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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.

Eternal God, the center of our joy, we lift our eyes to You. In a world with change and decay, You are changeless. Your presence makes us glad, and Your peace guards our hearts.

Lord, today keep the eyes of our lawmakers focused on You. May they look to You in their going out and coming in, in their rising up and lying down. May they see You in their labor and leisure and in their pleasure and sorrow. Guide them in life's morning and evening, for the kingdom, power, and glory belong to You. Give them the wisdom to seize this day, working creatively to keep America strong.

We pray in Your majestic 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.

MEASURE PLACED ON THE CALENDAR—S. 3100

Mr. MCCONNELL. Mr. President, I understand there is a bill at the desk that is due a second reading.

The PRESIDING OFFICER. The clerk will read the bill by title for the second time.

The senior assistant legislative clerk read as follows:

A bill (S. 3100) to ensure that State and local law enforcement may cooperate with Federal officials to protect our communities from violent criminals and suspected terrorists who are illegally present in the United States.

Mr. MCCONNELL. Mr. President, in order to place the bill on the calendar under the provisions of rule XIV, I object to further proceedings.

The PRESIDING OFFICER. Objection is heard.

The bill will be placed on the calendar.

ZIKA VIRUS AND VA–MILCON FUNDING BILL

Mr. MCCONNELL. Mr. President, we all heard Democrats warn that we ''cannot delay any longer'' on Zika control funding. We have heard them warn that ''every day we wait is increasing the risk that we will have problems with Zika.'' We have even heard them warn that ''the mosquitoes are not going to be on recess.'' But now, as we are about to vote on a bicameral compromise that reflects the $1.1 billion funding level that Democrats already unanimously supported here in the Senate, they are threatening to block the Zika control money.

The Democratic leader yesterday went so far as to say that his Members ''have no choice'' but to oppose it. He and our friends across the aisle can try to come up with a line of excuses as to why they are blocking funding to address the Zika crisis and blocking support for our Nation's veterans, but here is what it all boils down to: This is partisan politics.

They might like to pretend this Zika control measure is ''woefully inadequate,'' but Senate Democrats are all on the record supporting this level of funding, and the CDC Director has testified that this $1.1 billion funding level is sufficient ''to do the things we need to do in the immediate term.'' That is the head of the CDC.

They might like to pretend that the Zika control measure walks back clean water protections, but that is false too. It actually contains a temporary, targeted compromise to promote mosquito control as long-term solutions like a vaccine are being developed.

They might want to dust off the ''war on women'' playbook, too, but this Zika control measure actually provides more resources for women's health services through community health centers, public health departments, and hospitals.

It is really puzzling to hear Democrats claim to be advocates for women's health measures when they are the ones trying to block this Zika legislation and its critical resources to protect women's health. The CDC has said: ''Zika virus infection during pregnancy can cause a serious defect called microcephaly, as well as other severe fetal brain defects.''

So today Democrats have a choice: Continue pushing thinly veiled partisan arguments and block the Zika control funding or join with us to advance a serious solution and send critical funding to the President's desk right now.

Remember, this legislation is the last chance we have to get Zika control funding to the President's desk for weeks. We should pass it to protect those especially at risk—pregnant women and babies. We should pass it to help prevent the spread of Zika and other mosquito-borne illnesses. We should pass it to help keep Americans safer from this public health concern in the midst of mosquito season.

We know that blocking this bill would mean preventing critical anti-Zika funds from moving one step closer to becoming law. But here is what else it would mean: blocking critical funding for our veterans, our servicemembers, and their families. These men and women voluntarily serve in our Armed

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

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Forces in order to protect our country and our freedom. They don't ask for much, but we ask so much of them.

That is why we must meet our commitment to them by passing this Veterans and Military Construction funding measure as soon as possible. This bill will increase critical resources to help ensure veterans receive health care and the health benefits they rely on. It will improve quality of life on military bases for soldiers, sailors, airmen, marines, and their families. It will support critical national security projects such as missile defense. It is a bipartisan measure that earned the support of both Democrats and Republicans when it passed the Senate. So let's work together today and pass it again.

RECOGNITION OF THE MINORITY LEADER

The PRESIDING OFFICER. The Democratic leader is recognized.

ZIKA VIRUS AND VA–MILCON FUNDING BILL

Mr. REID. Mr. President, I don't know what planet my friend the Republican leader is living on. This conference report is the most irresponsible legislation I have ever seen in my 34 years in Congress. That says a lot. I can't think of anything that is close.

This Zika threat is real. It is serious. Every day more and more Americans are being infected. According to the Centers for Disease Control and Prevention, right now 2,900 Americans have already contracted Zika. There were 700 just last week alone who were added to that list. It was 2,200, and now it is 2,900, and 481 women have been tested positive for the virus in the United States. Eight pregnancies in the United States have resulted in severe birth defects because of Zika, and when we talk about severe birth defects, we mean it. They have little shrunken heads and their skulls are caved in. Mosquitoes have caused problems forever, but never like this.

In spite of all the evidence of Zika's harm to the American people, Republicans are pushing the conference report as nothing more than the goodie bag for the fringes of the Republican Party. In April, very recently, the Republican leader told reporters:

> We are all very much aware that this is a serious crisis. . . . We'll be working with the administration, with the Democrats.

That simply hasn't proven to be true. On the conference committee the Democrats were locked out of negotiations. Then they jammed through this bill. When I say in the middle of the night, it was in the middle of the night. It was during the time they had the sit-in on the House floor. Chaos was there. There was no debate, no discussion. It was just ruled there by the Presiding Officer. It shortchanged the President's request by $800 million. It took another $100 million from the Ebola funding, which is badly needed. All you have to do is talk to anyone at NIH or the Centers for Disease Control, and they will tell you. Ebola is not gone.

Then they proceeded. I don't know if they sat in a room and said: Let's do everything we can just to hit every constituency group the American people like, and let's just poke in their eyes. That is what they did.

How about women's health? How anti-women's health can they make it? I will tell you that we are dealing here with pregnant women and women who want some type of birth control. The Republican conference report restricts funding for birth control provided by Planned Parenthood. My friend says they can go someplace else for it. In America today, there are huge segments of the American people where this is the only place they can go for help. Women need Planned Parenthood, and what do the Republicans do because of their fixation on doing everything they can to hurt Planned Parenthood? They do these phony television interviews. They have fake cameras. The courts have decided that what they did is wrong. They have been sued, but that is OK. Anything they can do to whack Planned Parenthood, they are going to do it, and they tried it here.

How about ObamaCare? They have tried to revoke it almost 70 times, and it didn't work. So what do they do? They just rescind $543 million dollars and stick it in the conference report. I guess that was just to get the President's attention. Of course he is going to veto this, but they wanted to make sure he was going to have something really substantive in order to do it.

How about the environment? Remember that what we are trying to—in addition to all of the things we have talked about—is that we want to make sure there is a way of getting rid of these pests—these mosquitoes. How do they do that? The only way we have found that is really effective is with spraying to kill these little varmints, these insects. Well, what do the Republicans do? They exempt pesticide spraying from the Clean Water Act. Why? Just because they don't like the EPA. They don't like the Clean Water Act. It has been around for 60 years, and they still don't like it.

How about this? We know the Democrats have a big constituency with veterans. Why not whack them? OK. Let's do that. What we will do is take $500 million out of veterans health. That should get the Democrats' attention.

They couldn't stop themselves from coming up with every idea. I guess they were waiting around while the chaos was happening on the House floor, saying: Can we think of anything else that would just be really good to do?

I have it. Why don't we rescind the order that is in effect saying you can't fly the Confederate flag on military cemeteries?

Great idea—OK, I am glad you came up with that. We are going to stick that in there too.

Under this legislation the Republicans stuck in there a line to prohibit the legislation that says you can't fly a Confederate flag in a military cemetery. Under their legislation, you can go ahead and do it.

This conference report is disgraceful. It is shameful to use a real-life public health crisis to push the radical Republican agenda. It is radical. I have told you what they are doing.

There is a point of order against the bill also. We could raise that.

Republicans were eager to inject politics in this legislation, even rescinding $543 million from the Affordable Care Act, making the bill rescindable. For these and other reasons, we are going to vote against cloture.

But it is not just Democrats saying this bill is a disaster. No, don't leave it to us.

I ask unanimous consent to have printed in the RECORD a letter from 40 public health care groups, including some of these radical organizations like the March of Dimes, the American Academy of Pediatrics, the American College of Obstetricians and Gynecologists, Easterseals, the American Public Health Association, and 35 more.

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

JUNE 28, 2016.

Hon. MITCH MCCONNELL,
Majority Leader, U.S. Senate,
Washington, DC.
Hon. PAUL D. RYAN,
Speaker, House of Representatives,
Washington, DC.
Hon. HARRY REID,
Minority Leader, U.S. Senate,
Washington, DC.
Hon. NANCY PELOSI,
Minority Leader, House of Representatives,
Washington, DC.

DEAR SPEAKER RYAN, MINORITY LEADER PELOSI, MAJORITY LEADER MCCONNELL, AND MINORITY LEADER REID: The undersigned organizations committed to the health and wellbeing of our nation's children and families would like to express our dismay at Congress' failure to produce bipartisan legislation to provide federal agencies, states and localities with the funds necessary to combat Zika virus.

Let us be clear: Zika is a public health emergency. It is increasingly likely that pregnant women in the U.S. will be infected with Zika this summer and give birth to infants with devastating, preventable birth defects next year.

The conference committee should reconvene immediately to craft a new bill that:

Provides appropriate funding levels for all aspects of Zika response, including contraception for women who wish to avoid pregnancy, and to prevent the sexual transmission of Zika;

Does not draw funds from other important public health priorities, including Ebola efforts;

Does not place unreasonable restrictions on Zika funding, which would hinder the ability of agencies to respond to the virus given that its course is unpredictable;

Lays a foundation with FY2016 funding that can be built upon responsibly in subsequent fiscal years, since Zika will be a long-term challenge; and

Is capable of garnering bipartisan support.

The fact that it is already almost July and Congress has failed to act would seem to reflect an appalling indifference to the lives of infants and their families. Our nation is perilously close to the point where it will be impossible to distribute funding to states and localities in order to make a meaningful difference this year. Many at-risk jurisdictions have been forced to lay off trained staff due to cuts and the lack of new resources, even as they are being asked to battle this new threat. Additional resources are needed immediately to protect pregnant women and their infants from Zika and life-altering birth defects.

CDC Director Tom Frieden has stated that the estimated cost of care for a baby with the severe microcephaly caused by the Zika virus could be up to $10 million per child. If 100 babies are born with this severe form of microcephaly caused by Zika, their care will cost the U.S. economy approximately $1 billion—roughly the cost of the bipartisan package passed by the Senate. If the inaction in Congress persists, the U.S. and its territories could easily see dozens or even hundreds of infants born with preventable microcephaly, an outcome that would be not only a human tragedy but a significant economic burden.

Once again, we urge you in the strongest possible terms to reconvene the conference committee to produce a responsible Zika funding bill that can pass Congress as quickly as possible. If this does not take place, Congress will bear the full responsibility for Zika-related birth defects across the nation in the coming years.

Sincerely,

African American Health Alliance, AFSCME, American Academy of Pediatrics, American Association of Colleges of Pharmacy, American College of Nurse-Midwives, American College of Preventive Medicine, American Congress of Obstetricians and Gynecologists, American Public Health Association, American Society for Clinical Pathology, Association of Maternal and Child Health Programs, Association of Public Health Laboratories, Association of State and Territorial Health Officials.

Association of Women's Health, Obstetric and Neonatal Nurses, Big Cities Coalition, Children's Environmental Health Network, Coalition for Health Funding, Easter Seals, Every Child By Two, Genetic Alliance, Healthcare Ready, HIV Medicine Association, Infectious Diseases Society of America, March of Dimes, National Association of Community Health Centers, National Association of County and City Health Officials.

National Association of Pediatric Nurse Practitioners, National Birth Defects Prevention Network, National Coalition of STD Directors, National Environmental Health Association, National Hispanic Medical Association, National Network of Public Health Institutes, National Organization for Rare Disorders, Public Health Institute, Racial and Ethnic Health Disparities Coalition, RESOLVE: The National Infertility Association, Society for Healthcare Epidemiology of America, Society for Maternal-Fetal Medicine, Trisomy 18 Foundation, Trust for America's Health.

Mr. REID. These organizations are blasting this Republican conference report because they want real legislation to fund Zika. They call on Congress to pass a bill that ''provides appropriate funding levels for all aspects of Zika response, including contraception for women who wish to avoid pregnancy, and to prevent the sexual transmission of Zika.''

They want a bill that ''does not draw funds from other important public health priorities, including Ebola efforts.''

They want a bill that ''does not place unreasonable restrictions on Zika funding, which would hinder the ability of agencies to respond to the virus given that its course is unpredictable.''

They want a bill that ''lays a foundation with FY2016 funding that can be built upon responsibly in subsequent fiscal years, since Zika will be a long-term challenge; and is capable of garnering bipartisan support.''

The letter continues: ''The fact that it is already almost July and Congress has failed to act would seem to reflect an appalling indifference to the lives of infants and their families.''

These are not Democrats saying this, these are these public health organizations. They are aghast at what Republicans are doing.

Instead of accepting their bill is a failure that is going nowhere, Republicans are making these threats. Yesterday the assistant Republican leader came to the floor and said Republicans are going to abandon Zika funding negotiations after this vote. The Republican Senate is on pace to work the fewest days the Senate has worked in more than 60 years. Sixty years ago, the country was much smaller. There was a lot less people and a lot less business, but even with that, we are working less than they did 60 years ago. In 2 weeks, the Senate plans to leave Washington for 7 weeks, which is the longest summer recess since we can remember. Is it too much to ask Republicans to work until we have done our job in giving States and territories the resources they need to fight Zika and protect women? Public health organizations don't think so and we don't either. Republicans need to get serious about sending President Obama the full $1.9 billion that doctors, researchers, nurses, and public health experts say is needed to fight Zika. Every moment Republicans delay, there are other cases of Zika in innocent women, which affects their children more than one can imagine.

Mr. President, will the Chair please announce the business of the day.

RESERVATION OF LEADER TIME

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

TRANSPORTATION, HOUSING AND URBAN DEVELOPMENT, AND RELATED AGENCIES APPROPRIATIONS ACT, 2016—CONFERENCE REPORT

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of the conference report to accompany H.R. 2577, which the clerk will report.

The senior assistant legislative clerk read as follows:

Conference report to accompany H.R. 2577, a bill making appropriations for the Departments of Transportation, and Housing and Urban Development, and related agencies for the fiscal year ending September 30, 2016, and for other purposes.

The PRESIDING OFFICER. Under the previous order, the time until the vote on the motion to invoke cloture on the conference report will be equally divided between the two leaders or their designees.

The Senator from New York.

Mr. SCHUMER. Mr. President, I rise because I want to share a few words on the Zika component of the conference report on the MILCON–VA appropriations bill, which will be on the floor shortly.

Unfortunately, but maybe not surprisingly, my friends on the other side of the aisle very well bowed down to their friends on the hard right and riddled this bill on Zika with poison pill provisions. If there was ever a bill designed to fail, it is what the Republicans have put together on Zika today. This bill is not only going to fail, it was designed to fail from the very beginning.

Democrats have pushed for over 4 months for legislation on Zika, ever since the CDC and the administration requested $1.9 billion in emergency funding to deal with the threat. We tried to work with our friends on the other side of the aisle, but after we compromised at $1.1 billion, after we reached a supposed agreement, and passed it in this body with 89 votes—the overwhelming majority from both parties—Republicans turned around, without any consultation with Democrats in the House and Senate, and rammed through a wish list of poison pill riders that defeat the very purpose of the effort. Rather than working with Democrats to produce something both parties can support, Republicans abandoned compromise in favor of an extreme rightwing bill.

These changes reflected in the conference report have poisoned the bill. It now cuts Ebola funding by $107 million. It cuts funding for the Affordable Care Act by $543 million. It sets a precedent that emergencies have to be funded when, in the past, they have not been. Worst of all, it restricts funding for family planning services provided by health centers and providers like Planned Parenthood.

We know Zika can be sexually transmitted. We know it poses the biggest danger to pregnant women and their unborn children, many of whom rely on health centers and Planned Parenthood as their primary health care provider, but Republicans cannot miss a chance to whack Planned Parenthood, even if their services are exactly what can help prevent the spread of this debilitating virus.

I listened to my friend, the majority leader. Two words never passed his lips as he talked about the bill—Planned Parenthood. Why? Because he knows saying don't fund Planned Parenthood is a poison pill if there ever was one. He knows it was a poison pill last year when we were negotiating a short-term budget agreement and there would be no budget if it was in there.

Our Republican leaders are engaged in a cynical game. They have to have assure the hard right they are not funding anything, even something as important as Zika, but they know the American people demand funding, and so they put in these poison pills. It is a cynical game and it shall not stand.

My prediction is Republicans will come back after this amendment, as they know this proposal will be defeated—they knew it—and they will come back within a few weeks with their tail between their legs saying: Let's pass something. We know we have to do something on Zika.

Why they don't avoid that embarrassment is beyond me. To say that this Zika legislation is a day late and a dollar short would be a drastic understatement. It is 4 months late, $800 billion short, and now, to boot, it cannibalizes health care funding from other important priorities.

Then, after all of this, the distinguished majority leader came to the floor yesterday to accuse Democrats of playing politics with the bill because we were concerned with these changes. What a cynical and hypocritical thing to do. All Democrats have ever asked for on Zika was to give the CDC and the other agencies the funding they said they needed to do the job of protecting the American people, pregnant mothers, and their babies from this dangerous virus.

It wasn't Democrats who said: Let's give CDC only about half the money they said they need. No, Republicans did that. It wasn't Democrats who tried to jam through poison pill amendments to the bill in the dead of night with no debate. No, Republicans did that. It wasn't Democrats who dithered for months on end until mosquito season was already upon us to bring a bill forward. No, Republicans did that. And it wasn't Democrats who loaded up the bill with partisan plums, saying that unless the other side passes this bill, they are playing politics. Oh, no, it was Republicans who did that.

Moreover, these tactics mean one thing: Our Republican colleagues and particularly the Republican leadership, in both the House and Senate, are not taking the Zika threat seriously. It is no way to handle an urgent public health crisis.

We will shortly hear from my friend from Florida who can document what is happening in his State and what will happen in many other States as the warmer summer season moves on. There are 2,600 Americans who have been diagnosed with the virus, including over 400 pregnant women. Six pregnancies have already been deemed to have birth defects as a result of Zika. Americans in Puerto Rico are especially impacted with 1,800 locally acquired cases. It is a tragedy, and we should be doing something in a bipartisan way—Democrats and Republicans together—working to solve an emergency. But, no, we get a bill riddled with poison pills done by one party, designed to fail in obeisance to the right-wing, which doesn't want to spend any money.

Our public health and safety is at risk. I hope my Republican colleagues will stop this partisan gambit and come around to work with us on the issue in a serious bipartisan way. We are willing to compromise, as the great leadership of the Senator from Washington showed when she came to compromise with the Senator from Tennessee on a proposal that didn't do everything we wanted, but we voted for it. I hope that can happen again. If saner heads are going to prevail, it has to be in this body. I hope Leader MCCONNELL would rethink the strategy of going along with the cynical House bill so we can negotiate something that will do good for America.

I yield the floor.

Ms. MIKULSKI. Mr. President, I am furious and fed up at Congress's inability to act in a bipartisan way to protect us from the Zika virus. The U.S. is facing a public health emergency. Americans are desperate for Congress to respond. Instead, the House of Representatives passed a Military Construction and Veterans Affairs and Zika conference report at 3 a.m. with no debate and no Democratic input.

The bill passed by House Republicans doesn't recognize Zika as a public health emergency. It nickels and dimes our efforts to respond. It makes it more difficult for women to access birth control. And it waives safety rules for the use of pesticides. Now the House has left town and expects the Senate to pass this terrible bill.

The facts are clear: Zika is here. It disproportionately affects women and babies. It causes horrible birth defects. And there is no treatment or vaccine. If there was ever a time that Congress should act in a bipartisan way to counter a significant threat, it is now.

We are now considering cloture on the conference report on Military Construction and Veterans Affairs and Zika appropriations. We began the conference with an open meeting between Democrats and Republicans, the House and the Senate. But when we got down to the last, hardest issues, Republicans decided among themselves and then told Democrats, ''take it or leave it.''

That means no Democratic conferees signed the conference report, House or Senate. We can't sign it if it means leaving behind veterans, women's health, birth defects prevention, and clean water. I urge the Senate to reject cloture on this conference report and send conferees back to the drawing board.

The Republican conference report is flawed for many reasons, including that it provides $1.1 billion, which is $800 million less than what the President requested to fight Zika.

The Republican conference report also doesn't treat Zika like the emergency it is. The World Health Organization declared the Zika virus a public health emergency on February 1. And Zika meets the Budget Act criteria for emergency spending: It is urgent, unforeseen, and temporary. Yet Republicans insisted that we cut $750 million to pay for the response to Zika, including $543 million from the Affordable Care Act, $100 million from the Department of Health and Human Services, HHS, nonrecurring expense fund, and $107 million from Ebola response funds.

When wildfires hit the West, Congress provided emergency funding. When flooding hit South Carolina and Texas last year, Congress provided emergency funding. Now, we have an infectious disease outbreak that we know causes serious birth defects, and Republicans insist our response be paid for.

The conference report waives Clean Water Act requirements for the spraying of pesticides to control mosquitos. The need for this provision is a mystery to me, since the Clean Water Act already allows pesticides to be sprayed in pest emergencies.

Under this bill, families can get birth control services from public health departments and hospitals, but not individual doctors or primary care clinics. This is important. The bill would make it more difficult for women to access birth control from their own doctors.

I know the issue of birth control is difficult for some, but we know that Zika has terrible consequences for women and babies. The details about what Zika does to the brains of unborn children are truly horrific. In fact, evidence between Zika and birth defects is so conclusive that some countries are advising women to avoid pregnancy altogether.

So the fact that this bill would make it more difficult for women to avoid pregnancy is truly astonishing to me. Republicans don't want to treat Zika as an emergency, and they don't want to expand access to birth control. It begs the question: Will they be willing to pay the costs associated with every child born in this country with Zika-related birth defects? Dr. Frieden, director of the Centers for Disease Control and Prevention, estimated that cost to be $10 million per child.

Lastly, the conference report is $500 million short of the Senate-approved funding level for the Department of Veterans Affairs, VA. It cuts $250 million for needed maintenance for VA hospitals and clinics, more than half of which are 50 years or older. That means more leaking roofs and moldy conditions that make veterans sicker, not better.

In the 4 months since the President requested Zika emergency funds, more

people have been infected, and more babies have been born with birth defects. Today there are more than 2,600 people in the U.S. and its territories infected with Zika, including nearly 500 pregnant women.

The number of those infected is growing, and the costs associated with infection are growing. We can't nickel and dime our way out of this emergency. We know what the threat is, and we know how to respond to it. So, please, whatever differences we have on other bills, let's come together to reach agreement on a better conference report.

The PRESIDING OFFICER. The Senator from West Virginia.

FLOODING IN WEST VIRGINIA

Mrs. CAPITO. Mr. President, wow, I come to the floor of the Senate to talk about a real emergency that just occurred in my State of West Virginia. I know many of you across the country have witnessed and seen the terrible destruction from the sudden flash flood that ravaged West Virginia on Thursday in the late afternoon and evening. I come with such a heavy heart.

When I hear the debate going on again about who is more cynical and who has poison pills, all I can think about is the little boy I saw at the Volunteer Fire Department in Clendenin on Friday. His dad is a fire chief, and he had been going to the fire department all the time since the time he was born. He is about 10 years old. We were standing in 6 inches of mud, with destruction everywhere in his town. I introduced myself to him, and I said: I am SHELLEY. I am your Senator. How are you doing? He just melted into tears because he was so distraught at what he saw, a place he loved, the fire station just ripped apart. People he knows were kicked out of their homes, trying to figure out how to rebuild.

To me, that is a real emergency. That is a real something we in the Senate and those in the State and those local responders are responding to now. I think about our State, I think about all the nicknames of the State of West Virginia. The one I think I like the most is ''Almost Heaven.'' Well, ''Almost Heaven'' wasn't almost Heaven last Thursday. ''Wild and Wonderful.'' It was wild, all right but not so wonderful.

I think the one that really has come to epitomize our West Virginians, our people, is ''West Virginia Strong''. I saw the National Guard, the West Virginia Department of Transportation, public elected officials, emergency services personnel, and EMTs who were up all night doing very dangerous boat rescues to get people from the roofs of their homes and the roofs of their cars. It came so fast.

I visited the shelter at Capital High School yesterday. A man told me he, the woman he lives with, and their dog just ran out with nothing. It started at his ankles, and 5 minutes later it was at his waist. That is how fast it was. Yet he still had that West Virginia strong attitude of: We are going to be OK. We are going to find a way. He had lost his car, his four-wheeler. All of his belongings are gone. He has nothing. Now he has a place to sleep in a high school gym.

You know what. He has the American Red Cross right there, with 400 volunteers from across the country so he has a warm place to sleep or a cool place to sleep away from the hot Sun, meals, the availability of cleaning supplies, and a very generous community that has come together to try to help him. That is West Virginia strong, and that is what fortifies me today.

When I think of the stories of bravery and rescue, when you look at the 23 West Virginians who lost their lives so suddenly—a little 4-year-old boy, Edward McMillion from Ravenswood, WV, was swept away in the rushing water. We just have story after story of people who didn't know what was going to happen to them, who didn't know how to get out, who found a way to brave through this awful thing.

Then there were the stories of the communities coming together. When we were traveling through Kanawha County, I ran into some people from Parkersburg and some people from Martinsburg, which probably doesn't mean much to the folks in the Gallery or to the Presiding Officer because they don't know where that is, but it is 5 hours away. They just packed up their trucks, put water and food in them, and came to the aid of their fellow West Virginians. A lot of faith communities, a lot of churches, the Mountain Mission, all kinds of volunteers have come to help to be West Virginia strong, to be West Virginians helping West Virginians.

The private sector has really stepped up. AT&T, Sprint, Frontier—our telecommunications people have really gone the extra mile to make sure that people have service and are able to charge their phones. When they had to leave their homes, they might have had their phone in their pocket, but they sure didn't have their phone charger. While that might sound like a little thing, it is a big thing. That is your lifeline to your family—to calling for help and for resources.

Walmart, Proctor & Gamble, CSX, and Dow Chemical—I am leaving people out—also helped out. Anheuser-Busch brought a bunch of water in to help. I have more stories of companies that have given their corporate supplies to help West Virginia get back on its feet. I am basically here to say thank you.

Some of the communities, such as Clendenin, White Sulfur Springs, Rupert, and Rainelle—I actually thought Rainelle's name is Rainelle, and, boy, did they get rained on. They are probably regretting the name. They lost a lot of people in Rainelle. That small community has been crushed.

FEMA has been phenomenal. The declaration from the President, for which we are very grateful, came immediately for the three counties. We are hoping to get other counties, such as Webster County, Roane County, Clay County, Pocahontas County, and Fayette County included in these declarations. Fifty-five homes in Webster Springs were totally wiped out. It has a population of 750. We all know and love the beautiful West Virginia mountains, but when the valleys fill, they fill rapidly and disastrously.

FEMA is on the ground. They have opened up their disaster recovery centers in White Sulfur Springs, Greenbrier, and other places. They will be all over the place.

I will tell people that what I have learned from this is that you have to get registered for individual assistance immediately. Call the phone number, go to the Web site, or go to the disaster recovery center because that starts the process, and help is there. The Small Business Administration is there, as well, to try and help.

The various health departments are providing tetanus shots free of charge because, as we know, sitting water and 90-degree temperatures are scenarios for disease.

What I was astounded by was the mud. We know that you can get water in your home and business, but the mud is just so destructively horrifying to look at and so difficult to clean.

West Virginians need help for all types of different things. People from all around the Nation have been offering to help. We have been inundated with people wanting to help. People want to come and lift up another American and lift up another family. I say thank you for that, but this is going to be a long-term project. When you have the kind of destruction we suffered, it goes on for a long time. During the first week you get a lot of help, but the weeks after that, when people are trying to rebuild and trying to get temporary transitional housing—these are the kind of things that families need.

Just to give a little perspective on the situation, the National Weather Service said that the rainfall was historic. There was 10 to 12 inches of rainfall in 8 hours. It was a 1,000-year event in terms of the rising waters. I live a half mile from the Elk River, which crested at 33.37 feet on Friday morning. The water rose more than 27 feet between Thursday afternoon and Friday morning and hit its highest crest in 125 years. This was a record-breaking event and very tragic for many of us.

I wish to thank FEMA for all of the representation they brought forward. I thank all of the faith community, which has been phenomenal. I also thank the nonprofits, the United Way, and the Red Cross. I have such admiration and gratitude in my heart for what I saw firsthand and will see as the days move on.

I will close the way I started. West Virginia people are just phenomenal. They are able to pick themselves up and still have a glimmer of hope in

their eyes. Knowing that they will be OK and will be able to rebuild after having lost everything is just phenomenal.

I was in a meeting yesterday, and the guy leading the charge from the United Way said: Everybody close your eyes and think about the last time you lost everything. I don't think a person in that room had ever lost everything.

I thank you for all the thoughts and prayers that you kept in your heart for us. We feel them, we need them, and we appreciate them. It is a long road to recovery, but we are on our way. With your help and God's help, we will get there.

I yield the floor.

The PRESIDING OFFICER. The Senator from Washington.

Mrs. MURRAY. Mr. President, I want to start by saying how disappointed I was by the comments I heard from Republican leaders last night on Zika. It seems that after months and months of their delaying, after they rejected our bipartisan plan, kicked Democrats out of the negotiating room, and passed a partisan bill in the middle of the night, Republicans are now scrambling to blame anyone but themselves for their own inaction on Zika. It is absurd, it is irresponsible, and people across the country are not going to buy it.

Republicans control Congress. They blocked action for months and months. They fought us at every step, and now that they finally realized that the American people aren't going to stand for inaction, they are desperately searching for excuses instead of honestly looking for solutions. But women and families aren't looking for Republicans to point fingers; they are looking for a serious response to Zika.

We all know very well that Democrats and Republicans don't always see eye to eye, but one thing we should be able to agree on is that when there is a serious, national, and global public health threat, we should put our differences aside and work together to protect women, families, and communities. Unfortunately, when it comes to the Zika virus, Republicans are now doing the exact opposite.

It has been 4 months since President Obama first put forward a strong emergency funding proposal. Even though we are in the midst of mosquito season, the House Republicans chose last week to double down on a partisan, pandering bill when it comes to this frightening virus. Instead of working with Democrats on a serious response to Zika, they voted to end the conference, pass an extremely partisan report in the middle of the night, and leave town.

There is a lot to be concerned about in this legislation, but, critically, this proposal would impose politically motivated restrictions that limit women's access to contraception and health care with providers they rely on. It should go without saying, but in the midst of a public health emergency that impacts women and families, the last thing Republicans should be doing is playing politics with women's health and making it harder for them to get care when and where they need it. It is truly frustrating, especially since just weeks ago, Senate Democrats and Republicans agreed on a bipartisan downpayment on the President's proposal, and that bipartisan legislation could have already passed the House and Senate, could have been signed into law by the President, and started helping women and families in need by now.

Today, ahead of the Senate's vote on this partisan political proposal that came out of the House in the middle of the night last week, we have a clear message for Republicans: Enough is enough—enough with the partisanship, enough with the poison pills, and enough with using women's health to pander to the tea party. We have a narrow window to get an effective response to this virus under way, and every infection that we prevent now is a potential tragedy averted for a family in the communities we serve.

Democrats are ready to work together, just as we have been for months. I urge Republicans to come back to the negotiating table and work with us on a real response to a truly serious public health threat. Women and families are expecting us to act and have already waited long enough.

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

The PRESIDING OFFICER. The Senator from Florida.

Mr. NELSON. Mr. President, it was my understanding that the Senator from Hawaii was to speak next.

I ask through the Chair if the Senator from South Dakota will let me go on and make a comment.

Mr. THUNE. And I will follow, correct?

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. NELSON. Mr. President, we have just a short time before the vote. The President made a request for emergency funding in the amount of $1.9 billion 4 months ago. This is a time when the Nation has an emergency. It doesn't matter if it is an earthquake, a flood, a wildfire, a hurricane, or a volcano, we have always stepped forward. If you don't believe this Zika crisis is an emergency, well, just wait. The tale tell signs are coming.

We already have 50 confirmed cases of Zika in the United States. There are 2,600 Americans who are infected with the virus, and that includes 500 pregnant women. Obviously, the southern States, such as my State of Florida, are affected much more than other States. Just yesterday there were three new cases of the virus reported in Florida, which brings the State's total to 223, including 40 pregnant women. These numbers are only going to increase.

Four months after the request for emergency funding, the House—in the dark of night, with no opportunity to have a debate—passed a bill to deal with this virus, and as you have heard from many, it is not serious. Instead, it is another attempt to use an emergency must-pass bill to try to further extremist political agendas. It cuts money for Puerto Rico at a time that Puerto Rico can hardly stand on its own financially, and it cuts money for family planning.

The CDC has confirmed that Zika can be sexually transmitted. What did I say? They cut money for family planning, and there are over 480 pregnant women in the United States who are presently being monitored for signs of the infection. As we look for ways to prevent the spread of this sexually transmitted disease, the fact that this bill limits access to contraceptives that could help curb the spread of the virus is exactly the reverse of what makes sense.

Why can't we grow up and get to the point that we don't have to play partisan politics? This is a real threat, and it is a serious threat. The CDC has confirmed that Zika does, in fact, cause birth defects. There have been four babies born with microcephalus in the country, and two of them died shortly after birth. We have seen the pictures, and we know how horrific and how tragic it is for the families involved. So we need to stop playing these political games. It is time to treat this as a real emergency, and it is time to pass the appropriations bill without all of this political agenda added to it.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from South Dakota.

Mr. THUNE. Mr. President, in a few short moments Senate Democrats will have a decision to make. Will they side with American families and expectant mothers dealing with the Zika virus or will they side with their far left political allies? According to media reports, unfortunately, that outcome is increasingly clear. Senate Democrats will once again side with their political allies rather than working with Republicans on a solution to keep women safe from the Zika virus.

Mr. President, Democrats have apparently decided to engage in their favorite game of late—refusing to take yes for an answer. It happened last week with terrorism. Democrats urged us to pass legislation to keep guns out of the hands of terrorists, but when Senator CORNYN offered an amendment to do just that, Democrats opposed it almost unanimously. This week it is Zika funding.

Six weeks ago, Democrats and Republicans from the relevant committees in the Senate got together and agreed on a bill to provide $1.1 billion to fight Zika. That bill then came to the floor, and every Democrat voted for it on the floor of the Senate—every single Democrat.

Last week, House and Senate negotiators reconciled the House and Senate bills and agreed on Zika funding in the amount of $1.1 billion—in other

words, the exact same amount that Senate Democrats unanimously supported 6 weeks ago. But now Democrats don't want to support it. Their reason is that the small grant program in this bill, most of which is intended for Puerto Rico, will not provide for more Federal funding for Planned Parenthood.

This bill provides expanded funding for community health centers, public health departments, and hospitals. It actually funds more avenues for access to women's health care than what the President requested. The bill funds research into a Zika vaccine. It funds research into Zika treatments. It streamlines mosquito control efforts, since the best way to protect men, women, and babies from contracting the Zika virus is to make sure they do not get bitten by a mosquito in the first place.

The head of the Centers for Disease Control and Prevention—the lead government agency for fighting diseases—has said that the Republican bill will take care of immediate Zika funding needs. Yet Democrats are holding up this bill because it will not fund a handful of Planned Parenthood clinics in Puerto Rico.

Seriously, Mr. President? Seriously? That is what this is about? Democrats like to position themselves as having the moral high ground. Again and again Democrats suggested that they were fiercely committed to fighting Zika while Republicans were dragging their feet on a public health crisis.

Well, here is what I see today. I see Republicans ready to pass a Zika bill and send it to the President this minute, right now. And I see Democrats who are more interested in pacifying a Democrat special interest group than they are in actually doing anything about Zika. Purely and simply, that is what this is—a Democratic special interest group that snapped its fingers, and the Democrats have all come running.

Forget all that urgency about getting Zika funding passed. Forget the scientists who are waiting for vaccine funding. And forget about mosquito control efforts. Apparently, none of that matters anymore. Republicans are ready to pass Zika funding, the same amount—I will repeat: the same amount—of funding Democrats already voted for unanimously in the Senate. We are ready to pass it right now, this minute, and send it to the President. We are just waiting for Democrats to agree.

Mr. President, I hope they will not keep the American people waiting.

I yield the floor.

The PRESIDING OFFICER. The Senator from Hawaii.

Ms. HIRONO. Mr. President, yesterday I joined millions of Americans in celebrating the Supreme Court's decision that reaffirms a woman's right to access reproductive health care. This was the most important Supreme Court decision in decades to protect a woman's access to reproductive health care.

I listened to my colleague just now, and, yes, the amount in the bill is the same. But this is not the same bill. This bill contains poison pills that will pay for the funding for Zika on the backs of the people of Puerto Rico and funding for Planned Parenthood. So today, in spite of yesterday's celebration of the Supreme Court's decision, it is clear we are reminded once again the fight to protect a woman's reproductive rights is not over.

I was dismayed last week when House Republicans chose to play politics with a national public health emergency to continue their crusade against Planned Parenthood. The package we will be voting on this morning is profoundly irresponsible. Senators from both parties worked hard to forge a compromise Zika funding measure that would have provided the tools we need to prevent an outbreak. Instead, we will shortly be voting on an underfunded measure riddled with poison pills.

This package is not equal to the crisis before us. It fails to recognize the real threat facing American women from Zika this summer. Zika is not just a mosquito-borne disease. It can also be sexually transmitted. That is why attacking Planned Parenthood in this bill is so foolish. Limiting access to family planning services now would put millions more women at risk of contracting Zika and giving birth to a child with microcephaly.

The United States is fortunate not to have a widespread outbreak of Zika yet, but in Hawaii we are already feeling the impact of this virus. So far there have been 10 confirmed cases of Zika in Hawaii, and one child has been born with microcephaly.

To meet this challenge, I have convened key leaders on Zika in Hawaii, including Governor David Ige, Hawaii director of health Dr. Virginia Pressler, health care providers, and Dr. Elliott Parks, who is developing a Zika vaccine on Oahu. They all shared one message: Federal funding right now is critical to get ahead of a widespread Zika outbreak. Dr. Parks has been using private funding to develop his vaccine, which could turn around our fight against Zika, and an infusion of Federal funds now could push him across the finish line.

This summer is a critical moment in the fight against the Zika virus. In Hawaii, we already saw the devastating impact of a vector-borne disease when we confronted a major outbreak of Dengue. We need the same national commitment and investment to fight Zika that we provided to fight Ebola.

Months have already passed since the President sent down his emergency funding request for Zika. We must act now by passing a clean supplemental spending bill, with no harmful riders to women.

Zika is a public health crisis in the making, and I completely disagree with my colleagues who continue to say that we should support this bill because it is what we have already agreed to. It is not. It is a profoundly different bill that continues the Republican attacks against women's reproductive rights.

Mr. President, I yield the floor.

Mr. NELSON. Mr. President, do I understand that we are in the parliamentary procedure where the vote has already been called for at 11 o'clock?

The PRESIDING OFFICER. That is correct.

Mr. NELSON. Mr. President, may I be recognized for 2 minutes?

The PRESIDING OFFICER. The Senator has no time. That will take consent.

Mr. NELSON. Say again.

The PRESIDING OFFICER. That will take consent of the Senate. There is no time remaining for the minority.

Mr. NELSON. Well, I ask unanimous consent to speak for 2 minutes, until the vote at 11 clock, in order to bring the Senate up to date on what has happened to the community of Orlando.

The PRESIDING OFFICER. Is there objection?

Mr. COCHRAN. Reserving the right to object, we are trying to set up a conversation about the conference report, and I wonder, would it be inconvenient for the Senator to defer?

Mr. NELSON. I can certainly—I didn't see anybody on the floor, and that is why——

Mr. COCHRAN. We were just passing through, checking to see what the order was, and I understand there is a standing order.

So we are going to wind up, we hope, with just a few minutes of conversation about the conference report.

Mr. NELSON. Mr. President, I can speak later in the day.

Mr. COCHRAN. I thank the Senator.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. COCHRAN. Mr. President, we have come to a point where it is timely that we urge the Senate to approve the Military Construction and Veterans Affairs conference report.

This conference agreement increases funding for veterans programs by nearly 9 percent, including a 4.1-percent increase in discretionary funding for the Department of Veterans Affairs. The agreement provides funding for veterans health care, benefit claims processing, and medical research. The agreement funds housing for military personnel and their families and enhances the capabilities of U.S. military forces.

The conference agreement also includes $1.1 billion in emergency supplemental funding to fight the Zika virus. This is the same amount previously approved by the Senate. These funds will be used for mosquito control, vaccine development, and health services. The conference agreement also enhances mosquito control efforts by eliminating duplicative permitting requirements for approved pesticides. This provision is specific to combating the Zika virus, and it expires after 180 days.

The conference agreement carries rescissions of previously appropriated funds that are not needed for their original purpose. The fact that rescissions are included is not novel or unique. For example, the appropriations bill that provided funding to fight the Ebola virus included nearly $5 billion in discretionary rescissions and $2.5 billion in mandatory rescissions.

This conference agreement is the result of extensive bipartisan negotiations. It is a good bill, and it should be sent to the President without delay. I urge the adoption of the conference report.

The PRESIDING OFFICER. All time has expired.

CLOTURE MOTION

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

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the conference report to accompany H.R. 2577, an act making appropriations for the Departments of Transportation, and Housing and Urban Development, and related agencies for the fiscal year ending September 30, 2016, and for other purposes.

Mitch McConnell, John Cornyn, Mike Rounds, Thad Cochran, Roy Blunt, John Barrasso, Marco Rubio, Lamar Alexander, Tom Cotton, Bill Cassidy, John Hoeven, Thom Tillis, Jeff Flake, James M. Inhofe, Tim Scott, Shelley Moore Capito, Steve Daines.

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

The question is, Is it the sense of the Senate that debate on the conference report to accompany H.R. 2577, an act making appropriations for the Departments of Transportation, and Housing and Urban Development, and related agencies for the fiscal year ending September 30, 2016, 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 legislative clerk called the roll.

The yeas and nays resulted—yeas 52, nays 48, as follows:

[Rollcall Vote No. 112 Leg.]

YEAS—52

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

NAYS—48

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

The PRESIDING OFFICER (Mr. FLAKE). On this vote, the yeas are 52, the nays are 48.

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.

ORDER FOR RECESS

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Senate recess from 12:30 p.m. until 2:15 p.m. to allow for the weekly caucus meetings.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. MCCONNELL. Mr. President, here is where we are. We have a public health crisis descending on our country. We have been talking about this for 3 months. The administration and the CDC—all involved—said we need to get this Zika funding bill done before the Fourth of July—before the Fourth of July. This conference report, which was just prevented from passage, has exactly the same funding level that every single Democrat voted for when it left the Senate—exactly the same funding level.

We know that if we don't get this job done, we won't have a vaccine within a year and a half. In the short term, we have been told that the single most effective thing we can do is kill as many mosquitoes as possible as fast as possible right here in the United States, in the southern part of our country.

So here we are in an utterly absurd position of playing political games as this public health crisis mounts here in our country. Pregnant women all across America are looking at this with utter dismay, as we sit here in a partisan gridlock manufactured by the other side over issues that it is pretty hard for the general public to understand, refusing to pass the funds needed to address this public health concern.

If that were not bad enough, we have also stopped the passage of the MILCON-Veterans' Administration appropriations conference report, which includes funding for our veterans and funding for construction at military bases.

So here we are going into the Fourth of July and we have impeded the passage of funding to deal with an impending public health crisis and in the same vote managed to vote against veterans as well. I would say to my colleagues on the other side, that is where we will be when we come back here after this brief break for the Fourth of July. I have moved to reconsider. I have changed my vote and moved to reconsider. I would like to call on my colleagues on the other side of the aisle to think about this, to think about where they have left this issue for the American people. I have been approached in my State—and I know others have as well—by young women concerned about whether we are going to address this issue now, not at some time in the future.

So when we get back, after we have had time to think about it all, we will address this matter again and hopefully respond, as our constituents all across America are asking us to respond, to this pending health care crisis that we all understand. There has been plenty of discussion about this for months. This Republican majority has met the deadline, but we can't pass it by ourselves here in the Senate. I hope our Democratic friends, upon reflection over the course of the few days we will be away, will come back with a different attitude, and I hope we can address this crisis and address it now.

The PRESIDING OFFICER. The Democratic leader.

Mr. REID. Mr. President, as I said this morning, and I will repeat it, I don't know what universe my friend is living in. What does he think—that we are all stupid, that the American people are dumb? They are not. They understand what is going on here.

We have been trying for months—months. The President asked more than 4 months ago that we would get money to fight Zika. He had already had to take $500 million from Ebola because the Republicans had done nothing. He said more than 4 months ago: We need money. The CDC needs money. The NIH needs money. We have a crisis on our hands.

So we have been on top of this. We have worked hard. Republicans have objected five times to moving legislation that is meaningful. On April 28, the senior Senator from Texas objected to my request. On May 18, he objected to my unanimous consent request again and to Senator MURRAY's request—all in the same day. On May 24, he objected to Senator MURRAY's request again for funding Zika. On May 24—the same day—Senator ENZI objected to Senator NELSON's unanimous consent request.

He said that we need to reflect. Come on. Listen to this. If Republicans were sitting around, as I assume they were in the House, as we were all watching the takeover of the House floor by House Democrats—there wasn't anything going on on the House floor, so I assume—I assume—they were sitting around thinking: What can we do to fake funding for Zika? What can we do? Well, maybe what we can do is say we

have money for Zika and then we could do everything we can to irritate them.

So what they did is they said: Well, we realize this is a serious issue, but these pregnant women are the ones they are concerned about, so why don't we stop them from going to obtain birth control. We hate Planned Parenthood, so why don't we stop them from going to Planned Parenthood—these desperate women who need birth control and some advice about their situation.

A significant number of American women—especially young women—go to Planned Parenthood. On the bill we have that was just turned down today, the Republicans said: You can't do that. We are not going to allow that.

It restricts funding for birth control provided by Planned Parenthood. How about that one. But if that weren't enough, they cut veterans funding by $500 million. And then I guess they said: Well, maybe we can do something—we know we hate the environment. We don't like all those greenies, so why don't we do this. We know that it is important that we control mosquitoes. If we are going to do anything regarding mosquitoes, let's kill a lot of those mosquitoes. Oh, here is what we will do. We will exempt the Clean Water Act from the provisions of spraying pesticides.

Against all environmental advice that we could get, they go ahead and do it anyway.

They cut Ebola funding by another $107 million. They rescind ObamaCare by $543 million, after they have already failed 70 times to repeal it. But if that weren't enough, listen to this one. How about this one. I guess they said: What else could we do to really stick it in their eye? There is a prohibition now in the law that says that you can't fly the Confederate flag at our military cemeteries. Let's take that away. We want to be able to fly Confederate flags at military cemeteries.

So they put that in there too. What do they think this is?

When we passed here by almost 90 votes a bill that gave not as much money as we wanted, but $1.1 billion, it was treated as an emergency, as emergencies should be treated. It is no different from a flood or a fire or an earthquake. We passed it here and sent it to the House.

The night they were there on the House floor, there was chaos. One of the Presiding Officers came out and in a matter of a minute said: We are going to pass a conference report funding Zika—funding Zika—but it makes it so that you can't go to Planned Parenthood for birth control. We are cutting $500 million from veterans, we are going to affect how we spray pesticides, we are going to cut Ebola funding, we are going to cut ObamaCare, and we are going to, just for good measure—just for good measure, we will throw in the Confederate flag thing.

I was here a week ago, and 2,200 women at that time were infected with Zika. Here it is 1 week later, and it is 2,900. About 100 women a day are being infected with Zika. We don't know how many of these pregnant women—there are about 500 now who are pregnant who have been infected with Zika—we don't know how many of those women are going to give birth to children who are tremendously handicapped. They have shrunken brains, and their skulls are caved in sometimes.

As we sit here dithering because of this foolishness on Planned Parenthood, the Clean Water Act, cutting veterans funding, Ebola funding, ObamaCare, Confederate flag, each day more women are prevented from getting the attention they need for birth control.

It is unbelievable that someone would have the audacity to come to the floor and say: Well, it is the Democrats' fault. It is the Democrats' fault. We think you should get some money for Zika funding. It should be offset; it wouldn't be truly emergency funding. But in the process, go ahead and let's whack ObamaCare, Ebola money, veterans, Planned Parenthood, the Confederate flag.

I mean, I can't imagine how anyone would have the audacity to come to the floor and talk about what a great piece of legislation this is. We know what is in the bill. We have had a woman who has worked so hard on this who is one of the premier Senators ever to serve in this body, Senator MIKULSKI from Maryland. BILL NELSON cares about this in Florida because his State has been hit harder than any other State. But Senator MIKULSKI has worked hard on appropriations bills. We know how important this bill is. We know how much she wants it passed, but she doesn't want it with this awful stuff that they have tried to do with Planned Parenthood, the Clean Water Act, veterans funding, and all of this other craziness, including the Confederate flag.

It is hard to describe. I sat here this morning when the Senate was opening. I have been here a long time. I don't remember anything as outrageous and as shameful as this piece of legislation. Believe me, in the last 7½ years, the Republicans have come up with a lot, but this is the worst.

The PRESIDING OFFICER. The Republican whip.

Mr. CORNYN. Mr. President, I will tell you what shameful is. It is allowing more women of childbearing age to contract the Zika virus so their babies can end up looking like this. That is shameful.

Make no mistake about it—our colleagues across the aisle have filibustered on a partisan basis a bipartisan bill that funded our anti-Zika efforts. It also included measures to support our veterans.

So we need to be absolutely clear. I heard the Democratic leader basically saying that, because his party is a sore loser in a conference report they don't love, they are going to block funding to prevent more babies from contracting the birth defect that is suffered by this baby shown in this picture.

Microcephaly, basically, is a shrunken skull. This baby's prognosis is not good. Women of child-bearing age are scared to death that their baby will end up like this baby. Yet their concerns have fallen on deaf ears among those in this Chamber—largely Democrats—who voted against advancing this legislation.

We are getting closer to mosquito season. The warmer weather means we are going to see more mosquitoes, and we need to get this on the President's desk as soon as possible. The President himself asked for $1.9 billion in funding and is calling this a public health emergency, but our Democratic friends blocked it because they are sore losers in a conference negotiation report that they don't like.

We know that this virus can affect an entire generation. This birth defect is heartbreaking and life-altering, and we know it has taken a tremendous toll in much of Latin America. Fortunately, so far the only cases of Zika virus in the United States, according to the Centers for Disease Control, are from people who have traveled to South America and Central America and contracted the virus there and came home. So at least so far, the mosquitoes that carry this disease are not spreading it in the United States, but we know that will change soon. That is why we heard from the Senators from Florida, Texas, and others. They talked about its potential impact in the United States and particularly in our warmer States.

According to the Centers for Disease Control and Prevention, severe microcephaly like this is associated with seizures, intellectual disability, hearing and vision problems, and developmental delays, and that is assuming this child survives into adulthood, which most, unfortunately, do not. So how can our friends across the aisle who voted against this conference report, which provides Zika funding, look the mother of this baby in the eye and say: We have plenty of good reasons to deny help for more children like yours.

We know this impacts not only children and these babies, but it also impacts whole families. It means mothers and fathers anxious about the welfare of their baby are regularly going to the doctor to gauge progress and check development. It means finding speech, occupational, and physical therapies to help the child live as long of a normal life as they can. One neurologist quoted in the New York Times said: ''There is no way to fix the problem, just therapies to deal with the downstream consequences.''

So once a baby like this contracts the Zika virus, there is no way to fix the problem. The only defense is to prevent children like this from getting the Zika virus by getting the funding that Democrats just voted down to the medical authorities so they can look for a vaccine and so we can do mosquito

eradication and the other things we know we need to do from a public health perspective to prevent more babies like this one from developing these devastating birth defects.

As I said, there is no cure. Once a baby has it, he or she has it for life. That means that the family will have to live with the great uncertainty about the health and well-being of their child as they consider the lifelong implications of caring for a child with this kind of disability.

We know we don't have to accept this as the outcome. We know there is a way to fight it, and that is by preventing the Zika virus from spreading to the United States, but unfortunately Senate Democrats just voted against that.

As I said, there are already hundreds of travel-related cases of the virus scattered throughout the country, and I hope the administration does more to underscore the real health threats that exist when people travel to areas where Zika is at its worst. That is why I joined with one of our House colleagues who is a medical doctor, Congressman MICHAEL BURGESS, in asking Secretary of State Kerry and the Director of the Centers for Disease Control and Prevention, Dr. Frieden, how they are coordinating travel warnings to regions where Zika has run rampant. Texans and all Americans need to understand the risks associated with travel to those areas, and they need real-time, accurate information so they can determine whether they should alter their travel plans.

Over the past few months, the mosquitoes who carry this virus have been inching their way north, and today locally transmitted cases have been reported in Puerto Rico and throughout the Caribbean. In other words, this virus, along with its devastating effects, is at our doorstep.

I had a chance to visit with experts in my State at the University of Texas Medical Branch at Galveston and the Texas Medical Center, and they agree this is a major public health concern and we need to act and act soon. That is why we have to prepare for the arrival of the mosquitoes that carry this virus in the United States, something that our Democratic colleagues have just prevented. Fortunately, counties and cities throughout Texas have already been working hard to counter the spread of the virus.

When I was in Houston recently, public health officials back in April told me about measures they were implementing to track and manage the spread of Zika throughout the Houston area, one of the most populous urban areas in the country, and the efforts to eradicate the breeding grounds of the mosquitoes that transmit the virus. Governor Abbott of Texas is also taking steps to make sure that we are as prepared as possible. But we can't do it alone. Unfortunately, the sort of help that is needed by States like mine for mothers and fathers who could have children like this has just been blocked.

Governor Abbott invited the Centers for Disease Control and Prevention to review the State's plan to combat the virus and he appointed an infectious disease task force to make policy recommendations on how to prevent and respond to infectious diseases including Zika. States like mine and communities like Houston are doing their part, but Senate Democrats refuse to do their part. So it should go without saying that now on the frontlines of this major public health concern we need to respond at the Federal level. That is why it is shocking and shameful to see so many Senate Democrats oppose this bipartisan effort to guard against the virus, particularly because they have repeatedly called for an expedited resolution of this appropriations request.

Over a month ago, the minority leader made clear that he viewed Zika funding a major priority and one that demanded action.

Senator REID, the Democratic leader, on May 23, 2016, said: ''Instead of gambling with the health and safety of millions of Americans, Republicans should give our Nation the money it needs to fight Zika, and they should do it now. Not next month, not in the fall—now.''

Well, of course, Senator REID was advocating bypassing the Senate legislative process, and it was really inappropriate for him to demand a $1.9 billion spending appropriation that adds to the deficit and debt without letting Congress do its job, but now the House and Senate have both passed legislation and agreed to a conference report that Senate Democrats have just voted down.

Senator REID said for us to fail to meet this crisis would be irresponsible, and yet he just advocated failing to meet that responsibility and address the crisis. We can't gamble with the health and well-being of women and children in this country just to serve partisan political needs, and most of the things that the Democratic leader raised in terms of objections to this conference report are just figments of his imagination.

There is no mention of Planned Parenthood in this conference report. I would challenge anybody to find Planned Parenthood mentioned once. As the Democratic leader knows, Planned Parenthood is a Medicaid provider, and so Medicaid eligible individuals can still seek whatever services they want through Medicaid at Planned Parenthood.

Then there is the Senator from Washington, the top-ranking Democrat on the Appropriations subcommittee, who actually crafted the bipartisan Zika response and then walked away from it and voted against it. She said on May 26, 2016:

> Families and communities are expecting us to act. Parents are wondering if their babies will be born safe and healthy. In Congress, we should do everything we can to tackle the virus without any further delay.

Well, I agree, and I frankly do not understand how Senate Democrats, having taken this position previously, can come in here and engage in a partisan filibuster to stop funding for this impending public health crisis.

Just last week, the senior Senator from New York said: ''Every day we wait, every day is increasing the risk that we will have problems with Zika.''

Well, today we had the chance to send a bill to the President's desk that would meet the demands of Senator REID, Senator MURRAY, and Senator SCHUMER, but they blocked it for fanciful and imagined reasons.

One of the arguments that Senate Democrats make against the bill is that more money is needed, yet this is funded at the very level that the Senate agreed to—$1.1 billion. President Obama and our Democratic colleagues repeatedly make the argument that throwing money at the problem will fix everything. Well, throwing no money at the problem will fix nothing, which is what they voted for today.

Less than 7 percent—just $40 million of the $589 million transferred from the Ebola fund to fight Zika has been obligated as of early June. That translates to easily more than $500 million the President can still use to fight this cause in addition to the $1.1 billion included in this bill.

We have heard from our colleagues on the other side of the aisle about this great need to prepare the country for this upcoming health crisis and how essential it is to quickly get resources to those studying the virus and working on prevention efforts and perhaps discovering a vaccine. But when given the chance to do that, Democrats shut it down. They filibustered the bipartisan bill that they themselves have been asking the Senate to pass, which is absolutely disgraceful.

So I hope our colleagues on the other side of the aisle will reconsider their misguided efforts and follow through with what they have been saying we need all along—the funding to fight a real public health threat. It is a public health priority that demands our attention and must be addressed now and not later.

Mr. President, I wonder what the Senators who voted against this bipartisan Zika funding bill would tell the mother of this child or perhaps another woman who is pregnant and wondering whether her child will end up with this virus and this terrible birth defect. Could they possibly look that woman in the eye and justify the reasons they have voted against funding so that other children and families can avoid this terrible devastating birth defect? I bet none of them could look that prospective mother in the eye and say: Well, we voted against protecting your baby and your family for good and sufficient reasons. As I said earlier, many of the reasons stated by the Democratic leader are imagined and not real—like this idea that somehow Planned Parenthood has been targeted,

which is not even mentioned in the legislation.

I can't imagine a more disgraceful vote than what some of our colleagues have cast to deny funding for this impending public health crisis. I hope they will reconsider. I hope the families who worry about the health of their children will call their offices and say: Why did you vote against funding the money necessary to eradicate the mosquitoes that carry this disease? Why did you vote against further scientific research to learn how to combat it? Why did you vote against our developing a vaccine that can prevent the spread of this disease not only here in the United States but around the world?

I will bet none of them could look that mother in the eye because what our Democratic colleagues did today by voting down this funding was absolutely hypocritical, it was cynical, and it was shameful.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Mr. President, in response to the remarks of the senior Senator from Texas, I just wonder, if we had had a real conference where things were discussed, where would we be. That was impossible because the Republican leadership took the House of Representatives out of session. Had they stayed and done their work, as we are, I am sure we could have worked something out. But that, of course, was their decision.

GENETICALLY ENGINEERED FOOD LABELING

Mr. President, on another matter, this week marks a historic moment in Vermont. This coming Friday, July 1, Vermont's Act 120, the first-in-the-Nation labeling law for genetically engineered—so-called GE—foods will take effect. But unfortunately for consumers everywhere, it could be a short-lived celebration.

Late last week, a so-called deal was reached on a national mandatory labeling law. During the weekend, I had the chance to review this proposal closely. Vermonters have reviewed it closely. I can say this: It falls short.

This is an extremely complex issue—from how we define genetically engineered foods, to how we treat animal products; from the impact on the organics industry, to how small businesses respond.

