roles in supporting the future of medical excellence in Vermont.

Dr. Robert Larner and his wife, Helen, recently donated \$66 million in a bequest to the University of Vermont, UVM, medical school, which has since been renamed in honor of the 1942 alumnus. The Robert Larner, M.D., College of Medicine at the University of Vermont will continue to provide a first-class medical education while encouraging groundbreaking research in the medical field, from cancer to infectious diseases, to neuroscience and beyond.

Born in Burlington's Old North End in 1918, Robert Larner is the youngest of seven children, and the only one among his siblings to go to college. He attended the University of Vermont after receiving a scholarship for winning a Statewide debate competition and finished his undergraduate studies in just 3 years. After completing college in 1939, he pursued his medical degree at the UVM College of Medicine and graduated in 1942. Dr. Larner then served in World War II before settling in southern California to establish his own medical practice.

Though he remained in California for many years, the Vermont native credits his home State's flagship university for providing the education he needed to succeed. To ensure that future generations also receive a similar experience, regardless of personal finances, Dr. Larner and his wife have made a number of generous contributions to his alma mater. For example, the Larner Scholars Program has created a

culture of giving by encouraging alumni to support current and future medical students. In 2012, the Larners contributed \$300,000 for the purchase of five cardiopulmonary simulators for the UVM/Fletcher Allen Clinical Simulation Laboratory. These are just some of the contributions that in 2013 led the university to recognize Dr. Larner with the UVM Lifetime Achievement in Philanthropy Award.

It is through the generosity of Vermonters like Dr. and Mrs. Larner that ensure bright futures for Vermont's students and the patients they ultimately will serve. Combined with the excellent education offered by the University of Vermont, the Larners' contributions create opportunities for first-class physicians and researchers who will undoubtedly go on to transform the medical field.

RECOGNIZING CONCEPT2 OF MORRISVILLE, VERMONT

Mr. LEAHY. Mr. President, Vermont's business landscape boasts dozens of cutting-edge startups and successful small ventures. True to this entrepreneurial and independent spirit found throughout the Green Mountains, Concept2, based in Morrisville, VT, has once again put our small, rural State on the world stage.

Concept2 is a manufacturer of rowing equipment, founded in 1976 by two brothers, Dick and Pete Dreissigacker, dedicated to the sport of rowing. There, they first designed and started selling composite racing oars. Many years and many innovative models later, these Concept2 products have become an integral presence in the rowing community and have unmistakably changed an international sport.

Propelled by these lightweight, Vermont-crafted Concept2 oars and sculls, 32 Olympic rowing teams recently brought home medals in the summer 2016 Olympic Games regatta in Rio de Janeiro. Bob Beeman of Morrisville was sent to Rio as a representative and on-site technician for Concept2. As a trusted and true employee, Beeman, too, was recognized with a medal and certificate from the International Olympic Committee for Concept2's continuous and fair support of the athletes and their equipment.

With a nod to Vermont's core values of ethical business standards and giving back to our communities, the mission of Concept2 is to support the international rowing community and create equal opportunity for all. Regardless of nation or team flag, the crew has worked with rowing teams from around the world to combine Concept2 technology with human skill and training. Characterized by honesty, fairness, and integrity, these values of Concept2 embody the true Olympic spirit to level the playing field and allow the best team to win. As Vermonters, we are proud to see such a passionate and committed company rise to the global platform and help

athletes accomplish their Olympic dreams.

My grandson, Roan, and I still talk of our visit to Concept2 when he was on his high school rowing team.

Mr. President, I ask unanimous consent that the September 2, 2016, article, "Concept2 Oars Used in Majority of Olympic Rowing Wins," from the Stowe Reporter be printed in the RECORD.

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

[From the Stowe Reporter, September 2, 2016]

CONCEPT2 OARS USED IN MAJORITY OF
OLYMPIC ROWING WINS
(By Kayla Friedrich)

With the help of Concept2 oars and sculls, 32 rowing crews—76 percent of all medal-winning crews at the Olympic regatta—were able to step onto the platform in Rio de Janeiro to receive their awards this year.

Nine of those medals were gold.

Concept2 is one of the world's most prominent manufacturers of lightweight oars. They're built by former U.S. Olympian Dick Dreissgacker and his brother Pete in Morrisville.

The company also produces an indoor rowing machine, and all of the athletes have trained on the Concept2 Indoor Rower to build their fitness to Olympic caliber.

The company produces 80 to 90 percent of the world's market of competition oars, and it sends an accredited technician—Bob Beeman of Morrisville—to the Olympics to make any equipment repairs the athletes need.

Sometimes oars are damaged in transit, practice or a race, and Beeman is able to provide replacement parts and adjustments if requested.

Thanks to his decades of work at the company, Beeman became a five-time Olympian this year, not competing, but helping teams—regardless of what country they represent.

"Everything we do is free of charge," Beeman said. "It's all part of the service when using Concept2 oars."

"Some of the athletes look at me like I'm Santa Claus. There are 70 countries in rowing, and we try to even the playing field. One team didn't have good oars to use at the Olympics, so we lent some out."

Beeman has been the on-site technician for Concept2 at the Atlanta Olympics in 1996; Sydney, Australia, in 2000; Beijing, China, in 2008; London in 2012; and now Rio.

As a result, he's known some of the athletes for many years.

"Athletes want to know that there is nothing wrong with their equipment, and they rely on me. It makes me so proud," Beeman said.

U.S. rower Gevvie Stone was at the Concept2 tent every day, not because she needed repairs, but because it gave her a place to relax. Beeman said Stone's father thanked him profusely. Stone took silver in the women's single sculls using Concept2 oars.

Beeman also was able to wear a gold medal at this year's events. The gold-medal winning team from New Zealand, Eric Murray and Hamish Bond, returned to the tent following their men's pair final. Murray took off his gold medal and placed it over Beeman's head for a photo-op.

"Just to be around this level of athlete is amazing," Beeman said. "They train daily, many of them two or three times a day at a few hours each time. They train like that not just for months, but for years."

For Beeman, Rio was the best of the five Olympics that he has been to. Everything worked well logistically, there were over 200 volunteers assisting at the rowing venue, and he had a chance to watch some of the other events, including water polo and table tennis.

"It was great to be right in the middle of it all," Beeman said.

This was also the first Olympics at which Beeman was officially recognized for his work. Even a senior adviser thanked him, and "that was a big deal," he said.

Before leaving Brazil, Beeman received a thank-you medal and a certificate from the International Olympic Committee for Concept2's support of the athletes and their equipment.

The next Summer Olympics will be in Tokyo in 2020, and Beeman looks forward to being a rowing-equipment technician for the sixth time.

"I'm also super excited to go to some of the other international regattas," Beeman said. "One is in Serbia this year, and Switzerland. The World Rowing Championships will be in Florida."

NATIONAL PARK SERVICE
CENTENNIAL

Mr. CARDIN. Mr. President, American historian and author Wallace Stegner called our national parks "the best idea we ever had. Absolutely American, absolutely democratic, they reflect us at our best rather than our worst." The National Park Service turned 100 on August 25, 2016. I wish to celebrate a century of recreation, conservation, and historic preservation programs.

Congress created the agency in 1916 for the specific purpose of caring for America's special places. The National Park Service was given the responsibility not only to conserve and protect parks, but also to leave them "unimpaired for the enjoyment of future generations." The job got bigger as parks expanded in number and type. In the 1930s, military parks and national monuments were added. Then came national parkways and seashores, followed by urban parks in the 1960s. During the next decade, the National Park System nearly doubled with the addition of 47 million acres in Alaska.

I am proud of the national parks and programs in Maryland's backyard. Maryland is home to 18 national parks, which attract 6,443,376 visitors every year. This national park tourism generates \$216,700,000 in economic benefit.

I am proud of the range of parks in the State, from national battlefields such as Antietam and Monocacy in western Maryland to Assateague Island National Seashore, which offers visitors sandy beaches, salt marshes, maritime forests, and coastal bays on the edge of the continent.

I am especially proud of the recently established Harriet Tubman Underground Railroad National Historic Park in Maryland's Dorchester, Caroline, and Talbot Counties. The vision for the Tubman National Historical Park is to preserve the places significant to the life of Harriet Tubman and tell her story through interpretive ac-

tivities, while continuing to discover aspects of her life and the experiences of those who traveled on the Underground Railroad through continued historical and archaeological research and discovery.

Unfortunately, few of the structures associated with the early years of Harriet Tubman's life remain standing today. The landscape of the Eastern Shore of Maryland, however, is still evocative of the time when Harriet Tubman lived there. Farm fields and loblolly pine forests dot the lowland landscape, which is also notable for its extensive network of tidal rivers and wetlands that Tubman and the people she guided to freedom used under cover of night. If she were alive today, Ms. Tubman would recognize much of the landscape that she knew intimately as she secretly led freedom-seekers of all ages to the North. This park helps connect people today to America's history while establishing an important destination for tourists to come visit, learn, and experience Maryland's Eastern Shore.

For 7 years I worked with my colleagues, Senator MIKULSKI, Senator SCHUMER, Senator GILLIBRAND, and Senator Clinton to establish the first national historical park to honor an African American woman. Harriet Tubman is an extraordinary American, and Marylanders are extremely proud to have her as a native daughter. In 2014, I was so proud to finally get our legislation enacted, and I am pleased that development and planning for this park is well underway.

Only recently has the National Park Service begun establishing units dedicated to the lives of African Americans. Places such as Booker T. Washington National Monument on the campus of Tuskegee University in Alabama, the George Washington Carver National Monument in Missouri, the National Historic Trail commemorating the march for voting rights from Selma to Montgomery, and, most recently, the Martin Luther King, Jr., Memorial on the National Mall are all important monuments and places of historical significance that help tell the story of the African-American experience.

In a similar, overdue spirit, the Smithsonian's National Museum of African American History and Culture will be opening this Saturday. I attended the grand opening weekend of this extraordinary addition to the National Mall. The National Museum of African American History and Culture is the only national museum devoted exclusively to documenting African American life, history, and culture.

On August 25, 2006, the 90th anniversary of the National Park Service, then-Secretary of the Interior—and former Senator—Dirk Kempthorne launched the National Park Centennial Initiative to prepare national parks for another century of conservation, preservation, and enjoyment. Since then, the National Park Service asked citizens, park partners, experts, and other

stakeholders what they envisioned for a second century of national parks. A nationwide series of more than 40 listening sessions produced more than 6,000 comments that helped to shape five centennial goals. The goals and overarching vision were presented to President Bush and to the American people in May 2007 in a report, "The Future of America's National Parks."

Continued and better stewardship was one of the five goals.

We must be better stewards of national parks when it comes to clean water. More than one-half of our 407 national parks have waterways deemed "impaired" under the Clean Water Act and in need of attention. These are parks whose local domestic water supply and protected natural resources are dependent upon and often affected by the quality of surface water flowing into and through their respective designated boundaries.

As stewards, we must carry out our responsibilities with respect to clean water. I am particularly sensitive to this responsibility. One hundred thousand streams and rivers, as well as thousands of acres of wetlands, provide the freshwater that flows into the Chesapeake Bay. Restoration of the Chesapeake Bay watershed is managed by the Chesapeake Bay Program, in which the National Park Service serves as a Federal agency partner. In order for our restoration efforts to succeed, we must ensure clean water flows in the streams that lead into the Chesapeake Bay.

Our national parks are our legacy to the next generation; conserving them is our shared responsibility. The 2016 centennial of our parks is a prime opportunity for renewing this commitment.

75TH ANNIVERSARY OF THE USO

Mr. KIRK. Mr. President, I would like to honor the United Service Organizations, USO, and especially the USO of Illinois, as they celebrate their 75th anniversary of keeping servicemembers connected to their family, home, and country throughout their service to the Nation.

Since 1941, the USO has been the Nation's leading organization to serve our military men and women and their families. The USO has continuously adapted to the needs of our servicemembers and their families as they have provided support from the moment servicemembers join the military, through their assignments and deployments, and when they transition back to their communities.

USO centers are found throughout the world at airports and military installations, providing around-the-clock hospitality to service-members and their families. In addition to supporting servicemembers and their families at home, the USO has a tradition of bringing American entertainment and music to our troops overseas.

The USO of Illinois touches the lives of over 330,000 Active-Duty, Guard, and

Reserve military servicemembers and their families throughout the State. The USO of Illinois provides over 300 programs and services throughout the year to enhance the quality of life for our servicemembers and their families, including family support events like tickets to the theatre or sporting events, programs designed for military children, prepare care packages for Illinois servicemembers deployed abroad, and providing support and appreciation at homecomings and deployments at airports. The USO of Illinois is a non-profit organization relying on the generosity of individuals and corporations and hundreds of volunteers.

I congratulate and commend the USO and the USO of Illinois for their continued efforts to support Illinois' servicemembers, their families, and our veterans.

LYME DISEASE

Mr. KIRK. Mr. President, today I wish to discuss a serious threat my constituents face when they travel on one of the 270 trails, spread out over 700 miles, in Illinois. Unfortunately, hikers share these trails with bacteria-carrying ticks, which can infect travelers with a variety of diseases, including Lyme disease.

For those infected, Lyme disease manifests in multiple ways, including fever, fatigue, rashes, and severe pain. Current diagnostic tests are unreliable, causing many people with the condition to be misdiagnosed. Left untreated, it can lead to even more serious and debilitating illnesses.

According to the Centers for Disease Control and Prevention, or CDC, Lyme disease is the most commonly reported vector-borne illness in the country, with an estimated 300,000 people infected each year. The CDC also reports that the species of ticks that spread Lyme disease now live in 46 percent of the Nation's counties.

I commend Senators BLUMENTHAL and AYOTTE for introducing the Lyme and Tick-Borne Disease Prevention, Education, and Research Act, S. 1503, and I urge my colleagues to join me as a cosponsor of this critical bill. The legislation will better coordinate the Federal Government's response to tick-borne diseases by creating an advisory committee within the Department of Health and Human Services, or HHS, to be comprised of patients, physicians, researchers, and government officials who will be tasked with identifying best scientific practices to combat tick-borne diseases. The bill requires the HHS Secretary to strengthen disease surveillance and reporting, develop better diagnostic tests, create a physician-education program, and establish epidemiological research objectives for Lyme and other tick-borne illnesses.

The prevalence of Lyme and other tick-borne disease cases in recent years demands a strong and coordinated effort at the Federal level. Now is the time to pass this critical legislation.

TRIBUTE TO GROVER FUGATE

Mr. WHITEHOUSE. Mr. President, today I wish to honor the career of one of Rhode Island's most respected ocean and coastal experts, my friend Grover Fugate.

Grover has served as executive director of the Rhode Island Coastal Resources Management Council, CRMC, for nearly 30 years, protecting Rhode Island's coastal resources through research, regulation, and restoration.

One of the shining jewels of CRMC's work has been its innovative Special Area Management Plans, or SAMPs. These plans are ecosystem-based management strategies developed in collaboration with government agencies, municipalities, and other stakeholders to best manage coastal systems. During Mr. Fugate's tenure, the council has developed eight management plans, including the groundbreaking ocean SAMP, the first formally adopted ocean spatial plan in the country. The ocean SAMP guides future uses of Rhode Island's marine areas. In developing the plan, CRMC engaged a diverse group of stakeholders and laid the groundwork for cooperation among a multitude of regulatory agencies that led the way for the successful development of the Nation's first offshore wind farm off the coast of Rhode Island.

The council has also helped Rhode Island towns and residents understand the increasing effects of sea level rise and storm surge. Using the latest climate change predictions and state of the art modeling, CRMC, in cooperation with the University of Rhode Island and others, developed an online tool, STORMTOOLS, that gives anyone with an Internet connection free access to information that can be used to help decide everything from what neighborhood to buy a home in to where to site a new stormwater treatment plant. Mr. Fugate has been a key leader in establishing STORMTOOLS and educating decisionmakers about the realities of sea level rise and flooding.

In addition to his work for the Coastal Resources Management Council, Mr. Fugate serves as the State colead for the Northeast Regional Ocean Council's Ocean Planning initiative and the Northeast Regional Planning Body established under President Obama's 2010 Executive order. He also serves as adjunct faculty for the University of Rhode Island's marine affairs program and a guest lecturer of coastal and marine law at the Roger Williams University Law School.

Mr. Fugate has earned many awards for his work, including the 2010 Susan Snow-Cotter Award for Excellence in Ocean and Coastal Resource Management from the National Oceanic and Atmospheric Administration, the 2010 Regional Sea Grant Outstanding Outreach Award, the 2008 Coastal America Award for Habitat Restoration, and the 2008 Rhode Island Sea Grant Lifetime Achievement Award. He has authored numerous academic journal articles on coastal and natural resources management issues.

Mr. Fugate's work on the ocean SAMP and Northeast Regional Planning Body has placed Rhode Island at the forefront of ocean planning and offshore wind development. He is a leader with a passion and commitment to protecting ocean and coastal resources. His technical expertise, ability to foster good working relationships with key stakeholders, and talent for finding solutions within the existing regulatory framework are a few of the many reasons I wish today to recognize him.

TRIBUTE TO CURT SPALDING

Mr. WHITEHOUSE. Mr. President, today I wish to recognize a notable Rhode Islander. Curt Spalding, the outgoing Administrator for the U.S. Environmental Protection Agency's region 1, is retiring this year. Throughout his career, he has demonstrated a deep commitment to protecting our environment.

The iconic waters of New England are part of what make this region a very special place to live. Since taking the helm of EPA region 1 in 2009, Administrator Spalding has worked to bolster coastal resilience, clean our lakes and rivers, and improve New England communities through innovation and science. Among his priorities was renewing the region's focus on bettering stormwater pollution control, a particular concern for Rhode Island's coastal communities as they prepare for sea level rise and increased rainfall. His focus on stakeholder engagement led to EPA's first-ever, real-time water quality reporting tool, which relies on New England citizen scientists, professional researchers, and a myriad of other groups for data and outreach.

Administrator Spalding has routinely been a leader identifying innovative and cooperative solutions to difficult problems. He worked with Senator REED and me to establish the Southeastern New England Coastal Watershed Restoration Program, SNEP. SNEP, a collaboration between government agencies, researchers, and non-governmental organizations, works to protect and restore coastal watersheds by addressing the excess nutrients and other pollutants that undermine water quality in the region. So far SNEP has made available over \$12 million to improve coastal water quality, restore coastal ecosystems, and address nutrient pollution.

Administrator Spalding has also championed programs to clean the waters of Cape Cod and restore Lake Champlain, and his work in Boston Harbor is another national success story, turning one of the most toxic harbors in the country in the 1980s into one of the cleanest urban beaches in the Nation today.

Prior to serving with region 1, Administrator Spalding was the executive director of Rhode Island's Save the Bay for nearly two decades. While executive director, he oversaw construction of

the Save the Bay Center at Fields Point in Providence, RI. The center, which won the Phoenix Award for brownfields redevelopment, transformed a former landfill into a landmark facility that provides classroom spaces for Save the Bay's educational programs and serves as a living example of the organization's approach to environmentally friendly shoreline development. Under his leadership, Save the Bay grew into a nationally recognized, 20,000-member environmental advocacy and education organization.

Administrator Spalding's passion for his work and the environment is obvious. His vision for a vibrant, resilient New England had shaped the great work of our region's environmental and coastal communities for the last three decades. I hope during his retirement Administrator Spalding finds the time to enjoy some of the very areas he has spent a career protecting.

Curt, my friend, may the wind always be at your back.

REMEMBERING BENJAMIN CHARLES STEELE

Mr. TESTER. Mr. President, I ask unanimous consent to have the statement I previously delivered about the life of Benjamin Charles Steele printed in the RECORD.

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

BENJAMIN CHARLES STEELE, BILLINGS, MT

I rise to honor the life of an exceptional Montanan and a true American hero, Benjamin Charles Steele. He passed away on Sunday, September 25 in Billings, surrounded by his loving family. He was 98.

Ben was born on November 17, 1917, in Roundup, MT. He was 22 when he enlisted in the Army Air Corps in Missoula, MT, on September 9, 1940. A year later, assigned to serve in the Philippines, he arrived in-country and was promptly handed a rifle and told: "now you're in the infantry." Then, 10 hours after Pearl Harbor, the Japanese invaded the Philippines. A few weeks later, Ben's unit was ordered to the Bataan Peninsula. Soon after, Ben's unit was captured, and he and his fellow soldiers began the infamous Bataan Death March. Ben was a prisoner for 3.5 years and was sent to Japan where he did hard labor in the Japanese mines. He was liberated once the atomic bomb was dropped on Hiroshima, with Ground Zero less than 80 miles from Ben's coal mine.

Ben was discharged from the U.S. Air Force on July 10, 1946. After beginning his art career drawing on the concrete floor of a prison in the Philippines, Ben pursued a formal art education. In 1955, he received a master's degree in art from the University of Denver and then taught art at Montana State University-Billings.

Up until his final days, Ben continued to paint, even while fighting his final battle in a nursing home in Billings. Ben Steele never requested any acclaim for his service, but he deserves recognition for his incredible courage in the face of daunting odds.

Ben's life story and legacy will be forever remembered across Montana, and on the west end of Billings, a middle school is currently being constructed that will bear his name.

Ben is survived by his wife, Shirley, and their two daughters, Julie Jorgenson and

Rosemarie Steele. He will be remembered by a grateful State and Nation for his brave service in our time of greatest need.

TRIBUTE TO MICHELE CRAIG

Mrs. CAPITO. Mr. President, I wish to recognize a dedicated public servant and advocate for the people of West Virginia, Michele P. Craig, on her retirement. Ms. Craig stepped down from her role as executive director of KYOVA Interstate Planning Commission and Region II Planning and Development Council on July 1. Her 30 years of service have benefited the State of West Virginia and the Huntington area.

Michelle received a bachelor's degree in economics from Queens College in Charlotte before completing graduate work at West Virginia University and American University. After beginning her career in Washington, she returned home after losing her father in the Marshall University plane crash of 1970 and began working in the family business. During this time, she also served in the West Virginia House of Delegates from 1973 through 1978.

In 1986, Michele went to work for Region II Planning and Development Council; within a year, she became executive director. During her tenure, Michele oversaw a staff that grew from 4 to 13 individuals, serving Cabell, Lincoln, Logan, Mason, Mingo, and Wayne Counties. I have had the pleasure of working with Michele and her staff on numerous projects benefiting the citizens of West Virginia. Her wealth of knowledge, professional expertise, and poise were integral to these accomplishments. My staff and I will miss Michele as she moves on, but she has left behind a strong foundation for the future.

Aside from her role as executive director, Michele has served her community through several organizations, including the Prester Foundation, Ronald McDonald House, and Hospice of Huntington. She is also an avid reader, gardener, and world traveler. Michele is married to Thomas L. Craig, and together, they have three children.

I wish Michele all the best as she spends more time with her children and grandchildren, enjoying her favorite activities and continuing her philanthropic endeavors and service to the Huntington area. Throughout her career, she has made a positive difference in the lives of many West Virginians. It has been an honor working with her, and it is an honor to call her my friend and fellow West Virginian. I urge my colleagues to join me in honoring her service.

ADDITIONAL STATEMENTS

TRIBUTE TO WANDA DRAPER

• Mr. CARDIN. Mr. President, a fellow Baltimorean and dear friend of mine, Wanda Queen Draper, is retiring today

from WBAL-TV, where she has worked for the past 25 years. In a sense, Wanda and I grew up together professionally in a city we both love so much. But Wanda is not the “retiring” type so she is becoming the executive director of the Reginald F. Lewis Museum of Maryland African American History & Culture, an important part of Baltimore’s history and culture that she helped to found.

Wanda joined the Hearst Corp. as a student correspondent at the Baltimore News American in 1968. She worked on the Sunday paper until 1973, when she graduated from the University of Maryland. Wanda spent the next 10 years as a reporter and local editor at the Baltimore Sun. She subsequently worked as an assignment manager and local show host at WJZ-TV, director of public affairs for the Governor’s office, and director of community affairs for the National Aquarium in Baltimore. In 1991, she joined WBAL-TV as public affairs manager and was ultimately promoted to director of programming and public affairs, making her responsible for all of the station’s programming.

Wanda has won numerous local and national awards over the years and has been cited by the National Association of Broadcasters for her outstanding achievements. In short, she has had a stellar career. But she is also very active in several community endeavors, and this is what I would like to highlight: her tireless dedication to the people of Baltimore, especially those who are less fortunate. Wanda serves on the boards of the WBAL Kids Campaign, St. Timothy’s School, the Brigrance Brigade Foundation, and Journey Home. The WBAL Kids Campaign is involved in many community events, the largest of which is the Coats for Kids program each fall. Wanda was able to partner with Burlington Coat Factory and has provided over 300,000 children with coats over the past 13 years. Over the last 3 years, with Wanda’s help, the Brigrance Brigade has provided services to more than 40,000 ALS survivors and has raised over \$1.5 million. The Journey Home campaign supports the mayor’s 10-year plan to end homelessness in Baltimore. Over the past 6 years, the campaign has assisted 2,000 people, and Wanda has helped to raise \$6 million. For the past 8 years, she has been active in the St. Vincent DePaul Empty Bowls program, which has helped to feed 440,000 people and raised more than \$2 million.

Ralph Waldo Emerson wrote: “To laugh often and much; To win the respect of intelligent people and the affection of children; To earn the appreciation of honest critics and endure the betrayal of false friends; To appreciate beauty, to find the best in others; To leave the world a bit better, whether by a healthy child, a garden patch, or a redeemed social condition; To know even one life has breathed easier because you have lived. This is to have succeeded.”

By these measures, Wanda has been wildly successful. Wanda is married to Dr. Robert Draper and is surrounded by her wonderful family each and every day. But it seems that the residents of Baltimore are a part of her extended family, and she is determined that they will all “breathe easier” because of her efforts on their behalf. I ask my Senate colleagues to join me in thanking Wanda Draper for her extraordinary professional and personal commitment to the people and city of Baltimore and congratulating her as she moves on to her next great endeavor.●

200TH ANNIVERSARY OF THE FOUNDING OF BALTIMORE GAS AND ELECTRIC

● Mr. CARDIN. Mr. President, I would like to take this opportunity to congratulate Baltimore Gas and Electric, BGE, which celebrated its 200th anniversary earlier this year. BGE, headquartered in Baltimore, is Maryland’s largest natural gas and electric utility, delivering power to more than 1.25 million electric customers and more than 650,000 natural gas customers in central Maryland. BGE’s electric service territory is approximately 2,300 square miles, including Baltimore city and all or part of Anne Arundel, Baltimore, Calvert, Carroll, Harford, Howard, Montgomery, and Prince George’s Counties. BGE’s gas service territory is approximately 800 square miles, including Baltimore city and all or part of Anne Arundel, Baltimore, Carroll, Cecil, Frederick, Harford, Howard, Montgomery, and Prince George’s Counties. The company employs approximately 3,200 people.

BGE was founded on June 17, 1816, and has the distinction of being the Nation’s first and oldest gas distribution company. BGE’s rich heritage is intertwined with the city of Baltimore, dating back to the days of acclaimed American portrait painter and museum keeper Rembrandt Peale when he lit the first gas lamps at his museum on Holiday Street, which made quite an impression. Peale envisioned lighting the streets of Baltimore and held an important gas lighting patent. With some business associates, he incorporated BGE, originally known as the Gas and Light Company of Baltimore. Baltimore’s first gas street lamps were lit on February 1817, which was 64 years before Baltimore’s first electric companies appeared in the city.

In 1906, the Consolidated Gas and Electric Light and Power Company was formed through a series of mergers, operating until 1955 when it was renamed Baltimore Gas and Electric; today it is proudly known as BGE and supports 10,000 direct and indirect jobs in Maryland and contributes almost \$4 billion to the region’s economy each year.

The company and its employees have a long history of investing in the community and continue to strengthen that commitment by supporting more than 260 nonprofit organizations each

year through charitable contributions and volunteer hours. The company also is a leader in promoting energy efficiency through a variety of means. I was proud to help secure a “smart grid” stimulus grant in 2009, which was instrumental in helping BGE install 2 million electric and gas smart meter devices throughout central Maryland. Today the company continues to help its customers take more control of their energy supply and management, and it will keep working with its customers and communities to promote clean energy resources while delivering energy in a safe, reliable, and clean manner.

I would like to ask my Senate colleagues to join me in congratulating BGE on its 200th anniversary and thanking the dedicated employees, customers, businesses, and communities who helped BGE to achieve this milestone.●

TRIBUTE TO MASTER GUNNERY SERGEANT JULIUS D. SPAIN, SR.

● Mr. ISAKSON. Mr. President, today I wish to recognize MGySgt Julius D. Spain, Sr., U.S. Marine Corps, on the occasion of his retirement following 26 years of service in the Marine Corps.

A native of Conway, SC, Julius entered the Marine Corps in August 1990 as a recruit at Parris Island, SC. In the years after completing school there, Julius received several promotions, as well as orders to many assignments within the Marine Corps, including being deployed to combat operations in support of Operation Iraqi Freedom in 2002 and reporting to the U.S. delegation to the North Military Committee, Joint Staff, NATO Headquarters, Brussels, Belgium, in 2004, where Julius provided administrative and operational support for the U.S. Ambassador to NATO, Secretary of State, Secretary of Defense, and the President of the United States.

In 2010, Julius was selected as one of two staff noncommissioned officers in the Marine Corps to participate in the 2011 Congressional Fellowship Program on Capitol Hill. I met Julius in January 2011, when he began a 12-month stint in my Senate office as my defense fellow. During that year, he assisted on numerous military issues and was an excellent representative of the Marine Corps. Julius also was selected for promotion to the rank of master gunnery sergeant during his time in my office.

Since leaving my Senate office, Julius has served as the senior enlisted legislative adviser for the Marine Corps Office of Legislative Affairs and later as a special senior enlisted detailee with the Department of Defense Office of the Inspector General. He will retire from this detailee position this month.

