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NATIONAL DEFENSE AUTHORIZATION BILL

Mr. DURBIN. Mr. President, I am very concerned about section 563 in the Senate-passed fiscal year 2017 National Defense Authorization Act related to access by institutions of higher education, IHE, to military installations purportedly for advising and support services.

The provision opens the floodgates to military bases and servicemembers for for-profit college recruiters. It guts the President's Principles of Excellence Executive order meant to protect servicemembers from aggressive or abusive recruiting practices on military installations by requiring that an IHE be granted access to a military installation if it has entered into a memorandum of understanding with the Department of Defense, DOD, and has been approved to provide services by the installation's educational service officer. Regardless of other factors which may be of concern to DOD—investigations and lawsuits, infractions of the MOU, etc.—if an IHE convinces a base's educational service officer to grant them access, there is nothing DOD can do to stop it.

In addition, the provision provides preferential treatment to IHE's that enroll large proportions of servicemembers. Providing access to installations based on how many servicemembers an IHE enrolls instead of the actual needs of the servicemembers at those installations does nothing to help improve services for enrolled servicemembers. Instead, it further entrenches the big for-profit players whose business models rely heavily on servicemembers. Those institutions will be able to tout their statutorily guaranteed increased access to military installations when recruiting.

Finally, as passed in the Senate, section 563 does not limit advising and support services to an IHE's currently enrolled students. There have been well-documented cases of IHE's using access to military bases gained under the guise of offering advising and other services for recruitment. The Senate-passed language does not limit an IHE's contact with servicemembers, once on base, to students it currently enrolls. This creates the opportunity for IHE's to clandestinely or openly use their access to recruit other servicemembers to their programs.

Because of the potential harm this provision in the Senate-passed bill will cause to servicemembers—giving near unrestricted access to for-profit college recruiters at a time when most major companies are under State or Federal investigations or lawsuits—I joined Senator BROWN, along with Senators WARREN, BLUMENTHAL, MURRAY, FRANKEN, CARPER, MARKEY, MURPHY,

REED, BOXER, HEINRICH, and SANDERS, to introduce an amendment to remove section 563 from the bill. Military and veterans groups including the Air Force Sergeants Association, Association of the United States Navy, Blue Star Families, Iraq and Afghanistan Veterans of America, Military Officers Association of America, Student Veterans of America, Veterans Education Success, and Vietnam Veterans of America submitted a letter in opposition to the provision. The attorneys general of California, Maine, Connecticut, Maryland, District of Columbia, Massachusetts, Hawaii, Minnesota, New York, Iowa, and Pennsylvania also wrote of their opposition.

Not only is the provision harmful, but it is unnecessary. IHE's already have the ability to gain access to military installations for certain legitimate educational activities. I will work with others who are opposed to this provision to get it removed in conference.

MASS SHOOTING IN ORLANDO

Mr. LEAHY. Mr. President, Marcelle and I, along with all Vermonters, were devastated by the news of the attack in Orlando, and our hearts go out to the victims and their families. All Americans deserve to feel safe in their communities regardless of their race, age, sex, ethnicity, religion, or sexual orientation. In the wake of the worst mass shooting in American history, all of us must stand with the people of Orlando who have been so shaken by this hateful act of terrorism and violence. And in particular, as we celebrate Pride Month, we must stand with and support the LGBT community, both in Orlando and throughout the Nation.

We are so thankful for the law enforcement officers and first responders who rushed to the scene in the middle of the night to confront the killer and save lives. We also are grateful for the work of the doctors and nurses who fought and continue to fight to save even more. My wife, Marcelle, is a registered surgical nurse, and we have been deeply moved to see the outpouring of support by people across Florida and the country who are donating blood and doing what they can to support the victims and their families.

In the wake of tragedies like this, whether the victims are members of the LGBT community, African-American church parishioners, first graders in an elementary school, college students, moviegoers, or others in our community, we are called as Americans to come together in solidarity. We come together in grief and in shock. We come together in support of the victims, their families, law enforcement personnel and first responders, and the entire community. And we come together to try and find a way to prevent further acts of senseless violence. We are at our best as a nation when we come together. When we are united in strength and in courageous acts of self-

lessness and kindness, our country can move forward with a greater sense of purpose and hope.