It is actually not something you just talk about; the details matter here. That is why the Vermont Legislature, Republicans and Democrats working together, spent 2 years debating it. They had over 50 committee hearings featuring testimony from more than 130 representatives on all sides of the issue.

The Senate has not held a single hearing on labeling. They had only one hearing on the issue of biotechnology, and they have had none on the issue of labeling foods or seeds.

I would note that the proposal unveiled late last week—and we were able to review it this weekend—is an improvement over the legislation the Senate wisely rejected in March. That bill, the one we rejected, would continue the current status quo. It proposed a meaningless ''volunteer-only'' approach, a thinly veiled attempt to block Vermont's labeling law and to keep any other State from acting. This current proposal at least acknowledges that States like Vermont have enacted in this area. That is why I stayed on the floor and blocked that first bill. I thank those Senators who joined with me.

We heard from the organic industry, expressing reservations about how they might be treated under a Federal GE-labeling program. Some of those concerns have been addressed, and the proposal reinforces that the USDA Organic seal remains the gold standard.

The proposal follows what Vermont's Act 120 does with respect to animal products, and it addresses the gap in the Vermont law for processed foods inspected by USDA, specifically those foods with meat.

The proposal now before us also acknowledges at long last what I have been saying for the past year. In many rural parts of this country, including most of Vermont, we have significant technological challenges that make it nearly impossible for consumers to access the electronic or digital disclosure methods allowed in this bill. By requiring the Secretary of Agriculture to complete a study on this issue, I believe these difficulties unavoidably will be recognized, and the Secretary should be given the authority the needs to require additional disclosure options. I do hope, however, that proponents of this proposal will not try to put the burden on our retail establishments to install costly digital scanners.

The proponents of this deal were sent back to the drawing board after we derailed them on March 16. As I said, I was very proud to be the Vermonter leading that effort. While it is true that this new attempt is an improvement in several ways, it is clear that this revised proposal is driven more by the perspectives of powerful special interests, than by a commitment to honor consumers' right to know. Consumers' right to know merits only grudging acceptance in this plan; consumers are far from this plan's highest priority. We see evidence of that in the broad loopholes included in the definitions for which GE foods this proposal would apply to.

While this proposal makes some positive, though modest, improvements, I remain deeply concerned that it is not going to offer transparency for consumers. Transparency is something that many companies have already opted to provide.

Look at these products. I bet most Americans can go to their cupboards and find them. Campbell's, General Mills, Frito-Lay, Cheez-It, and the iconic Wonder Bread. All of them are already putting on their labels that they are produced with genetic engineering or partially produced with genetic engineering. It is easy. Just print it on there. Print it on there in the same way—if you have a child or a grandchild who has a peanut allergy or who requires gluten-free, you can go look for a label, and immediately, you know what you are feeding them.

Thanks to the citizen-led efforts in Vermont, we are seeing more and more consumer-friendly information easily accessible to shoppers. No scanning some code. No calling an 800 number. You don't pick up a product and say, ''Gee, I have to scan a code in here'' or ''I have to call an 800 number.'' No. You just pick up the product and look, and you find out what it has in it, everything from water, to celery, corn, cottonseed, and genetic engineered ingredients. We have seen countless pictures sent in by shoppers finding these labels. Labeling is not complicated or cost-prohibitive in practice. They are constantly printing new labels. You just add a line.

Of course, to make matters worse, the bill we have before us has absolutely no enforcement mechanism. The negotiators of this proposal seem to think public pressure would be enough to force these multimillion-dollar corporations to comply. What they are saying is ''You guys be the cop on the beat. You be the ones to tell them what to do.'' Surely families squeezing every minute out of every day will not have time to hold companies accountable in the court of public opinion. Public pressure is not enough. You cannot ask consumers to go around and try to figure out whether they can buy something and then bring pressure. That is what we have legislatures for.

At the end of the day, each of us have different reasons for wanting to know what is in our food. The fact is that, without labeling of GE foods, consumers cannot make informed choices. This purported deal does not go far enough to give consumers what they are asking for, which is a simple, on-package label or symbol.

Of course, the bill does more than just block States from enacting GE-food labeling laws like Vermont's Act 120; it also blocks a longstanding seed-labeling law in Vermont, one that Vermont's organic farmers appreciate, as do conventional farmers and even backyard-hobby gardeners. This is a law that has been on the books since 2004. It ensures clear, meaningful information for farmers to know exactly what they are buying, and that is why they buy it.

Perhaps in a State such as Kansas, where the last organic farm survey in 2014 counted only 83 organic farms, or Michigan, a State which is 10 times the size of Vermont and has some 332 organic farms—maybe in States that don't have organic farms, having access to that seed information is not considered useful or important, but in a State such as Vermont with only 626,000 people, where, our Northeast Organic Farming Association of Vermont

assures me, we now have over 600 organic farms, our seed-labeling law is important. The industry has complied with it the last 12 years; yet, with no hearings and no debate, this bill will block Vermont's seed law and will prevent any other State from enacting one.

When I was chairman of the Senate Agriculture Committee, I was proud that I wrote the law that set the national organic standards and labeling program. I was proud of that. It started out following a discussion across the kitchen table with organic farmers in Vermont; it is now a $40 billion industry nationwide.

I continue to closely monitor and work to protect the high standards for the organic program. They have given consumers confidence in the organic label. They have given organic producers the strong, clear, and meaningful standards they have demanded. They have worked hard to follow these standards, but they want to know what the standards are such that those who work hard and follow the rules are not going to have somebody come in and say, ''Well, we followed the rules,'' with no proof that they actually did.

Labeling of genetically engineered products is an outgrowth of the organic movement. As a watchdog of the organic program, I simply cannot support this proposal. I don't support it. We are not saying you cannot have these genetically engineered foods; just let consumers know. Label it. Then they can decide whether to buy it, just as a parent with a child who may require a gluten-free product knows when they come in whether a product is gluten-free when it says so on the label. It doesn't say you outlaw products with gluten in them; it says to give people a choice—the same as those with a peanut allergy. In this case, people want to know how their food was produced, and they want it on the label, not in some electronic code.

Vermonters have a long tradition of leading the debate on issues crossing the spectrum. Vermonters stand for transparency the consumer's right to know. Vermonters want to make informed decisions for their families and with their limited grocery budgets. I acknowledge—we Vermonters acknowledge that powerful interests are allied against Vermont's law and against the Nation's consumers, as has been the fact from the beginning.

The proposal released last week does not respect the work that Vermont has painstakingly done in this space. This Vermonter reflects the feelings of my constituents. I will not and cannot support it. Vermonters deserve better and so do all Americans.

Mr. President, I see my good friend from Oregon, Senator MERKLEY, on the floor. He knows how important Vermont's work has been in this national public debate. I have been proud to cosponsor his legislation that recognizes and respects Vermont's law.

I yield to my good friend from Oregon.

The PRESIDING OFFICER (Mr. CRUZ). The Senator from Oregon.

Mr. MERKLEY. Mr. President, I appreciate the comments of my colleague from Vermont and the work his State has done to take on this very important issue. I wish to amplify somewhat or add to the remarks he has made.

This debate is about one simple concept; that is, a simple, mandatory label that is consumer-friendly to inform consumers whether a product has been produced with GMO ingredients. That is it. It is the consumer's right to know and nothing else.

It has been quite an interesting journey we have been on to this point. We have had the DARK Act—the Deny Americans the Right to Know Act—about the GMO status of the foods they consume, and now we have the DARK Act 2.0 coming to this floor in a deceptive strategy to persuade Americans that we are doing something important in order to justify the preemption of our State legislators from taking on this issue State by State. Unfortunately, the bill before us is an echo of what we have seen before.

So let's ask the simple question: Does it meet the 1-second test for consumers knowing what is in their foods? That is, by the way, information 89 percent of Americans want to know. This is an issue where if you poll Democrats, Republicans, and Independents, they essentially all say the same thing. Nine out of ten Americans say: We want this information on the package. It is relevant to us. We think consumers should have the right to know.

It is unusual to have an issue 9 out of 10 Democrats and 9 out of 10 Independents and 9 out of 10 Republicans all agree on, but here we are at this moment, with this Senate about to consider a bill written by and for the most powerful agricultural groups in America to deny Americans the right to know.

Let us take a closer look at what is wrong with the bill that is coming before us—the Roberts bill. First of all, it does not require that simple consumer-friendly label. Instead, it says: Well, that can be an option. A company could do that, if they would like to. Well, you know what. They can do that right now, without the permission of our Federal Government.

Then it says it could be an option for a company to put a symbol on a package. Well, that option is there for a group right now. They can put a symbol on a package, if they want to.

So we have granted nothing. Then it says: In lieu of putting actual information on the package, they can put a computer code on the package. A computer code is a square, like this, or it could be a barcode, but when you put that on the package, people say: Well, those are on the packages already. Why is it there?

This bill does have a little information in it. It says: If you put this quick response code or computer code on the package, you have to say it is for additional ingredient information—no reference to biotechnology, no reference to GMO ingredients. It could be what version of peanuts is in the product, what version of corn, where was it raised. These are all questions a consumer might possibly want to know. All it says is, for more information on the ingredients.

So if you look to the ingredients, and the ingredients say: tomato puree, high-fructose corn syrup and wheat flour and water, you get a little more information about those ingredients. That is what it is suggesting, even with the language in this bill that says ''for more information on ingredients,'' and nothing about the fact that this product was or wasn't produced with bioengineering, nothing about the fact that this product does or doesn't contain genetically modified ingredients.

So this is a sham because it doesn't give that consumer-friendly information, and it is easy to give that consumer-friendly information. For example, let's take a look at what is happening right now on M&Ms. Here it is. The Mars corporation has said: We want to have integrity with our consumers so we are just going to tell them: partially produced with genetic engineering. It is a simple phrase. It meets the 1-second test. You can grab that candy bar or that bag of M&Ms, you can turn it over, and, boom, there it is, right there.

That is what States have wanted to do in response to their 9 out of 10 citizens who desire simple information on the package. But let's turn back. What does this bill do? This bill says companies can put on a barcode with no reference, no reference to the fact there are GMO ingredients. This is a completely different thing.

The bill also says it can put on an 800 number. We have been through this territory before too. You can put an 800 number on it. OK. That certainly is not consumer-friendly. You have to call up, wait for 20 minutes to go through a phone tree and talk to somebody on the phone. Maybe you are talking to somebody in the Philippines. Maybe they know the answer or maybe they do not. Are you kidding me? A shopper is going to go down the aisle of the grocery store, wanting to know the status of these different options before them, and they are going to make a call for each of them, standing there for 30 minutes, when it could have been answered in 1 second? No, of course not. The authors of this bill know this is a sham.

This is disturbing that we are seeing DARK Act 2.0 coming back again. If you ever do get to that person on the phone line or you ever do get to that computer Web site, there is a provision in this bill that says the information on the Web site has to be on the first page, it has to be presented clearly, but it is being done by the company itself. So how big is that first page going to be, and how is it going to incorporate other information about the ingredients?

This is not something being produced in a standard fashion, easy to use. Let's realize this. In order to use the 800 number, you have to have a phone in your pocket. In order to use the barcode, you have to have a smartphone in your pocket. You have to use up your monthly digital plan. You have to expand your money to find out this information. Furthermore, some of your information is captured by the Web site when you go there. You have to give up your privacy.

Again, we are seeing the sham and the scam brought forward in a new version, and that is not all. This bill has a definition that excludes the food derived from major GMO crops. I have the bill in front of me, and right up front it says what is covered. It says food that contains genetic material—that contains genetic material. Why is that important? Well, when you process crops into the ingredients that go into our food, you basically strip out, in many cases, the genetic material. Therefore, the things that are commonly thought of as GMO ingredients wouldn't be GMO ingredients under this bill.

I have a commentary from the Food and Drug Administration, and here is what it says. It says the phrase ''that contains genetic material'' means that many foods from GE sources will not be subject to this bill, and it gives the example of genetically engineered soy—oil made from that. It goes into all kinds of products that everyone thinks of as a GMO ingredient that wouldn't be covered.

What about high-fructose corn syrup? What about oil derived from corn? Corn oil. What about sugar derived from GMO beets—the sugar that has the genetic material stripped from it. So in the very start of this bill, it excludes the three major crops or major components of the three major crops that are GMO in America—soybeans and corn and sugar. That is disturbing, but if that isn't disturbing enough, another loophole has been put into this bill. Let's turn back to what the bill actually says. It says not only must it contain genetic material, thereby bypassing the soy oil and the corn oil and the sugar from the three major GMO crops, you also have to prove the ingredient ''could not otherwise be obtained through conventional breeding or found in nature.'' So all a person has to do is to assert it is possible, it could be, and then you have another massive loophole.

To what point? We know it is a GMO ingredient. It is in the food. But they could say: Yes, but you could have possibly developed the same thing from a non-GMO process, and they assert that so they don't put it on their can, they don't put it on their label.

There are two major loopholes undermining this bill, showing there is no serious intent to do a consumer-friendly label that justifies State preemption. I would like to say that is all, but then, as was pointed to by the Senator from Vermont, there is no enforcement in this bill. There is no authority for the USDA—U.S. Department of Agriculture—to do a recall of products improperly labeled. There is no enforcement power to exercise a fine on companies that fail to use some option under this bill.

We can see the basic facts. This does not give a consumer-friendly label and instead sends people off through a maze, through a rat hole of telephone calls and Web sites, not in any way practical to a shopper in a store. Second, it has a definition that excludes major products from the major sources of GMO crops in America. Third, it has a huge loophole expressing the theory that if you can assert something could have been derived from a conventional breeding program, you don't have to label. Then, fourth, no enforcement.

This is completely different than the power that Vermont has under their existing bill. They have a simple 1-second test label, they have a definition that does not exclude the major crops, they do not have a loophole about some theory you could possibly have reached the same thing through conventional breeding, and they have enforcement. So this represents not even a shadow of what Vermont is doing.

I have supported the idea that you could have a strong case to have a single Federal standard. It makes sense in the production of food in the country not to have different label standards in different States—the food runs through warehouses. It is spread out through different locations. Fair enough, but if you are going to take away a consumer-friendly label—the power to do that from a State—if you are going to preempt that, then we need to replace it with a credible, mandatory, consumer-friendly label at the Federal level.

This bill fails the test in every major way, and that is why we should not strip States of their power. That is why we should reject this bill, and I encourage my colleagues to do so. A consumer's right to know about the food they put in their bodies is a powerful right, and we are taking it away if we pass this bill. Let us not do that.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. ISAKSON. Mr. President, may I inquire of the Chair, is the Senator from Connecticut due to speak next?

Mr. BLUMENTHAL. I would be happy to yield to the Senator from Georgia, as long as I be permitted to follow him for up to 10 minutes.

Mr. ISAKSON. Mr. President, I ask unanimous consent that I be recognized for up to 5 minutes, to be followed by Senator BLUMENTHAL for up to 10 minutes.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. ISAKSON. Mr. President, I find it unbelievable that today the United States Senate said no to pregnant moms and veterans.

The vote earlier to deny cloture on the VA–MILCON legislation and the Zika virus is to say to pregnant moms in America: We don't think the case of the Zika virus is that important; you are going to have to run the risks yourself. To say to our veterans who fought and risked their lives for us that we may not fund their health care is just not the right thing to do.

I deeply regret the fact that the cloture motion was denied this morning. I hope that before we leave town this week, cloture will be granted so we can approve MILCON–VA appropriations and approve our response to Zika. But let me underline how important that is with two quick, brief remarks.

In terms of Zika, I represent the CDC—the Centers for Disease Control and Prevention—in Atlanta, GA, the world's health care center. I was there 2 weeks ago for a briefing on the Zika virus. There are more than 1 million Zika cases in Latin America, there are Zika cases in the Caribbean, and there are 150 in the United States of America. The Zika virus is very unique. It attacks a pregnant mom, it attacks the child in the womb, and it attacks the brain and central nervous system, causing manifested, terrible brain problems and deformities, some that we hope we can stop and prevent. But you can't do it if you don't fund the Nation's response, and the $1.1 billion in this bill, which was denied today, would go to Zika response.

There are two responses we need to fund. One is the research and development for preventive vaccines so we can find them as quickly as possible. That is obviously important. But the other is the education to do the most we can to see to it that Zika is prevented wherever possible.

A lot of people think that if you don't have mosquitoes, you don't have to worry about Zika. Zika is transmitted in two very distinct ways. One is through one of two types of mosquitoes, both indigenous to my State of Georgia and most of the southeastern United States. But Zika is also transmitted by sexual intercourse, which means whether you are in Colorado where there are no mosquitos or Georgia where there are, there is another way to transmit it as well. If we don't have a good education process in terms of how people can protect themselves against transmitting the Zika virus during sexual intercourse or protect themselves against bites by mosquitoes carrying the virus, we are going to be in big trouble. We will have a lot of babies born who will have lives of tragedy because we didn't do our jobs as U.S. Senators.

It is estimated that the cost of a live birth and the lifetime of a child born with the effects of the Zika virus will be $10 million per child on the taxpayers of America—$10 million. Think of the cost that adds up to.

We should come to the table immediately, come back, vote again, and vote for cloture on the Zika virus—the

$1.1 billion response that passed the House—to pass the Senate and see to it that we tell the American people that we understand the dangers of Zika, and we are going to do everything we can to allow them the education they need to prevent it. We are going to respond to it, and do it in the right way.

As far as the VA is concerned, I have never understood how anyone can look a veteran in the eye and say no. As chairman of the Veterans Affairs Committee in the Senate, I know what these people have done. As one who served in the military, I know what sacrifice means in terms of serving in uniform. To say no to the funding of VA health care is just unconscionable, and it is wrong. Our veterans volunteered. We don't have a draft anymore. We don't conscript people anymore. People volunteer. We have had 16 straight years of deployment in the Middle East of Americans who volunteer to protect this country. They deserve to know that when they come home, their health care is going to be provided for, their benefits are going to be provided for, and the promises we made to them to get them to volunteer to join our military are promises we keep to them, regardless of the condition they may be in or the difficulties they have.

So as one Member of the Senate, I can't say no to a pregnant mom, and I can't say no to a veteran. I don't think anybody in here really wants to say no to them at all.

I would encourage members of the Democratic Party to come back to the floor and join all of us in the Republican Party to vote for cloture on the MILCON–VA and cloture on the Zika virus, and do it as soon as possible. Time is wasting. Time is of the essence. Time is important. Our response is important. Our pregnant moms are important. There is nobody more important than the veterans of the United States of America.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Connecticut.

PUERTO RICO

Mr. BLUMENTHAL. Mr. President, I strongly agree with colleagues who have supported effective, real measures to confront the spreading toll that Zika is taking around the world and, I assume, will take an even greater number and magnitude in this country. But we need effective solutions that will provide funding for research, eradication of mosquitoes, and education of the public without harmful restrictions that prevent women from seeking family planning services that, in fact, help to prevent the spread of Zika.

Nowhere is the threat of Zika greater than in Puerto Rico. That island has been particularly hard-hit. In fact, the spreading financial crisis is combining with the spreading epidemic of Zika to create a true humanitarian crisis. That crisis will only be aggravated and deepened by a failure to deal effectively with the financial default that faces the island in just a few days from now.

On July 1, $2 billion of loans will come due, and Puerto Rico simply lacks the resources to pay those debts. It is insolvent, so far as those debts are concerned. If the Bankruptcy Code applied, it could seek relief from its creditors and prevent the race to the courthouse and the enormous litigation costs and other expenses that will ensue.

We have an opportunity to act on behalf of the people of the United States who have a powerfully important stake in the people of Puerto Rico and the welfare of that island. It is Americans who live there—3.5 million American citizens, who have fought in our wars, given of their culture and heritage to all of us, and have helped make America the greatest, strongest country in the history of the world. They are American citizens who are part of the fabric of this Nation, and the people of Puerto Rico will be the ones who pay the price of a failure on our part to act effectively.

The simple fact is that Puerto Rico cannot afford to pay all of its creditors and continue to provide a basic level of services for its people. That fact is undisputed. The question is simply whether this situation is addressed in an orderly and productive way or permitted to enter the sea of chaos—financially and in humanitarian terms—that will ensue without action on our part.

Already we have seen the beginnings of this crisis. The island's only 24/7 stroke center has closed because too many Puerto Rican neurologists have left for the mainland. The Puerto Rican Department of Education has not paid hundreds of firms that provide education and transportation services. Hospitals are barely keeping the lights on. Schools cannot pay bus drivers.

My colleague from Florida, Senator NELSON, told the story yesterday of the neonatal dialysis center that is providing services only to customers who can pay cash up front. Imagine, in the United States—Puerto Rico is part of the United States—children in need of lifesaving services are being turned away and denied basic health care.

There is no need to guess as to what will happen on July 1. Creditors have told us—in fact, they have told us very explicitly in court papers already filed last week. They wrote: ''It has long been settled law that Constitutional Debt is constitutionally required to be paid first in times of scarcity, ahead of even what government deems 'essential services.' '' They will claim to be paid in advance and in priority over essential services. That is the stark, harsh truth of litigation, and a judgment in their favor will have lasting and irreparable effects on the people of Puerto Rico. If the creditors win, the people of Puerto Rico lose, and they lose tremendously and irreparably.

The Senate has a choice. Instead of allowing a chaotic process that costs tremendously in scarce resources and benefits financially the lawyers and some of the creditors more than anyone, we can pass legislation before us today. It is not the legislation I would have preferred. In fact, this deal is not one that I find attractive. There are defects and weaknesses in its provisions relating to minimum wage and overtime and pensions and the structure of the board, among others. But the question is, What is the alternative?

With PROMESA, the parties will have a workable judicial mechanism with a stay on litigation, ensuring that chaos is avoided and the current mess is resolved. If we devise a system that only the creditors like and works only for them, it will benefit a small group of wealthy investors that could threaten to block Puerto Rico's economic recovery. In fact, the longest lasting and most alarming effect will be the uncertainty that results from our failure to act, which almost clearly and unavoidably will cause a deep recession in that island. It will, in effect, impede investment in the island and quash economic recovery.

Representative NYDIA VELÁZQUEZ put it best. She has never stopped fighting for her homeland of Puerto Rico. Before PROMESA passed the House she said:

> Some would have you believe that if we only yell louder, there will be a third option. But let me tell you, I have screamed so loud that I no longer have a voice.

Like the vast majority of her House colleagues, she voted for PROMESA because it is the best option available now that both sides can support. No amount of wishing or yelling will change that fact.

PROMESA has the support of experts across the political spectrum and editorial boards across the country. It has won support from Puerto Rico's Governor and its sole representative in the U.S. House. It has won support from business leaders in Puerto Rico and in the United States. And, crucially, the Treasury Department says it is an essential step—a first step—to avoid humanitarian catastrophe. We can come back next month, next year, or sooner to try to make it better. But there is no better bill available this week, before July 1, and the impending humanitarian crisis will most affect and most enduringly hurt the people of Puerto Rico. The choice is hope or disaster for the Americans who live in Puerto Rico.

PROMESA could be better, but at the end of the day, we cannot permit the perfect to be the enemy of the good. I will continue to work for a better bill, seeking to offer amendments that improve it, and fighting afterward for still more improvements in this measure.

Today I urge my colleagues to join in supporting PROMESA.

Mr. President, I yield the floor.

RECESS

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

Thereupon, the Senate, at 12:45 p.m., recessed until 2:15 p.m. and reassembled when called to order by the Presiding Officer (Mrs. CAPITO).

TRANSPORTATION, HOUSING AND URBAN DEVELOPMENT, AND RELATED AGENCIES APPROPRIATIONS ACT, 2016—CONFERENCE REPORT—Continued

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. MANCHIN. Madam President, I ask unanimous consent to speak in a colloquy with some of my colleagues concerning the Miners Protection Act.

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

MINERS PROTECTION ACT

Mr. MANCHIN. Madam President, as the Presiding Officer knows very well, we have been asking for passage of the Miners Protection Act not just for our State of West Virginia but for all miners across America, as well as the retired miners who have done everything that has been asked of them.

We have some of our colleagues here today. At this time, if I can—if my other colleagues will allow me—I will defer right now to Senator BROWN from Ohio, since he has other commitments. He will be coming back and forth. If he could go ahead and get started at this time, then I will come back and defer to our other colleague from Ohio.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. BROWN. Madam President, I know everyone is squeezed for time, but I thank Senator MANCHIN for his leadership, the Presiding Officer, the other Senator from West Virginia, Mrs. CAPITO, and Senator PORTMAN, my friend from Cincinnati.

We all know how serious this is. We are all willing in this body to do—at least the four of us and I know also Senator CASEY and Senator WARNER—whatever it takes to get this fixed. We know we can do this for our Nation's retired coal miners who are on the brink of losing their health care and retirement savings. This Congress can pull them back from that.

The UMW health care and pension plan covers 100,000 workers, 6,800 people in Senator PORTMAN's and my State. The plans were almost completely funded before the financial collapse of almost a decade ago, but the industry's pension funds were devastated by the recession.

We know if Congress fails to act, thousands of retired miners could lose their health care this year and the entire plan would fall as early as 2017.

For every one of those years where mine workers worked for decades and decades in the mines, they earned and contributed to their retiree health care plans and their pension plans—benefits they fought for. Their situation is similar to Senator MANCHIN and I, prior to—we remember what it was like here during the auto rescue, the benefits they fought for, benefits they gave up raises for, benefits they have earned, putting money aside, and now they have been betrayed, frankly, and that is why this is so important.

We just had a meeting of a group of Senators, and Senator REID played a film of what is happening in West Virginia—the flooding—and much of that flooding is in miners' country, most of it is. There were mine workers' homes—Senator CAPITO knows this too—mine workers' homes that were under water, as were other residents in these communities, proud communities that have done everything right, where people worked hard and played by the rules. They paid their taxes. They helped their community. They have lost so much, and this is the last thing they just simply should not lose.

My contention in the Finance Committee—and I know it is the contention of my colleague from Ohio too—is that committee should not do anything until we fix the miners' pension. Senator MCCONNELL, the Republican leader, seems to be the only one who doesn't want to move on this. All the rest of us do. The point a lot of us are making is, we shouldn't allow this body—as important as I think Puerto Rico is and as much as I want to help them—we shouldn't be voting on restructuring Puerto Rico's debt without lifting a finger to help our retired miners. I don't want to delay Puerto Rico. I want Senator MCCONNELL to commit to us: OK. We will move to Puerto Rico but promise a date for a vote so we can do what we need to do to move this money from the abandoned mine fund to the UMWA pension fund in a way that works for these miners, that works for the widows of miners, that works for people who are sick from working in the mines, and works for people who were injured working in the mines.

As many of my colleagues know, I wear on my lapel a depiction of a canary in a birdcage. All of us know in mining country, the mine workers used to take the canaries down into the mines. They had no unions in the old days to help them. They had no government that cared enough to help them. It is up to us to provide that. The canary in the mine has been tweeting mercilessly, and it is time for us to step up and do what we were hired to do in these jobs.

I thank Senator MANCHIN.

Mr. MANCHIN. Madam President, if I can, I will give a little background and then we will go right to Senator PORTMAN.

I thank the Senator from Ohio. I appreciate it very much.

The Presiding Officer understands very well. We are both from the same State, born and raised there, and tough times have always been a part of our DNA.

So people know the history of the mines, as to the coal that has been produced, we would not be the country we are today, we would not be the superpower of the world, if we didn't have domestic energy in our backyard. Domestic energy was the coal we used to fuel the Industrial Revolution. We basically defended ourselves in every war with coal. It was so important during World War II that if you were a coal miner, you would be asked to be deferred from fighting in the war to provide the energy the country needed to defend itself. That is how important this product has been.

Today it is kind of taboo to talk about it. People don't understand we have the life we have because of it. There is a transition going on and we understand that, but, in 1946, President Harry Truman said that we can't have the miners go on strike. John L. Lewis was going to take the miners out on strike for unfair compensation and safety reasons. Harry Truman promised them if they would stay—it was so important for our economy after World War II to keep moving forward, and without the energy, we couldn't do it. So he said: If you all will settle this strike, I will make sure everybody who produces coal—all the miners will pay into a pension fund that will guarantee that you will have health care benefits when you retire and a very meager pension. We are not talking big money. We are talking very meager supplements.

That was committed to and paid for. It had been funded all the way up until the greed of Wall Street in 2008, and it fell apart. Now, here we have the time. We go right up to the end of the time. Every time we go up to this timetable.

Well, July 1 is Puerto Rico, and then let me tell my colleagues one thing: July 15, all the retirees will start receiving notices that they will start losing their health care benefits within 90 days.

If you have seen on television all the devastation to our State in West Virginia, all the flooding, all the misery, the loss of life—one of the largest losses of life in any flooding in U.S. history. It just happened this past week in the State of West Virginia, our beautiful State. Every one of those communities you are seeing on television, with houses on fire floating down the river, with all the businesses ruined, all the homes and all the people who are left with nothing, every one of those are mining communities. Every one of them have miners living in them. Every one of them have widows who probably lost their husband to black lung depending on the health care benefits. Yet we have so many other things, and we are just asking for a vote.

This is a bipartisan bill. Here we are standing on the floor, all of us, not being Democrats or Republicans, just being Americans trying to do the right thing. All we are asking for is a vote on this. It will pass. There are ways for us to pay for it so it does not cost the American taxpayers. That is what we are asking for. I don't think that is too much to ask for.

I have said let's vote no on cloture tomorrow. I am not saying to be for or

against Puerto Rico. I understand the situation they are in, but unless we defend and fight for the people who have given us the country we have, and just disregard that, then who are we? What is our purpose for being here?

With that, I yield to my good friend and colleague from Ohio, Senator PORTMAN.

Mr. PORTMAN. Madam President, I thank my friend and colleague from West Virginia. I appreciate his passion for this issue. Over the years, he has fought hard for miners in every different respect, as has his colleague from West Virginia who is in the chair right now, Senator CAPITO. They need us right now. He is absolutely right.

We have a bill on the floor of the U.S. Senate that provides for essentially the bankruptcy of Puerto Rico, right? I am not being critical of that legislation. I know Puerto Rico needs help, but I also know the people I represent need help, as do the people these two Senators represent and Senator BROWN who spoke earlier. All we are asking for is give us a chance. We have legislation that has been carefully crafted with the United Mine Workers, with the coal companies on a bipartisan basis.

This is legislation that is fiscally responsible. My own view, for what it is worth, is that if we don't help now, it is very likely there could be later a need for significant funding from the taxpayers. Why? Unfortunately, because we are in a situation now, where because of all these bankruptcies of all these coal companies—and we could talk about the policies toward the coal companies and the policies toward coal in this country, but the reality is, there are a lot of companies in places like Ohio and West Virginia and Virginia and other States out West that are either in bankruptcy or heading toward bankruptcy. The people who are getting left behind are these coal miners who worked hard, played by the rules, have their pension, have their health care lined up, and because of the bankruptcies they find themselves on the outside.

By the way, currently these mine workers' pensions are relatively modest—$530 per month is the average. They are headed toward bankruptcy, by the way, within 5 to 10 years. There are 90,000 coal miners—my colleague said closer to 100,000—a little over 90,000 coal miners affected. In Ohio alone, it is over 6,000 coal miners. When that pension goes bankrupt in 5 to 10 years, there is no guarantee, as I see it, that the PBGC—that is the Pension Guaranty Benefit Corporation—is going to be there because that agency is also in trouble.

So these mine workers who sacrificed so much for so long working in the mines—again, working hard, playing by the rules, helped power this Nation—could be left with no pensions. That is simply not acceptable.

There is a further issue that some folks aren't focused on yet but will be soon in a lot of ours States; that is, that there are about 20,000 of these retired coal miners who may well lose their retiree health coverage at the end of this year. So this is not down the road. This is now. This is this year. Again, these miners spent their careers in dangerous jobs. These jobs resulted in higher rates of injury, disease, cancer, and therefore they are especially dependent on these health benefits. They have earned them. It would be devastating to those families to lose those benefits.

Our solution—again, a bipartisan solution—Senator CAPITO is here and Senator MANCHIN and Senator BROWN and others—our solution is to have no interruption of these family health benefits, keep the pension plan solvent so it doesn't go under, so we don't have to have a bailout, and we can do it with a fund that is currently available.

Senator MANCHIN spoke for a moment about how this is something that can be handled under our current fiscal situation. As some of my colleagues know, I am a fiscal hawk, and I wouldn't have signed up for this bill if I didn't see a way to pay for it. The money would come from a miners' health fund that is currently spending over about half of its annual allocation. The fund allows for $490 million in annual spending for retired miners. Currently, it is spending closer to $225 million. So that fund is available. Our point is this: Why not use the rest of that spending authority for that fund to be able to spend the money to save the miners' pensions and make sure they are not going to lose their health care coverage? Again, I think this solution may well cost less money than simply allowing the plan to go bankrupt, which is the other alternative, because then I think it is very likely that you would end up with a major bailout and the taxpayers would have to pick up the rest.

So who are these miners? In the last several years, I have been at some of the coal mines in Ohio. I have been in aboveground coal mines and underground 600 feet with the coal miners. I have had an opportunity to visit three coal mines, one of them twice. Coal miners also come to a lot of my meetings. They come, they speak up, and they talk about why they believe they deserve to be treated fairly. They have powered this Nation.

Ohio is 70-percent coal-dependent right now for electricity. Many States represented here are even higher. For some, virtually all their electricity comes from coal. It is a hard job. Again, when you are underground several hundred feet and you see the kind of work they do, you learn to appreciate the fact that they are taking a risk every day and they do have additional health problems because of it.

These are people who not only power our country, but power their communities. They are engaged and involved in their communities, and they want to be sure these smaller rural communities can stay vibrant. Losing that pension and losing that health care benefit obviously hurts those communities. These are people who played by the rules, as I said earlier. They are patriotic, hardworking Americans who deserve our help right now because of this pending bankruptcy.

Why on this bill? It is not about my opposition to the underlying bill, but it is about my insistence that we have a vote, and I intend not to vote to move forward with the Puerto Rico bill unless we get our vote, and it is appropriate. If we are going to help Puerto Rico escape bankruptcy, then we should also help the 90,000 miners we talked about in West Virginia, Ohio, and other States who are suffering the effects of these coal bankruptcies. They don't deserve to be left behind as the Senate addresses other bankruptcies.

Again, I want to thank my colleagues who are here. The Presiding Officer kindly took the chair so I could make these remarks. I will replace her now and have an opportunity to listen to the debate from the chair. I thank my colleagues for their willingness to stand up at this crucial time to say that this is our opportunity to be heard. That is all I am asking for. Let's have a vote.

I think if we did have a vote and all my colleagues knew the facts around this issue, I think we would be successful and we would be able to help a lot of these miners to get the benefits that they deserve.

I yield back to my colleague.

Mr. MANCHIN. I say thank you to my friend and colleague from Ohio. I thank you so much. You are absolutely correct. Of those 90,000 miners, 27,000 come from my State of West Virginia. When we talk about who are the miners, they are the most patriotic people you ever met. Most of them are veterans. They have given of themselves. They sacrifice and they will continue to do so.

This country still needs a balanced energy policy that works for all of us, and they are willing to do that. They are willing to do the heavy lifting jobs they have always done. They don't ask for a lot of accolades for doing that.

I have another one of our colleagues from the great State of Indiana who knows the mining industry very well. I have been with him, and we have been out talking to them and watching how the product moves and watching how it powers this great country.

With that, I yield to my friend Senator DONNELLY from Indiana.

(Mr. PORTMAN assumed the Chair.)

Mr. DONNELLY. Mr. President, I thank the Presiding Officer, my colleague from Ohio, and my colleague from West Virginia.

This is a critical issue. I rise today to join my colleagues in supporting the bipartisan Miners Protection Act. We are here to make sure the Federal Government makes good on its promise of lifetime benefits for miners who risked

their lives to help our country meet its energy needs.

As has been noted, President Truman and the Federal Government made a promise with the 1946 Krug-Lewis Agreement to guarantee health and pension benefits for coal miners. These workers and the generations that followed sacrificed their own long-term health and now they are depending on us to make sure they get the benefits they earned.

My friend from West Virginia said that there are 27,000 miners in his State. We have 3,000 retired miners receiving pension benefits and another 1,500 receiving health benefits. Many of them are in the southern part of my State. Similarly, there are tens of thousands of other retirees—90,500-plus—across the Nation in West Virginia, Ohio, Pennsylvania, Illinois, and Kentucky. These retired miners and their families face a financial emergency unless we act now.

Additionally, Congress must work to address broader problems in the multiemployer pension system, which is on the verge of crisis as well. Many plans, such as the Central States Pension Fund, which includes hundreds of thousands of retired Teamsters, are dangerously underfunded. We owe it to these hardworking Americans who did their job to do our job and to solve this problem. This is a bipartisan proposal. It isn't about Republicans and Democrats. It is about Americans coming together to help the 90,000-plus miners and their beneficiaries who face an imminent loss of the benefits they have earned.

They have earned these benefits. This is nothing being given to them. They have earned this everyday—walking into those mines, working nonstop and facing incredible dangers, and powering our country. We can start meeting our responsibility by scheduling a vote and passing this commonsense legislation.

We made a promise to these coal miners, and we take this promise seriously. They did their part for decade after decade. We can't turn our backs on them. That is not the American way. It is not the Indiana way. It is not the Ohio way. It is not the West Virginia way.

I urge the Senate to take up this bipartisan Miners Protection Act as soon as possible because tens of thousands of retirees, our friends and neighbors, and our fellow Americans are counting on us to do our job and keep the word that has been given to them.

I yield back.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. MANCHIN. Mr. President, I want to thank my colleague from Indiana and the Senator from Ohio, the Presiding Officer, and my colleague from West Virginia.

This is truly a bipartisan bill. As we stand before you, my colleague and I were both born and raised in West Virginia. We come from different political parties, but we have been friends all our lives. The most important thing is that before we became a Republican or a Democrat, we were West Virginians first. Sometimes we might lose sight of that fact amidst all these great people in this great country.

It is time for us to get together and do the right thing. These are the people who have done the heavy lifting all their lives, and all we are asking for is a commonsense piece of legislation that gives to them and protects them with a promise that we made. They worked for this. They paid into this. Their pensions were solvent. No act of their own caused this. We are not asking for a bailout. There is a pay-for and a very easy pay-for.

So with that, I want to recognize my colleague from West Virginia for her dedication and commitment to fight for this. I thank her so much. I yield to Senator CAPITO from our great State of West Virginia.

Mrs. CAPITO. Mr. President, I want to thank Senator MANCHIN, certainly for putting this colloquy together. I want to thank Senator PORTMAN of Ohio, Senator DONNELLY of Indiana, and Senator BROWN of Ohio. We are deeply affected by this, and the facts bear out that we can't wait.

We talk about emergencies, and what we have on the floor is the emerging bankruptcy of Puerto Rico. I think all of us have expressed deep empathy and sympathy for Puerto Rico and the situation that they are in, and we appreciate the bipartisan effort to find a solution. But at the same time, we need our voices to be heard louder and clearer. My voice is that I cannot vote for cloture on Puerto Rico when we have stranded and are stranding our hardworking coal miners and the retirees who are upcoming.

You have to look at what is at stake here. We heard the numbers—21,000 Americans stand to lose their health care at the end of the year. By July 15, some are going to lose their health care in 90 days. That is way before the end of the year.

You often hear the trite slogan ''promises made, promises kept.'' This was a promise that was made. This is the hard work of American coal miners who knew going in when they started to work in the mines that they were difficult and dangerous jobs. The question by the spouse was, Will my husband make it back today from the mines? They had a promise, and that is why a lot of them pursued and went forth in dangerous conditions to provide for their families and power the country.

My colleague from Ohio remarked that 70 percent of Ohio's energy is produced by coal. In our State of West Virginia 95 percent is coal-produced energy. We are blessed to have a lot of coal in West Virginia. That has been a good thing for a long time. Unfortunately, we have had a lot of issues in the coal industry, which is under assault from multiple directions—whether it is regulation, increased competition, the effects of a broader economy. All kinds of things are flying into this, but the reality is where we are today.

We mentioned the numbers. Of 12,000 Americans who could lose their health care, 5,000 of those are our fellow West Virginians. I can guarantee you that between the two of us, we know quite a few them. We live in a small State. We live in a community where everybody knows everybody. I tell you one thing, to divert from this to what has happened to our State with the floods. I am sure other States do this just as well, but I don't think there is a State that does better than West Virginians helping West Virginians. What we have seen over the last few days with neighbors helping neighbors and people pulling up each other and pulling together is phenomenal. A lot of those folks are not coal mining families. They know coal mining families. They go to church with their families. Their kids go to school together. Their grandchildren play together. We are all connected together.

You look at the health care and pensions of 27,000 West Virginians. As was mentioned, these are not large amounts. I think the Senator from Ohio mentioned $560 a month. Unfortunately, for some retirees that is the difference between paying their electricity bill and having food on the table. That is a substantial amount. It could mean getting gas for the car, buying their medicines, or helping their children when they might need help to purchase a new pair of shoes. All of these kinds of things are extremely important in the everyday life of our retirees.

I think the best voices are the voices of the miners. I have received letters, and I am sure you all have received letters and talked to folks yourself, from people like Rita from Ieager, WV, who wrote that her husband started work as a coal miner 40 years ago right out of high school. Without the act, she and her husband will lose their entire health care coverage.

Walter is a third generation coal miner. We find these a lot. A lot of these people are third and fourth generation coal miners. He is from Danville and began working in the mines when he was still in high school. He wrote to express concern not just for himself. As a typical West Virginian and hardworking American, he is worried about his friends and former colleagues in Boone County. There are people like Teresa, also from Boone County, whose husband worked in the mines for 36 years and planned for retirement knowing that they would receive the health care and pension benefits they were promised. She asks us to ''please help these retirees to ensure that people like my husband keep the benefits he was promised and that he earned and worked hard for.''

There is Ralph from Morgantown, who reminds us—and I think this is especially important for us to reemphasize today—that ''Congress has the

power to keep that promise because it is the right thing to do to protect those hardworking Americans.'' Ralph is right.

So I am going to make a stand with my colleagues. I am asking in a loud and joint voice to have this vote to keep the promise that was made.

While Puerto Rico is facing a financial crisis and I have great empathy for what is going on there, I cannot vote for cloture on the Puerto Rico bill until I get some certainty that we are going to move in a positive direction. I appreciate the passion and the willingness of Senator MANCHIN to join us together in this colloquy today. We have bipartisanship. We have a regional coalition that I think we can build on every day. I hope we will be successful so that we can make sure that our miners and their families have the assurances, the security, and the faith in us who could make that decision, and the faith in this country that made that promise.

I yield back to the Senator.

Mr. MANCHIN. Mr. President, some people say this is a union versus a nonunion issue. That is not the case at all. In 1946, anybody who was mining coal was a member of the United Mine Workers of America, almost 99.9 percent. With that type of participation, having all these people involved—that is the deal that was made. That is the deal Harry Truman, the President of our United States of America, made with John L. Lewis. You have to continue to mine the coal that keeps the country running.

Today, coal has been villainized to the point where people think they don't need it, they don't like it, they don't want it, and it is no good for them. Well, guess what. The coal we use today is cleaner and used cleaner than ever before.

We keep talking about the global climate. I am not a denier. With 7 billion people, I think we have a responsibility. We have a responsibility to clean up the environment. We have done it, and we can do a lot more in America. We can lead the rest of the world—which burns over 7 billion tons of coal—to do it much cleaner if we are serious about it and if we don't just continue to demonize it here in America, its use in America, putting all these people out of work.

My colleague talked about Puerto Rico and its finances. We have sympathy and compassion for anybody who has had difficult times. But we have people who basically gave their sweat, their blood, and their lives for the energy of this country, and their widows and other people are depending on that retirement and they are depending on their health care benefits. Let me tell you the domino effect that will happen. The domino effect is this: If these health care benefits go by the wayside, a lot of the clinics that take care of people throughout West Virginia, throughout the coal industry, throughout the coal counties all across America, are going to be hurting. They are going to be hurting as they try to keep their doors open to take care of the children, the families, the widows—the people who are depending upon them. This has a ripple effect that people don't really consider.

All we are asking of the majority leader, our majority leader—I am respectfully asking him—he comes from the State of Kentucky, and he understands the people of mining. In a compassionate way, I am asking if he would just consider giving us the vote before we leave here.

That is why we are not voting on the Puerto Rico cloture. We have basically next week, and after next week we will be gone for quite a while. These widows and all these retirees will start receiving their notices July 15. We will be out of here on the 16th. What do we tell them? Well, I am sorry we are on vacation. We have all gone home. We all gave up.

The House is gone now. They got in so much conflict, they couldn't take it anymore. They left early. They are not coming back. This is a shame. It is absolutely a shame.

I am almost ashamed to tell—people say: Where do you work?

I say: Oh, I work for the government in Washington.

I will be almost afraid to tell them what body I am in if we can't do better than we are doing.

I am getting so sick and tired of ''If you are a Republican and I am a Democrat, I am supposed to be against you.'' I am not against you; I am with you. I am with this country. I want America to do well. I want the whole world to be envious that we can help other people. But if we can't take care of ourselves, if we can't help the people we have committed to and made a promise to, then why should anyone? Why should anyone look to America?

We are the hope of the world. Well, if we are going to be the hope of the world, we better take care of the people who gave us the country we have; that is, the mine workers of this country, the United Mine Workers of America—the toughest people I have ever been around, the most generous people I have ever been around, and the most compassionate people I have ever been around.

It is our responsibility, Mr. President and my colleagues, to keep our promise to the miners who have answered the call whenever their country needed them. When our country went to war, the miners stayed there and powered us to prosperity. When our economy was stagnant, these miners fueled its growth and expansion. They kept their promise to us, and now it is time for us to do the same. We must keep our promise of a lifetime pension and health benefits to our miners—something they paid for, something they worked for—for their dedication to our country. That is why I am calling for the immediate passage of the Miners Protection Act.

I appreciate my colleagues on both sides of the aisle. This is truly a bipartisan effort. I thank the Presiding Officer. I thank each and every one of you. Please talk to colleagues, as we do with all our friends on both sides, and do the right thing and pass the Miners Protection Act.

Mr. President, I yield the floor.

FAMILY PLANNING SERVICES

Ms. COLLINS. Mr. President, earlier today the Senate held a cloture vote on the conference report to accompany H.R. 2577, a bill that would fund military construction and veterans programs in fiscal year 2017 and provide $1.1 billion to respond to the Zika public health crisis.

There has been a great deal of misinformation on what the bill would do and which organizations and providers would be eligible to receive funding under the bill. I would like to ask a question of the chairman of the Labor, Health and Human Services, and Education Appropriations Subcommittee, who helped to write the Zika funding package.

Is it accurate to say that family planning service providers that receive Medicaid reimbursement would be eligible to be reimbursed for family planning services through funding provided in this bill?

Mr. BLUNT. Mr. President, that is accurate. Let me be clear, the conference report provides the same access to birth control services as the administration's request by allowing reimbursement through public health plans, which includes Medicaid. In addition, the conference agreement goes even further than the administration's request by expanding access to services through more robust funding to community health centers, public health departments, and hospitals in areas most affected by the Zika virus.

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

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

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

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

HONORING NEBRASKA'S SOLDIERS WHO LOST THEIR LIVES IN COMBAT

Mrs. FISCHER. Mr. President, I rise today to continue my tribute to Nebraska's heroes and the current generation of men and women who have given their lives defending our freedom in Iraq and Afghanistan. Each of these Nebraskans has a powerful story.

SERGEANT JOSHUA ROBINSON

Today I reflect upon the life of Marine Sgt Joshua Robinson of Hastings, NE.

Josh grew up on a farm near the small village of Oak, NE. As a boy, he thrived in the outdoors. Many would say he was born to be a marine. Josh

loved hunting, fishing, and preparing animals for 4–H competitions. He first learned to shoot with a Red Ryder BB gun and became excellent at tracking wild animals.

Later, the Robinson family moved to Colorado, where Josh grew into an impressive athlete. He discovered water sports. Water skiing, wakeboarding, and kneeboarding became his passions. By high school, this natural ability was generating success on the wrestling team, and he would later represent them three times at the State championships.

In 2000, Josh's high school graduation coincided with his family's return to Nebraska, where he enrolled at Metro Community College in Omaha. His athletic ability was on full display here, too, this time riding bulls in the rodeo.

Over a year after graduating high school, Josh would find a new mission. On September 11, 2001, terrorist attacks on our homeland changed the world and instilled a deep sense of duty and patriotism for Josh. Like so many others in the days that followed, he answered the call to military service. His mother Misi remembers his passion during that time, saying:

> Our freedom was put on the line. It takes young men like Josh to enlist and protect the USA.

By 2003, Josh had enlisted in the Marine Corps. That year, he also met the love of his life, Rhonda Zaruba of Bennington, NE. They connected immediately and were engaged shortly after Josh returned from basic training in 2004. Rhonda recalls the advice Josh's marine friends gave him at the time: Never buy a truck, and never get married. In 2004, he did both. Josh and Rhonda were married in Omaha later that year. They grew in love and had two sons—Kodiak, who is now 10; and Wyatt, now 9. Together, Josh and Rhonda navigated their family through Josh's two deployments to Iraq. Like so many military families, they endured the pain of separation on birthdays, anniversaries, and holidays. His service was their service.

No one was surprised by Josh's success in the military. His mother says Josh took the skills he learned as a boy in Nebraska and he placed them in the service of his Marine Corps brothers. As a soldier, he taught courses in tracking and mountain survival. As a scout sniper with the 1st Marine Division, he taught high-angle shooting and mountain survival at California's Mountain Warfare Training Center.

Josh taught his marines, and he also nurtured his sons. He showed Kodiak and Wyatt how to identify different animal tracks, and by a very young age, both boys were masters. They still remember how to read raccoon and deer tracks.

Josh's fellow marines, who referred to Sergeant Robinson as ''Robbie,'' say he was fearless. Through extraordinary survival skills, Josh kept his men alert and safe. As fellow marine LCpl Gavin Bristol put it:

> I never had any doubt there was a better man looking out for us . . . Whenever we felt fear or anxiety, we just had to remember that ''Robbie'' was with us.

Josh was an infantryman assigned to the 1st Battalion, 5th Marine Regiment, 1st Marine Division, based out of Camp Pendleton, CA. After serving two tours in Iraq, he was deployed to the Helmand Province, Afghanistan, in March of 2011. At this time, Helmand Province was the most dangerous region in Afghanistan and the last holdout for the Taliban.

A few months later, on June 11, a fire fight broke out, lasting 6 hours. During the attack, Josh rescued a wounded marine while leading his combat team to safety. He would later earn the Bronze Star for his actions that day.

Two months later, on August 7, 2011, Josh was out on patrol and was shot twice by an enemy combatant. He died shortly after. Sgt Josh Robinson was flown to Nebraska and laid to rest on August 12, 2011, in Hastings. Saint Cecilia's Church was filled for the funeral service, and hundreds of Patriot Guard riders led his procession. Fellow marine Lance Corporal Bristol often thinks of Josh, saying:

> Every day I was able to walk alongside Sergeant Robinson was a gift. He can never be replaced as a Marine, a leader, or a friend.

To his wife Rhonda, he was a ''man's man'' and an ''amazing Marine brother.'' He took new marines under his wing, and he would bring them home to meet Rhonda and their children.

Josh's sons Kodiak and Wyatt will remember motorcycle rides with their dad. They will cherish memories of him teaching them how to ride the mechanical bull and the snow ski.

Nebraskans will remember Joshua Robinson for what he embodied and what it means to be one of the few, the proud—a marine.

Sgt Joshua Robinson earned the Purple Heart, the Combat Action Ribbon, and was posthumously awarded the Bronze Star. He lived his life the way he served his country—with distinction and with great honor.

Sgt Joshua Robinson is a hero, and I am honored to tell his story.

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

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

PROMESA

Mr. MENENDEZ. Mr. President, I come to the floor, as I have many times over the last nearly half a year, to talk about the challenges the people of Puerto Rico have. I came to the floor last week to ask consent to bring to the floor the bill that the House of Representatives called PROMESA—which, in Spanish, means ''promise'' but is anything but a promise to the challenges the people of Puerto Rico have—because I knew we needed time to be able to make a horrible bill a lot better. That is the essence of what the Senate is. It is a coequal branch of the legislative body that does not have to accept what the House of Representatives sends and say, well, it is an up-or-down vote. I had been speaking for some time about what I expected was going to happen. At that time, the majority whip—Senator CORNYN, the distinguished Senator from Texas—got up and objected to my unanimous consent request but said there will be an opportunity for amendments. Obviously, the majority leader put the legislation on the table, filled the tree, and now there is no opportunity for amendments.

I think the 3.5 million U.S. citizens who call Puerto Rico home deserve more than being jammed in a legislative process where their lives and their futures are going to be dictated to for some time by a control board—and I will talk about that at length—by a control board for which there are no elected representatives from Puerto Rico, no one whom the Governor and Legislature of Puerto Rico get to name on behalf of the 3.5 million citizens and who can determine just about every facet of their life. Yet there cannot be a simple amendment here.

The citizens of Puerto Rico are citizens. They deserve to be treated as citizens, not servants. They deserve to be treated in a way that beholds a history of proud service to the Nation. They deserve to be treated as citizens, not subjects—not subjects. If all we can do for the people of Puerto Rico is have a very prolonged understanding of what this legislation will do to the people of Puerto Rico, then that is what I intend to do. I would let my colleagues know I intend to be here for some time to talk about this legislation, that it is not a promise, the consequences to the people of Puerto Rico, and to hopefully get my colleagues to understand there is another pathway, which is not to invoke cloture, therefore giving us the wherewithal to have amendments to make the legislation achieve its stated promise, which the goal is to ultimately give a pathway to the restructuring of Puerto Rico's $70 billion in debt under the Bankruptcy Code. The only reason to consider any legislation at all is to find a way to give Puerto Rico the opportunity to achieve a pathway to restructuring its debt under the Bankruptcy Code.

They had elements of that ability in the law before. Somehow, in the dark of night, someone or some entity went ahead and included in legislation the taking away of powers they had of having some element of access to the Bankruptcy Code. No one can find the legislative history of why that happened to the Government of Puerto Rico, but it did. The only reason to consider legislation in the first place is to have a clear pathway to restructuring so the enormous challenges the people of Puerto Rico are facing can be

alleviated and there can be a better future, but that is not what this legislation does. I will talk at length about what the legislation does and does not do, but the essence of what I want to show is the reasons this bill is simply not acceptable.

They, meaning this control board which is appointed—remember, again, two members by the Speaker of the House, two members by the Senate majority leader, one by the Senate minority leader, one by the House minority leader, and one by the President; therefore, four Republican appointments and three Democratic appointments, of which only one has to have their principal domicile or business on the island of Puerto Rico. That person could have their primary business in Puerto Rico but not live in Puerto Rico, and there would be no say on behalf of Puerto Rico's elected leadership and no say on behalf of the 3.5 million people on the island about how their future will be dictated.

Yet this control board that makes the ultimate decisions on so many critical elements—including the very essence of why we are having legislation in the first place, which is to create a pathway toward restructuring—the legislation says: ''The Oversight Board may certify a plan of adjustment only if it determines, in its sole discretion. . . . '' This phrase, ''in its sole discretion,'' will appear nearly 30 times throughout the legislation we are going to be voting on, and I have read the legislation fully at least twice, from cover to cover, and nearly 30 times, in critical elements about critical decisions the control board will have over the people of Puerto Rico, we don't even define what the parameters are. We say: in the control board's sole discretion. That is an incredible grant of power, ''in its sole discretion, that it is consistent with the applicable certified Fiscal Plan.''

They have the discretion to grant or deny restructuring. There are a whole series of hurdles we will talk about as to what is necessary for them to even grant that determination, which is in their sole discretion. They may never get to the point they feel Puerto Rico should have access to restructuring, which is the only reason we are even considering legislation, because they are supposed to have access to restructuring.

By the way, that control board—nonelected, sole discretion, only one person from the island of Puerto Rico, either their business or their residence is going to be represented there—neither the Governor nor the legislature may exercise any control, any supervision, any oversight, or any review over the control board or its activities. That control board of seven members needs what to get to a restructuring? It doesn't need a majority vote. It needs a supermajority vote, so instead of four out of the seven ultimately saying to Puerto Rico: All right. You met the standards we set. You can go to restructuring now and get access to the bankruptcy process—which, by the way, would be determined by a bankruptcy court under the normal process. When you go for restructuring, you go to a bankruptcy court, and the judges or judge assigned the case will make those determinations.

Obviously, restructuring is not a taxpayer bailout because restructuring is to take the debts that exist and restructure them in such a way they can make payments and at the same time deal with essential services for the 3.5 million U.S. citizens who call Puerto Rico their home. No, it is not a bailout, but even to get to that restructuring, guess what, you don't need four out of seven, a simple majority. We grow up—I see our pages here—we grow up learning that majority rules, but, no, not for the 3.5 million people of Puerto Rico. We will say a supermajority has to vote, which means five of the seven have to vote to allow restructuring to take place.

What does that mean? It means a minority, three of those seven members, could forever not allow Puerto Rico to get access to restructuring. When did that become the process in which a minority can make such a determination, an unelected minority can make such a determination to affect the lives of 3.5 million people, and instead of a majority view, it is a minority view? It is a pretty amazing extension of power.

I see my colleague is on the floor. I would be happy to yield for a question without losing my right to the floor.

Mr. SANDERS. Yes.

Mr. MENENDEZ. If the Senator has a question.

Mr. SANDERS. I have a question. It is a long question, but I certainly want my friend from New Jersey to respond to that question.

I ask my colleague from New Jersey, is this legislation smacking of the worst form of colonialism, in the sense that it takes away all of the important democratic rights of the American citizens of Puerto Rico? Basically, four Republicans, who likely believe in strong austerity programs, will essentially be running that island for the indefinite future. Would my friend from New Jersey agree this is colonialism at its worst?

Mr. MENENDEZ. Absolutely. The Senator from Vermont is right. I have called this legislation the ultimate neocolonialism we as a Congress would be passing. It treats the citizens of Puerto Rico like subjects, not citizens. It doesn't allow them to have a voice. They get no one on the control board. Yet the control board can dictate budgets. It can dictate budget cuts. It can dictate what is or is not sufficient for the running of essential services. It will dictate whether the pensions get treated fairly. My colleague is correct.

Mr. SANDERS. I ask my friend from New Jersey—there is a very strong difference of opinion in the Senate and in the House about economic issues. Many of our Republican friends think trickle-down economics—giving tax breaks to the wealthy, cutting Social Security, cutting Medicare, cutting Medicaid, cutting education—is the way they would like to see our country move forward. Does my friend from New Jersey have any doubt, if you have a financial control board dominated by four Republicans, that is exactly the type of philosophy that will be imposed on the people of Puerto Rico?

Mr. MENENDEZ. My colleague from Vermont is onto something. One of the things the control board can actually do is set the budget for Puerto Rico. As you and I both know—you have been on the Budget Committee for some time—probably the most significant things Members of Congress can set is a budget, which is a reflection of our priorities, right? How much do we believe we should spend on education, on health care? How do we provide tax breaks so students don't graduate under a mountain of debt—something my distinguished colleague has made a major issue in his Presidential campaign. How do we ensure we give tax breaks, such as the earned-income tax credit which the people of Puerto Rico don't get access to. The budget sets a series of standards. The control board will set that budget. If it wants to view austerity as its fiscal idea as to how you achieve prosperity—prosperity through austerity—it will be able to do that. I think the Senator is right. An example of that is when there are provisions included that really have no place in a bill for restructuring, that talk about eliminating the minimum-wage guarantees for certain parts of the Puerto Rican society and eliminating overtime protections. I am sure the Senator from Vermont is concerned about those.