MGySgt Julius Spain is married to the former Adriana Contreras of Houston, TX, and she is a Marine Corps veteran herself. They have three children: Monique, 22; Julius, Jr., 21; and Leana, 17. I wish the entire Spain family fair

winds and following seas as they enter this new phase of their lives together. Thank you all for your commitment to our Nation.●

MESSAGES FROM THE PRESIDENT

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

EXECUTIVE MESSAGES REFERRED

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

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

MESSAGE FROM THE HOUSE

At 12:22 p.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the House has passed the following bill with an amendment and an amendment to the title, in which it requests the concurrence of the Senate: S. 2754. An act to designate the Federal building and United States courthouse located at 300 Fannin Street in Shreveport, Louisiana, as the "Tom Staggs Federal Building and United States Courthouse".

The message also announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 845. An act to direct the Secretary of Agriculture to publish in the Federal Register a strategy to significantly increase the role of volunteers and partners in National Forest System trail maintenance, and for other purposes.

H.R. 1877. An act to amend section 520J of the Public Health Service Act to authorize grants for mental health first aid training programs.

H.R. 3216. An act to amend title 38, United States Code, to clarify the emergency hospital care furnished by the Secretary of Veterans Affairs to certain veterans.

H.R. 3537. An act to amend the Controlled Substances Act to add certain synthetic substances to schedule I, and for other purposes.

H.R. 3779. An act to restrict the inclusion of social security account numbers on documents sent by mail by the Federal Government, and for other purposes.

H.R. 5162. An act to amend title 38, United States Code, to authorize the Secretary of Veterans Affairs to disclose to non-Department of Veterans Affairs health care providers certain medical records of veterans who receive health care from such providers.

H.R. 5346. An act to amend the Homeland Security Act of 2002 to make the Assistant Secretary of Homeland Security for Health Affairs responsible for coordinating the efforts of the Department of Homeland Security related to food, agriculture, and veterinary defense against terrorism, and for other purposes.

H.R. 5392. An act to direct the Secretary of Veterans Affairs to improve the Veterans Crisis Line.

H.R. 5459. An act to amend the Homeland Security Act of 2002 to enhance preparedness and response capabilities for cyber attacks, bolster the dissemination of homeland security information related to cyber threats, and for other purposes.

H.R. 5460. An act to amend the Homeland Security Act of 2002 to establish a review process to review applications for certain grants to purchase equipment or systems that do not meet or exceed any applicable national voluntary consensus standards, and for other purposes.

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

H.R. 5873. An act to designate the Federal building and United States courthouse located at 511 East San Antonio Avenue in El Paso, Texas, as the "R.E. Thomason Federal Building and United States Courthouse".

H.R. 5883. An act to amend the Packers and Stockyards Act, 1921, to clarify the duties relating to services furnished in connection with the buying or selling of livestock in commerce through online, video, or other electronic methods, and for other purposes.

H.R. 5943. An act to amend the Implementing Recommendations of the 9/11 Commission Act of 2007 to clarify certain allowable uses of funds for public transportation security assistance grants and establish periods of performance for such grants, and for other purposes.

H.R. 5978. An act to amend title 14, United States Code, to clarify the functions of the Chief Acquisition Officer of the Coast Guard, and for other purposes.

MEASURES REFERRED

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

H.R. 1877. An act to amend section 520J of the Public Health Service Act to authorize grants for mental health first aid training programs; to the Committee on Health, Education, Labor, and Pensions.

H.R. 3216. An act to amend title 38, United States Code, to clarify the emergency hospital care furnished by the Secretary of Veterans Affairs to certain veterans; to the Committee on Veterans' Affairs.

H.R. 3537. An act to amend the Controlled Substances Act to add certain synthetic substances to Schedule I, and for other purposes; to the Committee on the Judiciary.

H.R. 3779. An act to restrict the inclusion of social security account numbers on documents sent by mail by the Federal Government, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

H.R. 5162. An act to amend title 38, United States Code, to authorize the Secretary of Veterans Affairs to disclose to non-Department of Veterans Affairs health care providers certain medical records of veterans who receive health care from such providers; to the Committee on Veterans' Affairs.

H.R. 5346. An act to amend the Homeland Security Act of 2002 to make the Assistant Secretary of Homeland Security for Health Affairs responsible for coordinating the efforts of the Department of Homeland Security related to food, agriculture, and veterinary defense against terrorism, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

H.R. 5459. An act to amend the Homeland Security Act of 2002 to enhance preparedness and response capabilities for cyber attacks, bolster the dissemination of homeland security information related to cyber threats,

and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

H.R. 5460. An act to amend the Homeland Security Act of 2002 to establish a review process to review applications for certain grants to purchase equipment or systems that do not meet or exceed any applicable national voluntary consensus standards, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

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

H.R. 5873. An act to designate the Federal building and United States courthouse located at 511 East San Antonio Avenue in El Paso, Texas, as the "R.E. Thomason Federal Building and United States Courthouse"; to the Committee on Environment and Public Works.

H.R. 5978. An act to amend title 14, United States Code, to clarify the functions of the Chief Acquisition Officer of the Coast Guard, and for other purposes; to the Committee on Commerce, Science, and Transportation.

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. 5963. An act to reauthorize and improve the Juvenile Justice and Delinquency Prevention Act of 1974, and for other purposes.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. JOHNSON, from the Committee on Homeland Security and Governmental Affairs, with amendments:

S. 2966. A bill to update the financial disclosure requirements for judges of the District of Columbia courts, and to make other improvements to the District of Columbia courts (Rept. No. 114-359).

S. 2968. A bill to reauthorize the Office of Special Counsel, and for other purposes (Rept. No. 114-360).

S. 2975. A bill to provide agencies with discretion in securing information technology and information systems (Rept. No. 114-361).

By Mr. BARRASSO, from the Committee on Indian Affairs, without amendment:

S. 2421. A bill to provide for the conveyance of certain property to the Tanana Tribal Council located in Tanana, Alaska, and to the Bristol Bay Area Health Corporation located in Dillingham, Alaska, and for other purposes (Rept. No. 114-362).

By Mr. BARRASSO, from the Committee on Indian Affairs, with amendments:

S. 2959. A bill to amend the White Mountain Apache Tribe Water Rights Quantification Act of 2010 to clarify the use of amounts in the WMAT Settlement Fund (Rept. No. 114-363).

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

S. 2607. A bill to ensure appropriate spectrum planning and interagency coordination to support the Internet of Things (Rept. No. 114-364).

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

S. 3183. A bill to prohibit the circumvention of control measures used by Internet ticket sellers to ensure equitable consumer access to tickets for any given event, and for other purposes.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of nominations were submitted:

By Mr. McCAIN for the Committee on Armed Services.

Air Force nomination of Lt. Gen. John F. Thompson, to be Lieutenant General.

Air Force nomination of Maj. Gen. Robert D. McMurry, Jr., to be Lieutenant General.

Army nomination of Maj. Gen. Reynold N. Hoover, to be Lieutenant General.

Mr. McCAIN. Mr. President, for the Committee on Armed Services I report favorably the following nomination lists which were printed in the RECORDS on the dates indicated, and ask unanimous consent, to save the expense of reprinting on the Executive Calendar that these nominations lie at the Secretary's desk for the information of Senators.

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

Air Force nomination of Scott E. Williams, to be Colonel.

Air Force nomination of John D. Cinnamon, to be Colonel.

Air Force nomination of Alfred G. Traylor II, to be Major.

Air Force nomination of Mark C. Anarumo, to be Colonel.

Air Force nomination of Steven C. M. Hasstedt, to be Colonel.

Army nomination of Karl E. Nell, to be Colonel.

Army nomination of Todd D. Wolford, to be Colonel.

Army nomination of Lance L. Jelks, to be Major.

Army nomination of Matthew A. Levine, to be Lieutenant Colonel.

Army nomination of Daniel J. Donovan, to be Colonel.

Army nomination of Donna A. McDermott, to be Colonel.

Navy nominations beginning with Jordan M. Adler and ending with Richard C. Wong, which nominations were received by the Senate and appeared in the Congressional Record on September 22, 2016.

Navy nominations beginning with John A. Allen and ending with Timberon C. Vanzant, which nominations were received by the Senate and appeared in the Congressional Record on September 22, 2016.

Navy nominations beginning with Christopher D. Ayala and ending with Andrew S. West, which nominations were received by the Senate and appeared in the Congressional Record on September 22, 2016.

Navy nominations beginning with Francis B. Carnaby and ending with Rebecca I. Summers, which nominations were received by the Senate and appeared in the Congressional Record on September 22, 2016.

Navy nominations beginning with Benjamin R. Addison and ending with Russell P. Wolfkiel, which nominations were received by the Senate and appeared in the Congressional Record on September 22, 2016.

Navy nominations beginning with Joshua C. Alcazar and ending with Jui I. Yang, which nominations were received by the Senate and appeared in the Congressional Record on September 22, 2016.

Navy nominations beginning with Silas O. Carpenter and ending with Christopher E.

Wells, which nominations were received by the Senate and appeared in the Congressional Record on September 22, 2016.

Navy nominations beginning with Galo A. Cavalcanti and ending with Audra M. Vance, which nominations were received by the Senate and appeared in the Congressional Record on September 22, 2016.

Navy nominations beginning with Christopher T. Abplanalp and ending with Ryan E. Zvyth, which nominations were received by the Senate and appeared in the Congressional Record on September 22, 2016.

Navy nominations beginning with Steven M. Arbogast and ending with Joseph M. Stark, which nominations were received by the Senate and appeared in the Congressional Record on September 22, 2016.

Navy nominations beginning with Dorian R. Acker and ending with Jason York, which nominations were received by the Senate and appeared in the Congressional Record on September 22, 2016.

Navy nominations beginning with Michael A. Ammendola and ending with Michael B. Zimet, which nominations were received by the Senate and appeared in the Congressional Record on September 22, 2016.

By Mr. CORKER for the Committee on Foreign Relations.

*Rena Bitter, of Texas, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Lao People's Democratic Republic.

Nominee: Rena Bitter.

Post: Laos.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Contributions, amount, date, and donee:

1. Self: \$100, 2012, Barak Obama; \$500, 2015, Hillary Clinton.

2. Spouse: NA.

3. Children and Spouses: NA.

4. Parents: Herbert and Frieda Bitter—deceased.

5. Grandparents: Sylvia and Joseph Bitter—deceased; Sima and Morris Schuman—deceased.

6. Brothers and Spouses: Mitchell Bitter, \$200, 2012, Obama; \$200, last race, Udall; \$200, last race, Bennett; \$200, last race, Romanoff.

7. Sisters and Spouses: Eileen and Mark Rosenzweig, \$250, 2012, Obama; \$100, 2012, DSCC; \$35, 2012, Obama; \$100, 2012, Obama; \$100, 2012, DCCC; \$250, 2012, Obama; \$300, 2012, Obama; \$54.44, 2012, DSCC.

*Sung Y. Kim, of California, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of the Philippines.

Nominee: Sung Y. Kim.

Post: Manila.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Contributions, amount, date, and donee:

1. Self: none.

2. Spouse: none.

3. Children and Spouses: none.

4. Parents: none.

5. Grandparents: none.

6. Brothers and Spouses: Joon Y. Kim, 1875.00, Sept 2014, Squire Patton Boggs Political Action Committee.

7. Sisters and Spouses: none.

*Andrew Robert Young, of California, a Career Member of the Senior Foreign Service, Class of Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Burkina Faso.

Nominee: Andrew Robert Young.

Post: Burkina Faso.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Contributions, amount, date, and donee:

1. Self: \$300, 08/01/2012*, Jennifer Roberts for Congress.

2. Spouse: Margaret Hawley-Young: none.

3. Children and Spouses: Nathan Young: none; Claire Young: none.

4. Parents: Robert Richard Young—deceased; Joyce Joann Young, none.

5. Grandparents: Lowell Hulsebus—deceased; Betty Hulsebus—deceased; Odile Davis Young—deceased; Richard Young—deceased.

6. Brothers and Spouses: Daren Scott Young—deceased; Jonathan Richard Young, none; Blair Benton Young, none.

7. Sisters and Spouses: Danee Suzanne Young: \$500, 03/27/2016, Sanders, Bernard via Bernie 2016; \$1,000, 09/19/2012, Sen. Harry Reid via Friends for Harry Reid; \$1,000, 10/06/2012, Chris Murphy via Friends of Chris Murphy; \$1,000, 09/19/2012, Sen. Claire McCaskill McCaskill for Missouri; \$500, 10/18/2010, Friends for Harry Reid; \$500, 09/21/2006, Democratic Senatorial Campaign Committee; \$250, 06/30/2004, Joseph Hoefell for Senate Committee; \$250, 06/29/2004, Paul Babbitt for Congress; \$250, 06/29/2004, Lois Murphy for Congress; \$250, 06/29/2004, Patty Wetterling for Congress; \$1,000, 03/08/2004, John Kerry for President Inc.

*W. Stuart Symington, of Missouri, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Federal Republic of Nigeria.

Nominee: W. Stuart Symington.

Post: Abuja, Nigeria.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Contributions, amount, date, and donee:

1. Self: none.

2. Spouse: \$500.00, 12/2011, Klobuchar for Minn.

3. Children and Spouses: Daughter: Jane W. Symington: \$50.00, 9/2012, Obama for America. Jessen Wabeke (husband): none. Son: W. Stuart Symington VI: \$116.00, 08/25/2015, Hillary for America; \$25.00, 03/14/2016, Hillary for America; \$20.00, 05/05/2016, Hillary for America; \$100.00, 06/15/2016, Hillary Victory Fund.

4. Parents: Stuart Symington Jr.: \$250.00, 12/31/2011, Klobuchar for Minn.; \$250.00, 07/10/2012, McCaskill for Mo.; Janey B. Symington: \$250.00, 12/31/2011, Klobuchar for Minn.; \$250.00, 07/10/2012, McCaskill for Mo.

5. Grandparents: Stuart Symington—deceased; Evelyn Wadsworth Symington—deceased; Jane Sante Studt—deceased; Sidney M. Studt—deceased.

6. Brothers and Spouses: Sidney S. Symington, none; John Sante Symington, Margaret Symington (spouse), \$1,000.00, 12/29/2011, Klobuchar for Minn.; \$1,000.00, 05/21/2012, Klobuchar for Minn.; \$100.00, 09/10/2012, Obama for America; \$100.00, 09/10/2012, Democratic

Senate Campaign Comm.; \$50.00, 12/18/2013, Mark Pryor for Alaska; \$150.00, 05/09/2014, DSCC; \$100.00, 07/11/2015, Hillary for America; \$100.00, 07/11/2015, DSCC; \$150.00, 02/16/2016, Hillary Victory Fund.

7. Sisters and Spouses: Anne Wadsworth Symington—deceased.

*Joseph R. Donovan Jr., of Virginia, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Indonesia.

Nominee: Joseph R. Donovan Jr.
Post: Jakarta, Indonesia.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Contributions, amount, date, and donee:

1. Self: none.
2. Spouse: Mei Chou Donovan: none.
3. Children and Spouses: James R. Donovan: none. Matthew W. Donovan: none.
4. Parents: Joseph R. Donovan: none; Mary Helen Donovan—deceased.
5. Grandparents: James C. Donovan—deceased; Margaret Donovan—deceased; Arthur Priest—deceased; Mary Priest—deceased.
6. Brothers and Spouses: David A. Donovan, none; Julia Downey, none.
7. Sisters and Spouses: Marianne Donovan, none.

*Christopher Coons, of Delaware, to be Representative of the United States of America to the Seventy-first Session of the General Assembly of the United Nations.

*Ronald H. Johnson, of Wisconsin, to be Representative of the United States of America to the Seventy-first Session of the General Assembly of the United Nations.

Mr. CORKER. Mr. President, for the Committee on Foreign Relations I report favorably the following nomination lists which were printed in the RECORDS on the dates indicated, and ask unanimous consent, to save the expense of reprinting on the Executive Calendar that these nominations lie at the Secretary's desk for the information of Senators.

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

*Foreign Service nominations beginning with Diana Isabel Acosta and ending with Elisa Joelle Zogbi, which nominations were received by the Senate and appeared in the Congressional Record on July 13, 2016. (minus 4 nominees: Michael Ashkouri; Omar Robles; Steven James Ryncecki; Ethan N. Takahashi)

*Foreign Service nominations beginning with Jennisa Paredes and ending with Jamoral Twine, which nominations were received by the Senate and appeared in the Congressional Record on July 13, 2016. (minus 1 nominee: Edward Peay)

*Foreign Service nominations beginning with Jorge A. Abudei and ending with Deborah Kay Jones, which nominations were received by the Senate and appeared in the Congressional Record on September 6, 2016. (minus 1 nominee: Leslie L. Johnson)

*Foreign Service nominations beginning with John Robert Adams and ending with David M. Zwick, which nominations were received by the Senate and appeared in the Congressional Record on September 6, 2016.

*Nomination was reported with recommendation that it be confirmed subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

(Nominations without an asterisk were reported with the recommendation that they be confirmed.)

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. THUNE (for himself and Ms. HEITKAMP):

S. 3395. A bill to require limitations on prescribed burns; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. SCHUMER:

S. 3396. A bill to require an Air Force report on perfluorooctanoic acid (PFOA) and perfluorooctane sulfonates (PFOS) contamination at certain military installations and require reparation for identified contaminated sites and affected areas; to the Committee on Armed Services.

By Mr. RUBIO (for himself, Mr. INHOFE, and Mr. GARDNER):

S. 3397. A bill to encourage visits between the United States and Taiwan at all levels, and for other purposes; to the Committee on Foreign Relations.

By Mr. RUBIO:

S. 3398. A bill to reform the inspection process of housing assisted by the Department of Housing and Urban Development, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. KIRK (for himself and Mr. ENZI):

S. 3399. A bill to amend the Higher Education Act of 1965 to require the disclosure of the annual percentage rates applicable to Federal student loans; to the Committee on Health, Education, Labor, and Pensions.

By Mr. MARKEY:

S. 3400. A bill to prohibit the conduct of a first-use nuclear strike absent a declaration of war by Congress; to the Committee on Foreign Relations.

By Mr. CRAPO:

S. 3401. A bill to amend title 38, United States Code, to consolidate and expand the provision of health care to veterans through non-Department of Veterans Affairs health care providers, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. DAINES (for himself, Mr. NELSON, and Ms. KLOBUCHAR):

S. 3402. A bill to protect consumers from deceptive practices with respect to online booking of hotel reservations, and for other purposes; to the Committee on Commerce, Science, and Transportation.

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

S. 3403. A bill to authorize payment by the Department of Veterans Affairs for the costs associated with service by medical residents and interns at facilities operated by Indian tribes, tribal organizations, and the Indian Health Service, to require the Secretary of Veterans Affairs to carry out a pilot program to expand medical residencies and internships at such facilities, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. ROUNDS (for himself, Mr. WARNER, Mr. SCHUMER, Mr. TESTER, Mr. KIRK, Ms. HEITKAMP, Mr. SCOTT, Mr. MORAN, Mr. VITTER, and Mr. DONNELLY):

S. 3404. A bill to amend the Federal Deposit Insurance Act to require the appropriate Federal banking agencies to treat certain municipal obligations as level 2B liquid assets, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. DAINES (for himself and Mrs. CAPITO):

S. 3405. A bill to transfer certain items from the United States Munitions List to the Commerce Control List; to the Committee on Banking, Housing, and Urban Affairs.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

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

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

S. Res. 580. A resolution supporting the establishment of a President's Youth Council; to the Committee on Health, Education, Labor, and Pensions.

By Mr. BLUMENTHAL (for himself, Mr. LEAHY, Ms. BALDWIN, Mr. BENNET, Mr. BOOKER, Mrs. BOXER, Mr. BROWN, Ms. CANTWELL, Mr. CARDIN, Mr. CARPER, Mr. CASEY, Mr. COONS, Mr. DONNELLY, Mr. DURBIN, Mrs. FEINSTEIN, Mr. FRANKEN, Mrs. GILLIBRAND, Mr. HEINRICH, Ms. HEITKAMP, Ms. HIRONO, Mr. KAINE, Ms. KLOBUCHAR, Mr. MARKEY, Mrs. MCCASKILL, Mr. MENENDEZ, Mr. MERKLEY, Ms. MIKULSKI, Mr. MURPHY, Mrs. MURRAY, Mr. PETERS, Mr. REED, Mr. REID, Mr. SANDERS, Mr. SCHATZ, Mr. SCHUMER, Mrs. SHAHEEN, Ms. STABENOW, Mr. TESTER, Mr. UDALL, Mr. WARNER, Ms. WARREN, Mr. WHITEHOUSE, and Mr. WYDEN):

S. Res. 581. A resolution prohibiting the Senate from adjourning, recessing, or convening in a pro forma session unless the Senate has provided a hearing and a vote on the pending nomination to the position of justice of the Supreme Court of the United States; to the Committee on Rules and Administration.

By Mr. RUBIO (for himself and Mr. NELSON):

S. Res. 582. A resolution recognizing and honoring the life of Jose Fernandez; to the Committee on the Judiciary.

ADDITIONAL COSPONSORS

S. 248

At the request of Mr. MORAN, the name of the Senator from Arizona (Mr. FLAKE) was added as a cosponsor of S. 248, a bill to clarify the rights of Indians and Indian tribes on Indian lands under the National Labor Relations Act.

S. 314

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

S. 386

At the request of Mr. THUNE, the names of the Senator from Wyoming (Mr. BARRASSO) and the Senator from North Dakota (Mr. HOEVEN) were added as cosponsors 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. 540

At the request of Ms. HEITKAMP, the name of the Senator from California

(Mrs. BOXER) was added as a cosponsor of S. 540, a bill to amend the Richard B. Russell National School Lunch Act to require the Secretary of Agriculture to make loan guarantees and grants to finance certain improvements to school lunch facilities, to train school food service personnel, and for other purposes.

S. 1085

At the request of Mrs. MURRAY, the names of the Senator from Minnesota (Mr. FRANKEN) and the Senator from Massachusetts (Mr. MARKEY) were added as cosponsors of S. 1085, a bill to expand eligibility for the program of comprehensive assistance for family caregivers of the Department of Veterans Affairs, to expand benefits available to participants under such program, to enhance special compensation for members of the uniformed services who require assistance in everyday life, and for other purposes.

S. 1127

At the request of Mr. REED, the name of the Senator from Minnesota (Mr. FRANKEN) 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. 1509

At the request of Mr. CARPER, the name of the Senator from Kansas (Mr. ROBERTS) was added as a cosponsor of S. 1509, a bill to amend title XVIII of the Social Security Act to provide for the coordination of programs to prevent and treat obesity, and for other purposes.

S. 1559

At the request of Ms. AYOTTE, the name of the Senator from North Carolina (Mr. BURR) was added as a cosponsor of S. 1559, a bill to protect victims of domestic violence, sexual assault, stalking, and dating violence from emotional and psychological trauma caused by acts of violence or threats of violence against their pets.

S. 1562

At the request of Mr. WYDEN, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 1562, a bill to amend the Internal Revenue Code of 1986 to reform taxation of alcoholic beverages.

S. 1991

At the request of Mr. MCCAIN, the name of the Senator from Arizona (Mr. FLAKE) was added as a cosponsor of S. 1991, a bill to eliminate the sunset date for the Choice Program of the Department of Veterans Affairs, to expand eligibility for such program, and for other purposes.

S. 2175

At the request of Mr. TESTER, the name of the Senator from Wisconsin (Ms. BALDWIN) was added as a cosponsor of S. 2175, a bill to amend title 38, United States Code, to clarify the role of podiatrists in the Department of Veterans Affairs, and for other purposes.

S. 2598

At the request of Ms. WARREN, the name of the Senator from South Carolina (Mr. GRAHAM) 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. 2680

At the request of Mr. ALEXANDER, the name of the Senator from Ohio (Mr. PORTMAN) was added as a cosponsor of S. 2680, a bill to amend the Public Health Service Act to provide comprehensive mental health reform, and for other purposes.

S. 2795

At the request of Mr. INHOFE, the name of the Senator from Arizona (Mr. FLAKE) was added as a cosponsor of S. 2795, a bill to modernize the regulation of nuclear energy.

S. 3026

At the request of Mr. SCHUMER, the name of the Senator from Connecticut (Mr. BLUMENTHAL) was added as a cosponsor of S. 3026, a bill to amend the Communications Act of 1934 to expand and clarify the prohibition on inaccurate caller identification information and to require providers of telephone service to offer technology to subscribers to reduce the incidence of unwanted telephone calls, and for other purposes.

S. 3065

At the request of Mr. HATCH, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 3065, a bill to amend parts B and E of title IV of the Social Security Act to invest in funding prevention and family services to help keep children safe and supported at home, to ensure that children in foster care are placed in the least restrictive, most family-like, and appropriate settings, and for other purposes.

At the request of Mr. WYDEN, the name of the Senator from Massachusetts (Ms. WARREN) was added as a cosponsor of S. 3065, *supra*.

S. 3111

At the request of Mr. PORTMAN, the name of the Senator from North Dakota (Mr. HOEVEN) was added as a cosponsor of S. 3111, a bill to amend the Internal Revenue Code of 1986 to extend the 7.5 percent threshold for the medical expense deduction for individuals age 65 or older.

S. 3153

At the request of Mr. ROUNDS, the name of the Senator from Arkansas (Mr. BOOZMAN) was added as a cosponsor of S. 3153, a bill to require the Federal financial institutions regulatory agencies to take risk profiles and business models of institutions into account when taking regulatory actions, and for other purposes.

S. 3183

At the request of Ms. CANTWELL, her name was added as a cosponsor of S. 3183, a bill to prohibit the circumven-

tion of control measures used by Internet ticket sellers to ensure equitable consumer access to tickets for any given event, and for other purposes.

S. 3198

At the request of Mr. HATCH, the names of the Senator from Illinois (Mr. KIRK) and the Senator from Hawaii (Mr. SCHATZ) were added as cosponsors of S. 3198, a bill to amend title 38, United States Code, to improve the provision of adult day health care services for veterans.

S. 3292

At the request of Mr. PORTMAN, the name of the Senator from Alaska (Mr. SULLIVAN) was added as a cosponsor of S. 3292, a bill to amend the Tariff Act of 1930 to make the Postmaster General the importer of record for the non-letter class mail and to require the provision of advance electronic information about shipments of non-letter class mail to U.S. Customs and Border Protection, and for other purposes.

S. 3304

At the request of Mr. THUNE, the names of the Senator from West Virginia (Mrs. CAPITO), the Senator from Minnesota (Ms. KLOBUCHAR), the Senator from Iowa (Mrs. ERNST), the Senator from Iowa (Mr. GRASSLEY) and the Senator from Arkansas (Mr. BOOZMAN) were added as cosponsors of S. 3304, a bill to direct the Secretary of Veterans Affairs to improve the Veterans Crisis Line.

S. 3311

At the request of Mr. SASSE, the name of the Senator from Nevada (Mr. HELLER) was added as a cosponsor of S. 3311, a bill to amend the Internal Revenue Code of 1986 to exempt individuals whose health plans under the Consumer Operated and Oriented Plan program have been terminated from the individual mandate penalty.

S. 3346

At the request of Mr. CRUZ, the name of the Senator from Washington (Mrs. MURRAY) was added as a cosponsor of S. 3346, a bill to authorize the programs of the National Aeronautics and Space Administration, and for other purposes.

S. CON. RES. 51

At the request of Mr. GRASSLEY, the names of the Senator from Alaska (Ms. MURKOWSKI) and the Senator from Idaho (Mr. CRAPO) were added as cosponsors of S. Con. Res. 51, a concurrent resolution expressing the sense of Congress that those who served in the bays, harbors, and territorial seas of the Republic of Vietnam during the period beginning on January 9, 1962, and ending on May 7, 1975, should be presumed to have been exposed to the toxin Agent Orange and should be eligible for all related Federal benefits that come with such presumption under the Agent Orange Act of 1991.

S. RES. 527

At the request of Mr. UDALL, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S.

Res. 527, a resolution recognizing the 75th anniversary of the opening of the National Gallery of Art.

S. RES. 553

At the request of Mrs. SHAHEEN, the name of the Senator from Florida (Mr. RUBIO) was added as a cosponsor of S. Res. 553, a resolution expressing the sense of the Senate on the challenges the conflict in Syria poses to long-term stability and prosperity in Lebanon.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. DAINES (for himself, Mr. NELSON, and Ms. KLOBUCHAR):

S. 3402. A bill to protect consumers from deceptive practices with respect to online booking of hotel reservations, and for other purposes; to the Committee on Commerce, Science, and Transportation.

Mr. DAINES. Mr. President, the travel and tourism industry plays a significant role in the U.S. economy. Travel and tourism contributed over \$480 billion to the U.S. GDP last year. In Montana, tourism is one of our leading industries. Every year, visitors spend over \$3 billion in our state which supports jobs and reduces taxes for Montana residents.

The development of the online marketplace has made it easier than ever for travelers to do research, plan trips, and make reservations online. Online platforms allow customers to compare thousands of brands in one place. As a result, the number of hotel reservations made online has surged over the past several years. There are now up to 480 bookings every minute. As the number of online bookings has increased, there has also been an increase in the number of online booking scams.

Illegitimate reservation sellers pose as hotel websites, leading consumers to believe they are booking directly with the hotel, when in fact they are booking with an unrelated third party. Transactions on these sites can result in additional hidden fees, loss of expected loyalty points, or even confirmation of reservations that were never made. One study found that as many as 15 million bookings a year are affected by fraudulent websites.

That is why I am proud to introduce the Stop Online Booking Scams Act of 2016 with my colleague Senator NELSON. The bill requires third party sites to disclose that they are not affiliated with the hotel, providing clarity and transparency to consumers booking online. It also empowers state attorneys general to pursue cases on behalf of consumers who have been scammed. Providing clear disclosures that reveal the true identity of websites will give confidence to the millions of consumers who make reservations online every year. I ask my colleagues to join me in cosponsoring this much needed legislation.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 3402

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

SECTION 1. SHORT TITLE.

