

AMENDMENT NO. 3450

At the request of Mr. ROBERTS, the names of the Senator from Illinois (Mr. KIRK), the Senator from Arizona (Mr. MCCAIN) and the Senator from North Carolina (Mr. TILLIS) were added as co-sponsors of amendment No. 3450 proposed to S. 764, a bill to reauthorize and amend the National Sea Grant College Program Act, and for other purposes.

## SUBMITTED RESOLUTIONS

## SENATE RESOLUTION 401—DESIGNATING MARCH 22, 2016, AS “NATIONAL REHABILITATION COUNSELORS APPRECIATION DAY”

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

S. RES. 401

Whereas rehabilitation counselors conduct assessments, provide counseling, support families, and plan and implement rehabilitation programs for individuals in need of rehabilitation;

Whereas the purpose of professional organizations for rehabilitation counseling and education is to promote the improvement of rehabilitation services available to individuals with disabilities through quality education for counselors and rehabilitation research;

Whereas various professional organizations have vigorously advocated for up-to-date education and training and the maintenance of professional standards in the field of rehabilitation counseling and education, including—

- (1) the National Rehabilitation Association;
- (2) the Rehabilitation Counselors and Educators Association;
- (3) the National Council on Rehabilitation Education;
- (4) the National Rehabilitation Counseling Association;
- (5) the American Rehabilitation Counseling Association;
- (6) the Commission on Rehabilitation Counselor Certification;
- (7) the Council of State Administrators of Vocational Rehabilitation; and
- (8) the Council on Rehabilitation Education;

Whereas, on March 22, 1983, the president of the National Council on Rehabilitation Education testified before the Subcommittee on Select Education of the Committee on Education and Labor of the House of Representatives and was instrumental in bringing the need for qualified rehabilitation counselors to the attention of Congress; and

Whereas rehabilitation counselors with credentials may provide a higher quality of service to individuals in need of rehabilitation and the development of accreditation systems for rehabilitation counselors supports the continued education of such counselors: Now, therefore, be it

*Resolved*, That the Senate—

(1) designates March 22, 2016, as “National Rehabilitation Counselors Appreciation Day”; and

(2) commends—

(A) rehabilitation counselors for the dedication and hard work rehabilitation counselors provide to individuals in need of rehabilitation; and

(B) professional organizations for the efforts professional organizations have made

to assist those individuals who require rehabilitation.

## SENATE RESOLUTION 402—TO AUTHORIZE TESTIMONY, DOCUMENTARY PRODUCTION, AND REPRESENTATION IN UNITED STATES OF AMERICA V. CHAKA FATTAH, SR., ET AL

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

S. RES. 402

Whereas, in the case of *United States of America v. Chaka Fattah, Sr., et al.*, Cr. No. 15-346, pending in the United States District Court for the Eastern District of Pennsylvania, testimony may be needed from Senator Robert P. Casey, Jr., relating to his official responsibilities;

Whereas, by Rule VI of the Standing Rules of the Senate, no Senator shall absent himself from the service of the Senate without leave;

Whereas, by the privileges of the Senate of the United States and Rule XI of the Standing Rules of the Senate, no evidence under the control or in the possession of the Senate may, by the judicial or administrative process, be taken from such control or possession but by permission of the Senate;

Whereas, pursuant to sections 703(a) and 704(a)(2) of the Ethics in Government Act of 1978, 2 U.S.C. §§ 288b(a) and 288c(a)(2), the Senate may direct its counsel to represent Members of the Senate with respect to any subpoena, order, or request for testimony relating to their official responsibilities; and

Whereas, when it appears that evidence under the control or in the possession of the Senate may promote the administration of justice, the Senate will take such action as will promote the ends of justice consistent with the privileges of the Senate: Now, therefore, be it

*Resolved*, That Senator Robert P. Casey, Jr., is authorized to testify and to produce documents in the case of *United States of America v. Chaka Fattah, Sr., et al.*, except when his attendance at the Senate is necessary for the performance of his legislative duties, and except concerning matters for which a privilege should be asserted.

SEC. 2. The Senate Legal Counsel is authorized to represent Senator Casey in connection with the testimony authorized in section one of this resolution.