Mr. SANDERS. I am. Let me ask the Senator from New Jersey, a significant part of Puerto Rico's $70 billion debt has been acquired in recent years by vulture funds. These are folks who purchase bonds for as little as 29 cents on the dollar and who get interest rates of up to 34 percent. I believe something like one-third—I may be wrong on this, but I believe about one-third of the debt of Puerto Rico is now controlled by these vulture funds. People who buy, by definition, ''risky bonds'' but now want to get 100 percent on the dollar, despite the fact that they paid a fraction of what the bond is worth—from a moral perspective, should the U.S. Senate be supporting legislation which allows vulture capitalists, some of whom are billionaires, to make huge profits while at the same time nutrition programs and educational programs for low-income children in Puerto Rico are cut? Does that sound like the kind of morality that should be passed in the U.S. Senate?

Mr. MENENDEZ. My colleague is right. It is a real concern in the legislation as it appears. It says here, to read to my colleague: ''The Oversight Board shall determine in its sole discretion whether each proposed Budget is compliant with the applicable fiscal plan.''

There are other sections here, to go to the Senator's particular question, which say: Before the board ever considers—if it ever does—access to restructuring, it is going to, in essence, if you read the language, not only urge but it is going to judge as to whether Puerto Rico worked out a deal with its creditors, including the vulture funds.

It can hold Puerto Rico to such a standard in its sole discretion because we don't define in the legislation what is the standard of a reasonable attempt to compromise with your creditors. That is fine, a reasonable attempt to compromise with your creditors, but if your creditors believe they have you by the neck and they want to continue to squeeze and they believe there is a control board that is going to back them up and allow you to squeeze, and every time Puerto Rico comes to the Governor of Puerto Rico, who has no vote or say here, except to recommend—comes to the control board and says: Guess what. We have tried and tried, and we have negotiated in good faith with these creditors, including vulture funds, but we can't come to an agreement because they want too much, and we have to provide police services, fire service, education, and health care. I mean, here is an island—part of the United States as a Commonwealth, with 3.5 million U.S. citizens—which ultimately is at the epicenter of the Zika virus and its challenge and yet they can continually be forced to deal with their creditors in such a way that the concern my colleague has might actually be materialized by the board itself.

Mr. SANDERS. Let me add another point to that very discussion, which I have a hard time understanding and maybe my friend from New Jersey can educate me on this. As I understand, in this bill, there is a requirement that Puerto Rico, a territory that has been experiencing a 10-year depression, a territory in which over half of the children are living in poverty, a territory in which many schools have been shut down, where people have been laid off, where unemployment is sky high, that within this legislation, there is the imposition that the people of Puerto Rico are going to have to pay for this control board to the tune—and I don't understand this—of $370 million. You have a board of seven people. No. 1, how in God's Name do you run up an administrative cost of $370 million? Yes, you need staff and you need all that stuff, but $370 million to run a small bureaucracy sounds to be totally off the charts. Then, to tell the people of Puerto Rico, you are going to have to shut down schools, you are going to have to shut down health services, we may take away the pensions of your workers, and, oh, by the way, you are going to have to pay $370 million in order to fund this control board—am I missing anything here? I know this sounds so absurd that people may think I am misleading them, but am I missing anything here or is that the reality?

Mr. MENENDEZ. No, the Senator is right. Not only is it $370 million, but the legislation specifically says Puerto Rico must have a dedicated source of funding. We know what this means in this institution, a dedicated source of funding. That means a guarantee of that money. There must be a dedicated source of funding to pay the $370 million for the seven-member board and whatever staff, in their sole discretion, they decide to hire.

Mr. SANDERS. So it means, or it certainly could mean, the closing down of schools, nutrition programs, and health care in order to fund—and I cannot for the life of me understand how a seven-member committee can spend $370 million, but this will be taking away perhaps basic needs from hungry kids in order to maintain what seems to me an extraordinary bureaucracy.

With that, I thank the Senator from New Jersey for his leadership, and I look forward to working with him.

Mr. MENENDEZ. I thank the Senator for his concern and his points.

Mr. President, I have come to the floor time and time again with a simple message: PROMESA, the name of this legislation, which means ''promise'' in Spanish, is not a promise. It is a power play, leaving the people of Puerto Rico unable to manage their own government, make their own decisions, do what they believe is right. I have been concerned exactly about this, and I have my remarks going back to September 22, 2015, when I started off those remarks by saying, ''I rise today deeply concerned that the growing economic crisis in Puerto Rico threatens to destabilize the island, and that we must [step in] and help our fellow American citizens before the financial crisis becomes a calamity.'' September 22, 2015.

I talked about the fact that if you do not act, the results of a financial disorder would be much more expensive, much more chaotic both in the long term and the short term, would cost Puerto Rico and the United States, and the fact is that a potential solution rests in the hands of the administration with Treasury and HHS.

I talked about legislation that we introduced at that time, along with some of our colleagues, that would allow the government of Puerto Rico to authorize its public utilities to rework their debts under chapter 9.

We also talked about the fact that even though Puerto Rico pays about a third or so of every dollar that they get in revenue towards interest, which is unsustainable, that but for those interest payments, they would actually be running a surplus—a surplus—if they didn't have debt payments.

We talked about an effort that was supported by the nonpartisan National Bankruptcy Conference and numerous bankruptcy lawyers and judges to help the people of Puerto Rico. That was in September of 2015, well in advance of the crisis that has now been created, where we have brought legislation for an up-or-down vote on the Senate floor in June, on the verge of the Fourth of July recess—an up-or-down process with all of the challenges that this legislation has for the people in Puerto Rico.

At that time, I talked about the island's health care system adding additional pressure to the overall financial system and about the way in which we fund those health programs—Medicare, Medicaid. How we treat them as it relates to U.S. citizens living in Puerto Rico is different, part of which has been their challenge.

Then I came back to the floor in December of 2015 to once again speak about the urgency of the moment and to give us the time to think intelligently about how we help the people of Puerto Rico meet their challenge and at the same time be able to do it in such a way that respects their rights as citizens of the United States.

I came to the floor on December 9 of 2015 to ask unanimous consent to pursue a proposal we thought was rather modest. There were four things we needed for the citizens of Puerto Rico, and for Puerto Rico to have access to the Bankruptcy Code, restoring certain elements of that, which, of course, would not cost the Treasury a penny, nor would it raise the deficit. We tried to get a focus then—because already at that time there were serious financial issues on the island—and we had an objection by the chairman of the Finance Committee saying that there were negotiations underway to come to an agreement. That was December 9, 2015.

Then in March of 2016, we introduced legislation that I think would be a far greater set of circumstances, enabling the people of Puerto Rico to see a future but a future they would help determine. Yes, it had overtures of an oversight board—but not a control board that controls their destiny—with a greater representation under certain standards of people's abilities that would ultimately be brought to serve on the board.

I thought that legislation created the right structure; created a true oversight—not control—board; created standards that are clear and concise and that the people of Puerto Rico and its government officials would know—''This is what I must do in order to achieve a pathway to restructuring''—and that represented the people of Puerto Rico, as well as the leaders of the Congress, and that gave us an opportunity to ensure that any restructuring plan was based on an objective and independent analysis of the island's situation and provided assurances to creditors that future governments would adhere to a prudent, long-term fiscal plan, while reaffirming and representing and respecting Puerto Rico's sovereignty. That was in March of this year.

Then in April we had a press conference to try to bring forth the consequences of the need to act at that time—April 28 of 2016.

Then I came to the floor again on May 24 of 2016 to talk about the challenges that the people of Puerto Rico are facing and to have an informed, intelligent debate and process to get to the type of legislation that would both solve the problem and meet their needs.

So that continues all the way through June of this year. To me, as someone who started in September of last year to raise the alarm bells—and not only to do that but to then come up with a legislative proposal that was embraced by all of the elected leadership of Puerto Rico, by all of the major parties in Puerto Rico, by the members of their legislature, the Governor and others who all put out statements saying that this was a pathway that would respect the citizens of Puerto Rico and give them the tools they need to restructure their debt, become fiscally responsible, and realize the hopes and aspirations of the people of Puerto Rico. So I not only raised the alarm bells as of September of last year, I created a legislative solution for it so that we could have an informed debate.

What do we have in the greatest deliberative body in the world? We have legislation drafted in the House, for which there is no opportunity to do what the majority leader said he wanted this Congress and the Senate to do more often—to have a full debate and a full airing of amendments in such a way that the voices of the American people, as represented by the Members of the Senate, could speak.

So my hope is that over the next period of time, we are going to have a full display for our colleagues to understand what they will be voting on when it comes to cloture so that when they vote, they vote with open arms.

The people of Puerto Rico, unable to manage their own government, make their own decisions under this bill—that is what those who vote for it believe is right. We have heard the words of ''Invictus'': ''I am a master of my fate. I am the captain of my soul.'' But that apparently doesn't apply to the 3.5 million American citizens in Puerto Rico who have helped shape the history of this Nation, and I will talk about that at quite some length.

We have heard the words of Jack Welch, who said: ''Control your own destiny or someone else will.'' Well, apparently our Republican colleagues believe in the case of Puerto Rico that someone else should, that those 3.5 million citizens should not be part of determining their own future. They believe in an unelected control board that can rule with an iron fist, as they see fit, regardless of what the Puerto Rican people would want.

Thomas Jefferson said: ''I know of no safe depository of the ultimate powers of the society but the people themselves.''

I have heard many of my friends here on the other side quote some of the Founding Fathers, including Jefferson. He said:

> I know of no safe depository of the ultimate powers of the society but the people themselves. And if we think them not enlightened enough to exercise their control with the ultimate discretion, the remedy is not to take it from them, but to inform their discretion.

But in the case of Puerto Rico, we have decided not to help them make their own decisions but to take powers away from the society, as Jefferson spoke of, powers away from the 3.5 million U.S. citizens who call Puerto Rico their home—away from them.

So that is what is at the heart of this debate about PROMESA, which doesn't really guarantee a pathway to restructuring, which subjugates the people of Puerto Rico to a control board on which they have no direct representation, and they will have to live with the consequences of the fiscal dictates the control board will have edict over in their sole discretion. Yet, who has to live with it and who has to pay for it, as the conversation with Senator SANDERS revealed? They will. They have to pay the $370 million; they have to have a dedicated source of revenue for it.

By the way, this control board—we will talk a little bit more about that later—has no limits as to how long it is going to exist. It says in the first instance 5 years, but then it says again, in its sole discretion, when it determines that Puerto Rico has reached a standard by which they are fiscally on the right path and have access to the bond markets. But that discretion will be totally controlled by the control board in their sole discretion, so they could extend their life for quite some period of time.

So in the spirit of making sure that the 3.5 million U.S. citizens of Puerto Rico have an opportunity for a better path and a real promise, I have many amendments to offer, many amendments that in the aggregate would show my colleagues what we might have done, what we could have done, and what we still can do by voting against cloture, what reasonable middle ground we could have reached to truly help solve the crisis and the humanitarian catastrophe that awaits the people of Puerto Rico rather than simply ignore the right of their will and choose the road to colonialism.

I would note that calls for a thorough debate on the Senate floor are bipartisan in nature. I thank my colleague Senator WICKER for joining me in a letter to the leadership asking for a full and open process to consider this bill with amendments—as many as it will take to make it right.

I would remind my colleagues that each one of us was elected to this very Chamber to debate and enact legislation, to improve the lives of Americans, and the people of Puerto Rico are Americans. I emphasize that fact.

Sometimes I have heard in my congressional career between the House and the Senate—some people ask me about—I had Members of the House, when I served in the other body, who would come to me and say: Do I need a passport to go to Puerto Rico? And I would look at them, and I thought they were jesting, but they were serious. The people of Puerto Rico are U.S. citizens. They have worn the uniform of the United States. They have shed blood. They have died. They love this country greatly. By the way, one plane flight to anywhere in the United States, and they have all the full rights, privileges, and obligations as any other citizen of the United States, which means that the human capital flight we are seeing taking place in Puerto Rico is a great flight because people, seeing there is no future for them, will ultimately leave.

But I fear that instead of a robust debate and thoughtful consideration of amendments to improve this bill, those who want to see the House bill signed into law as drafted have delayed and delayed and delayed until the last possible minute.

We can, as U.S. Senators, change that course of events. I understand that sometimes the deck is stacked against you, but I also believe that you can reshuffle the deck, that there is the power of individual Members of the Senate to ultimately say: We need a pathway that allows us to improve the legislation and to improve the lives of the 3.5 million U.S. citizens who call Puerto Rico home.

How can we as U.S. Senators shirk our responsibilities when the people of Puerto Rico are at the edge of a great challenge and yet we don't want them to have a say as to how they meet that challenge? They need our help, and they need it today.

This bill will affect a generation—a generation—of Puerto Ricans, and we owe it to them, as we would our brothers and sisters who live in our States, to get it right.

So let me once again remind every one of my colleagues how deeply poor this legislation is and how incomplete it is. In addition to the undemocratic control board and obfuscated path to restructuring, the bill would actually increase poverty and out-migration rather than stem both. That is because it provides an exception to the Federal minimum wage for younger workers, and it exempts the island from recently finalized overtime protections.

What does that have to do with a bill to allow restructuring so that Puerto Rico can restructure its debt, not pay over a third of every dollar that it takes in to creditors, and be able to deal with the health, well-being, education, and future prosperity of its people?

Why is that in here, other than as an experiment in what some would believe is the process to prosperity which is through austerity? So the way to prosperity in the minds of those who will be voting on this bill—as to my Democratic colleagues, I hope they understand that I have stood with them when they have talked about raising the minimum wage. Organized labor

talked about raising the minimum wage. We see raising the minimum wage as a way to create greater rising wages for our families.

I think one of the great discontents we have in this country today, as is evidenced in the political process, is that despite all the major macroeconomic numbers—where we see the GDP rising, where we see unemployment lowering, where we see all of the realities of low interest rates, a strong stock market, and all of these macroeconomic indicators that would suggest everything is good—for the average American, their challenge is that they see their wages and income stagnant, and yet they see their challenges rising—paying a mortgage, putting food on the table, educating their kids, having them graduate but not under a mountain of debt, being able to think about retirement in the future, and increasingly having to take care of a loved one, as my sister did with my dear mother who faced the challenges of Alzheimer's before she died. That is a very American story.

What is our answer to that? Our answer to that for the people of Puerto Rico is to cut their wages. Let's not guarantee you a Federal minimum wage, and, by the way, if you are forced to work overtime, let's not give you the protections that are given in the laws of the United States.

So for U.S. citizens, my colleagues here advocate to raise the minimum wage, have overtime protections, and do what Secretary Perez did in providing the overtime protections. But for the people of Puerto Rico, it is OK. Now I know some colleagues will say: Well, that provision suggests that the Governor would have to invoke that. He would have to invoke not having a minimum wage for certain younger workers and that, as to the overtime protections, he would have to invoke waiving the overtime protections. The problem is that this control board could very well say in its sole discretion: You know what; you can't afford to pay the minimum wage to your people. You can't afford overtime protections. You should really consider revoking that.

Since that control board is the only guarantor or decider of whether you will get access to restructuring, that is an awful lot of power to weigh on the Governor of Puerto Rico. If they say to him: We believe the Republicans and the majority of the Congress have decided that there should be this exception. Ultimately, you should really revoke that. That is why they put it there in the first place—that control board will have an enormous amount of power.

Reading from the legislation:

> A fiscal plan developed under this section shall, with respect to the territorial government or covered territorial instrumentality, provide a method to achieve fiscal responsibility and access to the capital markets . . . [and] adopt appropriate recommendations submitted by the oversight board under Section 205(a). . . . ''

This board is incredibly powerful. So if this board says: You know, you have an opportunity, Governor, to undo the minimum wage and overtime protections, well, that is a lot of power that that Governor is facing and a board that holds Puerto Rico's future in its hands to determine whether or not there will be access to restructuring.

So, guess what. We are voting for this. We are going to start the demise of the minimum wage and overtime. If you somehow think you can narrow it to the citizens of Puerto Rico, who are U.S. citizens, then you are saying that they are not citizens but that they are, in fact, subjects.

At a time when we are working to increase workers' wages, this legislation goes in the opposite direction. It actually cuts workers' wages.

It amazes me that the solution to Puerto Rico's economy growing again is to ensure that workers can make even less money. I don't think lowering people's wages is a pro-growth strategy. It is a pro-migration strategy, because if I am a U.S. citizen living on the island of Puerto Rico, and I say: Wow, if I take a flight to Newark, NJ, or if I take a flight to Orlando, FL, or if I take a flight to New York City or to anywhere else in this great country and if I get a job there, I will have a full minimum wage paid and I will have overtime protections. By the way, I am going to have access, if I am a senior citizen, to have all of my Medicare paid for, like any other U.S. citizen. If I have a child eligible for Medicaid payments, I will get the full payment. When I work in the United States, I will have access to the child tax credits which I don't have in Puerto Rico. There is a whole host of reasons why cutting the minimum wage and workers' wages isn't about improving the opportunity to have a pro-growth strategy. It is going to drive a pro-migration to the United States. All it will do is intensify the out-migration to the mainland, where people are eligible for higher minimum wages and commonsense overtime protections.

In addition, this bill does nothing—I repeat, nothing—to fix the impending health care funding cliff, a crisis that will impact generations of Puerto Ricans not just today but obviously for years to come. For decades, the health care system in Puerto Rico, most notably Medicare and Medicaid, have been grossly underfunded. If we talk about poor choices that maybe various administrations in Puerto Rico have made on both sides of the equation, well, we have exacerbated their circumstances by the way in which we have treated the U.S. citizens in Puerto Rico. They receive rates that are half of those anywhere else in the country. If you are a U.S. citizen living in Puerto Rico under Medicare or Medicaid, you get half, roughly, of those rates of anywhere else in the country. So if you come to the United States, you get the other half. You get full funding. That not only affects the individual in terms of their health care and their economic output, but it affects the system of providers, the services, hospitals, doctors, and technicians because the funding is less. This inequality in payments comes even as U.S. citizens on the island pay the same amount in Medicare and Social Security taxes.

Let me repeat that. Citizens on the island of Puerto Rico, who are U.S. citizens, pay the same amount in Medicare and Social Security taxes as those of us on the mainland, yet we reimburse them at different rates.

So despite paying their fair share of taxes to pay for these vital health programs, the island's health system is funded at half the rate of other U.S. providers, which is an unsustainably low rate. Is it any wonder, given this inequality, that doctors on the island aren't able to sustain a practice and are moving to the mainland?

The ''mass exodus of doctors,'' as it was called in a story on National Public Radio this year, is having a dramatic effect on the island's population. Unlike other critical issues facing the island, a prolonged emigration of health care providers to the mainland United States cannot be reversed quickly because once these providers have relocated, they are unlikely to return. Their absence is already leading to a tremendous gap in the health care workforce, further exacerbating the difficulty Puerto Rico residents face when seeking care. This funding inequality is largely responsible for the fact that health care accounts for roughly a third of the island's debt.

Let me repeat that. The funding inequality for the U.S. citizens in Puerto Rico is responsible for the fact that health care accounts are roughly a third of the island's debt. So when we talk about the people of Puerto Rico and whatever their governmental leaders have decided in the past, we have contributed as a Congress, treating the people of Puerto Rico with such a disparity that they have had to use a third of their own money, which has been generated in debt, in order to meet the health care of those U.S. citizens. How is that fair?

So we have contributed to this crisis, and our idea of helping to solve the crisis is to create an unelected control board that has total say, that can cut budgets, that can have austerity, that can eliminate minimum wage and overtime protections, and that does nothing to equalize the fairness and reimbursement on the health care that I just described as the cause of nearly one-third of the debt.

This is not a problem of bad doctors or irresponsible patients. It is a problem of unfair treatment and bottom-basement funding levels that have driven the island's health care system to a breaking point. I don't want to make light of the decisions facing providers in Puerto Rico to move off the island. On the contrary, I can only imagine how difficult it is to uproot your family to move to the mainland, leaving

behind your whole legacy, your whole family, friends, schools, and, in the case of providers, patients who rely on them for critical care. So this decision cannot be easy for those providers who are still in Puerto Rico today, but it has become increasingly difficult to put off longer.

There is already a serious lack of providers to cover the needs of the island's residents. With doctors leaving the island in droves, it is a situation that is getting worse literally day by day. The situation facing health care in Puerto Rico has truly hit a crisis point.

Now, let me take a step back and look at how the island's health care system got to this point, because it is all part of why they have a fiscal challenge.

Take Puerto Rico's Medicaid Program. It is called miSALUD, or my health, and this vital program covers half of all Puerto Ricans. It is a basic lifeline to more than 1.4 million people, but it is capped and therefore limited in what it can do. Unlike the Medicaid Program in my State of New Jersey or in any of the other 49 States or the District of Columbia, the Medicaid Program in Puerto Rico is limited in the funds available to cover the health care costs of its beneficiaries.

Mississippi, which has a smaller overall population and less than half of the Medicaid enrollees as Puerto Rico, received a whopping 74 percent of its Medicaid funds from the Federal Government last year. In Puerto Rico, however, the percentage was only 55 percent, and it is set that low in statute.

During the debate on the Affordable Care Act, I was able to successfully ensure that additional funding was included to help the territories. This funding amounted to more than $7 billion in total, of which $6.3 billion went to Puerto Rico and has helped to keep the program solvent. But that is about to expire at the end of fiscal year 2019. While this may seem way out into the future, there is a good chance that the funding will run out sooner rather than later, and some estimates have the funding being used for other health expenses by this time next year. I want to add that those estimates were made before we knew of the gravity of the Zika virus and what it is imposing upon the people of Puerto Rico. It is a topic I want to momentarily discuss further.

But Puerto Rico is, in essence, the epicenter in terms of the United States, as part of the United States and its Commonwealth status, of the challenge of the Zika virus.

The solution to the impending Medicaid funding cliff is clear: Provide the same open-ended funding stream in the same way as any other State. This would immediately provide Puerto Rico's Medicaid program with the influx of funding it needs to more adequately cover costs, ensure that beneficiaries are able to get treatments, and stem the tide of doctors and other providers fleeing for the mainland. The grand irony of the whole situation is that my Republican friends since day one have refused to consider providing this type of equitable treatment to Puerto Rico. I don't want to make assumptions on motives, but it appears that not only do they support the status quo on Puerto Rico, but they are also actively working to impose the same short-sighted, doomed-to-fail policies on the other Medicaid programs we have on Puerto Rico as well.

Just last week, Republicans released a white paper calling for the imposition of so-called per capita caps on the Medicaid program. This policy, a block grant by any other name, would be devastating for our Nation's Medicaid program, imposing the same funding limitations on Medicaid programs throughout the country as we are currently experiencing in Puerto Rico. We see the results of those caps.

As we stand here today, watching in real time as Puerto Rico's Medicaid program is in crisis and facing a funding cliff set to cause chaos for more than a million beneficiaries, Republicans have said to the people of this country: We refuse to accept that reality and admit that capping Medicaid is a terrible idea with catastrophic Medicare and health care consequences. On the contrary, what we see in Puerto Rico—we want to make that the reality for the rest of the Nation.

It is not a surprise. I know many—not all, but many—of my colleagues have refused to acknowledge the benefits of Medicaid, not only to the millions of people who rely on it to get health care, but there are billions of dollars left on the table in Republican-led States that refuse to expand Medicaid under the Affordable Care Act.

Unfortunately, in the case of Medicaid, reality plays a diminished role in Republican policy development. This is true when it comes to the very serious threat of Zika in Puerto Rico. According to the Centers for Disease Control and Prevention, there are already more than 1,800 cases of locally acquired Zika infection. That is infinitely more than the rest of the country, which has a combined total of, as I understand it, zero locally acquired infections. That means that the people in Puerto Rico face a risk everywhere they are—at home, at work, at school.

Let's not forget that 68 percent of the island's population enrolled in either Medicare or Medicaid. Therefore, the threat it poses for a health care system on the brink of collapse cannot be overstated.

This morning the Senate voted not to invoke cloture on a bill to provide funding on Zika because it not only lacks the funding necessary for an adequate response for Puerto Rico—and, for that fact, the entire country—it also includes several unacceptable policy riders. One example is to further restrict access to contraception for a disease that is not only sexually transmitted but has potentially devastating effects on fetuses. So that doesn't make any sense.

The people of Puerto Rico deserve access to health care. They deserve to know that the taxes they paid to fund critical programs such as Medicare and Medicaid will be available to them just as they are to any fellow Americans on the mainland. They deserve to know their doctors can sustain a medical practice and that they will be there to treat them when they are sick. Above all, they deserve to be treated with equity and fairness like any other American—this is a central point—not like second-class citizens simply because they call Puerto Rico home.

Let me go through some of the challenges of why this bill is, in my view, simply not acceptable. Here are five critical flaws of this legislation.

It has an undemocratic, neo-colonial control board, a majority appointed by Republicans but none by the people of Puerto Rico—none. So this would be the equivalent of our States having a challenge, and the Governor of that State and the legislature of that State and no one who resides in that State having anybody on a control board that is going to dictate its future—no one who comes from the elected representatives of that State. So that State would be told ''By the way, here is what you are going to do'' by an unelected, undemocratic control board.

Secondly, I hear a lot that supposedly the hedge funds are all against this legislation. Well, it has a prioritization of hedge funds over retirees and essential services. You have to read the language of the PROMESA legislation. It is clear that it not only reaffirms some of what it says in the Puerto Rican Constitution, but it goes beyond. It has a prioritization of those hedge funds over retirees and essential services.

As I have said before, there is a lack of a clear pathway. The only reason we are even considering legislation is to grant Puerto Rico access to the bankruptcy courts for restructuring. It had some of that capacity in the past. Somehow it was taken away. It lacks a clear pathway to restructure. It requires a 5-to-2 super majority vote, which means that a minority—three members—can hold back or never grant a pathway to restructuring or make it go through such incredible hurdles, including how it deals with creditors, before it ever guarantees—if it ever guarantees in its sole discretion—whether Puerto Rico has met the standards to qualify for the pathway to restructuring. It would only happen if they vote to do so.

The whole purpose of this legislation was to give Puerto Rico access to restructuring. Yet we are creating a control board with a super majority, which means a minority can dictate what the majority view might be, and that minority can hold the 3.5 million U.S. citizens of Puerto Rico hostage to a future that they certainly don't want.

It has continued disparity in health care funding, as I was just speaking about, and tax credits.

And it goes to a $4.25 per-hour minimum wage with no overtime protections. So if you live in Puerto Rico, the way to get ahead is to have your minimum wage cut for a certain group of citizens, as dictated by the legislation.

Let me talk about this disparity in health care funding and tax cuts. The same kind of disparate treatment is also prevalent for individual tax credits such as the earned income tax credit and the child tax credit.

Despite serving our country and being subject to payroll taxes, the 3.5 million American citizens of Puerto Rico are not eligible for the EITC and only partly eligible for the CTC. In particular, the earned-income tax credit is a ready-made tool that has been proven to reduce unemployment and poverty and increase labor participation and economic growth. It encourages people to enter the workforce rather than being part of an informal economy that strips away the tax base. Numerous studies have shown the power of the earned-income tax credit to draw people into the workforce to increase earnings and reduce poverty.

The labor force participation rate, which measures the share of adults who are working or seeking work, is 40 percent in Puerto Rico, far below the nationwide rate of 62 percent. If there were at any time an area in the United States that needed access to the earned-income tax credit to incentivize work—to create that possibility—it is in Puerto Rico.

The Department of Labor estimates that Puerto Rico's unemployment rate is 11.7 percent——

Mr. INHOFE. Will the Senator yield for a question?

Mr. MENENDEZ. I understand that I can yield for a question, but I do not yield the floor.

Mr. INHOFE. I understand that. But will the Senator please advise us as to how much longer he will be taking on the floor?

Mr. MENENDEZ. I would be happy to do so. It will be several hours.

Mr. INHOFE. Would the Senator mind, since I am going to be talking about projects in New Jersey and about the WRDA projects in which the Senator has a lot of interest—will he yield to me to talk about that for 10 minutes?

Mr. MENENDEZ. My understanding from the Parliamentarian is I cannot do that and preserve the right to the floor. Otherwise, I would be happy to do that.

Mr. INHOFE. Let me ask the Chair.

Is it possible for me to go ahead and receive from him a specific period of time at the end of which he retains the floor?

The PRESIDING OFFICER (Mr. CASSIDY). That would require unanimous consent.

Mr. INHOFE. All right.

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

The PRESIDING OFFICER. The Senator does not have the right for a unanimous consent, as the Senator does not have the floor.

The Senator from New Jersey has the floor.

Mr. INHOFE. Yes, I understand that.

Mr. MENENDEZ. Thank you, Mr. President.

If there were a procedural way, I would be happy to accommodate my colleague, but since there is not and since there are no amendments being permitted on this legislation, I have no other choice but to speak up for the 3.5 million U.S. citizens who call Puerto Rico home because they will not get an opportunity for amendments to be debated or passed.

So at a time where the labor force participation rate, which measures the share of adults who are working or seeking work, is 40 percent in Puerto Rico, it is far below the 62 percent throughout the country. So the earned-income tax credit would be a tremendous opportunity. This legislation does nothing as it relates to that, even in the face of Puerto Rico's unemployment rate at 11.7 percent compared with 4.7 percent for the United States as a whole.

At the height of the 2008–2009 financial crisis, unemployment peaked at 10 percent in October of 2009—10 percent at the height of the financial crisis—yet far below Puerto Rico's current 11.7-percent unemployment rate. It is fair to say we would be having a much different debate today if we were talking about a State that had an unemployment rate of 11.7 percent.

In relation to Puerto Rico, some of my Republican colleagues have suggested that there are possible tax incentives that would better incentivize growth, labor force participation and, perhaps, investment in the Puerto Rican economy, but they dismiss the earned-income tax credit as one of those because they say Puerto Ricans do not pay Federal income tax.

To begin with, most Puerto Rican households do not earn enough to be eligible for Federal income tax. More importantly, if they were pulled into the formal economy through the incentive of the earned-income tax credit, they would be paying more taxes in Puerto Rico and to Puerto Rico.

Finally, these American citizens are eligible for the EITC as soon as they leave Puerto Rico and come to the mainland, which is another powerful incentive to leave the island, further eroding its already limited tax base. The latest estimates indicate that approximately 70,000 Puerto Rican residents are now relocating to the States each year in search of economic and employment opportunities. Expanding the EITC to the people of Puerto Rico could help stem that tide. Once again, I remind my colleagues that Puerto Ricans are Americans just like you and me and should be eligible for the same benefits that we have.

In addition to the five critical flaws, let me read to you some of the language of the House Interior Committee and the powers of the board so we understand why it is that I feel compelled to try to convince my colleagues—in the face of there being no amendment process allowed—to vote against cloture, create an opportunity, a pathway toward amendments, have up-or-down votes to them, hopefully improve the legislation, and then be able to move forward.

This is what the House Natural Resources Committee said. These are not my words or my interpretation of it. This is what the House Natural Resources Committee said: ''The Oversight Board may impose mandatory cuts on Puerto Rico's government and instrumentalities—a power far beyond that exercised by the Control Board established for the District of Columbia.''

Think about that. The oversight board may impose mandatory cuts—not that they are going to suggest to the Governor and Legislature of Puerto Rico: Hey, here is a series of things we think are wasteful. Here is a series of things we think you could do better. Here is how you could save money: You should prioritize public safety over public health. You should prioritize public education over something else. They will make the absolute determination in their sole discretion on mandatory cuts on Puerto Rico's government and its instrumentalities.

''Instrumentalities'' means the different agencies, whether it be the power agency or the higher education authority or any other. That is what is meant by ''instrumentalities'' or the ''municipalities.'' It has a wide range—basically any governmental entity, as we would have any governmental entity in any of our States, for example. So they would impose the ability to have any mandatory cuts. Remember, this is an unelected board—no representation directed by the people of Puerto Rico from the people of Puerto Rico, but they are going to suffer mandatory cuts on their government and instrumentalities, and our Republican colleagues in the House wanted to pound on their chests and say ''a power far beyond that exercised by the Control Board established for the District of Columbia.''

The District of Columbia's Control Board is pretty significant. This one, as it relates to the 3.5 million people in Puerto Rico, this power is far beyond that which the District of Columbia has.

Also from the House Natural Resources Committee: ''The board would have broad sovereign''—sovereign. Words mean something in legislation when we move it into law. ''The board would have broad sovereign powers to effectively overrule decisions by Puerto Rico's legislature, governor and other public authorities.''

So if the duly-elected Governor of Puerto Rico felt it was important in the midst of the Zika virus to go ahead and raise the budget of Puerto Rico's health care system to deal with that

and for some reason the control board felt they shouldn't spend that much on that, it could overrule that decision.

If the Legislature of Puerto Rico decided to extend the school year for their children in public schools or if they wanted to have a special health care program for them or if they wanted to be able to have students go to colleges and universities—and we have had a great debate in this country about the cost of a university education—and they wanted to subsidize a greater part of that, the unelected seven members of the control board—which has no one coming from Puerto Rico itself, directed by the people of Puerto Rico—can make a sovereign decision. ''Sovereign'' basically means they have the power to effectively overrule decisions by the Governor of Puerto Rico, who gets elected by the 3.5 million citizens in Puerto Rico; by the Legislature of Puerto Rico, which gets elected by the citizens of Puerto Rico; or by other public entities that may make decisions in that regard. They can overrule those public entities in Puerto Rico. So it is as if we had a control board in a State that could overrule the Governor, overrule the legislature, overrule the higher education authority, overrule any entity in that State, but that has no representation from the people of that State. That is in essence what we are saying they can do—sovereign powers to do that.

The oversight board can ''effectively nullify,'' which means that is it. You have a law and you think it is a good law for the people of Puerto Rico. Well, we don't think it is a good law, and we are going to nullify it—''any new laws or policies adopted by Puerto Rico that do not conform to requirements specified in the bill.'' But again, if those requirements were clearly stated, unambiguous, defined, and we could agree on that, then maybe that might not be such an onerous power. But when nearly 30 times you say ''in the board's sole discretion,'' which means ''I get to decide what I think is conforming to requirements specified in the bill,'' that is an incredibly broad grant of power. Yet, for the citizens of Puerto Rico, we think that is OK. We don't want that here, but it is OK for the people of Puerto Rico.

I don't use the word ''neocolonialism'' lightly. I don't use that lightly. But there is a little bit of a history here that is going on, and maybe there is no better single example of our unfair and unjust treatment of Puerto Rico than the story of the island of Vieques, or La Isla Nina, as they call it. This is part of Puerto Rico. It is a small island, Vieques, just 21 miles long and 4 miles wide, located 8 miles off the coast of San Juan. Despite its small size, the island is home to about 10,000 Americans. It is a beautiful place, with pristine beaches and one of the few bioluminescent bays left in the world.

Behind me, in this picture, you can see a jelly fish and a snorkeler that are illuminated by the bioluminescent organisms that naturally exist there.

Mr. President, if you have an opportunity to visit Vieques and its bio bay, I would encourage you to go. It is truly an extraordinary sight, with small plankton in the water that light up in an otherworldly blue when they move. On a moonless night, the waves appear to glow in the dark, and kayak tours leave trails of light behind them as they paddle through the water and explore the natural beauty of Mosquito Bay. In fact, since 1980 the bay has been listed with the National Park Service as a national natural landmark. Surrounded by mangrove trees, with a high salt content, the bay is a perfect habitat for the bioluminescent plankton, making it unique, and it is widely considered to be the best example of a bio bay in the United States and perhaps the world.

But the history of this tropical paradise is scarred with a violent and explosive past. In the 1940s, the U.S. Navy, in search of a location for a new base and testing ground, purchased parcels of land on Vieques that amounted to two-thirds of the entire island. On the eastern half of the island lay the Vieques Naval Training Range, on the western end was the Naval Ammunition Support Detachment, and sandwiched in between were the residents of Vieques, the 10,000 U.S. citizens.

I am proud to say that my home State of New Jersey is home to military installations that are not only critical to our national defense but are a boon to our local economies and an asset to our communities and our State as a whole. And Puerto Rico has a long and storied history of support for and enlistment in our Armed Forces. However, the naval installation on Vieques was no ordinary base. Instead, the Navy used the island—which, remember, is very small and home to a vibrant local community—as a bombing range. From ship-to-shore shelling to air-to-ground bombing, Vieques was bombarded with live ammunition that left deep and lasting scars on the landscape.

I frequently hear concerns from my constituents who live near our Air Force base in New Jersey that the planes passing overhead are loud, that they are disturbing them as they go about their daily lives. It is a serious concern. We have worked with the FAA to monitor and regulate that. But imagine that instead of carrying passengers or cargo to New Jersey, those planes were dropping military-grade explosives that land just a few miles from your home. Imagine warships parked off of your shore firing live rounds onto your beaches.

Needless to say, this bombardment was of great concern to the people of Vieques, but for decades it continued unabated. It wasn't until tragedy struck that people actually began to take notice of the plight of the island and to demand change. In February of 1999, 2 AV–8 Harrier aircraft fired 263 depleted uranium rounds onto the island, in violation of the memorandum of understanding under which the base operated. Not only are the depleted uranium rounds slightly radioactive, but they contain toxic heavy metals.

Then, on April 9, 1999, an errant bomb missed its mark and killed David Sanes Rodriguez, a civilian security guard working at the base, and injured others. The Navy attributed this tragic accident to human error and miscommunication between ground crews and the pilot. The death of Mr. Sanes sparked massive protests in Puerto Rico and renewed calls for the Navy to cease operation in Vieques.

In July of 1999, when I was a Member of the House of Representatives, I had an opportunity to visit Vieques and see firsthand the impact of the naval operations there. In the midst of all the descriptions of what was going on there, there was still great patriotism—great patriotism by the U.S. citizens of Puerto Rico and the 10,000 citizens on the island of Vieques, even in the midst of what was taking place.

The Navy eventually decided to go. We are a decade removed from the cessation of military exercises on Vieques, and much of the Federal land that once housed military equipment has been turned over to a national wildlife refuge, but our legacy of failure continues. Although the Navy has left, providing some reprieve for the citizens of Vieques, they left behind a legacy of toxic contamination.

You can see here in this picture a scuba diver off the coast of Vieques standing next to a massive unexploded ordnance left over from the Navy's use of the island. This is not uncommon in Vieques.

Vieques has one of the highest cancer rates in the entire United States and the highest in Puerto Rico. Viequesans, on average, have two heavy metal-related diseases. Remember those depleted uranium rounds that were improperly fired? Diseases like hypertension and cirrhosis occur at an astronomically high rate compared to the rest of Puerto Rico and the rest of the United States.

The part of the island used by the Navy is listed on the national priorities list as a Superfund site, which could and should eventually lead to remediation, but that progress has been slow.

The EPA has identified the possibility that unexploded ordnances could contain toxins like mercury, lead, copper, magnesium, lithium, percolate, TNT, napalm, and depleted uranium, among others. A significant part of the Superfund cleanup process is identifying the responsible parties and working with them to come up with remediation plans; however, we know who the culprit is largely here. It is us. It is the U.S. Government, and we have a responsibility to the Americans living on Vieques to clean up the mess we created. Even while they were supporting the Nation and accepting what was

going on and showing their patriotism, we left them with a Superfund site. This bill won't do anything to take care of that responsibility and that cost, so it continues to tell the people of Puerto Rico: You are good enough to wear the uniform of the United States, you are good enough to serve the country, you are good enough to bleed for it, good enough to die for it, but you are not good enough to determine your own future.

I think amending the bill in front of us to provide real relief would give us the opportunity to do right by the people of Puerto Rico, possibly even to do right by the people of Vieques, to do right by the American citizens who have given so much of their lives to their country and to our military and who have been taken advantage of for our benefit.

So, again, when we look at this bill and we see a control board totally unrepresentative of the Puerto Rican people, except for one person who must have either their primary residence or their primary business there—you can even have your primary business there without being a resident of the island and be part of determining the future of the island's 3.5 million people—then you get a sense of why they feel they are being taken advantage of.

(Ms. AYOTTE assumed the Chair.)

I hope we do not continue the legacy of misuse and exploitation. We cannot let this opportunity pass by. We owe it to the people of Puerto Rico to have open and robust debate on this bill and to ensure that it provides real relief. That means having amendments. We can do it in time. I know some of my colleagues have suggested that there is a risk if we don't have the July 1 deadline, but this bill calls for retroactivity as it stands right now. It takes actions and says retroactively—I believe to December of last year—that any actions would be, in essence, frozen. So if the bill is retroactive to December, then it would be retroactive from whenever it gets passed and signed into law, which means we could freeze any potential action and get it right on behalf of the people of Puerto Rico.

Again, I want to focus on what I believe are the most significant failings of this bill, most notably the vast power and undemocratic nature of the board. Not only does this legislation remain silent on so many important issues, it actually exacerbates the colonial status and second-class citizenship view that some Members of Congress seem to have of the 3.5 million Americans who call Puerto Rico home. I don't. That is why I am on the floor trying to fight for their rights. Unfortunately, under their common-law status, they don't have a voting representative in the House of Representatives, they don't have a voting representative in the U.S. Senate.

I have one-half million U.S. citizens of Puerto Rican descent in my great State of New Jersey, many who have deep ties to family and friends on the island, and they tell me of the challenges. In fact, they also tell me how they cannot believe this is the status of where they are. We have a letter that speaks for one of those national organizations, which I will get to shortly to speak to how those people who largely represent the Puerto Rican people feel in this regard. That is why many of them feel this legislation perpetuates what happened in places like Vieques, what happened in the disproportionate payment in Medicare and Medicaid, in health care. Yet one flight away, they have all the rights of any one of us in this Chamber or any one of us in this country.

Under the legislation, the control board would have colonial-level powers, which are certainly completely unacceptable to me and certainly to the people of Puerto Rico. In fact, according to a recent poll commissioned by Puerto Rico's largest newspaper, El Nuevo Dia, 69 percent of all respondents opposed the PROMESA bill, while 54 percent opposed the very idea of an oversight board. Think about that. This is Puerto Rico's largest newspaper. Sixty-nine percent of all respondents oppose the PROMESA bill—69 percent of the people of Puerto Rico. Ultimately, how are you going to have an attempt by an undemocratic control board to make dictates over 3.5 million U.S. citizens, when 69 percent said: We oppose the legislation, legislation which is supposed to be there to help them, and 69 percent said: No, what you are offering us is not something we want. Fifty-four percent oppose the very idea of an oversight board, and that consensus is talked about by a coalition of many civil society groups in Puerto Rico, the Puerto Rican Consensus Against the Fiscal Board. They say:

> We write to you on behalf of the Concertacion Puertorriquena Contra la Junta de Control Fiscal (Puerto Rican Consensus Against the Fiscal Board); we are a broad-based organization that represents numerous civic and political organizations in Puerto Rico and the continental United States.
>
> Our signing members comprise labor syndicates and cooperatives; local business leaders, social, environmental and human rights organizations, artists, students and academics, religious organizations, LGBTQ and feminist movements, special community organizations, cooperative institutions, political parties and immigrants organizations, Puerto Rican diaspora groups as well as many individual citizens.
>
> This multi sectorial coalition has been formed as a common front to oppose H.R. 5278. Because of the negative consequences that it will have upon all of Puerto Rican society, we respectfully urge you to vote against this bill when it is presented in the Senate.
>
> After studying the H.R. 5278 bill we have reached a unanimous agreement that this bill is totally unacceptable. While it is certain that Puerto Rico faces serious economic and social challenges, there is simply no way that we can consider a solution that would require our country to surrender its right to a democratic government while putting such broad dictatorial powers in the hands of a few unelected individuals.
>
> In addition to a categorical refusal to give up our human right to representative democracy and government, we consider the economic policies in this bill to be grossly inadequate and detrimental to the goal of restoring economic growth and stability. The bill has no clear mechanism for restructuring the debt and there are no defined measures for economic development. Instead it is clear that this bill is designed to impose even more. . . .

These are the people of Puerto Rico, who are very bright people, believe me. They have read the bill. They have come together in a coalition, as I described at the beginning and the introduction of their letter. Here is what they say:

> Instead it is clear that this bill is designed to impose even more austerity measures which would further depress the economy, exacerbate the ongoing exodus of young people and professionals and have the effect of shrinking the tax base.
>
> What lies ahead for Puerto Rico should H.R. 5278 be passed in the Senate is untold hardship for the most vulnerable sectors: the elderly, children and the working poor. With a poverty rate of 46 percent and a shrinking economy, the idea of imposing austerity measures that would reduce government services such as in health and education is unthinkable.
>
> Puerto Rico, as of this moment has no clear mechanism for restructuring its debt but an unspecific restructuring mechanism in exchange for giving up our pensions—

An unspecific restructuring mechanism. It goes to what I said, which is the only reason we should be considering the bill in the first place—

> our employment, our health care program and our representative democracy is not a path to recovery and cannot be considered an option.
>
> The imposition of H.R. 5278 or similar legislation on the part of the U.S. Congress, where we have no voting representation—

Which is why I am standing on the floor today to speak on their behalf—

> constitutes a violation of our human rights. Furthermore, it places in evidence that the relationship between Puerto Rico and the United States has never been anything other than that of a colonial subjugation; which is considered a crime under international law regarding the rights of non-self-governing territories.
>
> The most recent SCOTUS decisions permit the U.S. Congress to approve H.R. 5278, using in effect its powers to unilaterally take over our governance in order to protect the interest of hedge funds and bondholders. While this action by Congress will be seen internationally as one that unmasks the intrinsic 118-year-old colonial relationship, such a measure would also evidence the underlying racism that infuses relations between Puerto Rico and the United States.
>
> We will do everything within our power to stop this bill from being enacted. If the bill were however, to be approved, we are ready to resist its implementation by all available means. Furthermore, we have also declared our collective willingness and disposition to go forward with a plan of broad protests as well as acts of civil disobedience in Puerto Rico and in the United States. As a broad coalition defending the people of Puerto Rico against a great injustice—

These are all their words, not mine—

> we have the duty and right to vigorously pursue a policy of consistent noncooperation until the legislation is withdrawn.

We urge you to forge a different path, one that respects our right to democracy and dignity and that is intent on truly fixing the underlying problems; we ask you to vote NO on H.R. 5278.

In that same vein, let me read what Gov. Rafael Hernandez Colon, one of the most respected public figures in Puerto Rico who governed the island for 12 years, wrote:

I was governor of the Commonwealth of Puerto Rico for 12 years. In 1993, I handed over my office to my successor with a modest budget surplus, a growing economy, and access to the financial markets at reasonable rates.

I write to request an open debate on the Puerto Rico Oversight, Management and Stability Act [PROMESA] which would provide Puerto Rico much needed relief for the adjustment of debts but will needlessly inflict irreparable and permanent damage to the political relationship of Puerto Rico with the United States of America.

As recently as June 9, 2016, the Supreme Court of the United States has described this relationship as follows: ''Puerto Rico, like a state, is an autonomous political entity, sovereign over matters not ruled by the [Federal] Constitution.''

This sovereignty over our internal affairs is exercised by the people of Puerto Rico through our own Constitution under a compact entered in 1952 with the Congress of the United States.

This compact was ordained in order to establish the relationship between Puerto Rico and the United States under the principle—

And I am creating emphasis here—

under the principle of the consent of the governed.

Which is the hallmark of our great democracy, the principle of the consent of the governed.

The Oversight, Management, and Stability Act needlessly, empowers the Oversight Board that it creates with the authority to override the decisions of the Governor of Puerto Rico, and the laws of the Legislature, thus encroaching on the sovereign powers of the Commonwealth rendering nugatory the right to vote of the citizens of the Commonwealth.

This empowerment of the Oversight Board by the Congress tramples upon the compact providing for self-government and undermines the democratic underpinnings of the Commonwealth relationship established with the United States. It will be an irreparable blow even after the Board is terminated.

The encroachment powers of the Board are not necessary to ensure compliance by Puerto Rico with the Fiscal Plan required by the Act. There are other means consistent with respect for Puerto Rico's sovereignty and self-government to accomplish this.

I respectfully request that the members of the Senate have the opportunity to engage in an open debate and be allowed to present amendments so that the bill may respect the democratic process in Puerto Rico and the sovereignty of its citizens.

Let me quote from a letter that another former Governor, Anibal Acevedo Vila—who at one time also served in the House of Representatives as Resident Commissioner of Puerto Rico—said:

As former governor of Puerto Rico and former member of Congress, I am writing you to express my strong opposition to S 2328 (HR 5278) under consideration of the Senate. All candidates for Governor of Puerto Rico in the November election, the majority of the members of the Puerto Rican House of Representatives and the Senate, and the majority of Puerto Ricans . . . oppose this bill as well.

A bill that promises only one thing for certain: to end our Republican form of government with its checks and balances. The bill called PROMESA is known in Puerto Rico as La Junta, a name commonly used for military dictatorships in Latin America. Please, do not take all its implications lightly.

It is incredible and a shame that the most important piece of legislation considered by Congress regarding Puerto Rico since the authorization and approval of the Commonwealth Constitution in 1952, effectively denies basic principles of democracy and self-government, trashes that same Constitution and uses the plenary powers of Congress with a mentality reminiscent of 18th century colonialism.

That is why I urge you to vote NO on Cloture and to support the amendments that have been filed to create a more representative board, limit the overreaching powers of the board, establish a clear and effective path to restructuring, and really protect pensions and basic services to the people.

These amendments will eliminate many of the most aggravating dispositions of this bill. And if the amendments are not approved I strongly urge you to vote NO on approval.

Those who are pushing to blindly pass the bill acknowledge its imperfections and its excesses. They say Congress will need to do more work in the future to help Puerto Rico. But you know, as do they and do I that the Congressional calendar won't allow further action on Puerto Rico for a long time. We will be stuck with the consequences. It's imperative to get it right this time.

The July 1st deadline is not the end of the world. The bill already has retroactive provisions. Don't make July 1st the end of democracy for Puerto Ricans.

''Don't make July 1st the end of democracy for Puerto Ricans.''

I am going to read some other statements to show you the breadth and scope of the opposition, including from those who are now running for Governor. Those are two very esteemed former Governors of Puerto Rico. You heard the consensus, the group that came together from all different walks of life. But to suggest there is political support from the people of Puerto Rico beyond those individuals I have already read—let me read to you from those who are running for Governor in Puerto Rico, what they say.

Mr. David Bernier, who leads the popular Democratic Party and who is their current candidate for Governor, wrote:

Dear Majority Leader McConnell:

I am Dr. David Bernier, former Secretary of State of Puerto Rico, as well as current candidate for Governor of the Popular Democratic Party (PPD, for its Spanish acronym), which I preside. As you know, the PPD is the governing party controlling the Executive and Legislative branch in Puerto Rico.

I have written to you on several occasions expressing my opposition to, and deep concerns with, H.R. 5278, the so-called PROMESA bill. These concerns are shared by a clear majority of Puerto Ricans who are opposed to this bill, as well as is every candidate for Governor of every political party, due to its undemocratic financial control board, the lack of real tools for economic growth, and the uncertain treatment given to pensioners, among other reasons.

Fortunately it is still not too late. That is why I urge you to approve five amendments being proposed by Senator ROBERT MENENDEZ which would remedy many of the fatal flaws contained in this bill. One of these amendments would ensure that our retirees are given a real priority during this process. Other amendments are aimed at guaranteeing a minimum level of participation by Puerto Ricans on the control board and making sure central services are rendered.

Most importantly, one of these amendments would prevent the federal overreach and wholesale takeover of Puerto Rico's government by striking Section 205 of PROMESA. This would ensure that voters' elected representatives have the last say over the Commonwealth's government, instead of a group of 7 unelected Washington bureaucrats. Surely the Governors and state legislators of Kentucky and Nevada would not accept the type of blatant violation of their fundamental right to self-government that would be imposed on Puerto Rico under this bill.

For these reasons we urge you to adopt the amendments proposed by Senator MENENDEZ, as they would avert the violation of Puerto Ricans' democratic rights and ensure the protection of our retirees' hard-earned public pensions. We will therefore continue to oppose the PROMESA bill unless and until these amendments are included in the final legislation.

There is Rafael Bernabe, who is running for Governor of Puerto Rico for the Partido del Pueblo Trabajador. He says:

As candidate for Governor of Puerto Rico for the Partido del Pueblo Trabajador I wish to convey to you our firm opposition to the PROMESA Bill that is now under consideration in the Senate.

We believe that the fiscal and economic policies that affect the Puerto Rican people need to be adopted by the representatives elected by the Puerto Rican people. The PROMESA bill violates this fundamental democratic principle as it would create an unelected board that would have considerable powers to impose or block fiscal measures and policies in Puerto Rico. Such an organism would lack all democratic legitimacy and would only make the resolution of Puerto Rico's debt crisis more difficult.

Not surprisingly, a vast array of organizations in Puerto Rico and the Puerto Rican diaspora have expressed their rejection of this legislation.

In order to regain the path of economic development, Puerto Rico requires:

1. An enabling renegotiation of its public debts. We label it enabling since it should enable Puerto Rico to attain a path of sustainable economic development. This renegotiation must have as a priority the protection of pensions and essential public services.

2. An audit of Puerto Rico's debts. There are excellent grounds to suspect that a significant portion of this debt is illegal, unconstitutional or otherwise illegitimate. This, in turn, is legal ground for annulling such portions.

3. A suspension of payments on this unsustainable debt until an audit and an adequate renegotiation is completed.

It goes on to say a series of others.

Unfortunately, the PROMESA bill includes no provisions that correspond with these requirements.

They suggest that PROMESA be put aside and that a brief substitute measure regarding point 4, which, in essence, is a temporary suspension, be in place.

Mr. Hector Ferrer is the current candidate for Resident Commissioner.

Resident Commissioner, for those who may not follow this, is the nonvoting delegate from Puerto Rico to the House of Representatives. They get to be a voice for Puerto Rico. They act very strongly on behalf of the 3.5 million American citizens of Puerto Rico, but they don't have a vote in the House of Representatives, and there is no such delegate here.

This gentleman, Hector Ferrer, the current candidate for Resident Commissioner, the person who would be that voice in the House of Representatives for the popular Democratic Party of Puerto Rico, writes:

I [am] writing to respectfully request you vote NO on cloture and to support an open amendment process on the Puerto Rico Oversight, Management, and Economic Stability Act.

The simple reality is that, as drafted, PROMESA is an affront to the basic right of the Puerto Rican people to self-governance. This is not in dispute—the bill plainly supplants our elected government with a federally-appointed ''Oversight Board,'' which the people of the Commonwealth will have essential no say in. This should be alarming not only to the Puerto Rican people, but to anyone who believes in the democratic ideals of American government.

This is a bill that can and should be improved through debate and the full amendment process. To circumvent that process simply for the purpose of meeting superfluous deadline is to do a great disservice to the Puerto Rican people. There is simply no evidence to suggest that a missed debt payment by our government on July 1 will have the consequences the proponents claim. Rather, we should be fighting for the right bill that can bring real relief and economic opportunity to the Puerto Rican people.

Puerto Ricans have much at stake in this debate, and I commend your willingness to lead and advocate for a position held by the overwhelming majority of us.

Other national organizations have written. The National Conference of Puerto Rican Women, Inc., writes:

Dear Majority Leader McConnell and Democratic Leader Reid:

We, the National Conference of Puerto Rican Women, representing Puerto Rican women and other Latinas across the United States, urge the Senate to amend bill H.R. 5278, also known as PROMESA. We believe that, as it stands today, PROMESA, cannot live up to the ''promise'' of helping Puerto Rico resolve its fiscal crisis without exacerbating the humanitarian fiscal crisis that continues to unfold in the island.

We strongly oppose the following three aspects of H.R. 5278 that was passed by the U.S. House of Representatives:

(1) The ''Oversight'' Board is not required to create a comprehensive economic development strategy and yet imposes—

This is what Senator SANDERS was bringing up in his colloquy with me earlier—

an additional debt burden of $370 million on the people of Puerto Rico to cover their expenses, with hundreds of millions more in implementation costs, according to the Congressional Budget Office scoring of the bill.

I would add, with a dedicated revenue source. How many times wouldn't we like to see a dedicated revenue source in the things we advocate? That is a difficult thing to accomplish, but this control board gets a dedicated revenue source, all paid for by the people of Puerto Rico, even in the midst of an enormous economic challenge.

H.R. 5278 authorizes the Governor of Puerto Rico, with the consent of the ''Oversight'' Board, to lower the federal minimum wage to $4.25 for those 25 years old and younger, accelerating the exodus of young talent and thereby hindering Puerto Rico's future economic growth.

The creation of the ''Oversight'' Board outlined in PROMESA focuses on the method by which members are selected without sufficient consideration to the expertise needed to ensure a viable outcome.

The lives of Puerto Ricans, who are American citizens, have been placed in an unprecedented vulnerable position so desperate that many Puerto Ricans have been forced to abandon their homes and leave loved ones to migrate to the United States mainland in search of employment. Despite efforts to maintain some semblance of normalcy, their lives have been harshly disrupted. They are struggling with low wage jobs or unemployment, while health services are drastically reduced and schools are being closed.

We therefore urge the Senate to amend H.R. 5278 as follows:

Eliminate the provisions authorizing the board to prevent the enforcement of any law, regulation or action duly taken by the elected officials of the Commonwealth of Puerto Rico.

Eliminate provisions that authorize the Board to supplement the will of the elected officials of Puerto Rico with a budget and a fiscal plan that overrides the express wishes of the Legislature and the Governor of Puerto Rico.

Require the Oversight Board to develop a sound economic development strategy for Puerto Rico inclusive of a cost benefit analysis; a plan that takes into account lowering the unemployment rate, improving public services, fostering entrepreneurship, protecting the natural resources and agricultural development as a means to achieve and sustain economic growth and stability.

Require the Oversight committee to maintain the same minimum wage and healthcare benefits equal to the U.S. including the benefits to Veterans' Federal assistance program.

Require all members of the board to be nominated by the free selection of the President.

Require only a simple majority to vote in favor of restructuring Puerto Rico's debt.

Everybody on the island recognizes this as a critical element. A minority of the board can stop the majority will because the legislation calls for a supermajority of five of seven to cast a vote for restructuring. People on the island understand that, at a minimum, a simple majority should be required for restructuring Puerto Rico's debt.

Include economic incentives to ensure that Puerto Rice not only balances its budgets, but that it can also grows its economy and eventually pay its debts.

Ensure that the language that says that Puerto Rico's pension systems are ''adequately funded'' be changed to ''fully funded'' in order to prevent over 300,000 retirees and public employees from suffering further cuts to their benefits.

It is with great hope we write this request for support of Puerto Rico during this time of hardship. As U.S. citizens, Puerto Ricans have made enormous contributions to this society: men and women [from Puerto Rico] have fought in every war, where many gave their lives, contributed to science, education and the arts and the economy. We now look to our elected officials to demonstrate their commitment to service and equity for citizens and work to amend H.R. 5278 so that any fiscal remedy is not at the expense of the Puerto Rican people and does not exacerbate the existing humanitarian crisis.

We further believe that if these amendments are not included, the bill should not be approved as is and we would oppose this legislation as it would represent a frontal attack on the island's democratic rights, and would not include any economic development measures that are the only lasting solutions to this crisis.

So there is a common thread to all of these different individuals who have led the 3.5 million citizens of Puerto Rico. All those who aspire to lead the 3.5 million citizens of Puerto Rico, all of the civic society groups, they understand the neocolonialism of the legislation. They understand there is no clear pathway to restructuring, and they understand, to quote this part of that letter, that it is ''a frontal attack on the island's democratic rights.''

As the senior member of the Senate Foreign Relations Committee, I have heard many of my colleagues on the floor, in committee, and elsewhere, talk eloquently about democratic and human rights globally, worldwide. We are a beacon of light to the rest of the world for democracy and human rights. Yet, for the 3.5 million citizens of the United States who call Puerto Rico home, if we do this, this is not a beacon of light, it is not a respect for democracy. Yet that is what we are poised to do, without amendment.

The Coalition of Women's Organizations in Puerto Rico wrote:

The Puerto Rico Women's Movement joins many organizations and other sectors that are opposed to a Federal Fiscal Control Board appointed by the US government for Puerto Rico. ''Puerto Rico is going through great economic and financial challenges.