This Act may be cited as the “Stop Online Booking Scams Act of 2016”.

SEC. 2. FINDINGS; SENSE OF CONGRESS.

(a) FINDINGS.—Congress finds the following:

(1) The Internet has become an important channel of commerce in the United States, accounting for billions of dollars in retail sales every year.

(2) Hotel reservation transactions can be easily made online and online commerce has created a marketplace where consumers can shop for hotels, flights, car rentals, and other travel-related services and products across thousands of brands on a single platform.

(3) Consumers should have the utmost clarity as to the company with which such consumers are transacting business online.

(4) Actions by third party sellers that misappropriate brand identity, trademark, or other marketing content are harmful to consumers.

(5) Platforms offered by online travel agencies provide consumers with a valuable tool for comparative shopping for hotels and should not be mistaken for the unlawful third-party actors that commit such misappropriation.

(6) The misleading and deceptive sales tactics companies use against customers booking hotel rooms online have resulted in the loss of sensitive financial and personal information, financial harm, and headache for consumers.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) consumers benefit from the ability to shop for travel-related services and products on the innovative platforms offered by online travel agencies;

(2) sellers on the Internet should provide consumers with clear, accurate information and such sellers should have an opportunity to compete fairly with one another; and

(3) the Federal Trade Commission should revise the Internet website of the Commission to make it easier for consumers and businesses to report complaints of deceptive practices with respect to online booking of hotel reservations.

SEC. 3. DEFINITIONS.

In this Act:

(1) AFFILIATION CONTRACT.—The term “affiliation contract” means, with respect to a hotel, a contract with the owner of the hotel, the entity that manages the hotel, or the franchisor of the hotel to provide online hotel reservation services for the hotel.

(2) COMMISSION.—The term “Commission” means the Federal Trade Commission.

(3) EXHIBITION ORGANIZER OR MEETING PLANNER.—The term “exhibition organizer or meeting planner” means the person responsible for all aspects of planning, promoting, and producing a meeting, conference, event, or exhibition, including overseeing and arranging all hotel reservation plans and contracts for the meeting, conference, event, or exhibition.

(4) OFFICIAL HOUSING BUREAU.—The term “official housing bureau” means the organization designated by an exhibition organizer or meeting planner to provide hotel reservation services for meetings, conferences, events, or exhibitions.

(5) PARTY DIRECTLY AFFILIATED.—The term “party directly affiliated” means, with re-

spect to a hotel, a person who has entered into an affiliation contract with the hotel.

(6) THIRD PARTY ONLINE HOTEL RESERVATION SELLER.—The term “third party online hotel reservation seller” means any person that—

(A) sells any good or service with respect to a hotel in a transaction effected on the Internet; and

(B) is not—

(i) a party directly affiliated with the hotel; or

(ii) an exhibition organizer or meeting planner or the official housing bureau for a meeting, conference, event, or exhibition held at the hotel.

SEC. 4. REQUIREMENTS FOR THIRD PARTY ONLINE HOTEL RESERVATION SELLERS.

(a) IN GENERAL.—It shall be unlawful for a third party online hotel reservation seller to charge or attempt to charge any consumer’s credit card, debit card, bank account, or other financial account for any good or service sold in a transaction effected on the Internet with respect to a hotel unless the third party online hotel reservation seller—

(1) clearly and conspicuously discloses to the consumer all material terms of the transaction, including—

(A) before the conclusion of the transaction—

(i) a description of the good or service being offered; and

(ii) the cost of such good or service; and

(B) in a manner that is continuously visible to the consumer throughout the transaction process, the fact that the person is a third party online hotel reservation seller and is not—

(i) affiliated with the person who owns the hotel or provides the hotel services or accommodations; or

(ii) an exhibition organizer or meeting planner or the official housing bureau for a meeting, conference, event, or exhibition held at the hotel; or

(2) includes prominent and continuous disclosure of the brand identity of the third party online hotel reservation seller throughout the transaction process, both online and over the phone.

(b) ENFORCEMENT BY COMMISSION.—

(1) UNFAIR OR DECEPTIVE ACTS OR PRACTICES.—A violation of subsection (a) by a person subject to such subsection shall be treated as a violation of a rule defining an unfair or deceptive act or practice prescribed under section 18(a)(1)(B) of the Federal Trade Commission Act (15 U.S.C. 57a(a)(1)(B)).

(2) POWERS OF COMMISSION.—

(A) IN GENERAL.—The Commission shall enforce this section in the same manner, by the same means, and with the same jurisdiction, powers, and duties as though all applicable terms and provisions of the Federal Trade Commission Act (15 U.S.C. 41 et seq.) were incorporated into and made a part of this Act.

(B) PRIVILEGES AND IMMUNITIES.—Any person who violates this section shall be subject to the penalties and entitled to the privileges and immunities provided in the Federal Trade Commission Act (15 U.S.C. 41 et seq.).

(C) RULEMAKING.—

(i) IN GENERAL.—The Commission may promulgate such rules as the Commission considers appropriate to enforce this section.

(ii) PROCEDURES.—The Commission shall carry out any rulemaking under clause (i) in accordance with section 553 of title 5, United States Code.

(c) ENFORCEMENT BY STATES.—

(1) IN GENERAL.—In any case in which the attorney general of a State has reason to believe that an interest of the residents of the State has been or is threatened or adversely affected by the engagement of any person subject to subsection (a) in a practice that

violates such subsection, the attorney general of the State may, as parens patriae, bring a civil action on behalf of the residents of the State in an appropriate district court of the United States to obtain appropriate relief.

(2) RIGHTS OF FEDERAL TRADE COMMISSION.—
(A) NOTICE TO FEDERAL TRADE COMMISSION.—

(i) IN GENERAL.—Except as provided in clause (iii), the attorney general of a State shall notify the Commission in writing that the attorney general intends to bring a civil action under paragraph (1) before initiating the civil action against a person subject to subsection (a).

(ii) CONTENTS.—The notification required by clause (i) with respect to a civil action shall include a copy of the complaint to be filed to initiate the civil action.

(iii) EXCEPTION.—If it is not feasible for the attorney general of a State to provide the notification required by clause (i) before initiating a civil action under paragraph (1), the attorney general shall notify the Commission immediately upon instituting the civil action.

(B) INTERVENTION BY FEDERAL TRADE COMMISSION.—The Commission may—

(i) intervene in any civil action brought by the attorney general of a State under paragraph (1) against a person described in subsection (d)(1); and

(ii) upon intervening—

(I) be heard on all matters arising in the civil action; and

(II) file petitions for appeal of a decision in the civil action.

(3) INVESTIGATORY POWERS.—Nothing in this subsection may be construed to prevent the attorney general of a State from exercising the powers conferred on the attorney general by the laws of the State to conduct investigations, to administer oaths or affirmations, or to compel the attendance of witnesses or the production of documentary or other evidence.

(4) STATE COORDINATION WITH FEDERAL TRADE COMMISSION.—If the Commission institutes a civil action or an administrative action with respect to a violation of subsection (a), the attorney general of a State shall coordinate with the Commission before bringing a civil action under paragraph (1) against any defendant named in the complaint of the Commission for the violation with respect to which the Commission instituted such action.

(5) VENUE; SERVICE OF PROCESS.—

(A) VENUE.—Any action brought under paragraph (1) may be brought in—

(i) the district court of the United States that meets applicable requirements relating to venue under section 1391 of title 28, United States Code; or

(ii) another court of competent jurisdiction.

(B) SERVICE OF PROCESS.—In an action brought under paragraph (1), process may be brought in any district in which the defendant—

(i) is an inhabitant; or

(ii) may be found.

(6) ACTIONS BY OTHER STATE OFFICIALS.—

(A) IN GENERAL.—In addition to civil actions brought by attorneys general under paragraph (1), any other officer of a State who is authorized by the State to do so may bring a civil action under paragraph (1), subject to the same requirements and limitations that apply under this subsection to civil actions brought by attorneys general.

(B) SAVINGS PROVISION.—Nothing in this subsection may be construed to prohibit an authorized official of a State from initiating or continuing any proceeding in a court of the State for a violation of any civil or criminal law of the State.

By Mr. DAINES (for himself and Mrs. CAPITO):

S. 3405. A bill to transfer certain items from the United States Munitions List to the Commerce Control List; to the Committee on Banking, Housing, and Urban Affairs.

Mr. DAINES. Mr. President, for Montanans, gunsmithing goes hand-in-hand with hunting and sport shooting. Sometimes the difference between a successful hunt and an unfulfilled tag can be a needed modification on a rifle. Throughout Montana and across America, hundreds of thousands of gunsmiths make sure that our firearms are setup to our custom specifications. Many of these gunsmiths do so as a side project or hobby, making a little extra income in the process.

Recently, the Directorate of Defense Trade Controls, DDTC, issued guidance that changed the definition of a manufacturer under the International Traffic in Arms Regulations, ITAR, to be so broad that could include these gunsmiths and require them to register as manufacturers, which includes an annual \$2,250 fee. ITAR was intended to control the production and exportation of products essential to our national security, such as those intended only for military use, but not to unnecessarily hinder American business and innovation or undermine the Second Amendment.

That is why I am proud to introduce the Export Control Reform Act of 2016 with my colleague Senator CAPITO. The bill transfers regulatory responsibility for common, domestic firearms and related items from the Department of State to the Commerce Department, to be regulated like any other commercial business—allowing small business to continue to serve hunters and sports shooters.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 3405

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

SECTION 1. SHORT TITLE.

This Act may be cited as the “Export Control Reform Act of 2016”.

SEC. 2. EXPORT CONTROLS ON CERTAIN ITEMS.

(a) IN GENERAL.—Notwithstanding section 38(f) of the Arms Export Control Act (22 U.S.C. 2778(f)) or any other provision of law, all items described in subsection (b) that are on the United States Munitions List and controlled under section 38 of the Arms Export Control Act (22 U.S.C. 2778) on the date of the enactment of this Act shall be transferred to the Commerce Control List of dual-use items in the Export Administration Regulations (15 C.F.R. part 730 et seq.).

(b) TRANSFERRED ITEMS.—The items referred to in subsection (a) are the following:

(1) Non-automatic and semi-automatic firearms, including all rifles, carbines, pistols, revolvers and shotguns.

(2) Non-automatic and non-semi-automatic rifles, carbines, revolvers, or pistols of a caliber greater than .50 inches (12.7 mm) up to and including .72 inches (18.0 mm).

(3) Ammunition for such firearms excluding caseless ammunition.

(4) Silencers, mufflers, and sound and flash suppressors.

(5) Rifle scopes.

(6) Barrels, cylinders, receivers (frames), or complete breech mechanisms.

(7) Related components, parts, accessories, attachments, tooling, and equipment for any articles listed in paragraphs (1) through (6).

(c) EFFECTIVE DATE.—This section shall take effect 180 days after the date of the enactment of this Act and shall not apply to any export license issued before such effective date or to any export license application made under the United States Munitions List before such effective date.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 580—SUPPORTING THE ESTABLISHMENT OF A PRESIDENT'S YOUTH COUNCIL

Mr. BOOKER (for himself and Mr. HATCH) submitted the following resolution; which was referred to the Committee on Health, Education, Labor, and Pensions:

S. RES. 580

Now, therefore, be it

Resolved, That the Senate—

(1) supports the creation of a Federal youth advisory council, to be known as the Presidential Youth Council (referred to in this Act as the “Council”), to be privately funded, which shall—

(A) advise the President on the creation and implementation of new Federal policies and programs that pertain to and affect American youth;

(B) provide recommendations on ways to make existing policies and programs that pertain to and affect American youth more efficient and effective, through investment from relevant bodies, for delivery of youth services nationwide; and

(C) carry out activities to solicit the unique views and perspectives of young people and bring those views and perspectives to the attention of the head of each department or agency of the Federal Government and Congress, as needed, or on a case-by-case basis; and

(2) recommends that the members of the President's Youth Council be composed of 24 young Americans—

(A) of which—

(i) four members shall be appointed by the President;

(ii) the Speaker of the House of Representatives shall appoint—

(I) if the Speaker belongs to the same political party as the President, 4 members; or

(II) if the Speaker does not belong to the same political party as the President, 6 members;

(iii) the Minority Leader of the House of Representatives shall appoint—

(I) if the Minority Leader belongs to the same political party as the President, 4 members; or

(II) if the Minority Leader does not belong to the same political party as the President, 6 members;

(iv) the Majority Leader of the Senate shall appoint—

(I) if the Majority Leader belongs to the same political party as the President, 4 members; or

(II) if the Majority Leader does not belong to the same political party as the President, 6 members; and

(v) the Minority Leader of the Senate shall appoint—

(I) if the Minority Leader belongs to the same political party as the President, 4 members; or

(II) if the Minority Leader does not belong to the same political party as the President, 6 members;

(B) who are between 16 and 24 years of age;

(C) who have participated in a public policy-related program, outreach initiative, internship, fellowship, or Congressional, State, or local government-sponsored youth advisory council;

(D) who can constructively contribute to policy deliberations;

(E) who can conduct outreach to solicit the views and perspectives of peers; and

(F) who have backgrounds that reflect the racial, socioeconomic, and geographic diversity of the United States.

SENATE RESOLUTION 581—PROHIBITING THE SENATE FROM ADJOURNING, RECESSING, OR CONVENING IN A PRO FORMA SESSION UNLESS THE SENATE HAS PROVIDED A HEARING AND A VOTE ON THE PENDING NOMINATION TO THE POSITION OF JUSTICE OF THE SUPREME COURT OF THE UNITED STATES

Mr. BLUMENTHAL (for himself, Mr. LEAHY, Ms. BALDWIN, Mr. BENNET, Mr. BOOKER, Mrs. BOXER, Mr. BROWN, Ms. CANTWELL, Mr. CARDIN, Mr. CARPER, Mr. CASEY, Mr. COONS, Mr. DONNELLY, Mr. DURBIN, Mrs. FEINSTEIN, Mr. FRANKEN, Mrs. GILLIBRAND, Mr. HEINRICH, Ms. HEITKAMP, Ms. HIRONO, Mr. KAINE, Ms. KLOBUCHAR, Mr. MARKEY, Mrs. MCCASKILL, Mr. MENENDEZ, Mr. MERKLEY, Ms. MIKULSKI, Mr. MURPHY, Mrs. MURRAY, Mr. PETERS, Mr. REED, Mr. REID, Mr. SANDERS, Mr. SCHATZ, Mr. SCHUMER, Mrs. SHAHEEN, Ms. STABENOW, Mr. TESTER, Mr. UDALL, Mr. WARNER, Ms. WARREN, Mr. WHITEHOUSE, and Mr. WYDEN) submitted the following resolution; which was referred to the Committee on Rules and Administration:

S. RES. 581

Whereas the Constitution of the United States provides that the President shall “nominate, and by and with the advice and consent of the Senate, shall appoint” justices of the Supreme Court of the United States (in this preamble referred to as the “Supreme Court”);

Whereas the constitutional duty of the Senate of providing advice and consent on nominees to be a justice of the Supreme Court is one of the most important and solemn responsibilities of the Senate;

Whereas the Senate has taken action on every pending nominee to fill a vacancy on the Supreme Court in the last 100 years;

Whereas the Senate has confirmed 13 justices of the Supreme Court in the month of September, including Chief Justice John Roberts and Justice Antonin Scalia;

Whereas there has never been a time in history when an elected President has been denied the ability to fill a Supreme Court vacancy, by and with the advice and consent of the Senate, prior to the election of the next President;

Whereas the Senate has confirmed more than a dozen justices of the Supreme Court in presidential election years, including 5 in the last 100 years;

Whereas the Senate has confirmed justices of the Supreme Court in election years in which the executive and legislative branches of the Federal Government were divided between 2 political parties, including confirming Associate Justice Anthony Kennedy in 1988;

Whereas the Committee on the Judiciary of the Senate has never denied a hearing to a nominee to be a justice of the Supreme Court since the committee began holding public confirmation hearings for such nominees in 1916;

Whereas the Committee on the Judiciary of the Senate has a long tradition of reporting nominees to be a justice of the Supreme Court for consideration by the full Senate, even in cases in which the nominee lacked the support of a majority of the committee, including the nominations of Associate Justice Clarence Thomas in 1991 and Robert Bork in 1987;

Whereas the Federal Judiciary is a coequal branch of the Federal Government and the Supreme Court serves an essential function resolving questions of law that affect the economy and people of the United States and the protection of the United States and its communities;

Whereas forcing the Supreme Court to function with only 8 sitting justices has created several instances, and risks creating more instances, in which the justices are evenly divided as to the outcome of a case, preventing the Supreme Court from resolving conflicting interpretations of the law from different regions of the United States and thereby undermining the constitutional function of the Supreme Court as the final arbiter of the law;

Whereas the Supreme Court recusal policy adopted in 1993 and signed by Chief Justice William H. Rehnquist, Associate Justices John Paul Stevens, Antonin Scalia, Sandra Day O’Connor, Anthony Kennedy, Clarence Thomas, and Ruth Bader Ginsburg, and later adopted by Chief Justice John Roberts, stresses that “even one unnecessary recusal impairs the functioning of the Court” and that “needless recusal deprives litigants of the nine Justices to which they are entitled, produces the possibility of an even division on the merits of the case, and has a distorting effect on the certiorari process, requiring the petition to obtain (under our current practice) four votes out of eight instead of four out of nine”;

Whereas since 1975, the average number of days from nomination to confirmation vote for a nominee to be a justice of the Supreme Court has been 70 days;

Whereas the vacancy on the Supreme Court caused by the death of Associate Justice Antonin Scalia arose on February 13, 2016, and the days since the occurrence of that vacancy now number more than 200 days; and

Whereas on March 16, 2016, President Obama nominated Merrick B. Garland, Chief Judge of the United States Court of Appeals for the District of Columbia Circuit, to fill the Supreme Court vacancy caused by the death of Associate Justice Antonin Scalia: Now, therefore, be it

Resolved,

SECTION 1. SHORT TITLE.

This resolution may be cited as the “No Vote No Recess Resolution”.

SEC. 2. PROHIBITING ADJOURNING OR PRO FORMA SESSIONS UNTIL ACTION ON NOMINEE TO SUPREME COURT.

(a) **PROHIBITION.**—During the period beginning on September 27, 2016 and ending on the last day of the 114th Congress, the Senate shall not adjourn, remain adjourned, or recess for a period of more than 2 days and shall not convene solely in a pro forma ses-

sion unless, by the date on which the period of adjournment begins or the date of the pro forma session, the Senate has taken action on any nomination made by the President for a position as a justice of the Supreme Court of the United States by—

(1) holding a hearing on the nomination in the Committee on the Judiciary of the Senate;

(2) holding a vote on the nomination in the Committee on the Judiciary of the Senate; and

(3) holding a confirmation vote on the nomination in the full Senate.

(b) **ADJOURNING AND RECESSING.**—During the period beginning on September 27, 2016 and ending on the date on which the requirements under paragraphs (1), (2), and (3) of subsection (a) are met—

(1) a motion to adjourn or to recess the Senate, or any resolution or order of the Senate including a provision that the Senate adjourn at a time certain, shall be decided by a yeas-or-nays vote, and agreed to upon an affirmative vote of two-thirds of the Senators voting, a quorum being present;

(2) if a quorum is present, the Presiding Officer shall not entertain a request to adjourn or to vitiate the yeas and nays on such a motion by unanimous consent; and

(3) if the Senate adjourns due to the absence of a quorum, the Senate shall reconvene 2 hours after the time at which it adjourns and ascertain the presence of a quorum.

(c) **NO SUSPENSION OF REQUIREMENTS.**—The Presiding Officer may not entertain a request to suspend the operation of this resolution by unanimous consent or motion.

(d) **CONSISTENCY WITH SENATE EMERGENCY PROCEDURES AND PRACTICES.**—Nothing in this resolution shall be construed in a manner that is inconsistent with S. Res. 296 (108th Congress) or any other emergency procedures or practices of the Senate.

SENATE RESOLUTION 582—RECOGNIZING AND HONORING THE LIFE OF JOSE FERNANDEZ

Mr. RUBIO (for himself and Mr. NELSON) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 582

Whereas Jose Fernandez was born in Santa Clara, Cuba, on July 31, 1992;

Whereas Jose Fernandez attempted to escape Cuba on 4 separate occasions and was imprisoned by the Cuban government for doing so;

Whereas during one of his attempts to escape Cuba, Jose Fernandez saved the life of his mother by diving into the water to rescue her after she fell into the Yucatan channel;

Whereas Jose Fernandez came to the United States on April 5, 2008;

Whereas Jose Fernandez was a graduate of Braulio Alonso High School in Tampa, Florida;

Whereas Jose Fernandez was drafted by the Miami Marlins in the first round of the 2011 Major League Baseball Draft as the 14th overall selection;

Whereas Jose Fernandez signed with the Marlins on August 15, 2011;

Whereas Jose Fernandez started his first Major League Baseball game on April 7, 2013;

Whereas Jose Fernandez won the 2013 National League Rookie of the Year award;

Whereas, in 2013, after more than 5 years and with the help of the Marlins, Jose

Fernandez was reunited with his grandmother, whom he called the love of his life;

Whereas Jose Fernandez became a United States citizen on April 24, 2015;

Whereas Jose Fernandez was a 2-time All-Star, with a career record of 38 wins, 17 losses, 589 strikeouts, and a 2.58 earned run average;

Whereas Jose Fernandez gave back to his community through charities such as Live Like Bella, the Marlins Foundation, and the Marlins Ayudan;

Whereas, on September 25, 2016, Jose Fernandez died in a tragic boating accident with his 2 friends, Emilio Macias and Eduardo Rivero;

Whereas Emilio Macias and Eduardo Rivero graduated from G. Holmes Braddock Senior High School in Miami, Florida;

Whereas Jose Fernandez, through his hard work, devotion, and optimism, brought great joy to his family, especially his mother and grandmother; and

Whereas Jose Fernandez's pursuit of the American dream was a great source of pride for the Cuban exile community of the United States; Now, therefore, be it

Resolved, That the Senate—

(1) honors the life and accomplishments of Jose Fernandez;

(2) offers heartfelt condolences to—

(A) the family, friends, loved ones, and teammates of Jose Fernandez; and

(B) the family and friends of Emilio Macias and Eduardo Rivero;

(3) commends the significant contributions that Jose Fernandez made, on and off the field, to—

(A) the City of Tampa, Florida;

(B) the City of Miami, Florida; and

(C) the State of Florida; and

(4) recognizes the memory of Jose Fernandez as an inspiration for all who seek freedom and a better life in the United States.

AMENDMENTS SUBMITTED AND PROPOSED

SA 5103. Mr. McCONNELL submitted an amendment intended to be proposed by him to the bill H.R. 5325, making appropriations for the Legislative Branch for the fiscal year ending September 30, 2017, and for other purposes; which was ordered to lie on the table.

SA 5104. Mr. GRAHAM submitted an amendment intended to be proposed by him to the bill H.R. 5325, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 5103. Mr. McCONNELL submitted an amendment intended to be proposed by him to the bill H.R. 5325, making appropriations for the Legislative Branch for the fiscal year ending September 30, 2017, and for other purposes; which was ordered to lie on the table; as follows:

In lieu of the matter proposed to be inserted, insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the “Continuing Appropriations and Military Construction, Veterans Affairs, and Related Agencies Appropriations Act, 2017, and Zika Response and Preparedness Act”.

SEC. 2. TABLE OF CONTENTS.

Sec. 1. Short title.

Sec. 2. Table of contents.

Sec. 3. References.

Sec. 4. Statement of appropriations.

Sec. 5. Availability of funds.

Sec. 6. Explanatory statement.

DIVISION A—MILITARY CONSTRUCTION, VETERANS AFFAIRS, AND RELATED AGENCIES APPROPRIATIONS ACT, 2017

Title I—Department of Defense

Title II—Department of Veterans Affairs

Title III—Related agencies

Title IV—Overseas contingency operations

Title V—General provisions

DIVISION B—ZIKA RESPONSE AND PREPAREDNESS APPROPRIATIONS ACT, 2016

DIVISION C—CONTINUING APPROPRIATIONS ACT, 2017

DIVISION D—RESCISSIONS OF FUNDS

SEC. 3. REFERENCES.

Except as expressly provided otherwise, any reference to “this Act” contained in any division of this Act shall be treated as referring only to the provisions of that division.

SEC. 4. STATEMENT OF APPROPRIATIONS.

The following sums in this Act are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 2017.

SEC. 5. AVAILABILITY OF FUNDS.

Each amount designated in this Act by the Congress as an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985 shall be available (or rescinded, if applicable) only if the President subsequently so designates all such amounts and transmits such designations to the Congress.

SEC. 6. EXPLANATORY STATEMENT.

(a) The explanatory statement regarding this Act, printed in the Senate section of the Congressional Record on or about September 22, 2016, by the Chairman of the Committee on Appropriations of the Senate, shall have the same effect with respect to the allocation of funds and implementation of divisions A through D of this Act as if it were a joint explanatory statement of a committee of conference.

(b) Any reference to the “joint explanatory statement accompanying this Act” contained in division A of this Act shall be considered to be a reference to the explanatory statement described in subsection (a).

DIVISION A—MILITARY CONSTRUCTION, VETERANS AFFAIRS, AND RELATED AGENCIES APPROPRIATIONS ACT, 2017

TITLE I

DEPARTMENT OF DEFENSE

MILITARY CONSTRUCTION, ARMY

For acquisition, construction, installation, and equipment of temporary or permanent public works, military installations, facilities, and real property for the Army as currently authorized by law, including personnel in the Army Corps of Engineers and other personal services necessary for the purposes of this appropriation, and for construction and operation of facilities in support of the functions of the Commander in Chief, \$513,459,000, to remain available until September 30, 2021: *Provided*, That, of this amount, not to exceed \$98,159,000 shall be available for study, planning, design, architect and engineer services, and host nation support, as authorized by law, unless the Secretary of the Army determines that additional obligations are necessary for such purposes and notifies the Committees on Appropriations of both Houses of Congress of the determination and the reasons therefor.

MILITARY CONSTRUCTION, NAVY AND MARINE CORPS

For acquisition, construction, installation, and equipment of temporary or permanent public works, naval installations, facilities, and real property for the Navy and Marine Corps as currently authorized by law, including personnel in the Naval Facilities Engineering Command and other personal services necessary for the purposes of this appropriation, \$1,021,580,000, to remain available until September 30, 2021: *Provided*, That, of

this amount, not to exceed \$88,230,000 shall be available for study, planning, design, and architect and engineer services, as authorized by law, unless the Secretary of the Navy determines that additional obligations are necessary for such purposes and notifies the Committees on Appropriations of both Houses of Congress of the determination and the reasons therefor.

MILITARY CONSTRUCTION, AIR FORCE

For acquisition, construction, installation, and equipment of temporary or permanent public works, military installations, facilities, and real property for the Air Force as currently authorized by law, \$1,491,058,000, to remain available until September 30, 2021: *Provided*, That of this amount, not to exceed \$143,582,000 shall be available for study, planning, design, and architect and engineer services, as authorized by law, unless the Secretary of the Air Force determines that additional obligations are necessary for such purposes and notifies the Committees on Appropriations of both Houses of Congress of the determination and the reasons therefor: *Provided further*, That none of the funds made available under this heading shall be for construction of the Joint Intelligence Analysis Complex Consolidation, Phase 3, at Royal Air Force Croughton, United Kingdom, unless authorized in an Act authorizing appropriations for fiscal year 2017 for military construction.

MILITARY CONSTRUCTION, DEFENSE-WIDE

(INCLUDING TRANSFER OF FUNDS)

For acquisition, construction, installation, and equipment of temporary or permanent public works, installations, facilities, and real property for activities and agencies of the Department of Defense (other than the military departments), as currently authorized by law, \$2,025,444,000, to remain available until September 30, 2021: *Provided*, That such amounts of this appropriation as may be determined by the Secretary of Defense may be transferred to such appropriations of the Department of Defense available for military construction or family housing as the Secretary may designate, to be merged with and to be available for the same purposes, and for the same time period, as the appropriation or fund to which transferred: *Provided further*, That of the amount appropriated, not to exceed \$180,775,000 shall be available for study, planning, design, and architect and engineer services, as authorized by law, unless the Secretary of Defense determines that additional obligations are necessary for such purposes and notifies the Committees on Appropriations of both Houses of Congress of the determination and the reasons therefor.

MILITARY CONSTRUCTION, ARMY NATIONAL

GUARD

For construction, acquisition, expansion, rehabilitation, and conversion of facilities for the training and administration of the Army National Guard, and contributions therefor, as authorized by chapter 1803 of title 10, United States Code, and Military Construction Authorization Acts, \$232,930,000, to remain available until September 30, 2021: *Provided*, That, of the amount appropriated, not to exceed \$8,729,000 shall be available for study, planning, design, and architect and engineer services, as authorized by law, unless the Director of the Army National Guard determines that additional obligations are necessary for such purposes and notifies the Committees on Appropriations of both Houses of Congress of the determination and the reasons therefor.

MILITARY CONSTRUCTION, AIR NATIONAL

GUARD

For construction, acquisition, expansion, rehabilitation, and conversion of facilities

for the training and administration of the Air National Guard, and contributions therefor, as authorized by chapter 1803 of title 10, United States Code, and Military Construction Authorization Acts, \$143,957,000, to remain available until September 30, 2021: *Provided*, That, of the amount appropriated, not to exceed \$10,462,000 shall be available for study, planning, design, and architect and engineer services, as authorized by law, unless the Director of the Air National Guard determines that additional obligations are necessary for such purposes and notifies the Committees on Appropriations of both Houses of Congress of the determination and the reasons therefor.

MILITARY CONSTRUCTION, ARMY RESERVE

For construction, acquisition, expansion, rehabilitation, and conversion of facilities for the training and administration of the Army Reserve as authorized by chapter 1803 of title 10, United States Code, and Military Construction Authorization Acts, \$68,230,000, to remain available until September 30, 2021: *Provided*, That, of the amount appropriated, not to exceed \$7,500,000 shall be available for study, planning, design, and architect and engineer services, as authorized by law, unless the Chief of the Army Reserve determines that additional obligations are necessary for such purposes and notifies the Committees on Appropriations of both Houses of Congress of the determination and the reasons therefor.