## AMENDMENTS SUBMITTED AND PROPOSED

SA 3455. Mr. DONNELLY (for himself and Mr. CARPER) submitted an amendment intended to be proposed to amendment SA 3450 proposed by Mr. MCCONNELL (for Mr. ROBERTS) to the bill S. 764, to reauthorize and amend the National Sea Grant College Program Act, and for other purposes; which was ordered to lie on the table.

SA 3456. Mr. MCCONNELL (for Mr. BURR (for himself and Mrs. MURRAY)) proposed an amendment to the bill H.R. 1831, to establish the Commission on Evidence-Based Policymaking, and for other purposes.

## TEXT OF AMENDMENTS

SA 3455. Mr. DONNELLY (for himself and Mr. CARPER) submitted an amendment intended to be proposed to amendment SA 3450 proposed by Mr.

MCCONNELL (for Mr. ROBERTS) to the bill S. 764, to reauthorize and amend the National Sea Grant College Program Act, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 4, strike line 17 and all that follows through page 5, line 4, and insert the following:

“(D) require that, if a food is voluntarily labeled under this section, the label shall—

“(i) clearly indicate to consumers that more information is available regarding the ingredients of the food;

“(ii) contain an approved form of electronic disclosure, such as a scannable image, code, Internet website link, or other similar technology, that provides direct access to information regarding whether the food is—

“(I) bioengineered; or

“(II) developed or produced using bioengineering; and

“(iii) contain a telephone number that provides direct access to information regarding whether the food is—

“(I) bioengineered; or

“(II) developed or produced using bioengineering.

Beginning on page 6, strike line 22 and all that follows through page 7, line 5, and insert the following:

quently consumed labeled foods through means other than the label or labeling that—

“(A) are clear and direct; and

“(B) would allow consumers to access the information as described in section 293(b)(2)(D).

On page 7, line 24, strike “70 percent” and insert “80 percent”.

On page 10, strike lines 1 through 9 and insert the following:

“(ii) clear and direct means, other than the label or labeling, including—

“(I) an approved form of electronic disclosure, such as a scannable image, code, Internet website link, social media, or other similar technology, that provides direct access to information regarding whether the food is—

“(aa) bioengineered; or

“(bb) developed or produced using bioengineering; and

“(II) a telephone number that provides direct access to information regarding whether the food is—

“(aa) bioengineered; or

“(bb) developed or produced using bioengineering.

On page 13, strike line 19 and insert the following:

duced using genetic engineering.

**“SEC. 296. NO PREEMPTION OF COMMON LAW OR STATUTORY CAUSES OF ACTION.**

“Nothing in this subtitle or subtitle E (or any regulation promulgated pursuant to this subtitle or subtitle E) preempts, displaces, or supplants—

“(1) any common law right; or

“(2) any Federal or State law creating a remedy for civil relief, including for civil damage or penalty for criminal conduct.”.

SA 3456. Mr. MCCONNELL (for Mr. BURR (for himself and Mrs. MURRAY)) proposed an amendment to the bill H.R. 1831, to establish the Commission on Evidence-Based Policymaking, and for other purposes; as follows:

Strike all after the enacting clause and insert the following:

**SECTION 1. SHORT TITLE.**

This Act may be cited as the “Evidence-Based Policymaking Commission Act of 2016”.

**SEC. 2. ESTABLISHMENT.**

There is established in the executive branch a commission to be known as the

“Commission on Evidence-Based Policy-making” (in this Act referred to as the “Commission”).

### SEC. 3. MEMBERS OF THE COMMISSION.

(a) NUMBER AND APPOINTMENT.—The Commission shall be comprised of 15 members as follows:

(1) Three shall be appointed by the President, of whom—

(A) one shall be an academic researcher, data expert, or have experience in administering programs;

(B) one shall be an expert in protecting personally-identifiable information and data minimization; and

(C) one shall be the Director of the Office of Management and Budget (or the Director's designee).

(2) Three shall be appointed by the Speaker of the House of Representatives, of whom—

(A) two shall be academic researchers, data experts, or have experience in administering programs; and

(B) one shall be an expert in protecting personally-identifiable information and data minimization.