''The Puerto Rico Women's Movement has consistently denounced how austerity measures adopted within the island are severely weakening the human rights of our population.

''The Federal Fiscal Control Board proposed by the US Congress would be staffed by individuals who do not represent Puerto Rico's interests.

''This Federal Fiscal Control Board will have only one task: ensuring the payment of a multibillion dollar debt at the expense of our people's quality of life,'' stated Josie Pantoja, spokesperson for the feminist organization. The Puerto Rico Women's Movement is a collective of women's organizations, feminist groups and activists.

The Puerto Rico Women's Movement has sent a letter to many of our colleagues requesting that they vote against the current version of H.R. 2578, which empowers the fiscal control board to supersede and veto the decisions of publicly elected officials in Puerto Rico.

And they go on:

''MAMPR, Proyecto Matria, InterMujeres, the Caribbean Institute of Human Rights, feminists and activists denounced that the imposition of such Board represents a serious human rights violation against the people of Puerto Rico,'' expressed Eva Prados, also spokesperson of the collective.

Should H.R. 5278 pass in the Senate, it would bring untold hardship to the most vulnerable sectors: the elderly, children, poor

women and the working class. With a poverty rate of 46 percent (where women represent 57 percent of those living in poverty) and a shrinking economy, the idea of imposing austerity measures that would continue to reduce government services in health, education, access to justice, among others, is unthinkable.''

So here we are. The Puerto Rico Women's Movement is going to join different strategies of resistance at the People's Assembly to be held on Saturday, June 25—that took place—and to speak out against these injustices.

I ask unanimous consent that all of these letters that I have read be printed in the RECORD.

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

JUNE 14, 2016.

From: Spokespersons, Concertación Puertorriqueña Contra la Junta de Control Fiscal, San Juan, Puerto Rico.

To: Hon. Senator Bob Menéndez, U.S. Senate, Washington, DC.

DEAR SENATOR MENÉNDEZ, We write to you on behalf of the Concertación Puertorriqueña Contra la Junta de Control Fiscal (Puerto Rican Consensus Against the Fiscal Board); we are a broad-based organization that represents numerous civic and political organizations in Puerto Rico and the continental United States. Our signing members comprise labor syndicates and cooperatives; local business leaders, social, environmental and human rights organizations, artists, students and academics, religious organizations, LGBTTQ and feminist movements, special communities organizations, cooperative institutions, political parties and immigrants organizations, Puerto Rican diaspora groups as well as many individual citizens. This multi sectorial coalition has been formed as a common front to oppose H.R. 5278. Because of the negative consequences that it will have upon all of Puerto Rican society, we respectfully urge you to vote against this bill when it is presented in the Senate.

After studying the H.R. 5278 bill we have reached a unanimous agreement that this bill is totally unacceptable. While it is certain that Puerto Rico faces serious economic and social challenges, there is simply no way that we can consider a solution that would require our country to surrender its right to a democratic government while putting such broad dictatorial powers in the hands of a few unelected individuals.

In addition to a categorical refusal to give up our human right to representative democracy and government, we consider the economic policies in this bill to be grossly inadequate and detrimental to the goal of restoring economic growth and stability. The bill has no clear mechanism for restructuring the debt and there are no defined measures for economic development. Instead it is clear that this bill is designed to impose even more austerity measures which would further depress the economy, exacerbate the ongoing exodus of young people and professionals and have the effect of shrinking the tax base. What lies ahead for Puerto Rico should H.R. 5278 be passed in the Senate is untold hardship for the most vulnerable sectors: the elderly, children and the working poor. With a poverty rate of 46% and a shrinking economy, the idea of imposing austerity measures that would reduce government services such as in health and education is unthinkable.

Puerto Rico, as of this moment has no clear mechanism for restructuring its debt but an unspecific restructuring mechanism in exchange for giving up our pensions, our employment, our health care program and our representative democracy is not a path to recovery and cannot be considered an option.

The imposition of H.R. 5278 or similar legislation on the part of U.S. Congress, where we have no voting representation, constitutes a violation of our human rights. Furthermore, it places in evidence that the relationship between Puerto Rico and the United States has never been anything other than that of colonial subjugation; which is considered a crime under international law regarding the rights of non-self-governing territories.

The most recent SCOTUS decisions permit the U.S. Congress to approve H.R. 5278, using in effect its powers to unilaterally take over our governance in order to protect the interest of hedge funds and bondholders. While this action by Congress will be seen internationally as one that unmasks the intrinsic 118–year-old colonial relationship, such a measure would also evidence the underlying racism that infuses relations between Puerto Rico and the United States.

We will do everything within our power to stop this bill from being enacted. If the bill were however, to be approved, we are ready to resist its implementation by all available means. Furthermore, we have also declared our collective willingness and disposition to go forward with a plan of broad protests as well as acts of civil disobedience in Puerto Rico and in the United States. As a broad coalition defending the people of Puerto Rico against a great injustice, have the duty and right to vigorously pursue a policy of consistent noncooperation until this legislation is withdrawn.

We urge you to forge a different path, one that respects our right to democracy and dignity and that is intent on truly fixing the underlying problems; we ask you to vote NO on H.R. 5278.

Sincerely,

The spokespersons for the Concertación Puertorriqueña Contra la Junta de Control Fiscal:

JEROHIM ORTIZ
JOSÉ RIVERA SANTANA
ANA IRMA RIVERA LASSEN
LUISA ACEVEDO
JUAN A. VERA.

NATIONAL CONFERENCE OF PUERTO RICAN WOMEN, INC.,
June 14, 2016.

Hon. MITCHELL MCCONNELL,
Majority Leader, U.S. Senate, Washington, DC.

Hon. HARRY REID,
Democratic Leader, U.S. Senate, Washington, DC.

STATEMENT ON H.R. 5278

(PROMESA BILL)

DEAR MAJORITY LEADER MCCONNELL AND DEMOCRATIC LEADER REID: We, the National Conference of Puerto Rican Women (NACOPRW), representing Puerto Rican women and other Latinas across the United States urges the Senate to amend bill H.R. 5278, also known as PROMESA. We believe that, as it stands today, PROMESA, cannot live up to the ''promise'' of helping Puerto Rico resolve its fiscal crisis without exacerbating the humanitarian and fiscal crisis that continues to unfold in the island.

We strongly oppose the following three aspects of H.R. 5278 that was passed by the U.S. House of Representatives:

1) The ''Oversight'' Board is not required to create a comprehensive economic development strategy and yet imposes an additional debt burden of $370 million dollars on the people of Puerto Rico to cover their expenses with hundreds of millions more in implementation costs, according to the Congressional Budget Office (CBO) scoring of the bill.

2) H.R. 5278 authorizes the Governor of Puerto Rico, with the consent of the ''Oversight'' Board to lower the federal minimum wage to $4.25 for those 25 years old and younger, accelerating the exodus of young talent and thereby hindering Puerto Rico's future economic growth.

3) The creation of the ''Oversight'' Board outlined in PROMESA focuses on the method by which members are selected without sufficient consideration to the expertise needed to ensure a viable outcome.

The lives of Puerto Ricans, who are American citizens, have been placed in an unprecedented vulnerable position so desperate that many Puerto Ricans have been forced to abandon their homes and leave loved ones to migrate to the United States mainland in search of employment. Despite efforts to maintain some semblance of normalcy, their lives have been harshly disrupted. They are struggling with low wage jobs or unemployment, while health services are drastically reduced and schools are being closed. We therefore, urge the Senate to amend H.R.5278 as follows:

Eliminate the provisions authorizing the board to prevent the enforcement of any law, regulation or action duly taken by the elected officials of the Commonwealth of Puerto Rico.

Eliminate provisions that authorize the Board to supplant the will of the elected officials of Puerto Rico with a budget and a fiscal plan that overrides the express wishes of the Legislature and Governor of Puerto Rico.

Require the Oversight Board to develop a sound economic development strategy for Puerto Rico inclusive of a cost benefit analysis; a plan that takes into account lowering the unemployment rate, improving public services, fostering entrepreneurship, protecting the natural resources and agricultural development as a means to achieve and sustain economic growth and stability.

Require the Oversight committee to maintain the same minimum wage and healthcare benefits equal to the U.S. including the benefits to Veterans' Federal assistance program.

Require all members of the board to be nominated by the free selection of the President.

Require only a simple majority to vote in favor of restructuring Puerto Rico's debt.

Include economic incentives to ensure that Puerto Rico not only balances its budgets, but that it can also grow its economy and eventually pay its debts.

Ensure that the language that says that Puerto Rico's pension systems are ''adequately funded'' be changed to ''fully funded'' in order to prevent the over 300,000 retirees and public employees from suffering further cuts to their benefits.

It is with great hope that we write this request for support of Puerto Rico during this time of hardship. As U.S. citizens, Puerto Ricans have made enormous contributions to this society: men and women have fought in every war, where many gave their lives, contributed to science, education and the arts and the economy. We now look to our elected officials to demonstrate their commitment to service and equity for citizens and work to amend H.R. 5278 so that any fiscal remedy is not at the expense of the Puerto Rican people and does not exacerbate the existing humanitarian crisis. We further believe that if these amendments are not included, the bill should not be approved as is and we

would oppose this legislation as it would represent a frontal attack on the island's democratic rights, and would not include any economic development measures that are the only lasting solutions to this crisis.

Respectfully,

WANDA GORDILS,
National President, NACOPRW.

NACOPRW Chapter Presidents: Iris Melina Olmo, Washington D.C.; Michelle Centeno, New York City; Nydia Cabrera, Miami; Amaris Hernandez, Philadelphia; Deborah Lopez, Chicago; Aida Lugo-McAllister, Indiana; Vilma Colom, Northern Illinois; Carmen Ortiz, Milwaukee; Anaida Colon, California.

HECTOR FERRER, ESQ.,
San Juan, PR.

DEAR SENATORS: I am writing to respectfully request you vote NO on closure and to support an open amendment process on the Puerto Rico Oversight, Management, and Economic Stability Act. (S 2378)

The simple reality is that, as drafted, PROMESA is an affront to the basic right of the Puerto Rican people to self-governance. This is not in dispute—the bill plainly supplants our elected government with a federally-appointed ''Oversight Board,'' which the people of the Commonwealth will have essentially no say in. This should be alarming not only to the Puerto Rican people, but to anyone who believes in the democratic ideals of American government.

This is a bill that can and should be improved through debate and the full amendment process. To circumvent that process simply for the purpose of meeting superfluous deadline is to do a great disservice to the Puerto Rican people. There is simply no evidence to suggest that a missed debt payment by our government on July 1 will have the consequences the proponents claim. Rather, we should be fighting for the right bill that can bring real relief and economic opportunity to the Puerto Rican people.

Puerto Ricans have much at stake in this debate, and I commend your willingness to lead and advocate for a position held by the overwhelming majority of us. I look forward to doing anything that I can to further your efforts.

Sincerely,

HECTOR FERRER,
Popular Democratic Party, President (2008–2011), House of Representative Majority Leader (2001–2004), House of Representative Minority Leader (2005–2008), Resident Commissioner Candidate (2016).

JUNE 28, 2016.

TO THE SENATE OF THE UNITED STATES OF AMERICA: I was governor of the Commonwealth of Puerto Rico for 12 years. In 1993, I handed over my office to my successor with a modest budget surplus, a growing economy, and access to the financial markets at reasonable rates. I write to request an open debate on the Puerto Rico Oversight, Management and Stability Act which would provide Puerto Rico much needed relief for the adjustment of debts but will needlessly inflict irreparable and permanent damage to the political relationship of Puerto Rico with the United States of America.

As recently as June 9, 2016, The Supreme Court of the United States has described this relationship as follows: ''Puerto Rico, like a state, is an autonomous political entity, sovereign over matters not ruled by the [Federal] Constitution.'' This sovereignty over our internal affairs is exercised by the people of Puerto Rico through our own Constitution under a compact entered in 1952 with the Congress of the United States. This compact was ordained in order to establish the relationship between Puerto Rico and the United States under the principle of the consent of the governed.

The Oversight, Management, and Stability Act needlessly, empowers the Oversight Board that it creates with the authority to override the decisions of the Governor of Puerto Rico, and the laws of the Legislature, thus encroaching on the sovereign powers of the Commonwealth rendering nugatory the right to vote of the citizens of the Commonwealth.

This empowerment of the Oversight Board by the Congress tramples upon the compact providing for self-government and undermines the democratic underpinnings of the Commonwealth relationship established with the United States. It will be an irreparable blow even after the Board is terminated.

The encroachment powers of the Board are not necessary to ensure compliance by Puerto Rico with the Fiscal Plan required by the Act. There are other means consistent with respect for Puerto Rico's sovereignty and self-government to accomplish this.

I respectfully request that the members of the Senate have the opportunity to engage in an open debate and be allowed to present amendments so that the bill may respect the democratic process in Puerto Rico and the sovereignty of its citizens.

Cordially yours,

RAFAEL HERNÁNDEZ COLÓN,
Governor of Puerto Rico, 1973–1976; 1985–1992.

SAN JUAN, PUERTO RICO,
27 June 2016.

DEAR SENATOR: As candidate for Governor of Puerto Rico for the Partido del Pueblo Trabajador I wish to convey to you our firm opposition to the PROMESA Bill that is now under consideration in the Senate.

We believe that the fiscal and economic policies that affect the Puerto Rican people need to be adopted by the representatives elected by the Puerto Rican people. The PROMESA bill violates this fundamental democratic principle as it would create an unelected board that would have considerable powers to impose or block fiscal measures and policies in Puerto Rico. Such an organism would lack all democratic legitimacy and would only make the resolution of Puerto Rico's debt crisis more difficult.

Not surprisingly a vast array of organizations in Puerto Rico and the Puerto Rican diaspora have expressed their rejection of this legislation.

In order to regain the path of economic development Puerto Rico requires:

1. An enabling renegotiation of its public debts. We label it enabling since it should enable Puerto Rico to attain a path of sustainable economic development (including a transition to renewable energy). This renegotiation must have as a priority the protection of pensions and essential public services.

2. An audit of Puerto Rico's public debts. There are excellent grounds to suspect that a significant portion of this debt is illegal, unconstitutional or otherwise illegitimate. This, in turn, is legal ground for annulling such portions.

3. A suspension of payments on this unsustainable debt until an audit and an adequate renegotiation is completed.

4. Congressional action to protect Puerto Rico against litigation (a stay of legal actions) in the case of suspension in payments.

5. A plan of economic reconstruction that emphasizes reinvestment in Puerto Rico of the profits generated here, including a revision of federal and local tax policies to insure that they promote economic development.

6. Congressional support, including funding, to facilitate such an economic reconstruction, as part of similar projects to benefit U.S. working people.

Unfortunately, the PROMESA bill includes no provisions that correspond to these requirements.

Since a major debt service payment is due on the 1st of July we suggest that PROMESA be put aside and a brief substitute measure regarding point 4 above be approved instead, while adequate legislation is considered in the near future.

Cordially,

RAFAEL BERNABE,
Candidate for Governor, Partido del Pueblo Trabajador.

ESTADO LIBRE ASOCIADO DE PUERTO RICO, OFICINA DE EX-GOBERNADORES,
Río Piedras, PR, June 28, 2016.

SENATORS,
U.S. Senate,
Washington, DC.

SENATOR: As former governor of Puerto Rico and former member of Congress I am writing you to express my strong opposition to S 2328 (HR 5278) under consideration of the Senate. All candidates for Governor of Puerto Rico in the November election, the majority of the members of the Puerto Rican House of Representatives and Senate, and the majority of Puerto Ricans (see El Nuevo Dia poll of June 16, 2016) oppose this bill as well. A bill that promises only one thing for certain: to end our Republican form of government with its checks and balances. The bill called PROMESA is known in Puerto Rico as La Junta, a name commonly used for military dictatorships in Latin America. Please, do not take all its implications lightly.

It is incredible and a shame that the most important piece of legislation considered by Congress regarding Puerto Rico since the authorization and approval of the Commonwealth Constitution in 1952, effectively denies basic principles of democracy and self-government, trashes that same Constitution and uses the plenary powers of Congress with a mentality reminiscent of 18th century colonialism.

That is why I urge you to vote NO on Cloture and to support the amendments that have been filed to create a more representative board, limit the overreaching powers of the board, establish a clear and effective path to restructuring, and really protect pensions and basic services to the people. These amendments will eliminate many of the most aggravating dispositions of this bill. And if the amendments are not approved I strongly urge you to vote NO on approval.

Those who are pushing to blindly pass the bill acknowledge its imperfections and its excesses. They say Congress will need to do more working the future to help Puerto Rico. But you know, as do they and do I, that the Congressional calendar won't allow further action on Puerto Rico for a long time. We will be stuck with the consequences. It's imperative to get it right this time.

The July 1st deadline is not the end of the world. The bill already has retroactive provisions. Don't make July 1st the end of democracy for Puerto Ricans.

Thanks,

GOVERNOR ANÍBAL ACEVEDO-VILÁ.

Mr. MENENDEZ. I know there are more. I think the National Puerto Rican Coalition had one, and I will get to those in a few moments.

These threads that are constantly seen by the people of Puerto Rico and by other independent services, such as the nonpartisan Congressional Budget Office, which states:

The board would have broad sovereign powers to effectively overrule decisions by Puerto Rico's legislature, governor, and other public authorities [. . .] it can effectively nullify any new laws or policies adopted by Puerto Rico that did not conform to requirements specified in the bill.

That is not what I am saying. It is not the residents of Puerto Rico who say it. It is the Congressional Budget Office. So not to believe me—this is the nonpartisan entity we use to analyze legislation, and they say the board has broad sovereign powers to effectively overrule decisions by Puerto Rico's legislature.

We hear these people crying out from the island to their fellow citizens in the United States: Don't take away our basic democratic rights to give them to an unelected, unrepresentative control board that can nullify any new laws or policies adopted by Puerto Rico that don't conform to requirements specified in the bill.

Even the bill's own author noted in a committee report:

The Oversight Board may impose mandatory cuts on Puerto Rico's government and instrumentalities, a power—

I read this before—

far beyond that exercised by the Control Board established for the District of Columbia.

If the Board, in its sole discretion—

An enormous grant of power. ''In its sole discretion,'' what does that mean—in its sole discretion. It is pretty obvious. The seven of them will get together and decide, well, in our discretion, this is, in fact, how this should move forward.

The bill cites this 29 times in critical moments in the legislation: ''In its sole discretion,'' which, in essence, uses the superpowers in this bill. It could choose to close more schools, to shutter more hospitals, to cut senior citizens' pension to the bone. I know some people are thinking that will not happen. Well, already the government of Puerto Rico has made some very tough choices to do some of that in order to try to meet its obligations, but it came to the conclusion that there is only so far they can go. But an oversight board, ''in its sole discretion,'' could make that decision as well.

And the powers aren't limited to just budget and fiscal policy, although I would say those—just those two alone, let's forget about anything else, budget and fiscal policy—I always think that one of the most important things we do in the Congress is to set the budget for the Nation. We all have budgets in our lives. We may not think of them as budgets, but we have one. It is our income by however we derive it. By our work and our salary or our business, by maybe some investments—if we have enough money to make investments, get some interest, rates are very low—however we derive it, that is our income. And then we have our expenses: the home we keep for our family; the health care we provide for them; the educational opportunity we want to have for our children to graduate and not graduate with a mountain of debt; taking care of a loved one, a mom or dad or in-law; going ahead and thinking about our own retirement in the future; the church, synagogue, or mosque that we tithe to; the charitable contributions we make to organizations we believe are important because of the work they do, those are expressions of our values as individuals.

The Nation's budget is an expression of our collective values as a country. What will we provide for the national defense? How will we secure our homeland against acts of terrorism? What will we spend to educate our children, both elementary, secondarily, and how are we going to help students not graduate under a mountain of debt but have that human capital that we need to drive America's competitiveness?

How are we going to defend our country across the globe, for example, from ISIS? How much money are we going to spend in research and development so the Alzheimer's that took my mother's life can be cured, so we can find the cause and then develop a cure for cancer and so many other dreaded diseases.

All of these things, and many more, that we decide collectively as a Congress are in the budget is an expression of our collective values as a nation. Yet the people of Puerto Rico are not going to have the right to determine their budget and an expression of their values for the 3.5 million U.S. citizens who call Puerto Rico home.

So as the bill states in section 205:

The Oversight Board—

They call it oversight. I call it a control board because oversight is one thing, but when you have the control to dictate things, to me that is more of a control board—

may at any time submit recommendations to the Governor or the Legislature . . . relating to the management of the territorial government's financial affairs, including economic forecasting and multiyear fiscal forecasting capabilities, information technology, placing controls on expenditures for personnel, reducing benefit costs—

What does that mean? Reducing employee benefit costs maybe to make them pay more of their health care, reduce the amount of sick time or overtime they can have—

reforming procurement practices, and placing other controls on expenditures; the structural relationship of departments, agencies, and independent agencies within the territorial government; the modification of existing revenue structures—

Existing revenue structures. As a member of the Senate Finance Committee, I know what that means. A revenue structure is how we derive the money to run our government. That overwhelmingly is in Federal taxes, but there are a whole host of fees and other sources of revenues that we derive. This entity is going to be able to modify what that revenue structure is, or the establishment of additional revenue structures, which many here would revolt against in terms of having taxes imposed on them, which is taxation without representation.

That is what we are going to say to the people of Puerto Rico. It is not good for the rest of the American citizens, but for the 3.5 million citizens in Puerto Rico: You can have taxation without representation for you—for you—

the establishment of alternatives for meeting obligations to pay for pensions of territorial government employees; modifications or transfers of the type of services that are the responsibility of and are delivered by the territorial government; modifications of the types of services that are delivered by entities other than the territory government; the effects of the territory's laws and court orders on the operations of the territorial government; the establishment of a personnel system for employees of the territorial government that is based upon employee performance standards; the privatization and commercialization of entities within the territorial government.

That is pretty significant. I know many of my colleagues, particularly the Democratic caucus, have a real concern about the privatization of certain governmental services. Well, we as Democrats are going to vote to undo the minimum wage, undo overtime protections. We are going to vote to allow this unelected oversight board to ultimately say there are entities within the government of Puerto Rico that should be privatized. I will talk a little bit later because I know many of my friends on the Democratic side of the aisle are concerned about the environment and environmental sighting of sites. Well, we are going to give them fast-track to go ahead and make all types of environmental sites and bypass other laws that Puerto Rico has to preserve the environment, but for the people of Puerto Rico, we will leave those environmental laws largely by the wayside.

While this section calls these comments ''recommendations,'' section 201 of the bill allows the board to ''adopt appropriate recommendations submitted by the Oversight Board under Section 205(a).''

So these are more than recommendations because it allows the board to adopt appropriate recommendations submitted by the oversight board under a different section. So if the board decides to hold a fire sale and put some of Puerto Rico's natural wonders on the auction block to the highest bidder, they can.

I have visited the island of Puerto Rico many times, and I have seen some of its natural wonders. It has incredibly beautiful places. It has places like Vieques, which is also incredibly beautiful and is a place for the U.S. military to perform its bombing runs, and the people of Puerto Rico for years and years supported half of the national defense. It could take a part of Vieques

and say: Well, this should be sold. It could take another part of the natural wonders of Puerto Rico and say it should be sold.

So if the board decides to hold the fire sale and sell the natural wonders of Puerto Rico to the highest bidder, they can. They could decide to sell off Las Cabezas de San Juan Nature Reserve in Fajardo or Cueva Ventana in Arecibo or Guanica Dry Forest or to build condominiums in San Cristobal Canyon or hotels in Blamenco Beach on Culebra. But what do the Puerto Rican people want? Is that what we want, or is that what an oversight board would want?

The fact is, this legislation puts balanced budgets and untested ideology ahead of the health, safety, and well-being of children and families, similar to the control board travesty that unfolded in Flint. I don't know if we want to repeat a mistake like that.

Without their voices represented on the control board, there is nothing that the people of Puerto Rico will be able to do. The fact that the Puerto Rican people will have absolutely no say over who is appointed or what action they decide to take is clearly blatant neocolonialism.

I am afraid we are opening the floodgates for Puerto Rico to become a laboratory for rightwing economic policies. Puerto Rico deserves much more than to be an unwilling host of untested experiments in austerity.

I am not advocating to completely remove all the oversight powers. To the contrary, the legislation I offered actually has some oversight powers. I support helping Puerto Rico make informed, prudent decisions that put it on a path to economic growth and solvency. But despite its name, the oversight board envisioned by this bill doesn't simply oversee; it directs and it commands. It doesn't assist; it controls.

In section 201(d)(2), PROMESA makes clear that ''if the Governor fails to submit to the Oversight Board a Fiscal Plan, that the Oversight Board determines in its sole discretion''—again, undefined, but we have a generic sense of what ''in its sole discretion'' means. If we read the legislation, the Governor can recommend. The oversight board can reject. The Governor can recommend. The oversight board can reject.

If the Governor fails [ultimately] to submit to the Oversight Board a Fiscal Plan that the Oversight Board determines in its sole discretion satisfies the requirements set forth in [that subsection] by the time specified in the notice delivered under subsection (a), the Oversight Board shall—

Words of art, ''shall,'' ''mandatory''—

develop and submit to the Governor and the Legislature a Fiscal Plan.

Then, in section 202(e)(4), PROMESA reiterates that the board has the final say. They have the final say by stating:

If the Governor fails to develop an Instrumentality Budget that is a compliant budget by the day before the first day of the fiscal year for which the Instrumentality Budget is being developed, the Oversight Board shall submit an Instrumentality Budget to the Governor (including any revision to the Instrumentality Budget made by the Oversight Board pursuant to subsection(c)(2)) and such Budget shall be

(A) deemed to be approved by the Governor—

Not that the Governor approves it; the oversight board shall deem it to be approved. So the oversight board is now the Governor of Puerto Rico and its legislature too—

(B) the subject of the compliance certification issued by the Oversight Board to the Governor; and

(C) in full force and effect beginning on the first day of the applicable fiscal year.

So the oversight board goes back and forth with the Governor. The Governor is trying to represent the interests of all of the people of Puerto Rico, 3.5 million U.S. citizens, trying to balance the responsibility for making its payments but doing it in a way that can still help the citizens of Puerto Rico be able to go about their lives, to not have a brain drain, have everybody leave the island because they can take one flight on JetBlue to the United States and find a much better life. Yet, despite those actions in which he is balancing all of this, as is the Legislature of Puerto Rico, at the end of the day, the oversight board says: You know what, in our sole discretion, that doesn't meet our standards. So guess what. We are going to give you a budget. We are going to deem that the Governor approved this budget, basically, whether he approved it or not. We take it as a section of law that you approved it, and then it will go into full force and effect.

Now, in addition to the power to take the budget, which, as I described before, is the single most important document we use as a Congress because it reflects the interests of the American people and our values as a people, how will we do all of those things which the Governor of Puerto Rico and the Legislature have to do for the 3.5 million citizens of Puerto Rico? Now we have gone from an opportunity for the Governor to try to make his case of what is the best balance for Puerto Rico—but it is rejected at the sole discretion of the oversight board. They will determine what the budget is. They will mandate it, and it will go into full force and effect.

Then, in section 203(d), PROMESA allows the board make mandatory budget cuts. It says:

BUDGET REDUCTIONS BY OVERSIGHT BOARD

If the Oversight Board determines that the Governor, in the case of any then-applicable certified Instrumentality Budgets, and the Governor and the Legislature, in the case of the then-applicable certified Territory Budget—

All it means is that the instrumentality budgets are subdivisions of the Commonwealth of Puerto Rico, the territory budget is Puerto Rico, so it is either one—virtually total blanket control—

have failed to correct an inconsistency identified by the Oversight Board under subsection (c), the Oversight Board shall—

Words of art meaning ''mandatory''—

with respect to the territorial government, other than covered territorial instrumentalities, make appropriate reductions in nondebt expenditures. . . .

This is very important, reductions in nondebt expenditures. The oversight board won't touch moneys that are going to pay debt, but it can make mandatory reductions in nondebt expenditures—everything else that goes to the health and well-being of the people of Puerto Rico—''to ensure that the actual quarterly revenues and expenditures for the territorial government are in compliance with the applicable certified Territory Budget''—the certified budget that the Governor and legislature didn't pass but that the oversight board passed. So not only do they set themselves up to have total control over that budget, at the end of the day they can make a budget and they can make it mandatory. And by the way, after we tell you this budget should have so much revenue, if that falls short, we have the absolute right to cut the nondebt expenditures, meaning the expenditures for everyday life in Puerto Rico, such as public safety, public health, public education, senior citizens, and others. They can cut that, and they can do it in a way that it will become final.

To further go on, section 2 of that reads ''with respect to covered territorial instrumentalities at the sole discretion of the Oversight Board.'' Now, territorial instrumentalities or other subdivisions or other government agencies can make reductions in nondebt expenditures to ensure that the same revenues and expenses are in compliance with the applicable certified budget that the oversight board ultimately created and made mandatory. It can institute automatic hiring freezes at the territorial instrumentality. What could that be? That could be a hospital. If there is a hospital association that is part of the territorial instrumentality, hiring in the midst of the Zika challenge, they can freeze it. If there is an instrumentality that deals with the public safety, they can freeze the hiring there. Even though the government of Puerto Rico may feel they have a bigger challenge, they can institute automatic hiring freezes. They can prohibit the covered territorial instrumentality from entering into any contract or engaging in any financial or other transaction unless previously approved by the oversight board, which means that they can never, at the end of the day, act on their own. They have the oversight board that they have to go and ask everything of.

In section 204(a)(5), the bill gives the Board the authority to veto legislation passed by the Puerto Rico Legislature and signed by the Governor, stating that ''the Oversight Board may take such actions as it considers necessary, consistent with this Act, to ensure that

the enactment or enforcement of the law will not adversely affect the territorial government's compliance with the Fiscal Plan, including preventing the enforcement or application of the law.''

So in addition to having the power to basically say to the Governor: Sorry, legislature, your budget is not acceptable. Here is the budget we determined is acceptable. This budget is now deemed as mandated, and it goes into full implementation. If we are wrong, by the way—this is the oversight board—in our fiscal estimates, we will have the right to cut nondebt expenditures, meaning the predators, the hedge funds, all those, they can get their money, but we can cut nondebt expenditures to ensure that we met the lowest fiscal forecast—totally in the oversight board's control.

And then if they didn't have enough power as it was, they can veto any legislation passed by the Puerto Rican Legislature and signed by the Governor, stating that the oversight board may take such actions as it considers necessary and consistent with this act. So what is the use of having a Governor and a legislature if they can't pass their budget, if they can't direct even within a fiscal plan that they come up with? It gets vetoed. It gets imposed. The oversight board can cut nondebt expenditures. So why have a Governor? Why go through the farce?

In section 204(b)(5), PROMESA also allows the board to override contracts, rules, regulations, and executive orders. It states that ''if a contract, rule, regulation or executive order fails to comply with policies established by the Oversight Board under this subsection, the Oversight Board may take such actions as it considers necessary to ensure that such a contract, rule, regulation or executive order will not adversely affect the territorial government's compliance with the Fiscal Plan, including by preventing the execution or enforcement of the contract, the rule or the executive order or regulation.''

It sounds like a lot of legalistic words. What does that mean? It means that in addition to them passing it and saying: ''This is it; you are going to have to live with it,'' they are going to be able to make, in addition—if we made the wrong projections, we are going to be able to cut nondebt expenditures. By the way, if you do something that we think—the unelected oversight board representatives of Puerto Rico—if you pass a rule Puerto Rican society might have to live under or a rule that an entity might have to be obligated to follow or if you pass a regulation that might be for the well-being and health and safety of the people of Puerto Rico or if you pass an executive order, if it fails to comply with what we believe are the policies established by us, we have the right to basically override it and to prevent the execution or enforcement of it.

So this substitutes the oversight board's opinion of what, in fact, is in the best interest of the Puerto Rican people, even though there is no real representation of the people of Puerto Rico.

My first amendment, if given the opportunity, would be to attempt to strike the right balance and give the people of Puerto Rico at least some representation on this all-powerful board. The current legislation denies the Puerto Rican people any representation on a board that effectively replaces the decisionmaking powers of the legislative and executive branches of their democratically elected government.

Why is it that 3.5 million citizens of Puerto Rico are denied the right to put people on this board through a process of advise and consent within their own government and legislature, with certain qualifications, just like we have qualifications here? Why is it that they can have no say about who is going to dictate their future, in essence, particularly with such an enormous, powerful board reaching into every potential aspect of Puerto Rican life?

Our amendment adds two additional voting members chosen by the elected representatives of the people of Puerto Rico. The Speaker would still get his two, and the majority leader would get his two. The rest would be the same, but at least the people of Puerto Rico would have some say.

(Mr. GARDNER assumed the Chair.)

When you have stakeholders involved in the decisionmaking process, you are more likely to be able to have the population agree to the tough choices you are going to make. When there is no representation, there is revolt. That is the very essence of how this Nation came to be—taxation without representation, a desire to have a say, a desire to be governed by those who have the consent of the governed. That is what the people of Puerto Rico have had and continue to want to have.

These two additional members would be chosen by the President from a list of four candidates submitted by the Governor of Puerto Rico with the advice and consent of the Legislature of Puerto Rico. Republicans will still appoint a majority of members. From an ideological perspective, what is so wrong about that in terms of giving the people of Puerto Rico some direct say?

I personally believe that all members of the board should be chosen by the people of Puerto Rico or their elected representatives, along the standards that we set for membership in terms of backgrounds and abilities to make sure these are people who can help Puerto Rico guide its way through the future. They should come from the island, and that is exactly what my legislation would call for.

But I wanted to be reasonable and open to compromise, which is why my amendment only would require two members of a nine-person board to be chosen by Puerto Rico. Certainly, we can all agree that the people who will have to deal with this board should have some say over who is making all of the decisions.

If we had an opportunity, my second amendment would keep recommendations made by the control board to be advisory only. If they are called recommendations, the board shouldn't be able to compel them into a fiscal plan as the bill currently allows. Besides the fundamental flaws with the control board, there is also one of the most significant parts other than, of course, representation. The board structure here is so omnipotent, and there should be representation from the people of Puerto Rico. But beyond that, the fundamental flaw of the control bill is that this bill also fails to provide a clear path to restructuring, which is, as I have said several times, the whole purpose of this bill to begin with. The unelected control board created in this bill will have the authority to decide whether Puerto Rico's debts are worthy of restructuring.

Let's not fool ourselves in believing that it is a sure thing that this bill guarantees the island the ability to restructure its debts.

Indeed, section 206 of the bill lists four gatekeeping requirements before any restructuring can occur.

Section 8 requires that the oversight board ''prior to issuing a restructuring certification regarding an entity . . . shall determine''—this is the oversight board—''in its sole discretion. . . . ''

Again, one of the most important parts of why we are even considering legislation and the only reason we are really considering legislation is to help Puerto Rico through getting access to restructuring in the bankruptcy system. Yet we create a bar that says that the control board, this unelected group of these 7 people with all these other powers, in addition to that, ''shall determine, in its sole discretion, that the entity has made good-faith efforts to reach a consensual restructuring with the creditors; [and] the entity has adopted procedures necessary to deliver timely, audited financial statements; and made public draft financial statements and other information sufficient for any interested person to make an informed decision with respect to a possible restructuring.''

Let's look at the first part of that. ''The entity has made good-faith efforts to reach a consensual restructuring with the creditors''—in their sole discretion.

So what does that mean? Puerto Rico has a wide number of creditors. As part of this law, basically, the government of Puerto Rico will have to try to come to an understanding with its creditors to see if they could work out something they could agree before getting access to restructuring. But it is the board, in its sole discretion, that determines whether Puerto Rico has actually had a good-faith effort.

What if you have members appointed who believe that creditors should get every dime they invested—even the

vulture funds that Senator SANDERS was talking about, which bought extremely low at high interest rates and want to maximize their profits—and the oversight board says: No, you haven't made sufficient good-faith effort to reach a consensual restructuring with your creditors; go back.

So the Governor of Puerto Rico goes back and tries again. He is weighing all of the elements of what is important for him to be able to govern like any Governor of any State would, with all of the interests of its people in every dimension. So the Governor goes back and tries to work with the creditors, but the creditors know this: You know, this oversight board is on my side on this question, so I can squeeze the Governor harder and harder and harder, because at the end of the day, it is the oversight board, in its sole discretion, that will make a determination as to whether there have been good-faith efforts to reach a consensual restructuring with the creditors.

We would like to think that this board will be totally aboveboard, that their only interest is doing the right thing for the people of Puerto Rico. But you grant this much power—unelected and unresponsive. If I read the legislation right, they may have to do a report annually or every so often. But for the most part, the control board operates on its own. It has that $370 million of dedicated funding, and dictates how long it will live because it has the ultimate discretion as to whether after 5 years whether Puerto Rico has created a fiscal stability that meets the standard in their sole discretion and also that determines whether or not they have access to the bond market in their sole discretion. If not, they can extend their life. When they extend their life, they keep control over the people of Puerto Rico.

So whoever is the Governor of Puerto Rico—this will extend far beyond the present Governor. It is not even this present Governor, who will be leaving office at the end of this year. There will be elections, and there will be a new Governor. That new Governor is going to potentially have this enormous, omnipotent power in a board that can squeeze it in a way that is simply unfair to the citizens of Puerto Rico.

They go on to say in that same vein that not only is it about the Governor of Puerto Rico, but it is whether ''the entity is either a covered territory that has adopted a Fiscal Plan certified by the Oversight Board, a covered territorial instrumentality that is subject to a Territory Fiscal Plan certified by the Oversight Board, or a covered territorial instrumentality that has adopted an Instrumentality Fiscal Plan certified by the Oversight Board.''

And as it relates to modifying, if they can come to an agreement if there is a modification, only the board can determine if such modification is accepted. But that is not even the tough part. Even if Puerto Rico meets these metrics, the bill doesn't guarantee the restructuring—not even close. Instead, PROMESA requires a super majority 5-to-2 vote of the control board for any of the island's debts to be restructured.

I grew up understanding basically that the majority rules, and that is a fundamental element in my view. I know that in the Senate we have a 60-vote requirement for closing a filibuster, coming to an end on a piece of legislation to move forward, but, generally, we come from the perspective that majority rules. Here we have a super majority that has to determine it. By virtue of insisting on a super majority, there is another, terrible, adverse possibility that a minority, or three people of the board—since there are seven, you need five—say: No, we are not satisfied; we don't believe we should go to restructuring, even though four other members of this board, as presently determined, can say: Well, yes, we think Puerto Rico has done enough to go to restructuring. But if those three stay strong and say: No, we don't think you have done enough to do restructuring, then the minority can thwart the will of the majority and thwart the whole process of why we are in the midst of having legislation in the first place, which again is to give the people of Puerto Rico a chance for restructuring. So that means that these three people, a minority of the board, could derail the island's intent to achieve sustainable debt repayments.

Now, as to sustainable debt payments, that means: Yes, we want to repay our debts, but we have to be able to sustain the health, well-being, and protection of our people at the same time that we pay those debts. That is what restructuring is all about—to permit both to take place.

Without any authority to restructure its debt, all this legislation will do is to take away the democratic rights of 3.5 million Americans and leave the future to wishful thinking and a prayer that the crisis will somehow be resolved.

Instead of leaving this critical decision up to the whims of a minority of the board, one of my amendments would provide a clear path to restructuring by removing this arbitrary vote requirement.

Instead, under my amendment, the government or instrumentality would be able to restructure its debts once it has engaged in good-faith efforts to reach a consensual agreement with creditors, establish a system to develop and make public, timely, audited financial statements, and adopted a fiscal plan that was ultimately approved by the board, but done in such a way that takes into account all of the elements that are important for the Governor and Legislature of Puerto Rico to consider on behalf of its people, as we as a legislative body consider on behalf of the American people.

When the main purpose of this bill is to give Puerto Rico the tools to restructure all of its debts, why would we leave that authority to chance or to the sole discretion of a control board for which only three can deny that opportunity ever?

Now, PROMESA also doesn't provide enough protections to ensure the health, safety, and well-being of the people of Puerto Rico. The bill only requires the board to ''ensure the funding of essential public services,'' which, when coupled with creditor priorities throughout the bill, leaves the people of Puerto Rico at the mercy of the control board. Even in this Chamber we have debates as to what is the necessary funding to ''ensure the funding of essential public services.'' Sometimes it is ideological, sometimes it is partisan, and sometimes it is not partisan. Members get together and say: We think there should be more for defense, and Republicans and Democrats might very well come together for that. We think there should be more to deal with the Zika virus, and Republicans and Democrats might come together for that, but sometimes we disagree.

The bottom line is that determination to give to an oversight board, instead of to the elected Government of Puerto Rico, the authority to determine what is ''ensure the essential funding of the public services.'' We have debates about that here all the time—robust debates. Why should such a debate and an ultimate determination be left to seven unelected, unaccountable individuals? I have two amendments to fix this if we had an opportunity for an amendment. One would strengthen the funding requirement for essential services by requiring funding ''at a level that increases the safety, health, and standard of living of the people of Puerto Rico.''

Another amendment would require the fiscal plan to reduce factors that lead to economic out-migration from the island. These are two priorities we should all share, Democrats and Republicans alike. We saw all too painfully what happened in Flint when budgets came ahead of people. We saw it when budgets came ahead of people. Balanced budgets don't mean much when children are poisoned by the water they drink. It seems to me we have to learn from history and balance fiscal responsibility with the well-being of children and families.

Finally, I would plan to offer an amendment to protect senior citizens and avoid an increase in elderly poverty. PROMESA currently improves a vague and undefined requirement to ''provide adequate funding for public pension systems.''

We are having debates about Social Security as a form of a pension system, and we have debates in the States about what their public pension plans are. To suggest that this oversight board—with the words ''provide adequate funding,'' it is going to be their sole discretion as to what adequate funding means. They may think adequate funding is enough to pay only

half of what recipients are supposed to receive. They may decide that certain categories of recipients may not receive full funding, and others may. When you read the words ''adequate funding,'' what that funding is goes undefined with a board that nearly 30 times has ''in their sole discretion'' the ability to determine what things are. Again, it is an enormous grant of power.

So those who have worked a lifetime in Puerto Rico and now are pensioned in Puerto Rico will be at a lesser standard in terms of protection than the bondholders and the hedge funds and all those entities that made huge investments, trying to make a killing. Pensioners have no real protection at the end of the day. Maybe it is true that the present system doesn't guarantee them all the protections they want to have, but we do nothing by saying this is your fig leaf. We reinforce in the language of PROMESA the importance of bondholders but minimize the importance of pensioners.

Our amendment would ensure that senior retirees and pensioners are better protected from the whims of the control board. After all, retirees in Puerto Rico, who spent 30 years serving the island as police officers, firefighters, teachers, and nurses didn't have any choice but to participate in the pension plan. They had mandatory participation. So you mandate them to participate, but now you are suggesting that a control board can make a decision as to what is sufficient and what is not sufficient.

Unlike hedge funds, which were able to pick and choose what investments to make and often bought bonds at pennies on the dollar, public servants had to invest in the pension system. They had no way of knowing their nest egg, which they worked their entire lives for, was at risk of being taken away. They didn't contribute to the fiscal problems facing Puerto Rico. They didn't borrow so much or fail to make annual contributions to the fund. They did all the right things. So why should they lose their retirement funds?

This is just a small example of the 30 amendments that I filed, which should give my colleagues some idea of how flawed I believe this bill to be and how extensive the Senate debate should be. I know, as all of us know, that success on amendments is never guaranteed. But at the very least—at the very least—the people of Puerto Rico deserve a thorough and thoughtful debate on the Senate floor and the opportunity to offer amendments. They deserve more than the Senate holding its nose to improve an inferior solution.

I filed the amendments to show the breadth and scope of what is wrong with PROMESA, but I would be happy to agree to the most important ones having an up-or-down vote. I think the 3.5 million citizens of Puerto Rico deserve at least that. I would hope the majority leader, Senator MCCONNELL, would stand true to his word when he said as we began this legislative session that we need to open up the legislative process in a way that allows more amendments from both sides—and allow us to call this bill up, I would add—for debate so that we can do what we are elected to do.

Here we are, not even talking about having more amendments; we are not having any amendments to this bill. Somehow we think the 3.5 million citizens of Puerto Rico don't deserve the debate we would insist on for any of the citizens of our States or of this Nation.

I have read through several of the letters that we asked unanimous consent to include, and I think they speak powerfully about the views of the people of Puerto Rico as they relate to what, in fact, should be the process—that there should be an effort to have amendments to change the law that is being proposed in such a way. But there is a history, and I sometimes wonder about our knowledge of Puerto Rico and its people and its history.

As I said, I used to serve in the House, and people would ask whether you needed a passport to go to Puerto Rico. I thought they were kidding, but they weren't. They did not understand that the people of Puerto Rico are United States citizens and have every right and responsibility that any other citizen of the United States has. They can come to the mainland of the United States and have all the full rights and privileges of any other citizen. That goes back to the 1900s when, on April 12, 1900, President McKinley signed the Organic Act of 1900, also known as the Foraker Act, which established the civil government of Puerto Rico.

The President of the United States appointed a Governor and Executive Council, and Puerto Ricans elected their own 35-member House of Representatives and enjoyed a judicial system with a supreme court. A Resident Commissioner was to be sent to the U.S. Congress to advise but not to vote. In addition, the Federal laws of the United States came into effect for Puerto Rico, while also formally recognizing citizenship.

Some at the time argued that the Organic Act of 1900 denied Puerto Ricans the basic rights guaranteed in the Constitution and constituted taxation without representation, the very essence now, quite a long period of time later—116 years later, we are having that same debate by virtue of this oversight board, and, in essence, the act made a sham of the Democratic principles upon which the United States was founded.

So in 1917, President McKinley signed the Jones-Shafroth Act, known as the Jones Act, into law. That law amended the previous Foraker Act and changed Puerto Rico's status to an organized but unincorporated territory. At this time, Americans were still grappling with what their imperialistic empire meant for them and for their Nation. If Puerto Rico remained a colony, with all the trappings of the Old World, the United States was no better than colonial powers of the Old World. So the Jones Act created a bill of rights which extended many U.S. Constitutional rights to Puerto Rico, and that was the beginning of having respect for all of the citizens of Puerto Rico.

The bill created a more autonomous government with three branches, much like that of the United States—the Governor, the executive branch, the Attorney General, a commissioner of education. The Governor appointed the remaining heads of executive departments. The Puerto Ricans directly elected the members of the bicameral legislature. Most importantly, the Jones Act stated that all Puerto Ricans are ''hereby declared and shall be deemed and held to be citizens of the United States.''

Interestingly enough, one of the immediate results and motivating factors for the change was the extension of conscription. The Selective Service Act of 1917 drafted 20,000 Puerto Rican soldiers into World War I—20,000 Puerto Rican soldiers into World War I.

The Great Depression severely affected Puerto Rico due to its connection to the United States economy. Relief didn't arrive for Puerto Rico until the appointment of Governor Rexford Tugwell in 1941. Governor Tugwell was an economics professor at Columbia University and was part of President Roosevelt's brain trust of Columbia academics. He was dedicated to bringing economic growth to the struggling island. He first suggested the idea of a popularly elected Puerto Rican Governor to President Roosevelt in 1942.

The third principle of the Atlantic Charter prepared by President Roosevelt and Prime Minister Winston Churchill read that they respect ''the right of all peoples to choose the form of government under which they will live,'' and they wished to see the sovereign rights of self-governance ''restored to those who have been forcibly deprived of them.''

On February 10, 1943, the Puerto Rican Legislative Assembly, under its president of the senate at that time, Luis Munoz Marin, unanimously adopted a concurrent resolution to ''lay before the President and the Congress of the United States of America the right of the people of Puerto Rico that the colonial system of government be ended and to decide democratically the permanent political status of Puerto Rico as expeditely as possible, immediately if feasible.''

President Roosevelt, in 1943, formed a commission to evaluate the Jones Act. The commission heard Munoz Marin's grievances, but it didn't recommend the vast changes he had hoped for. Instead, it recommended the Puerto Rican people must be consulted—must be consulted—and agree to any further changes to the Foraker Act. The commission also indulged Governor Tugwell's original recommendation

that the Governor of Puerto Rico be elected by the Puerto Rican people.

That first formal change to the Jones Act came with the 1947 Elective Governor Act, and in 1948 Luis Munoz Marin became Puerto Rico's first popularly elected Governor. Munoz Marin was determined to redefine Puerto Rico's status and his relationship to the United States, and he found a partner in U.S. Senator Millard Tydings. By 1945, Tydings was ready to file his third bill for Puerto Rican independence.

President Truman sent a special message to Congress concerning the status of Puerto Rico, calling for legislation that would become known as the Tydings-Pinero bill. It called for a referendum to choose from three options: independence, Statehood, or Commonwealth. That bill died in committee but was an important moment in the history of the U.S.-Puerto Rico relationship.

The provisions for an associated State set the foundation for the eventual Commonwealth status of the President of Puerto Rico, and it is that status by which, in 1952, the Constitution of Puerto Rico officially established the Commonwealth of Puerto Rico. Following amendment and ratification by the U.S. Congress, Governor Luis Munoz Marin enacted the Constitution on July 25, 1952.

Why do I share that history? Because in that whole process, there was a desire to give greater say, to give greater oversight, to give greater consent to the governed—to the people of Puerto Rico. It built slowly to the point at which it got to elect its own Governor and its own legislature. Now we are essentially considering a piece of legislation that snatches that away from the people of Puerto Rico and says: No, you don't have the right to consent of the government. We will govern you as we see fit, through an oversight board that is totally unelected and nonrepresentative.

While the people of Puerto Rico weren't granted U.S. citizenship until 1917, the island has a long and proud history of fighting on the side of America long before. I want to talk about that history because it seems to me that if you are worthy of putting on the uniform of the United States, if you are worthy of fighting for the United States, if you are worthy of taking a bullet for your country, if you are worthy of dying for your country, then you are worthy of having the right of the government to be—the consent of the government to be governed.

This is a long and proud history of the people of Puerto Rico from the infancy of our Nation. This goes back—before the Commonwealth, the people of Puerto Rico have been there with us. As far back as 1777, Puerto Rican ports were used by U.S. ships, enabling them to run British blockades and keep commerce flowing, which was so crucial to the war. In one instance, members of the Puerto Rican militia guided two U.S. warships into harbor, shielding them from attack from a powerful British warship, the HMS Glasgow. Despite British demands, the Puerto Rican Governor held strong and refused to hand over the ships to the British commander, protecting American sailors from imminent capture or worse.

Two years later, Puerto Ricans took up arms and joined in an invasion of Pensacola, which was then the British capital of its West Florida Colony. They subsequently defeated a British Army 2,500 soldiers strong, capturing the stronghold and draining resources from the British.

It was Puerto Rican soldiers who took up arms in the U.S. Civil War, defending Washington, DC, from attack and fought in the Battle of Fredericksburg. Some served as officers in the Union Army, as in the case of Lieutenant Augusto Rodriquez. In 1862, Augusto Rodriquez volunteered for the 15th Connecticut Volunteer Infantry and first held the rank of First Sergeant and then promoted to 2nd Lieutenant on April 12, 1864. He led his men in the Battles of Fredericksburg and Wyse Fork and earned the Army Civil War Campaign Medal.

In World War I, approximately 20,000 Puerto Ricans were drafted into the U.S. Armed Forces. The first shot the U.S. fired in World War I was aimed at German ships sailing out of San Juan Bay to attempt to supply enemy U-boats waiting in open waters in the Atlantic. In a separate engagement, LT Fredrick Riefkohl became the first sailor of Puerto Rican descent to be awarded the Navy Cross, after he dispersed a German U-boat after a torpedo narrowly missed his ship. Lieutenant Riefkohl continued to serve in the Navy after World War I and then went on to command a ship that took part in the Battle of Guadalcanal during World War II.

It is estimated that more than 65,000 Puerto Ricans served in U.S. Armed Forces during World War II. Many soldiers from the island served in the 65th Infantry Regiment that was deployed to the Panama Canal Zone and in Germany and Central Europe. Individual awards earned by soldiers of the 65th Infantry Regiment during World War II include: a Distinguished Service Cross, two Silver Stars, two Bronze Stars, and 90 Purple Hearts. The regiment received campaign participation credit for Rome-Arno, Rhineland, Ardennes-Alsace, and Central Europe.

The Korean war. It started with the Revolutionary War. We are up to the Korean war. Sixty-one thousand Puerto Ricans served in the military during the Korean war. Once again, the 65th Infantry Regiment, known as the Borinqueneers—the segregated military unit composed almost entirely of soldiers from Puerto Rico—played a crucial and prominent role in the Korean war just as they did during World War I and World War II. Their storied history has been described as ''one of pride, courage, heartbreak and redemption.'' After disembarking at Pusan, South Korea, in September 1950, the regiment blocked the escape routes of retreating North Korean units and overcame pockets of resistance. In a critical battle near Yongam-ni, the regiment defeated a force of 400 enemy troops, and by the end of October, they captured 921 prisoners while killing or wounding more than 600 enemy soldiers. Their success led GEN Douglas McArthur to observe that the regiment was showing magnificent ability and courage in field operations.

As the Borinqueneers continued to fight and played a major role in the Army's operations, General McArthur further recognized their service by saying this:

> The Puerto Ricans forming the ranks of the gallant 65th Infantry on the battlefields of Korea by valor, determination, and a resolute will to victory give daily testament to their invincible loyalty to the United States and the fervor of their devotion to those immutable standards of human relations to which the Americans and Puerto Ricans are in common dedicated. They are writing a brilliant record of achievement in battle and I am proud indeed to have them in this command. I wish that we might have many more like them.

General McArthur.

I am proud to say I worked with Senator BLUMENTHAL and others to make sure the heroic Borinqueneers received their well-deserved and long overdue national recognition of the Congressional Gold Medal, the highest expression of national appreciation for distinguished achievements and contributions to the United States. That resolution, by the Senate and the House of Representatives, read:

> That Congress finds the following:
>
> (1) In 1898, the United States acquired Puerto Rico in the Treaty of Paris that ended the Spanish-American War and, by the following year, Congress had authorized raising a unit of volunteer soldiers in the newly acquired territory.
>
> (2) In May 1917, two months after legislation granting United States citizenship to individuals born in Puerto Rico was signed into law, and one month after the United States entered World War I, the unit was transferred to the Panama Canal Zone in part because United States Army policy at the time restricted most segregated units to noncombat roles, even though the regiment could have contributed to the fighting effort.
>
> (3) In June 1920, the unit was re-designated and the ''65th Infantry Regiment, United States Army'', and served as the United States military's last segregated unit composed primarily of Hispanic soldiers.
>
> (4) In January 1943, 13 months after the attack on Pearl Harbor that marked the entry of the United States into World War II, the Regiment again deployed to the Panama Canal Zone before deploying overseas in the spring of 1944.

It goes on to speak to a lot of what I previously said as it relates to the incredible elements of it. It goes on to say:

> (6) Although an executive order issued by President Harry S. Truman in July 1948 declared it to be United States policy to ensure equality of treatment and opportunity for all persons in the armed services without respect to race or color, implementation of

this policy had yet to be fully realized when armed conflict broke out on the Korean Peninsula in June of 1950, and both African-American soldiers and Puerto Rican soldiers served in segregated units.

(7) Brigadier General William W. Harris, who served as the Regiment's commander during the early stages of the Korean War, later recalled that he had initially been reluctant to take the position because of ''prejudice'' within the military and ''the feeling of the officers and even the brass at the Pentagon . . . that the Puerto Ricans wouldn't make a good combat soldier. . . . I know my contemporaries felt that way and, in all honesty, I must admit that at the time I had the same feeling . . . that the Puerto Rican was a rum and Coca-Cola soldier.''

(8) One of the first opportunities the Regiment had to prove its combat worthiness arose on the eve of the Korean War during Operation PORTREX, one of the largest military exercises that had been conducted up until that point, where the Regiment distinguished itself by repelling an offensive consisting of over 32,000 troops of the 82nd Airborne Division and the United States Marine Corps, supported by the Navy and Air Force, thereby demonstrated that the Regiment could hold its own against some of the best-trained forces in the United States military.

(9) In August 1950, with the United States Army's situation in Korea deteriorating, the Department of the Army's headquarters decided to bolster the 3rd Infantry Division and, owing in part to the 65th Infantry Regiment's outstanding performance during Operation PORTREX, it was among the units selected for the combat assignment. The decision to send the Regiment to Korea and attach it to the 3rd Infantry Division was a landmark change in the United States military's racial and ethnic policy.

(10) As the Regiment sailed to Asia in September 1950, members of the unit informally decided to call themselves the ''Borinqueneers'', a term derived from the Taino word for Puerto Rico meaning ''land of the brave lord''.

(11) The story the 65th Infantry Regiment during the Korean War has been aptly described as ''one of pride, courage, heartbreak, and redemption''.

(12) Fighting as a segregated unit from 1950 to 1952, the Regiment participated in some of the fiercest battles of the war, and its toughness, courage and loyalty earned the admiration of many who had previously harbored reservations about Puerto Rican soldiers based on lack of previous fighting experience and negative stereotypes, including Brigadier General Harris, whose experience eventually led him to regard the Regiment as ''the best damn soldiers that I had ever seen''.

(13) After disembarking at Pusan, South Korea in September 1950, the Regiment blocked the escape routes of retreating North Korean units and overcame pockets of resistance. The most significant battle took place near Yongam-ni. . . . Its success led General McArthur . . . to observe that the Regiment was ''showing magnificent ability and courage in field operations''.

I share this because here we are hearing the great GEN Douglas McArthur saying that ''the Puerto Ricans forming the ranks of the gallant 65th Infantry on the battlefields of Korea by valor, determination, and a resolute will to victory give daily testament to their invincible loyalty to the United States.''

So where is our invincible loyalty back to the people of Puerto Rico? PROMESA? False promise? A control board with no representation, one that will determine every aspect of its life, that supersedes the duly elected Governor and Legislature of Puerto Rico in virtually every significant way? Their invincible loyalty to the United States, where is ours to them? ''And the fervor of their devotion to those immutable standards of human relations to which the Americans and Puerto Ricans are in common dedicated. . . . I wish that we might have many more like them'' to send.

I was really thrilled to go to the Congressional Gold Medal ceremony. It was a fitting and appropriate moment to recognize the 65th Infantry Regiment, but the way we really would honor them and their sacrifice on behalf of our Nation would be to say that you fought for our collective freedom, and we will fight for your rights to ultimately govern by your will, not by the will imposed by us.

It is pretty amazing to me, if you were to go with me to the Vietnam Memorial, you would see an estimated 48,000 Puerto Ricans who served in Vietnam. The contributions of those brave soldiers are many. The highest decoration, the Medal of Honor, was awarded to SSG Felix M. Conde-Falcon, SP4 Hector Santiago Colon, CPT Euripides Rubio, PFC Carlos Lozada, and CPT Humbert Roque Versace. One of the most decorated U.S. military servicemembers in the Vietnam war was Jorge Otero Barreto. He was born in Vega Baja and served five tours during the war. He participated in 200 combat missions, earned 38 military decorations, including 3 Silver Stars, 3 Bronze Stars, 5 Purple Hearts, and 5 Air Medals.

To this day, more than 10,000 sons and daughters of Puerto Rico continue to proudly serve in the U.S. Armed Forces, following in the legacy of those who served before and in the spirit of the Borinqueneers.

In fact, just over 2 years ago, Congress passed a resolution honoring them for their heroism.

During Operations Desert Shield and Desert Storm, 1,700 Puerto Rican National Guardsmen were deployed. Four brave Puerto Rican soldiers paid the ultimate sacrifice to the Nation in the Gulf War. Captain Manuel Rivera, a marine, was the first serviceman of Puerto Rican descent to die in Operation Desert Shield.