MILITARY CONSTRUCTION, NAVY RESERVE

For construction, acquisition, expansion, rehabilitation, and conversion of facilities for the training and administration of the reserve components of the Navy and Marine Corps as authorized by chapter 1803 of title 10, United States Code, and Military Construction Authorization Acts, \$38,597,000, to remain available until September 30, 2021: *Provided*, That, of the amount appropriated, not to exceed \$3,783,000 shall be available for study, planning, design, and architect and engineer services, as authorized by law, unless the Secretary of the Navy determines that additional obligations are necessary for such purposes and notifies the Committees on Appropriations of both Houses of Congress of the determination and the reasons therefor.

MILITARY CONSTRUCTION, AIR FORCE RESERVE

For construction, acquisition, expansion, rehabilitation, and conversion of facilities for the training and administration of the Air Force Reserve as authorized by chapter 1803 of title 10, United States Code, and Military Construction Authorization Acts, \$188,950,000, to remain available until September 30, 2021: *Provided*, That, of the amount appropriated, not to exceed \$4,500,000 shall be available for study, planning, design, and architect and engineer services, as authorized by law, unless the Chief of the Air Force Reserve determines that additional obligations are necessary for such purposes and notifies the Committees on Appropriations of both Houses of Congress of the determination and the reasons therefor.

NORTH ATLANTIC TREATY ORGANIZATION SECURITY INVESTMENT PROGRAM

For the United States share of the cost of the North Atlantic Treaty Organization Security Investment Program for the acquisition and construction of military facilities and installations (including international military headquarters) and for related expenses for the collective defense of the North Atlantic Treaty Area as authorized by section 2806 of title 10, United States Code, and Military Construction Authorization Acts, \$177,932,000, to remain available until expended.

DEPARTMENT OF DEFENSE BASE CLOSURE ACCOUNT

For deposit into the Department of Defense Base Closure Account, established by section 2906(a) of the Defense Base Closure and Realignment Act of 1990 (10 U.S.C. 2687 note), \$240,237,000, to remain available until expended.

FAMILY HOUSING CONSTRUCTION, ARMY

For expenses of family housing for the Army for construction, including acquisition, replacement, addition, expansion, extension, and alteration, as authorized by law, \$157,172,000, to remain available until September 30, 2021.

FAMILY HOUSING OPERATION AND MAINTENANCE, ARMY

For expenses of family housing for the Army for operation and maintenance, including debt payment, leasing, minor construction, principal and interest charges, and insurance premiums, as authorized by law, \$325,995,000.

FAMILY HOUSING CONSTRUCTION, NAVY AND MARINE CORPS

For expenses of family housing for the Navy and Marine Corps for construction, including acquisition, replacement, addition, expansion, extension, and alteration, as authorized by law, \$94,011,000, to remain available until September 30, 2021.

FAMILY HOUSING OPERATION AND MAINTENANCE, NAVY AND MARINE CORPS

For expenses of family housing for the Navy and Marine Corps for operation and maintenance, including debt payment, leasing, minor construction, principal and interest charges, and insurance premiums, as authorized by law, \$300,915,000.

FAMILY HOUSING CONSTRUCTION, AIR FORCE

For expenses of family housing for the Air Force for construction, including acquisition, replacement, addition, expansion, extension, and alteration, as authorized by law, \$61,352,000, to remain available until September 30, 2021.

FAMILY HOUSING OPERATION AND MAINTENANCE, AIR FORCE

For expenses of family housing for the Air Force for operation and maintenance, including debt payment, leasing, minor construction, principal and interest charges, and insurance premiums, as authorized by law, \$274,429,000.

FAMILY HOUSING OPERATION AND MAINTENANCE, DEFENSE-WIDE

For expenses of family housing for the activities and agencies of the Department of Defense (other than the military departments) for operation and maintenance, leasing, and minor construction, as authorized by law, \$59,157,000.

DEPARTMENT OF DEFENSE FAMILY HOUSING IMPROVEMENT FUND

For the Department of Defense Family Housing Improvement Fund, \$3,258,000, to remain available until expended, for family housing initiatives undertaken pursuant to section 2883 of title 10, United States Code, providing alternative means of acquiring and improving military family housing and supporting facilities.

ADMINISTRATIVE PROVISIONS

SEC. 101. None of the funds made available in this title shall be expended for payments under a cost-plus-a-fixed-fee contract for construction, where cost estimates exceed \$25,000, to be performed within the United States, except Alaska, without the specific approval in writing of the Secretary of Defense setting forth the reasons therefor.

SEC. 102. Funds made available in this title for construction shall be available for hire of passenger motor vehicles.

SEC. 103. Funds made available in this title for construction may be used for advances to the Federal Highway Administration, Department of Transportation, for the construction of access roads as authorized by section 210 of title 23, United States Code, when projects authorized therein are certified as important to the national defense by the Secretary of Defense.

SEC. 104. None of the funds made available in this title may be used to begin construction of new bases in the United States for which specific appropriations have not been made.

SEC. 105. None of the funds made available in this title shall be used for purchase of land or land easements in excess of 100 percent of the value as determined by the Army Corps of Engineers or the Naval Facilities Engineering Command, except: (1) where there is a determination of value by a Federal court; (2) purchases negotiated by the Attorney General or the designee of the Attorney General; (3) where the estimated value is less than \$25,000; or (4) as otherwise determined by the Secretary of Defense to be in the public interest.

SEC. 106. None of the funds made available in this title shall be used to: (1) acquire land; (2) provide for site preparation; or (3) install utilities for any family housing, except housing for which funds have been made available in annual Acts making appropriations for military construction.

SEC. 107. None of the funds made available in this title for minor construction may be used to transfer or relocate any activity from one base or installation to another, without prior notification to the Committees on Appropriations of both Houses of Congress.

SEC. 108. None of the funds made available in this title may be used for the procurement of steel for any construction project or activity for which American steel producers, fabricators, and manufacturers have been denied the opportunity to compete for such steel procurement.

SEC. 109. None of the funds available to the Department of Defense for military construction or family housing during the current fiscal year may be used to pay real property taxes in any foreign nation.

SEC. 110. None of the funds made available in this title may be used to initiate a new installation overseas without prior notification to the Committees on Appropriations of both Houses of Congress.

SEC. 111. None of the funds made available in this title may be obligated for architect and engineer contracts estimated by the Government to exceed \$500,000 for projects to be accomplished in Japan, in any North Atlantic Treaty Organization member country, or in countries bordering the Arabian Gulf, unless such contracts are awarded to United States firms or United States firms in joint venture with host nation firms.

SEC. 112. None of the funds made available in this title for military construction in the United States territories and possessions in the Pacific and on Kwajalein Atoll, or in countries bordering the Arabian Gulf, may be used to award any contract estimated by the Government to exceed \$1,000,000 to a foreign contractor: *Provided*, That this section shall not be applicable to contract awards for which the lowest responsive and responsible bid of a United States contractor exceeds the lowest responsive and responsible bid of a foreign contractor by greater than 20 percent: *Provided further*, That this section shall not apply to contract awards for military construction on Kwajalein Atoll for which the lowest responsive and responsible bid is submitted by a Marshallese contractor.

SEC. 113. The Secretary of Defense shall inform the appropriate committees of both

Houses of Congress, including the Committees on Appropriations, of plans and scope of any proposed military exercise involving United States personnel 30 days prior to its occurring, if amounts expended for construction, either temporary or permanent, are anticipated to exceed \$100,000.

SEC. 114. Funds appropriated to the Department of Defense for construction in prior years shall be available for construction authorized for each such military department by the authorizations enacted into law during the current session of Congress.

SEC. 115. For military construction or family housing projects that are being completed with funds otherwise expired or lapsed for obligation, expired or lapsed funds may be used to pay the cost of associated supervision, inspection, overhead, engineering and design on those projects and on subsequent claims, if any.

SEC. 116. Notwithstanding any other provision of law, any funds made available to a military department or defense agency for the construction of military projects may be obligated for a military construction project or contract, or for any portion of such a project or contract, at any time before the end of the fourth fiscal year after the fiscal year for which funds for such project were made available, if the funds obligated for such project: (1) are obligated from funds available for military construction projects; and (2) do not exceed the amount appropriated for such project, plus any amount by which the cost of such project is increased pursuant to law.

(INCLUDING TRANSFER OF FUNDS)

SEC. 117. Subject to 30 days prior notification, or 14 days for a notification provided in an electronic medium pursuant to sections 480 and 2883 of title 10, United States Code, to the Committees on Appropriations of both Houses of Congress, such additional amounts as may be determined by the Secretary of Defense may be transferred to: (1) the Department of Defense Family Housing Improvement Fund from amounts appropriated for construction in "Family Housing" accounts, to be merged with and to be available for the same purposes and for the same period of time as amounts appropriated directly to the Fund; or (2) the Department of Defense Military Unaccompanied Housing Improvement Fund from amounts appropriated for construction of military unaccompanied housing in "Military Construction" accounts, to be merged with and to be available for the same purposes and for the same period of time as amounts appropriated directly to the Fund: *Provided*, That appropriations made available to the Funds shall be available to cover the costs, as defined in section 502(5) of the Congressional Budget Act of 1974, of direct loans or loan guarantees issued by the Department of Defense pursuant to the provisions of subchapter IV of chapter 169 of title 10, United States Code, pertaining to alternative means of acquiring and improving military family housing, military unaccompanied housing, and supporting facilities.

(INCLUDING TRANSFER OF FUNDS)

SEC. 118. In addition to any other transfer authority available to the Department of Defense, amounts may be transferred from the Department of Defense Base Closure Account to the fund established by section 1013(d) of the Demonstration Cities and Metropolitan Development Act of 1966 (42 U.S.C. 3374) to pay for expenses associated with the Homeowners Assistance Program incurred under 42 U.S.C. 3374(a)(1)(A). Any amounts transferred shall be merged with and be available for the same purposes and for the same time period as the fund to which transferred.

SEC. 119. Notwithstanding any other provision of law, funds made available in this title

for operation and maintenance of family housing shall be the exclusive source of funds for repair and maintenance of all family housing units, including general or flag officer quarters: *Provided*, That not more than \$35,000 per unit may be spent annually for the maintenance and repair of any general or flag officer quarters without 30 days prior notification, or 14 days for a notification provided in an electronic medium pursuant to sections 480 and 2883 of title 10, United States Code, to the Committees on Appropriations of both Houses of Congress, except that an after-the-fact notification shall be submitted if the limitation is exceeded solely due to costs associated with environmental remediation that could not be reasonably anticipated at the time of the budget submission: *Provided further*, That the Under Secretary of Defense (Comptroller) is to report annually to the Committees on Appropriations of both Houses of Congress all operation and maintenance expenditures for each individual general or flag officer quarters for the prior fiscal year.

SEC. 120. Amounts contained in the Ford Island Improvement Account established by subsection (h) of section 2814 of title 10, United States Code, are appropriated and shall be available until expended for the purposes specified in subsection (i)(1) of such section or until transferred pursuant to subsection (i)(3) of such section.

(INCLUDING TRANSFER OF FUNDS)

SEC. 121. During the 5-year period after appropriations available in this Act to the Department of Defense for military construction and family housing operation and maintenance and construction have expired for obligation, upon a determination that such appropriations will not be necessary for the liquidation of obligations or for making authorized adjustments to such appropriations for obligations incurred during the period of availability of such appropriations, unobligated balances of such appropriations may be transferred into the appropriation "Foreign Currency Fluctuations, Construction, Defense", to be merged with and to be available for the same time period and for the same purposes as the appropriation to which transferred.

SEC. 122. (a) Except as provided in subsection (b), none of the funds made available in this Act may be used by the Secretary of the Army to relocate a unit in the Army that—

(1) performs a testing mission or function that is not performed by any other unit in the Army and is specifically stipulated in title 10, United States Code; and

(2) is located at a military installation at which the total number of civilian employees of the Department of the Army and Army contractor personnel employed exceeds 10 percent of the total number of members of the regular and reserve components of the Army assigned to the installation.

(b) EXCEPTION.—Subsection (a) shall not apply if the Secretary of the Army certifies to the congressional defense committees that in proposing the relocation of the unit of the Army, the Secretary complied with Army Regulation 5-10 relating to the policy, procedures, and responsibilities for Army stationing actions.

SEC. 123. Amounts appropriated or otherwise made available in an account funded under the headings in this title may be transferred among projects and activities within the account in accordance with the reprogramming guidelines for military construction and family housing construction contained in Department of Defense Financial Management Regulation 7000.14-R, Volume 3, Chapter 7, of March 2011, as in effect on the date of enactment of this Act.

SEC. 124. None of the funds made available in this title may be obligated or expended for planning and design and construction of projects at Arlington National Cemetery.

SEC. 125. For an additional amount for the accounts and in the amounts specified, to remain available until September 30, 2021:

"Military Construction, Army", \$40,500,000;
"Military Construction, Navy and Marine Corps", \$227,099,000;

"Military Construction, Air Force", \$149,500,000;

"Military Construction, Army National Guard", \$67,500,000;

"Military Construction, Air National Guard", \$11,000,000;

"Military Construction, Army Reserve", \$30,000,000;

Provided, That such funds may only be obligated to carry out construction projects identified in the respective military department's unfunded priority list for fiscal year 2017 submitted to Congress by the Secretary of Defense: *Provided further*, That such projects are subject to authorization prior to obligation and expenditure of funds to carry out construction: *Provided further*, That not later than 30 days after enactment of this Act, the Secretary of the military department concerned, or his or her designee, shall submit to the Committees on Appropriations of both Houses of Congress an expenditure plan for funds provided under this section.

SEC. 126. For an additional amount for "Military Construction, Navy and Marine Corps", \$89,400,000, to remain available until September 30, 2021: *Provided*, That, such funds may only be obligated to carry out construction projects identified by the Department of the Navy in its June 8, 2016, unfunded priority list submission to the Committees on Appropriations of both Houses of Congress detailing unfunded reprogramming and emergency construction requirements: *Provided further*, That, not later than 30 days after enactment of this Act, the Secretary of the Navy, or his or her designee, shall submit to the Committees an expenditure plan for funds provided under this section.

(RESCISSIONS OF FUNDS)

SEC. 127. Of the unobligated balances available to the Department of Defense from prior appropriation Acts, the following funds are hereby rescinded from the following accounts in the amounts specified:

"Military Construction, Army", \$29,602,000;

"Military Construction, Air Force", \$51,460,000;

"Military Construction, Defense-Wide", \$171,600,000, of which \$30,000,000 are to be derived from amounts made available for Missile Defense Agency planning and design; and

"North Atlantic Treaty Organization Security Investment Program", \$30,000,000:

Provided, That no amounts may be rescinded from amounts that were designated by the Congress for Overseas Contingency Operations/Global War on Terrorism or as an emergency requirement pursuant to a concurrent resolution on the budget or the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

(RESCISSION OF FUNDS)

SEC. 128. Of the unobligated balances made available in prior appropriation Acts for the fund established in section 1013(d) of the Demonstration Cities and Metropolitan Development Act of 1966 (42 U.S.C. 3374) (other than appropriations designated by law as being for contingency operations directly related to the global war on terrorism or as an emergency requirement), \$25,000,000 are hereby rescinded.

SEC. 129. For the purposes of this Act, the term "congressional defense committees" means the Committees on Armed Services of

the House of Representatives and the Senate, the Subcommittee on Military Construction and Veterans Affairs of the Committee on Appropriations of the Senate, and the Subcommittee on Military Construction and Veterans Affairs of the Committee on Appropriations of the House of Representatives.

SEC. 130. None of the funds made available by this Act may be used to carry out the closure or realignment of the United States Naval Station, Guantánamo Bay, Cuba.

SEC. 131. Notwithstanding any other provision of law, none of the funds appropriated or otherwise made available by this or any other Act may be used to consolidate or relocate any element of a United States Air Force Rapid Engineer Deployable Heavy Operational Repair Squadron Engineer (RED HORSE) outside of the United States until the Secretary of the Air Force (1) completes an analysis and comparison of the cost and infrastructure investment required to consolidate or relocate a RED HORSE squadron outside of the United States versus within the United States; (2) provides to the Committees on Appropriations of both Houses of Congress (“the Committees”) a report detailing the findings of the cost analysis; and (3) certifies in writing to the Committees that the preferred site for the consolidation or relocation yields the greatest savings for the Air Force: *Provided*, That the term “United States” in this section does not include any territory or possession of the United States.

TITLE II

DEPARTMENT OF VETERANS AFFAIRS VETERANS BENEFITS ADMINISTRATION COMPENSATION AND PENSIONS (INCLUDING TRANSFER OF FUNDS)

For the payment of compensation benefits to or on behalf of veterans and a pilot program for disability examinations as authorized by section 107 and chapters 11, 13, 18, 51, 53, 55, and 61 of title 38, United States Code; pension benefits to or on behalf of veterans as authorized by chapters 15, 51, 53, 55, and 61 of title 38, United States Code; and burial benefits, the Reinstated Entitlement Program for Survivors, emergency and other officers’ retirement pay, adjusted-service credits and certificates, payment of premiums due on commercial life insurance policies guaranteed under the provisions of title IV of the Servicemembers Civil Relief Act (50 U.S.C. App. 541 et seq.) and for other benefits as authorized by sections 107, 1312, 1977, and 2106, and chapters 23, 51, 53, 55, and 61 of title 38, United States Code, \$90,119,449,000, to remain available until expended and to become available on October 1, 2017: *Provided*, That not to exceed \$17,224,000 of the amount made available for fiscal year 2018 under this heading shall be reimbursed to “General Operating Expenses, Veterans Benefits Administration”, and “Information Technology Systems” for necessary expenses in implementing the provisions of chapters 51, 53, and 55 of title 38, United States Code, the funding source for which is specifically provided as the “Compensation and Pensions” appropriation: *Provided further*, That such sums as may be earned on an actual qualifying patient basis, shall be reimbursed to “Medical Care Collections Fund” to augment the funding of individual medical facilities for nursing home care provided to pensioners as authorized.

READJUSTMENT BENEFITS

For the payment of readjustment and rehabilitation benefits to or on behalf of veterans as authorized by chapters 21, 30, 31, 33, 34, 35, 36, 39, 41, 51, 53, 55, and 61 of title 38, United States Code, \$13,708,648,000, to remain available until expended and to become available on October 1, 2017: *Provided*, That expenses for rehabilitation program services and as-

sistance which the Secretary is authorized to provide under subsection (a) of section 3104 of title 38, United States Code, other than under paragraphs (1), (2), (5), and (11) of that subsection, shall be charged to this account.

VETERANS INSURANCE AND INDEMNITIES

For military and naval insurance, national service life insurance, servicemen’s indemnities, service-disabled veterans insurance, and veterans mortgage life insurance as authorized by chapters 19 and 21, title 38, United States Code, \$124,504,000, to remain available until expended, of which \$107,899,000 shall become available on October 1, 2017.

VETERANS HOUSING BENEFIT PROGRAM FUND

For the cost of direct and guaranteed loans, such sums as may be necessary to carry out the program, as authorized by subchapters I through III of chapter 37 of title 38, United States Code: *Provided*, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: *Provided further*, That, during fiscal year 2017, within the resources available, not to exceed \$500,000 in gross obligations for direct loans are authorized for specially adapted housing loans.

In addition, for administrative expenses to carry out the direct and guaranteed loan programs, \$198,856,000.

VOCATIONAL REHABILITATION LOANS PROGRAM ACCOUNT

For the cost of direct loans, \$36,000, as authorized by chapter 31 of title 38, United States Code: *Provided*, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: *Provided further*, That funds made available under this heading are available to subsidize gross obligations for the principal amount of direct loans not to exceed \$2,517,000.

In addition, for administrative expenses necessary to carry out the direct loan program, \$389,000, which may be paid to the appropriation for “General Operating Expenses, Veterans Benefits Administration”.

NATIVE AMERICAN VETERAN HOUSING LOAN PROGRAM ACCOUNT

For administrative expenses to carry out the direct loan program authorized by subchapter V of chapter 37 of title 38, United States Code, \$1,163,000.

GENERAL OPERATING EXPENSES, VETERANS BENEFITS ADMINISTRATION

For necessary operating expenses of the Veterans Benefits Administration, not otherwise provided for, including hire of passenger motor vehicles, reimbursement of the General Services Administration for security guard services, and reimbursement of the Department of Defense for the cost of overseas employee mail, \$2,856,160,000: *Provided*, That expenses for services and assistance authorized under paragraphs (1), (2), (5), and (11) of section 3104(a) of title 38, United States Code, that the Secretary of Veterans Affairs determines are necessary to enable entitled veterans: (1) to the maximum extent feasible, to become employable and to obtain and maintain suitable employment; or (2) to achieve maximum independence in daily living, shall be charged to this account: *Provided further*, That, of the funds made available under this heading, not to exceed 5 percent shall remain available until September 30, 2018.

VETERANS HEALTH ADMINISTRATION MEDICAL SERVICES

For necessary expenses for furnishing, as authorized by law, inpatient and outpatient care and treatment to beneficiaries of the

Department of Veterans Affairs and veterans described in section 1705(a) of title 38, United States Code, including care and treatment in facilities not under the jurisdiction of the Department, and including medical supplies and equipment, bioengineering services, food services, and salaries and expenses of healthcare employees hired under title 38, United States Code, aid to State homes as authorized by section 1741 of title 38, United States Code, assistance and support services for caregivers as authorized by section 1720G of title 38, United States Code, loan repayments authorized by section 604 of the Caregivers and Veterans Omnibus Health Services Act of 2010 (Public Law 111-163; 124 Stat. 1174; 38 U.S.C. 7681 note), and hospital care and medical services authorized by section 1787 of title 38, United States Code; \$1,078,993,000, which shall be in addition to funds previously appropriated under this heading that become available on October 1, 2016; and, in addition, \$44,886,554,000, plus reimbursements, shall become available on October 1, 2017, and shall remain available until September 30, 2018: *Provided*, That, of the amount made available on October 1, 2017, under this heading, \$1,400,000,000 shall remain available until September 30, 2019: *Provided further*, That, notwithstanding any other provision of law, the Secretary of Veterans Affairs shall establish a priority for the provision of medical treatment for veterans who have service-connected disabilities, lower income, or have special needs: *Provided further*, That, notwithstanding any other provision of law, the Secretary of Veterans Affairs shall give priority funding for the provision of basic medical benefits to veterans in enrollment priority groups 1 through 6: *Provided further*, That, notwithstanding any other provision of law, the Secretary of Veterans Affairs may authorize the dispensing of prescription drugs from Veterans Health Administration facilities to enrolled veterans with privately written prescriptions based on requirements established by the Secretary: *Provided further*, That the implementation of the program described in the previous proviso shall incur no additional cost to the Department of Veterans Affairs: *Provided further*, That the Secretary of Veterans Affairs shall ensure that sufficient amounts appropriated under this heading for medical supplies and equipment are available for the acquisition of prosthetics designed specifically for female veterans: *Provided further*, That the Secretary of Veterans Affairs shall provide access to therapeutic listening devices to veterans struggling with mental health related problems, substance abuse, or traumatic brain injury.

MEDICAL COMMUNITY CARE

For necessary expenses for furnishing health care to individuals pursuant to chapter 17 of title 38, United States Code, at non-Department facilities, \$7,246,181,000, plus reimbursements, of which \$2,000,000,000 shall remain available until September 30, 2020; and, in addition, \$9,409,118,000 shall become available on October 1, 2017, and shall remain available until September 30, 2018: *Provided*, That of the amount made available on October 1, 2017, \$1,500,000,000 shall remain available until September 30, 2021.

MEDICAL SUPPORT AND COMPLIANCE

For necessary expenses in the administration of the medical, hospital, nursing home, domiciliary, construction, supply, and research activities, as authorized by law; administrative expenses in support of capital policy activities; and administrative and legal expenses of the Department for collecting and recovering amounts owed the Department as authorized under chapter 17 of title 38, United States Code, and the Federal Medical Care Recovery Act (42 U.S.C. 2651 et

seq.), \$6,654,480,000, plus reimbursements, shall become available on October 1, 2017, and shall remain available until September 30, 2018: *Provided*, That, of the amount made available on October 1, 2017, under this heading, \$100,000,000 shall remain available until September 30, 2019.

MEDICAL FACILITIES

For necessary expenses for the maintenance and operation of hospitals, nursing homes, domiciliary facilities, and other necessary facilities of the Veterans Health Administration; for administrative expenses in support of planning, design, project management, real property acquisition and disposition, construction, and renovation of any facility under the jurisdiction or for the use of the Department; for oversight, engineering, and architectural activities not charged to project costs; for repairing, altering, improving, or providing facilities in the several hospitals and homes under the jurisdiction of the Department, not otherwise provided for, either by contract or by the hire of temporary employees and purchase of materials; for leases of facilities; and for laundry services; \$247,668,000, which shall be in addition to funds previously appropriated under this heading that become available on October 1, 2016; and, in addition, \$5,434,880,000, plus reimbursements, shall become available on October 1, 2017, and shall remain available until September 30, 2018: *Provided*, That, of the amount made available on October 1, 2017, under this heading, \$250,000,000 shall remain available until September 30, 2019.

MEDICAL AND PROSTHETIC RESEARCH

For necessary expenses in carrying out programs of medical and prosthetic research and development as authorized by chapter 73 of title 38, United States Code, \$675,366,000, plus reimbursements, shall remain available until September 30, 2018: *Provided*, That the Secretary of Veterans Affairs shall ensure that sufficient amounts appropriated under this heading are available for prosthetic research specifically for female veterans, and for toxic exposure research.

NATIONAL CEMETERY ADMINISTRATION

For necessary expenses of the National Cemetery Administration for operations and maintenance, not otherwise provided for, including uniforms or allowances therefor; cemeterial expenses as authorized by law; purchase of one passenger motor vehicle for use in cemeterial operations; hire of passenger motor vehicles; and repair, alteration or improvement of facilities under the jurisdiction of the National Cemetery Administration, \$286,193,000, of which not to exceed 10 percent shall remain available until September 30, 2018.

DEPARTMENTAL ADMINISTRATION

GENERAL ADMINISTRATION (INCLUDING TRANSFER OF FUNDS)

For necessary operating expenses of the Department of Veterans Affairs, not otherwise provided for, including administrative expenses in support of Department-wide capital planning, management and policy activities, uniforms, or allowances therefor; not to exceed \$25,000 for official reception and representation expenses; hire of passenger motor vehicles; and reimbursement of the General Services Administration for security guard services, \$345,391,000, of which not to exceed 5 percent shall remain available until September 30, 2018: *Provided*, That funds provided under this heading may be transferred to "General Operating Expenses, Veterans Benefits Administration".

BOARD OF VETERANS APPEALS

For necessary operating expenses of the Board of Veterans Appeals, \$156,096,000, of which not to exceed 10 percent shall remain available until September 30, 2018.

INFORMATION TECHNOLOGY SYSTEMS (INCLUDING TRANSFER OF FUNDS)

For necessary expenses for information technology systems and telecommunications support, including developmental information systems and operational information systems; for pay and associated costs; and for the capital asset acquisition of information technology systems, including management and related contractual costs of said acquisitions, including contractual costs associated with operations authorized by section 3109 of title 5, United States Code, \$4,278,259,000, plus reimbursements: *Provided*, That \$1,272,548,000 shall be for pay and associated costs, of which not to exceed \$37,100,000 shall remain available until September 30, 2018: *Provided further*, That \$2,534,442,000 shall be for operations and maintenance, of which not to exceed \$180,200,000 shall remain available until September 30, 2018: *Provided further*, That \$471,269,000 shall be for information technology systems development, modernization, and enhancement, and shall remain available until September 30, 2018: *Provided further*, That amounts made available for information technology systems development, modernization, and enhancement may not be obligated or expended until the Secretary of Veterans Affairs or the Chief Information Officer of the Department of Veterans Affairs submits to the Committees on Appropriations of both Houses of Congress a certification of the amounts, in parts or in full, to be obligated and expended for each development project: *Provided further*, That amounts made available for salaries and expenses, operations and maintenance, and information technology systems development, modernization, and enhancement may be transferred among the three subaccounts after the Secretary of Veterans Affairs requests from the Committees on Appropriations of both Houses of Congress the authority to make the transfer and an approval is issued: *Provided further*, That amounts made available for the "Information Technology Systems" account for development, modernization, and enhancement may be transferred among projects or to newly defined projects: *Provided further*, That no project may be increased or decreased by more than \$1,000,000 of cost prior to submitting a request to the Committees on Appropriations of both Houses of Congress to make the transfer and an approval is issued, or absent a response, a period of 30 days has elapsed: *Provided further*, That funds under this heading may be used by the Interagency Program Office through the Department of Veterans Affairs to define data standards, code sets, and value sets used to enable interoperability: *Provided further*, That of the funds made available for information technology systems development, modernization, and enhancement for VistA Evolution or any successor program, not more than 25 percent may be obligated or expended until the Secretary of Veterans Affairs:

(1) submits to the Committees on Appropriations of both Houses of Congress the VistA Evolution Business Case and supporting documents regarding continuation of VistA Evolution or alternatives to VistA Evolution, including an analysis of necessary or desired capabilities, technical and security requirements, the plan for modernizing the platform framework, and all associated costs;

(2) submits to the Committees on Appropriations of both Houses of Congress, and such Committees approve, the following: a report that describes a strategic plan for VistA Evolution, or any successor program, and the associated implementation plan including metrics and timelines; a master schedule and lifecycle cost estimate for

VistA Evolution or any successor; and an implementation plan for the transition from the Project Management Accountability System to a new project delivery framework, the Veteran-focused Integration Process, that includes the methodology by which projects will be tracked, progress measured, and deliverables evaluated;

(3) submits to the Committees on Appropriations of both Houses of Congress a report outlining the strategic plan to reach interoperability with private sector healthcare providers, the timeline for reaching "meaningful use" as defined by the Office of National Coordinator for Health Information Technology for each data domain covered under the VistA Evolution program, and the extent to which the Department of Veterans Affairs leverages the State Health Information Exchanges to share health data with private sector providers;

(4) submits to the Committees on Appropriations of both Houses of Congress, and such Committees approve, the following: a report that describes the extent to which VistA Evolution, or any successor program, maximizes the use of commercially available software used by DoD and the private sector, requires an open architecture that leverages best practices and rapidly adapts to technologies produced by the private sector, enhances full interoperability between the VA and DoD and between VA and the private sector, and ensures the security of personally identifiable information of veterans and beneficiaries; and

(5) certifies in writing to the Committees on Appropriations of both Houses of Congress that the Department of Veterans Affairs has met the requirements contained in the National Defense Authorization Act of Fiscal Year 2014 (Public Law 113-66) which require that electronic health record systems of the Department of Defense and the Department of Veterans Affairs have reached interoperability, comply with national standards and architectural requirements identified by the DoD/VA Interagency Program Office in collaboration with the Office of National Coordinator for Health Information Technology:

Provided further, That the funds made available under this heading for information technology systems development, modernization, and enhancement, shall be for the projects, and in the amounts, specified under this heading in the joint explanatory statement accompanying this Act.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General, to include information technology, in carrying out the provisions of the Inspector General Act of 1978 (5 U.S.C. App.), \$160,106,000, of which not to exceed 10 percent shall remain available until September 30, 2018.