We must not allow ourselves to be divided by the bigoted actions of a murderer or by any fear that the killer sought to foment. He took an assault rifle into a nightclub, one that was known as a special place in Orlando's LGBT community. He fired on a crowd of innocent, unarmed people. This man was no fighter and certainly no soldier. This was either the act of a murderous bigot trying to shroud his hatred by professing allegiance to ISIL or the actions of a cowardly terrorist seeking to paralyze and divide us with fear—or perhaps both. In either case, we cannot let his heinous acts lead us to turn on one another.

Some are already using this horrific attack as an opportunity to further divide us. The Republican Party's presumptive Presidential nominee continues to peddle his corrosive rhetoric of fear by proposing to ban all Muslims from entering the country. This week he went even further by suggested that the entire Muslim American community was somehow complicit in this heinous act. This is irresponsible fear-mongering—plain and simple. It is guilt by association. And it makes us less safe. We should all condemn this bigotry and reject attempts to foment fear and hatred. We are stronger and safer when we reject such attempts to divide us.

The Republican standard bearer has also questioned the motivations and patriotism of the President of the United States. These insinuations are dangerous. They are beyond the pale, and I reject them emphatically and categorically. I call on every Member of this body to do the same. We are a better nation than this.

The American people are rightfully demanding action instead of rhetoric. They are tired of hearing that the tragedy in Orlando and the countless others we have endured are not about our gun laws. We must recognize that we have a security weakness in this country and ISIL is exploiting it. Our enemies know that in the United States you can go online or to a gun show and buy a gun. You don't need to have identification. No background check will be run. You can simply acquire a semi-automatic weapon that can kill dozens of people in a matter of minutes.

We must have universal background checks. That is simply common sense. We have had background checks for decades. I am among millions of responsible gun owners in this country who undergo background checks when we purchase a firearm. And, like millions of responsible gun owners, I understand that this check is necessary to help keep guns out of the hands of criminals and terrorists. It is common sense that we need to close the loopholes that allow people to evade background checks altogether. And we must also make sure that the background checks are effective. That means giving law enforcement the power to stop

a suspected terrorist, or someone who has recently been under investigation for terrorism, from buying a gun. It is also common sense that assault weapons designed for the battlefield have no place on our streets, in our schools, in our churches, or in our communities. I have moved and supported an assault weapons ban for this simple reason.

These changes make sense, and they fix glaring vulnerabilities in our system. This is not about politics. This is about keeping Americans safe. This is about stepping up and taking action and not just resigning ourselves to the repeated call for moments of silence, tragedy after tragedy. I am a responsible gun owner, and I do not take this issue lightly. I have fought for years to pass these commonsense measures, and I will continue to do so.

Americans have shown throughout the course of history that we can live up to the principles of freedom, equality, and liberty that have guided us for so long. Now is the time to stand defiantly against the petty politics of fear. Despite what others may say, we are a great nation. Now is the time for Congress to act to pass commonsense measures that have languished for too long and could save American lives.

BUDGET COMMITTEE COST ESTIMATE—S. 2837

Mr. ENZI. Mr. President, I wish to offer for the RECORD the Budget Committee's cost estimate of S. 2837, the Commerce, Justice, and Science Appropriations Act for Fiscal Year 2017.

The reported measure provides \$56.3 billion in discretionary budget authority for fiscal year 2017, which will result in discretionary outlays of \$64.4 billion.

The reported bill matches its section 302(b) allocation set forth in S. Rept. 114-273 for budget authority for both the security and nonsecurity categories, and matches the 302(b) allocation for outlays.

The bill is not subject to any budget-related points of order.

I ask unanimous consent that the table displaying the Budget Committee scoring of the bill be printed in the RECORD.