The war in Iraq and Afghanistan was fought with as many as 1,800 Puerto Rican servicemembers. Our volunteer soldiers all face inherited risks of defending our freedoms. We honor their sacrifices on Memorial Day. We pay tribute to their dedication, but we are here to take away the rights away from their sons and daughters to have a say over their future, to have the basic concept of what it is to live in a democracy, to have the consent of the government.

I share this long history from the Revolutionary War to today, to Iraq and Afghanistan, so that my colleagues understand that the people of Puerto Rico have been just as American as anyone from Colorado or New Jersey or California or New York or Mississippi. They have served on behalf of the Nation. They have shed blood on behalf of the Nation, and many of them have committed the ultimate sacrifice on behalf of the Nation. On Veterans Day and Memorial Day, we all rightfully honor those who have served and those who have committed the ultimate sacrifice.

How is it that we dishonor their memories by taking away the consent of the government? Why can't we have a simple opportunity to show the rest of the world that we are not colonialists in our views, that we can have amendments to improve the opportunity for the people of Puerto Rico to feel that they have some say about their future: These are tough times, and we will make tough decisions, but we will come through it together as we always have, and we will have a say in it. Why can't we do that? What is the urgency, especially with retroactivity in the bill? What is this false urgency of July 1? I think July 1 is important, mind you, but what is the false urgency at the end of the day to suggest that you can't get it right and to, in my view, dishonor the sacrifices that so many Puerto Ricans have made?

We remember 20-year-old SPC Frances Marie Vega of Fort Buchanan; SPC Lizbeth Robles, a 31-year-old native of Vega Baja; and Aleina Ramirez Gonzalez, who was 33 years old and grew up in Hormigueros. They gave their lives in Iraq.

I am afraid this bill doesn't honor them. Mark my words, if we don't seize this opportunity to address this crisis in a meaningful way, we will be right here next year picking up the pieces, but they will, sadly, be pieces because we have not done in this legislation what is necessary to help the people of Puerto Rico.

There is a reason we call this country the United States of America, whether it is the terrible flooding that is taking place in West Virginia—I think of my colleagues, Senator MANCHIN and Senator CAPITO. I know what that can do after Superstorm Sandy; I lived it in New Jersey and in our region—or when I cast votes for wildfires in the West, for flooding in Mississippi or that went on with Katrina. There is a reason we call this country the United States of America. There are reasons we are United States citizens. The people of Puerto Rico are also United States citizens, and they need to be treated no less. They need to be treated as citizens, not subjects.

Once again, I would highlight the nature of problems with legislation and what we can do about it. There are five critical flaws that we can correct in the Senate: ''an undemocratic, neo-colonial control board—majority appointed by Republicans, none by the people of Puerto Rico.'' With the gallantry and the devotion they have had

to our country, they should have representation on the board. It is not too much to ask.

''Prioritization of hedge funds over retirees and essential services''—nothing is wrong with that.

''Lack of a clear path to restructuring''—that is the only reason we are considering this legislation. The only reason we are even considering a bill is to provide a pathway to restructuring. There is no clear pathway. We need a supermajority vote of the board.

The majority is supposed to rule, not a supermajority. When you require a supermajority, a minority of the seven-member board—three—could stop the pathway to restructuring.

''Continued disparity in health care funding and tax credits''—it doesn't even talk about that in this legislation. By the way, the way we grow prosperity—I am sure Americans watching tonight's debate would say to themselves: Wow, cut the minimum wage to $4.25 per hour. That is really going to make me more prosperous. It is really going to help me sustain my family. It is really going to be able to educate my kids. It is really going to be able to keep my home. It is really going to be able to take care of mom or dad. It is really going to help me retire. I don't think they would say that, but for the people of Puerto Rico, that is good enough. If they have to work long overtime, protection—we don't have any reason to have that.

I want to go through some of the specific language this bill has and talk about the consequences of that language one more time. My colleagues have an opportunity to change this and to be able to do it in such a way that we can get it right and do it well and in time.

I have some understanding that the House is considering a pro forma session. There is no reason why—we have reasonable amendments here, hopefully supported by some of our Republican colleagues—we can't get this right. They could adopt it in a pro forma session, or to those who are worried about the July 1 date, there are retroactive provisions of the law, and that retroactivity could encompass any period of time there is a gap, as it does right now. It goes back retroactively to freeze actions going back to December of last year.

Under this legislation, the board would have broad sovereign—sovereign is important; it means ''unto itself''—powers to effectively overrule decisions by Puerto Rico's Legislature, Governor, and other public authorities.

What is the use of electing our leadership, what is the use of electing a Governor and a legislature in a State if we can have a control board that says: Sorry Governor, sorry legislature, this is what the people of Puerto Rico may want, and this is what you may represent, but, no, we know better. We know better through this control board, which doesn't represent you, by the way, and we will ultimately be able to overrule decisions that you make. If our States were ever in a precarious economic problem, which one of our States would be willing to accept that from a control board?

The oversight board can effectively nullify any new laws or policies adopted by Puerto Rico that did not conform to requirements specified in the bill. They can nullify. ''Nullify'' means the Governor of Puerto Rico opposes—maybe the legislature, as we do, comes up with a legislative idea. They send it to the President, and in their case, they send it to the Governor. He may agree with them and sign it. Guess what. The oversight board can effectively nullify any of those new laws or policies if they do not conform to requirements specified in the bill—a bill that says nearly 30 times ''in the control board's sole discretion,'' which is an enormous grant of power without defining what that means. We know what the general use of ''in your sole discretion'' means. It is, ''I get to decide how I see fit.''

How could we accept such an enormous grant of power for such an important part of being able to nullify any law the elected representatives of the people of Puerto Rico, the Governor, and its legislature adopt? But that is exactly what this legislation that we are going to vote for does, and a vote for this is a vote to do exactly that—to give this oversight control board the power to nullify whatever the people of Puerto Rico want to see by virtue of their elected representatives, the Governor and the legislature.

I don't know who among us would cast such a vote if it meant our States would have the will of the people nullified for its elected representatives.

There are other provisions here as well. I am reading to you, by the way, from the House Natural Resources Committee language. This is not because I am saying it; it is not my interpretation of the bill. No, it is what the majority in the House Natural Resources Committee put in their bill language, and at the end of the day says: ''The Oversight Board may impose mandatory cuts on Puerto Rico's government and instrumentalities—a power far beyond that exercised by the Control Board established for the District of Columbia.''

They can make decisions that say: You know what, you are spending too much on education; you can do with fewer teachers. You are spending too much even in the midst of the Zika health crisis; you put too much in that budget for health care. Yes, there is a challenge of crime in Puerto Rico, particularly in the urban areas, but you will have to do with fewer police. Tourism is important to you as a revenue source, but you are doing too much advertising to try to get people into Puerto Rico, especially in the midst of people's concern about the Zika virus, but for you to say it is still safe to come to Puerto Rico, it has been taken care of; you are spending too much. The list is unlimited. The oversight board can impose mandatory cuts on Puerto Rico's government and instrumentalities, meaning not just the main government but all these subdivisions—a power far beyond that exercised by the control board established for the District of Columbia. That is a pretty powerful board. Look, this power that we gave is even greater than what the District of Columbia had. So it is like pounding on your chest; we gave this board even more power.

Neither the Governor nor the legislature may exercise any control, supervision, oversight, or review over the oversight board or its activities—no power whatsoever.

This is one of the ones that is the most amazing to me because a budget, as I have said several times, is in essence the single-most significant thing we do as legislators. How do we provide for the common good? How do we provide for education? How do we provide for health care? How do we provide for retirement? What incentives do we give to business? What do we do to ultimately protect our country in the homeland? What do we do to defend our country abroad? How do we promote our foreign policy? All of these things and so much more—what tax credits do we give to our families so they are able to raise their children? What benefits are we going to give so there can be homeownership? How do we provide for retirement opportunities?

All of these are contained in the budget, which we provide by the consent of the government. We are the representatives of the government. We provide these. They may not like some of our decisions, but they have that chance to change it when it is time for elections. But here, it doesn't matter, Governor of Puerto Rico; it doesn't matter, legislature of Puerto Rico. Yes, you were elected by the people of Puerto Rico, but the oversight board shall determine in its sole discretion—again, an enormous grant of power—whether each proposed budget is compliant with an applicable fiscal plan.

We have a chart that speaks to the fact that if, in fact, there is a back and forth and there is a decision that the Governor's budget is not sufficient, then at the end of the day, the oversight board can make that determination.

So the oversight board can go back and forth with the Governor. The Governor, as the elected representative of the Puerto Rican people, is going to think about this: How much money do I need to educate our people? How much money do I need for health care—especially the Zika virus. How much money do I need to protect the citizens of Puerto Rico? How much money will we be able to provide for higher education so we have the human capital to fuel the economy of the Commonwealth?

But he does that in conjunction with the legislature. He has the checks and

balances that we do as a legislature with the executive branch—in our case it is the President; in his case, the Governor—and all of those considerations go back and forth. But at the end of the day, if the oversight board doesn't like any of the budgets that have been sent to them, they can say: OK. We will deem—first of all, we will devise a budget. We will say the Governor has, in essence, approved this budget, even though he didn't, and we will deem it to go into full force and effect. And, by the way, if the revenue projections we made—the oversight board—in that budget are wrong, we will be able to make mandatory cuts in the nondebt obligations—nondebt expenditures, which basically means that the money to pay the debts will not be touched, but everything else, even though they are the ones who created the budget, if it falls short, they can arbitrarily and capriciously decide to make cuts in nondebt expenditures.

So with respect to the government, they can make appropriate reductions in nondebt expenditures. That means they are going to make decisions about health and welfare and public safety and education and all the things critical for the lives of 3.5 million citizens of Puerto Rico.

So that clearly is an incredible grant of power to have mandatory budget cuts.

The other issue is, this legislation fast-tracks developments on the island as it relates to energy. Now, many of my colleagues have been so rigorous in their advocacy for making sure we get our energy policy right; that we have the right balance, that we have the right laws to observe the right siting. If we are going to have a new energy plant, what does it look like? Is it gas-fired? Is it coal-fired? Is it some other fuel source? Where is it going to be located? What air quality emissions are going to be acceptable and not acceptable?

If the Governor of Puerto Rico, who knows it best, establishes certain standards, those standards can largely be waived by the control board in an effort to site locations where, in fact, they think it is going to be good for the energy needs of Puerto Rico, but it may not be good for the environment. Why would we delegate on such critical issues that we care about—on the environment, on education, on the health and well-being of our citizens—why would we never be willing to delegate that ourselves, as a Senate and a Congress, to any other entity? We make those decisions ourselves, but we would never delegate it to a control board elected by any of us or the people we represent, but we are willing to do that with respect to the territorial governance in Puerto Rico and make those decisions. Why would we be willing to go ahead, at a time that this Congress is seeking—at least I know Democrats are seeking—to raise the minimum wage, to raise the standard of living for all Americans, to see higher incomes because many Americans feel that regardless of all of these macroeconomic numbers—I can tell people all the time that the GDP has grown, that we have the lowest rate of unemployment, that we have seen X number of consecutive years—I think 6 or 7—of private sector job growth, a whole host of economic indicators that would say things are moving in the right direction, but in the average life of many Americans, they feel their wages are stagnant. I think that has given a great rise to the unrest that exists in our national politics because you can tell people: Look at all these macroeconomic numbers, and they say: Yes, but in my life, my wages are stagnant. I haven't seen a growth in my wages and income. I have seen a growth in my challenges: in educating my kids, in making sure they don't have a lot of debt; in preparing for retirement, which I am now putting off because there is no way I can retire in that period of time; taking care of loved ones, where people increasingly take care of members of their family—on a whole host of issues. But the people of Puerto Rico will ultimately have less of a minimum wage for a young part of the population, and they will have less in terms of overtime protection.

Why would we, the party that wants to see rising wages and overtime protections, say to the people of Puerto Rico: You deserve less. As guardians of the environment who want to see a better environmental quality for all of our citizens, why would we say to the people of Puerto Rico they deserve less? Why would we be some of the strongest advocates of democracy here at home in our own elections and in the world and say to the people of Puerto Rico they deserve less? Why do we work so hard to honor the men and women who served our country in uniform? And we want to see the best health care for them, which they deserve. We want to see them taken care of if they have a disability. We want to take care of their survivors if they ultimately commit the ultimate sacrifice. But for the people of Puerto Rico and those who have fought for our country, they don't get the same democratic rights. They don't get the same respect. They are citizens.

So I don't want to see Puerto Rico's natural wonders be subjected to the auction block because a control board says they need to sell that. I don't want to see an oversight board that doesn't represent the people of Puerto Rico, ultimately be able to say to its Governor: This is what you are going to have to do if you want to get access to restructuring, if that determination is really arbitrary and capricious because the standards here are not clearly defined.

The whole reason to get access to restructuring is the reason for this bill, and without it—without that clear access and with a minority representation—this bill is so undemocratic in so many ways. It is undemocratic in the way it imposes upon the people of Puerto Rico a board that will control their destiny without any say in it, without any representation; with a control board that can determine and dictate what its future will be in fiscal policy, in cuts to expenditures; how it will be able to deal with siting environmental issues; how it will be able to create the pressure because this control board is the gatekeeper to restructuring. It can say: Sorry. You really should use those provisions the Congress gave you to lower the minimum wage, to provide for exemptions from overtime protections because that is really a pathway to prosperity. In all these respects, this bill is so undemocratic and yet it is further exacerbated by the fact that we have an undemocratic process here.

So I hope my colleagues will—I understand sometimes the deck is stacked against you. I have been around long enough in the legislative process in the House and the Senate to understand those moments, but there are moments you have to stand in the way. I believe that while the deck may be stacked, it can be reshuffled, and it can be reshuffled by voting against cloture, so we can have—not to kill this bill but to improve it, to make it more democratic, to have it live within the ideals we all share—Republicans and Democrats alike—what representative democracy is all about, about Jeffersonian principles, about the Founders with the consent of the governed. Puerto Ricans have no less a right to be a part of the consent of the governed and to be governed by their consent. So we can make this better.

Now, if a majority of the Senate—if 60 Members of the Senate vote for cloture, there is one other procedure I will pursue after cloture, which would still allow us the opportunity for amendments to be offered. While I would like to see a process that would allow us to consider a series of amendments, I would certainly seek to embody the major elements of what I think is wrong with the bill in that amendment and to seek that opportunity. I would hope, in the first and foremost instance, that we don't have cloture and that voting against cloture means voting for democracy. It means voting for an opportunity. It respects the will of the citizens of Puerto Rico, the ones I read collectively, including former Governors, present members of the Puerto Rican Congress and Legislature, of civil society—all of those elements that actually believe they deserve a better day—to be treated better by the U.S. Senate, treated better by the Congress, treated better by their country, and that gives us an opportunity to do that, and we can do it posthaste. I am ready to stay as long as it is necessary. I must be honest with you. I know we all want to rush off to Independence Day, but this isn't independence for the people of Puerto Rico. This is how we treat subjects, not citizens. So I am willing to stay as long as

necessary to work on amendments to get this process resolved so we can have the right bill at the end of the day.

Now, if I fail to convince enough of my colleagues to vote against cloture, then I hope they will join me in a procedural move that would allow me to offer an amendment—and I will explain that tomorrow when I come to the floor. I hope that at that moment, at least we would have the option of voting on an amendment where we could make this bill better—less colonial, more democratic, more respectful of the rights of the citizens of Puerto Rico so that, in fact, we can honor their fealty, their loyalty, what MacArthur said about them in their service to our country, and be seen throughout the world for the values we want for everybody else and that we tell everybody else, to promote democracy and human rights.

We need to govern by example, and the way we govern by example is making sure we have a democratic process and a democratic piece of legislation, small ''d,'' that allows the people of Puerto Rico to have their say.

I see my colleague, the distinguished ranking member of the Natural Resources Committee, is here. I am happy to recognize my colleague from Washington State, and I yield for a question.

(Mr. DAINES assumed the Chair.)

Ms. CANTWELL. Mr. President, I see my colleague from New Jersey has been on the floor for several hours talking about the very important issue that frankly deserves a lot more discussion in the U.S. Senate. It is an issue of great importance to this territory of the United States, and it certainly is an important issue to the people of the United States of America, whether they understand that or not, because the success of Puerto Rico, financially, is also tied to how well the United States, as a partner of this territory, continues to be successful as well. Everybody thinks of the situation with Greece and the European Union. Well, they should also be thinking about the situation in Puerto Rico and its relationship to the United States of America because, if it doesn't go well for Puerto Rico, I guarantee it is not going to go well for the United States of America.

My colleague has been on the floor now for hours talking about the structure of what would be a fair way to enter into a reorganization of the debt. I thank him for coming to the floor and doing this.

I think it was probably 7-plus months ago that we had one of the first hearings on this issue and tried to get people to focus their attention on the crisis. What kind of authority does the territory have today and what kind of structure should we honor as they confront this financial crisis?

So I just want to put up a couple of charts. I am going to ask that we turn it a little differently so that when I ask a question, my colleague can actually see the chart. I will try to position myself here on the floor so he might be able to join in this question.

I know there are many charts here about the situation, and I want to make sure that I am saying this the right way because part of the issue with the debt crisis is my understanding that 45 percent of Puerto Rico is in poverty, including 58 percent of the children; that there is a 12-percent unemployment rate, which is nearly double that of our highest State; and that the sales tax is 11.5 percent.

People are saying: ''Well, stop government spending.'' They are doing that. That part is being achieved. But the per capita income is almost half of the poorest State in the United States. So I think many people don't have any idea—when they look at this debt issue, they think, OK, this is where we are going to get money. This is a very difficult issue.

Part of the discussion we are going to have next—and that is what I hope my colleagues understand—that whatever happens tomorrow, this issue is not going away. The financial stability of Puerto Rico is going to be a question mark for a long time, and we are going to have to figure out how a territory that has 45 percent of the population living in poverty and these rates of unemployment—how we are going to put them back on the right path? This is the fundamental question. How do we get back on the right path?

In the Senate, there are probably 100 opinions about whether you do the earned-income tax credit, go back to tax breaks for manufacturers, whatever the ideas are, but we are not even at that stage. We are just at the financial crisis stage. The fundamental question is, How do you get out of the financial crisis when the economy of the country is in this hard of a spot?

So I ask my colleague, the Senator from New Jersey, if he is aware of these numbers and these statistics.

Mr. MENENDEZ. I appreciate the Senator raising the numbers and the statistics. Unfortunately, I am aware of them. They dramatize why what we do here is so critically important for the 3.5 million U.S. citizens who call Puerto Rico home.

When the per capita income is almost half of what it is in the poorest State, when the other 50 percent of the population lives in poverty, including 58 percent who are children—that is why I worry when the control board can make the decision to make mandatory cuts, because how do you help these children? How do you help create a rising income? How do you ultimately, in the Commonwealth of Puerto Rico, which has doubled the sales tax to 11.5 percent to get income and at the same time has the lowest spending levels since 2005, as you rightly point out, with public employment down by 20 percent—they have made cuts. So it is not that they are not being responsible and making cuts, but a control board that can make even greater cuts without any say as to how it happens and where it happens and whatnot, is undemocratic. So I agree.

Ms. CANTWELL. I am wondering if my colleague from New Jersey is aware of this point, which I find most interesting and am trying to understand. He has been talking about this control board and all the power they are going to have. Do you understand that in this House bill, the members of that control board won't be paid, but the measure allows them to accept, use, and dispose of gifts, requests, devices of services or property, both real and personal, for the purposes of aiding and facilitating their work? So they literally can accept gifts, but what kind of gifts?

Mr. MENENDEZ. Nice. It is a real concern. It is one of the many ill-defined parts of the legislation, especially when you have 7 unelected members ultimately having the fate of 3.5 million people in their hands. You worry about provisions of the bill that seem to allow them to be able to make those types of choices and accept those types of potential gifts in a way that can ultimately lead them to the wrong decisions. So I am concerned about it.

Ms. CANTWELL. As I bring up—this is a provision I am just getting familiar with, and I am obviously very concerned about it. Through the Chair, I would say that I am very concerned about the fact that now we are going to turn over all this authority to people who can accept gifts. I don't know what that means and who is going to oversee that because they are going to be appointed in a process that I believe will probably be challenged as unconstitutional, which will also take the bill to a whole other level of legal uncertainty.

But I wanted to go over this and ask about this point. It is my understanding that they are about $72 billion in debt. For fiscal year 2016, the debt payments will be about $4.1 billion. So making a full payment would require about 25 percent of their annual income. My understanding is that a significant part of this debt is the GO bonds and that various bonds have been issued. The question becomes, if your annual revenue is $17 billion a year, how are you going to reorganize this huge debt when your population is already at a 45-percent poverty rate?

So I think all of us, in a normal situation, would say: Let the bankruptcy court figure that out. That is what I would do. I would say let the bankruptcy court figure that out because bankruptcy laws in the United States of America are fairer and they decide these issues. They decide what is fair treatment under the law. I certainly would prefer that. I don't prefer a board of people who can get gifts and make all these decisions because I want legal certainty and I want it now, and I would rather be more prescriptive in the law.

Do you know of any way the people of Puerto Rico could pay the $72 billion in debt by themselves? I am trying to

understand what we are asking of the rest of the people who have been investors and if people think we are going to do this on the backs of the Puerto Ricans given the fiscal crisis they are already in.

Mr. MENENDEZ. What the Senator said is absolutely right, and this is one of the critical elements of why a clear pathway to restructuring is so necessary, because if there is no clear pathway to restructuring and if there are no safeguards over the control board, the determination of how much that control board can say that you have to pursue in terms of payments towards creditors, the effort that they will consider sufficient in their sole discretion about whether they have made an appropriate, reasonable effort to deal with creditors could lead them to an enormous payment, and they are already using a third of every dollar in revenue they have to pay interest. So the whole purpose of this debate or the effort of the bill that is on the floor is to create a pathway to restructuring so that they don't have to come up with $17 billion—nearly 25 percent of all of their budget—in a way that would cripple the essential services for Puerto Rico. So, yes, it is a very legitimate concern. It is one of the reasons we need a clear pathway to restructuring. It is why we shouldn't have a control board with a supermajority vote necessary to achieve that and with arbitrary standards like ''in its sole discretion.''

Ms. CANTWELL. I wonder, because a lot of this debate has been so focused on the people of Puerto Rico, whom I fully want to support, and I wish this body would engage in a full, robust debate, with amendments and a markup. But, there are costs to the U.S. taxpayers.

Mr. President, I want to know if my colleague understands that U.S. taxpayers basically can be on the hook for as much as $24 billion over the next 10 years? The United States is already contributing as much as $6.6 billion for their budget as it relates to the Medicaid costs. And if, again, you don't have a functioning economy, if you have even more people in poverty because now you have said you are going to put the brunt of the $72 billion on the backs of the Puerto Rican government and infrastructure, then you are driving more people into poverty.

Our costs are going to be real. This is about getting it right with legal certainty so we can move forward because this issue is not going away. They are not all of a sudden going to become healthy when this bill passes.

My sense is that what has been passed by the House leads will lead to much legal uncertainty and lawsuits are going to ensue. All my colleagues know that when people disagree, the next thing they do is go to court.

What we would rather have is legal certainty so that we can get a resolution of this through the regular bankruptcy process. If we don't do this right, there are billions of dollars that the U.S. economy can be on the hook for because the worse we make it for Puerto Rico, the more money will be involved for the U.S. Government.

So while this proposal is not about giving them more money now, it is certainly about what is a fair settlement on this debt. If you ask me, that shouldn't be decided or discussed here in the Halls of the U.S. Senate or Congress just because a bunch of hedge funds have enough money to hire lobbyists to show up here. It should be decided through a bankruptcy court, through a normal bankruptcy process, just like it is done in any other place.

I wonder if my colleague thinks our colleagues understand these issues that will cost the U.S. economy? Has the Senator heard any numbers similar to this?

Mr. MENENDEZ. I appreciate the Senator raising the question. First of all, the Senator from Washington State is absolutely right that it is not a bailout. A bailout is when I give you money to pay your debts. That is a bailout. A pathway to restructuring is a way for you—in this case, Puerto Rico—to make yourself right with your creditors and find a way to do it in a way that still preserves the opportunity for essential services for the people of Puerto Rico, which is why the pathway to restructuring is so important, so it doesn't become a bailout at the end of the day.

So it is necessary to have the clear pathway to restructuring so the government of Puerto Rico and its people will take care of its obligations, and we will restructure the debt in such a way that it will be responsible and they will take care of it. But in the absence of that, there are real questions as to what the United States is going to do for the 3.5 million U.S. citizens in Puerto Rico.

Ms. CANTWELL. I would also say to my colleague that I think the mystery here is some people think that what will happen is it will just get worse in Puerto Rico, and that is true if we don't make the right decisions. This is a time where we need to come together. We all need to come together and come up with a solution that we believe in. A solution that we know has legal certainty because we are going to have thornier questions to answer.

I ask my colleague from New Jersey if he is aware that Puerto Ricans don't have to stay in Puerto Rico? They don't have to stay there. In fact, they have come to the United States, and we have seen over the last several years that 300,000 Puerto Ricans have come to the United States of America. That is how many have come. Somebody estimated for me that last year 80,000 came.

So, if they have 45 percent poverty rate and 12 percent unemployment and now you are going to put the people and the government of Puerto Rico at the mercy of four people they don't even know and they don't even get a say in the process, I guarantee you people are going to leave. So that 300,000 people has cost us an additional $4.1 billion in the United States of America. Basically, every Puerto Rican who moves to the mainland costs us about $2,500, and we believe that, over the last several years, it has been about $175 million per year.

OK. So the reason I am asking this is because I am trying to understand whether our colleagues understand this. The Senator and I have spent a little more time on this. The Senator represents a large Puerto Rican population, and the Senator has done great service for our foreign affairs and foreign policy. Does the Senator know whether people understand this issue and the consequences, that they will come to the United States? They will be here, and we have open arms. But there is a different process here, and it is almost as if there is an incentive.

I would throw in the Medicaid numbers here as well and ask my colleague through the Presiding Officer: In Puerto Rico, the per capita Medicaid spending is about $1,800, but here in the United States, that same Puerto Rican—to cover his Medicaid costs—would be over $5,200.

So, if someone is in Puerto Rico and they realize the situation is going to get worse, they don't think there is a successful economic plan, and they can come to the United States—these numbers are going to be exacerbated by more and more Puerto Ricans coming here, the cost for us will be getting higher, to say nothing of some of the other challenges.

So, personally, I would want Puerto Rico to have the best successful opportunity to restore a robust economy, and it is going to require tough decisions. We need to have everybody in the pool when it comes to those decisions, and we have to have a fair process that will stand up in court.

I ask my colleague from New Jersey, who is on the Finance Committee, if he thinks people understand the significance of Medicaid? How much Medicaid money we are going to be asked for?

Mr. MENENDEZ. I appreciate my colleague's point. I will reiterate.

First, the people of Puerto Rico are U.S. citizens. They can take a flight to the United States, and they have all the rights, privileges, and responsibilities as any other U.S. citizen. They would have full reimbursement on Medicaid or Medicare. They would have protections of the minimum wage, overtime protections, and just about anything that any one of us has in this body or any of the people we represent in this body. So that is right.

In terms of the cost, if you have gone to Puerto Rico, as I have many times, you know that the Puerto Rican people don't want to leave. It is a beautiful island. They are beautiful people. They are hard-working and faithful to God and country, as exhibited by all of the military commitments they have had to the United States since the Revolutionary War, all through.

It is a beautiful island with idyllic views and natural wonders. The only rain forest in the United States is in Puerto Rico. They don't want to leave.

But if you choke off all of their aspirations, all of their opportunities, if you treat them so dramatically different—as we do in both tax and health care policy—then, yes, they will have no choice and many will come. When they come, they will have the full privileges of any U.S. citizen and, therefore, it will be more costly.

It is ironic that while we are creating a brain drain and a flight of human capital out of the island—which is critically necessary for it to grow again—we are creating the policies with the control board that ultimately go counter to what we would like to see the commitment of the people of Puerto Rico be in Puerto Rico versus fleeing and coming to the United States.

Ms. CANTWELL. Mr. President, I would also ask my colleague this. I have read some articles in the press on this subject, and I know in Florida there are so many Puerto Ricans and many in New Jersey as well. But I read this quote from the Miami Herald, that said: ''Some bottom-feeders bought Puerto Rican debt at cheap prices and don't want a restructuring that might allow repayment at less than the full face value of the bonds—allowing them to make a huge killing at the expense of Puerto Rico's beleaguered population.''

To me, that is what this debate is about. What I am saying is that we need to have a process that is fair and open. A bankruptcy process that people can understand, and that the people who are appointed have that done in a way that meets constitutional challenges and that don't mire us in debate for the next 2 years while the Puerto Rico economy continues to flounder.

I don't know if my colleague has read press accounts such as this, but I feel that a lot of people don't know the details about this debt, the size of it, or the background or what people are offering or the process that Puerto Rico has been through. They have tried to reorganize this debt. They haven't been successful because people think that, as long as they have the opportunity, they will not settle. That is why people go through the bankruptcy process. That is why we afford people in the United States of America these same opportunities. But, by not affording Puerto Rico the bankruptcy process, it is going to hurt the people of Puerto Rico and then, in consequence, it is going to hurt the people of the United States, including the U.S. taxpayers, because we will not have gotten this right, and we will not be able to help Puerto Rico get on the right track.

I don't know if my colleague has seen comments like this in other places?

Mr. MENENDEZ. I have read what the distinguished Senator from Washington has raised here. There was the direct quote from the Miami Herald—and there are others as well—that bottom feeders bought Puerto Rican debt at cheap prices and don't want a restructuring that might allow repayment at less than the full face value of the bonds, making a huge killing. This is why I am so concerned and why I have focused on it in the course of my discussion about the oversight board—that at the end of the day, it is the final arbitrator of whether or not Puerto Rico has actually negotiated in good faith with the creditors.

The Governor of Puerto Rico and the government of Puerto Rico can try to make all the good-faith negotiations they want. But if at the end of the day they are being squeezed by, among others, the bottom feeders that you talk about here who bought Puerto Rico's debt cheaply and wanted, ultimately, the highest price in return to make a killing, they may say: Oh, no, we are going to say to the oversight board: They haven't worked with us in a reasonable manner to try to come to an accommodation. It is in the oversight board's sole determination whether or not these entities, these creditors like the ones that you have described, ultimately are going to be told: No, Puerto Rico has done enough to try to accommodate you, and, therefore, we are going to try to let them go restructure. That, by the way, needs a super majority of vote. So the minority could decide that, no, we don't think that the bond holders have had a reasonable enough offer from Puerto Rico so we are withholding restructuring and, therefore, squeeze the government of Puerto Rico into accepting a determination as to what is the appropriate reimbursement in a way that cannot protect the people of Puerto Rico and their health and well-being.

Ms. CANTWELL. I don't know what Leonardo DiCaprio is doing, but I guarantee you there is going to be another movie. It is not going to be ''The Wolf of Wall Street,'' it is going to be about Puerto Rico.

People are going to find out exactly how we got into this situation. They are going to find out what a mess it was, and they are going to find out how much it cost our economy. That is what is going to happen.

Instead, we could take the time here to have an open amendment process, offer some amendments, and try to get a legal process that is open, that is by the book, and is what we would provide to people in the United States—because Puerto Rico is part of the United States—then we could let a bankruptcy court make these decisions instead of letting a few people make the decision.

I think my colleagues don't understand how much is at risk or how much the cost to the U.S. economy could be and certainly how big the debate is going to be that we still have to have in the Congress, in the House of Representatives, and in the Senate on this issue of how we are going to get Puerto Rico out of this mess.

But, if you think you are putting $72 billion on the backs of the Puerto Rican economy, it is not going to help us in our economy, and it is not going to help their economy. We need a more fair restructuring plan, one that gives us legal certainty, one that will not be challenged as unconstitutional, one that doesn't give gifts to creditors—something that is fair.

I know a lot of people think there is some magic date. I read that my House counterpart from the Natural Resources Committee said July 1 is not a magic date. He is the one who worked on this bill as it came through the House. He said there wasn't a magic date. So it is wrong that somehow people think there is a magic date and that is why we have to buy a policy when you can't even have an open discussion on amendments. It is very bad policy.

Instead, I would prefer us not to be some footnote in some movie in the future that everybody in America watches and tears their hair out over, saying: ''Well, how did that happen? Why did we lose all of that money?''

These are two important issues. They are important for Puerto Rico, and they are important for the United States of America.

I will say I know all our colleagues in the House and the White House are well intentioned. They want to get a resolution. But getting a resolution that might put us into further jeopardy is a challenge given how important it is to make sure that everybody is a part of the process. That is, everybody is part of the debt reorganization.

Is it your understanding that with the decision of just four board members, the board could force Puerto Rico into a position that none of the debt would go? Or they could avoid any of that debt becoming part of that reorganization?

Mr. MENENDEZ. It is possible that even after a majority of the board, four or five members—well, four members would be a majority—would ultimately put Puerto Rico through a series of hurdles. Let's say it even meets those hurdles. A minority of the board—three members, I don't know—may be ideologically determined. They may believe the bond holders deserve every last penny, and the pensioners deserve nothing. I don't know. But since we create overly broad powers, we leave critical elements of the deciding process in the sole discretion of the members of this board. Then we say: By the way, it is not a simple majority that will give us and grant us the pathway to restructuring; it is a minority. We need a super majority. And by virtue of having a super majority and minority, only three of those seven members could say: No, we are still not satisfied. We are not giving you access to restructuring, in which case even though Puerto Rico has done a series of things—maybe even far beyond what they are willing to do for the well-being of their people but to get to restructuring, to get to the bankruptcy court that my colleague from Washington State is speaking about—they

could still fall flat because that minority could deny them that possibility.

Ms. CANTWELL. Through the Chair, I would say to my colleague that I have heard your concerns on the floor, and I look at these problems. I know some colleagues say: I don't want bankruptcy. We want a process here. We don't want a bailout.

Well, by having a flawed bill that ends up in a legal process that declares it unconstitutional means that you are going to end up with a bailout, because we are going to be on the hook. What would be better is that we had all the debt in a reorganizing structure and had a fair process through a bankruptcy court for these issues to be decided.

Like you, I have a concern—on point No. 10 of this chart—about this appointee process because I think it is going to be challenged. People are even admitting that the Department of Justice says it is going to be challenged.

We don't want this process held up for 2 more years, 4 more years because somebody doesn't think the board has the authority to operate. Why not pass a bill where we are sure that they have the authority to operate? Why not do it the right way so we know the language is legal?

I think it is unbelievable that we would say to the people of Puerto Rico—where 45 percent of the population is in poverty—oh, and by the way, as to this control board, which is going to control everything you guys do, we are going to make you pay $370 million of that cost. Oh, but they could have gifts. I know people were in a hurry. They wanted to get a deal. They wanted to be respectful, but there are a lot of holes in this bill that deserve a debate and deserve an amendment process.

I ask my colleague if he is familiar with the fact that a $370 million cost would also be imposed on the people of Puerto Rico for something which they never had a say in. It is not as if they can even submit what they think the plan could be. They could, but the board doesn't have to consider it. They don't have to do anything. It is clearly given to this board of individuals. Those four people can come up with a debt process, they can come up with the requirements, and they can come up with a whole scheme.

Mr. MENENDEZ. My colleague is absolutely right.

Even at a time when there is not enough money for essential services and the dramatic cutbacks that have already taken place for the people's health, education, and safety, we are going to impose upon them a $370 million obligation.

I want to cite to my colleague language from the legislation that says this: ''Within 30 days after the date of enactment of this Act, the territorial government shall designate a dedicated funding source, not subject to subsequent legislative appropriations, sufficient to support the annual expenses of the Oversight Board as determined in the Oversight Board's sole and exclusive discretion.''

They get to dictate their own budget. They tell the government of Puerto Rico—by the way, by passing this bill, we tell the government of Puerto Rico: Have a dedicated revenue source for it, and the oversight board will tell you how much they have to spend—they want to spend—and that is what you have to pay for. It is pretty outrageous.

Ms. CANTWELL. Through the Chair, I thank my colleague from New Jersey for being on the floor.

When I think about the pressure being applied in the halls here, where one individual said, ''you can see the pressure running through the halls of the Capitol''—we don't see Puerto Ricans running through the halls of the Capitol. What we see are people who have been struggling with this issue and trying to get the best deal possible. But the best thing we could do for them is give them bankruptcy authority and a clear path that allows them to restructure their debt. That is all we have to do. Then everybody is in on restructuring the $72 billion of debt. They can then move on, and next January, we can have a realistic conversation in the Senate. Nothing precludes us from having it. What are we going to do about the 45 percent poverty rate? We will not have added another 10 percent to that. We will not have added to the unemployment rate, which is now higher than the 12 percent. We will still have very, very tough and thorny questions to deal with, but we can have a path for the $72 billion of debt to be successfully restructured with a plan that protects the interests of the U.S. taxpayers.

I certainly want to help the people of Puerto Rico, but I also know the views here are going to be varied on what that economic strategy is for Puerto Rico. Everybody is going to have an idea. But there should be 100 percent agreement that all the debt is on the table and that they should be given full bankruptcy authority to get a restructuring plan.

If our colleagues in the House think this is bankruptcy, well, then, they shouldn't be afraid of discussing a bill with us from the Senate that is bankruptcy. I don't understand the hesitation to get this right because getting it wrong will cost taxpayers here in the United States as well.

We want a successful program. We don't want constitutional challenges. We don't want this held up. We want a plan to move forward. The challenges are tough enough as it is. So I ask my colleague if he understands what the hurry is in passing this legislation without even allowing amendments or allowing floor debate.

Mr. MENENDEZ. Well, I don't understand why there are no amendments or floor debate. And I want to take my colleague's question to make some final points that I think are important.

I have talked to some of our colleagues, and they have said: Well, what happens if we don't meet the July 1 deadline, as Senator CANTWELL just referenced? Well, first of all, in the legislation there is a stay on litigation retroactive to December of 2015, meaning that any lawsuit filed after that point would be halted once the stay is enacted, which is basically when the legislation is enacted. There is no precedent to suggest that Puerto Rico would not be able to fund essential services while we work to get the bill right over the next few days. And once that stay is enacted, any pending lawsuits, including those attempting to freeze assets, would be deemed unenforceable.

So the bogeyman of July 1, if we don't do this—No. 1, no, there is a stay already in the bill that would cover that.

No. 2, I think some of my colleagues have said to me: Well, why did some of the Members of the House of Representatives who happen to be of Puerto Rican descent vote for the bill?

Well, first of all, not all of them did. Congressman GUTIÉRREZ of Chicago voted against the bill. But you have to read the statements of my colleagues, for whom I have the deepest, deepest respect. I served with them in the House. I know their passion as it relates to Puerto Rico. I know their commitment to the people of Puerto Rico. But you have to read their statements. They were tortured, really, as they were coming to this conclusion on the vote.

Basically, if you read them, they—well, here is part of Congresswoman VELÁZQUEZ's statement. She says:

> The lack of parity for federal funds caused the island government to borrow well beyond its means. . . . The federal government continued to treat Puerto Rico like it was a laboratory experiment, creating incentives and then removing them, creating economic chaos and job loss. . . . Wall Street enabled the local government's addiction to the bond market, coming up with new ways to turn cash flows to debt instruments. . . . [T]his was a . . . keg waiting to explode. . . . [I]t is not the political elite or Wall Street tycoons who suffered, but instead the working-class families who call the island home—my brothers and sisters.

And then she goes on to say, basically:

> Am I angry that this bill contains labor provisions that are not only obnoxious but counterintuitive? Yes. Am I outraged that Puerto Rico will have to foot the $370 million price tag for an Oversight Board [they] do not want? Yes.

This is what the Senator from Washington and I were just talking about. Continuing to read her letter:

> Do I believe that the creditors, who lent the island money and bought debt on the cheap, should wait in line behind retirees even though Puerto Rico's own constitution [might say] otherwise? Yes. . . . Should the bill include incentives for economic growth and parity for health care? Of course, it should. The reality is that Republicans are in control and we have no choice but to compromise.

My colleagues have said: Well, why did the Members of the House of Representatives who happen to be of Puerto Rican descent vote for it? Basically,

because they had a gun to their head where they were told it is either this or nothing. But that is not what the Senate is all about. The Senate is the institution where one man or woman, standing up for an idea or an ideal, can see their way to make change. We all have that power in this institution. We have the power to make maybe what is the passion of the House at the moment be more tempered in this body. It is the nature of how the Founders structured our two legislative bodies.

It is time for us to live up to the highest calling of the Senate and take care of the 3.5 million people of Puerto Rico, who are U.S. citizens, in the right way. So where Congresswoman VELÁZQUEZ or any of my other colleagues in the House felt they had no choice and no options, that is not what the Senate is all about. That is why the Senate rules permit even the minority at times—although it had been structured in such a way to make it very hard, there are still ways, if we choose as Members, to cast that vote.

So as to the July 1 deadline, we have provisions. This provision in the bill is probably the only one I like, at least the way it is written, with a retroactive stay. Secondly, my colleagues didn't have much of a choice, so they felt that it is either this or nothing. And if it is nothing, then there are real problems. I don't accept the ''this or nothing.'' I accept it can be better, as Senator CANTWELL has suggested, and I believe that can take place. That happens tomorrow when we come back into session.

I hope there will be a vote against cloture to give us that opportunity. If we fail—if enough Members want to vote for an undemocratic bill that goes against some of the very Republican principles of being true to the Founders of the Constitution and the architects of our great democracy that suggests that consent of the governed is essential, and if they believe, at the end of the day—again, I know many of them have an aversion to corporate welfare—then I would hope they would be true to their principles and vote against cloture.

For the Democratic side, I would hope the very essence of our belief in rising wages and overtime protections and also the view of the consent of the governed—we are strong advocates of democracy—and making sure of the environmental protections we fight so hard on—those should not be denied to the people of Puerto Rico. We can vote against cloture and create a process for some reasonable amendments. I am sure there can be agreements to come to that, to have a chance for the people of Puerto Rico to have a say and make the bill better by virtue of a democratic process in the Senate.

In the absence of that, if we fail, there is a motion that is available to table an amendment that is in the tree in order to offer another amendment. I hope my colleagues, in a bipartisan fashion, if they think it is so important to get cloture—which I don't agree with in terms of timing; the July 1 deadline is dealt with; the reasons others voted for it are amply understood—then there is an opportunity to vote to table one of the amendments that are on the table now and, therefore, create an opening for an amendment where we could at least have that debate and have that opportunity. Those are available, as I understand it, from the Parliamentarian under the rules.

I hope we can achieve that moment. It would be one of the bright moments of the Senate versus one of the darkest moments, I think, if we continue on the road we are on.

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

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

MORNING BUSINESS

Mr. ROUNDS. Mr. President, I ask unanimous consent that the Senate be in a period of morning business, with Senators permitted to speak therein for up to 10 minutes each.

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

VOTE EXPLANATION

Mr. MENENDEZ. Mr. President, I was unavoidably detained for rollcall vote No. 111 on confirmation of PN576. Had I been present, I would have voted yea.

RECOGNIZING HOT SPRINGS NATIONAL PARK

Mr. COTTON. Mr. President, in honor of the National Park Service's 100th birthday year, I want to recognize Hot Springs National Park in Hot Springs, AR. Hot Springs is a world famous tourist destination and it is not hard to see why. Whether it is to take advantage of the many recreational activities like hiking or boating or to bathe in the hot, therapeutic waters found in the area, guests have traveled from across the country and around the world to visit Hot Springs. In an effort to preserve its unique hot springs, Hot Springs first became a protected area in 1832 when Congress declared the area a reservation. It was officially designated as a national park in 1921.

In the years after it became a reservation, Hot Springs experienced extensive economic growth and majestic bathhouses replaced the rudimentary wooden structures surrounding the hot water springs. The remaining bathhouse row structures in Hot Springs National Park are now part of a National Historic Landmark District that sees thousands of visitors each year.

But Hot Springs has more than just unique natural features. Over the last century, they have hosted Major League Baseball spring training. They are also home to Oaklawn horse racing, and the notorious gangster Al Capone is even rumored to have spent time in town. Finally, former President Bill Clinton graduated from Hot Springs High School.

Hot Springs National Park is a true Arkansas treasure, and the surrounding town makes it that much better. This park has a storied history, but its best days are ahead of it. The hot springs are still flowing, the bathhouses are still open, and the scenery remains breathtaking. In honor of the National Park Service's 100th birthday year, I encourage you to go out and find your park.

APPOINTMENT OF ROSE GOTTEMOELLER TO BE DEPUTY SECRETARY GENERAL OF NATO

Mr. CARDIN. Mr. President, on June 27th, NATO Secretary General Jens Stoltenberg appointed Under Secretary of State Rose Gottemoeller to become the next Deputy Secretary General of the North Atlantic Treaty Organization. I am pleased to see such a well-respected and qualified individual take up a critically important post within NATO.

Rose Gottemoeller has distinguished herself at the State Department as the consummate public servant. Her work in the State Department has focused on pragmatically confronting some of the most critical international security issues the United States faces, including nonproliferation, arms control, and nuclear security. She is best known for her role in the New START Treaty, when she represented the United States as its chief negotiator. She has been confirmed by the Senate for two different positions at State, first as Assistant Secretary of State for Verification and Compliance and currently as Under Secretary for Arms Control and International Security. In these roles, Rose has been integral to ensuring that American national security priorities are realized, and I personally could not think of a more competent individual who has the requisite experience and expertise to be the next Deputy Secretary General.

Under Secretary Gottemoeller will be taking up her post at a critical time for Europe. NATO's core mission is safeguarding the freedom and security of its 28 members. The freedom and security of Europe today is threatened by Russian aggression on its eastern flank and from the instability and violence emanating from the Middle East and North Africa. The United States and our NATO allies must stand together as one in order to achieve national and international security against these threats.

I would like to conclude my remarks by saying, for the record, that I myself have had numerous opportunities to

interact with Rose Gottemoeller during my time on the Senate Foreign Relations Committee and have come away impressed. She has been forthright when questioned during hearings and briefings. She has been pleasant, upfront, and informative during meetings. I know from my own experiences that she will continue to serve the United States well in her capacity as Deputy Secretary General of NATO.

ADDITIONAL STATEMENTS

TRIBUTE TO LOUIS ARMENTARO

• Mr. DAINES. Mr. President, in honor of Independence Day, I wish to recognize Louis Armentaro of Park County. Louis is an Army veteran, having served as an infantryman in the 442nd Regimental Combat Team during World War II. We celebrate our independence and freedom because of people like Louis, who selflessly put himself in harm's way, fighting against tyranny for his country.

Over the Fourth of July weekend, I will have the privilege to honor Louis and watch him announce his 68th Livingston Roundup Parade. Louis started this tradition back in 1949, when he returned to Montana after serving in World War II. During his time in the special services in Japan, Louis delighted in running audio for his fellow soldiers at the GI theatre, ball games, and parades. He is in the Guinness Book of World Records as the ''most durable rodeo parade announcer.'' His passion for western swing and its ability to transport people inspired him to start Sound Over the West audio and announcing when he returned home.

As a child, Louis grew up with a passion for authentic country music. Not only is he one of the greatest curators of this style in Montana, he is also one of the most revered pedal steel guitar players in the country music community. In the early 1950s, Louis, his brother Frank Armentaro, and their friend Oscar Bergsing started the Rhythm Ramblers, one of the longest living bands in Montana. For decades, they created a soundtrack for countless swing dancers across the State. While performances from the group are extremely rare today, Louis continues to play his steel guitar every morning. At 91 years old, he is one of the most experienced steel guitar players alive.

Louis, with the support of his devoted wife, Donna, has become a pillar in the Livingston community. Not only have the couple raised and fostered an estimated 30 children, they are an indispensable part of the Livingston Roundup Rodeo. For many cowboys and cowgirls, this event is known as Cowboy Christmas; Louis Armentaro is their Santa Claus. He is the dependable voice and orchestrator and is the most recognizable attraction in the rodeo parade. During the parade and the rodeo, Louis blares his curated collection of western swing music. For the last six decades, he has introduced people of all ages to sounds of American country and the history these songs can teach.

I am proud to honor this unique man for his service to his community and our country.•

TRIBUTE TO LIEUTENANT GENERAL JEFFERY W. TALLEY

• Mr. McCAIN. Mr. President, today I honor a dedicated soldier and business entrepreneur who has demonstrated illustrious service to our Nation while in uniform and in private, public, and academic sectors. After 34 years of service as a model citizen-soldier, LTG Jeffery W. Talley is retiring from his distinguished Army career.

LTG Jeffrey W. Talley served as both the Chief of the Army Reserve and the Commanding General of U.S. Army Reserve Command from 11 June 2012 to 1 June 2016. Lieutenant General Talley led the Army Reserve through one of the most tumultuous times in its history, guiding the command through the initial phases of a drawdown of forces as it simultaneously supported the war in Afghanistan and executed multiple contingency deployments in support of our Nation. Through his leadership, Lieutenant General Talley has forever changed the mission, culture, and composition of the Army Reserve. He leaves a combat-tested component that is more responsive to the Joint and Army warfighting requirements and contributes directly to our ability to fight and win our Nation's wars.

Lieutenant General Talley is responsible for developing and executing critical enabler capabilities to the Joint Force through the use of Army Reserve Engagement Cells and Teams, AREC/Ts. AREC/Ts assist Army Service Component Commands and Combatant Commands by integrating Army Reserve capabilities into plans, exercises, and operational activities and provide reachback capability to the whole of the U.S. Army Reserve Command's CONUS-based theater enabling commands. The Army Reserve possesses the majority of force structure of the Army's total capability in many key areas to include more than 90 percent of the Army's Civil Affairs capability, more than 50 percent of the Army's total logistics and medical capability, and nearly all of the Army's theater opening capability. Nothing is more important to Lieutenant General Talley than taking care of our Nation's most precious resource: our soldiers. As a citizen-soldier himself, Lieutenant General Talley is acutely aware of the challenges and sacrifices of Army Reserve soldiers as they juggle their service to the Nation, community, and family well-being. This focus on soldiers and their families, combined with the recognition that soldier support is a critical component of soldier readiness, led him to create the Private Public Partnership Office, P3O. P3O has blossomed into one of the DOD's most effective hiring and readiness generating programs. This indispensable capability recognizes the tie that Army Reserve soldiers have with their local communities.

Lieutenant General Talley codified the comprehensive transformation of the Army Reserve from a strategic, static component of the Army, to an integral, operational asset critical to the success of the Army's mission to provide trained and ready forces. Lieutenant General Talley's accomplishments will benefit the Army Reserve, the Army, and the Joint Force for years to come.

Jeffery Talley and his wife, Linda, have four children: Christopher, Joshua, and Matthew—a combat veteran—and Ashley. The Talley family moved 23 times throughout Jeffery's military career. During those times, Linda volunteered as a senior family readiness adviser. For her dedication, she was named ''Volunteer of the Year'' and received the Essayons Award for spouses who make significant contributions to the Army Engineer Regiment. I wish Jeffery, Linda, and the entire Talley family the best in their future endeavors and the next chapter of their lives.•

TRIBUTE TO MICHAEL SCHULTE

• Mr. THUNE. Mr. President, today I recognize Michael Schulte, an intern in my Sioux Falls, SD, office for all of the hard work he has done for me, my staff, and the State of South Dakota.

Michael is a graduate of BOLD High School in Olivia, MN. Currently, Michael is attending South Dakota State University in Brookings, SD, majoring in political science and global studies. Michael is a dedicated worker who has been committed to getting the most out of his experience.

I extend my sincere thanks and appreciation to Michael Schulte for all of the fine work he has done and wish him continued success in the years to come.•

TRIBUTE TO REGAN SCOTT

• Mr. THUNE. Mr. President, today I recognize Regan Scott, an intern in my Sioux Falls, SD, office for all of the hard work she has done for me, my staff, and the State of South Dakota.

Regan is a graduate of Sioux Falls Christian in Sioux Falls, SD. Currently, Regan is attending Northwestern College in Orange City, SD, majoring in business administration. Regan is a dedicated worker who has been committed to getting the most out of her experience.

I extend my sincere thanks and appreciation to Regan Scott for all of the fine work she has done and wish her continued success in the years to come.•

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 and a treaty which were referred to the appropriate committees.

(The messages received today are printed at the end of the Senate proceedings.)

MESSAGE FROM THE HOUSE

ENROLLED BILL SIGNED

At 5:45 p.m., a message from the House of Representatives, delivered by Mr. Novotny, one of its reading clerks, announced that the Speaker pro tempore (Mr. HARRIS) has signed the following enrolled bill:

H.R. 3114. An act to provide funds to the Army Corps of Engineers to hire veterans and members of the Armed Forces to assist the Corps with curation and historic preservation activities, and for other purposes.

MEASURES PLACED ON THE CALENDAR

The following bill was read the second time, and placed on the calendar:

S. 3100. A bill to ensure that State and local law enforcement may cooperate with Federal officials to protect our communities from violent criminals and suspected terrorists who are illegally present in the United States.

EXECUTIVE AND OTHER COMMUNICATIONS

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

EC–5912. A communication from the Secretary of Defense, transmitting a report on the approved retirement of Lieutenant General Thomas W. Spoehr, United States Army, and his advancement to the grade of lieutenant general on the retired list; to the Committee on Armed Services.

EC–5913. A communication from the Secretary of Defense, transmitting a report on the approved retirement of Lieutenant General William B. Garrett III, United States Army, and his advancement to the grade of lieutenant general on the retired list; to the Committee on Armed Services.

EC–5914. A communication from the Director of Defense Procurement and Acquisition Policy, Department of Defense, transmitting, pursuant to law, the report of a rule entitled ''Defense Federal Acquisition Regulation Supplement: Treatment of Interagency and State and Local Purchases'' ((RIN0750–AI88) (DFARS Case 2016–D009)) received in the Office of the President of the Senate on June 27, 2016; to the Committee on Armed Services.

EC–5915. A communication from the Director of Defense Procurement and Acquisition Policy, Department of Defense, transmitting, pursuant to law, the report of a rule entitled ''Defense Federal Acquisition Regulation Supplement: Pilot Program on Acquisition of Military Purpose Nondevelopmental Items'' ((RIN0750–AI93) (DFARS Case 2016–D014)) received in the Office of the President of the Senate on June 27, 2016; to the Committee on Armed Services.

EC–5916. A communication from the Director of Defense Procurement and Acquisition Policy, Department of Defense, transmitting, pursuant to law, the report of a rule entitled ''Defense Federal Acquisition Regulation Supplement: New Designated Country—Ukraine'' ((RIN0750–AI98) (DFARS Case 2016–D026)) received in the Office of the President of the Senate on June 27, 2016; to the Committee on Armed Services.

EC–5917. A communication from the Director of Defense Procurement and Acquisition Policy, Department of Defense, transmitting, pursuant to law, the report of a rule entitled ''Defense Federal Acquisition Regulation Supplement: Deletion of Supplemental Coverage for the Definition of 'Simplified Acquisition Threshold''' ((RIN0750–AI89) (DFARS Case 2016–D007)) received in the Office of the President of the Senate on June 27, 2016; to the Committee on Armed Services.

EC–5918. A communication from the Director of Defense Procurement and Acquisition Policy, Department of Defense, transmitting, pursuant to law, the report of a rule entitled ''Defense Federal Acquisition Regulation Supplement: Defense Contractors Performing Private Security Functions'' ((RIN0750–AI69) (DFARS Case 2016–D021)) received in the Office of the President of the Senate on June 27, 2016; to the Committee on Armed Services.

EC–5919. A communication from the Secretary of Defense, transmitting a report on the approved retirement of Lieutenant General Russell J. Handy, United States Air Force, and his advancement to the grade of lieutenant general on the retired list; to the Committee on Armed Services.

EC–5920. A communication from the Secretary of Defense, transmitting a report on the approved retirement of General Dennis L. Via, United States Army, and his advancement to the grade of general on the retired list; to the Committee on Armed Services.

EC–5921. A communication from the Acting Principal Deputy Under Secretary of Defense (Personnel and Readiness), transmitting the report of ten (10) officers authorized to wear the insignia of the grade of brigadier general in accordance with title 10, United States Code, section 777; to the Committee on Armed Services.

EC–5922. A communication from the Under Secretary of Defense (Acquisition, Technology, and Logistics), transmitting, pursuant to law, a report entitled ''2016 Annual Report to Congress on the Department of Defense Chemical and Biological Defense Program''; to the Committee on Armed Services.

EC–5923. A communication from the Assistant Secretary for Export Administration, Bureau of Industry and Security, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Guidance on Charging and Penalty Determinations in Settlement of Administrative Enforcement Cases, Revision of Supplement No. 1 to part 766 of the Export Administration Regulations'' (RIN0694–AG73) received in the Office of the President of the Senate on June 27, 2016; to the Committee on Banking, Housing, and Urban Affairs.

EC–5924. A communication from the Senior Counsel, Legal Division, Bureau of Consumer Financial Protection, transmitting, pursuant to law, the report of a rule entitled ''Truth in Lending (Regulation Z) Annual Threshold Adjustments (CARD Act, HOEPA, and ATR/QM)'' (12 CFR Part 1026) received in the Office of the President of the Senate on June 27, 2016; to the Committee on Banking, Housing, and Urban Affairs.

EC–5925. A communication from the Principal Deputy Assistant Secretary for Fish and Wildlife and Parks, National Park Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled ''Civil Penalties Inflation Adjustments'' (RIN1024–AE28) received in the Office of the President of the Senate on June 22, 2016; to the Committee on Energy and Natural Resources.

EC–5926. A communication from the General Counsel, Federal Energy Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled ''Reactive Power Requirements for Non-Synchronous Generation'' ((RIN1902–AF15) (Docket No. RM16–1–000)) received in the Office of the President of the Senate on June 27, 2016; to the Committee on Energy and Natural Resources.

EC–5927. A communication from the Assistant General Counsel for Legislation, Regulation and Energy Efficiency, Office of Energy Efficiency and Renewable Energy, Department of Energy, transmitting, pursuant to law, the report of a rule entitled ''Energy Conservation Program: Energy Conservation Standards for Battery Chargers; Final Rule'' ((RIN1904–AB57) (Docket No. EERE–2008–BT–STD–0005)) received in the Office of the President of the Senate on June 27, 2016; to the Committee on Energy and Natural Resources.

EC–5928. A communication from the Regulations Coordinator, Centers for Medicare and Medicaid Services, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled ''Medicare Program; Medicare Clinical Diagnostic Laboratory Tests Payment System'' ((RIN0938–AS33) (CMS–1621–F)) received in the Office of the President of the Senate on June 27, 2016; to the Committee on Finance.

EC–5929. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Applicable Federal Rates - July 2016'' (Rev. Rul. 2016–17) received in the Office of the President of the Senate on June 27, 2016; to the Committee on Finance.

EC–5930. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Transfers of Property to Regulated Public Utilities by Electricity Generators'' (Notice 2016–36) received in the Office of the President of the Senate on June 27, 2016; to the Committee on Finance.

EC–5931. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Modification of Treatment of Certain Health Organizations'' ((RIN1545–BN15) (TD 9772)) received in the Office of the President of the Senate on June 27, 2016; to the Committee on Finance.

EC–5932. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to U.S. support for Taiwan's participation as an Observer in the International Criminal Police Organization (INTERPOL); to the Committee on Foreign Relations.

EC–5933. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to section 36(c) and 36(d) of the Arms Export Control Act (DDTC 16–004); to the Committee on Foreign Relations.

EC–5934. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to

law, a report relative to section 36(c) of the Arms Export Control Act (DDTC 15–072); to the Committee on Foreign Relations.

EC–5935. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to section 36(c) of the Arms Export Control Act (DDTC 16–040); to the Committee on Foreign Relations.

EC–5936. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to section 36(c) of the Arms Export Control Act (DDTC 15–141); to the Committee on Foreign Relations.