CONSTRUCTION, MAJOR PROJECTS

For constructing, altering, extending, and improving any of the facilities, including parking projects, under the jurisdiction or for the use of the Department of Veterans Affairs, or for any of the purposes set forth in sections 316, 2404, 2406 and chapter 81 of title 38, United States Code, not otherwise provided for, including planning, architectural and engineering services, construction management services, maintenance or guarantee period services costs associated with equipment guarantees provided under the project, services of claims analysts, offsite utility and storm drainage system construction costs, and site acquisition, where the estimated cost of a project is more than the amount set forth in section 8104(a)(3)(A) of title 38, United States Code, or where funds for a project were made available in a previous major project appropriation,

\$528,110,000, of which \$478,110,000 shall remain available until September 30, 2021, and of which \$50,000,000 shall remain available until expended: *Provided*, That except for advance planning activities, including needs assessments which may or may not lead to capital investments, and other capital asset management related activities, including portfolio development and management activities, and investment strategy studies funded through the advance planning fund and the planning and design activities funded through the design fund, including needs assessments which may or may not lead to capital investments, and salaries and associated costs of the resident engineers who oversee those capital investments funded through this account and contracting officers who manage specific major construction projects, and funds provided for the purchase, security, and maintenance of land for the National Cemetery Administration through the land acquisition line item, none of the funds made available under this heading shall be used for any project that has not been notified to Congress through the budgetary process or that has not been approved by the Congress through statute, joint resolution, or in the explanatory statement accompanying such Act and presented to the President at the time of enrollment: *Provided further*, That funds made available under this heading for fiscal year 2017, for each approved project shall be obligated: (1) by the awarding of a construction documents contract by September 30, 2017; and (2) by the awarding of a construction contract by September 30, 2018: *Provided further*, That the Secretary of Veterans Affairs shall promptly submit to the Committees on Appropriations of both Houses of Congress a written report on any approved major construction project for which obligations are not incurred within the time limitations established above: *Provided further*, That, of the amount made available under this heading, \$222,620,000 for Veterans Health Administration major construction projects shall not be available until the Department of Veterans Affairs—

(1) enters into an agreement with an appropriate non-Department of Veterans Affairs Federal entity to serve as the design and/or construction agent for any Veterans Health Administration major construction project with a Total Estimated Cost of \$100,000,000 or above by providing full project management services, including management of the project design, acquisition, construction, and contract changes, consistent with section 502 of Public Law 114-58; and

(2) certifies in writing that such an agreement is executed and intended to minimize or prevent subsequent major construction project cost overruns and provides a copy of the agreement entered into and any required supplementary information to the Committees on Appropriations of both Houses of Congress.

CONSTRUCTION, MINOR PROJECTS

For constructing, altering, extending, and improving any of the facilities, including parking projects, under the jurisdiction or for the use of the Department of Veterans Affairs, including planning and assessments of needs which may lead to capital investments, architectural and engineering services, maintenance or guarantee period services costs associated with equipment guarantees provided under the project, services of claims analysts, offsite utility and storm drainage system construction costs, and site acquisition, or for any of the purposes set forth in sections 316, 2404, 2406 and chapter 81 of title 38, United States Code, not otherwise provided for, where the estimated cost of a project is equal to or less than the amount set forth in section 8104(a)(3)(A) of title 38,

United States Code, \$372,069,000, to remain available until September 30, 2021, along with unobligated balances of previous "Construction, Minor Projects" appropriations which are hereby made available for any project where the estimated cost is equal to or less than the amount set forth in such section: *Provided*, That funds made available under this heading shall be for: (1) repairs to any of the nonmedical facilities under the jurisdiction or for the use of the Department which are necessary because of loss or damage caused by any natural disaster or catastrophe; and (2) temporary measures necessary to prevent or to minimize further loss by such causes.

GRANTS FOR CONSTRUCTION OF STATE EXTENDED CARE FACILITIES

For grants to assist States to acquire or construct State nursing home and domiciliary facilities and to remodel, modify, or alter existing hospital, nursing home, and domiciliary facilities in State homes, for furnishing care to veterans as authorized by sections 8131 through 8137 of title 38, United States Code, \$90,000,000, to remain available until expended.

GRANTS FOR CONSTRUCTION OF VETERANS CEMETERIES

For grants to assist States and tribal organizations in establishing, expanding, or improving veterans cemeteries as authorized by section 2408 of title 38, United States Code, \$45,000,000, to remain available until expended.

ADMINISTRATIVE PROVISIONS (INCLUDING TRANSFER OF FUNDS)

SEC. 201. Any appropriation for fiscal year 2017 for "Compensation and Pensions", "Readjustment Benefits", and "Veterans Insurance and Indemnities" may be transferred as necessary to any other of the mentioned appropriations: *Provided*, That, before a transfer may take place, the Secretary of Veterans Affairs shall request from the Committees on Appropriations of both Houses of Congress the authority to make the transfer and such Committees issue an approval, or absent a response, a period of 30 days has elapsed.

(INCLUDING TRANSFER OF FUNDS)

SEC. 202. Amounts made available for the Department of Veterans Affairs for fiscal year 2017, in this or any other Act, under the "Medical Services", "Medical Community Care", "Medical Support and Compliance", and "Medical Facilities" accounts may be transferred among the accounts: *Provided*, That any transfers among the "Medical Services", "Medical Community Care", and "Medical Support and Compliance" accounts of 1 percent or less of the total amount appropriated to the account in this or any other Act may take place subject to notification from the Secretary of Veterans Affairs to the Committees on Appropriations of both Houses of Congress of the amount and purpose of the transfer: *Provided further*, That any transfers among the "Medical Services", "Medical Community Care", and "Medical Support and Compliance" accounts in excess of 1 percent, or exceeding the cumulative 1 percent for the fiscal year, may take place only after the Secretary requests from the Committees on Appropriations of both Houses of Congress the authority to make the transfer and an approval is issued: *Provided further*, That any transfers to or from the "Medical Facilities" account may take place only after the Secretary requests from the Committees on Appropriations of both Houses of Congress the authority to make the transfer and an approval is issued.

SEC. 203. Appropriations available in this title for salaries and expenses shall be avail-

able for services authorized by section 3109 of title 5, United States Code; hire of passenger motor vehicles; lease of a facility or land or both; and uniforms or allowances therefore, as authorized by sections 5901 through 5902 of title 5, United States Code.

SEC. 204. No appropriations in this title (except the appropriations for "Construction, Major Projects", and "Construction, Minor Projects") shall be available for the purchase of any site for or toward the construction of any new hospital or home.

SEC. 205. No appropriations in this title shall be available for hospitalization or examination of any persons (except beneficiaries entitled to such hospitalization or examination under the laws providing such benefits to veterans, and persons receiving such treatment under sections 7901 through 7904 of title 5, United States Code, or the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.)), unless reimbursement of the cost of such hospitalization or examination is made to the "Medical Services" account at such rates as may be fixed by the Secretary of Veterans Affairs.

SEC. 206. Appropriations available in this title for "Compensation and Pensions", "Readjustment Benefits", and "Veterans Insurance and Indemnities" shall be available for payment of prior year accrued obligations required to be recorded by law against the corresponding prior year accounts within the last quarter of fiscal year 2016.

SEC. 207. Appropriations available in this title shall be available to pay prior year obligations of corresponding prior year appropriations accounts resulting from sections 3328(a), 3334, and 3712(a) of title 31, United States Code, except that if such obligations are from trust fund accounts they shall be payable only from "Compensation and Pensions".

(INCLUDING TRANSFER OF FUNDS)

SEC. 208. Notwithstanding any other provision of law, during fiscal year 2017, the Secretary of Veterans Affairs shall, from the National Service Life Insurance Fund under section 1920 of title 38, United States Code, the Veterans' Special Life Insurance Fund under section 1923 of title 38, United States Code, and the United States Government Life Insurance Fund under section 1955 of title 38, United States Code, reimburse the "General Operating Expenses, Veterans Benefits Administration" and "Information Technology Systems" accounts for the cost of administration of the insurance programs financed through those accounts: *Provided*, That reimbursement shall be made only from the surplus earnings accumulated in such an insurance program during fiscal year 2017 that are available for dividends in that program after claims have been paid and actuarially determined reserves have been set aside: *Provided further*, That if the cost of administration of such an insurance program exceeds the amount of surplus earnings accumulated in that program, reimbursement shall be made only to the extent of such surplus earnings: *Provided further*, That the Secretary shall determine the cost of administration for fiscal year 2017 which is properly allocable to the provision of each such insurance program and to the provision of any total disability income insurance included in that insurance program.

SEC. 209. Amounts deducted from enhanced-use lease proceeds to reimburse an account for expenses incurred by that account during a prior fiscal year for providing enhanced-use lease services, may be obligated during the fiscal year in which the proceeds are received.

(INCLUDING TRANSFER OF FUNDS)

SEC. 210. Funds available in this title or funds for salaries and other administrative

expenses shall also be available to reimburse the Office of Resolution Management of the Department of Veterans Affairs and the Office of Employment Discrimination Complaint Adjudication under section 319 of title 38, United States Code, for all services provided at rates which will recover actual costs but not to exceed \$47,668,000 for the Office of Resolution Management and \$3,932,000 for the Office of Employment Discrimination Complaint Adjudication: *Provided*, That payments may be made in advance for services to be furnished based on estimated costs: *Provided further*, That amounts received shall be credited to the “General Administration” and “Information Technology Systems” accounts for use by the office that provided the service.

SEC. 211. No funds of the Department of Veterans Affairs shall be available for hospital care, nursing home care, or medical services provided to any person under chapter 17 of title 38, United States Code, for a non-service-connected disability described in section 1729(a)(2) of such title, unless that person has disclosed to the Secretary of Veterans Affairs, in such form as the Secretary may require, current, accurate third-party reimbursement information for purposes of section 1729 of such title: *Provided*, That the Secretary may recover, in the same manner as any other debt due the United States, the reasonable charges for such care or services from any person who does not make such disclosure as required: *Provided further*, That any amounts so recovered for care or services provided in a prior fiscal year may be obligated by the Secretary during the fiscal year in which amounts are received.

(INCLUDING TRANSFER OF FUNDS)

SEC. 212. Notwithstanding any other provision of law, proceeds or revenues derived from enhanced-use leasing activities (including disposal) may be deposited into the “Construction, Major Projects” and “Construction, Minor Projects” accounts and be used for construction (including site acquisition and disposition), alterations, and improvements of any medical facility under the jurisdiction or for the use of the Department of Veterans Affairs. Such sums as realized are in addition to the amount provided for in “Construction, Major Projects” and “Construction, Minor Projects”.

SEC. 213. Amounts made available under “Medical Services” are available—

(1) for furnishing recreational facilities, supplies, and equipment; and

(2) for funeral expenses, burial expenses, and other expenses incidental to funerals and burials for beneficiaries receiving care in the Department.

(INCLUDING TRANSFER OF FUNDS)

SEC. 214. Such sums as may be deposited to the Medical Care Collections Fund pursuant to section 1729A of title 38, United States Code, may be transferred to the “Medical Services” and “Medical Community Care” accounts to remain available until expended for the purposes of these accounts.

SEC. 215. The Secretary of Veterans Affairs may enter into agreements with Federally Qualified Health Centers in the State of Alaska and Indian tribes and tribal organizations which are party to the Alaska Native Health Compact with the Indian Health Service, to provide healthcare, including behavioral health and dental care, to veterans in rural Alaska. The Secretary shall require participating veterans and facilities to comply with all appropriate rules and regulations, as established by the Secretary. The term “rural Alaska” shall mean those lands which are not within the boundaries of the municipality of Anchorage or the Fairbanks North Star Borough.

(INCLUDING TRANSFER OF FUNDS)

SEC. 216. Such sums as may be deposited to the Department of Veterans Affairs Capital Asset Fund pursuant to section 8118 of title 38, United States Code, may be transferred to the “Construction, Major Projects” and “Construction, Minor Projects” accounts, to remain available until expended for the purposes of these accounts.

(RESCISSION OF FUNDS)

SEC. 217. Of the amounts appropriated in title II of division J of Public Law 114-113 under the heading “Medical Services” which become available on October 1, 2016, \$7,246,181,000 are hereby rescinded.

SEC. 218. Not later than 30 days after the end of each fiscal quarter, the Secretary of Veterans Affairs shall submit to the Committees on Appropriations of both Houses of Congress a report on the financial status of the Department of Veterans Affairs for the preceding quarter: *Provided*, That, at a minimum, the report shall include the direction contained in the paragraph entitled “Quarterly reporting”, under the heading “General Administration” in the joint explanatory statement accompanying this Act.

(INCLUDING TRANSFER OF FUNDS)

SEC. 219. Amounts made available under the “Medical Services”, “Medical Community Care”, “Medical Support and Compliance”, “Medical Facilities”, “General Operating Expenses, Veterans Benefits Administration”, “General Administration”, and “National Cemetery Administration” accounts for fiscal year 2017 may be transferred to or from the “Information Technology Systems” account: *Provided*, That such transfers may not result in a more than 10 percent aggregate increase in the total amount made available by this Act for the “Information Technology Systems” account: *Provided further*, That, before a transfer may take place, the Secretary of Veterans Affairs shall request from the Committees on Appropriations of both Houses of Congress the authority to make the transfer and an approval is issued.

SEC. 220. None of the funds appropriated or otherwise made available by this Act or any other Act for the Department of Veterans Affairs may be used in a manner that is inconsistent with: (1) section 842 of the Transportation, Treasury, Housing and Urban Development, the Judiciary, the District of Columbia, and Independent Agencies Appropriations Act, 2006 (Public Law 109-115; 119 Stat. 2506); or (2) section 8110(a)(5) of title 38, United States Code.

(INCLUDING TRANSFER OF FUNDS)

SEC. 221. Of the amounts appropriated to the Department of Veterans Affairs for fiscal year 2017 for “Medical Services”, “Medical Community Care”, “Medical Support and Compliance”, “Medical Facilities”, “Construction, Minor Projects”, and “Information Technology Systems”, up to \$274,731,000, plus reimbursements, may be transferred to the Joint Department of Defense-Department of Veterans Affairs Medical Facility Demonstration Fund, established by section 1704 of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111-84; 123 Stat. 3571) and may be used for operation of the facilities designated as combined Federal medical facilities as described by section 706 of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110-417; 122 Stat. 4500): *Provided*, That additional funds may be transferred from accounts designated in this section to the Joint Department of Defense-Department of Veterans Affairs Medical Facility Demonstration Fund upon written notification by the Secretary of Veterans Affairs to the Committees on Appropriations of both

Houses of Congress: *Provided further*, That section 223 of title II of division J of Public Law 114-113 is repealed.

(INCLUDING TRANSFER OF FUNDS)

SEC. 222. Of the amounts appropriated to the Department of Veterans Affairs which become available on October 1, 2017, for “Medical Services”, “Medical Community Care”, “Medical Support and Compliance”, and “Medical Facilities”, up to \$280,802,000, plus reimbursements, may be transferred to the Joint Department of Defense-Department of Veterans Affairs Medical Facility Demonstration Fund, established by section 1704 of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111-84; 123 Stat. 3571) and may be used for operation of the facilities designated as combined Federal medical facilities as described by section 706 of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110-417; 122 Stat. 4500): *Provided*, That additional funds may be transferred from accounts designated in this section to the Joint Department of Defense-Department of Veterans Affairs Medical Facility Demonstration Fund upon written notification by the Secretary of Veterans Affairs to the Committees on Appropriations of both Houses of Congress.

(INCLUDING TRANSFER OF FUNDS)

SEC. 223. Such sums as may be deposited to the Medical Care Collections Fund pursuant to section 1729A of title 38, United States Code, for healthcare provided at facilities designated as combined Federal medical facilities as described by section 706 of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110-417; 122 Stat. 4500) shall also be available: (1) for transfer to the Joint Department of Defense-Department of Veterans Affairs Medical Facility Demonstration Fund, established by section 1704 of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111-84; 123 Stat. 3571); and (2) for operations of the facilities designated as combined Federal medical facilities as described by section 706 of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110-417; 122 Stat. 4500).

(INCLUDING TRANSFER OF FUNDS)

SEC. 224. Of the amounts available in this title for “Medical Services”, “Medical Community Care”, “Medical Support and Compliance”, and “Medical Facilities”, a minimum of \$15,000,000 shall be transferred to the DOD-VA Health Care Sharing Incentive Fund, as authorized by section 8111(d) of title 38, United States Code, to remain available until expended, for any purpose authorized by section 8111 of title 38, United States Code.

SEC. 225. None of the funds available to the Department of Veterans Affairs, in this or any other Act, may be used to replace the current system by which the Veterans Integrated Service Networks select and contract for diabetes monitoring supplies and equipment.

SEC. 226. The Secretary of Veterans Affairs shall notify the Committees on Appropriations of both Houses of Congress of all bid savings in a major construction project that total at least \$5,000,000, or 5 percent of the programmed amount of the project, whichever is less: *Provided*, That such notification shall occur within 14 days of a contract identifying the programmed amount: *Provided further*, That the Secretary shall notify the Committees on Appropriations of both Houses of Congress 14 days prior to the obligation of such bid savings and shall describe the anticipated use of such savings.

SEC. 227. None of the funds made available for “Construction, Major Projects” may be

used for a project in excess of the scope specified for that project in the original justification data provided to the Congress as part of the request for appropriations unless the Secretary of Veterans Affairs receives approval from the Committees on Appropriations of both Houses of Congress.

SEC. 228. Not later than 30 days after the end of each fiscal quarter, the Secretary of Veterans Affairs shall submit to the Committees on Appropriations of both Houses of Congress a quarterly report containing performance measures and data from each Veterans Benefits Administration Regional Office: *Provided*, That, at a minimum, the report shall include the direction contained in the section entitled “Disability claims backlog”, under the heading “General Operating Expenses, Veterans Benefits Administration” in the joint explanatory statement accompanying this Act.

SEC. 229. Of the funds provided to the Department of Veterans Affairs for fiscal year 2017 for “Medical Support and Compliance” a maximum of \$40,000,000 may be obligated from the “Medical Support and Compliance” account for the VistA Evolution and electronic health record interoperability projects: *Provided*, That funds in addition to these amounts may be obligated for the VistA Evolution and electronic health record interoperability projects upon written notification by the Secretary of Veterans Affairs to the Committees on Appropriations of both Houses of Congress.

SEC. 230. The Secretary of Veterans Affairs shall provide written notification to the Committees on Appropriations of both Houses of Congress 15 days prior to organizational changes which result in the transfer of 25 or more full-time equivalents from one organizational unit of the Department of Veterans Affairs to another.

SEC. 231. The Secretary of Veterans Affairs shall provide on a quarterly basis to the Committees on Appropriations of both Houses of Congress notification of any single national outreach and awareness marketing campaign in which obligations exceed \$2,000,000.

(INCLUDING TRANSFER OF FUNDS)

SEC. 232. The Secretary of Veterans Affairs, upon determination that such action is necessary to address needs of the Veterans Health Administration, may transfer to the “Medical Services” account any discretionary appropriations made available for fiscal year 2017 in this title (except appropriations made to the “General Operating Expenses, Veterans Benefits Administration” account) or any discretionary unobligated balances within the Department of Veterans Affairs, including those appropriated for fiscal year 2017, that were provided in advance by appropriations Acts: *Provided*, That transfers shall be made only with the approval of the Office of Management and Budget: *Provided further*, That the transfer authority provided in this section is in addition to any other transfer authority provided by law: *Provided further*, That no amounts may be transferred from amounts that were designated by Congress as an emergency requirement pursuant to a concurrent resolution on the budget or the Balanced Budget and Emergency Deficit Control Act of 1985: *Provided further*, That such authority to transfer may not be used unless for higher priority items, based on emergent healthcare requirements, than those for which originally appropriated and in no case where the item for which funds are requested has been denied by Congress: *Provided further*, That, upon determination that all or part of the funds transferred from an appropriation are not necessary, such amounts may be transferred back to that appropria-

tion and shall be available for the same purposes as originally appropriated: *Provided further*, That before a transfer may take place, the Secretary of Veterans Affairs shall request from the Committees on Appropriations of both Houses of Congress the authority to make the transfer and receive approval of that request.

(INCLUDING TRANSFER OF FUNDS)

SEC. 233. Amounts made available for the Department of Veterans Affairs for fiscal year 2017, under the “Board of Veterans Appeals” and the “General Operating Expenses, Veterans Benefits Administration” accounts may be transferred between such accounts: *Provided*, That before a transfer may take place, the Secretary of Veterans Affairs shall request from the Committees on Appropriations of both Houses of Congress the authority to make the transfer and receive approval of that request.

SEC. 234. The Secretary of Veterans Affairs may not reprogram funds among major construction projects or programs if such instance of reprogramming will exceed \$5,000,000, unless such reprogramming is approved by the Committees on Appropriations of both Houses of Congress.

(RESCISSION OF FUNDS)

SEC. 235. Of the unobligated balances available within the “DOD–VA Health Care Sharing Incentive Fund”, \$40,000,000 are hereby rescinded.

(RESCISSIONS OF FUNDS)

SEC. 236. Of the discretionary funds made available in Public Law 114–113 for the Department of Veterans Affairs for fiscal year 2017, \$134,000,000 are rescinded from “Medical Services”, \$26,000,000 are rescinded from “Medical Support and Compliance”, and \$9,000,000 are rescinded from “Medical Facilities”.

SEC. 237. The amounts otherwise made available by this Act for the following accounts of the Department of Veterans Affairs are hereby reduced by the following amounts:

- (1) “Veterans Health Administration—Medical and Prosthetic Research”, \$2,000,000.
- (2) “Departmental Administration—Board of Veterans Appeals”, \$500,000.
- (3) “Veterans Benefits Administration—General Operating Expenses, Veterans Benefits Administration”, \$12,000,000.
- (4) “Departmental Administration—Information Technology Systems”, \$8,000,000.
- (5) “Departmental Administration—Office of Inspector General”, \$500,000.

SEC. 238. The Secretary of Veterans Affairs shall ensure that the toll-free suicide hotline under section 1720F(h) of title 38, United States Code—

- (1) provides to individuals who contact the hotline immediate assistance from a trained professional; and
- (2) adheres to all requirements of the American Association of Suicidology.

SEC. 239. (a) The Secretary of Veterans Affairs shall treat a marriage and family therapist described in subsection (b) as qualified to serve as a marriage and family therapist in the Department of Veterans Affairs, regardless of any requirements established by the Commission on Accreditation for Marriage and Family Therapy Education.

(b) A marriage and family therapist described in this subsection is a therapist who meets each of the following criteria:

- (1) Has a masters or higher degree in marriage and family therapy, or a related field, from a regionally accredited institution.
- (2) Is licensed as a marriage and family therapist in a State (as defined in section 101(20) of title 38, United States Code) and possesses the highest level of licensure offered from the State.

(3) Has passed the Association of Marital and Family Therapy Regulatory Board Examination in Marital and Family Therapy or a related examination for licensure administered by a State (as so defined).

SEC. 240. None of the funds in this or any other Act may be used to close Department of Veterans Affairs (VA) hospitals, domiciliarys, or clinics, conduct an environmental assessment, or to diminish healthcare services at existing Veterans Health Administration medical facilities located in Veterans Integrated Service Network 23 as part of a planned realignment of VA services until the Secretary provides to the Committees on Appropriations of both Houses of Congress a report including the following elements:

- (1) a national realignment strategy that includes a detailed description of realignment plans within each Veterans Integrated Service Network (VISN), including an updated Long Range Capital Plan to implement realignment requirements;
- (2) an explanation of the process by which those plans were developed and coordinated within each VISN;
- (3) a cost vs. benefit analysis of each planned realignment, including the cost of replacing Veterans Health Administration services with contract care or other outsourced services;
- (4) an analysis of how any such planned realignment of services will impact access to care for veterans living in rural or highly rural areas, including travel distances and transportation costs to access a VA medical facility and availability of local specialty and primary care;
- (5) an inventory of VA buildings with historic designation and the methodology used to determine the buildings’ condition and utilization;
- (6) a description of how any realignment will be consistent with requirements under the National Historic Preservation Act; and
- (7) consideration given for reuse of historic buildings within newly identified realignment requirements: *Provided*, That, this provision shall not apply to capital projects in VISN 23, or any other VISN, which have been authorized or approved by Congress.

SEC. 241. None of the funds appropriated in this or prior appropriations Acts or otherwise made available to the Department of Veterans Affairs may be used to transfer any amounts from the Filipino Veterans Equity Compensation Fund to any other account within the Department of Veterans Affairs.

SEC. 242. Paragraph (3) of section 403(a) of the Veterans’ Mental Health and Other Care Improvements Act of 2008 (Public Law 110–387; 38 U.S.C. 1703 note) is amended to read as follows:

“(3) DURATION.—A veteran may receive health services under this section during the period beginning on the date specified in paragraph (2) and ending on September 30, 2017.”

SEC. 243. (a) Section 1722A(a) of title 38, United States Code, is amended by adding at the end the following new paragraph:

“(4) Paragraph (1) does not apply to opioid antagonists furnished under this chapter to a veteran who is at high risk for overdose of a specific medication or substance in order to reverse the effect of such an overdose.”.

(b) Section 1710(g)(3) of such title is amended—

- (1) by striking “with respect to home health services” and inserting “with respect to the following:”
- (2) by adding at the end the following new subparagraph:

“(B) Education on the use of opioid antagonists to reverse the effects of overdoses of specific medications or substances.”.

SEC. 244. Section 312 of title 38, United States Code, is amended in subsection (c)(1)

by striking the phrase “that makes a recommendation or otherwise suggests corrective action.”

SEC. 245. Of the funds provided to the Department of Veterans Affairs for each of fiscal year 2017 and fiscal year 2018 for “Medical Services”, funds may be used in each year to carry out and expand the child care program authorized by section 205 of Public Law 111-163, notwithstanding subsection (e) of such section.

SEC. 246. Section 5701(1) of title 38, United States Code, is amended by striking “may” and inserting “shall”.

VA PATIENT PROTECTION ACT OF 2016

SEC. 247. (a) PROCEDURE AND ADMINISTRATION.—

(1) IN GENERAL.—Chapter 7 of title 38, United States Code, is amended by adding at the end the following new subchapter:

“SUBCHAPTER II—WHISTLEBLOWER COMPLAINTS

“§ 731. Whistleblower complaint defined

“In this subchapter, the term ‘whistleblower complaint’ means a complaint by an employee of the Department disclosing, or assisting another employee to disclose, a potential violation of any law, rule, or regulation, or gross mismanagement, gross waste of funds, abuse of authority, or substantial and specific danger to public health and safety.

“§ 732. Treatment of whistleblower complaints

“(a) FILING.—(1) In addition to any other method established by law in which an employee may file a whistleblower complaint, an employee of the Department may file a whistleblower complaint in accordance with subsection (g) with a supervisor of the employee.

“(2) Except as provided by subsection (d)(1), in making a whistleblower complaint under paragraph (1), an employee shall file the initial complaint with the immediate supervisor of the employee.

“(b) NOTIFICATION.—(1)(A) Not later than four business days after the date on which a supervisor receives a whistleblower complaint by an employee under this section, the supervisor shall notify, in writing, the employee of whether the supervisor determines that there is a reasonable likelihood that the complaint discloses a violation of any law, rule, or regulation, or gross mismanagement, gross waste of funds, abuse of authority, or substantial and specific danger to public health and safety.

“(B) The supervisor shall retain written documentation regarding the whistleblower complaint and shall submit to the next-level supervisor and the central whistleblower office described in subsection (h) a written report on the complaint.

“(2)(A) On a monthly basis, the supervisor shall submit to the appropriate director or other official who is superior to the supervisor a written report that includes the number of whistleblower complaints received by the supervisor under this section during the month covered by the report, the disposition of such complaints, and any actions taken because of such complaints pursuant to subsection (c).

“(B) In the case in which such a director or official carries out this paragraph, the director or official shall submit such monthly report to the supervisor of the director or official and to the central whistleblower office described in subsection (h).

“(c) POSITIVE DETERMINATION.—If a supervisor makes a positive determination under subsection (b)(1) regarding a whistleblower complaint of an employee, the supervisor shall include in the notification to the employee under such subsection the specific ac-

tions that the supervisor will take to address the complaint.

“(d) FILING COMPLAINT WITH NEXT-LEVEL SUPERVISORS.—(1) If any circumstance described in paragraph (3) is met, an employee may file a whistleblower complaint in accordance with subsection (g) with the next-level supervisor who shall treat such complaint in accordance with this section.