(3) Three shall be appointed by the Minority Leader of the House of Representatives, of whom—

(A) two shall be academic researchers, data experts, or have experience in administering programs; and

(B) one shall be an expert in protecting personally-identifiable information and data minimization.

(4) Three shall be appointed by the Majority Leader of the Senate, of whom—

(A) two shall be academic researchers, data experts, or have experience in administering programs; and

(B) one shall be an expert in protecting personally-identifiable information and data minimization.

(5) Three shall be appointed by the Minority Leader of the Senate, of whom—

(A) two shall be academic researchers, data experts, or have experience in administering programs; and

(B) one shall be an expert in protecting personally-identifiable information and data minimization.

(b) EXPERTISE.—In making appointments under this section, consideration should be given to individuals with expertise in economics, statistics, program evaluation, data security, confidentiality, or database management.

(c) CHAIRPERSON AND CO-CHAIRPERSON.—The President shall select the chairperson of the Commission and the Speaker of the House of Representatives shall select the co-chairperson.

(d) TIMING OF APPOINTMENTS.—Appointments to the Commission shall be made not later than 45 days after the date of enactment of this Act.

(e) TERMS; VACANCIES.—Each member shall be appointed for the duration of the Commission. Any vacancy in the Commission shall not affect its powers, and shall be filled in the manner in which the original appointment was made.

(f) COMPENSATION.—Members of the Commission shall serve without pay.

(g) TRAVEL EXPENSES.—Each member of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the Commission.

### SEC. 4. DUTIES OF THE COMMISSION.

(a) STUDY OF DATA.—The Commission shall conduct a comprehensive study of the data inventory, data infrastructure, database se-

curity, and statistical protocols related to Federal policymaking and the agencies responsible for maintaining that data to—

(1) determine the optimal arrangement for which administrative data on Federal programs and tax expenditures, survey data, and related statistical data series may be integrated and made available to facilitate program evaluation, continuous improvement, policy-relevant research, and cost-benefit analyses by qualified researchers and institutions while weighing how integration might lead to the intentional or unintentional access, breach, or release of personally-identifiable information or records;

(2) make recommendations on how data infrastructure, database security, and statistical protocols should be modified to best fulfill the objectives identified in paragraph (1); and

(3) make recommendations on how best to incorporate outcomes measurement, institutionalize randomized controlled trials, and rigorous impact analysis into program design.

(b) CLEARINGHOUSE.—In undertaking the study required by subsection (a), the Commission shall—

(1) consider whether a clearinghouse for program and survey data should be established and how to create such a clearinghouse; and

(2) evaluate—

(A) what administrative data and survey data are relevant for program evaluation and Federal policy-making and should be included in a potential clearinghouse;

(B) which survey data the administrative data identified in subparagraph (A) may be linked to, in addition to linkages across administrative data series, including the effect such linkages may have on the security of those data;

(C) what are the legal and administrative barriers to including or linking these data series;

(D) what data-sharing infrastructure should be used to facilitate data merging and access for research purposes;

(E) how a clearinghouse could be self-funded;

(F) which types of researchers, officials, and institutions should have access to data and what the qualifications of the researchers, officials, and institutions should be;

(G) what limitations should be placed on the use of data provided;

(H) how to protect information and ensure individual privacy and confidentiality;

(I) how data and results of research can be used to inform program administrators and policymakers to improve program design;

(J) what incentives may facilitate inter-agency sharing of information to improve programmatic effectiveness and enhance data accuracy and comprehensiveness; and

(K) how individuals whose data are used should be notified of its usages.

(c) REPORT.—Upon the affirmative vote of at least three-quarters of the members of the Commission, the Commission shall submit to the President and Congress a detailed statement of its findings and conclusions as a result of the activities required by subsections (a) and (b), together with its recommendations for such legislation or administrative actions as the Commission considers appropriate in light of the results of the study.

(d) DEADLINE.—The report under subsection (c) shall be submitted not later than the date that is 15 months after the date a majority of the members of the Commission are appointed pursuant to section 3.

(e) DEFINITION.—In this section, the term “administrative data” means data—

(1) held by an agency or a contractor or grantee of an agency (including a State or unit of local government); and

(2) collected for other than statistical purposes.