EC–5937. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to section 36(c) of the Arms Export Control Act (DDTC 15–137); to the Committee on Foreign Relations.

EC–5938. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to section 36(c) of the Arms Export Control Act (DDTC 16–021); to the Committee on Foreign Relations.

EC–5939. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to section 36(c) of the Arms Export Control Act (DDTC 16–007); to the Committee on Foreign Relations.

EC–5940. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to section 36(c) of the Arms Export Control Act (DDTC 16–013); to the Committee on Foreign Relations.

EC–5941. A communication from the Assistant General Counsel, Pension Benefit Guaranty Corporation, transmitting, pursuant to law, the report of a rule entitled ''Allocation of Assets in Single-Employer Plans; Benefits Payable in Terminated Single-Employer Plans; Interest Assumptions for Valuing and Paying Benefits'' (29 CFR Parts 4022 and 4044) received in the Office of the President of the Senate on June 23, 2016; to the Committee on Health, Education, Labor, and Pensions.

EC–5942. A communication from the Director of Regulations and Policy Management Staff, Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled ''Revisions to Exceptions Applicable to Certain Human Cells, Tissues, and Cellular and Tissue-Based Products'' (Docket No. FDA–2014–N–1484) received in the Office of the President of the Senate on June 27, 2016; to the Committee on Health, Education, Labor, and Pensions.

EC–5943. A communication from the Office Program Manager, Office of Regulation Policy and Management, Department of Veterans Affairs, transmitting, pursuant to law, the report of a rule entitled ''Federal Civil Penalties Adjustment Act Amendments'' (RIN2900–AP78) received in the Office of the President of the Senate on June 27, 2016; to the Committee on Veterans' Affairs.

EC–5944. A communication from the General Counsel, Office of Science and Technology Policy, Executive Office of the President, transmitting, pursuant to law, the report relative to a vacancy for the position of Associate Director for National Security and International Affairs, Office of Science and Technology Policy, Executive Office of the President, received in the Office of the President of the Senate on June 22, 2016; to the Committee on Commerce, Science, and Transportation.

EC–5945. A communication from the Chairman of the Office of Proceedings, Surface Transportation Board, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Revision to the Surface Transportation Board's CFR Chapter Heading Pursuant to the Surface Transportation Board Reauthorization Act of 2015'' (Docket No. EP 735) received in the Office of the President of the Senate on June 23, 2016; to the Committee on Commerce, Science, and Transportation.

EC–5946. A communication from the Chief of Staff, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Section 73.202(b), FM Table of Allotments, FM Broadcast Stations (Raymond, Washington)'' ((MB Docket No. 16–74) (DA 16–656)) received in the Office of the President of the Senate on June 27, 2015; to the Committee on Commerce, Science, and Transportation.

EC–5947. A communication from the Chief of Staff, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Section 73.202(b), FM Table of Allotments, FM Broadcast Stations (Bogata, Texas and Wright City, Oklahoma)'' ((MB Docket No. 14–236 and MB Docket No. 14–257) (DA 16–648)) received in the Office of the President of the Senate on June 27, 2016; to the Committee on Commerce, Science, and Transportation.

EC–5948. A communication from the Deputy Bureau Chief, Wireline Competition Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Connect America Fund; ETC Annual Reports and Certifications; Rural Broadband Experiments'' ((RIN3060–AF85) (FCC 16–64)) received in the Office of the President of the Senate on June 27, 2016; to the Committee on Commerce, Science, and Transportation.

EC–5949. A communication from the Under Secretary of Defense (Acquisition, Technology and Logistics), transmitting, pursuant to law, a report entitled ''Report to Congress on Department of Defense Fiscal Year 2015 Purchases from Foreign Entities''; to the Committee on Armed Services.

EC–5950. A communication from the President, Inter-American Foundation, transmitting, pursuant to law, proposed legislation entitled ''Inter-American Foundation Subsidiary Corporation Act''; to the Committee on Foreign Relations.

EC–5951. A communication from the Assistant Secretary for Legislation, Department of Health and Human Services, transmitting, pursuant to law, the fiscal years 2012, 2013, and 2014 Reports to Congress on the Assets for Independence Program; to the Committee on Health, Education, Labor, and Pensions.

PETITIONS AND MEMORIALS

The following petition or memorial was laid before the Senate and was referred or ordered to lie on the table as indicated:

POM–195. A petition from a citizen of the State of Nevada relative to elder care; to the Committee on the Judiciary.

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. 2976. A bill to amend the Homeland Security Act of 2002 to reform, streamline, and make improvements to the Department of Homeland Security and support the Department's efforts to implement better policy, planning, management, and performance, and for other purposes (Rept. No. 114–287).

By Mr. VITTER, from the Committee on Small Business and Entrepreneurship:

Report to accompany S. 958, a bill to amend the Small Business Act to provide for team and joint venture offers for certain contracts (Rept. No. 114–288).

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

S. 2340. A bill to require the Director of the Office of Management and Budget to issue a directive on the management of software licenses, and for other purposes (Rept. No. 114–289).

By Mr. CORKER, from the Committee on Foreign Relations, without amendment and with a preamble:

S. Res. 432. A resolution supporting respect for human rights and encouraging inclusive governance in Ethiopia.

S. Res. 482. A resolution urging the European Union to designate Hizballah in its entirety as a terrorist organization and to increase pressure on the organization and its members to the fullest extent possible.

S. Res. 501. A resolution expressing the sense of the Senate on Russian military aggression.

S. Res. 503. A resolution recognizing June 20, 2016, as ''World Refugee Day''.

S. Res. 504. A resolution recognizing the 70th anniversary of the Fulbright Program.

By Mr. CORKER, from the Committee on Foreign Relations, with an amendment in the nature of a substitute:

S. 1605. A bill to amend the Millennium Challenge Act of 2003 to authorize concurrent compacts for purposes of regional economic integration and cross-border collaborations, and for other purposes.

By Mr. CORKER, from the Committee on Foreign Relations, without amendment and with a preamble:

S. Con. Res. 38. A concurrent resolution reaffirming the Taiwan Relations Act and the Six Assurances as cornerstones of United States-Taiwan relations.

EXECUTIVE REPORTS OF COMMITTEE

The following executive reports of nominations were submitted:

By Mr. McCAIN for the Committee on Armed Services.

Army nomination of Brig. Gen. Matthew T. Quinn, to be Major General.

Navy nomination of Capt. Phillip E. Lee, Jr., to be Rear Admiral (lower half).

Navy nomination of Capt. Alan J. Reyes, to be Rear Admiral (lower half).

Navy nomination of Capt. Mary C. Riggs, to be Rear Admiral (lower half).

Navy nomination of Capt. Carol M. Lynch, to be Rear Admiral (lower half).

Navy nomination of Capt. Mark E. Bipes, to be Rear Admiral (lower half).

Navy nomination of Capt. Brian R. Guldbek, to be Rear Admiral (lower half).

Navy nomination of Capt. Louis C. Tripoli, to be Rear Admiral (lower half).

Navy nomination of Capt. Robert T. Durand, to be Rear Admiral (lower half).

Navy nominations beginning with Capt. Shawn E. Duane and ending with Capt. John A. Schommer, which nominations were received by the Senate and appeared in the Congressional Record on March 15, 2016.

Navy nomination of Rear Adm. (lh) Thomas W. Luscher, to be Rear Admiral.

Navy nomination of Rear Adm. (lh) Brian S. Pecha, to be Rear Admiral.

Navy nomination of Rear Adm. (lh) Deborah P. Haven, to be Rear Admiral.

Navy nomination of Rear Adm. (lh) Mark J. Fung, to be Rear Admiral.

Navy nominations beginning with Rear Adm. (lh) Russell E. Allen and ending with Rear Adm. (lh) Michael J. Dumont, which nominations were received by the Senate and appeared in the Congressional Record on March 15, 2016.

*Air Force nomination of Lt. Gen. Joseph L. Lengyel, to be General.

Navy nomination of Capt. Ronald R. Fritzemeier, to be Rear Admiral (lower half).

Marine Corps nominations beginning with Brig. Gen. Charles G. Chiarotti and ending with Brig. Gen. Daniel D. Yoo, which nominations were received by the Senate and appeared in the Congressional Record on April 14, 2016.

*Air Force nomination of Gen. David L. Goldfein, to be General.

*Marine Corps nomination of Lt. Gen. Thomas D. Waldhauser, to be General.

Army nomination of Maj. Gen. Charles D. Luckey, to be Lieutenant General.

Army nomination of Brig. Gen. Robert P. Walters, Jr., to be Major General.

Army nomination of Lt. Gen. Edward C. Cardon, to be Lieutenant General.

Army nomination of Brig. Gen. Timothy P. Williams, to be Major General.

Army nomination of Col. Joseph J. Streff, to be Brigadier General.

Army nominations beginning with Col. Anthony P. Digiacomo II and ending with Col. Kenneth A. Nava, which nominations were received by the Senate and appeared in the Congressional Record on May 26, 2016. (minus 1 nominee: Col. Robert A. Crisostomo)

Marine Corps nomination of Lt. Gen. David H. Berger, to be Lieutenant General.

Air Force nomination of Maj. Gen. Jeffrey L. Harrigian, to be Lieutenant General.

Air Force nomination of Lt. Gen. Tod D. Wolters, to be General.

Air Force nomination of Maj. Gen. Stayce D. Harris, to be Lieutenant General.

Army nomination of Maj. Gen. Gwendolyn Bingham, to be Lieutenant General.

Navy nomination of Rear Adm. Michael M. Gilday, to be Vice Admiral.

Navy nomination of Rear Adm. Colin J. Kilrain, to be Vice Admiral.

Marine Corps nomination of Lt. Gen. Glenn M. Walters, to be General.

Marine Corps nomination of Maj. Gen. Gary L. Thomas, to be Lieutenant General.

Marine Corps nomination of Maj. Gen. Lewis A. Craparotta, to be Lieutenant General.

Marine Corps nomination of Maj. Gen. Joseph L. Osterman, to be Lieutenant General.

Air Force nomination of Lt. Gen. Terrence J. O'Shaughnessy, to be General.

*Coast Guard nomination of Rear Adm. Marshall B. Lytle III, to be Vice Admiral.

Air Force nomination of Lt. Gen. Stephen W. Wilson, to be General.

Air Force nomination of Maj. Gen. VeraLinn Jamieson, to be Lieutenant General.

Air Force nomination of Maj. Gen. Thomas W. Bergeson, to be Lieutenant General.

Air Force nomination of Brig. Gen. Thomas W. Geary, to be Major General.

Air Force nomination of Lt. Gen. John L. Dolan, to be Lieutenant General.

Air Force nomination of Maj. Gen. Richard M. Clark, 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 Joseph H. Imwalle, to be Colonel.

Air Force nomination of Lisa A. Seltman, to be Major.

Air Force nominations beginning with Andrew M. Foster and ending with Anthony P. Gaddi, which nominations were received by the Senate and appeared in the Congressional Record on June 6, 2016.

Air Force nominations beginning with David B. Barker and ending with Angela M. Yuhas, which nominations were received by the Senate and appeared in the Congressional Record on June 16, 2016.

Army nomination of Bethany C. Aragon, to be Colonel.

Army nomination of Brian T. Watkins, to be Colonel.

Army nominations beginning with Susan M. Cebula and ending with Lisa N. Yarbrough, which nominations were received by the Senate and appeared in the Congressional Record on January 28, 2016.

Army nominations beginning with John S. Aita and ending with Derek C. Whitaker, which nominations were received by the Senate and appeared in the Congressional Record on January 28, 2016.

Army nomination of Jason B. Blevins, to be Colonel.

Army nomination of Shawn R. Lynch, to be Major.

Army nomination of Rita A. Kostecke, to be Major.

Army nomination of Helen H. Brandabur, to be Major.

Army nomination of Barry K. Williams, to be Colonel.

Army nomination of Douglas Maurer, to be Colonel.

Army nomination of Ronald D. Hardin, Jr., to be Lieutenant Colonel.

Army nomination of Edward J. Fisher, to be Colonel.

Army nomination of David W. Mayfield, to be Lieutenant Colonel.

Army nomination of Michael P. Garlington, to be Colonel.

Army nominations beginning with Noela B. Bacon and ending with William D. Plummer, which nominations were received by the Senate and appeared in the Congressional Record on June 23, 2016.

Army nomination of Elizabeth M. Miller, to be Colonel.

Navy nomination of Justin C. Legg, to be Lieutenant Commander.

Navy nominations beginning with Timothy M. Dunn and ending with Peggytara M. Stolyarova, which nominations were received by the Senate and appeared in the Congressional Record on April 14, 2016.

Navy nominations beginning with Suzanne M. Lesko and ending with Charles E. Summers II, which nominations were received by the Senate and appeared in the Congressional Record on April 14, 2016.

Navy nomination of Andrew F. Ulak, to be Captain.

Navy nominations beginning with Kenneth N. Graves and ending with Billy B. Osborne, Jr., which nominations were received by the Senate and appeared in the Congressional Record on April 14, 2016.

Navy nominations beginning with Steve R. Paradela and ending with Reese K. Zomar, which nominations were received by the Senate and appeared in the Congressional Record on April 14, 2016.

Navy nominations beginning with Charles M. Brown and ending with Karl W. Wick, which nominations were received by the Senate and appeared in the Congressional Record on April 14, 2016.

Navy nominations beginning with Robert K. Baer and ending with John L. Morris, which nominations were received by the Senate and appeared in the Congressional Record on April 14, 2016.

Navy nominations beginning with Brian S. Anderton and ending with James T. Worthington III, which nominations were received by the Senate and appeared in the Congressional Record on April 14, 2016.

Navy nominations beginning with Christopher J. R. Demchak and ending with Steven R. Thompson, which nominations were received by the Senate and appeared in the Congressional Record on April 14, 2016.

Navy nominations beginning with Janette B. Jose and ending with Michael J. Schwerin, which nominations were received by the Senate and appeared in the Congressional Record on April 14, 2016.

Navy nominations beginning with Eric R. Johnson and ending with Andrew R. Wood, which nominations were received by the Senate and appeared in the Congressional Record on April 14, 2016.

Navy nominations beginning with Jarema M. Didoszak and ending with Richard M. Szcepanski, which nominations were received by the Senate and appeared in the Congressional Record on April 14, 2016.

Navy nomination of Conrado G. Dungca, Jr., to be Captain.

Navy nomination of Alexander L. Peabody, to be Captain.

Navy nomination of Jason G. Goff, to be Captain.

Navy nominations beginning with Olivia L. Bethea and ending with Christian A. Stover, which nominations were received by the Senate and appeared in the Congressional Record on May 11, 2016.

Navy nominations beginning with Roger S. Akins and ending with Michael D. Wittenberger, which nominations were received by the Senate and appeared in the Congressional Record on May 11, 2016.

Navy nominations beginning with Richard S. Adcook and ending with Benjamin W. Young, Jr., which nominations were received by the Senate and appeared in the Congressional Record on May 11, 2016.

Navy nominations beginning with Andrew M. Archila and ending with Douglas E. Stephens, which nominations were received by the Senate and appeared in the Congressional Record on May 11, 2016.

Navy nominations beginning with Shane D. Cooper and ending with Randall J. Vavra, which nominations were received by the Senate and appeared in the Congressional Record on May 11, 2016.

Navy nominations beginning with Johannes M. Bailey and ending with John E. Volk, which nominations were received by the Senate and appeared in the Congressional Record on May 11, 2016.

Navy nominations beginning with Susan L. Ayers and ending with Michael York, which nominations were received by the Senate and appeared in the Congressional Record on May 11, 2016.

Navy nominations beginning with Michael D. Brown and ending with Brian J. Stamm, which nominations were received by the Senate and appeared in the Congressional Record on May 11, 2016.

Navy nominations beginning with John R. Anderson and ending with Burr M. Vogel, which nominations were received by the Senate and appeared in the Congressional Record on May 11, 2016.

Navy nominations beginning with Rachael A. Dempsey and ending with Sean D. Robinson, which nominations were received by the Senate and appeared in the Congressional Record on May 11, 2016.

Navy nominations beginning with Ann E. Casey and ending with Daryk E. Zirkle, which nominations were received by the Senate and appeared in the Congressional Record on May 11, 2016.

Navy nominations beginning with Claude W. Arnold, Jr. and ending with Rob W. Stevenson, which nominations were received by the Senate and appeared in the Congressional Record on May 11, 2016.

Navy nominations beginning with Albert Angel and ending with Scott D. Young, which nominations were received by the Senate and appeared in the Congressional Record on May 11, 2016.

Navy nominations beginning with Thomas L. Gibbons and ending with Kurt E. Stronach, which nominations were received by the Senate and appeared in the Congressional Record on May 11, 2016.

Navy nominations beginning with David L. Aamodt and ending with Nathan S. York, which nominations were received by the Senate and appeared in the Congressional Record on May 11, 2016. (minus 1 nominee: Jonathan L. Schmitz)

Navy nominations beginning with Michael B. Bilzor and ending with Matthew A. Testerman, which nominations were received by the Senate and appeared in the Congressional Record on May 11, 2016.

Navy nominations beginning with Paul D. Clifford and ending with Dianna Wolfson, which nominations were received by the Senate and appeared in the Congressional Record on May 11, 2016.

Navy nominations beginning with Errol A. Campbell, Jr. and ending with Jeffrey M. Vicario, which nominations were received by the Senate and appeared in the Congressional Record on May 11, 2016.

Navy nominations beginning with Jeffrey J. Chown and ending with Bret A. Washburn, which nominations were received by the Senate and appeared in the Congressional Record on May 11, 2016.

Navy nominations beginning with Brook Dewalt and ending with Philip R. Rosi II, which nominations were received by the Senate and appeared in the Congressional Record on May 11, 2016.

Navy nominations beginning with Aaron C. Hoff and ending with John M. Tully, which nominations were received by the Senate and appeared in the Congressional Record on May 11, 2016.

Navy nomination of Daniel L. Christensen, to be Lieutenant Commander.

Navy nomination of Howard D. Watt, to be Commander.

Navy nomination of Daniel Morales, to be Commander.

Navy nomination of Stefan M. Groetsch, to be Captain.

Navy nomination of Jeffrey M. Bierley, to be Captain.

Navy nomination of Michael G. Zakaroff, to be Lieutenant Commander.

Navy nominations beginning with Ron J. Arellano and ending with William M. Wilson, which nominations were received by the Senate and appeared in the Congressional Record on June 9, 2016.

Navy nominations beginning with Katie M. Abdallah and ending with Nathan J. Winters, which nominations were received by the Senate and appeared in the Congressional Record on June 9, 2016.

Navy nominations beginning with Matthew J. Acanfora and ending with Joseph A. Zerby, which nominations were received by the Senate and appeared in the Congressional Record on June 9, 2016.

Navy nominations beginning with Kenneth O. Allison, Jr. and ending with Timothy L. Yeich, which nominations were received by the Senate and appeared in the Congressional Record on June 9, 2016.

Navy nominations beginning with Benjamin P. Abbott and ending with Richard J. Zamberlan, which nominations were received by the Senate and appeared in the Congressional Record on June 9, 2016.

Navy nominations beginning with Peter Bissonnette and ending with Zavean V. Ware, which nominations were received by the Senate and appeared in the Congressional Record on June 9, 2016.

Navy nominations beginning with Mylene R. Arvizo and ending with Errol A. Watson, Jr., which nominations were received by the Senate and appeared in the Congressional Record on June 9, 2016.

Navy nominations beginning with David R. Donohue and ending with Jason D. Weaver, which nominations were received by the Senate and appeared in the Congressional Record on June 9, 2016.

Navy nominations beginning with Randy J. Berti and ending with Michael Windom, which nominations were received by the Senate and appeared in the Congressional Record on June 9, 2016.

Navy nominations beginning with Jodie K. Cornell and ending with Sean B. Robertson, which nominations were received by the Senate and appeared in the Congressional Record on June 9, 2016.

Navy nominations beginning with Patricia H. Ajoy and ending with Wade C. Thames, which nominations were received by the Senate and appeared in the Congressional Record on June 9, 2016.

Navy nominations beginning with Erin M. Ceschini and ending with Giancarlo Waghelstein, which nominations were received by the Senate and appeared in the Congressional Record on June 9, 2016.

Navy nomination of Thomas W. Luton, to be Lieutenant Commander.

Navy nominations beginning with Jennifer L. Donahue and ending with Robert R. Steen, which nominations were received by the Senate and appeared in the Congressional Record on June 23, 2016.

Navy nominations beginning with Steven D. Bartell and ending with Ron P. Neitzke, which nominations were received by the Senate and appeared in the Congressional Record on June 23, 2016.

Navy nominations beginning with Nathan Johnston and ending with Roger D. Musselman, which nominations were received by the Senate and appeared in the Congressional Record on June 23, 2016.

Navy nominations beginning with Philip Armas, Jr. and ending with Christopher D. Thompson, which nominations were received by the Senate and appeared in the Congressional Record on June 23, 2016.

Navy nominations beginning with Catherine O. Durham and ending with Rebecca A. Zornado, which nominations were received by the Senate and appeared in the Congressional Record on June 23, 2016.

Navy nominations beginning with James H. Burns and ending with Rebecca S. Snyder, which nominations were received by the Senate and appeared in the Congressional Record on June 23, 2016.

Navy nominations beginning with John M. Hardham and ending with Martin W. Wadewitz II, which nominations were received by the Senate and appeared in the Congressional Record on June 23, 2016.

Navy nominations beginning with Philip J. Abeldt and ending with Michael B. Vener, which nominations were received by the Senate and appeared in the Congressional Record on June 23, 2016.

Navy nominations beginning with Lauren P. Archer and ending with Alissa G. Speziale, which nominations were received by the Senate and appeared in the Congressional Record on June 23, 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.)

EXECUTIVE REPORT OF COMMITTEE—TREATIES

The following executive report of committee was submitted:

By Mr. CORKER, from the Committee on Foreign Relations:

Treaty Doc. 110–19: Treaty on Plant Genetic Resources for Food and Agriculture (without printed report);

Treaty Doc. 112–6: The Convention on the Law Applicable to Certain Rights in Respect of Securities Held with an Intermediary (without printed report);

Treaty Doc. 114–10: Extradition Treaty with the Dominican Republic (without printed report);

Treaty Doc. 113–6: Extradition Treaty with the Republic of Chile (without printed report);

Treaty Doc. 114–11: Treaty with Kazakhstan on Mutual Legal Assistance in Criminal Matters (without printed report);

Treaty Doc. 114–3: Treaty with Algeria on Mutual Legal Assistance in Criminal Matters (without printed report); and

Treaty Doc. 114–4: Treaty with Jordan on Mutual Legal Assistance in Criminal Matters (without printed report).

The text of the committee-recommended resolutions of advice and consent to ratification are as follows:

[Treaty Doc. 110–19 Treaty on Plant Genetic Resources for Food and Agriculture]

RESOLUTION OF ADVICE AND CONSENT TO RATIFICATION OF THE INTERNATIONAL TREATY ON PLANT GENETIC RESOURCES FOR FOOD AND AGRICULTURE

Resolved, (two-thirds of the Senators present concurring therein),

Section 1. Senate Advice and Consent Subject to an Understanding and a Declaration.

The Senate advises and consents to the ratification of the International Treaty on Plant Genetic Resources for Food and Agriculture, adopted by the Food and Agriculture Organization of the United Nations on November 3, 2001, and signed by the United States of America on November 1, 2002 (the ''Treaty'') (Treaty Doc. 110–19), subject to the understanding of section 2 and the declaration of section 3.

Sec. 2. Understanding.

The advice and consent of the Senate under section 1 is subject to the following understanding, which shall be included in the United States instrument of ratification: The United States of America understands that Article 12.3d shall not be construed in a manner that diminishes the availability or exercise of intellectual property rights under national laws.

Sec. 3. Declaration.

The advice and consent of the Senate under section 1 is subject to the following declaration: The Treaty is not self-executing.

[Treaty Doc. 112–6 The Convention on the Law Applicable to Certain Rights in Respect of Securities Held with an Intermediary]

RESOLUTION OF ADVICE AND CONSENT TO RATIFICATION OF THE CONVENTION ON THE LAW APPLICABLE TO CERTAIN RIGHTS IN RESPECT OF SECURITIES HELD WITH AN INTERMEDIARY

Resolved, (two-thirds of the Senators present concurring therein),

Section 1. Senate Advice and Consent Subject to a Declaration.

The Senate advises and consents to the ratification of the Convention on the Law

Applicable to Certain Rights in Respect of Securities Held with an Intermediary, done at The Hague on July 5, 2006, and signed by the United States on that same day (the ''Convention'') (Treaty Doc. 112–6), subject to the declaration of section 2.

Sec. 2. Declaration.

The advice and consent of the Senate under section 1 is subject to the following declaration: The Convention is self-executing.

[Treaty Doc. 114–10 Extradition Treaty with the Dominican Republic]

RESOLUTION OF ADVICE AND CONSENT TO RATIFICATION OF THE EXTRADITION TREATY BETWEEN THE GOVERNMENT OF THE UNITED STATES OF AMERICA AND THE GOVERNMENT OF THE DOMINICAN REPUBLIC

Resolved, (two-thirds of the Senators present concurring therein),

Section 1. Senate Advice and Consent Subject to a Declaration.

The Senate advises and consents to the ratification of the Treaty Between the Government of the United States of America and the Government of the Dominican Republic, signed at Santo Domingo on January 12, 2015 (Treaty Doc. 114–10), subject to the declaration of section 2.

Sec. 2. Declaration.

The advice and consent of the Senate under section 1 is subject to the following declaration: The Treaty is self-executing.

[Treaty Doc. 113–6 Extradition Treaty with the Republic of Chile]

RESOLUTION OF ADVICE AND CONSENT TO RATIFICATION OF THE EXTRADITION TREATY BETWEEN THE GOVERNMENT OF THE UNITED STATES OF AMERICA AND THE REPUBLIC OF CHILE

Resolved, (two-thirds of the Senators present concurring therein),

Section 1. Senate Advice and Consent Subject to a Declaration.

The Senate advises and consents to the ratification of the Treaty Between the Government of the United States of America and the Government of the Republic of Chile, signed at Washington on June 5, 2013 (Treaty Doc. 113–6), subject to the declaration of section 2.

Sec. 2. Declaration.

The advice and consent of the Senate under section 1 is subject to the following declaration: The Treaty is self-executing.

[Treaty Doc. 114–11 Treaty with Kazakhstan on Mutual Legal Assistance in Criminal Matters]

RESOLUTION OF ADVICE AND CONSENT TO RATIFICATION OF THE TREATY BETWEEN THE UNITED STATES OF AMERICA AND THE REPUBLIC OF KAZAKHSTAN ON MUTUAL LEGAL ASSISTANCE IN CRIMINAL MATTERS

Resolved, (two-thirds of the Senators present concurring therein),

Section 1. Senate Advice and Consent Subject to a Declaration.

The Senate advises and consents to the ratification of the Treaty Between the United States of America and the Republic of Kazakhstan on Mutual Legal Assistance in Criminal Matters, signed at Washington on February 20, 2015 (Treaty Doc. 114–11), subject to the declaration of section 2.

Sec. 2. Declaration.

The advice and consent of the Senate under section 1 is subject to the following declaration: The Treaty is self-executing.

[Treaty Doc. 114–3 Treaty with Algeria on Mutual Legal Assistance in Criminal Matters]

RESOLUTION OF ADVICE AND CONSENT TO RATIFICATION OF THE TREATY BETWEEN THE GOVERNMENT OF THE UNITED STATES OF AMERICA AND THE GOVERNMENT OF THE PEOPLE'S REPUBLIC OF ALGERIA ON MUTUAL LEGAL ASSISTANCE IN CRIMINAL MATTERS

Resolved, (two-thirds of the Senators present concurring therein),

Section 1. Senate Advice and Consent Subject to a Declaration.

The Senate advises and consents to the ratification of the Treaty Between the Government of the United States of America and the Government of the People's Republic of Algeria on Mutual Legal Assistance in Criminal Matters, signed at Washington on April 7, 2010 (Treaty Doc. 114–3), subject to the declaration of section 2.

Sec. 2. Declaration.

The advice and consent of the Senate under section 1 is subject to the following declaration: The Treaty is self-executing.

[Treaty Doc. 114–4 Treaty with Jordan on Mutual Legal Assistance in Criminal Matters]

RESOLUTION OF ADVICE AND CONSENT TO RATIFICATION OF THE TREATY BETWEEN THE GOVERNMENT OF THE UNITED STATES OF AMERICA AND THE GOVERNMENT OF THE HASHEMITE KINGDOM OF JORDAN ON MUTUAL LEGAL ASSISTANCE IN CRIMINAL MATTERS

Resolved, (two-thirds of the Senators present concurring therein),

Section 1. Senate Advice and Consent Subject to a Declaration.

The Senate advises and consents to the ratification of the Treaty Between the Government of the United States of America and the Government of the Hashemite Kingdom of Jordan on Mutual Legal Assistance in Criminal Matters, signed at Washington on October 1, 2013 (Treaty Doc. 114–4), subject to the declaration of section 2.

Sec. 2. Declaration.

The advice and consent of the Senate under section 1 is subject to the following declaration: The Treaty is self-executing.

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. HELLER (for himself and Mr. REID):

S. 3102. A bill to promote conservation, improve public land management, and provide for sensible development in Pershing County, Nevada, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. SCOTT:

S. 3103. A bill to establish Fort Sumter and Fort Moultrie National Park in the State of South Carolina, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. MARKEY (for himself and Ms. WARREN):

S. 3104. A bill to establish the Plymouth 400th Commemoration Commission, and for other purposes; to the Committee on the Judiciary.

By Mr. MARKEY (for himself and Ms. WARREN):

S. 3105. A bill to require the Secretary of the Treasury to mint coins in commemoration of the 400th anniversary of the landing and settlement of Plymouth Colony, the signing of the Mayflower Compact, and the role of the indigenous Wampanoag tribes in the realization of the settlement; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. REID (for himself, Mr. DURBIN, Mr. SCHUMER, Mrs. MURRAY, Mr. LEAHY, Mr. CARPER, and Mr. CARDIN):

S. 3106. A bill to provide a coordinated regional response to effectively manage the endemic violence and humanitarian crisis in El Salvador, Guatemala, and Honduras; to the Committee on the Judiciary.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

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

By Mr. KING (for himself, Ms. COLLINS, Mr. MARKEY, Mr. REED, Mr. MURPHY, Mr. WHITEHOUSE, Ms. AYOTTE, Mr. BLUMENTHAL, and Mrs. SHAHEEN):

S. Res. 513. A resolution designating September 25, 2016, as ''National Lobster Day''; to the Committee on the Judiciary.

By Mr. DAINES (for himself and Mr. TESTER):

S. Res. 514. A resolution designating May 5, 2017, as the ''National Day of Awareness for Missing and Murdered Native Women and Girls''; to the Committee on the Judiciary.

ADDITIONAL COSPONSORS

S. 6

At the request of Mr. UDALL, the name of the Senator from New Hampshire (Mrs. SHAHEEN) was added as a cosponsor of S. 6, a bill to reform our government, reduce the grip of special interest, and return our democracy to the American people through increased transparency and oversight of our elections and government.

S. 217

At the request of Mr. KAINE, his name was added as a cosponsor of S. 217, a bill to protect a woman's right to determine whether and when to bear a child or end a pregnancy by limiting restrictions on the provision of abortion services.

S. 386

At the request of Mr. THUNE, the name of the Senator from Connecticut (Mr. MURPHY) was added as a cosponsor of S. 386, a bill to limit the authority of States to tax certain income of employees for employment duties performed in other States.

S. 827

At the request of Ms. KLOBUCHAR, the name of the Senator from Wisconsin (Ms. BALDWIN) was added as a cosponsor of S. 827, a bill to amend the Communications Act of 1934 to ensure the integrity of voice communications and to prevent unjust or unreasonable discrimination among areas of the United States in the delivery of such communications.

S. 849

At the request of Mr. ISAKSON, the name of the Senator from West Virginia (Mrs. CAPITO) was added as a cosponsor of S. 849, a bill to amend the Public Health Service Act to provide for systematic data collection and analysis and epidemiological research

regarding Multiple Sclerosis (MS), Parkinson's disease, and other neurological diseases.

S. 2009

At the request of Mr. WYDEN, the name of the Senator from Minnesota (Mr. FRANKEN) was added as a cosponsor of S. 2009, a bill to prohibit the sale of arms to Bahrain.

S. 2193

At the request of Mr. CRUZ, the name of the Senator from Nebraska (Mr. SASSE) was added as a cosponsor of S. 2193, a bill to amend the Immigration and Nationality Act to increase penalties for individuals who illegally reenter the United States after being removed and for other purposes.

S. 2196

At the request of Mr. CASEY, the name of the Senator from Arkansas (Mr. BOOZMAN) was added as a cosponsor of S. 2196, a bill to amend title XVIII of the Social Security Act to provide for the non-application of Medicare competitive acquisition rates to complex rehabilitative wheelchairs and accessories.

S. 2216

At the request of Ms. COLLINS, the name of the Senator from North Carolina (Mr. TILLIS) was added as a cosponsor of S. 2216, a bill to provide immunity from suit for certain individuals who disclose potential examples of financial exploitation of senior citizens, and for other purposes.

At the request of Mrs. MCCASKILL, the name of the Senator from North Dakota (Ms. HEITKAMP) was added as a cosponsor of S. 2216, supra.

S. 2219

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

S. 2283

At the request of Mr. DAINES, the name of the Senator from Idaho (Mr. CRAPO) was added as a cosponsor of S. 2283, a bill to ensure that small business providers of broadband Internet access service can devote resources to broadband deployment rather than compliance with cumbersome regulatory requirements.

S. 2373

At the request of Ms. CANTWELL, the name of the Senator from Connecticut (Mr. BLUMENTHAL) was added as a cosponsor of S. 2373, a bill to amend title XVIII of the Social Security Act to provide for Medicare coverage of certain lymphedema compression treatment items as items of durable medical equipment.

S. 2531

At the request of Mr. KIRK, the names of the Senator from Maine (Ms. COLLINS), the Senator from North Carolina (Mr. BURR), the Senator from Oklahoma (Mr. LANKFORD) and the Senator from Indiana (Mr. COATS) were added as cosponsors of S. 2531, a bill to authorize State and local governments to divest from entities that engage in commerce-related or investment-related boycott, divestment, or sanctions activities targeting Israel, and for other purposes.

S. 2595

At the request of Mr. CRAPO, the names of the Senator from South Carolina (Mr. GRAHAM) and the Senator from New Mexico (Mr. HEINRICH) were added as cosponsors of S. 2595, a bill to amend the Internal Revenue Code of 1986 to permanently extend the railroad track maintenance credit.

S. 2633

At the request of Mr. TESTER, the name of the Senator from Wisconsin (Ms. BALDWIN) was added as a cosponsor of S. 2633, a bill to improve the ability of the Secretary of Veterans Affairs to provide health care to veterans through non-Department health care providers, and for other purposes.

S. 2641

At the request of Mr. SCHUMER, the name of the Senator from Connecticut (Mr. BLUMENTHAL) was added as a cosponsor of S. 2641, a bill to amend the Public Health Service Act, in relation to requiring adrenoleukodystrophy screening of newborns.

S. 2690

At the request of Mr. MANCHIN, the name of the Senator from Indiana (Mr. DONNELLY) was added as a cosponsor of S. 2690, a bill to amend the Pittman-Robertson Wildlife Restoration Act to modernize the funding of wildlife conservation, and for other purposes.

S. 2707

At the request of Mr. SCOTT, the name of the Senator from Alaska (Ms. MURKOWSKI) was added as a cosponsor of S. 2707, a bill to require the Secretary of Labor to nullify the proposed rule regarding defining and delimiting the exemptions for executive, administrative, professional, outside sales, and computer employees, to require the Secretary of Labor to conduct a full and complete economic analysis with improved economic data on small businesses, nonprofit employers, Medicare or Medicaid dependent health care providers, and small governmental jurisdictions, and all other employers, and minimize the impact on such employers, before promulgating any substantially similar rule, and to provide a rule of construction regarding the salary threshold exemption under the Fair Labor Standards Act of 1938, and for other purposes.

S. 2864

At the request of Mr. WYDEN, the name of the Senator from Oregon (Mr. MERKLEY) was added as a cosponsor of S. 2864, a bill to amend title XVIII of the Social Security Act to prevent catastrophic out-of-pocket spending on prescription drugs for seniors and individuals with disabilities.

S. 2878

At the request of Mr. RUBIO, the name of the Senator from Arkansas (Mr. BOOZMAN) was added as a cosponsor of S. 2878, a bill to amend the International Religious Freedom Act of 1998 to improve the ability of the United States to advance religious freedom globally through enhanced diplomacy, training, counterterrorism, and foreign assistance efforts, and through stronger and more flexible political responses to religious freedom violations and violent extremism worldwide, and for other purposes.

S. 2941

At the request of Ms. AYOTTE, the name of the Senator from Illinois (Mr. KIRK) was added as a cosponsor of S. 2941, a bill to require a study on women and lung cancer, and for other purposes.

S. 2971

At the request of Mr. PORTMAN, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. 2971, a bill to authorize the National Urban Search and Rescue Response System.

S. 3083

At the request of Mr. MENENDEZ, the names of the Senator from Vermont (Mr. LEAHY) and the Senator from Arkansas (Mr. BOOZMAN) were added as cosponsors of S. 3083, a bill to provide housing opportunities in the United States through modernization of various housing programs, and for other purposes.

S. 3089

At the request of Ms. BALDWIN, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 3089, a bill to amend title VII of the Civil Rights Act of 1964 and other statutes to clarify appropriate liability standards for Federal anti-discrimination claims.

S. 3100

At the request of Mr. TOOMEY, the name of the Senator from Oklahoma (Mr. INHOFE) was added as a cosponsor of S. 3100, a bill to ensure that State and local law enforcement may cooperate with Federal officials to protect our communities from violent criminals and suspected terrorists who are illegally present in the United States.

S. RES. 503

At the request of Mr. CARDIN, the name of the Senator from Oregon (Mr. MERKLEY) was added as a cosponsor of S. Res. 503, a resolution recognizing June 20, 2016, as ''World Refugee Day''.

S. RES. 504

At the request of Mr. BOOZMAN, the names of the Senator from Oregon (Mr. WYDEN), the Senator from Minnesota (Ms. KLOBUCHAR) and the Senator from Arkansas (Mr. COTTON) were added as cosponsors of S. Res. 504, a resolution recognizing the 70th anniversary of the Fulbright Program.

At the request of Mr. CORKER, the name of the Senator from Florida (Mr. RUBIO) was added as a cosponsor of S. Res. 504, supra.

S. RES. 508

At the request of Mr. RUBIO, the names of the Senator from Michigan (Ms. STABENOW) and the Senator from West Virginia (Mrs. CAPITO) were added as cosponsors of S. Res. 508, a resolution expressing support for the expeditious consideration and finalization of a new, robust, and long-term Memorandum of Understanding on military assistance to Israel between the United States Government and the Government of Israel.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. REID (for himself, Mr. DURBIN, Mr. SCHUMER, Mrs. MURRAY, Mr. LEAHY, Mr. CARPER, and Mr. CARDIN):

S. 3106. A bill to provide a coordinated regional response to effectively manage the endemic violence and humanitarian crisis in El Salvador, Guatemala, and Honduras; to the Committee on the Judiciary.

Mr. REID. 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. 3106

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Secure the Northern Triangle Act''.

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Findings.
Sec. 3. Sense of Congress.
Sec. 4. Definitions.
TITLE I—ADVANCING REFORMS IN CENTRAL AMERICA TO ADDRESS THE FACTORS DRIVING MIGRATION
Subtitle A—Strengthening the Capacity of Central American Governments to Protect and Provide for Their Own People
Sec. 111. Authorization of appropriations for United States strategy for engagement in Central America.
Sec. 112. Strengthening the rule of law and combating corruption.
Sec. 113. Combating criminal violence and improving citizen security.
Sec. 114. Tackling extreme poverty and advancing economic development.
Subtitle B—Conditions, Limitations, and Certifications on United States Assistance
Sec. 121. Assistance funding available without condition.
Sec. 122. Conditions on assistance related to smuggling, screening, and safety of migrants.
Sec. 123. Conditions on assistance related to progress on specific issues.
Subtitle C—Effectively Coordinating United States Engagement in Central America
Sec. 131. United States Coordinator for Engagement in Central America.
Subtitle D—United States Leadership for Engaging International Donors and Partners
Sec. 141. Requirement for strategy to secure support of international donors and partners.
TITLE II—CRACKING DOWN ON SMUGGLERS, CARTELS, AND TRAFFICKERS EXPLOITING CHILDREN AND FAMILIES
Subtitle A—Strengthening Cooperation Among Law Enforcement Agencies to Target Smugglers and Traffickers
Sec. 211. Enhanced international cooperation to combat human smuggling and trafficking.
Sec. 212. Enhanced investigation and prosecution of human smuggling and trafficking.
Sec. 213. Information campaign on dangers of migration.
Subtitle B—Strengthening the Ability of the United States Government to Crack Down on Smugglers, Traffickers, and Drug Cartels
Sec. 221. Enhanced penalties for organized smuggling schemes.
Sec. 222. Expanding financial sanctions on narcotics trafficking and money laundering.
Subtitle C—Creating New Penalties for Hindering Immigration, Border, and Customs Controls
Sec. 231. Hindering immigration, border, and customs controls.
TITLE III—MINIMIZING BORDER CROSSINGS BY EXPANDING PROCESSING OF REFUGEE CHILDREN AND FAMILIES IN-COUNTRY AND IN THE REGION
Subtitle A—Providing Alternative Safe Havens in Mexico and the Region
Sec. 311. Strengthening internal asylum systems in Mexico and other countries.
Subtitle B—Expanding Refugee Processing in Mexico and Central America for Third Country Resettlement
Sec. 321. Expanding refugee processing in Mexico and Central America for third country resettlement.
Subtitle C—Improving the Efficiency of the Central American Minors Program
Sec. 331. Expansion.
Sec. 332. Expedited processing.
Sec. 333. Referral to UNHCR.
TITLE IV—MONITORING AND SUPPORTING UNACCOMPANIED ALIEN CHILDREN AFTER PROCESSING AT THE BORDER
Sec. 401. Definitions; authorization of appropriations.
Subtitle A—Strengthening the Government's Ability to Oversee the Safety and Well-Being of Children
Sec. 411. Background checks to ensure the safe placement of unaccompanied alien children.
Sec. 412. Responsibility of sponsor for immigration court compliance and child well-being.
Sec. 413. Monitoring unaccompanied alien children.
Subtitle B—Funding to States and School Districts; Supporting Education and Safety
Sec. 421. Funding to States to conduct State criminal checks and child abuse and neglect checks.
Sec. 422. Funding to school districts for unaccompanied alien children.
Sec. 423. Immediate enrollment of unaccompanied alien children in schools.
TITLE V—ENSURING ORDERLY AND HUMANE MANAGEMENT OF CHILDREN AND FAMILIES SEEKING PROTECTION
Subtitle A—Providing a Fair and Efficient Legal Process for Children and Vulnerable Families Seeking Asylum
Sec. 511. Court appearance compliance and legal orientation.
Sec. 512. Fair day in court for kids.
Subtitle B—Reducing Significant Delays in Immigration Court
Sec. 521. Eliminate immigration court backlogs.
Sec. 522. Improved training for immigration judges and members of the Board of Immigration Appeals.
Sec. 523. New technology to improve court efficiency.
Subtitle C—Reducing the Likelihood of Remigration
Sec. 531. Establishing reintegration and monitoring services for repatriating children.

SEC. 2. FINDINGS.

Congress finds the following:

(1) Since 2006, incidents of murder, other violent crime, and corruption perpetrated by armed criminal gangs and illicit trafficking organizations have risen alarmingly in El Salvador, Guatemala and Honduras (referred to in this Act as the ''Northern Triangle'').

(2) In 2013, Honduras had the highest per capita homicide rate of any nation in the world, with 90.4 murders for every 100,000 people in the country. El Salvador and Guatemala were in the top 5 countries with the highest per capita homicide rates.

(3) Since 2013, El Salvador's murder rate rose sharply to become the highest of any country in the world in 2015 at 108.5 homicides for every 100,000 people, following a dramatic escalation of violence between the country's 2 largest armed criminal gangs, Mara Salvatrucha (commonly known as ''MS-13'') and Barrio 18.

(4) According to the United Nations International Children's Emergency Fund (UNICEF), the per capita homicide rate for children in El Salvador and Guatemala is higher than any other country in the world. In 2014, 27 out of every 100,000 children were murdered in El Salvador.

(5) According to the United Nations High Commissioner for Refugees (UNHCR), Honduras and El Salvador have the highest per capita female homicide rates in the world. In 2014, 90 out of every 100,000 females were murdered in Honduras

(6) In April 2016, UNHCR's spokesperson stated, ''The number of people fleeing violence in Central America has surged to levels not seen since the region was wracked by armed conflicts in the 1980s. Action is urgently needed to ensure that unaccompanied children and others receive the protection to which they are entitled.''.

(7) Since 2013, individuals fleeing the Northern Triangle have sought sanctuary in neighboring countries and there has recently been a 1,185 percent increase in the number of asylum applications from citizens of El Salvador, Guatemala, and Honduras to the Governments of Mexico, Panama, Nicaragua, Costa Rica and Belize.

(8) Unaccompanied minors from the Northern Triangle now make up the majority of unaccompanied minors encountered at the international border between the United States and Mexico, with the fastest increase occurring among children younger than 12 years of age.

(9) Human smugglers are increasingly responsible for the transit of migrants from the Northern Triangle to the United States. According to the Government Accountability Office, human smugglers frequently use aggressive and misleading marketing to recruit migrants.

(10) Many female migrants face rape and sexual violence during the journey, either from smugglers or others encountered on the route, or risk being trafficked for sex or labor.

(11) Challenges to the rule of law in the Northern Triangle have been exacerbated by the limited ability and lack of political will

on the part of governments to investigate and prosecute those responsible for murder. In 2014, approximately 95 percent of murders remained unresolved in Honduras and El Salvador.

(12) The presence of major drug trafficking organizations in the Northern Triangle contributes to violence, corruption, and criminality. The 2016 International Narcotics Control Strategy Report prepared by the Department of State estimated that ''approximately 90 percent of the cocaine trafficked to the United States in the first half of 2015 first transited through the Mexico/Central America corridor''.

(13) Widespread public sector corruption in the Northern Triangle undermines economic and social development and directly affects regional political stability, as demonstrated by the indictment and resignation of former Guatemalan president Otto Perez Molina on corruption charges.

(14) Human rights defenders, journalists, trade unionists, social leaders, and LGBT activists in the Northern Triangle face dire conditions, as evidenced by the March 2016 murder of Honduran activist Berta Cáceres and the targeted killing of more than 200 such civil society leaders since 2006. Almost none of these cases have resulted in convictions.

(15) The Northern Triangle struggles with high levels of economic insecurity. In 2014, more than 62 percent of Hondurans, more than 59 percent of Guatemalans, and more than 31 percent of Salvadorans lived below the poverty line.

(16) Weak investment climates and low levels of educational opportunity are barriers to inclusive economic growth and social development in the Northern Triangle.

(17) Although the CAM Program has approval rates of nearly 98 percent, due to limited resources, of the 8,920 children that have applied for humanitarian protection, only 626 have been conditionally approved and only 368 have entered the United States.

(18) Approximately 50 percent of unaccompanied minors facing United States immigration proceedings receive legal representation. Children with legal counsel appeared at their hearings more than 95 percent of the time.

(19) As of May 2016, 492,978 cases were pending before immigration courts, with such cases taking an average of 553 days to reach a final decision.

SEC. 3. SENSE OF CONGRESS.

It is the sense of Congress that—

(1) the United States must address the violence and humanitarian crisis resulting in the elevated numbers of unaccompanied children, women, and refugees from the Northern Triangle arriving at the Southwestern border of the United States;

(2) the violence and humanitarian crisis has been prompted by the severe challenges posed by—

(A) high rates of homicide, sexual violence, and violent crime perpetrated by armed criminal actors;

(B) endemic corruption; and

(C) the limited ability and the lack of political will on the part of governments to protect their citizens and uphold the rule of law in the Northern Triangle;

(3) the United States must work with international partners—

(A) to address the complicated conditions in the Northern Triangle that contribute to the violence and humanitarian crisis; and

(B) to protect vulnerable populations, particularly women and children, fleeing violence in the region;

(4) the Plan of the Alliance for Prosperity in the Northern Triangle, which was developed by the Governments of El Salvador, of Guatemala, and of Honduras, with the technical assistance of the Inter-American Development Bank, represents a comprehensive approach to address the complex situation in the Northern Triangle;

(5) the U.S. Strategy for Engagement in Central America, as articulated by President Obama and Vice President Biden, provides important support for the Alliance for Prosperity and other United States national security priorities, including rule of law and anti-corruption initiatives;

(6) combating corruption in the Northern Triangle must remain a critical priority and the United Nation's Commission Against Impunity in Guatemala (CICIG) and the Organization of American States' Mission to Support the Fight Against Corruption and Impunity in Honduras (MACCIH) are important contributions to this effort;

(7) the CAM Program provides a safe, legal, and orderly alternative to children fleeing violence in the Northern Triangle;

(8) the United States must—

(A) expand the CAM Program to ensure the safe and orderly processing of refugee children in the region;

(B) strengthen internal asylum systems in Mexico and other countries in the region to protect and process eligible children and families, including establishing and expanding in-country reception centers;

(C) expand access to legal representation for unaccompanied alien children facing United States immigration proceedings; and

(D) reduce delays in immigration courts, which contribute to misinformation that migrants who come to the United States will not be removed; and

(9) it is imperative for the United States to sustain a long-term commitment to addressing the factors causing Central Americans to flee their countries by strengthening citizen security, the rule of law, democratic governance, the protection of human rights, and inclusive economic growth in the Northern Triangle.

SEC. 4. DEFINITIONS.

In this Act:

(1) CAM PROGRAM.—The term ''CAM Program'' means the Central American Minors Refugee/Parole Program administered by U.S. Citizenship and Immigration Services.

(2) INTELLIGENCE COMMUNITY.—The term ''intelligence community'' has the meaning given the term in section 3(4) of the National Security Act of 1947 (50 U.S.C. 3003(4)).

(3) NORTHERN TRIANGLE.—The term ''Northern Triangle'' means the El Salvador, Guatemala, and Honduras.

(4) PLACEMENT.—The term ''placement'' means the placement of an unaccompanied alien child with a sponsor.

(5) PLAN.—The term ''Plan'' means the Plan of the Alliance for Prosperity in the Northern Triangle.

(6) SPONSOR.—The term ''sponsor'' means a sponsor referred to in section 462(b)(4) of the Homeland Security Act of 2002 (6 U.S.C. 279(b)(4)).

(7) UNACCOMPANIED ALIEN CHILD.—The term ''unaccompanied alien child'' has the meaning given the term in section 462(g) of the Homeland Security Act of 2002 (6 U.S.C. 279(g)).

TITLE I—ADVANCING REFORMS IN CENTRAL AMERICA TO ADDRESS THE FACTORS DRIVING MIGRATION

Subtitle A—Strengthening the Capacity of Central American Governments to Protect and Provide for Their Own People

SEC. 111. AUTHORIZATION OF APPROPRIATIONS FOR UNITED STATES STRATEGY FOR ENGAGEMENT IN CENTRAL AMERICA.

(a) IN GENERAL.—There are authorized to be appropriated $1,040,000,000 for fiscal year 2017 to carry out the United States Strategy for Engagement in Central America, as defined by the objectives set forth in subsection (b). Amounts appropriated pursuant to this subsection shall remain available until expended.

(b) USE OF FUNDS.—Amounts appropriated pursuant to subsection (a) may be made available for assistance to Central American countries to implement the United States Strategy for Engagement in Central America in support of the Plan, including efforts—

(1) to strengthen the rule of law and bolster the effectiveness of judicial systems, public prosecutors' offices, and civilian police forces;

(2) to combat corruption and improve public sector transparency;

(3) to confront and counter the violence and crime perpetrated by armed criminal gangs, illicit trafficking organizations, and organized crime;

(4) to disrupt money laundering operations and the illicit financial networks of armed criminal gangs, illicit trafficking organizations, and human smugglers;

(5) to strengthen democratic governance and promote greater respect for internationally-recognized human rights, labor rights, fundamental freedoms, and the media;

(6) to enhance the capability of Central American governments to protect and provide for vulnerable and at-risk populations;

(7) to address the underlying causes of poverty and inequality; and

(8) to address the constraints to inclusive economic growth in Central America.

(c) PRIORITIZATION.—The Secretary of State and the Administrator of the United States Agency for International Development shall prioritize the provision of assistance authorized under this section to address the key factors in Central American countries that contribute to the flight of unaccompanied alien children and other individuals to the United States.

SEC. 112. STRENGTHENING THE RULE OF LAW AND COMBATING CORRUPTION.

(a) IN GENERAL.—Of the amounts appropriated pursuant to section 111(a), $260,000,000 may be made available to the Secretary of State and the Administrator of the United States Agency for International Development to strengthen the rule of law, combat corruption, consolidate democratic governance, and defend human rights.

(b) ASSISTANCE FOR CENTRAL AMERICA.—The Secretary and the Administrator may use the amounts made available under subsection (a) to provide assistance for Central American countries through the activities described in subsection (c).

(c) AUTHORIZED ACTIVITIES.—Activities described in this section include—

(1) strengthening the rule of law in Central American countries by providing support for—

(A) the Office of the Attorney General and public prosecutors in each such country, including the enhancement of their forensics and communications interception capabilities;

(B) reforms leading to independent, merit-based, selection processes for judges and prosecutors, and relevant ethics and professional training;

(C) the improvement of victim and witness protection; and

(D) the reform and improvement of prison facilities and management;

(2) combating corruption by providing support for—

(A) inspectors general and oversight institutions, including relevant training for inspectors and auditors;

(B) international commissions against impunity, including the International Commission Against Impunity in Guatemala (CICIG)

and the Support Mission Against Corruption and Impunity in Honduras (MACCIH);

(C) civil society watchdogs conducting oversight of executive branch officials and functions, police and security forces, and judicial officials and public prosecutors; and

(D) the enhancement of freedom of information mechanisms;

(3) consolidating democratic governance by providing support for—

(A) the reform of civil services, related training programs, and relevant career laws and processes that lead to independent, merit-based selection processes;

(B) national legislatures and their capacity to conduct oversight of executive branch functions;

(C) the reform of political party and campaign finance laws; and

(D) local governments and their capacity to provide critical safety, education, health, and sanitation services to citizens; and

(4) defending human rights by providing support for—

(A) human rights ombudsman offices;

(B) government protection programs that provide physical protection to human rights defenders, journalists, trade unionists, and civil society activists at risk;

(C) civil society organizations that promote and defend human rights, freedom of expression, freedom of the press, labor rights, and LGBT rights; and

(D) civil society organizations that address sexual, domestic, and inter-partner violence against women and protect victims of such violence.

SEC. 113. COMBATING CRIMINAL VIOLENCE AND IMPROVING CITIZEN SECURITY.

(a) IN GENERAL.—Of the amounts appropriated pursuant to section 111(a), $260,000,000 may be made available to the Secretary of State and the Administrator of the United States Agency for International Development to counter the violence and crime perpetrated by armed criminal gangs, illicit trafficking organizations and human smugglers.

(b) ASSISTANCE FOR CENTRAL AMERICA.—The Secretary and the Administrator may use the amounts made available under subsection (a) to provide assistance for Central American countries through the activities described in subsection (c).

(c) AUTHORIZED ACTIVITIES.—Activities described in this section include—

(1) professionalizing civilian police forces by providing support for—

(A) the reform of personnel vetting and dismissal processes, including the enhancement of polygraph capability for use in such processes;

(B) inspectors general and oversight offices, including relevant training for inspectors and auditors;

(C) community policing policies and programs;

(D) the establishment of special vetted units;

(E) training on the appropriate use of force and human rights;

(F) training on civilian intelligence collection, investigative techniques, forensic analysis, and evidence preservation;

(G) equipment, such as nonintrusive inspection equipment and communications interception technology;

(2) countering illicit trafficking by providing assistance to the civilian law enforcement and armed forces of Central American countries, including support for—

(A) the establishment of special vetted units;

(B) the enhancement of intelligence collection capacity;

(C) the reform of personnel vetting and dismissal processes, including the enhancement of polygraph capability for use in such processes;

(D) port, airport, and border security equipment, including—

(i) computer infrastructure and data management systems;

(ii) secure communications technologies;

(iii) communications interception technology;

(iv) nonintrusive inspection equipment; and

(v) radar and aerial surveillance equipment;

(3) disrupting illicit financial networks by providing support for—

(A) finance ministries, including the enhancement of the capacity to use financial sanctions to block the assets of individuals and organizations involved in money laundering and the financing of armed criminal gangs, illicit trafficking networks, human smugglers, and organized crime;

(B) financial intelligence units, including the establishment and enhancement of anti-money laundering programs; and

(C) the reform of bank secrecy laws; and

(4) improving crime prevention by providing support for—

(A) programs that address domestic violence and violence against women;

(B) the enhancement of programs for at-risk and criminal-involved youth, including the improvement of community centers; and

(C) alternative livelihood programs.

(d) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) operational technology transferred to governments in Central America for intelligence or law enforcement purposes should be used solely for the purposes for which the technology was intended; and

(2) the United States should take all necessary steps to ensure that the use of operation technology described in paragraph (1) is consistent with United States law, including protections of freedom of expression, freedom of movement, and freedom of association.

SEC. 114. TACKLING EXTREME POVERTY AND ADVANCING ECONOMIC DEVELOPMENT.

(a) IN GENERAL.—Of the amounts appropriated pursuant to section 111(a), $230,000,000 may be made available to the Secretary of State and the Administrator of the United States Agency for International Development—

(1) to address the underlying causes of poverty and inequality; and

(2) to improve economic development.

(b) ASSISTANCE FOR CENTRAL AMERICA.—The Secretary and the Administrator may use the amounts made available under subsection (a) to provide assistance for Central American countries through the activities described in subsection (c).

(c) AUTHORIZED ACTIVITIES.—Activities described in this section include—

(1) strengthening human capital by providing support for—

(A) workforce development and entrepreneurship training programs that are driven by market demand, specifically programs that prioritize women, at-risk youth, and minorities;

(B) improving early-grade literacy and the improvement of primary and secondary school curricula;

(C) relevant professional training for teachers and educational administrators; and

(D) educational policy reform and improvement of education sector budgeting;

(2) enhancing economic competitiveness and investment climate by providing support for—

(A) small business development centers and programs that strengthen supply chain integration;

(B) trade facilitation and customs harmonization programs;

(C) reducing energy costs through investments in clean technologies and the reform of energy policies and regulations;

(D) the improvement of protections for investors, including dispute resolution and arbitration mechanisms; and

(E) the improvement of labor and environmental standards, in accordance with the Dominican Republic–Central America Free Trade Agreement (CAFTA-DR);

(3) strengthening food security by providing support for—

(A) small-scale agriculture, including technical training and programs that facilitate access to credit;

(B) agricultural value chain development for farming communities;

(C) nutrition programs to reduce childhood stunting rates; and

(D) investment in scientific research on climate change and climate resiliency; and

(4) improving the state of fiscal and financial affairs by providing support for—

(A) domestic revenue generation, including programs to improve tax administration, collection, and enforcement;

(B) strengthening public sector financial management, including strategic budgeting and expenditure tracking; and

(C) reform of customs and procurement policies and processes.

Subtitle B—Conditions, Limitations, and Certifications on United States Assistance

SEC. 121. ASSISTANCE FUNDING AVAILABLE WITHOUT CONDITION.