“(2) An employee may file a whistleblower complaint with the Secretary if the employee has filed the whistleblower complaint to each level of supervisors between the employee and the Secretary in accordance with paragraph (1).

“(3) A circumstance described in this paragraph is any of the following circumstances:

“(A) A supervisor does not make a timely determination under subsection (b)(1) regarding a whistleblower complaint.

“(B) The employee who made a whistleblower complaint determines that the supervisor did not adequately address the complaint pursuant to subsection (c).

“(C) The immediate supervisor of the employee is the basis of the whistleblower complaint.

“(e) TRANSFER OF EMPLOYEE WHO FILES WHISTLEBLOWER COMPLAINT.—If a supervisor makes a positive determination under subsection (b)(1) regarding a whistleblower complaint filed by an employee, the Secretary shall—

“(1) inform the employee of the ability to volunteer for a transfer in accordance with section 3352 of title 5; and

“(2) give preference to the employee for such a transfer in accordance with such section.

“(f) PROHIBITION ON EXEMPTION.—The Secretary may not exempt any employee of the Department from being covered by this section.

“(g) WHISTLEBLOWER COMPLAINT FORM.—(1) A whistleblower complaint filed by an employee under subsection (a) or (d) shall consist of the form described in paragraph (2) and any supporting materials or documentation the employee determines necessary.

“(2) The form described in this paragraph is a form developed by the Secretary, in consultation with the Special Counsel, that includes the following:

“(A) An explanation of the purpose of the whistleblower complaint form.

“(B) Instructions for filing a whistleblower complaint as described in this section.

“(C) An explanation that filing a whistleblower complaint under this section does not preclude the employee from any other method established by law in which an employee may file a whistleblower complaint.

“(D) A statement directing the employee to information accessible on the Internet website of the Department as described in section 735(d).

“(E) Fields for the employee to provide—

“(i) the date that the form is submitted;

“(ii) the name of the employee;

“(iii) the contact information of the employee;

“(iv) a summary of the whistleblower complaint (including the option to append supporting documents pursuant to paragraph (1)); and

“(v) proposed solutions to the complaint.

“(F) Any other information or fields that the Secretary determines appropriate.

“(3) The Secretary, in consultation with the Special Counsel, shall develop the form described in paragraph (2) by not later than 60 days after the date of the enactment of this section.

“(h) CENTRAL WHISTLEBLOWER OFFICE.—(1) The Secretary shall ensure that the central whistleblower office—

“(A) is not an element of the Office of the General Counsel;

“(B) is not headed by an official who reports to the General Counsel;

“(C) does not provide, or receive from, the General Counsel any information regarding a whistleblower complaint except pursuant to an action regarding the complaint before an administrative body or court; and

“(D) does not provide advice to the General Counsel.

“(2) The central whistleblower office shall be responsible for investigating all whistleblower complaints of the Department, regardless of whether such complaints are made by or against an employee who is not a member of the Senior Executive Service.

“(3) The Secretary shall ensure that the central whistleblower office maintains a toll-free hotline to anonymously receive whistleblower complaints.

“(4) The Secretary shall ensure that the central whistleblower office has such staff and resources as the Secretary considers necessary to carry out the functions of the central whistleblower office.

“(5) In this subsection, the term ‘central whistleblower office’ means the Office of Accountability Review or a successor office that is established or designated by the Secretary to investigate whistleblower complaints filed under this section or any other method established by law.

“§ 733. Adverse actions against supervisory employees who commit prohibited personnel actions relating to whistleblower complaints

“(a) IN GENERAL.—(1) In accordance with paragraph (2), the Secretary shall carry out the following adverse actions against supervisory employees (as defined in section 7103(a) of title 5) whom the Secretary, an administrative judge, the Merit Systems Protection Board, the Office of Special Counsel, an adjudicating body provided under a union contract, a Federal judge, or the Inspector General of the Department determines committed a prohibited personnel action described in subsection (c):

“(A) With respect to the first offense, an adverse action that is not less than a 12-day suspension and not more than removal.

“(B) With respect to the second offense, removal.

“(2)(A) An employee against whom an adverse action under paragraph (1) is proposed is entitled to written notice.

“(B)(i) An employee who is notified under subparagraph (A) of being the subject of a proposed adverse action under paragraph (1) is entitled to 14 days following such notification to answer and furnish evidence in support of the answer.

“(ii) If the employee does not furnish any such evidence as described in clause (i) or if the Secretary determines that such evidence is not sufficient to reverse the determination to propose the adverse action, the Secretary shall carry out the adverse action following such 14-day period.

“(C) Paragraphs (1) and (2) of subsection (b) of section 7513 of title 5, subsection (c) of such section, paragraphs (1) and (2) of subsection (b) of section 7543 of such title, and subsection (c) of such section shall not apply with respect to an adverse action carried out under paragraph (1).

“(b) LIMITATION ON OTHER ADVERSE ACTIONS.—With respect to a prohibited personnel action described in subsection (c), if the Secretary carries out an adverse action against a supervisory employee, the Secretary may carry out an additional adverse action under this section based on the same prohibited personnel action if the total severity of the adverse actions do not exceed the level specified in subsection (a).

“(c) PROHIBITED PERSONNEL ACTION DESCRIBED.—A prohibited personnel action described in this subsection is any of the following actions:

“(1) Taking or failing to take a personnel action in violation of section 2302 of title 5 against an employee relating to the employee—

“(A) filing a whistleblower complaint in accordance with section 732 of this title;

“(B) filing a whistleblower complaint with the Inspector General of the Department, the Special Counsel, or Congress;

“(C) providing information or participating as a witness in an investigation of a whistleblower complaint in accordance with section 732 or with the Inspector General of the Department, the Special Counsel, or Congress;

“(D) participating in an audit or investigation by the Comptroller General of the United States;

“(E) refusing to perform an action that is unlawful or prohibited by the Department; or

“(F) engaging in communications that are related to the duties of the position or are otherwise protected.

“(2) Preventing or restricting an employee from making an action described in any of subparagraphs (A) through (F) of paragraph (1).

“(3) Conducting a negative peer review or opening a retaliatory investigation because of an activity of an employee that is protected by section 2302 of title 5.

“(4) Requesting a contractor to carry out an action that is prohibited by section 4705(b) or section 4712(a)(1) of title 41, as the case may be.

“§ 734. Evaluation criteria of supervisors and treatment of bonuses

“(a) EVALUATION CRITERIA.—(1) In evaluating the performance of supervisors of the Department, the Secretary shall include the criteria described in paragraph (2).

“(2) The criteria described in this subsection are the following:

“(A) Whether the supervisor treats whistleblower complaints in accordance with section 732 of this title.

“(B) Whether the appropriate deciding official, performance review board, or performance review committee determines that the supervisor was found to have committed a prohibited personnel action described in section 733(b) of this title by an administrative judge, the Merit Systems Protection Board, the Office of Special Counsel, an adjudicating body provided under a union contract, a Federal judge, or, in the case of a settlement of a whistleblower complaint (regardless of whether any fault was assigned under such settlement), the Secretary.

“(b) BONUSES.—(1) The Secretary may not pay to a supervisor described in subsection (a)(2)(B) an award or bonus under this title or title 5, including under chapter 45 or 53 of such title, during the one-year period beginning on the date on which the determination was made under such subsection.

“(2) Notwithstanding any other provision of law, the Secretary shall issue an order directing a supervisor described in subsection (a)(2)(B) to repay the amount of any award or bonus paid under this title or title 5, including under chapter 45 or 53 of such title, if—

“(A) such award or bonus was paid for performance during a period in which the supervisor committed a prohibited personnel action as determined pursuant to such subsection (a)(2)(B);

“(B) the Secretary determines such repayment appropriate pursuant to regulations prescribed by the Secretary to carry out this section; and

“(C) the supervisor is afforded notice and an opportunity for a hearing before making such repayment.

“§ 735. Training regarding whistleblower complaints

“(a) TRAINING.—Not less frequently than once each year, the Secretary, in coordination with the Whistleblower Protection Ombudsman designated under section 3(d)(1)(C) of the Inspector General Act of 1978 (5 U.S.C. App.), shall provide to each employee of the Department training regarding whistleblower complaints, including—

“(1) an explanation of each method established by law in which an employee may file a whistleblower complaint;

“(2) an explanation of prohibited personnel actions described by section 733(c) of this title;

“(3) with respect to supervisors, how to treat whistleblower complaints in accordance with section 732 of this title;

“(4) the right of the employee to petition Congress regarding a whistleblower complaint in accordance with section 7211 of title 5;

“(5) an explanation that the employee may not be prosecuted or reprised against for disclosing information to Congress, the Inspector General, or another investigatory agency in instances where such disclosure is permitted by law, including under sections 5701, 5705, and 7732 of this title, under section 552a of title 5 (commonly referred to as the Privacy Act), under chapter 93 of title 18, and pursuant to regulations promulgated under section 264(c) of the Health Insurance Portability and Accountability Act of 1996 (Public Law 104-191);

“(6) an explanation of the language that is required to be included in all nondisclosure policies, forms, and agreements pursuant to section 115(a)(1) of the Whistleblower Protection Enhancement Act of 2012 (5 U.S.C. 2302 note); and

“(7) the right of contractors to be protected from reprisal for the disclosure of certain information under section 4705 or 4712 of title 41.

“(b) MANNER TRAINING IS PROVIDED.—The Secretary shall ensure that training provided under subsection (a) is provided in person.

“(c) CERTIFICATION.—Not less frequently than once each year, the Secretary shall provide training on merit system protection in a manner that the Special Counsel certifies as being satisfactory.

“(d) PUBLICATION.—(1) The Secretary shall publish on the Internet website of the Department, and display prominently at each facility of the Department, the rights of an employee to file a whistleblower complaint, including the information described in paragraphs (1) through (7) of subsection (a).

“(2) The Secretary shall publish on the Internet website of the Department, the whistleblower complaint form described in section 732(g)(2).

“§ 736. Reports to Congress

“(a) ANNUAL REPORTS.—Not less frequently than once each year, the Secretary shall submit to the appropriate committees of Congress a report that includes—

“(1) with respect to whistleblower complaints filed under section 732 of this title during the year covered by the report—

“(A) the number of such complaints filed;

“(B) the disposition of such complaints; and

“(C) the ways in which the Secretary addressed such complaints in which a positive determination was made by a supervisor under subsection (b)(1) of such section;

“(2) the number of whistleblower complaints filed during the year covered by the report that are not included under paragraph (1), including—

“(A) the method in which such complaints were filed;

“(B) the disposition of such complaints; and

“(C) the ways in which the Secretary addressed such complaints; and

“(3) with respect to disclosures made by a contractor under section 4705 or 4712 of title 41—

“(A) the number of complaints relating to such disclosures that were investigated by the Inspector General of the Department of Veterans Affairs during the year covered by the report;

“(B) the disposition of such complaints; and

“(C) the ways in which the Secretary addressed such complaints.

“(b) NOTICE OF OFFICE OF SPECIAL COUNSEL DETERMINATIONS.—Not later than 30 days after the date on which the Secretary receives from the Special Counsel information relating to a whistleblower complaint pursuant to section 1213 of title 5, the Secretary shall notify the appropriate committees of Congress of such information, including the determination made by the Special Counsel.

“(c) APPROPRIATE COMMITTEES OF CONGRESS.—In this section, the term ‘appropriate committees of Congress’ means—

“(1) the Committee on Veterans’ Affairs and the Committee on Homeland Security and Governmental Affairs of the Senate; and

“(2) the Committee on Veterans’ Affairs and the Committee on Oversight and Government Reform of the House of Representatives.”

(2) CONFORMING AND CLERICAL AMENDMENTS.—

(A) CONFORMING AMENDMENT.—Such chapter is further amended by inserting before section 701 the following:

“SUBCHAPTER I—GENERAL EMPLOYEE MATTERS”.

(B) CLERICAL AMENDMENTS.—The table of sections at the beginning of such chapter is amended—

(i) by inserting before the item relating to section 701 the following new item:

“SUBCHAPTER I—GENERAL EMPLOYEE MATTERS”;

and

(ii) by adding at the end the following new items:

“SUBCHAPTER II—WHISTLEBLOWER COMPLAINTS

“731. Whistleblower complaint defined.

“732. Treatment of whistleblower complaints.

“733. Adverse actions against supervisory employees who commit prohibited personnel actions relating to whistleblower complaints.

“734. Evaluation criteria of supervisors and treatment of bonuses.

“735. Training regarding whistleblower complaints.

“736. Reports to Congress.”

(b) TREATMENT OF CONGRESSIONAL TESTIMONY BY DEPARTMENT OF VETERANS AFFAIRS EMPLOYEES AS OFFICIAL DUTY.—

(1) IN GENERAL.—Subchapter I of chapter 7 of title 38, United States Code, as designated by section 2(a)(2)(A), is amended by adding at the end the following new section:

“§ 715. Congressional testimony by employees: treatment as official duty

“(a) CONGRESSIONAL TESTIMONY.—An employee of the Department is performing official duty during the period with respect to which the employee is testifying in an official capacity in front of either chamber of Congress, a committee of either chamber of Congress, or a joint or select committee of Congress.

“(b) TRAVEL EXPENSES.—The Secretary shall provide travel expenses, including per

diem in lieu of subsistence, in accordance with applicable provisions under subchapter I of chapter 57 of title 5, to any employee of the Department of Veterans Affairs performing official duty described under subsection (a).”.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter, as amended by section 2(a)(2)(B), is further amended by inserting after the item relating to section 713 the following new item:

“715. Congressional testimony by employees: treatment as official duty.”.

SEC. 248. (a) IN GENERAL.—For the purposes of verifying that an individual performed service under honorable conditions that satisfies the requirements of a coastwise merchant seaman who is recognized pursuant to section 401 of the GI Bill Improvement Act of 1977 (Public Law 95-202; 38 U.S.C. 106 note) as having performed active duty service for the purposes described in subsection (c)(1), the Secretary of Defense shall accept the following:

(1) In the case of an individual who served on a coastwise merchant vessel seeking such recognition for whom no applicable Coast Guard shipping or discharge form, ship logbook, merchant mariner’s document or Z-card, or other official employment record is available, the Secretary of Defense shall provide such recognition on the basis of applicable Social Security Administration records submitted for or by the individual, together with validated testimony given by the individual or the primary next of kin of the individual that the individual performed such service during the period beginning on December 7, 1941, and ending on December 31, 1946.

(2) In the case of an individual who served on a coastwise merchant vessel seeking such recognition for whom the applicable Coast Guard shipping or discharge form, ship logbook, merchant mariner’s document or Z-card, or other official employment record has been destroyed or otherwise become unavailable by reason of any action committed by a person responsible for the control and maintenance of such form, logbook, or record, the Secretary of Defense shall accept other official documentation demonstrating that the individual performed such service during period beginning on December 7, 1941, and ending on December 31, 1946.

(3) For the purpose of determining whether to recognize service allegedly performed during the period beginning on December 7, 1941, and ending on December 31, 1946, the Secretary shall recognize masters of seagoing vessels or other officers in command of similarly organized groups as agents of the United States who were authorized to document any individual for purposes of hiring the individual to perform service in the merchant marine or discharging an individual from such service.

(b) TREATMENT OF OTHER DOCUMENTATION.—Other documentation accepted by the Secretary of Defense pursuant to subsection (a)(2) shall satisfy all requirements for eligibility of service during the period beginning on December 7, 1941, and ending on December 31, 1946.

(c) BENEFITS ALLOWED.—

(1) MEDALS, RIBBONS, AND DECORATIONS.—An individual whose service is recognized as active duty pursuant to subsection (a) may be awarded an appropriate medal, ribbon, or other military decoration based on such service.

(2) STATUS OF VETERAN.—An individual whose service is recognized as active duty pursuant to subsection (a) shall be honored as a veteran but shall not be entitled by reason of such recognized service to any benefit that is not described in this subsection.

SEC. 249. Section 322(d)(1) of title 38, United States Code, is amended—

(1) by striking “allowance to a veteran” and inserting the following: “allowance to—“(A) a veteran”;

(2) in subparagraph (A), as designated by paragraph (1), by striking the period at the end and inserting “; and”; and

(3) by adding at the end the following new subparagraph:

“(B) a veteran with a VA service-connected disability rated as 30 percent or greater by the Department of Veterans Affairs who is selected by the United States Olympic Committee for the United States Olympic Team for any month in which the veteran is competing in any event sanctioned by the National Governing Bodies of the United States Olympic Sports.”.

SEC. 250. (a) IN GENERAL.—Section 111(b)(1) of title 38, United States Code, is amended by adding at the end the following new subparagraph:

“(G) A veteran with vision impairment, a veteran with a spinal cord injury or disorder, or a veteran with double or multiple amputations whose travel is in connection with care provided through a special disabilities rehabilitation program of the Department (including programs provided by spinal cord injury centers, blind rehabilitation centers, and prosthetics rehabilitation centers) if such care is provided—

“(i) on an in-patient basis; or

“(ii) during a period in which the Secretary provides the veteran with temporary lodging at a facility of the Department to make such care more accessible to the veteran.”.

(b) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Veterans Affairs shall submit to the Committee on Veterans’ Affairs of the Senate and the Committee on Veterans’ Affairs of the House of Representatives a report on the beneficiary travel program under section 111 of title 38, United States Code, as amended by subsection (a), that includes the following:

(1) The cost of the program.

(2) The number of veterans served by the program.

(3) Such other matters as the Secretary considers appropriate.

(c) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on the first day of the first fiscal year that begins after the date of the enactment of this Act.

SEC. 251. (a) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Veterans Affairs shall establish a program to conduct inspections of kitchens and food service areas at each medical facility of the Department of Veterans Affairs. Such inspections shall occur not less frequently than annually. The program’s goal is to ensure that the same standards for kitchens and food service areas at hospitals in the private sector are being met at kitchens and food service areas at medical facilities of the Department.

(b) AGREEMENT.—

(1) IN GENERAL.—The Secretary shall seek to enter into an agreement with the Joint Commission on Accreditation of Hospital Organizations under which the Joint Commission on Accreditation of Hospital Organizations conducts the inspections required under subsection (a).

(2) ALTERNATE ORGANIZATION.—If the Secretary is unable to enter into an agreement described in paragraph (1) with the Joint Commission on Accreditation of Hospital Organizations on terms acceptable to the Secretary, the Secretary shall seek to enter into such an agreement with another appropriate organization that—

(A) is not part of the Federal Government; (B) operates as a not-for-profit entity; and (C) has expertise and objectivity comparable to that of the Joint Commission on Accreditation of Hospital Organizations.

(c) REMEDIATION PLAN.—

(1) INITIAL FAILURE.—If a kitchen or food service area of a medical facility of the Department is determined pursuant to an inspection conducted under subsection (a) not to meet the standards for kitchens and food service areas in hospitals in the private sector, that medical facility fails the inspection and the Secretary shall—

(A) implement a remediation plan for that medical facility within 72 hours; and

(B) Conduct a second inspection under subsection (a) at that medical facility within 14 days of the failed inspection.

(2) SECOND FAILURE.—If a medical facility of the Department fails the second inspection conducted under paragraph (1)(B), the Secretary shall close the kitchen or food service area at that medical facility that did not meet the standards for kitchens and food service areas in hospitals in the private sector until full remediation is completed and all kitchens and food service areas at that medical facility meet such standards.

(3) PROVISION OF FOOD.—If a kitchen or food service area is closed at a medical facility of the Department pursuant to paragraph (2), the Director of the Veterans Integrated Service Network in which the medical facility is located shall enter into a contract with a vendor approved by the General Services Administration to provide food at the medical facility.

(d) QUARTERLY REPORTS.—Not less frequently than quarterly, the Under Secretary of Health shall submit to Congress a report on inspections conducted under this section, and their detailed findings and actions taken, during the preceding quarter at medical facilities of the Department.

SEC. 252. (a) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Veterans Affairs shall establish a program to conduct risk-based inspections for mold and mold issues at each medical facility of the Department of Veterans Affairs. Such facilities will be rated high, medium, or low risk for mold. Such inspections at facilities rated high risk shall occur not less frequently than annually, and such inspections at facilities rated medium or low risk shall occur not less frequently than biennially.

(b) AGREEMENT.—

(1) IN GENERAL.—The Secretary shall seek to enter into an agreement with the Joint Commission on Accreditation of Hospital Organizations under which the Joint Commission on Accreditation of Hospital Organizations conducts the inspections required under subsection (a).

(2) ALTERNATE ORGANIZATION.—If the Secretary is unable to enter into an agreement described in paragraph (1) with the Joint Commission on Accreditation of Hospital Organizations on terms acceptable to the Secretary, the Secretary shall seek to enter into such an agreement with another appropriate organization that—

(A) is not part of the Federal Government; (B) operates as a not-for-profit entity; and (C) has expertise and objectivity comparable to that of the Joint Commission on Accreditation of Hospital Organizations.

(c) REMEDIATION PLAN.—If a medical facility of the Department is determined pursuant to an inspection conducted under subsection (a) to have a mold issue, the Secretary shall—

(1) implement a remediation plan for that medical facility within 7 days; and

(2) Conduct a second inspection under subsection (a) at that medical facility within 90 days of the initial inspection.

(d) QUARTERLY REPORTS.—Not less frequently than quarterly, the Under Secretary for Health shall submit to Congress a report on inspections conducted under this section, and their detailed findings and actions taken, during the preceding quarter at medical facilities of the Department.

SEC. 253. Section 1706(b)(5)(A) of title 38, United States Code, is amended, in the first sentence, by striking “through 2008”.

SEC. 254. (a) The Secretary of Veterans Affairs may use amounts appropriated or otherwise made available in this title to ensure that the ratio of veterans to full-time employment equivalents within any program of rehabilitation conducted under chapter 31 of title 38, United States Code, does not exceed 125 veterans to one full-time employment equivalent.

(b) Not later than 180 days after the date of the enactment of this Act, the Secretary shall submit to Congress a report on the programs of rehabilitation conducted under chapter 31 of title 38, United States Code, including—

(1) an assessment of the veteran-to-staff ratio for each such program; and

(2) recommendations for such action as the Secretary considers necessary to reduce the veteran-to-staff ratio for each such program.

SEC. 255. (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.

SEC. 256. None of the funds appropriated or otherwise made available in this title may be used by the Secretary of Veterans Affairs to enter into an agreement related to resolving a dispute or claim with an individual that would restrict in any way the individual from speaking to members of Congress or their staff on any topic not otherwise prohibited from disclosure by Federal law or required by Executive Order to be kept secret in the interest of national defense or the conduct of foreign affairs.

SEC. 257. Appropriations made available in this Act under the heading “Medical Services” shall be available to carry out sections 322(d) and 521A of title 38, United States Code, to include the payment of the administrative expenses necessary to carry out such sections. Of the amount appropriated for fiscal year 2017, up to \$2,000,000 shall be available for the payment of monthly assistance allowances to veterans pursuant to 38 U.S.C. 322(d) and up to \$8,000,000 shall be available for the payment of grants pursuant to 38 U.S.C. 521A. Of the amounts appropriated in advance for fiscal year 2018, up to \$2,000,000 shall be available for the payment of month-

ly assistance allowances to veterans pursuant to 38 U.S.C. 322(d) and up to \$8,000,000 shall be available for the payment of grants pursuant to 38 U.S.C. 521A.

SEC. 258. (a) In fiscal year 2017 and each fiscal year hereafter, beginning with the fiscal year 2018 budget request submitted to Congress pursuant to section 1105(a) of title 31, United States Code, the budget justification documents submitted for the “Construction, Major Projects” account of the Department of Veterans Affairs shall include, at a minimum, the information required under subsection (b).

(b) The budget justification documents submitted pursuant to subsection (a) shall include, for each project—

(1) the estimated total cost of the project;

(2) the funding provided for each fiscal year prior to the budget year;

(3) the amount requested for the budget year;

(4) the estimated funding required for the project for each of the 4 fiscal years succeeding the budget year; and

(5) such additional information as is enumerated under the heading relating to the “Construction, Major Projects” account of the Department of Veterans Affairs in the joint explanatory statement accompanying this Act.

(c) Not later than 45 days after the date of enactment of this Act, the Secretary of Veterans Affairs shall submit to the Committees on Appropriations of both Houses of Congress a proposed budget justification template that complies with the requirements of this section.

SEC. 259. (a) The Secretary of Veterans Affairs may carry out the following major medical facility projects, with each project to be carried out in an amount not to exceed the amount specified for that project:

(1) Seismic corrections to buildings, including retrofitting and replacement of high-risk buildings, in San Francisco, California, in an amount not to exceed \$180,480,000.

(2) Seismic corrections to facilities, including facilities to support homeless veterans, at the medical center in West Los Angeles, California, in an amount not to exceed \$105,500,000.

(3) Seismic corrections to the mental health and community living center in Long Beach, California, in an amount not to exceed \$287,100,000.

(4) Construction of an outpatient clinic, administrative space, cemetery, and columbarium in Alameda, California, in an amount not to exceed \$87,332,000.

(5) Realignment of medical facilities in Livermore, California, in an amount not to exceed \$194,430,000.

(6) Construction of a medical center in Louisville, Kentucky, in an amount not to exceed \$150,000,000.

(7) Construction of a replacement community living center in Perry Point, Maryland, in an amount not to exceed \$92,700,000.

(8) Seismic corrections and other renovations to several buildings and construction of a specialty care building in American Lake, Washington, in an amount not to exceed \$16,260,000.

(b) There is authorized to be appropriated to the Secretary of Veterans Affairs for fiscal year 2016 or the year in which funds are appropriated for the Construction, Major Projects, account, \$1,113,802,000 for the projects authorized in subsection (a).

(c) The projects authorized in subsection (a) may only be carried out using—

(1) funds appropriated for fiscal year 2016 pursuant to the authorization of appropriations in subsection (b);

(2) funds available for Construction, Major Projects, for a fiscal year before fiscal year 2016 that remain available for obligation;

(3) funds available for Construction, Major Projects, for a fiscal year after fiscal year 2016 that remain available for obligation;

(4) funds appropriated for Construction, Major Projects, for fiscal year 2016 for a category of activity not specific to a project;

(5) funds appropriated for Construction, Major Projects, for a fiscal year before fiscal year 2016 for a category of activity not specific to a project; and

(6) funds appropriated for Construction, Major Projects, for a fiscal year after fiscal year 2016 for a category of activity not specific to a project.

SEC. 260. (a) Notwithstanding any other provision of law, the amounts appropriated or otherwise made available to the Department of Veterans Affairs for the “Medical Services” account may be used to provide—

(1) fertility counseling and treatment using assisted reproductive technology to a covered veteran or the spouse of a covered veteran; or

(2) adoption reimbursement to a covered veteran.

(b) In this section:

(1) The term “service-connected” has the meaning given such term in section 101 of title 38, United States Code.

(2) The term “covered veteran” means a veteran, as such term is defined in section 101 of title 38, United States Code, who has a service-connected disability that results in the inability of the veteran to procreate without the use of fertility treatment.

(3) The term “assisted reproductive technology” means benefits relating to reproductive assistance provided to a member of the Armed Forces who incurs a serious injury or illness on active duty pursuant to section 1074(c)(4)(A) of title 10, United States Code, as described in the memorandum on the subject of “Policy for Assisted Reproductive Services for the Benefit of Seriously or Severely Ill/Injured (Category II or III) Active Duty Service Members” issued by the Assistant Secretary of Defense for Health Affairs on April 3, 2012, and the guidance issued to implement such policy, including any limitations on the amount of such benefits available to such a member.

(4) The term “adoption reimbursement” means reimbursement for the adoption-related expenses for an adoption that is finalized after the date of the enactment of this Act under the same terms as apply under the adoption reimbursement program of the Department of Defense, as authorized in Department of Defense Instruction 1341.09, including the reimbursement limits and requirements set forth in such instruction.

(c) Amounts made available for the purposes specified in subsection (a) of this section are subject to the requirements for funds contained in section 508 of division H of the Consolidated Appropriations Act, 2016 (Public Law 114-113).

TITLE III

RELATED AGENCIES

AMERICAN BATTLE MONUMENTS COMMISSION

SALARIES AND EXPENSES

For necessary expenses, not otherwise provided for, of the American Battle Monuments Commission, including the acquisition of land or interest in land in foreign countries; purchases and repair of uniforms for caretakers of national cemeteries and monuments outside of the United States and its territories and possessions; rent of office and garage space in foreign countries; purchase (one-for-one replacement basis only) and hire of passenger motor vehicles; not to exceed \$7,500 for official reception and representation expenses; and insurance of official motor vehicles in foreign countries, when required by law of such countries, \$75,100,000, to remain available until expended.

FOREIGN CURRENCY FLUCTUATIONS ACCOUNT

For necessary expenses, not otherwise provided for, of the American Battle Monuments Commission, such sums as may be necessary, to remain available until expended, for purposes authorized by section 2109 of title 36, United States Code.

UNITED STATES COURT OF APPEALS FOR VETERANS CLAIMS
SALARIES AND EXPENSES

For necessary expenses for the operation of the United States Court of Appeals for Veterans Claims as authorized by sections 7251 through 7298 of title 38, United States Code, \$30,945,000: *Provided*, That \$2,500,000 shall be available for the purpose of providing financial assistance as described, and in accordance with the process and reporting procedures set forth, under this heading in Public Law 102-229.

DEPARTMENT OF DEFENSE—CIVIL
CEMETERIAL EXPENSES, ARMY
SALARIES AND EXPENSES

For necessary expenses for maintenance, operation, and improvement of Arlington National Cemetery and Soldiers' and Airmen's Home National Cemetery, including the purchase or lease of passenger motor vehicles for replacement on a one-for-one basis only, and not to exceed \$1,000 for official reception and representation expenses, \$70,800,000, of which not to exceed \$15,000,000 shall remain available until September 30, 2019. In addition, such sums as may be necessary for parking maintenance, repairs and replacement, to be derived from the "Lease of Department of Defense Real Property for Defense Agencies" account.