### SEC. 5. OPERATION AND POWERS OF THE COMMISSION.

(a) EXECUTIVE BRANCH ASSISTANCE.—The heads of the following agencies shall advise and consult with the Commission on matters within their respective areas of responsibility:

(1) The Bureau of the Census.

(2) The Internal Revenue Service.

(3) The Department of Health and Human Services.

(4) The Department of Agriculture.

(5) The Department of Housing and Urban Development.

(6) The Social Security Administration.

(7) The Department of Education.

(8) The Department of Justice.

(9) The Office of Management and Budget.

(10) The Bureau of Economic Analysis.

(11) The Bureau of Labor Statistics.

(12) Any other agency, as determined by the Commission.

(b) MEETINGS.—The Commission shall meet not later than 30 days after the date upon which a majority of its members have been appointed and at such times thereafter as the chairperson or co-chairperson shall determine.

(c) RULES OF PROCEDURE.—The chairperson and co-chairperson shall, with the approval of a majority of the members of the Commission, establish written rules of procedure for the Commission, which shall include a quorum requirement to conduct the business of the Commission.

(d) HEARINGS.—The Commission may, for the purpose of carrying out this Act, hold hearings, sit and act at times and places, take testimony, and receive evidence as the Commission considers appropriate.

(e) CONTRACTS.—The Commission may contract with and compensate government and private agencies or persons for any purpose necessary to enable it to carry out this Act.

(f) MAILS.—The Commission may use the United States mails in the same manner and under the same conditions as other agencies of the Federal Government.

(g) GIFTS.—The Commission may accept, use, and dispose of gifts or donations of services or property.

### SEC. 6. FUNDING.

(a) IN GENERAL.—Subject to subsection (b) and the availability of appropriations—

(1) at the request of the Director of the Census, the agencies identified as “Principal Statistical Agencies” in the report, published by the Office of Management and Budget, entitled “Statistical Programs of the United States Government, Fiscal Year 2015” shall transfer funds, as specified in advance in appropriations Acts and in a total amount not to exceed \$3,000,000, to the Bureau of the Census for purposes of carrying out the activities of the Commission as provided in this Act; and

(2) the Bureau of the Census shall provide administrative support to the Commission, which may include providing physical space at, and access to, the headquarters of the Bureau of the Census, located in Suitland, Maryland.

(b) PROHIBITION ON NEW FUNDING.—No additional funds are authorized to be appropriated to carry out this Act. This Act shall be carried out using amounts otherwise available for the Bureau of the Census or the agencies described in subsection (a)(1).

### SEC. 7. PERSONNEL.

(a) DIRECTOR.—The Commission shall have a Director who shall be appointed by the chairperson with the concurrence of the co-chairperson. The Director shall be paid at a rate of pay established by the chairperson and co-chairperson, not to exceed the annual

rate of basic pay payable for level V of the Executive Schedule (section 5316 of title 5, United States Code).

(b) STAFF.—The Director may appoint and fix the pay of additional staff as the Director considers appropriate.

(c) EXPERTS AND CONSULTANTS.—The Commission may procure temporary and intermittent services under section 3109(b) of title 5, United States Code, at rates for individuals which do not exceed the daily equivalent of the annual rate of basic pay for a comparable position paid under the General Schedule.

#### SEC. 8. TERMINATION.

The Commission shall terminate not later than 18 months after the date of enactment of this Act.

### AUTHORITY FOR COMMITTEES TO MEET

#### COMMITTEE ON ARMED SERVICES

Mr. CORNYN. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on March 16, 2016, at 2:30 p.m.

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

#### COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. CORNYN. 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 March 16, 2016, at 10 a.m., in room SR-253 of the Russell Senate Office Building.

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

#### COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Mr. CORNYN. Mr. President, I ask unanimous consent that the Committee on Environment and Public Works be authorized to meet during the session of the Senate on March 16, 2016, at 10 a.m., in room SD-406 of the Dirksen Senate Office Building, to conduct a hearing entitled, "The 2016 Water Resources Development Act—Policies and Projects."