The Secretary of State may obligate up to 25 percent of the amounts appropriated pursuant to section 111(a) to carry out the United States Strategy for Engagement in Central America in support of the Plan.

SEC. 122. CONDITIONS ON ASSISTANCE RELATED TO SMUGGLING, SCREENING, AND SAFETY OF MIGRANTS.

(a) NOTIFICATION AND COOPERATION.—In addition to the amounts authorized to be obligated under sections 121 and 123, the Secretary of State may obligate an additional 25 percent of the amounts appropriated pursuant to section 111(a) for assistance to the Government of El Salvador, the Government of Guatemala, and the Government of Honduras after the Secretary of State, in consultation with the Secretary of Homeland Security, certifies and reports to Congress that such governments are taking effective steps, in addition to steps taken during previous years, to—

(1) combat human smuggling and trafficking, including investigating, prosecuting, and increasing penalties for individuals responsible for such crimes;

(2) improve border security and border screening to detect and deter illicit smuggling and trafficking, while respecting the rights of individuals fleeing violence and seeking humanitarian protection asylum, in accordance with international law;

(3) cooperate with United States Government agencies and other governments in the region to facilitate the safe and timely repatriation of migrants who do not qualify for refugee or other protected status, in accordance with international law;

(4) improve reintegration services for repatriated migrants in a manner that ensures the safety and well-being of the individual and reduces the likelihood of remigration; and

(5) cooperate with the United Nations High Commissioner for Refugees to improve protections for, and the processing of, vulnerable populations, particularly women and children fleeing violence.

SEC. 123. CONDITIONS ON ASSISTANCE RELATED TO PROGRESS ON SPECIFIC ISSUES.

(a) EFFECTIVE IMPLEMENTATION.—In addition to the amounts authorized to be obligated under sections 121 and 122, the Secretary of State may obligate an additional 50 percent of the amounts appropriated pursuant to section 111 for assistance to the Government of El Salvador, the Government of Guatemala, and the Government of Honduras after the Secretary consults with, and subsequently certifies and reports to, the appropriate congressional committees that such governments are taking effective steps in their respective countries, in addition to steps taken during the previous calendar year, to—

(1) establish an autonomous, publicly accountable entity to provide oversight of the Plan;

(2) combat corruption, including investigating and prosecuting government officials, military personnel, and civil police officers credibly alleged to be corrupt;

(3) implement reforms and strengthen the rule of law, including increasing the capacity and independence of the judiciary and public prosecutors;

(4) counter the activities of armed criminal gangs, illicit trafficking networks, and organized crime;

(5) establish and implement a plan to create a professional, accountable civilian police force and curtail the role of the military in internal policing;

(6) investigate and prosecute, through the civilian justice system, military and police personnel who are credibly alleged to have violated human rights, and to ensure that the military and the police are cooperating in such cases;

(7) cooperate with international commissions against impunity, as appropriate, and with regional human rights entities;

(8) implement reforms related to improving the transparency of financing political campaigns and political parties;

(9) protect the right of political opposition parties, journalists, trade unionists, human rights defenders, and other civil society activists to operate without interference;

(10) increase government revenues, including by enhancing tax collection, strengthening customs agencies, and reforming procurement processes;

(11) implement reforms to strengthen educational systems, vocational training programs, and programs for at-risk youth;

(12) resolve commercial disputes, including the confiscation of real property, between United States entities and the respective governments; and

(13) implement a policy by which local communities, civil society organizations (including indigenous and marginalized groups), and local governments are consulted in the design, implementation and evaluation of the activities of the Plan that affect such communities, organizations, or governments.

Subtitle C—Effectively Coordinating United States Engagement in Central America

SEC. 131. UNITED STATES COORDINATOR FOR ENGAGEMENT IN CENTRAL AMERICA.

(a) DESIGNATION.—Not later than 30 days after the date of the enactment of this Act, the President shall designate a senior official to coordinate all of the Federal Government's efforts and the efforts of international partners to strengthen citizen security, the rule of law, and economic prosperity in Central America and to protect vulnerable populations in the region.

(b) SUPERVISION.—The official designated under subsection (a) shall report directly to the President.

(c) DUTIES.—The official designated under subsection (a) shall coordinate all of the efforts, activities, and programs related to United States engagement in Central America, including—

(1) coordinating with the Department of State, the Department of Justice (including the Federal Bureau of Investigation), the Department of Homeland Security, the intelligence community, and international partners regarding United States efforts to confront armed criminal gangs, illicit trafficking networks, and organized crime responsible for high levels of violence, extortion, and corruption in Central America;

(2) coordinating with the Department of State, the United States Agency for International Development, and international partners regarding United States efforts to prevent and mitigate the effects of violent criminal gangs and transnational criminal organizations on vulnerable Central American populations, including women and children;

(3) coordinating with the Department of State, the Department of Homeland Security, and international partners regarding United States efforts to counter human smugglers illegally transporting Central American migrants to the United States;

(4) coordinating with the Department of State, the Department of Homeland Security, the United States Agency for International Development, and international partners, including the United Nations High Commissions for Refugees, to increase protections for vulnerable Central American populations, improve refugee processing, and strengthen asylum systems throughout the region;

(5) coordinating with the Department of State, the Department of Defense, the Department of Justice (including the Drug Enforcement Administration), the Department of the Treasury, the intelligence community, and international partners regarding United States efforts to combat illicit narcotics traffickers, interdict transshipments of illicit narcotics, and disrupt the financing of the illicit narcotics trade;

(6) coordinating with the Department of State, the Department of the Treasury, the Department of Justice, the intelligence community, the United States Agency for International Development, and international partners regarding United States efforts to combat corruption, money laundering, and illicit financial networks;

(7) coordinating with the Department of State, the Department of Justice, the United States Agency for International Development, and international partners regarding United States efforts to strengthen the rule of law, democratic governance, and human rights protections;

(8) coordinating with the Department of State, the Department of Agriculture, the United States Agency for International Development, the Overseas Private Investment Corporation, the United States Trade and Development Agency, the Department of Labor, and international partners, including the Inter-American Development Bank, to strengthen the foundation for inclusive economic growth and improve food security, investment climate, and protections for labor rights.

(d) CONSULTATION.—The official designated under subsection (a) shall consult with Congress, multilateral organizations and institutions, foreign governments, and domestic and international civil society organizations.

Subtitle D—United States Leadership for Engaging International Donors and Partners

SEC. 141. REQUIREMENT FOR STRATEGY TO SECURE SUPPORT OF INTERNATIONAL DONORS AND PARTNERS.

(a) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the Secretary of State shall submit a 3-year strategy to the appropriate congressional committees that—

(1) describes how the United States will secure support from international donors and regional partners (including Colombia and Mexico) for the implementation of the Plan;

(2) identifies governments that are willing to provide financial and technical assistance for the implementation of the Plan and a description of such assistance; and

(3) identifies the financial and technical assistance to be provided by multilateral institutions, including the Inter-American Development Bank, the World Bank, the International Monetary Fund, the Andean Development Corporation - Development Bank of Latin America, and the Organization of American States, and a description of such assistance.

(b) DIPLOMATIC ENGAGEMENT AND COORDINATION.—The Secretary of State, in coordination with the Secretary of the Treasury, as appropriate, shall—

(1) carry out diplomatic engagement to secure contributions of financial and technical assistance from international donors and partners in support of the Plan; and

(2) take all necessary steps to ensure effective cooperation among international donors and partners supporting the Plan.

(c) REPORT.—Not later than 1 year after submitting the strategy submitted under subsection (a), the Secretary of State shall submit a report to the appropriate congressional committees that describes—

(1) the progress made in implementing the strategy; and

(2) the financial and technical assistance provided by international donors and partners, including the multilateral institutions listed in subsection (a)(3).

(d) BRIEFINGS.—Upon a request from 1 of the appropriate congressional committees, the Secretary of State shall provide a briefing to the committee that describes the progress made in implementing the strategy submitted under subsection (a).

(e) DEFINED TERM.—In this section, the term ''appropriate congressional committees'' means—

(1) the Committee on Foreign Relations of the Senate;

(2) the Committee on Appropriations of the Senate;

(3) the Committee on Foreign Affairs of the House of Representatives; and

(4) the Committee on Appropriations of the House of Representatives.

TITLE II—CRACKING DOWN ON SMUGGLERS, CARTELS, AND TRAFFICKERS EXPLOITING CHILDREN AND FAMILIES

Subtitle A—Strengthening Cooperation Among Law Enforcement Agencies to Target Smugglers and Traffickers

SEC. 211. ENHANCED INTERNATIONAL COOPERATION TO COMBAT HUMAN SMUGGLING AND TRAFFICKING.

(a) PARTNERSHIP EXPANSION.—The Secretary of Homeland Security, in coordination with the Secretary of State, shall expand partnership efforts with law enforcement entities in El Salvador, Guatemala, Honduras and Mexico seeking to combat human smuggling and trafficking in those countries, including—

(1) the creation or expansion of transnational criminal investigative units to identify, disrupt, and prosecute human smuggling and trafficking operations;

(2) participation by U.S. Immigration and Customs Enforcement and the Department of Justice in the Bilateral Human Trafficking Enforcement Initiative with their Mexican law enforcement counterparts; and

(3) advanced training programs for investigators and prosecutors from El Salvador, Guatemala, Honduras and Mexico.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out subsection (a).

SEC. 212. ENHANCED INVESTIGATION AND PROSECUTION OF HUMAN SMUGGLING AND TRAFFICKING.

(a) IN GENERAL.—The Attorney General and the Secretary of Homeland Security shall expand collaborative programs aimed at investigating and prosecuting human smugglers and traffickers targeting Central American children and families and operating at the Southwestern border, including the continuation and expansion of anti-trafficking coordination teams.

(b) HOMELAND SECURITY INVESTIGATIONS.—The Secretary of Homeland Security, in consultation with the Director of U.S. Immigration and Customs Enforcement, shall increase the resources available to Homeland Security Investigations to facilitate the expansion of its smuggling and trafficking investigations.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out subsections (a) and (b).

SEC. 213. INFORMATION CAMPAIGN ON DANGERS OF MIGRATION.

(a) IN GENERAL.—The Secretary of Homeland Security, in consultation with the Secretary of State, shall design and implement public information campaigns in El Salvador, Guatemala, and Honduras—

(1) to disseminate information about the dangers of travel across Mexico to the United States; and

(2) to combat misinformation about United States immigration law or policy.

(b) ELEMENTS.—The information campaigns implemented pursuant to subsection (a) shall, to the greatest extent possible—

(1) be targeted at populations and localities with high migration rates;

(2) employ a variety of communications media; and

(3) be developed in consultation with program officials at the Department of Homeland Security, the Department of State, or other government, nonprofit, or academic entities in close contact with migrant populations from El Salvador, Guatemala, and Honduras, including repatriated migrants.

Subtitle B—Strengthening the Ability of the United States Government to Crack Down on Smugglers, Traffickers, and Drug Cartels

SEC. 221. ENHANCED PENALTIES FOR ORGANIZED SMUGGLING SCHEMES.

(a) IN GENERAL.—Section 274(a)(1)(B) of the Immigration and Nationality Act (8 U.S.C. 1324(a)(1)(B)) is amended—

(1) by redesignating clauses (iii) and (iv) as clauses (iv) and (v), respectively;

(2) by inserting after clause (ii) the following:

''(iii) in the case of a violation of subparagraph (A)(i) during and in relation to which the person, while acting for profit or other financial gain, knowingly directs or participates in an effort or scheme to assist or cause 10 or more persons (other than a parent, spouse, or child of the offender) to enter or to attempt to enter the United States at the same time at a place other than a designated port of entry or place other than designated by the Secretary, be fined under title 18, United States Code, imprisoned not more than 15 years, or both;''; and

(3) in clause (iv), as redesignated, by inserting ''commits or attempts to commit sexual assault of,'' after ''section 1365 of title 18, United States Code) to,''.

(b) BULK CASH SMUGGLING.—Section 5332(b)(1) of title 31, United States Code, is amended—

(1) in the paragraph heading, by striking ''TERM OF IMPRISONMENT'' and inserting ''IN GENERAL''; and

(2) by inserting '', fined under title 18, or both'' after ''5 years''.

SEC. 222. EXPANDING FINANCIAL SANCTIONS ON NARCOTICS TRAFFICKING AND MONEY LAUNDERING.

(a) FINDINGS.—Congress finds the following:

(1) In July 2011, President Obama released ''Strategy to Combat Transnational Organized Crime'', which articulates a multidimensional response to combat transnational organized crime, including drug trafficking networks, armed criminal gangs, and money laundering.

(2) The Strategy calls for expanded efforts to dismantle illicit financial networks, including through maximizing the use of the Foreign Narcotics Kingpin Designation Act (21 U.S.C. 1901 et seq.).

(b) SENSE OF CONGRESS.—It is the sense of Congress that the Senate should immediately confirm pending nominations to key national security positions, including Mr. Adam Szubin, who was nominated by President Obama on April 16, 2015 to the position of Undersecretary for Terrorism and Financial Crimes within the Department of the Treasury, a critical position focused on identifying and confronting illicit financial networks.

(c) FINANCIAL SANCTIONS EXPANSION.—

(1) IN GENERAL.—The Secretary of Treasury, the Attorney General, the Secretary of State, the Secretary of Defense, and the Director of Central Intelligence shall expand investigations, intelligence collection, and analysis pursuant to the Foreign Narcotics Kingpin Designation Act to increase the identification and application of sanctions against—

(A) significant foreign narcotics traffickers, their organizations and networks; and

(B) the foreign persons who provide material, financial, or technological support to such traffickers, organizations, and networks.

(2) TARGETS.—The efforts described in paragraph (1) shall specifically target foreign narcotics traffickers, their organizations and networks, and the foreign persons who provide material, financial, or technological support to such traffickers, organizations and networks that are present and operating in Central or South America.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out subsection (c).

Subtitle C—Creating New Penalties for Hindering Immigration, Border, and Customs Controls

SEC. 231. HINDERING IMMIGRATION, BORDER, AND CUSTOMS CONTROLS.

(a) IMMIGRATION AND NATIONALITY ACT.—The Immigration and Nationality Act (8 U.S.C. 1101 et seq.) is amended by inserting after section 274D the following:

''SEC. 274E. HINDERING IMMIGRATION, BORDER, AND CUSTOMS CONTROLS.

''(a) ILLICIT SPOTTING.—

''(1) IN GENERAL.—It shall be unlawful to knowingly surveil, track, monitor, or transmit the location, movement, or activities of any officer or employee of a Federal, State, or tribal law enforcement agency—

''(A) with the intent to gain financially; and

''(B) in furtherance of any violation of the immigration laws, the customs and trade laws of the United States (as defined in section 2 of the Trade Facilitation and Trade Enforcement Act of 2015 (Public Law 114–125)), any other Federal law relating to transporting controlled substances, agriculture, or monetary instruments into the United States, or any Federal law relating to border controls measures of the United States.

''(2) PENALTY.—Any person who violates paragraph (1) shall be fined under title 18, United States Code, imprisoned for not more than 5 years, or both.

''(b) DESTRUCTION OF UNITED STATES BORDER CONTROLS.—

''(1) IN GENERAL.—It shall be unlawful to knowingly and without lawful authorization—

''(A) destroy or significantly damage any fence, barrier, sensor, camera, or other physical or electronic device deployed by the Federal Government to control an international border of, or a port of entry to, the United States; or

''(B) otherwise seek to construct, excavate, or make any structure intended to defeat, circumvent or evade such a fence, barrier, sensor camera, or other physical or electronic device deployed by the Federal Government to control an international border of, or a port of entry to, the United States.

''(2) PENALTY.—Any person who violates paragraph (1) shall be fined under title 18, United States Code, imprisoned for not more than 5 years, or both.''.

(b) CLERICAL AMENDMENT.—The table of contents of such Act (8 U.S.C. 1101 et seq.) is amended by inserting after the item relating to section 274D the following:

''Sec. 274E. Hindering immigration, border, and customs controls.''.

TITLE III—MINIMIZING BORDER CROSSINGS BY EXPANDING PROCESSING OF REFUGEE CHILDREN AND FAMILIES IN-COUNTRY AND IN THE REGION

Subtitle A—Providing Alternative Safe Havens in Mexico and the Region

SEC. 311. STRENGTHENING INTERNAL ASYLUM SYSTEMS IN MEXICO AND OTHER COUNTRIES.

(a) IN GENERAL.—The Secretary of State, in consultation with the Secretary of Homeland Security, shall work with international partners, including the United Nations High Commissioner for Refugees, to support and provide technical assistance to strengthen the domestic capacity of Mexico and other countries in the region to provide asylum to eligible children and families by—

(1) establishing and expanding temporary and long-term in-country reception centers and shelter capacity to meet the humanitarian needs of those seeking asylum or other forms of international protection;

(2) improving the asylum registration system to ensure that all individuals seeking asylum or other humanitarian protection—

(A) are properly screened for security, including biographic and biometric capture;

(B) receive due process and meaningful access to existing legal protections; and

(C) receive proper documents in order to prevent fraud and ensure freedom of movement and access to basic social services;

(3) creating or expanding a corps of trained asylum officers capable of evaluating and deciding individual asylum claims consistent with international law and obligations; and

(4) developing the capacity to conduct best interest determinations for unaccompanied alien children to ensure that their needs are properly met, which may include family reunification or resettlement based on international protection needs.

(b) REPORT.—Not later than 60 days after the date of the enactment of this Act, the Secretary of State, in consultation with the Secretary of Homeland Security, shall submit a report that describes the plans of the Secretary of State to assist in developing the asylum processing capabilities described in subsection (a) to—

(1) the Committee on Foreign Relations of the Senate;

(2) the Committee on Homeland Security and Governmental Affairs of the Senate;

(3) the Committee on the Judiciary of the Senate;

(4) the Committee on Foreign Affairs of the House of Representatives;

(5) the Committee on Homeland Security of the House of Representatives; and

(6) the Committee on the Judiciary of the House of Representatives.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out subsection (a).

Subtitle B—Expanding Refugee Processing in Mexico and Central America for Third Country Resettlement

SEC. 321. EXPANDING REFUGEE PROCESSING IN MEXICO AND CENTRAL AMERICA FOR THIRD COUNTRY RESETTLEMENT.

(a) IN GENERAL.—The Secretary of State, in consultation with the Secretary of Homeland Security, shall coordinate with the United Nations High Commissioner for Refugees to support and provide technical assistance to the Government of Mexico and the governments of other countries in the region to increase access to global resettlement for eligible children and families with protection needs by—

(1) establishing and expanding in-country refugee reception centers to meet the humanitarian needs of those seeking international protection;

(2) improving the refugee registration system to ensure that all refugees—

(A) are properly screened for security, including biographic and biometric capture;

(B) receive due process and meaningful access to existing legal protections; and

(C) receive proper documents in order to prevent fraud and ensure freedom of movement and access to basic social services;

(3) creating or expanding a corps of trained refugee officers capable of evaluating and deciding individual claims for protection, consistent with international law and obligations; and

(4) developing the capacity to conduct best interest determinations for unaccompanied alien children to ensure that—

(A) such children with international protection needs are properly registered; and

(B) their needs are properly met, which may include family reunification or resettlement based on international protection needs.

(b) REPORT.—Not later than 60 days after the date of the enactment of this Act, the Secretary of State, in consultation with the Secretary of Homeland Security, shall submit a report to the committees listed in section 311(b) that describes the plans of the Secretary of State to assist in developing the refugee processing capabilities described in subsection (a).

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out subsection (a).

Subtitle C—Improving the Efficiency of the Central American Minors Program

SEC. 331. EXPANSION.

The Director of U.S. Citizenship and Immigration Services shall increase the resources directed to the CAM Program, including—

(1) increasing the number of refugee officers available for in-country processing; and

(2) establishing additional site locations.

SEC. 332. EXPEDITED PROCESSING.

Not later than 180 days after receiving a completed application from an unaccompanied alien child seeking protection under the CAM Program, the Director of U.S. Citizenship and Immigration Services shall make a final determination on such application unless the security screening for such child cannot be completed during the 180-day period.

SEC. 333. REFERRAL TO UNHCR.

The Director of U.S. Citizenship and Immigration Services or the Assistant Secretary of State for the Bureau of Population, Refugees, and Migration shall refer any child who is the proposed beneficiary of an application under the CAM Program and is facing immediate risk of harm to the United Nations High Commissioner for Refugees for registration and safe passage to an established emergency transit center for refugees.

TITLE IV—MONITORING AND SUPPORTING UNACCOMPANIED ALIEN CHILDREN AFTER PROCESSING AT THE BORDER

SEC. 401. DEFINITIONS; AUTHORIZATION OF APPROPRIATIONS.

(a) DEFINITIONS.—In this title:

(1) DEPARTMENT.—Except as otherwise indicated, the term ''Department'' means the Department of Health and Human Services.

(2) DIRECTOR.—The term ''Director'' means the Director of the Office of Refugee Resettlement of the Department.

(3) LOCAL EDUCATIONAL AGENCY.—The term ''local educational agency'' has the meaning given the term in section 8101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801).

(4) RESIDENT ADULT.—The term ''resident adult'' means any individual age 18 or older who regularly lives, shares common areas, and sleeps in a sponsor or prospective sponsor's home.

(5) SECRETARY.—Except as otherwise indicated, the term ''Secretary'' means the Secretary of Health and Human Services.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out this title.

Subtitle A—Strengthening the Government's Ability to Oversee the Safety and Well-Being of Children

SEC. 411. BACKGROUND CHECKS TO ENSURE THE SAFE PLACEMENT OF UNACCOMPANIED ALIEN CHILDREN.

(a) CRIMINAL AND CIVIL RECORD CHECKS.—

(1) REQUIREMENT.—In carrying out the functions transferred to the Director under section 462(a) of the Homeland Security Act of 2002 (6 U.S.C. 279(a)), from amounts appropriated pursuant to section 401(b) to carry out this section, the Director shall perform, consistent with best practices in the field of child welfare, and a prospective sponsor and all resident adults in the home of the prospective sponsor shall submit to the following record checks (which shall be completed as expeditiously as possible):

(A) Fingerprint-based checks (except as described in paragraph (2)) in national crime information databases, as defined in section 534(e)(3) of title 28, United States Code.

(B) A search of the State criminal registry or repository for any State (except as described in paragraph (3)) in which the prospective sponsor or resident adult has resided during the 5 years preceding the search.

(C) A search of the National Sex Offender Registry established under section 119 of the Adam Walsh Child Protection and Safety Act of 2006 (42 U.S.C. 16919).

(D) A search (except as described in paragraphs (2) and (3)) of State-based child abuse and neglect registries and databases for any State in which the prospective sponsor or resident adult has resided during the 5 years preceding the search.

(2) PARENTS AND GUARDIANS.—For purposes of paragraph (1), if the prospective sponsor is the parent or guardian of the child involved, the Director shall have discretion to determine whether the Director shall perform, and the prospective sponsor and resident adults described in paragraph (1) shall submit to, a check described in subparagraph (A) or (D) of paragraph (1).

(3) WAIVERS.—

(A) IN GENERAL.—If the Secretary determines that it is not feasible to conduct the check described in subparagraph (B) or (D) of paragraph (1) for a State, including infeasibility due to a State's refusal or nonresponse in response to a request for related information, or that the average time to receive results from a State for such a check is more than 10 business days, the Secretary may waive the requirements of that subparagraph with respect to the State involved for a period of not more than 1 year. The Secretary may renew the waiver in accordance with this subparagraph.

(B) PROHIBITION ON DELEGATION.—The Secretary may not delegate the responsibility under subparagraph (A) to another officer or employee of the Department.

(C) STATES WHERE WAIVERS APPLY.—The Secretary shall make available, on a website of the Department, the list of States for which the requirements of subparagraph (B) or (D) of paragraph (1) are waived under this paragraph.

(4) USE OF RECORD CHECKS.—The information revealed by a record check performed pursuant to this section shall be used only by the Director for the purpose of determining whether a potential sponsor is a suitable sponsor for a placement for an unaccompanied alien child.

(b) PLACEMENT DETERMINATIONS GENERALLY.—

(1) DENIALS REQUIRED FOR CERTAIN CRIMES.—The Director shall deny any placement for a prospective sponsor (other than the parent or guardian of the child involved), and may deny any placement for a prospective sponsor who is the parent or guardian of the child involved subject to subsection (c), if the record checks performed pursuant to this section reveal that the prospective sponsor or a resident adult in the home of the prospective sponsor was convicted at age 18 or older of a crime that is a felony consisting of any of the following:

(A) Domestic violence, stalking, child abuse, child neglect, or child abandonment, if the prospective sponsor or resident adult served at least 1 year imprisonment for a crime specified in this subparagraph, or if the prospective sponsor or resident adult was convicted of 2 or more crimes specified in this subparagraph, not arising out of a single scheme of criminal misconduct.

(B) A crime against a child involving pornography.

(C) Human trafficking.

(D) Rape or sexual assault.

(E) Homicide.

(2) DENIALS CONSIDERED FOR CERTAIN OFFENSES.—The Director may deny a placement for a prospective sponsor if the record checks performed pursuant to this section reveal that the prospective sponsor or a resident adult in the home of a prospective sponsor was adjudged guilty of a civil offense or was convicted of a crime not covered by paragraph (1). The Director, in making a determination about whether to approve or deny the placement, shall consider all of the following factors:

(A) The type of offense.

(B) The number of offenses the sponsor or resident adult has been adjudged guilty or convicted of.

(C) The length of time that has elapsed since the adjudication or conviction.

(D) The nature of the offense.

(E) The age of the individual at the time of the adjudication or conviction.

(F) The relationship between the offense and the capacity to care for a child.

(G) Evidence of rehabilitation of the individual.

(H) Opinions of community and family members concerning the individual.

(c) PLACEMENT DETERMINATIONS CONCERNING PARENTS OR GUARDIANS.—The Director may deny a placement for a prospective sponsor who is the parent or guardian of the child involved if the record checks performed pursuant to this section reveal that the prospective sponsor or a resident adult in the home of a prospective sponsor was adjudged guilty of a civil offense or was convicted of a crime. The Director, in making a determination about whether to approve or deny the placement, shall consider all of the factors described in subsection (b)(2).

(d) APPEALS PROCESS.—

(1) INFORMATION.—The Secretary shall provide information to each prospective sponsor on how such sponsor may appeal—

(A) a placement determination under this section, including—

(i) prompt notice of the opportunity to so appeal; and

(ii) instructions about how to participate in the appeals process; and

(B) the results of a record check performed pursuant to this section or the accuracy or completeness of the information yielded by the record check, as provided in paragraph (2), including—

(i) prompt notice of the opportunity to so appeal; and

(ii) instructions about how to participate in the appeals process.

(2) APPEAL.—Each Federal agency responsible for administering or maintaining the information in a database, registry, or repository used in a record check performed pursuant to this section or responsible for the accuracy or completeness of the information yielded by the record check shall—

(A) establish a process for an appeal concerning the results of that record check, or that accuracy or completeness; and

(B) complete such process not later than 30 days after the date on which such an appeal is filed.

(e) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to prohibit the Director from establishing additional checks or procedures (besides the checks required in this section) for sponsors, to enable the Director to—

(1) oversee and promote the health, safety, and well-being of unaccompanied alien children; or

(2) prevent the exploitation, neglect, or abuse of unaccompanied alien children.

SEC. 412. RESPONSIBILITY OF SPONSOR FOR IMMIGRATION COURT COMPLIANCE AND CHILD WELL-BEING.

(a) IN GENERAL.—Using amounts appropriated pursuant to section 401(b) to carry out this section, the Secretary, in consultation with the Attorney General, shall establish procedures to ensure that legal orientation programs regarding immigration court and rights and responsibilities for the well-being of unaccompanied alien children are provided to all prospective sponsors of unaccompanied alien children prior to an unaccompanied alien child's placement with such a sponsor.

(b) PROGRAM ELEMENTS.—The procedures described in subsection (a) shall include a requirement that each legal orientation program described in such subsection shall provide information on the sponsor's rights and responsibilities to—

(1) ensure the unaccompanied alien child appears at immigration proceedings and communicate with the court involved regarding the child's change of address and other relevant information;

(2) immediately enroll the child in school, and shall provide information and resources if the sponsor encounters difficulty enrolling such child in school;

(3) provide access to health care, including mental health care as needed, and any necessary age-appropriate health screening to the child;

(4) report potential child traffickers and other persons seeking to victimize or exploit unaccompanied alien children, or otherwise engage such children in criminal, harmful, or dangerous activity;

(5) seek assistance from the Department regarding the health, safety, and well-being of the child placed with the sponsor; and

(6) file a complaint, if necessary, with the Secretary or the Secretary of Homeland Security regarding treatment of unaccompanied alien children while under the care of the Office of Refugee Resettlement or the Department of Homeland Security, respectively.

SEC. 413. MONITORING UNACCOMPANIED ALIEN CHILDREN.

(a) RISK-BASED POST-PLACEMENT SERVICES.—

(1) IN GENERAL.—Using amounts appropriated pursuant to section 401(b) to carry out this section, the Secretary shall, to assist each unaccompanied alien child in a placement with a sponsor—

(A) complete an individualized assessment of the need for services to be provided after placement; and

(B) provide such post-placement services during the pendency of removal proceedings or until no longer necessary.

(2) MINIMUM SERVICES.—For the purposes of paragraph (1), the services shall, at a minimum, include—

(A) for the unaccompanied alien child, at least one post-placement case management services visit within 30 days after placement with a sponsor and the referral of unaccompanied alien children to service providers in the community; and

(B) for the family of the child's sponsor, orientation and other functional family support services, as determined to be necessary in the individualized assessment.

(b) EFFECTIVE USE OF CHILD ADVOCATES FOR THE MOST VULNERABLE UNACCOMPANIED ALIEN CHILDREN.—The Secretary shall—

(1) direct the Director—

(A) to identify and track the referral rates of unaccompanied alien children to child advocates by care providers and investigate instances in which such a rate is low;

(B) to ensure that the referral criteria established by the Director are appropriately applied when a care provider determines if such a child is eligible for referral to a child advocate;

(C) to provide technical assistance to care providers to ensure compliance with such criteria; and

(D) to establish a process for stakeholders and the public to refer unaccompanied alien children, including those placed with a sponsor, to the child advocate program to determine if such child meets the referral criteria for appointment of a child advocate; and

(2) ensure that each child advocate for an unaccompanied alien child shall—

(A) be provided access to materials necessary to advocate effectively for the best interest of the child, including direct access to significant incident reports, home studies, and similar materials and information; and

(B) be notified when new materials and information described in subparagraph (A) relating to the child are created or become available.

Subtitle B—Funding to States and School Districts; Supporting Education and Safety

SEC. 421. FUNDING TO STATES TO CONDUCT STATE CRIMINAL CHECKS AND CHILD ABUSE AND NEGLECT CHECKS.

(a) DEFINITION.—In this section, the term ''State'' means each of the 50 States of the United States and the District of Columbia.

(b) PAYMENTS TO STATES TO CONDUCT STATE CRIMINAL REGISTRY OR REPOSITORY SEARCHES AND TO CONDUCT CHILD ABUSE AND NEGLECT CHECKS.—

(1) IN GENERAL.—Using amounts appropriated pursuant to section 401(b) to carry out this section, the Secretary shall, in accordance with this subsection, make payments to States, through each agency in each State tasked with administering the State criminal registry or repository required under section 411(a)(1)(B) or the State child abuse and neglect registry required under section 411(a)(1)(D), to assist with searches of such registries, repositories, or databases for prospective sponsors of unaccompanied alien children and resident adults in the home of such prospective sponsors, in accordance with section 411.

(2) ALLOTMENTS.—

(A) STATE CRIMINAL REGISTRY AND REPOSITORY SEARCHES.—In each fiscal year, using amounts appropriated pursuant to section 401(b) to carry out this section with respect to the program providing payments to States to assist with criminal registry or repository searches, the Secretary shall allot to each State participating in such program, through the agency in each such State tasked with administering the State criminal registry or repository described in section 411(a)(1)(B), an amount that bears the same relationship to such funds as the number of searches of such State criminal registry or repository conducted in accordance with section 411(a)(1)(B) in the State bears to the total number of such searches in all States participating in the program.

(B) CHILD ABUSE AND NEGLECT CHECKS.—In each fiscal year, using amounts appropriated pursuant to section 401(b) to carry out this section with respect to the program providing payments to States to assist with child abuse and neglect registry and database searches, the Secretary shall allot to each State participating in such program, through the agency in each such State tasked with administering the State child abuse and neglect registries and databases described in section 411(a)(1)(D), an amount that bears the same relationship to such funds as the number of searches of such child abuse and neglect registries and databases conducted in accordance with section 411(a)(1)(D) in the State bears to the total number of such searches in all States participating in the program.

(C) TRANSITION RULE.—In the first fiscal year in which funds are made available under this title to carry out this section, the Secretary shall make allotments to each State participating in the programs under this section in accordance with subparagraphs (A) and (B), based on the Secretary's estimate of the number of the searches described in each such subparagraph, respectively, that each of the States are expected to conduct in such fiscal year.

(3) STATE APPLICATIONS.—Each State agency described in paragraph (1) desiring an allotment under subparagraph (A) or (B) of paragraph (2) shall submit an application at such time, in such manner, and containing such information as the Secretary may require, which shall include an assurance that the State agency will respond promptly to

all requests from the Director, within a reasonable time period determined by the Director, to conduct a search required under section 411 in a timely manner, and a description of how funds will be used to meet such assurance.

SEC. 422. FUNDING TO SCHOOL DISTRICTS FOR UNACCOMPANIED ALIEN CHILDREN.

(a) GRANTS AUTHORIZED.—Using amounts appropriated pursuant to section 401(b) to carry out this section, the Secretary of Education shall award grants, on a competitive basis, to eligible local educational agencies, or consortia of neighboring local educational agencies, described in subsection (b) to enable the local educational agencies or consortia to enhance opportunities for, and provide services to, immigrant children and youth, including unaccompanied alien children, in the area served by the local educational agencies or consortia.

(b) ELIGIBLE LOCAL EDUCATIONAL AGENCIES.—

(1) IN GENERAL.—A local educational agency, or a consortium of neighboring local educational agencies, is eligible for a grant under subsection (a) if, during the fiscal year for which a grant is awarded under this section, there are 50 or more unaccompanied alien children enrolled in the public schools served by the local educational agency or the consortium, respectively.

(2) DETERMINATIONS OF NUMBER OF UNACCOMPANIED ALIEN CHILDREN.—The Secretary of Education shall determine the number of unaccompanied alien children for purposes of paragraph (1) based on the most accurate data available that is provided to the Secretary of Education by the Director or the Department of Homeland Security.

(c) APPLICATIONS.—A local educational agency, or a consortia of neighboring local educational agencies, desiring a grant under this section shall submit an application to the Secretary of Education at such time, in such manner, and containing such information, as the Secretary of Education may require, including a description of how the grant will be used to enhance opportunities for, and provide services to, immigrant children and youth (including unaccompanied alien children) and their families.

SEC. 423. IMMEDIATE ENROLLMENT OF UNACCOMPANIED ALIEN CHILDREN IN SCHOOLS.

To be eligible for funding under the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et seq.), a local educational agency shall—

(1) ensure that unaccompanied alien children in the area served by the local educational agency are immediately enrolled in school following placement with a sponsor; and

(2) remove barriers to enrollment and full participation in educational programs and services offered by the local educational agency for unaccompanied alien children (including barriers related to documentation, age, and language), which shall include reviewing and revising policies that may have a negative effect on such children.

TITLE V—ENSURING ORDERLY AND HUMANE MANAGEMENT OF CHILDREN AND FAMILIES SEEKING PROTECTION

Subtitle A—Providing a Fair and Efficient Legal Process for Children and Vulnerable Families Seeking Asylum

SEC. 511. COURT APPEARANCE COMPLIANCE AND LEGAL ORIENTATION.

(a) ACCESS TO LEGAL ORIENTATION PROGRAMS TO ENSURE COURT APPEARANCE COMPLIANCE.—

(1) IN GENERAL.—The Secretary of Homeland Security, in consultation with the Attorney General, shall establish procedures, consistent with the procedures established pursuant to section 412, to ensure that legal orientation programs are available for all aliens detained by the Department of Homeland Security.

(2) PROGRAM ELEMENTS.—Programs under paragraph (1) shall inform aliens described in such paragraph regarding—

(A) the basic procedures of immigration hearings;

(B) their rights and obligations relating to such hearings under Federal immigration laws to ensure appearance at all immigration proceedings;

(C) their rights under Federal immigration laws, including available legal protections and the procedure for requesting such protection;

(D) the consequences of filing frivolous legal claims and of failing to appear for proceedings; and

(E) any other subject that the Attorney General considers appropriate, such as a contact list of potential legal resources and providers.

(3) ELIGIBILITY.—An alien shall be given access to legal orientation programs under this subsection regardless of the alien's current immigration status, prior immigration history, or potential for immigration relief.

(b) PILOT PROJECT FOR NONDETAINED ALIENS IN REMOVAL PROCEEDINGS.—

(1) IN GENERAL.—The Attorney General shall develop and administer a 2-year pilot program at not fewer than 2 immigration courts to provide nondetained aliens with pending asylum claims access to legal information.

(2) REPORT.—At the conclusion of the pilot program under this subsection, the Attorney General shall submit a report to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives that describes the extent to which nondetained aliens are provided with access to counsel.

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Executive Office of Immigration Review of the Department of Justice such sums as may be necessary to carry out this section.

SEC. 512. FAIR DAY IN COURT FOR KIDS.

(a) IMPROVING IMMIGRATION COURT EFFICIENCY AND REDUCING COSTS BY INCREASING ACCESS TO LEGAL INFORMATION.—

(1) APPOINTMENT OF COUNSEL IN CERTAIN CASES; RIGHT TO REVIEW CERTAIN DOCUMENTS IN REMOVAL PROCEEDINGS.—Section 240(b) of the Immigration and Nationality Act (8 U.S.C. 1229a(b)) is amended—

(A) in paragraph (4)—

(i) in subparagraph (A)—

(I) by striking '', at no expense to the Government,''; and

(II) by striking the comma at the end and inserting a semicolon;

(ii) by redesignating subparagraphs (B) and (C) as subparagraphs (D) and (E), respectively;

(iii) by inserting after subparagraph (A) the following:

''(B) the Attorney General may appoint or provide counsel to aliens in immigration proceedings;

''(C) at the beginning of the proceedings or as expeditiously as possible, the alien shall automatically receive a complete copy of the alien's Alien File (commonly known as an 'A–file') and Form I–862 (commonly known as a 'Notice to Appear') in the possession of the Department of Homeland Security (other than documents protected from disclosure by privilege, including national security information referred to in subparagraph (D), law enforcement sensitive information, and information prohibited from disclosure pursuant to any other provision of law) unless the alien waives the right to receive such documents by executing a knowing and voluntary written waiver in a language that he or she understands fluently;''; and

(iv) in subparagraph (D), as redesignated, by striking '', and'' and inserting ''; and''; and

(B) by adding at the end the following:

''(8) FAILURE TO PROVIDE ALIEN REQUIRED DOCUMENTS.—In the absence of a waiver under paragraph (4)(C), a removal proceeding may not proceed until the alien—

''(A) has received the documents as required under such paragraph; and

''(B) has been provided meaningful time to review and assess such documents.''.

(2) CLARIFICATION REGARDING THE AUTHORITY OF THE ATTORNEY GENERAL TO APPOINT COUNSEL TO ALIENS IN IMMIGRATION PROCEEDINGS.—Section 292 of the Immigration and Nationality Act (8 U.S.C. 1362) is amended—

(A) by striking ''In any'' and inserting the following:

''(a) IN GENERAL.—In any'';

(B) in subsection (a), as redesignated—

(i) by striking ''(at no expense to the Government)''; and

(ii) by striking ''he shall'' and inserting ''the person shall''; and

(C) by adding at the end the following:

''(b) APPOINTMENT OF COUNSEL.—

''(1) IN GENERAL.—The Attorney General may appoint or provide counsel to aliens in any proceeding conducted under section 235(b), 236, 238, 240, or 241 or any other section of this Act.

''(2) ACCESS TO COUNSEL.—The Secretary of Homeland Security shall facilitate access to counsel for—

''(A) aliens in any proceeding conducted under section 235(b), 236, 238, 240, or 241; and

''(B) any individual detained inside an immigration detention facility or a border facility.''.

(3) APPOINTMENT OF COUNSEL FOR UNACCOMPANIED ALIEN CHILDREN AND VULNERABLE ALIENS.—

(A) IN GENERAL.—Section 292 of the Immigration and Nationality Act (8 U.S.C. 1362), as amended by paragraph (2), is further amended by adding at the end the following:

''(c) UNACCOMPANIED ALIEN CHILDREN AND VULNERABLE ALIENS.—Notwithstanding subsection (b), the Attorney General shall appoint counsel, at the expense of the Government if necessary, at the beginning of the proceedings or as expeditiously as possible, to represent in such proceedings any alien who has been determined by the Secretary of Homeland Security or the Attorney General to be—

''(1) an unaccompanied alien child (as defined in section 462(g) of the Homeland Security Act on 2002 (6 U.S.C. 279(g)));

''(2) a particularly vulnerable individual, such as—

''(A) a person with a disability (as defined in section 3 of the Americans with Disabilities Act of 1990 (42 U.S.C. 12102); or

''(B) a victim of abuse, torture, or violence; or

''(3) an individual whose circumstances are such that the appointment of counsel is necessary to help ensure fair resolution and efficient adjudication of the proceedings.

''(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Executive Office for Immigration Review of the Department of Justice such sums as may be necessary to carry out this section.''.

(B) RULEMAKING.—The Attorney General shall promulgate regulations to implement section 292(c) of the Immigration and Nationality Act, as added by subparagraph (A), in accordance with the requirements set forth in section 3006A of title 18, United States Code.

(b) CASE MANAGEMENT PILOT PROGRAM TO INCREASE COURT APPEARANCE RATES.—

(1) CONTRACT AUTHORITY.—The Secretary of Homeland Security shall establish a pilot program, which shall include the services set forth in section 413(a)(2), to increase the court appearance rates of aliens described in paragraphs (2) and (3) of section 292(c) of the Immigration and Nationality Act, as added by subsection (a)(3)(A), by contracting with nongovernmental, community-based organizations to provide appropriate case management services to such aliens.

(2) SCOPE OF SERVICES.—Case management services provided under paragraph (1) shall include assisting aliens with—

(A) accessing legal counsel;

(B) complying with court-imposed deadlines and other legal obligations; and

(C) accessing social services, as appropriate.

(3) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Department of Homeland Security such sums as may be necessary to carry out this subsection.

(c) REPORT ON ACCESS TO COUNSEL.—

(1) REPORT.—Not later than December 31 of each year, the Secretary of Homeland Security, in consultation with the Attorney General, shall prepare and submit a report to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives regarding the extent to which aliens described in section 292(c) of the Immigration and Nationality Act, as added by subsection (a)(3)(A), have been provided access to counsel.

(2) CONTENTS.—Each report submitted under paragraph (1) shall include, for the immediately preceding 1-year period—

(A) the number and percentage of aliens described in paragraphs (1), (2), and (3), respectively, of section 292(c) of the Immigration and Nationality Act, as added by subsection (a)(3)(A), who were represented by counsel, including information specifying—

(i) the stage of the legal process at which the alien was represented; and

(ii) whether the alien was in government custody; and

(B) the number and percentage of aliens who received legal orientation presentations.

Subtitle B—Reducing Significant Delays in Immigration Court

SEC. 521. ELIMINATE IMMIGRATION COURT BACKLOGS.

(a) ANNUAL INCREASES IN IMMIGRATION JUDGES.—The Attorney General shall increase the total number of immigration judges to adjudicate pending cases and efficiently process future cases by at least—

(1) 55 judges during fiscal year 2017;

(2) an additional 55 judges during fiscal year 2018; and

(3) an additional 55 judges during fiscal year 2019.

(b) NECESSARY SUPPORT STAFF FOR IMMIGRATION JUDGES.—To address the shortage of support staff for immigration judges, the Attorney General shall ensure that each immigration judge has sufficient support staff, adequate technological and security resources, and appropriate courtroom facilities.

(c) ANNUAL INCREASES IN BOARD OF IMMIGRATION APPEALS PERSONNEL.—The Attorney General shall increase the number of Board of Immigration Appeals staff attorneys (including necessary additional support staff) to efficiently process cases by at least—

(1) 23 attorneys during fiscal year 2017;

(2) an additional 23 attorneys during fiscal year 2018; and

(3) an additional 23 attorneys during fiscal year 2019.

(d) GAO REPORT.—The Comptroller General of the United States shall—

(1) conduct a study of the hurdles to efficient hiring of immigration court judges within the Department of Justice; and

(2) propose solutions to Congress for improving the efficiency of the hiring process.

SEC. 522. IMPROVED TRAINING FOR IMMIGRATION JUDGES AND MEMBERS OF THE BOARD OF IMMIGRATION APPEALS.

(a) IN GENERAL.—To ensure efficient and fair proceedings, the Director of the Executive Office for Immigration Review shall facilitate robust training programs for immigration judges and members of the Board of Immigration Appeals.

(b) MANDATORY TRAINING.—Training facilitated under subsection (a) shall include—

(1) expanding the training program for new immigration judges and Board members;

(2) continuing education regarding current developments in immigration law through regularly available training resources and an annual conference; and

(3) methods to ensure that immigration judges are trained on properly crafting and dictating decisions and standards of review, including improved on-bench reference materials and decision templates.

SEC. 523. NEW TECHNOLOGY TO IMPROVE COURT EFFICIENCY.

The Director of the Executive Office for Immigration Review will modernize its case management and related electronic systems, including allowing for electronic filing, to improve efficiency in the processing of immigration proceedings.

Subtitle C—Reducing the Likelihood of Remigration

SEC. 531. ESTABLISHING REINTEGRATION AND MONITORING SERVICES FOR REPATRIATING CHILDREN.

(a) CONSULTATION WITH UNHCR.—The Secretary of Homeland Security, in coordination with the Secretary of Health and Human Services and the Secretary of State, shall consult with the United Nations High Commissioner for Refugees (referred to in this section as the ''UNHCR'') to develop a child-centered repatriation process for unaccompanied children being returned to their country of origin.

(b) COLLABORATION WITH REGIONAL GOVERNMENTS AND NONGOVERNMENTAL ORGANIZATIONS.—The Secretary of State and the Administrator of the United States Agency for International Development, in coordination with the Secretary of Homeland Security, shall collaborate with regional governments and international and domestic nongovernmental organizations to reduce children's need to re-migrate by—

(1) establishing and expanding comprehensive reintegration services for repatriated unaccompanied children once returned to their communities of origin;

(2) establishing monitoring and verification services to determine the well-being of repatriated children in order to determine if United States protection and screening functioned effectively in identifying persecuted and trafficked children; and

(3) providing emergency referrals to the UNHCR for registration and safe passage to an established emergency transit center for refugees for any repatriated children who are facing immediate risk of harm.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 513—DESIGNATING SEPTEMBER 25, 2016, AS ''NATIONAL LOBSTER DAY''

Mr. KING (for himself, Ms. COLLINS, Mr. MARKEY, Mr. REED, Mr. MURPHY, Mr. WHITEHOUSE, Ms. AYOTTE, Mr. BLUMENTHAL, and Mrs. SHAHEEN) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 513

Whereas the American lobster is recognized around the world as a prized and flavorful culinary delicacy;

Whereas lobster fishing has served as an economic engine and family tradition in the United States for centuries;

Whereas thousands of families in the United States make their livelihoods from lobster fishing and processing;

Whereas more than 120,000,000 pounds of lobster is caught each year in the waters of the United States, representing one of the most valuable catches in the United States;

Whereas foreign markets for lobster from the United States are booming, with export values having more than doubled since 2009;

Whereas historical lore notes that lobster likely joined turkey on the table at the very first Thanksgiving feast in 1621;

Whereas responsible lobstering practices beginning in the 1600s have created one of the most sustainable fisheries in the world;

Whereas Lobster Newburg was featured at the inaugural dinner celebration for President John F. Kennedy;

Whereas lobster is an excellent source of lean protein and is low in saturated fat and high in vitamin B12;

Whereas lobster has become a culinary icon, with the lobster roll featured at the 2015 World Food Expo in Milan, Italy;

Whereas the White House proudly served lobster at the State Dinner with Chinese President Xi Jinping on National Lobster Day in 2015;

Whereas, on September 24, 2015, steamed lobster was prepared for the visit by Pope Francis to New York;

Whereas lobster is enjoyed at casual beachside lobster boils and also revered as a delicacy at fine dining restaurants; and

Whereas the peak of the lobstering season in the United States occurs in the late summer: Now, therefore, be it

Resolved, That the Senate—

(1) designates September 25, 2016, as National Lobster Day; and

(2) encourages the people of the United States to observe the day with appropriate ceremonies and activities.

SENATE RESOLUTION 514—DESIGNATING MAY 5, 2017, AS THE ''NATIONAL DAY OF AWARENESS FOR MISSING AND MURDERED NATIVE WOMEN AND GIRLS''

Mr. DAINES (for himself and Mr. TESTER) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 514

Whereas, according to a study commissioned by the Department of Justice, in some tribal communities, American Indian women face murder rates that are more than 10 times the national average;

Whereas, according to the Centers for Disease Control and Prevention, homicide was the third leading cause of death among American Indian and Alaska Native women between 10 and 24 years of age and the fifth leading cause of death for American Indian and Alaska Native women between 25 and 34 years of age;

Whereas little data exist on the number of missing American Indian and Alaska Native women in the United States;

Whereas, on July 5, 2013, Hanna Harris, a member of the Northern Cheyenne Tribe, was reported missing by her family in Lame Deer, Montana;

Whereas the body of Hanna Harris was found 5 days after she went missing;

Whereas Hanna Harris was determined to have been raped and murdered and the individuals accused of committing those crimes were convicted;

Whereas the case of Hanna Harris is only 1 example of many similar cases; and

Whereas Hanna Harris was born on May 5, 1992: Now, therefore, be it

Resolved, That the Senate—

(1) designates May 5, 2017, as the ''National Day of Awareness for Missing and Murdered Native Women and Girls''; and

(2) calls on the people of the United States and interested groups to—

(A) commemorate the lives of missing and murdered American Indian and Alaska Native women whose cases are documented and undocumented in public records and the media; and

(B) demonstrate solidarity with the families of victims in light of these tragedies.

AMENDMENTS SUBMITTED AND PROPOSED

SA 4870. Mr. BLUMENTHAL submitted an amendment intended to be proposed by him to the bill S. 2328, to reauthorize and amend the National Sea Grant College Program Act, and for other purposes; which was ordered to lie on the table.

SA 4871. Mr. BLUMENTHAL submitted an amendment intended to be proposed by him to the bill S. 2328, supra; which was ordered to lie on the table.

SA 4872. Mr. BLUMENTHAL submitted an amendment intended to be proposed by him to the bill S. 2328, supra; which was ordered to lie on the table.

SA 4873. Mrs. MURRAY (for herself and Mr. BROWN) submitted an amendment intended to be proposed by her to the bill S. 2328, supra; which was ordered to lie on the table.

SA 4874. Mr. BROWN (for himself and Mrs. MURRAY) submitted an amendment intended to be proposed by him to the bill S. 2328, supra; which was ordered to lie on the table.

SA 4875. Mr. SCHUMER submitted an amendment intended to be proposed by him to the bill S. 2328, supra; which was ordered to lie on the table.

SA 4876. Mr. MCCONNELL submitted an amendment intended to be proposed by him to the bill S. 2328, supra; which was ordered to lie on the table.

SA 4877. Mr. MCCONNELL submitted an amendment intended to be proposed by him to the bill S. 2328, supra; which was ordered to lie on the table.

SA 4878. Mr. MCCONNELL submitted an amendment intended to be proposed by him to the bill S. 2328, supra; which was ordered to lie on the table.

SA 4879. Mr. MCCONNELL submitted an amendment intended to be proposed by him to the bill S. 2328, supra; which was ordered to lie on the table.

SA 4880. Mr. MCCONNELL submitted an amendment intended to be proposed by him to the bill S. 2328, supra; which was ordered to lie on the table.

SA 4881. Ms. WARREN submitted an amendment intended to be proposed by her to the bill S. 2328, supra; which was ordered to lie on the table.

SA 4882. Mr. MENENDEZ (for himself and Ms. WARREN) submitted an amendment intended to be proposed by him to the bill S. 2328, supra; which was ordered to lie on the table.

SA 4883. Mr. MENENDEZ (for himself and Ms. WARREN) submitted an amendment intended to be proposed by him to the bill S. 2328, supra; which was ordered to lie on the table.

SA 4884. Mr. MENENDEZ (for himself and Ms. WARREN) submitted an amendment intended to be proposed by him to the bill S. 2328, supra; which was ordered to lie on the table.

SA 4885. Mr. MENENDEZ (for himself and Mr. BOOKER) submitted an amendment intended to be proposed by him to the bill S. 2328, supra; which was ordered to lie on the table.

SA 4886. Mr. MENENDEZ submitted an amendment intended to be proposed by him to the bill S. 2328, supra; which was ordered to lie on the table.

SA 4887. Mr. MENENDEZ (for himself and Mr. BOOKER) submitted an amendment intended to be proposed by him to the bill S. 2328, supra; which was ordered to lie on the table.

SA 4888. Mr. MENENDEZ submitted an amendment intended to be proposed by him to the bill S. 2328, supra; which was ordered to lie on the table.

SA 4889. Mr. MENENDEZ submitted an amendment intended to be proposed by him to the bill S. 2328, supra; which was ordered to lie on the table.

SA 4890. Mr. MENENDEZ submitted an amendment intended to be proposed by him to the bill S. 2328, supra; which was ordered to lie on the table.

SA 4891. Mr. MENENDEZ submitted an amendment intended to be proposed by him to the bill S. 2328, supra; which was ordered to lie on the table.

SA 4892. Mr. MENENDEZ (for himself and Mr. BOOKER) submitted an amendment intended to be proposed by him to the bill S. 2328, supra; which was ordered to lie on the table.

SA 4893. Mr. MENENDEZ submitted an amendment intended to be proposed by him to the bill S. 2328, supra; which was ordered to lie on the table.

SA 4894. Mr. MENENDEZ (for himself and Mr. BOOKER) submitted an amendment intended to be proposed by him to the bill S. 2328, supra; which was ordered to lie on the table.

SA 4895. Mr. MENENDEZ submitted an amendment intended to be proposed by him to the bill S. 2328, supra; which was ordered to lie on the table.

SA 4896. Mr. MENENDEZ submitted an amendment intended to be proposed by him to the bill S. 2328, supra; which was ordered to lie on the table.

SA 4897. Mr. MENENDEZ (for himself and Mr. BOOKER) submitted an amendment intended to be proposed by him to the bill S. 2328, supra; which was ordered to lie on the table.

SA 4898. Mr. MENENDEZ submitted an amendment intended to be proposed by him to the bill S. 2328, supra; which was ordered to lie on the table.

SA 4899. Mr. MENENDEZ submitted an amendment intended to be proposed by him to the bill S. 2328, supra; which was ordered to lie on the table.

SA 4900. Mr. MENENDEZ (for himself and Mr. BOOKER) submitted an amendment intended to be proposed by him to the bill S. 2328, supra; which was ordered to lie on the table.

SA 4901. Mr. MENENDEZ (for himself and Mr. BOOKER) submitted an amendment intended to be proposed by him to the bill S. 2328, supra; which was ordered to lie on the table.

SA 4902. Mr. MENENDEZ submitted an amendment intended to be proposed by him to the bill S. 2328, supra; which was ordered to lie on the table.

SA 4903. Mr. MENENDEZ submitted an amendment intended to be proposed by him to the bill S. 2328, supra; which was ordered to lie on the table.

SA 4904. Mr. MENENDEZ submitted an amendment intended to be proposed by him to the bill S. 2328, supra; which was ordered to lie on the table.

SA 4905. Mr. MENENDEZ submitted an amendment intended to be proposed by him to the bill S. 2328, supra; which was ordered to lie on the table.

SA 4906. Mr. MENENDEZ submitted an amendment intended to be proposed by him to the bill S. 2328, supra; which was ordered to lie on the table.

SA 4907. Mr. MENENDEZ submitted an amendment intended to be proposed by him to the bill S. 2328, supra; which was ordered to lie on the table.

SA 4908. Mr. MENENDEZ submitted an amendment intended to be proposed by him to the bill S. 2328, supra; which was ordered to lie on the table.

SA 4909. Mr. MENENDEZ submitted an amendment intended to be proposed by him to the bill S. 2328, supra; which was ordered to lie on the table.

SA 4910. Mr. MENENDEZ submitted an amendment intended to be proposed by him to the bill S. 2328, supra; which was ordered to lie on the table.

SA 4911. Mr. MENENDEZ submitted an amendment intended to be proposed by him to the bill S. 2328, supra; which was ordered to lie on the table.

SA 4912. Mr. BLUMENTHAL submitted an amendment intended to be proposed by him to the bill S. 2328, supra; which was ordered to lie on the table.

SA 4913. Mr. BLUMENTHAL submitted an amendment intended to be proposed by him to the bill S. 2328, supra; which was ordered to lie on the table.

SA 4914. Mr. BLUMENTHAL submitted an amendment intended to be proposed by him to the bill S. 2328, supra; which was ordered to lie on the table.

SA 4915. Mr. BLUMENTHAL submitted an amendment intended to be proposed by him to the bill S. 2328, supra; which was ordered to lie on the table.

SA 4916. Mr. SANDERS submitted an amendment intended to be proposed by him to the bill S. 2328, supra; which was ordered to lie on the table.

SA 4917. Mr. PORTMAN (for himself and Mr. BURR) submitted an amendment intended to be proposed by him to the bill S. 2328, supra; which was ordered to lie on the table.

SA 4918. Mr. LEE submitted an amendment intended to be proposed by him to the bill S. 2328, supra; which was ordered to lie on the table.

SA 4919. Mr. LEE submitted an amendment intended to be proposed by him to the bill S. 2328, supra; which was ordered to lie on the table.

SA 4920. Mr. LEE submitted an amendment intended to be proposed by him to the bill S. 2328, supra; which was ordered to lie on the table.

SA 4921. Mr. LEE submitted an amendment intended to be proposed by him to the bill S. 2328, supra; which was ordered to lie on the table.

SA 4922. Mr. LEE submitted an amendment intended to be proposed by him to the bill S. 2328, supra; which was ordered to lie on the table.

SA 4923. Mr. LEE submitted an amendment intended to be proposed by him to the bill S. 2328, supra; which was ordered to lie on the table.

SA 4924. Mr. CASSIDY submitted an amendment intended to be proposed by him to the bill S. 2328, supra; which was ordered to lie on the table.

SA 4925. Mr. PORTMAN (for himself and Mr. BURR) submitted an amendment intended to be proposed by him to the bill S.

2328, supra; which was ordered to lie on the table.

SA 4926. Mr. MCCONNELL submitted an amendment intended to be proposed by him to the bill S. 2328, supra; which was ordered to lie on the table.

SA 4927. Mr. RUBIO (for himself and Mr. CARDIN) proposed an amendment to the bill H.R. 3766, to direct the President to establish guidelines for covered United States foreign assistance programs, and for other purposes.

SA 4928. Mr. RUBIO (for himself and Mr. CARDIN) proposed an amendment to the bill H.R. 3766, supra.

TEXT OF AMENDMENTS

SA 4870. Mr. BLUMENTHAL submitted an amendment intended to be proposed by him to the bill S. 2328, 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:

Strike section 404.

SA 4871. Mr. BLUMENTHAL submitted an amendment intended to be proposed by him to the bill S. 2328, 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:

Strike sections 403 and 404.

SA 4872. Mr. BLUMENTHAL submitted an amendment intended to be proposed by him to the bill S. 2328, 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:

Strike section 403.