ARMED FORCES RETIREMENT HOME
TRUST FUND

For expenses necessary for the Armed Forces Retirement Home to operate and maintain the Armed Forces Retirement Home—Washington, District of Columbia, and the Armed Forces Retirement Home—Gulfport, Mississippi, to be paid from funds available in the Armed Forces Retirement Home Trust Fund, \$64,300,000, of which \$1,000,000 shall remain available until expended for construction and renovation of the physical plants at the Armed Forces Retirement Home—Washington, District of Columbia, and the Armed Forces Retirement Home—Gulfport, Mississippi: *Provided*, That of the amounts made available under this heading from funds available in the Armed Forces Retirement Home Trust Fund, \$22,000,000 shall be paid from the general fund of the Treasury to the Trust Fund.

ADMINISTRATIVE PROVISIONS

SEC. 301. Funds appropriated in this Act under the heading "Department of Defense—Civil, Cemeterial Expenses, Army", may be provided to Arlington County, Virginia, for the relocation of the federally owned water main at Arlington National Cemetery, making additional land available for ground burials.

SEC. 302. Amounts deposited into the special account established under 10 U.S.C. 4727 are appropriated and shall be available until expended to support activities at the Army National Military Cemeteries.

TITLE IV

OVERSEAS CONTINGENCY OPERATIONS
DEPARTMENT OF DEFENSE
MILITARY CONSTRUCTION, ARMY

For an additional amount for "Military Construction, Army", \$18,900,000, to remain available until September 30, 2021, for projects outside of the United States: *Provided*, That such amount is designated by the Congress for Overseas Contingency Oper-

ations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

MILITARY CONSTRUCTION, NAVY AND MARINE CORPS

For an additional amount for "Military Construction, Navy and Marine Corps", \$59,809,000, to remain available until September 30, 2021, for projects outside of the United States: *Provided*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

MILITARY CONSTRUCTION, AIR FORCE

For an additional amount for "Military Construction, Air Force" \$88,291,000, to remain available until September 30, 2021, for projects outside of the United States: *Provided*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

MILITARY CONSTRUCTION, DEFENSE-WIDE

For an additional amount for "Military Construction, Defense-Wide", \$5,000,000, to remain available until September 30, 2021, for projects outside of the United States: *Provided*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

ADMINISTRATIVE PROVISION

SEC. 401. Each amount designated in this Act by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985 shall be available only if the President subsequently so designates all such amounts and transmits such designations to the Congress.

TITLE V

GENERAL PROVISIONS

SEC. 501. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 502. None of the funds made available in this Act may be used for any program, project, or activity, when it is made known to the Federal entity or official to which the funds are made available that the program, project, or activity is not in compliance with any Federal law relating to risk assessment, the protection of private property rights, or unfunded mandates.

SEC. 503. All departments and agencies funded under this Act are encouraged, within the limits of the existing statutory authorities and funding, to expand their use of "E-Commerce" technologies and procedures in the conduct of their business practices and public service activities.

SEC. 504. Unless stated otherwise, all reports and notifications required by this Act shall be submitted to the Subcommittee on Military Construction and Veterans Affairs, and Related Agencies of the Committee on Appropriations of the House of Representatives and the Subcommittee on Military Construction and Veterans Affairs, and Related Agencies of the Committee on Appropriations of the Senate.

SEC. 505. None of the funds made available in this Act may be transferred to any department, agency, or instrumentality of the United States Government except pursuant to a transfer made by, or transfer authority

provided in, this or any other appropriations Act.

SEC. 506. None of the funds made available in this Act may be used for a project or program named for an individual serving as a Member, Delegate, or Resident Commissioner of the United States House of Representatives.

SEC. 507. (a) Any agency receiving funds made available in this Act, shall, subject to subsections (b) and (c), post on the public Web site of that agency any report required to be submitted by the Congress in this or any other Act, upon the determination by the head of the agency that it shall serve the national interest.

(b) Subsection (a) shall not apply to a report if—

(1) the public posting of the report compromises national security; or

(2) the report contains confidential or proprietary information.

(c) The head of the agency posting such report shall do so only after such report has been made available to the requesting Committee or Committees of Congress for no less than 45 days.

SEC. 508. (a) None of the funds made available in this Act may be used to maintain or establish a computer network unless such network blocks the viewing, downloading, and exchanging of pornography.

(b) Nothing in subsection (a) shall limit the use of funds necessary for any Federal, State, tribal, or local law enforcement agency or any other entity carrying out criminal investigations, prosecution, or adjudication activities.

SEC. 509. None of the funds made available in this Act may be used by an agency of the executive branch to pay for first-class travel by an employee of the agency in contravention of sections 301–10.122 through 301–10.124 of title 41, Code of Federal Regulations.

SEC. 510. None of the funds made available in this Act may be used to execute a contract for goods or services, including construction services, where the contractor has not complied with Executive Order No. 12989.

SEC. 511. None of the funds made available by this Act may be used by the Department of Defense or the Department of Veterans Affairs to lease or purchase new light duty vehicles for any executive fleet, or for an agency's fleet inventory, except in accordance with Presidential Memorandum—Federal Fleet Performance, dated May 24, 2011.

SEC. 512. (a) IN GENERAL.—None of the funds appropriated or otherwise made available to the Department of Defense in this Act may be used to construct, renovate, or expand any facility in the United States, its territories, or possessions to house any individual detained at United States Naval Station, Guantánamo Bay, Cuba, for the purposes of detention or imprisonment in the custody or under the control of the Department of Defense.

(b) The prohibition in subsection (a) shall not apply to any modification of facilities at United States Naval Station, Guantánamo Bay, Cuba.

(c) An individual described in this subsection is any individual who, as of June 24, 2009, is located at United States Naval Station, Guantánamo Bay, Cuba, and who—

(1) is not a citizen of the United States or a member of the Armed Forces of the United States; and

(2) is—

(A) in the custody or under the effective control of the Department of Defense; or

(B) otherwise under detention at United States Naval Station, Guantánamo Bay, Cuba.

This division may be cited as the "Military Construction, Veterans Affairs, and Related Agencies Appropriations Act, 2017".

DIVISION B—ZIKA RESPONSE AND PREPAREDNESS

TITLE I

DEPARTMENT OF HEALTH AND HUMAN SERVICES

CENTERS FOR DISEASE CONTROL AND PREVENTION

CDC-WIDE ACTIVITIES AND PROGRAM SUPPORT

For an additional amount for fiscal year 2016 for “CDC-Wide Activities and Program Support”, \$394,000,000, to remain available until September 30, 2017, to prevent, prepare for, and respond to Zika virus, health conditions related to such virus, and other vector-borne diseases, domestically and internationally: *Provided*, That products purchased with these funds may, at the discretion of the Secretary of Health and Human Services, be deposited in the Strategic National Stockpile under section 319F-2 of the Public Health Service (“PHS”) Act: *Provided further*, That funds may be used for purchase and insurance of official motor vehicles in foreign countries: *Provided further*, That the provisions in section 317S of the PHS Act shall apply to the use of funds appropriated in this paragraph as determined by the Director of the Centers for Disease Control and Prevention to be appropriate: *Provided further*, That funds appropriated in this paragraph may be used for grants for the construction, alteration, or renovation of non-federally owned facilities to improve preparedness and response capability at State and local laboratories: *Provided further*, That of the amount appropriated in this paragraph, \$44,000,000 is included to supplement either fiscal year 2016 or fiscal year 2017 funds for the Public Health Emergency Preparedness cooperative agreement program to restore fiscal year 2016 funds that were reprogrammed for Zika virus response prior to the enactment of this Act: *Provided further*, That such amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

NATIONAL INSTITUTES OF HEALTH

NATIONAL INSTITUTE OF ALLERGY AND INFECTIOUS DISEASES

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for fiscal year 2016 for “National Institute of Allergy and Infectious Diseases”, \$152,000,000, to remain available until September 30, 2017, for research on the virology, natural history, and pathogenesis of the Zika virus infection and preclinical and clinical development of vaccines and other medical countermeasures for the Zika virus and other vector-borne diseases, domestically and internationally: *Provided*, That such funds may be transferred by the Director of the National Institutes of Health (“NIH”) to other accounts of the NIH for the purposes provided in this paragraph: *Provided further*, That such amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

OFFICE OF THE SECRETARY

PUBLIC HEALTH AND SOCIAL SERVICES EMERGENCY FUND

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for fiscal year 2016 for “Public Health and Social Services Emergency Fund”, \$387,000,000, to remain available until September 30, 2017, to prevent, prepare for, and respond to Zika virus, health conditions related to such virus, and other vector-borne diseases, domestically and internationally; to develop necessary countermeasures and vaccines, including the

development and purchase of vaccines, therapeutics, diagnostics, necessary medical supplies, and administrative activities; for carrying out section 501 of the Social Security Act; and for carrying out sections 330 through 336 and 338 of the PHS Act: *Provided*, That funds appropriated in this paragraph may be used to procure security countermeasures (as defined in section 319F-2(c)(1)(B) of the PHS Act): *Provided further*, That paragraphs (1) and (7)(C) of subsection (c) of section 319F-2 of the PHS Act, but no other provisions of such section, shall apply to such security countermeasures procured with funds appropriated in this paragraph: *Provided further*, That products purchased with funds appropriated in this paragraph may, at the discretion of the Secretary of Health and Human Services, be deposited in the Strategic National Stockpile under section 319F-2 of the PHS Act: *Provided further*, That funds appropriated in this paragraph may be transferred to the fund authorized by section 319F-4 of the PHS Act: *Provided further*, That of the funds appropriated under this heading, \$75,000,000, in addition to the purposes specified above, shall also be available for necessary expenses for support to States, territories, tribes, or tribal organizations with active or local transmission cases of the Zika virus, as confirmed by the Centers for Disease Control and Prevention, to reimburse the costs of health care for health conditions related to the Zika virus, other than costs that are covered by private health insurance, of which not less than \$60,000,000 shall be for territories with the highest rates of Zika transmission: *Provided further*, That of the funds appropriated under this heading, \$20,000,000 shall be awarded, notwithstanding section 502 of the Social Security Act, for projects of regional and national significance in Puerto Rico and other territories authorized under section 501 of the Social Security Act: *Provided further*, That of the funds appropriated under this heading, \$40,000,000 shall be used to expand the delivery of primary health services authorized by section 330 of the PHS Act in Puerto Rico and other territories: *Provided further*, That of the funds appropriated under this heading, \$6,000,000 shall, for purposes of providing primary health services in areas affected by Zika virus or other vector-borne diseases, be used to assign National Health Service Corps (“NHSC”) members to Puerto Rico and other territories, notwithstanding the assignment priorities and limitations in or under sections 333(a)(1)(D), 333(b), or 333A(a) of the PHS Act, and to make NHSC Loan Repayment Program awards under section 338B of such Act: *Provided further*, That for purposes of the previous proviso, section 331(a)(3)(D) of the PHS Act shall be applied as if the term “primary health services” included health services regarding pediatric subspecialists: *Provided further*, That such amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

GENERAL PROVISIONS—THIS TITLE

(INCLUDING TRANSFER OF FUNDS)

DIRECT HIRES

SEC. 101. Funds appropriated by this title may be used by the heads of the Department of Health and Human Services, Department of State, and the United States Agency for International Development to appoint, without regard to the provisions of sections 3309 through 3319 of title 5 of the United States Code, candidates needed for positions to perform critical work relating to Zika response for which—

- (1) public notice has been given; and
- (2) the Secretary of Health and Human Services has determined that such a public health threat exists.

TRANSFER AUTHORITIES

SEC. 102. Funds appropriated by this title may be transferred to, and merged with, other appropriation accounts under the headings “Centers for Disease Control and Prevention”, “Public Health and Social Services Emergency Fund”, and “National Institutes of Health” for the purposes specified in this title following consultation with the Office of Management and Budget: *Provided*, That the Committees on Appropriations shall be notified 10 days in advance of any such transfer: *Provided further*, That, upon a determination that all or part of the funds transferred from an appropriation are not necessary, such amounts may be transferred back to that appropriation: *Provided further*, That none of the funds made available by this title may be transferred pursuant to the authority in section 205 of division H of Public Law 114-113 or section 241(a) of the PHS Act.

REPORTING REQUIREMENTS

SEC. 103. Not later than 30 days after enactment of this Act, the Secretary of Health and Human Services shall provide a detailed spend plan of anticipated uses of funds made available in this title, including estimated personnel and administrative costs, to the Committees on Appropriations: *Provided*, That such plans shall be updated and submitted to the Committees on Appropriations every 60 days until September 30, 2017.

OVERSIGHT

SEC. 104. Of the funds appropriated by this title under the heading “Public Health and Social Services Emergency Fund”, up to—

(1) \$500,000 shall be transferred to, and merged with, funds made available under the heading “Office of the Secretary, Office of Inspector General”, and shall remain available until expended, for oversight of activities supported with funds appropriated by this title: *Provided*, That the Secretary of Health and Human Services shall consult with the Committees on Appropriations prior to obligating such funds: *Provided further*, That the transfer authority provided by this paragraph is in addition to any other transfer authority provided by law; and

(2) \$500,000 shall be made available to the Comptroller General of the United States, and shall remain available until expended, for oversight of activities supported with funds appropriated by this title: *Provided*, That the Comptroller General shall consult with the Committees on Appropriations prior to obligating such funds.

TITLE II

DEPARTMENT OF STATE

**ADMINISTRATION OF FOREIGN AFFAIRS
DIPLOMATIC AND CONSULAR PROGRAMS**

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for fiscal year 2016 for “Diplomatic and Consular Programs”, \$14,594,000, to remain available until September 30, 2017, for necessary expenses to support response efforts related to the Zika virus, health conditions related to such virus, and other vector-borne diseases: *Provided*, That such funds may be made available for medical evacuation costs of any other department or agency of the United States under Chief of Mission authority, and may be transferred to any other appropriation of such department or agency for such costs: *Provided further*, That such amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

EMERGENCIES IN THE DIPLOMATIC AND CONSULAR SERVICE

For an additional amount for fiscal year 2016 for “Emergencies in the Diplomatic and

Consular Service”, \$4,000,000 for necessary expenses to support response efforts related to the Zika virus, health conditions related to such virus, and other vector-borne diseases, to remain available until September 30, 2017: *Provided*, That such amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

REPATRIATION LOANS PROGRAM ACCOUNT

For an additional amount for fiscal year 2016 for “Repatriation Loans Program Account” for the cost of direct loans, \$1,000,000, to support response efforts related to the Zika virus, health conditions related to such virus, and other vector-borne diseases, to remain available until September 30, 2017: *Provided*, That such costs, including costs of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: *Provided further*, That such funds are available to subsidize an additional amount of gross obligations for the principal amount of direct loans not to exceed \$1,880,406: *Provided further*, That such amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT

FUNDS APPROPRIATED TO THE PRESIDENT OPERATING EXPENSES

For an additional amount for fiscal year 2016 for “Operating Expenses”, \$10,000,000, to remain available until September 30, 2017, for necessary expenses to support response efforts related to the Zika virus, health conditions related to such virus, and other vector-borne diseases: *Provided*, That such amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

BILATERAL ECONOMIC ASSISTANCE

FUNDS APPROPRIATED TO THE PRESIDENT GLOBAL HEALTH PROGRAMS

For an additional amount for fiscal year 2016 for “Global Health Programs”, \$145,500,000, to remain available until September 30, 2017, for necessary expenses to prevent, prepare for, and respond to the Zika virus, health conditions related to such virus, and other vector-borne diseases: *Provided*, That funds appropriated under this heading shall be made available for vector control activities, vaccines, diagnostics, and vector control technologies: *Provided further*, That funds appropriated under this heading may be made available as contributions to the World Health Organization, the United Nations Children’s Fund, the Pan American Health Organization, the International Atomic Energy Agency, and the Food and Agriculture Organization: *Provided further*, That funds made available under this heading shall be subject to prior consultation with the Committees on Appropriations: *Provided further*, That none of the funds appropriated under this heading may be made available for the Grand Challenges for Development program: *Provided further*, That such amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

GENERAL PROVISIONS—THIS TITLE

TRANSFER AUTHORITIES

(INCLUDING TRANSFER OF FUNDS)

SEC. 201. (a) Funds appropriated by this title under the headings “Diplomatic and Consular Programs”, “Emergencies in the Diplomatic and Consular Service”, “Repatri-

ation Loans Program Account”, and “Operating Expenses” may be transferred to, and merged with, funds appropriated by this title under such headings to carry out the purposes of this title.

(b) The transfer authorities provided by this section are in addition to any other transfer authority provided by law.

(c) Upon a determination that all or part of the funds transferred pursuant to the authorities provided by this section are not necessary for such purposes, such amounts may be transferred back to such appropriations.

(d) No funds shall be transferred pursuant to this section unless at least 5 days prior to making such transfer the Secretary of State or the Administrator of the United States Agency for International Development, as appropriate, notifies the Committees on Appropriations in writing of the details of any such transfer.

NOTIFICATION REQUIREMENT

SEC. 202. Funds appropriated by this title shall only be available for obligation if the Secretary of State or the Administrator of the United States Agency for International Development, as appropriate, notifies the Committees on Appropriations in writing at least 15 days in advance of such obligation.

CONSOLIDATED REPORTING REQUIREMENT

SEC. 203. Not later than 30 days after enactment of this Act and prior to the initial obligation of funds made available by this title, the Secretary of State and the Administrator of the United States Agency for International Development shall submit a consolidated report to the Committees on Appropriations on the anticipated uses of such funds on a country and project basis, including estimated personnel and administrative costs: *Provided*, That such report shall be updated and submitted to the Committees on Appropriations every 60 days until September 30, 2017.

OVERSIGHT

SEC. 204. Of the funds appropriated by this title, up to—

(1) \$500,000 shall be transferred to, and merged with, funds available under the heading “United States Agency for International Development, Funds Appropriated to the President, Office of Inspector General”, and shall remain available until expended, for oversight of activities supported with funds appropriated by this title: *Provided*, That the transfer authority provided by this paragraph is in addition to any other transfer authority provided by law; and

(2) \$500,000 shall be made available to the Comptroller General of the United States, and shall remain available until expended, for oversight of activities supported with funds appropriated by this title: *Provided*, That the Secretary of State and the Comptroller General, as appropriate, shall consult with the Committees on Appropriations prior to obligating such funds.

TITLE III

GENERAL PROVISIONS—THIS DIVISION

EXTENSION OF AUTHORITIES AND PROVISIONS

SEC. 301. Unless otherwise provided for by this division, the additional amounts appropriated pursuant to this division are subject to the requirements for funds contained in the Consolidated Appropriations Act, 2016 (Public Law 114-113).

PERSONAL SERVICE CONTRACTORS

SEC. 302. Funds made available by this division may be used to enter into contracts with individuals for the provision of personal services (as described in section 104 of part 37 of title 48, Code of Federal Regulations (48 CFR 37.104)) to support the purposes of titles I and II of this division, within the United

States and abroad, subject to prior consultation with, and the notification procedures of, the Committees on Appropriations: *Provided*, That such individuals may not be deemed employees of the United States for the purpose of any law administered by the Office of Personnel Management: *Provided further*, That the authority made available pursuant to this section shall expire on September 30, 2017.

DESIGNATION RETENTION

SEC. 303. Any amount appropriated by this division, designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985 and subsequently so designated by the President, and transferred pursuant to transfer authorities provided by this division shall retain such designation.

EFFECTIVE DATE

SEC. 304. This division shall become effective immediately upon enactment of this Act.

This division may be cited as the “Zika Response and Preparedness Appropriations Act, 2016”.

DIVISION C—CONTINUING APPROPRIATIONS ACT, 2017

The following sums are hereby appropriated, out of any money in the Treasury not otherwise appropriated, and out of applicable corporate or other revenues, receipts, and funds, for the several departments, agencies, corporations, and other organizational units of Government for fiscal year 2017, and for other purposes, namely:

SEC. 101. (a) Such amounts as may be necessary, at a rate for operations as provided in the applicable appropriations Acts for fiscal year 2016 and under the authority and conditions provided in such Acts, for continuing projects or activities (including the costs of direct loans and loan guarantees) that are not otherwise specifically provided for in this Act, that were conducted in fiscal year 2016, and for which appropriations, funds, or other authority were made available in the following appropriations Acts:

(1) The Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2016 (division A of Public Law 114-113), except section 728.

(2) The Commerce, Justice, Science, and Related Agencies Appropriations Act, 2016 (division B of Public Law 114-113).

(3) The Department of Defense Appropriations Act, 2016 (division C of Public Law 114-113).

(4) The Energy and Water Development and Related Agencies Appropriations Act, 2016 (division D of Public Law 114-113).

(5) The Financial Services and General Government Appropriations Act, 2016 (division E of Public Law 114-113), which for purposes of this Act shall be treated as including section 707 of division O of Public Law 114-113.

(6) The Department of Homeland Security Appropriations Act, 2016 (division F of Public Law 114-113).

(7) The Department of the Interior, Environment, and Related Agencies Appropriations Act, 2016 (division G of Public Law 114-113).

(8) The Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 2016 (division H of Public Law 114-113).

(9) The Legislative Branch Appropriations Act, 2016 (division I of Public Law 114-113).

(10) The Department of State, Foreign Operations, and Related Programs Appropriations Act, 2016 (division K of Public Law 114-113), except title IX.

(11) The Transportation, Housing and Urban Development, and Related Agencies

Appropriations Act, 2016 (division L of Public Law 114-113), except section 420.

(b) The rate for operations provided by subsection (a) is hereby reduced by 0.496 percent.

SEC. 102. (a) No appropriation or funds made available or authority granted pursuant to section 101 for the Department of Defense shall be used for: (1) the new production of items not funded for production in fiscal year 2016 or prior years; (2) the increase in production rates above those sustained with fiscal year 2016 funds; or (3) the initiation, resumption, or continuation of any project, activity, operation, or organization (defined as any project, subproject, activity, budget activity, program element, and subprogram within a program element, and for any investment items defined as a P-1 line item in a budget activity within an appropriation account and an R-1 line item that includes a program element and subprogram element within an appropriation account) for which appropriations, funds, or other authority were not available during fiscal year 2016.

(b) No appropriation or funds made available or authority granted pursuant to section 101 for the Department of Defense shall be used to initiate multi-year procurements utilizing advance procurement funding for economic order quantity procurement unless specifically appropriated later.

SEC. 103. Appropriations made by section 101 shall be available to the extent and in the manner that would be provided by the pertinent appropriations Act.

SEC. 104. Except as otherwise provided in section 102, no appropriation or funds made available or authority granted pursuant to section 101 shall be used to initiate or resume any project or activity for which appropriations, funds, or other authority were not available during fiscal year 2016.

SEC. 105. Appropriations made and authority granted pursuant to this Act shall cover all obligations or expenditures incurred for any project or activity during the period for which funds or authority for such project or activity are available under this Act.

SEC. 106. Unless otherwise provided for in this Act or in the applicable appropriations Act for fiscal year 2017, appropriations and funds made available and authority granted pursuant to this Act shall be available until whichever of the following first occurs: (1) the enactment into law of an appropriation for any project or activity provided for in this Act; (2) the enactment into law of the applicable appropriations Act for fiscal year 2017 without any provision for such project or activity; or (3) December 9, 2016.

SEC. 107. Expenditures made pursuant to this Act shall be charged to the applicable appropriation, fund, or authorization whenever a bill in which such applicable appropriation, fund, or authorization is contained is enacted into law.

SEC. 108. Appropriations made and funds made available by or authority granted pursuant to this Act may be used without regard to the time limitations for submission and approval of apportionments set forth in section 1513 of title 31, United States Code, but nothing in this Act may be construed to waive any other provision of law governing the apportionment of funds.

SEC. 109. Notwithstanding any other provision of this Act, except section 106, for those programs that would otherwise have high initial rates of operation or complete distribution of appropriations at the beginning of fiscal year 2017 because of distributions of funding to States, foreign countries, grantees, or others, such high initial rates of operation or complete distribution shall not be made, and no grants shall be awarded for such programs funded by this Act that would impinge on final funding prerogatives.

SEC. 110. This Act shall be implemented so that only the most limited funding action of that permitted in the Act shall be taken in order to provide for continuation of projects and activities.

SEC. 111. (a) For entitlements and other mandatory payments whose budget authority was provided in appropriations Acts for fiscal year 2016, and for activities under the Food and Nutrition Act of 2008, activities shall be continued at the rate to maintain program levels under current law, under the authority and conditions provided in the applicable appropriations Act for fiscal year 2016, to be continued through the date specified in section 106(3).

(b) Notwithstanding section 106, obligations for mandatory payments due on or about the first day of any month that begins after October 2016 but not later than 30 days after the date specified in section 106(3) may continue to be made, and funds shall be available for such payments.

SEC. 112. Amounts made available under section 101 for civilian personnel compensation and benefits in each department and agency may be apportioned up to the rate for operations necessary to avoid furloughs within such department or agency, consistent with the applicable appropriations Act for fiscal year 2016, except that such authority provided under this section shall not be used until after the department or agency has taken all necessary actions to reduce or defer non-personnel-related administrative expenses.

SEC. 113. Funds appropriated by this Act may be obligated and expended notwithstanding section 10 of Public Law 91-672 (22 U.S.C. 2412), section 15 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2680), section 313 of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995 (22 U.S.C. 6212), and section 504(a)(1) of the National Security Act of 1947 (50 U.S.C. 3094(a)(1)).

SEC. 114. (a) Each amount incorporated by reference in this Act that was previously designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985 or as being for disaster relief pursuant to section 251(b)(2)(D) of such Act is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A) of such Act or as being for disaster relief pursuant to section 251(b)(2)(D) of such Act, respectively.

(b) The reduction in section 101(b) of this Act shall not apply to—

(1) amounts designated under subsection (a) of this section;

(2) amounts made available by section 101(a) by reference to the second paragraph under the heading “Social Security Administration—Limitation on Administrative Expenses” in division H of Public Law 114-113; or

(3) amounts made available by section 101(a) by reference to the paragraph under the heading “Centers for Medicare and Medicaid Services—Health Care Fraud and Abuse Control Account” in division H of Public Law 114-113.

(c) Section 6 of Public Law 114-113 shall apply to amounts designated in subsection (a) for Overseas Contingency Operations/Global War on Terrorism.

SEC. 115. During the period covered by this Act, discretionary amounts appropriated for fiscal year 2017 that were provided in advance by appropriations Acts covered by section 101 of this Act shall be available in the amounts provided in such Acts, reduced by the percentage in section 101(b).

SEC. 116. (a) In addition to the amounts otherwise provided by section 101, and not-

withstanding section 104, an additional amount is provided to the Secretary of Health and Human Services to carry out the authorizations in the Comprehensive Addiction and Recovery Act of 2016 (Public Law 114-198), at a rate for operations of \$17,000,000.

(b) In addition to the amounts otherwise provided by section 101, and notwithstanding section 104, an additional amount is provided to the Attorney General to carry out the authorizations in the Comprehensive Addiction and Recovery Act of 2016 (Public Law 114-198), at a rate for operations of \$20,000,000.

(c) Notwithstanding any other provision of this Act, in addition to the purposes otherwise provided for amounts that become available on October 1, 2016, under the heading “Department of Veterans Affairs—Veterans Health Administration—Medical Services” in division J of Public Law 114-113, such amounts shall be used to implement the Jason Simcakoski Memorial and Promise Act (title IX of Public Law 114-198) and the amendments made by that Act.

SEC. 117. Notwithstanding section 101, amounts are provided for “Department of Agriculture—Domestic Food Programs—Food and Nutrition Service—Commodity Assistance Program” at a rate for operations of \$310,139,000, of which \$236,120,000 shall be for the Commodity Supplemental Food Program.

SEC. 118. Amounts provided by section 111 to the Department of Agriculture for “Corporations—Commodity Credit Corporation Fund—Reimbursement for Net Realized Losses” may be used, prior to the completion of the report described in section 2 of the Act of August 17, 1961 (15 U.S.C. 713a-11), to reimburse the Commodity Credit Corporation for net realized losses sustained, but not previously reimbursed, as reflected in the June 2016 report of its financial condition.

SEC. 119. Amounts made available by section 101 for “Department of Agriculture—Rural Housing Service—Rental Assistance Program” may be apportioned up to the rate for operations necessary to pay ongoing debt service for the multi-family direct loan programs under sections 514 and 515 of the Housing Act of 1949 (42 U.S.C. 1484 and 1485).

SEC. 120. Section 529(b)(5) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360ff(b)(5)) shall be applied by substituting the date specified in section 106(3) of this Act for “September 30, 2016”.

SEC. 121. Notwithstanding sections 101 and 102, within amounts provided for “Department of Defense—Operation and Maintenance, Defense-Wide” and “Department of Defense—Research, Development, Test and Evaluation, Defense-Wide”, except for amounts designated for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985, the Secretary of Defense may develop, replace, and sustain Federal Government security and suitability background investigation information technology system requirements of the Office of Personnel Management at a rate for operations of \$95,000,000.

SEC. 122. Section 1215(f)(1) of the National Defense Authorization Act for Fiscal Year 2012 (Public Law 112-81; 10 U.S.C. 113 note), as most recently amended by section 1221 of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114-92), shall be applied by substituting “2017” for “2016” through the earlier of the date specified in section 106(3) of this Act or the date of the enactment of an Act authorizing appropriations for fiscal year 2017 for military activities of the Department of Defense.

SEC. 123. (a) Funds made available by section 101 for “Department of Energy—Energy

Programs—Uranium Enrichment Decontamination and Decommissioning Fund” may be apportioned up to the rate for operations necessary to avoid disruption of continuing projects or activities funded in this appropriation.

(b) The Secretary of Energy shall notify the Committees on Appropriations of the House of Representatives and the Senate not later than 3 days after each use of the authority provided in subsection (a).