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

S. 2837, 2017 COMMERCE, JUSTICE, SCIENCE, AND RELATED AGENCIES APPROPRIATIONS—SPENDING COMPARISONS—SENATE-REPORTED BILL
(Fiscal Year 2017, \$ millions)

	Budget Authority		Outlays	
	Security	Nonsecurity	Total	Total
Senate-reported bill:	5,117	51,168	56,285	64,409
Senate 302(b) allocation:	5,117	51,168	56,285	64,409
2016 Enacted:	5,101	50,621	55,722	63,872
President's request:	5,102	49,522	54,624	64,468
SENATE-REPORTED BILL COMPARED TO:				
Senate 302(b) allocation:	0	0	0	0
2016 Enacted:	16	547	563	537
President's request:	15	1,646	1,661	-59

NOTE: Details may not add to totals due to rounding.

NATIONAL DEFENSE AUTHORIZATION BILL

Mr. ALEXANDER. Mr. President, Senator MURRAY and I rise today to speak about our shared concerns with language included in this year's National Defense Authorization Act, NDAA.

Section 578 of this year's National Defense Authorization Act, NDAA, is an inappropriate place from which to impose mandates on nearly 20,000 public elementary and secondary schools in 1,225 public school districts across the country.

Legislative language is included in the NDAA this year that dictates disruptive policies on public schools that would create a complicated and confusing system where one school system follows established background checks under State or local law, while a neighboring county must now comply with a new unfunded Federal mandate. This language should not be included in the final version of this bill.

The U.S. Senate takes seriously the goal of ensuring the safety of the more than 50 million children in our 100,000 public schools, including federally connected children. These issues have been and should be discussed, debated, and legislated within the appropriate committees of jurisdiction. Measures related to education are within the jurisdiction of the Senate Health, Education, Labor, and Pensions Committee under Rule XXV of the Standing Rules of the Senate, as well as within the jurisdiction of the House Committee on Education and the Workforce under Rule X of the Rules of the House of Representatives for the 114th Congress.

So while it may be appropriate for the Armed Services Committee to dictate background check policies for the 172 schools operated by the Department of Defense, it is not appropriate to use the authorization bill for the Department of Defense to impose mandates on nearly 20,000 public elementary and secondary schools in 1,225 public school districts across the country.

These 20,000 public schools, out of 100,000 total, are being singled out because they receive "Impact Aid" funds from the Federal Government under title VII of the Elementary and Secondary Education Act, ESEA, of 1965. The purpose of the program is to "fulfill the Federal responsibility to assist with the provision of educational services to federally connected children in a manner that promotes control by local educational agencies with little or no Federal or State involvement."

According to the Government Accountability Office, 46 States already require background checks of some kind for all public school employees, and 42 States have established professional standards or codes of conduct for school personnel. Section 578 of the NDAA would create confusion for all those States and localities, as they are forced to navigate two sets of potentially conflicting background checks policies.

As chairman and ranking members of the Senate HELP Committee, Senator MURRAY and I worked tirelessly last year to pass a long-overdue reauthorization of the Elementary and Secondary Education Act. Our law, called the Every Student Succeeds Act, addressed the issue of background checks.

I now want to yield to my colleague, Mrs. MURRAY, to speak on this issue.

Mrs. MURRAY. Mr. President, I thank the Chairman of the HELP Committee, Senator ALEXANDER, for his comments.

I share his concerns that section 578 of the National Defense Authorization Act bill is not the right way to ensure students can learn in safe and secure school environments, and will impose unfair and unreasonable requirements on more than 1,200 schools districts across the country. Criminal background checks are a critically important means to ensure that students are safe in our schools, and that is why they are required in 46 States. But the language of section 578 will force the 1,225 school districts that receive Impact Aid funds—and which are in almost every State—to have two separate criminal background check systems for different schools and different employees within a single school district. It is costly, duplicative, poorly conceived, and should not be part of a Defense authorization bill.

In my State of Washington 628 schools, about a quarter of our public schools, receive Impact Aid funds and would be subject to a separate expensive set of background checks that differs from the background checks already conducted. In the chairman's State, 571 schools receive Impact Aid funds and would be subject to this different standard. It is fundamentally unfair and not beneficial to students to ask our schools and our school districts to assume the costs of these checks, which are similar to but not exactly the same as those already conducted in our States.