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

#### COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. CORNYN. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions be authorized to meet during the session of the Senate on March 16, 2016, at 10 a.m., in room SD-106 of the Dirksen Senate Office Building.

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

#### COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

Mr. CORNYN. 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 March 16, 2016, at 2 p.m., to conduct a hearing entitled "DHS Management and Acquisition Reform."

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

#### COMMITTEE ON THE JUDICIARY

Mr. CORNYN. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate on March 16, 2016, at 2 p.m., in room SD-226 of the Dirksen Senate Office Building, to conduct a hearing entitled "Preventing America's Looming Fiscal Crisis: the Need for a Balanced Budget Amendment to the Constitution."

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

#### COMMITTEE ON VETERANS' AFFAIRS

Mr. CORNYN. Mr. President, I ask unanimous consent that the Committee on Veterans' Affairs be authorized to meet during the session of the Senate on March 16, 2016, at 10 a.m., in room SD-G50 of the Dirksen Senate Office Building.

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

#### SUBCOMMITTEE ON AIRLAND

Mr. CORNYN. Mr. President, I ask unanimous consent that the Subcommittee on Airland of the Committee on Armed Services be authorized to meet during the session of the Senate on March 16, 2016, at 2:30 p.m.

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

#### SUBCOMMITTEE ON IMMIGRATION AND NATIONAL INTEREST

Mr. CORNYN. Mr. President, I ask unanimous consent that the Committee on Immigration and the National Interest, be authorized to meet during the session of the Senate on March 16, 2016, at 10 a.m., in room SD-226 of the Dirksen Senate Office Building, to conduct a hearing entitled "The Impact of High Levels of Immigration on U.S. Workers."

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

### PRIVILEGES OF THE FLOOR

Mr. LANKFORD. Mr. President, I ask unanimous consent that Deanna Mitchell, a National Park Service detailee in the office of Senator MURKOWSKI, be granted floor privileges for the remainder of this calendar year.

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

### UNANIMOUS CONSENT AGREEMENT—S. RES. 377

Mr. McCONNELL. Mr. President, I ask unanimous consent that at 12:45 p.m., Thursday, March 17, the Senate proceed to the immediate consideration of Calendar No. 375, S. Res. 377; further, that there be 1 hour of debate equally divided in the usual form; further, that upon the use or yielding back of time, the Senate vote on adoption of the resolution with no intervening action or debate; finally, if adopted, the preamble be agreed to, and the motions to reconsider be considered made and laid upon the table with no intervening action or debate.

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

### UNANIMOUS CONSENT AGREEMENT—S. 1890

Mr. McCONNELL. Mr. President, I ask unanimous consent that at 5 p.m., Monday, April 4, the Senate proceed to the immediate consideration of Calendar No. 355, S. 1890; further, that there be 30 minutes of debate equally divided in the usual form; further, that following the use or yielding back of time, the committee-reported substitute amendment be agreed to, the bill, as amended, be read a third time, and the Senate vote on passage of the bill, as amended, with no intervening action or debate; further, if passed, that the motion to reconsider be considered made and laid upon the table with no intervening action or debate.

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

### EVIDENCE-BASED POLICYMAKING COMMISSION ACT OF 2015

Mr. McCONNELL. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 1831, which was received from the House.

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

The legislative clerk read as follows:

A bill (H.R. 1831) to establish the Commission on Evidence-Based Policymaking, and for other purposes.

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

Mr. McCONNELL. Mr. President, I ask unanimous consent that the Burr substitute amendment be agreed to, the bill, as amended, be read a third time and passed, the motion to reconsider be laid upon the table, and any statements relating to the bill be printed in the RECORD.

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

The amendment (No. 3456) in the nature of a substitute was agreed to.

(The amendment is printed in today's RECORD under "Text of Amendments.")

The amendment was ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time.

The bill (H.R. 1831), as amended, was passed.

### CAPTAIN JOHN E. MORAN AND CAPTAIN WILLIAM WYLIE GALT ARMED FORCES RESERVE CENTER

Mr. McCONNELL. Mr. President, I ask unanimous consent that the Committee on Armed Services be discharged from further consideration of S. 719 and the Senate proceed to its immediate consideration.

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

The clerk will report the bill by title.