SEC. 124. (a) Notwithstanding any other provision of this Act, except section 106, the District of Columbia may expend local funds under the heading “District of Columbia Funds” for such programs and activities under the District of Columbia Appropriations Act, 2016 (title IV of division E of Public Law 114–113) at the rate set forth under “Part A—Summary of Expenses” as included in the Fiscal Year 2017 Local Budget Act of 2016 (D.C. Act 21–414), as modified as of the date of the enactment of this Act.

(b) During the period in which this Act is in effect, the authority and conditions provided in the Financial Services and General Government Appropriations Act, 2016 (division E of Public Law 114–113) which were applicable to the obligation or expenditure of funds by the District of Columbia for any program, project, or activity during fiscal year 2016 shall apply to the obligation or expenditure of funds by the District of Columbia with respect to such program, project, or activity under any authority.

SEC. 125. (a) Notwithstanding section 101, amounts are provided for “General Services Administration—Expenses, Presidential Transition” for necessary expenses to carry out the Presidential Transition Act of 1963 (3 U.S.C. 102 note), at a rate for operations of \$9,500,000, of which not to exceed \$1,000,000 is for activities authorized by sections 3(a)(8) and 3(a)(9) of such Act: *Provided*, That such amounts may be transferred and credited to the “Acquisition Services Fund” or “Federal Buildings Fund” to reimburse obligations incurred prior to enactment of this Act for the purposes provided herein related to the Presidential election in 2016: *Provided further*, That amounts available under this section shall be in addition to any other amounts available for such purposes.

(b) Notwithstanding section 101, no funds are provided by this Act for “General Services Administration—Pre-Election Presidential Transition”.

SEC. 126. Notwithstanding section 101, for expenses of the Office of Administration to carry out the Presidential Transition Act of 1963, as amended, and similar expenses, in addition to amounts otherwise appropriated by law, amounts are provided to “Presidential Transition Administrative Support” at a rate for operations of \$7,582,000: *Provided*, That such funds may be transferred to other accounts that provide funding for offices within the Executive Office of the President and the Office of the Vice President in this Act or any other Act, to carry out such purposes.

SEC. 127. In addition to the amounts otherwise provided by section 101, an additional amount is provided for “District of Columbia—Federal Payment for Emergency Planning and Security Costs in the District of Columbia” for costs associated with the Presidential Inauguration, at a rate for operations of \$19,995,000.

SEC. 128. In addition to the amounts otherwise provided by section 101, an additional amount is provided for “National Archives and Records Administration—Operating Expenses” to carry out the Presidential transition responsibilities of the Archivist of the United States under sections 2201 through 2207 of title 44, United States Code (commonly known as the “Presidential Records

Act of 1978”), at a rate for operations of \$4,850,000.

SEC. 129. Amounts made available by section 101 for “Small Business Administration—Business Loans Program Account” may be apportioned up to the rate for operations necessary to accommodate increased demand for commitments for general business loans authorized under section 7(a) of the Small Business Act (15 U.S.C. 636(a)).

SEC. 130. Amounts provided by section 101 for the Department of Homeland Security may be obligated in the account and budget structure set forth in the table provided by the Chief Financial Officer of the Department to the Committees on Appropriations of the Senate and the House of Representatives prior to the end of fiscal year 2016 pursuant to section 563(e) of the Department of Homeland Security Appropriations Act, 2016 (division F of Public Law 114–113).

SEC. 131. (a) Amounts made available by section 101 for “Department of Homeland Security—U.S. Customs and Border Protection—Operations and Support” may be apportioned up to the rate for operations necessary to maintain not less than the number of staff achieved on September 30, 2016.

(b) Amounts made available by section 101 for “Department of Homeland Security—Transportation Security Administration—Operations and Support” may be apportioned up to the rate for operations necessary to maintain not less than the number of screeners achieved on September 30, 2016.

SEC. 132. The authority provided by section 831 of the Homeland Security Act of 2002 (6 U.S.C. 391) shall continue in effect through the date specified in section 106(3) of this Act.

SEC. 133. Section 810 of the Federal Lands Recreation Enhancement Act (16 U.S.C. 6809) is amended by striking “September 30, 2017” and inserting “September 30, 2018”.

SEC. 134. (a) The authority provided by subsection (m)(3) of section 8162 of the Department of Defense Appropriations Act, 2000 (40 U.S.C. 8903 note; Public Law 106–79) shall continue in effect through the date specified in section 106(3) of this Act.

(b) Section 419(b) of division G of Public Law 114–113 shall not apply during the period covered by this Act.

SEC. 135. Notwithstanding section 101, subsection 35(d) of the Mineral Leasing Act (30 U.S.C. 191(d)) shall be applied, at a rate for operations, through the date specified in section 106(3), as if the following new paragraph were added at the end—

“(5) There is appropriated to the Fee Account established in subsection (c)(3)(B)(ii) of this section, out of any money in the Treasury not otherwise appropriated, \$26,000,000 for fiscal year 2017, to remain available until expended, for the coordination and processing of oil and gas use authorizations, to be reduced by amounts collected by the Bureau and transferred to such Fee Account pursuant to subsection (d)(3)(A)(ii) of this section, so as to result in a final fiscal year 2017 appropriation from the general fund estimated at not more than \$0.”

SEC. 136. In addition to the amounts otherwise provided by section 101, an additional amount is provided for “Department of the Interior—National Park Service—Operation of the National Park System” for security and visitor safety activities related to the Presidential Inaugural Ceremonies, at a rate for operations of \$4,200,000.

SEC. 137. In addition to amounts otherwise made available by section 101, and notwithstanding section 104, amounts are provided for “Environmental Protection Agency—Environmental Programs and Management” at a rate for operations of \$3,000,000, to remain available until expended, and such amounts may be apportioned up to the rate for oper-

ations needed, for necessary expenses of activities described in section 26(b)(1) of the Toxic Substances Control Act (15 U.S.C. 2625(b)(1)): *Provided*, That fees collected pursuant to such section of such Act and deposited in the “TSCA Service Fee Fund” as discretionary offsetting receipts in fiscal year 2017 shall be retained and used for necessary salaries and expenses under the above heading and shall remain available until expended: *Provided further*, That the sum provided by this section of this Act from the general fund for fiscal year 2017 shall be reduced by the amount of discretionary offsetting receipts received during fiscal year 2017, so as to result in a final fiscal year 2017 appropriation from the general fund estimated at not more than \$0: *Provided further*, That to the extent that amounts realized from such receipts exceed \$3,000,000, those amounts in excess of \$3,000,000 shall be deposited in the “TSCA Service Fee Fund” as discretionary offsetting receipts in fiscal year 2017, shall be retained and used for necessary salaries and expenses in this account, and shall remain available until expended: *Provided further*, That of the amounts provided under this heading by section 101, the Chemical Risk Review and Reduction program project shall be allocated for this fiscal year, excluding the amount of any fees made available, not less than the amount of appropriations for that program project for fiscal year 2014.

SEC. 138. Section 114(f) of the Higher Education Act of 1965 (20 U.S.C. 1011c(f)) shall be applied by substituting the date specified in section 106(3) of this Act for “September 30, 2016”.

SEC. 139. The first proviso under the heading “Department of Health and Human Services—Administration for Children and Families—Payments to States for the Child Care and Development Block Grant” in title II of division H of Public Law 114–113 shall not apply during the period covered by this Act.

SEC. 140. (a) The second proviso under the heading “Department of Health and Human Services—Administration for Children and Families—Children and Families Services Programs” in title II of division H of Public Law 114–113 shall be applied during the period covered by this Act as if the following were struck from such proviso: “, of which \$141,000,000 shall be available for a cost of living adjustment notwithstanding section 640(a)(3)(A) of such Act”.

(b) Amounts made available in the third proviso under the heading “Department of Health and Human Services—Administration for Children and Families—Children and Families Services Programs” in title II of division H of Public Law 114–113 shall not be included in the calculation of the “base grant”, as such term is used in section 640(a)(7)(A) of the Head Start Act (42 U.S.C. 9835(a)(7)(A)), during the period described in section 106 of this Act.

SEC. 141. (a) Section 529 of division H of Public Law 114–113 shall be applied by substituting “in the Child Enrollment Contingency Fund from the appropriation to the Fund for the first semi-annual allotment period for fiscal year 2017 under section 2104(n)(2)(A)(ii) of the Social Security Act” for “or available in the Child Enrollment Contingency Fund from appropriations to the Fund under section 2104(n)(2)(A)(i) of the Social Security Act”; and

(b) Section 530 of division H of Public Law 114–113 shall be applied by substituting “\$541,900,000” for “\$4,678,500,000” and by adding at the end the following: “and of the funds made available for the purposes of carrying out section 2105(a)(3) of the Social Security Act, \$5,669,100,000 are hereby rescinded”.

SEC. 142. Notwithstanding any other provision of this Act, there is appropriated for

payment to Sami A. Takai, widow of Kyle Mark Takai, late a Representative from the State of Hawaii, \$174,000.

SEC. 143. (a) Amounts made available by section 101 for “Department of Transportation—Federal Railroad Administration—Operating Grants to the National Railroad Passenger Corporation” and “Department of Transportation—Federal Railroad Administration—Capital and Debt Service Grants to the National Railroad Passenger Corporation” shall be obligated in the account and budget structure, and under the authorities and conditions, set forth for “Department of Transportation—Federal Railroad Administration—Northeast Corridor Grants to the National Railroad Passenger Corporation” and “Department of Transportation—Federal Railroad Administration—National Network Grants to the National Railroad Passenger Corporation” in H.R. 5394 and S. 2844, as introduced in the One Hundred Fourteenth Congress.

(b) Amounts made available pursuant to subsection (a) are provided for “Department of Transportation—Federal Railroad Administration—Northeast Corridor Grants to the National Railroad Passenger Corporation” at a rate for operations of \$235,000,000, to remain available until expended, and for “Department of Transportation—Federal Railroad Administration—National Network Grants to the National Railroad Passenger Corporation” at a rate for operations of \$1,155,000,000, to remain available until expended.

SEC. 144. Amounts made available by section 101 for “Maritime Administration—Maritime Security Program” shall be allocated at an annual rate across all vessels covered by operating agreements, as that term is used in chapter 531 of title 46, United States Code, and the Secretary shall distribute equally all such funds for payments due under all operating agreements in equal amounts notwithstanding title 46, United States Code, section 53106: *Provided*, That no payment shall exceed an annual rate of \$3,500,000 per operating agreement.

This division may be cited as the “Continuing Appropriations Act, 2017”.

DIVISION D—RESCISSIONS OF FUNDS

SEC. 101. (a) Of the unobligated balances available from prior year appropriations under the heading “Department of Commerce, Economic Development Administration, Economic Development Assistance Programs” designated by the Congress as an emergency requirement pursuant to the Concurrent Resolution on the Budget or the Balanced Budget and Emergency Deficit Control Act of 1985, \$10,000,000 is rescinded immediately upon enactment of this Act: *Provided*, That such amounts are designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

(b) Of the unobligated balances available from amounts provided under the heading “Department of Commerce, National Oceanic and Atmospheric Administration, Operations, Research, and Facilities” in title II of Public Law 111–212 for responding to economic impacts of fisherman and fishery dependent businesses, \$13,000,000 is rescinded immediately upon enactment of this Act: *Provided*, That such amounts are designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

(c) Of the unobligated balances available from amounts provided under the heading “Department of Homeland Security, Office of the Secretary and Executive Management” in Public Law 109–148, \$279,045 is re-

scinded immediately upon enactment of this Act: *Provided*, That such amounts are designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

(d) Of the unobligated balances available under the heading “Department of Homeland Security, U.S. Customs and Border Protection, Salaries and Expenses” from emergency funds in Public Law 107–206 and earlier laws transferred to the Department of Homeland Security when it was created in 2003, \$39,246 is rescinded immediately upon enactment of this Act: *Provided*, That such amounts are designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

(e) Of the unobligated balances available from amounts provided under the heading “Department of Homeland Security, United States Coast Guard, Acquisition, Construction, and Improvements” in Public Law 110–329, Public Law 109–148 and Public Law 109–234, \$48,075,920 is rescinded immediately upon enactment of this Act: *Provided*, That such amounts are designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

(f) Of the unobligated balances available under the heading “Department of Homeland Security, Federal Emergency Management Agency, Administrative and Regional Operations” in Public Law 109–234, \$731,790 is rescinded immediately upon enactment of this Act: *Provided*, That such amounts are designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

(g) Of the unobligated amounts made available under section 1323(c)(1) of the Patient Protection and Affordable Care Act (42 U.S.C. 18043(c)(1)), \$168,100,000 is rescinded immediately upon enactment of this Act.

(h) Of the unobligated balances available under the heading “Operating Expenses” in title IX of the Department of State, Foreign Operations, and Related Programs Appropriations Act, 2015 (division J of Public Law 113–235), \$7,522,000 is rescinded immediately upon enactment of this Act: *Provided*, That such amounts are designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

(i) Of the unobligated balances of appropriations made available under the heading “Bilateral Economic Assistance, Funds Appropriated to the President” in title IX of the Department of State, Foreign Operations, and Related Programs Appropriations Act, 2015 (division J of Public Law 113–235), \$109,478,000 is rescinded immediately upon enactment of this Act: *Provided*, That such amounts are designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

(j) Of the unobligated balances available from amounts provided under the heading “Department of Transportation, Federal Aviation Administration, Facilities and Equipment” in Public Law 109–148, \$4,384,920 is rescinded immediately upon enactment of this Act: *Provided*, That such amounts are designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

(k) Of the unobligated balances available from amounts provided under the heading “Department of Transportation, Federal Aviation Administration, Facilities and Equipment” in Public Law 102–368, \$990,277 is rescinded immediately upon enactment of

this Act: *Provided*, That such amounts are designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

(l) Of the unobligated balances available to the Department of Transportation from amounts provided under section 108 of Public Law 101–130, \$37,400,000 is rescinded immediately upon enactment of this Act: *Provided*, That such amounts are designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

SEC. 102. The first sections 1 through 6 and divisions A through D of the “Continuing Appropriations and Military Construction, Veterans Affairs, and Related Agencies Appropriations Act, 2017, and Zika Response and Preparedness Act” shall have no force or effect.

SA 5104. Mr. GRAHAM submitted an amendment intended to be proposed by him to the bill H.R. 5325, making appropriations for the Legislative Branch for the fiscal year ending September 30, 2017, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____ . QUORUM REQUIREMENT FOR BOARD OF DIRECTORS OF EXPORT-IMPORT BANK OF THE UNITED STATES.

(a) IN GENERAL.—Notwithstanding section 3(c)(6) of the Export-Import Bank Act of 1945 (12 U.S.C. 635a(c)(6)), not more than 2 ex officio members of the Board of Directors of the Export-Import Bank of the United States shall be counted toward a quorum only for the purposes of decisions of the Board regarding loans, guarantees, insurance, credits, and other financing activities of the Bank, during the period that begins on the date of the enactment of this Act, and ends on September 30, 2017, if, during that period, there are fewer than 3 individuals holding office on the Board who were appointed to the Board by the President.

(b) EX OFFICIO BOARD MEMBER DEFINED.—In this section, the term “ex officio Board member” means an individual who—

(1) holds a position, identified in section 1 of article I of the bylaws of the Export-Import Bank of the United States, for which the individual serves as an ex officio member of the Board of Directors of the Bank; and

(2) has been confirmed by the Senate to that position.

SEC. ____ . INTERNET DOMAIN NAME SYSTEM FUNCTIONS.

(a) Notwithstanding subsection (b) of section 539 of division B of the Consolidated Appropriations Act, 2016 (Public Law 114–113; 129 Stat. 2332), subsection (a) of that section shall continue in effect through September 30, 2017, and shall apply to funds made available by that Act and by this Act.

(b) The Department of Commerce shall maintain and not relinquish, terminate, lapse, cancel, or otherwise cease responsibilities held at any time during fiscal year 2016 with respect to Internet domain name system functions, including responsibility with respect to the authoritative root zone file and the Internet Assigned Numbers Authority functions, through September 30, 2017.

(c) This section shall take effect on the date of enactment of this Act.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mrs. CAPITO. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on September 27, 2016, at 9:30 a.m.

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

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mrs. CAPITO. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet during the session of the Senate on September 27, 2016, at 10 a.m., in room SR-253 of the Russell Senate Office Building to conduct a hearing entitled "Oversight of the Federal Trade Commission."

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

COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

Mrs. CAPITO. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs be authorized to meet during the session of the Senate on September 27, 2016, at 10 a.m., to conduct a hearing entitled "Fifteen Years After 9/11: Threats to the Homeland."

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

COMMITTEE ON FOREIGN RELATIONS

Mrs. CAPITO. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on September 27, 2016, at 2:30 p.m.

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

SELECT COMMITTEE ON INTELLIGENCE

Mrs. CAPITO. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on September 27, 2016, at 10 a.m., in room SH-216 of the Hart Senate Office Building.

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

APPOINTMENT

The PRESIDING OFFICER. The Chair, on behalf of the President pro tempore, pursuant to Public Law 110-315, announces the reappointment of the following individual to be a member of the National Advisory Committee on Institutional Quality and Integrity: Dr. Paul LeBlanc of New Hampshire.

ORDERS FOR WEDNESDAY, SEPTEMBER 28, 2016

Mr. BOOZMAN. Mr. President, I ask unanimous consent that when the Senate completes its business today, it ad-

journal until 9:30 a.m., Wednesday, September 28; that following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, and the time for the two leaders be reserved for their use later in the day; further, that following leader remarks, the Senate resume consideration of H.R. 5325 until 10 a.m.; finally, that at 10 a.m., the Senate resume consideration of the veto message to accompany S. 2040, as under the previous order.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

ORDER FOR ADJOURNMENT

Mr. BOOZMAN. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that it stand adjourned under the previous order, following the remarks of the Senator from Colorado, Mr. BENNET.

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

The Senator from Colorado.

NOMINATION OF MERRICK GARLAND

Mr. BENNET. Mr. President, I am privileged to be here with the Presiding Officer this evening. I thank my colleague from Arkansas for allowing me to speak at this time.

I rise to discuss the vacancy on the Supreme Court. Nearly 200 days have passed since the President nominated Judge Merrick Garland to fill the Supreme Court vacancy. Yet the majority still refuses to hold a hearing on his record or a vote on his nomination. As a result, Judge Garland is now the longest pending nominee in the Nation's history.

Next week, the Supreme Court will reconvene for a new term with one seat still vacant. I remember reading Justice Scalia's opinion in a case where he described an eight-member Court as a diminished Court. That was the language he used. We now have a Supreme Court that, not just in one term but in two terms, has been diminished by the inability of this Senate to confirm a nominee.

There is no doubt that anybody with any sense can see this has been an unconventional period in American politics, to say the least, but in many cases, the majority's refusal to even consider Judge Garland's nomination is the most egregious example of Washington dysfunction I have seen.

Within an hour of Justice Scalia's death, the majority leader unilaterally decided the Senate would not consider the President's nominee, even though 342 days remained in the President's term. By taking this unprecedented action, the majority leader hoped that the next President would nominate someone with the same originalist judicial philosophy as Justice Scalia. Indeed, that is what some of my col-

leagues have said. Waiting would allow the next President to "nominate a justice who will continue Justice Scalia's unwavering belief in the founding principles we hold dear." Another said that we should wait so as to "preserve the conservative legacy of the late Antonin Scalia." By taking this position, they have made clear that they want the next President—perhaps Donald Trump—to replace an originalist such as Antonin Scalia with another originalist. But by taking this approach, the majority leader has radically departed from the plain language of the Constitution and more than 200 years of historic precedent in this Chamber.

As an originalist—and he certainly was—Justice Scalia would interpret the Constitution by examining the meaning of the words when it was enacted.

Article II, section 2 of the Constitution states: "[The President] shall nominate, and by and with the Advice and Consent of the Senate shall appoint . . . Judges of the Supreme Court." When a vacancy arises, the President has an affirmative duty to nominate a replacement, and the Senate, in return, has an affirmative duty to advise and consent. That is what the plain language of the Constitution requires, and that is what the original meaning would have been.

But beyond the text of the Constitution, we should also consider the traditions of our predecessors in this Chamber. Members of the majority seem eager to make this point. One of our colleagues said that "we should follow a tradition embraced by both parties and allow his successor to select the next Supreme Court Justice." Another said: "There is significant precedent for holding a Supreme Court vacancy open through the end of a president's term in an election year." The truth is exactly the opposite. In fact, the majority's position today is absolutely unprecedented in the history of the United States or the history of the U.S. Senate.

Recently, Professors Robert Kar and Jason Mazzone combed through the history of Supreme Court nominations and Senate confirmations for a piece I believe appeared in the NYU law journal. Since the founding of the country, there have been 103 instances similar to the moment we face today, where an elected President nominated a person to fill a vacancy before the election of the successor—where an elected President nominated an individual to fill a vacancy before the election of his successor.

The professors found that in all 103 instances, the sitting President was able to both nominate and appoint a replacement Justice by and with the advice and consent of the Senate. The professors further wrote: "This is true even of all eight such cases where the nomination process began during an election year."

That is the history. That is the precedent. So when we hear people

come to the floor and say the customary practice has been to do this or that, it is not true. I sometimes wonder why people who are committed originalists are out here talking about the customary practice at all because it ought to be the plain meaning of the Constitution folks are following, but if we are going to talk about the customary practice, let's talk about what has actually happened rather than inventing it on the floor of the Senate.

For the last 200 days, the majority has argued we should, for the first time ever—ever—depart from this 200-year tradition. I will say this on this floor: There is nothing conservative about that position. That is a radical position, at war with the Founders' view of this. When the chairman of the Judiciary Committee said that "the fact of the matter is that it's been standard practice"—his language—"to not confirm Supreme Court nominees during a presidential election year," he was incorrect.

The fact is, the standard practice in the Senate is just as clear as the plain text and the original meaning. If the sitting President nominates an individual to fill a Supreme Court vacancy, the Senate acts with an up-or-down vote.

I should say I am not here to say anybody should vote for the nominee. That is a matter of conscience for every single Member of the Senate, but our job is to have a vote. When Members of the majority say things like, "It's been 80 years since any President was permitted to immediately fill a vacancy that arose in a presidential election year," they fail to mention that in the past 80 years a vacancy has not arisen on the Supreme Court in an election year at all.

The 80-year time period the majority highlights is precisely the 80-year period in which no Supreme Court vacancies occurred during an election year. If you go back just one more election—84 years ago—you will find a case from 1932 that is very similar to ours today. On February 25 of that election year, President Hoover nominated Benjamin Cardozo to replace Justice Holmes on the Supreme Court. The Senate confirmed Cardozo 9 days later.

So when Senators come to the floor and say we have an 80-year precedent of not confirming Justices at this moment in a President's term, that is only because there hasn't been a vacancy. I might as well say we have an 84-year precedent where we do confirm Justices in the last year because that is what happened 84 years ago with Justice Cardozo.

The Senate also confirmed three other Supreme Court nominees in election years in the 20th Century—twice in 1916 and once in 1912. So I can extend my 84-year precedent farther back into history.

Through their research, Professors Kar and Mazzone found only six cases where the Senate acted consistent with today's majority—to deliberately ig-

nore the President's nominee for a Supreme Court vacancy and wait for the successor—but none of these cases is analogous in any way to the vacancy we face in this Senate.

In those six cases, there were questions about the sitting President's legitimacy, either because that President had assumed office by succession, unlike the current President, who was elected to the Presidency and then re-elected to the Presidency, or because the nominations came after the election of the next President, which we know is not the case today because the vacancy occurred 340 or so days before the end of the President's term, and anybody watching television last night would know we have yet to select the next President of the United States.

What is amazing is that even in the remaining 13 cases, where there was some question about legitimacy or it was after the successor had been elected, the Senate still confirmed a majority of the President's nominees. Six were the minority, where they weren't confirmed. The rest they confirmed.

To suggest this President, whom the American people elected twice, should not be able to fill a Supreme Court vacancy is a radical departure from the Constitution's text and the Senate's historical practice. As the professors conclude, the majority's actions are "unprecedented in the history of Supreme Court appointments."

Whether by interpreting the original meaning of the Constitution or by following standard practice, every other Senate has acted, not by refusing to consider the nomination or stalling until after an election or waiting for the next President to make a nomination but by having a debate in full view of the American people and to give the nominee an up-or-down vote.

As I said earlier, of course the majority can withhold its consent by voting no. That is their constitutional prerogative. That is what it did in 1987, when the full Senate voted against Robert Bork, even after the Judiciary Committee conducted full hearings and a majority voted against his nomination.

The Constitution doesn't say the Judiciary Committee shall advise and consent. It says the Senate shall advise and consent, and that is what a majority of the Senate did in 1795, when it rejected George Washington's nomination of Justice John Rutledge as Chief Justice. By the way, that Senate—which unlike ours actually included some of the Framers who wrote the Constitution—went on to confirm three nominees, all in the fourth year of George Washington's second term—all in the eighth year that George Washington was President.

This was true in 1968, when there were serious concerns about President Johnson's nominee, Justice Abe Fortas, to replace the outgoing Chief Justice. Even then, in President Johnson's final months in office, the Senate held confirmation hearings and floor debates. The Senate had a full and pub-

lic debate on the merits of the nominee.

In fact, as the professors found, only 12 nominations out of 160 over the entire course of the history of the United States failed to reach the Senate floor. Most of these were made near the end of a legislative session or were later withdrawn by the President, but in every other instance, the Senate brought the nomination to the Senate floor for a full debate and consideration.

If today's majority is concerned with the American people having a voice on who the next Supreme Court Justice is, we should follow our ordinary procedures and allow our representatives in the Senate to consider the merits of the President's nominee. We have denied the American people a debate in a runoff to an election. When we should be debating what the composition of the Supreme Court should look like, when we should be debating what is at stake in this Presidential election, our floor is empty.

I say, again, this action has been taken in the name of conservatism. There is nothing conservative about this—nothing. This is a radical departure from standard practice. It is a threat to our democracy. It is a threat to judicial oversight. It is a threat to the rule of law. It is lawless.

What makes this even worse is that the majority's failure to fulfill our constitutional responsibilities isn't even about policy, it is about politics. It is about rolling the dice on an election, instead of following the plain text of the Constitution and more than two centuries of Senate tradition in the history of the United States.

We have had more than enough time to consider the merits of Judge Garland's nomination. The American people have watched the U.S. Senate take the entire summer off and not do our job. In fact, as some of my colleagues have noted, this Senate has worked fewer days this year than any Senate in 60 years, and a lot of those Senates didn't have a Supreme Court vacancy to fill.

By refusing to consider the President's Supreme Court nominee for nearly 200 days, the majority is creating, I fear—I hope not—a new precedent, one that threatens to shape future vacancies to the Court and further politicizes the one branch of our government that is meant to be above the partisan bickering that has paralyzed this institution.

It is one thing for people in this body to drive the approval rating of the U.S. Congress down to 9 percent, and that is a feat—that is a feat—but to denigrate another institution of government this cavalierly for politics is wrong.

The longer this vacancy remains, the more uncertainty and confusion the American people will suffer. Petty politics is now jeopardizing, as I said earlier, not just one but two terms of the Supreme Court. We have to reject this unprecedented abdication of our most

basic constitutional obligation. This is one of those things that is written in the Constitution, and there is no one else assigned the duty of doing it other than the Senate. The House has no responsibility.

Some people here have said let the people decide. As I said earlier, the best way of letting the people decide is by having an open debate in the Senate. But the Constitution doesn't actually say let the people decide, it sets up what we ought to be doing.

I fear that if we start here, where will it end? If a President can't have his nominee considered over 300 days from an election, why not 2 years or 4 years from an election? Why not routinely hobble the Supreme Court until you get your way, until you have your President and your majority? Until then, we will not do the American people's business.

Even if the Constitution does not in fact oblige us to consider President Obama's nominee, it is, nevertheless, it seems to me, our duty as responsible public servants to do so and the American people's obligation to hold elected officials accountable and demand a full, functioning judiciary.

Believe me, I know it has become fashionable for Washington to tear down rather than work to improve the democratic institutions generations of Americans have built, but as I said, to impair so cavalierly the judicial branch of our government is unacceptable. It doesn't meet the standard of a great nation or a great parliamentary body. Comity and cooperation will not be restored overnight or with a single decision in this Senate. It has taken far too long for us to travel down this destructive road to deadlock, ideological rigidity, and bitter partisanship. Even with all of that, the least we could do is follow centuries of tradition and practice, preserve the judiciary from the partisanship that has paralyzed much of the other two branches, and act as conservatives by fulfilling one of our most fundamental duties as elected representatives.

It is long past time for the Senate to do its job, as every Senate before us since its founding has done.

Mr. President, I yield the floor.

ADJOURNMENT UNTIL 9:30 A.M.
TOMORROW

The PRESIDING OFFICER (Mr. DAINES). The Senate stands adjourned until 9:30 a.m. tomorrow.

Thereupon, the Senate, at 6:44 p.m., adjourned until Wednesday, September 28, 2016, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate:

THE JUDICIARY

JULIE REBECCA BRESLOW, OF THE DISTRICT OF COLUMBIA, TO BE AN ASSOCIATE JUDGE OF THE SUPERIOR COURT OF THE DISTRICT OF COLUMBIA FOR THE TERM OF FIFTEEN YEARS, VICE RHONDA REID WINSTON, RETIRED.

DEBORAH J. ISRAEL, OF THE DISTRICT OF COLUMBIA, TO BE AN ASSOCIATE JUDGE OF THE SUPERIOR COURT OF THE DISTRICT OF COLUMBIA FOR THE TERM OF FIFTEEN YEARS, VICE MELVIN R. WRIGHT, RETIRED.

CARMEN GUERRICAGOITIA MCLEAN, OF THE DISTRICT OF COLUMBIA, TO BE AN ASSOCIATE JUDGE OF THE SUPERIOR COURT OF THE DISTRICT OF COLUMBIA FOR THE TERM OF FIFTEEN YEARS, VICE STUART GORDON NASH, RETIRED.

IN THE NAVY

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

To be rear admiral (lower half)

CAPT. PAUL A. STADER