SA 4873. Mrs. MURRAY (for herself and Mr. BROWN) submitted an amendment intended to be proposed by her to the bill S. 2328, 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:

Strike section 403.

SA 4874. Mr. BROWN (for himself and Mrs. MURRAY) submitted an amendment intended to be proposed by him to the bill S. 2328, 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:

Strike section 404.

SA 4875. Mr. SCHUMER submitted an amendment intended to be proposed by him to the bill S. 2328, 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:

On page 157, after line 19, add the following:

TITLE VIII—IMPROVING THE TREATMENT OF THE U.S. TERRITORIES UNDER FEDERAL HEALTH PROGRAMS

SEC. 800. EFFECTIVE DATE.

Section 2 of this Act shall apply to this title and the amendments made by this title unless otherwise specified in this title.

Subtitle A—Medicaid

SEC. 801. ELIMINATION OF GENERAL MEDICAID FUNDING LIMITATIONS ("CAP") FOR TERRITORIES.

(a) IN GENERAL.—Section 1108 of the Social Security Act (42 U.S.C. 1308) is amended—

(1) in subsection (f), in the matter before paragraph (1), by striking ''subsection (g)'' and inserting ''subsections (g) and (h)'';

(2) in subsection (g)(2), in the matter before subparagraph (A)—

(A) by striking ''subject to and'' and inserting ''subject to''; and

(B) by striking ''paragraphs (3) and (5)'' and inserting '', and paragraphs (3) and (5) of this subsection and subsection (h)''; and

(3) by adding at the end the following new subsection:

''(h) SUNSET OF MEDICAID FUNDING LIMITATIONS FOR PUERTO RICO, THE VIRGIN ISLANDS OF THE UNITED STATES, GUAM, THE NORTHERN MARIANA ISLANDS, AND AMERICAN SAMOA.—Subsections (f) and (g) shall not apply to Puerto Rico, the Virgin Islands of the United States, Guam, the Northern Mariana Islands, and American Samoa beginning with fiscal year 2017.''.

(b) CONFORMING AMENDMENTS.—

(1) Section 1902(j) of the Social Security Act (42 U.S.C. 1396a(j)) is amended by striking '', the limitation in section 1108(f),''.

(2) Section 1903(u) of the Social Security Act (42 U.S.C. 1396b(u)) is amended by striking paragraph (4).

(3) Section 1323(c)(1) of the Patient Protection and Affordable Care Act (42 U.S.C. 18043(c)(1)) is amended by striking ''2019'' and inserting ''2016''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply beginning with fiscal year 2017.

SEC. 802. ELIMINATION OF SPECIFIC FEDERAL MEDICAL ASSISTANCE PERCENTAGE (FMAP) LIMITATION FOR TERRITORIES.

Section 1905 of the Social Security Act (42 U.S.C. 1396d) is amended—

(1) in subsection (b)(2), by inserting ''for fiscal years before fiscal year 2017'' after ''American Samoa''; and

(2) in subsection (y)(1), in the matter preceding subparagraph (A)—

(A) by inserting '', for fiscal years before fiscal year 2017,'' before ''is one of the''; and

(B) by inserting ''and, for fiscal year 2017 and subsequent fiscal years, is one of the 50 States, the District of Columbia, Puerto Rico, the Virgin Islands of the United States, Guam, the Northern Mariana Islands, or American Samoa,'' after ''the District of Columbia''.

SEC. 803. APPLICATION OF MEDICAID WAIVER AUTHORITY TO ALL OF THE TERRITORIES.

(a) IN GENERAL.—Section 1902(j) of the Social Security Act (42 U.S.C. 1396a(j)) is amended—

(1) by striking ''American Samoa and the Northern Mariana Islands'' and inserting ''Puerto Rico, the Virgin Islands of the United States, Guam, the Northern Mariana Islands, and American Samoa'';

(2) by striking ''American Samoa or the Northern Mariana Islands'' and inserting ''Puerto Rico, the Virgin Islands of the United States, Guam, the Northern Mariana Islands, or American Samoa'';

(3) by inserting ''(1)'' after ''(j)'';

(4) by inserting ''except as otherwise provided in this subsection,'' after ''Notwithstanding any other requirement of this title''; and

(5) by adding at the end the following:

''(2) The Secretary may not waive under this subsection the requirement of subsection (a)(10)(A)(i)(IX) (relating to coverage of adults formerly under foster care) with respect to any territory.''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply beginning October 1, 2016.

SEC. 804. APPLICATION OF 100 PERCENT FEDERAL POVERTY LINE (FPL) LIMITATION TO TERRITORIES.

(a) IN GENERAL.—Section 1902 of the Social Security Act (42 U.S.C. 1396a) is amended—

(1) in subsection (a)(10)(A)(i)(VIII), by inserting ''(or, subject to subsection (j), 100 percent in the case of Puerto Rico, the Virgin Islands of the United States, Guam, the Northern Mariana Islands, and American Samoa)'' after ''133 percent''; and

(2) in subsection (j), as amended by section 803, by adding at the end the following new paragraph:

''(3)(A) Subject to subparagraph (B), Federal financial participation shall not be available to Puerto Rico, the Virgin Islands of the United States, Guam, the Northern Mariana Islands, or American Samoa for medical assistance for an individual whose family income exceeds 100 percent of the official poverty line for a family of the size involved, except in the case of individuals qualifying for medical assistance under subsection (a)(10)(A)(i)(IX).

''(B) The Secretary may, under paragraph (1) or section 1115, waive the limitation under subparagraph (A) in the case of a territory other than Puerto Rico. In carrying out this subparagraph, the Secretary shall take into account the eligibility levels established under the State plan of the territory involved before the date of the enactment of this paragraph.''.

(b) NOT APPLYING 5 PERCENT DISREGARD.—Section 1902(e)(14)(I) of the Social Security Act (42 U.S.C. 1396b(e)(14)(I)) is amended by adding at the end the following:

''The previous sentence shall only apply to a State that is one of the 50 States or the District of Columbia.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to eligibility determinations made with respect to items and services furnished on or after October 1, 2016.

SEC. 805. PERMITTING MEDICAID DSH ALLOTMENTS FOR TERRITORIES.

Section 1923(f) of the Social Security Act (42 U.S.C. 1396) is amended—

(1) in paragraph (6), by adding at the end the following new subparagraph:

''(C) TERRITORIES.—

''(i) FISCAL YEAR 2017.—For fiscal year 2017, with respect to the territories of Puerto Rico, the Virgin Islands of the United States, Guam, the Northern Mariana Islands, and American Samoa, the DSH allotment determined for each such territory shall bear the same ratio to $150,000,000 as the ratio of the number of individuals who are low-income or uninsured and residing in each such respective territory (as estimated from time to time by the Secretary) bears to the sums of the number of such individuals residing in all of the territories.

''(ii) SUBSEQUENT FISCAL YEAR.—For each subsequent fiscal year, the DSH allotment for each such territory is subject to an increase or reduction in accordance with paragraphs (3) and (7).'';

(2) in paragraph (7)(A), by striking clause (iv) and redesignating clause (v) as clause (iv); and

(3) in paragraph (9), by inserting before the period at the end the following: '', and includes, beginning with fiscal year 2017, Puerto Rico, the Virgin Islands of the United States, Guam, the Northern Mariana Islands, and American Samoa''.

Subtitle B—Medicare

PART I—PART A

SEC. 811. CALCULATION OF MEDICARE DSH PAYMENTS FOR IPPS HOSPITALS IN PUERTO RICO.

Section 1886(d)(9)(D)(iii) of the Social Security Act (42 U.S.C. 1395ww(d)(9)(D)(iii)) is amended to read as follows:

''(iii) Subparagraph (F) (relating to disproportionate share payments), including application of subsection (r), except that for this purpose—

''(I) the sum described in clause (ii) of this subparagraph shall be substituted for the sum referred to in paragraph (5)(F)(ii)(I); and

''(II) for discharges occurring on or after October 1, 2016, subclause (I) of paragraph (5)(F)(vi) shall be applied by substituting for the numerator described in such subclause the number of subsection (d) Puerto Rico hospital's patient days for the cost reporting period involved which were made up of patients who (for such days) were entitled to benefits under part A of this title and were—

''(aa) entitled to supplementary security income benefits (excluding any State supplementation) under title XVI of this Act;

''(bb) eligible for medical assistance under a State plan under title XIX; or

''(cc) receiving aid or assistance under any plan of the State approved under title I, X, XIV, or XVI.''.

PART II—PART B

SEC. 821. APPLICATION OF PART B DEEMED ENROLLMENT PROCESS TO RESIDENTS OF PUERTO RICO; SPECIAL ENROLLMENT PERIOD AND LIMIT ON LATE ENROLLMENT PENALTIES.

(a) APPLICATION OF PART B DEEMED ENROLLMENT PROCESS TO RESIDENTS OF PUERTO RICO.—Section 1837(f)(3) of the Social Security Act (42 U.S.C. 1395p(f)(3)) is amended by striking '', exclusive of Puerto Rico''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to individuals whose initial enrollment period under section 1837(d) of the Social Security Act begins on or after the first day of the effective month, specified by the Secretary of Health and Human Services under section 1839(j)(1)(C) of such Act, as added by subsection (c)(2).

(c) TRANSITION PROVIDING SPECIAL ENROLLMENT PERIOD AND LIMIT ON LATE ENROLLMENT PENALTIES FOR CERTAIN MEDICARE BENEFICIARIES.—Section 1839 of the Social Security Act (42 U.S.C. 1395r) is amended—

(1) in the first sentence of subsection (b), by inserting ''subject to section 1839(j)(2),'' after ''subsection (i)(4) or (l) of section 1837,''; and

(2) by adding at the end the following new subsection:

''(j) SPECIAL RULES FOR CERTAIN RESIDENTS OF PUERTO RICO.—

''(1) SPECIAL ENROLLMENT PERIOD, COVERAGE PERIOD FOR RESIDENTS WHO ARE ELIGIBLE BUT NOT ENROLLED.—

''(A) IN GENERAL.—In the case of a transition individual (as defined in paragraph (3)) who is not enrolled under this part as of the day before the first day of the effective month (as defined in subparagraph (C)), the Secretary shall provide for a special enrollment period under section 1837 of 7 months beginning with such effective month during which the individual may be enrolled under this part.

''(B) COVERAGE PERIOD.—In the case of such an individual who enrolls during such special enrollment period, the coverage period under section 1838 shall begin on the first day of the second month after the month in which the individual enrolls.

''(C) EFFECTIVE MONTH DEFINED.—In this section, the term 'effective month' means a month, not earlier than October 2016 and not later than January 2017, specified by the Secretary.

''(2) REDUCTION IN LATE ENROLLMENT PENALTIES FOR CURRENT ENROLLEES AND INDIVIDUALS ENROLLING DURING TRANSITION.—

''(A) IN GENERAL.—In the case of a transition individual who is enrolled under this part as of the day before the first day of the effective month or who enrolls under this part on or after the date of the enactment of this subsection but before the end of the special enrollment period under paragraph (1)(A), the amount of the late enrollment penalty imposed under section 1839(b) shall be recalculated by reducing the penalty to 15 percent of the penalty otherwise established.

''(B) APPLICATION.—Subparagraph (A) shall be applied in the case of a transition individual who—

''(i) is enrolled under this part as of the month before the effective month, for premiums for months beginning with such effective month; or

''(ii) enrolls under this part on or after the date of the enactment of this Act and before the end of the special enrollment period under paragraph (1)(A), for premiums for months during the coverage period under this part which occur during or after the effective month.

''(C) LOSS OF REDUCTION IF INDIVIDUAL TERMINATES ENROLLMENT.—Subparagraph (A) shall not apply to a transition individual if the individual terminates enrollment under this part after the end of the special enrollment period under paragraph (1).

''(3) TRANSITION INDIVIDUAL DEFINED.—In this section, the term 'transition individual' means an individual who resides in Puerto Rico and who would have been deemed enrolled under this part pursuant to section 1837(f) before the first day of the effective month but for the fact that the individual was a resident of Puerto Rico, regardless of whether the individual is enrolled under this part as of such first day.''.

SEC. 822. PUERTO RICO PRACTICE EXPENSE GPCI IMPROVEMENT.

Section 1848(e)(1) of the Social Security Act (42 U.S.C. 1395w–4(e)(1)) is amended—

(1) in subparagraph (A), by striking ''and (I)'' and inserting ''(I), and (J)''; and

(2) by adding at the end the following new subparagraph:

''(J) FLOOR FOR PRACTICE EXPENSE INDEX FOR SERVICES FURNISHED IN PUERTO RICO.—

''(i) IN GENERAL.—For purposes of payment for services furnished in Puerto Rico in a year (beginning with 2016), after calculating the practice expense index in subparagraph (A)(i) for Puerto Rico, if such index is below the reference index (as defined in clause (ii)) for the year, the Secretary shall increase such index for Puerto Rico to equal the value of the reference index for the year. The preceding sentence shall not be applied in a budget neutral manner.

''(ii) REFERENCE INDEX DEFINED.—In this subparagraph, the term 'reference index' means, with respect to a year, 0.800 or, if less, the lowest practice expense index value for the year for any area in the 50 States or the District of Columbia.''.

PART III—MEDICARE ADVANTAGE (PART C)

SEC. 831. ADJUSTMENT IN BENCHMARK FOR LOW BASE PAYMENT COUNTIES IN PUERTO RICO.

Section 1853(n) of the Social Security Act (42 U.S.C. 1395w–23(n)) is amended—

(1) in paragraph (1), by striking ''and (5)'' and inserting '', (5), and (6)'';

(2) in paragraph (4), by striking ''In no case'' and inserting ''Subject to paragraph (6), in no case''; and

(3) by adding at the end the following new paragraph:

''(6) SPECIAL RULES FOR BLENDED BENCHMARK AMOUNT FOR TERRITORIES.—

''(A) IN GENERAL.—Subject to paragraph (2), the blended benchmark amount for an area in a territory for a year (beginning with 2016) shall not be less than 80 percent of the national average of the base payment amounts specified in subparagraph (2)(E) for such year for areas within the 50 States and the District of Columbia.

''(B) LIMITATION.—In no case shall the blended benchmark amount for an area in a territory for a year under subparagraph (A) exceed the lowest blended benchmark amount for any area within the 50 States and the District of Columbia for such year.''.

PART IV—PART D

SEC. 841. IMPROVED USE OF ALLOCATED PRESCRIPTION DRUG FUNDS BY TERRITORIES.

Section 1935(e) of the Social Security Act (42 U.S.C. 1396u–5(e)) is amended by adding at the end the following new paragraph:

''(5) IMPROVED USE OF FUNDS FOR LOW-INCOME PART D ELIGIBLE INDIVIDUALS.—This subsection shall be applied beginning on January 1, 2016, as follows, notwithstanding any other provision of this title:

''(A) CLARIFYING STATE FLEXIBILITY TO COVER NON-DUAL-ELIGIBLE INDIVIDUALS.—For purposes of this subsection, the term 'medical assistance' includes financial assistance furnished under this subsection by a State other than the 50 States or the District of Columbia to part D eligible individuals who, if they were residing in one of the 50 States or the District of Columbia, would qualify as subsidy eligible individuals under section 1860D–14(a)(3), without regard to whether such individuals otherwise qualify for medical assistance under this title.

''(B) 100 PERCENT FMAP TO REFLECT NO STATE MATCHING REQUIRED FOR PART D LOW INCOME SUBSIDIES.—The Federal medical assistance percentage applicable to the assistance furnished under this subsection is 100 percent.

''(C) LIMITED FUNDING FOR SPECIAL RULES.—Subparagraphs (A) and (B), and the provision of medical assistance for covered part D drugs to low-income part D eligible individuals for a State and year under this subsection, are limited to the amount specified in paragraph (3) for such State and year, without regard to the application of subsection (f) or (g) of section 1108.''.

SEC. 842. REPORT ON TREATMENT OF TERRITORIES UNDER MEDICARE PART D.

Paragraph (4) of section 1935(e) of the Social Security Act (42 U.S.C. 1396u–5(e)) is amended to read as follows:

''(4) REPORT ON APPLICATION OF SUBSECTION.—

''(A) IN GENERAL.—Not later than May 1, 2018, the Secretary shall submit to Congress a report on the application of this subsection during the period beginning with fiscal year 2006 and ending with December 31, 2017.

''(B) INFORMATION TO BE INCLUDED IN REPORT.—Such report shall include—

''(i) program guidance issued by the Secretary to implement this subsection;

''(ii) for each of Puerto Rico, the Virgin Islands of the United States, Guam, the Northern Mariana Islands, and American Samoa, information on the increased amount under paragraph (3) and how the territory has applied such amount, including the territory's program design, expenditures, and number of individuals (and dual-eligible individuals) assisted; and

''(iii) a description of the differences between how such territories are treated under part D of title XVIII and under this title compared with the treatment of the 50 States and the District of Columbia under such part and this title for different fiscal

years within the period covered under the report.

''(C) RECOMMENDATIONS.—Such report shall include recommendations for improving prescription drug coverage for low-income individuals in each territory identified in subparagraph (B)(ii), including recommendations regarding each of the following alternative approaches:

''(i) Adjusting the aggregate amount specified in paragraph (3)(B).

''(ii) Allowing residents of the territories to be subsidy eligible individuals under section 1860D–14, notwithstanding subsection (a)(3)(F) of such section, or providing substantially equivalent low-income prescription drug subsidies to such residents.''.

Subtitle C—Miscellaneous

SEC. 851. REPORT ON EXCLUSION OF TERRITORIES FROM EXCHANGES.

(a) IN GENERAL.—Not later than February 1, 2018, the Secretary of Health and Human Services shall submit to Congress a report that details the adverse impacts in each territory from the practical exclusion of the territories from the provisions of part II of subtitle D of title I of the Patient Protection and Affordable Care Act insofar as such provisions provide for the establishment of an American Health Benefit Exchange or the administration of a federally facilitated Exchange in each State and in the District of Columbia for the purpose of making health insurance more affordable and accessible for individuals and small businesses.

(b) INFORMATION IN REPORT.—The report shall include information on the following:

(1) An estimate of the total number of uninsured and underinsured individuals residing in each territory with respect to health insurance coverage.

(2) A description of the number of health insurance issuers in each territory and the health insurance plans these issuers offer.

(3) An estimate of the number of individuals residing in each territory who are denied premium and cost-sharing assistance that would otherwise be available to them for obtaining health insurance coverage through an Exchange if they resided in one of the 50 States or in the District of Columbia.

(4) An estimate of the amount of Federal assistance described in paragraph (3) that is not being made available to residents of each territory.

(5) An estimate of the number of small employers in each territory that would be eligible to purchase health insurance coverage through a Small Business Health Options Program (SHOP) Marketplace that would operate as part of an Exchange if the employers were in one of the 50 States or in the District of Columbia.

SA 4876. Mr. MCCONNELL submitted an amendment intended to be proposed by him to the bill S. 2328, 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:

At the end, add the following:

This Act shall take effect 2 days after the date of enactment.

SA 4877. Mr. MCCONNELL submitted an amendment intended to be proposed by him to the bill S. 2328, 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:

Strike ''2 days'' and insert ''3 days''.

SA 4878. Mr. MCCONNELL submitted an amendment intended to be proposed by him to the bill S. 2328, 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:

At the end, add the following:

This Act shall take effect 3 days after the date of enactment.

SA 4879. Mr. MCCONNELL submitted an amendment intended to be proposed by him to the bill S. 2328, 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:

Strike ''3 days'' and insert ''4 days''.

SA 4880. Mr. MCCONNELL submitted an amendment intended to be proposed by him to the bill S. 2328, 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:

Strike ''4'' and insert ''5''.

SA 4881. Ms. WARREN submitted an amendment intended to be proposed by her to the bill S. 2328, 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:

At the end of section 109, add the following:

(c) THREE-YEAR RESTRICTION.—

(1) IN GENERAL.—Any individual who serves as a member of the Oversight Board shall not, during the 3-year period beginning on the date on which his or her membership on the Oversight Board terminates, knowingly make, with the intent to influence, any communication to or appearance before any member of the Oversight Board on behalf of any other person (except the United States or a State or local government).

(2) PENALTY.—Any individual who violates subparagraph (A) shall be subject to the penalties described in section 216 of title 18, United States Code.

SA 4882. Mr. MENENDEZ (for himself and Ms. WARREN) submitted an amendment intended to be proposed by him to the bill S. 2328, 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:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Puerto Rico Stability Act of 2016''.

SEC. 2. TABLE OF CONTENTS.

The table of contents for this Act is as follows:

Sec. 1. Short title.
Sec. 2. Table of contents.

TITLE I—TECHNICAL ASSISTANCE AND FISCAL REFORM

Subtitle A—Technical Assistance

Sec. 101. Definitions.
Sec. 102. Improving accounting and disclosure practices.
Sec. 103. Purchases by territory government.

Subtitle B—Fiscal Stability and Reform Boards and Chief Financial Officers

Sec. 111. Establishment of Fiscal Stability and Reform Board.
Sec. 112. Establishment of Chief Financial Officer.
Sec. 113. Development and approval of fiscal plans.
Sec. 114. Severability.

TITLE II—ADJUSTMENTS OF DEBTS OF A TERRITORY OR ITS MUNICIPALITIES

Subtitle A—General Provisions

Sec. 201. Definitions.
Sec. 202. Who may be a debtor.
Sec. 203. Reservation of territorial power to control municipalities.
Sec. 204. Limitation on jurisdiction and powers of court.

Subtitle B—Initial Stay on Litigation

Sec. 211. Definitions.
Sec. 212. Effective date.
Sec. 213. Automatic stay.

Subtitle C—Adjudication and Judicial Review

Sec. 221. Petition and proceedings relating to petition.
Sec. 222. Jurisdiction.
Sec. 223. Venue.
Sec. 224. Selection of presiding judge.
Sec. 225. Appellate review.
Sec. 226. Applicable rules of procedure.
Sec. 227. Severability.

Subtitle D—The Plan

Sec. 231. Filing of plan of adjustment.
Sec. 232. Confirmation.

Subtitle E—Additional Provisions

Sec. 241. Compensation of professionals.
Sec. 242. Interim compensation.
Sec. 243. Applicability of other sections.

TITLE III—PUERTO RICO CHAPTER 9 UNIFORMITY

Sec. 301. Short title.
Sec. 302. Amendment.
Sec. 303. Effective date; application of amendment.
Sec. 304. Severability.

TITLE I—TECHNICAL ASSISTANCE AND FISCAL REFORM

Subtitle A—Technical Assistance

SEC. 101. DEFINITIONS.

In this title:

(1) BOARD.—The term ''Board'' means a Fiscal Stability and Reform Board established in accordance with section 111.

(2) CHIEF FINANCIAL OFFICER.—The term ''Chief Financial Officer'' means a Chief Financial Officer established in accordance with section 112.

(3) COMPLIANT BUDGET.—The term ''compliant budget'' means a budget that is prepared in accordance with—

(A) modified accrual accounting standards; and

(B) the applicable Fiscal Plan.

(4) COVERED TERRITORIAL INSTRUMENTALITY.—The term ''covered territorial instrumentality'' means a territorial instrumentality designated by the Board pursuant to section 111(b) to be subject to the requirements of subtitle B.

(5) COVERED TERRITORY.—The term ''covered territory'' means a territory for which a Board has been established under section 111.

(6) FISCAL PLAN.—The term ''Fiscal Plan'' means a fiscal plan for a covered territory submitted and approved in accordance with section 113.

(7) GOVERNOR.—The term ''Governor'' means the chief executive of a territory.

(8) LEGISLATURE.—

(A) IN GENERAL.—The term ''legislature'' means the legislative body responsible for enacting the laws of a territory.

(B) EXCLUSION.—The term ''legislature'' does not include Congress.

(9) MODIFIED ACCRUAL ACCOUNTING STANDARDS.—The term ''modified accrual accounting standards'' means accounting standards

issued by the Governmental Accounting Standards Board that recognize—

(A) revenues as they become available and measured; and

(B) expenditures as liabilities are incurred.

(10) OFFICE.—The term ''Office'' means an Office of the Chief Financial Officer established in accordance with section 112.

(11) TERRITORIAL GOVERNMENT.—The term ''territorial government'' means the government of a covered territory, including each territorial instrumentality of the government of the covered territory.

(12) TERRITORIAL INSTRUMENTALITY.—

(A) IN GENERAL.—The term ''territorial instrumentality'' means a political subdivision, public agency, instrumentality, or public corporation of a territory.

(B) EXCLUSION.—The term ''territorial instrumentality'' does not include a Board.

(13) TERRITORY.—The term ''territory'' means—

(A) the Commonwealth of Puerto Rico;

(B) Guam;

(C) American Samoa;

(D) the Commonwealth of the Northern Mariana Islands; or

(E) the United States Virgin Islands.

SEC. 102. IMPROVING ACCOUNTING AND DISCLOSURE PRACTICES.

(a) IN GENERAL.—On request of the applicable Governor, legislature, or Board (if any), the Secretary of the Treasury (referred to in this section as the ''Secretary'') may provide technical assistance to a territory that the Secretary determines to be eligible for technical assistance relating to fiscal and financial practices.

(b) INCLUSIONS.—In providing technical assistance under subsection (a), the Secretary may, in association with any Federal department or agency or the Federal Reserve System, including any Federal Reserve Bank, provide assistance relating to—

(1) information technology upgrades;

(2) improving economic forecasting, including multiyear fiscal forecasting capabilities;

(3) budgeting, tax collection, cash management, and spending controls;

(4) ensuring that agencies in the territory use financial systems that are compatible with the systems of other agencies of the territory and Federal agencies to provide for consistent, timely financial reporting and visibility into expenses;

(5) improving and expanding economic indicators for the territory to make available for the territory the indicators regularly used to track regional conditions on the United States mainland; and

(6) such other matters as the Secretary, in consultation with the territory, determines to be appropriate.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section.

SEC. 103. PURCHASES BY TERRITORY GOVERNMENT.

Section 302 of the Omnibus Insular Areas Act of 1992 (48 U.S.C. 1469e) is amended to read as follows:

''SEC. 302. INSULAR GOVERNMENT PURCHASES.

''The governments of the Commonwealth of Puerto Rico, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, and the United States Virgin Islands are authorized to make purchases through the General Services Administration.''.

Subtitle B—Fiscal Stability and Reform Boards and Chief Financial Officers

SEC. 111. ESTABLISHMENT OF FISCAL STABILITY AND REFORM BOARD.

(a) REQUEST.—Effective on the date on which the Governor of a territory signs a resolution adopted by the legislature of the territory to request the establishment of a Fiscal Stability and Reform Board under this subtitle, a Board is established for the territory.

(b) BOARD OVERSIGHT OF TERRITORIAL INSTRUMENTALITIES.—

(1) DESIGNATION.—

(A) IN GENERAL.—A Board, at such time as the Board determines to be appropriate, may designate a territorial instrumentality as a covered territorial instrumentality that is subject to the requirements of this subtitle.

(B) BUDGETS AND REPORTS.—A Board may require the Governor or the Chief Financial Officer of the applicable covered territory to submit to the Board such annual budgets or monthly or quarterly reports relating to a covered territorial instrumentality as the Board determines to be necessary.

(C) INCLUSION IN FISCAL PLAN.—The Governor of the applicable covered territory shall include in the applicable Fiscal Plan a description of each requirement under section 113(c) for each covered territorial instrumentality.

(2) EXCLUSION.—

(A) IN GENERAL.—A Board, at such time as the Board determines to be appropriate, may exclude any territorial instrumentality of the covered territory from the requirements of this subtitle.

(B) TREATMENT.—A territorial instrumentality excluded pursuant to this paragraph shall not be considered to be a covered territorial instrumentality.

(c) EXEMPTION FROM LIABILITY FOR CLAIMS.—A Board, and each member of the Board, shall not be liable for any obligation of, or claim against, the applicable covered territory resulting from any action of the Board to carry out this subtitle.

(d) MEMBERSHIP.—

(1) IN GENERAL.—A Board shall consist of 9 members who meet the qualifications described in paragraph (6), and of whom:

(A) 2 members shall be appointed by the President in accordance with the requirements described in paragraph (5).

(B) 2 members shall be appointed by the Governor of the applicable covered territory.

(C) 1 member shall be appointed by the chief justice of the highest appellate court of the applicable covered territory.

(D) 4 members shall be appointed by the legislature of the applicable covered territory as follows:

(i) If the legislature has 2 chambers—

(I) 1 member shall be appointed by the political party holding the most seats in the lower chamber of the legislature;

(II) 1 member shall be appointed by the political party holding the second-most seats in the lower chamber of the legislature;

(III) 1 member shall be appointed by the political party holding the most seats in the upper chamber of the legislature; and

(IV) 1 member shall be appointed by the political party holding the second-most seats in the upper chamber of the legislature.

(ii) If the legislature has 1 chamber—

(I) 2 members shall be appointed by the political party holding the most seats in the legislature; and

(II) 2 members shall be appointed by the political party holding the second-most seats in the legislature.

(2) CHAIRPERSON.—The member appointed under paragraph (1)(C) shall serve as the chairperson of the Board.

(3) PERIOD OF APPOINTMENT.—

(A) IN GENERAL.—Except for the member appointed under paragraph (1)(C) and for the initial terms of members, each member of the Board shall be—

(i) appointed for a term of 4 years; and

(ii) eligible for reappointment.

(B) INITIAL TERMS.—

(i) For members appointed under paragraph (1)(A), as designated by the President at the time of appointment—

(I) 1 member shall be appointed for a term of 2 years; and

(II) 1 member shall be appointed for a term of 4 years.

(ii) For members appointed under paragraph (1)(B)—

(I) both members shall be appointed to a term to terminate 6 months after the next gubernatorial election; and

(II) in the event that the Governor of a territory signs a resolution adopted by the legislature of the territory to request the establishment of a Board under this subtitle within 12 months of the next gubernatorial election, both members shall be appointed to a term of 2 years.

(iii) For members appointed under paragraph (1)(C), the member shall remain appointed for the life of the Board.

(iv) For members appointed under paragraph (1)(D), as designated by the appointing entity at the time of appointment—

(I) if the legislature has 2 chambers—

(aa) 1 member shall be appointed by the political party holding the most seats in the lower chamber of the legislature to a term to terminate 6 months after the next legislative election of the applicable territory;

(bb) 1 member shall be appointed by the political party holding the second-most seats in the lower chamber of the legislature to a term to terminate 6 months after the next legislative election of the applicable territory;

(cc) 1 member shall be appointed by the political party holding the most seats in the upper chamber of the legislature to a term to terminate 30 months after the next legislative election of the applicable territory; and

(dd) 1 member shall be appointed by the political party holding the second-most seats in the upper chamber of the legislature to a term to terminate 30 months after the next legislative election of the applicable territory; and

(II) if the legislature has 1 chamber—

(aa) 1 member shall be appointed by the political party holding the most seats in the legislature to a term to terminate 6 months after the next legislative election of the applicable territory;

(bb) 1 member shall be appointed by the political party holding the second-most seats in the legislature to a term to terminate 6 months after the next legislative election of the applicable territory;

(cc) 1 member shall be appointed by the political party holding the most seats in the legislature to a term to terminate 30 months after the next legislative election of the applicable territory; and

(dd) 1 member shall be appointed by the political party holding the second-most seats in the legislature to a term to terminate 30 months after the next legislative election of the applicable territory.

(4) VACANCIES.—

(A) IN GENERAL.—Each member shall remain appointed as long as the applicable qualifications of appointment under paragraph (6) remain satisfied, except that any member may be removed by the original appointing entity.

(B) EFFECT.—Any vacancy in the Board—

(i) shall not affect the powers of the Board; and

(ii) shall be filled in the same manner as the original appointment by the original appointing entity as soon as practicable after the date on which the vacancy occurs, subject to the approval described in paragraph (3).

(C) TERM.—A member appointed to fill a vacancy shall serve for the remainder of the term to which the member was appointed.

(5) APPROVAL OF MEMBERSHIP.—A new member appointed shall be approved by the full board, excluding the member that the new member was appointed to replace.

(6) REQUIREMENTS FOR PRESIDENTIAL APPOINTMENTS.—

(A) TIMING; REQUIRED CONSULTATION.—As soon as practicable after the date on which a territory submits to the President a resolution described in subsection (a), and after consultation with the appropriate committees of Congress and the Governor of the applicable covered territory, the President shall appoint members to the Board under paragraph (1)(A).

(B) REMOVAL.—The President may remove a member appointed by the President only for cause.

(7) QUALIFICATIONS.—

(A) IN GENERAL.—An individual meets the qualifications for membership on the Board if the individual has knowledge and expertise relating to finance, management, economics, or the organization or operation of business or government.

(B) CONNECTION TO COVERED TERRITORY.—Not less than 6 members shall have knowledge and expertise relating to the history, socioeconomic circumstances, and heritage of the applicable covered territory.

(C) RESIDENCE IN COVERED TERRITORY.—Not less than 6 members shall maintain a primary residence in the applicable covered territory.

(D) SPECIAL LIMITATION ON MEMBERSHIP.—No current member of the applicable territory's legislature shall be eligible to serve on the Board.

(8) CONFLICTS OF INTEREST.—

(A) IN GENERAL.—An individual appointed to serve as a member of the Board—

(i) shall be subject to—

(I) the Federal conflict of interest requirements described in section 208 of title 18, United States Code, except with respect to subsection (b) of that section; and

(II) the conflict of interest disclosure requirements under title I of the Ethics in Government Act of 1978 (5 U.S.C. App.); and

(ii) shall not have any other conflict of interest relating to the duties of the Board, including ownership of any debt security of—

(I) the applicable territorial government; or

(II) a territorial instrumentality.

(B) DEFINITION.—For purposes of subparagraph (A)(ii), the term ''conflict of interest'' includes the interests of an organization in which the individual is serving as officer, director, trustee, general partner or employee, or any person or organization with whom the individual is negotiating or has any arrangement concerning prospective employment.

(C) 3-YEAR RESTRICTION.—

(i) IN GENERAL.—Any individual who serves as a member of the Board shall not, during the 3-year period beginning on the date on which membership on the Board terminates, knowingly make, with the intent to influence, any communication to or appearance before any member of the Board or Chief Financial Officer on behalf of any other person (except the United States or a State or local government).

(ii) PENALTY.—Any individual who violates clause (i) shall be subject to the penalties described in section 216 of title 18, United States Code.

(iii) VIOLATIONS.—If a member of the Board is determined to be in violation of the requirements described in subparagraph (A), the member shall be removed from membership on the Board and may be subject to additional actions or penalties set forth under Federal ethics rules.

(e) NO COMPENSATION FOR SERVICE.—Each member of the Board shall—

(1) serve without compensation; and

(2) 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 the home or regular place of business of the member in the performance of the duties of the Board.

(f) BYLAWS.—

(1) IN GENERAL.—As soon as practicable after the appointment of all members to the Board, the Board shall adopt bylaws, rules, and procedures to govern the activities of the Board under this subtitle, including procedures for hiring experts and consultants.

(2) TREATMENT.—The bylaws, rules, and procedures adopted pursuant to this subsection shall be—

(A) public documents; and

(B) on adoption, submitted by the Board to—

(i) the President; and

(ii) the Governor and legislature of the applicable covered territory.

(g) STAFF.—

(1) IN GENERAL.—On the approval of the chairperson, the Board may appoint such staff as are necessary to enable the Board to perform the duties of the Board.

(2) ELIGIBLE INDIVIDUALS.—For purposes of chapter 11 of title 18, United States Code, and section 2635 of title 5, Code of Federal Regulations, or any successor thereto, the executive director and other staff employed by the Board shall be considered employees of an Executive agency (as defined in section 105 of title 5, United States Code), including a member of the staff who is—

(A) a private citizen;

(B) an employee of the applicable territorial government; or

(C) an employee of the Federal Government.

(3) DETAILEES.—

(A) FEDERAL EMPLOYEES.—On request of the chairperson of the Board, the head of a Federal department or agency may detail to the Board, on a reimbursable or nonreimbursable basis, and in accordance with the Intergovernmental Personnel Act of 1970 (42 U.S.C. 4701 et seq.), any of the personnel of the department or agency to assist the Board in the performance of the duties of the Board.

(B) TERRITORIAL GOVERNMENT EMPLOYEES.—On request of the chairperson of the Board, the head of any department or agency of the applicable territorial government may detail to the Board, on a reimbursable or nonreimbursable basis, any of the personnel of the department or agency to assist the Board in the performance of the duties of the Board.

(4) OFFICERS.—

(A) APPOINTMENT.—The chairperson may appoint to the Board an executive director or such other officers as the chairperson determines to be necessary to assist the Board in the performance of the duties of the Board.

(B) TERM; PAYMENT.—An executive director or officer appointed pursuant to subparagraph (A) shall serve for such period and be paid such compensation as the Board determines to be appropriate.

(h) FUNDING.—

(1) IN GENERAL.—The Board—

(A) may use funds provided by the applicable territorial government to ensure sufficient funds are made available to cover all expenses of the Board; and

(B) shall submit to the Governor and legislature of the applicable covered territory for inclusion in the annual budget appropriations process of the applicable territorial government a report describing any request and use of funds provided by the applicable territorial government.

(2) LOCAL FUNDING.—A covered territory shall designate a dedicated territorial government source of funding, not subject to subsequent legislative appropriation, sufficient to support the annual costs of the Board, as determined by the Board, to carry out this subtitle.

(i) POWERS.—

(1) HEARINGS.—The Board may, for the purpose of performing the duties of the Board—

(A) hold such hearings, meet and act at such times and places, take such testimony, receive such evidence, and administer such oaths as the Board considers to be appropriate; and

(B) require, by subpoena or otherwise, the attendance and testimony of such witnesses and the production of such books, records, correspondence, memoranda, papers, documents, tapes, and materials as the Board considers to be appropriate.

(2) ISSUANCE AND ENFORCEMENT OF SUBPOENAS.—

(A) ISSUANCE.—A subpoena issued under paragraph (1)(B) shall—

(i) bear the signature of the chairperson of the Board; and

(ii) be served by any person or class of persons designated by the chairperson to serve a subpoena under paragraph (1)(B).

(B) ENFORCEMENT.—In the case of contumacy or failure to obey a subpoena issued under paragraph (1)(B), the United States district court for the district in which the subpoenaed person resides, is served, or may be found may issue an order requiring the person—

(i) to appear at any designated place to testify; or

(ii) to produce documentary or other evidence.

(C) NONCOMPLIANCE.—Any failure to obey the order of a court under this paragraph may be punished by the court as a contempt of court.

(3) ENTRANCE INTO CONTRACTS.—The Board, or any of the staff of the Board on behalf of the Board, may enter into such contracts as the Board considers appropriate to carry out the duties of the Board.

(j) DUTIES.—

(1) MONITORING AND RECOMMENDATIONS.—

(A) IN GENERAL.—Based on information provided in a monthly report submitted under section 112(f)(1)(A), the Board may recommend to the Governor and legislature of the applicable covered territory policy adjustments that should be made to ensure the expenditures and revenues of the adopted budget for the applicable fiscal year are balanced.

(2) IMPROVEMENTS TO OPERATIONAL EFFICIENCY.—

(A) IN GENERAL.—The Board shall work with the applicable territorial government to improve the operational efficiency of the applicable territorial government, including the efforts of the applicable territorial government—

(i) to strengthen financial recordkeeping and reporting;

(ii) to control the number and cost of government contracts;

(iii) to collect and enforce the collection of taxes;

(iv) to promote economic growth;

(v) to improve Federal grant management; and

(vi) to increase the effective use of information technology.

(B) REPORT.—Within a reasonable period of time, the Board shall submit to the applicable territorial government a report describing recommendations to improve the operational efficiency of the applicable territorial government, including efforts described in subparagraph (A).

(3) REVIEW OF BUDGETS; QUARTERLY REPORTS.—

(A) BUDGET PROPOSED BY GOVERNOR.—

(i) SUBMISSION TO BOARD.—The Governor of the applicable covered territory shall submit to the Board for review a proposed budget for each fiscal year, in consultation with the Chief Financial Officer and based on the applicable forecast of revenues submitted by the Chief Financial Officer, by not later than the earlier of—

(I) the date that is 120 days before the first day of the fiscal year covered by the proposed budget; and

(II) the date that is 60 days before the date by which the Governor is required under applicable law to submit to the legislature of the applicable covered territory a proposed budget for the applicable fiscal year.

(ii) DETERMINATION OF COMPLIANT BUDGET.—Not later than the date that is 15 days after the date on which a Board receives a proposed budget under clause (i), the Board shall—

(I) determine whether the proposed budget is a compliant budget; and

(II)(aa) if the proposed budget is a compliant budget—

(AA) approve the compliant budget; and

(BB) submit the compliant budget to the legislature of the applicable covered territory; or

(bb) if the proposed budget is not a compliant budget, provide to the Governor of the applicable covered territory—

(AA) a notice of violation that includes a description of any corrective action suggested by the Board; and

(BB) an opportunity to correct the violation by requiring the Governor to submit to the Board a revised budget by not later than the date that is 15 days after the date on which the notice of violation under subitem (AA) is provided.

(iii) REVISED BUDGETS.—Not later than the date that is 7 days after the date on which the Board receives a revised budget under clause (ii)(II)(bb)(BB), the Board shall—

(I) determine whether the revised budget is a compliant budget in consultation with the Chief Financial Officer; and

(II)(aa) if the revised budget is a compliant budget—

(AA) approve the compliant budget; and

(BB) submit the compliant budget to the legislature of the applicable covered territory; or

(bb) if the revised budget is not a compliant budget—

(AA) issue a notice of noncompliance;

(BB) publicly submit recommendations of the Board and the Chief Financial Officer for adjustments that should be made to ensure the adopted budget of the territorial government for the applicable fiscal year is a compliant budget;

(CC) submit the noncompliant budget to the legislature of the applicable covered territory with recommendations of the Board and the Chief Financial Officer for adjustments that should be made to ensure the adopted budget of the territorial government for the applicable fiscal year is a complaint budget; and

(DD) issue a directive that the legislature shall strive to adopt the Board's recommendations in the budget of the territorial government for the applicable fiscal year.

(B) BUDGET APPROVAL BY LEGISLATURE.—

(i) IN GENERAL.—The legislature of the applicable covered territory shall submit to the Board the budget adopted by the legislature not later than—

(I) the date that is 30 days before the first day of each applicable fiscal year; or

(II) the date previously approved in writing by the Board not to exceed 60 days after the first day of the applicable fiscal year, if a date was approved in writing.

(ii) DETERMINATION BY BOARD.—Not later than the date that is 7 days after the date on which the Board receives an adopted budget submitted under clause (i), the Board shall—

(I) determine whether the adopted budget is a compliant budget in consultation with the Chief Financial Officer; and

(II)(aa) if the adopted budget is a compliant budget, issue a compliance certification for the compliant budget; or

(bb) if the budget is not a compliant budget—

(AA) issue a certificate of noncompliance;

(BB) publicly submit recommendations of the Board and the Chief Financial Officer for adjustments that should be made to the budget of the territorial government for the upcoming fiscal year to ensure the revenues and expenditures are consistent with the Fiscal Plan;

(CC) provide to the Governor and legislature of the applicable covered territory a certificate of noncompliance that includes a description of any recommendations of the Board and the Chief Financial Officer for adjustments that should be made to the budget of the territorial government for the upcoming fiscal year to ensure the revenues and expenditures are consistent with the Fiscal Plan; and

(DD) issue a directive that the Governor and the legislature shall strive to adopt the Board's recommendations in the budget of the territorial government for the upcoming fiscal year.

(C) QUARTERLY REPORTS.—On receipt of a quarterly report from the Chief Financial Officer under section 112(f)(1)(B), the Board shall—

(i) conduct a review to determine whether the actual quarterly revenues and expenses for the applicable territorial government are in compliance with the applicable approved budget; and

(ii) if the Board determines that the actual quarterly revenues and expenses for the applicable territorial government are not in compliance with the applicable approved budget under clause (i), provide to the Governor recommendations for adjustments that should be made to ensure the revenues and expenditures of the adopted budget of the applicable territorial government for the applicable fiscal year are balanced.

(4) ISSUANCE OF DEBT.—No territorial government may, without providing prior written and public notice to the Board, issue debt or guarantee, exchange, modify, repurchase, redeem, or enter into a similar transaction with respect to the debt of the territorial government.

(5) AUTHORITY TO REVIEW DISCRETIONARY TAX WAIVERS.—

(A) IN GENERAL.—Not later than the date that is 180 days after the date of the establishment of a Board under subsection (a), the Governor of the applicable covered territory shall submit to the Board an audited report documenting each outstanding discretionary tax waiver agreement to which any entity of the applicable territorial government is a party, including each agreement pursuant to which the applicable entity of the territorial government waived, changed the due date of, or changed the amount of taxes due.

(B) NEW TAX WAIVERS.—Effective on the date on which a Board is established under subsection (a), no new tax waiver agreement may be executed by the applicable territorial government without prior approval of the Board.

(k) TERMINATION OF BOARD.—A Board shall terminate on certification by the Board that—

(1) the Board has been in operation for not less than 3 years and the applicable territorial government has adequate access, on an unsecured basis, to short-term and long-term credit markets at reasonable interest rates to meet the borrowing needs of the territorial government using a compliant budget; or

(2) for not less than 3 consecutive fiscal years prior to the certification, the expenditures made by the applicable territorial government for each fiscal year did not exceed the revenues of the territorial government during that fiscal year, using a compliant budget.

SEC. 112. ESTABLISHMENT OF CHIEF FINANCIAL OFFICER.

(a) ESTABLISHMENT OF OFFICE.—

(1) IN GENERAL.—Effective on the date on which the Governor of a territory signs a resolution adopted by the legislature of the territory to request the establishment of a Fiscal Stability and Reform Board under this subtitle, an Office of the Chief Financial Officer is established for the territory, which shall be headed by the Chief Financial Officer of the territory.

(2) AUTHORITY TO REQUEST.—Effective with the appointment of the first Chief Financial Officer under subsection (d), the Chief Financial Officer may request other offices be consolidated within the office, subject to the approval of the applicable territory's legislature, with the function and personnel of the offices transferred to the office.

(3) RETENTION OF AUTHORITY.—Notwithstanding paragraph (2), the applicable territory shall retain its authority to appoint and remove personnel and agency heads of consolidated offices.

(4) CONFLICTS OF INTEREST.—

(A) IN GENERAL.—An individual appointed to serve as a Chief Financial Officer—

(i) shall be subject to—

(I) the Federal conflict of interest requirements described in section 208 of title 18, United States Code, except with respect to subsection (b) of that section; and

(II) the conflict of interest disclosure requirements under title I of the Ethics in Government Act of 1978 (5 U.S.C. App.); and

(ii) shall not have any other conflict of interest relating to the duties of the Chief Financial Officer, including ownership of any debt security of—

(I) the applicable territorial government; or

(II) a territorial instrumentality.

(B) DEFINITION.—For purposes of subparagraph (A)(ii), the term ''conflict of interest'' includes the interests of an organization in which the individual is serving as officer, director, trustee, general partner or employee, or any person or organization with whom the individual is negotiating or has any arrangement concerning prospective employment.

(C) 3-YEAR RESTRICTION.—

(i) IN GENERAL.—Any individual who serves as Chief Financial Officer shall not, during the 3-year period beginning on the date on which his or her tenure as Chief Financial Officer terminates, knowingly make, with the intent to influence, any communication to or appearance before any member of the Board or Chief Financial Officer on behalf of any other person (except the United States or a State or local government).

(ii) PENALTY.—Any individual who violates clause (i) shall be subject to the penalties described in section 216 of title 18, United States Code.

(iii) VIOLATIONS.—If a Chief Financial Officer is determined to be in violation of the requirements described in this subparagraph, the member shall be removed from the position of Chief Financial Officer and may be subject to additional actions or penalties set forth under Federal ethics rules.

(b) STAFF.—

(1) IN GENERAL.—The Chief Financial Officer may appoint such staff as are necessary

to enable the Office to perform the duties of the Office.

(2) ELIGIBLE INDIVIDUALS.—For purposes of chapter 11 of title 18, United States Code, and section 2635 of title 5, Code of Federal Regulations, or any successor thereto, the executive director and other staff employed by the office shall be considered employees of an Executive agency (as defined in section 105 of title 5, United States Code), including a member of the staff who is—

(A) a private citizen;

(B) an employee of the applicable territorial government; or

(C) an employee of the Federal Government.

(3) DETAILEES.—

(A) FEDERAL EMPLOYEES.—On request of the Chief Financial Officer, the head of a Federal department or agency may detail to the Office, on a reimbursable or nonreimbursable basis, and in accordance with the Intergovernmental Personnel Act of 1970 (42 U.S.C. 4701 et seq.), any of the personnel of the department or agency to assist the Office in the performance of the duties of the Office.

(B) TERRITORIAL GOVERNMENT EMPLOYEES.—On request of the Chief Financial Officer, the head of any department or agency of the applicable territorial government may detail to the Office, on a reimbursable or nonreimbursable basis, any of the personnel of the department or agency to assist the Office in the performance of the duties of the Office.

(c) FUNDING.—

(1) IN GENERAL.—The Chief Financial Officer—

(A) may use funds provided by the applicable territorial government to ensure sufficient funds are made available to cover all expenses of the Office; and

(B) shall submit to the Governor and legislature of the applicable covered territory for inclusion in the annual budget appropriations process of the applicable territorial government a report describing any request and use of funds provided by the applicable territorial government.

(2) LOCAL FUNDING.—A covered territory shall designate a dedicated territorial government source of funding, not subject to subsequent legislative appropriation, sufficient to support the annual costs of the Office, as determined by the Chief Financial Officer, to carry out this subtitle.

(d) APPOINTMENT.—

(1) IN GENERAL.—The Chief Financial Officer shall be appointed by the applicable territory's Governor as follows:

(A) Prior to the appointment of the Chief Financial Officer, the Board may submit recommendations for the appointment to the applicable territory's Governor.

(B) In consultation with the Board and the applicable territory's legislature, the applicable territory's Governor shall nominate an individual for appointment and notify the applicable territory's legislature of the nomination.

(C) After the expiration of the 7-day period that begins on the date the applicable territory's Governor notifies the legislature of the nomination under subparagraph (B), the applicable territory's Governor shall notify the Board of the nomination.

(D) The nomination shall be effective subject to approval by a majority vote of the Board.

(2) REMOVAL.—The Chief Financial Officer may be removed for cause by the Board or by the applicable territory's Governor with the approval of the Board.

(3) SALARY.—The Chief Financial Officer shall be paid at an annual rate determined by the Board as the Board determines to be appropriate.

(e) POWERS.—

(1) ISSUANCE AND ENFORCEMENT OF SUBPOENAS.—

(A) PURPOSE.—The Chief Financial Officer may, for the purpose of performing the duties of the office, require, by subpoena or otherwise, the attendance and testimony of such witnesses and the production of such books, records, correspondence, memoranda, papers, documents, tapes, and materials as the Chief Financial Officer considers to be appropriate.

(B) ISSUANCE.—A subpoena issued under paragraph (1)(B) shall—

(i) bear the signature of the Chief Financial Officer; and

(ii) be served by any person or class of persons designated by the Chief Financial Officer to serve a subpoena under paragraph (1)(B).

(C) ENFORCEMENT.—In the case of contumacy or failure to obey a subpoena issued under paragraph (1)(B), the United States district court for the district in which the subpoenaed person resides, is served, or may be found may issue an order requiring the person—

(i) to appear at any designated place to testify; or

(ii) to produce documentary or other evidence.

(D) NONCOMPLIANCE.—Any failure to obey the order of a court under this paragraph may be punished by the court as a contempt of court.

(2) ENTRANCE INTO CONTRACTS.—The Chief Financial Officer, or any of the staff of the office on behalf of the Chief Financial Officer, may enter into such contracts as the Chief Financial Officer considers appropriate to carry out the duties of the office.

(f) FUNCTIONS.—In addition to any other duties necessary and proper to fulfill the purposes of the Office, the Chief Financial Officer shall have the following duties:

(1) MONTHLY AND QUARTERLY REPORTS.—The Chief Financial Officer, in consultation with the applicable territorial government, shall submit to the Board:

(A) A report not later than the date that is 7 days after the last day of each month to provide—

(i) an accounting of the cash balance of the applicable territorial government; and

(ii) a description of the amount of actual expenditures and revenues of the applicable territorial government, as compared to the amounts budgeted, for the applicable fiscal year.

(B) Not later than the date that is 15 days after the last day of each quarter of a fiscal year, the Chief Financial Officer in consultation with the Governor of the applicable covered territory shall submit to the Board, in such form as the Board may require, a report describing—

(i) the actual cash revenues, cash expenditures, and cash flows of the territorial government for the preceding quarter; as compared to

(ii) the actual cash revenues, cash expenditures, and cash flows contained in the approved budget for the applicable quarter.

(C) A report under subparagraph (B) shall include—

(i) a description of any accrued revenues and expenditures during the applicable quarter, as compared to the accrued revenues and expenditures contained in the approved budget for the quarter; and

(ii) a balance sheet, if the Board requires a balance sheet.

(2) REVENUE FORECASTING.—Not later than the date that is 75 days before the date on which the Governor of the applicable covered territory is required under applicable law to submit to the legislature of the applicable covered territory a proposed budget for the upcoming fiscal year, the Chief Financial Officer shall submit to the applicable territorial government and Board a forecast of revenues for the upcoming fiscal year to be used to develop the budget.

(A) REQUIREMENTS.—A forecast under paragraph (2) shall be—

(i) based on applicable law; and

(ii) prepared in accordance with the applicable Fiscal Plan.

(3) FINANCIAL AND ACCOUNTING INFORMATION.—The Chief Financial Officer shall ensure the following:

(A) All financial information presented by the applicable territory is presented in a manner, and is otherwise consistent with any requirements promulgated by the Board.

(B) Appropriate procedures are implemented and institute such programs, systems, and personnel policies within the Officer's authority, to ensure that the applicable territory's budget, accounting and personnel control systems and structures are synchronized for budgeting and control purposes on a continuing basis.

(C) Appropriate forms of receipts, vouchers, bills, and claims to be used by all agencies, offices, and instrumentalities of the applicable territorial government.

(4) ACCOUNTING MANAGEMENT.—The Chief Financial Officer shall:

(A) Supervise the applicable territory's financial transactions to ensure adequate control of revenues and resources, and to ensure that appropriations are not exceeded.

(B) Maintain systems of accounting and internal control designed to provide—

(i) full disclosure of the financial impact of the activities of the applicable territorial government;

(ii) adequate financial information needed by the applicable territorial government for management purposes;

(iii) effective control over, and accountability for, all funds, property, and other assets of the applicable territorial government; and

(iv) reliable accounting results to serve as the basis for preparing and supporting agency budget requests and controlling the execution of the budget of the applicable territorial government.

(C) Maintain accounting of all public funds belonging to or under the control of the applicable territorial government (or any department or agency of the applicable territorial government).

(D) Maintain accounting of all investment and invested funds of the applicable territorial government or in possession of the applicable territorial government in a fiduciary capacity.

(E) Submit to the applicable territorial government a financial statement of the applicable territorial government, containing such details and at such times as the applicable territorial government may specify.

(5) CERTIFYING CONTRACTS.—All contracts (whether directly or through delegation) shall be certified by the Chief Financial Officer prior to execution as to the availability of funds to meet the obligations expected to be incurred by the applicable territorial government under such contracts during the year.

(6) AUDITING.—The Chief Financial Officer shall perform internal audits of accounts and operations and records of the applicable territorial government, including the examination of any accounts or records of financial transactions, giving due consideration to the effectiveness of accounting systems, internal control, and related administrative practices of the departments and agencies of the applicable territorial government.

SEC. 113. DEVELOPMENT AND APPROVAL OF FISCAL PLANS.

(a) IN GENERAL.—Not later than the date that is 60 days before the date on which the

Governor of an applicable covered territory is required under applicable law to submit to the legislature of the applicable covered territory a proposed budget for the upcoming fiscal year, the Governor, in consultation with the Chief Financial Officer, shall develop and submit to the Board and applicable territorial government a Fiscal Plan for the applicable territorial government in accordance with this section.

(b) INITIAL FISCAL PLAN.—The Governor of an applicable covered territory in consultation with the Chief Financial Officer shall develop an initial Fiscal Plan in accordance with subsection (a) within 90 days of the Governor of the applicable covered territory signing a resolution adopted by the legislature of the territory to request the establishment of a Fiscal Stability and Reform Board under this subtitle, or not later than the date that is 60 days before the date on which the Governor of the applicable covered territory is required under applicable law to submit to the legislature of the applicable covered territory a proposed budget for the upcoming fiscal year, whichever comes chronologically first.

(c) REQUIREMENTS.—

(1) IN GENERAL.—A Fiscal Plan shall, to the maximum extent practicable, with respect to the applicable territorial government—

(A) provide for estimates of revenues and expenditures in accordance with modified accrual accounting standards and based on—

(i) applicable laws; or

(ii) specific laws that require enactment in order to reasonably achieve the projections of the Fiscal Plan;

(B) ensure the funding of essential public services;

(C) provide full funding to cover all existing public pension obligations;

(D) provide for the elimination of budget gaps in financing;

(E) provide for a reduction in the debt burden to a level that is sustainable;

(F) improve fiscal governance;

(G) enable the achievement of fiscal targets;

(H) create independent forecasts of revenue for the period covered by the Fiscal Plan; and

(I) not impede investments to promote sustained economic growth.

(2) TERM.—A Fiscal Plan shall be in effect for a period of not less than 5 years.

(3) TRANSPARENCY.—A Fiscal Plan shall be made publicly available no less than 15 days after final approval as specified within subsection (d).

(d) APPROVAL BY BOARD.—

(1) REQUIREMENT.—The Governor of a covered territory shall not submit to the legislature of the applicable covered territory an annual budget for a fiscal year unless the Fiscal Plan has been approved for that fiscal year in accordance with this subsection.

(2) APPROVAL.—Not later than the date that is 15 days after the date on which the Governor submits a Fiscal Plan to the Board under subsection (a), the Board shall—

(A) certify the Fiscal Plan; or

(B) fail to certify the Fiscal Plan and provide to the Governor recommendations for revisions to the Fiscal Plan.

(3) REVISED FISCAL PLAN.—

(A) IN GENERAL.—Not later than the date that is 15 days after the date on which the Board submits recommendations to the Governor under paragraph (2)(B), the Governor shall submit to the Board a revised Fiscal Plan.

(B) APPROVAL; DISAPPROVAL.—Not later than the date that is 7 days after the date on which the Governor submits to the Board a revised Fiscal Plan under subparagraph (A), the Board shall—

(i) certify the revised Fiscal Plan; or

(ii) disapprove the revised Fiscal Plan.

(4) DEVELOPMENT BY BOARD.—

(A) IN GENERAL.—

(i) NONACTION BY GOVERNOR.—If the Governor of a covered territory fails to submit to the Board a revised Fiscal Plan on or before the date specified in paragraph (3)(A), the Board shall develop and submit to the Governor a final revised Fiscal Plan not later than the date that is 22 days after the date on which recommendations are provided to the Governor under paragraph (2)(B).

(ii) DISAPPROVAL BY BOARD.—If the Board disapproves a revised Fiscal Plan under paragraph (3)(B)(ii), the Board shall develop and submit to the Governor a final revised Fiscal Plan not later than the date that is 7 days after the date of disapproval.

SEC. 114. SEVERABILITY.

If any provision of this subtitle or the application of such provision to any person or circumstance is held to be unconstitutional, the remainder of this subtitle, and the application of the provision to any other person or circumstance, shall not be affected.

TITLE II—ADJUSTMENTS OF DEBTS OF A TERRITORY OR ITS MUNICIPALITIES

Subtitle A—General Provisions

SEC. 201. DEFINITIONS.

In this title:

(1) AFFILIATE.—The term ''affiliate'' means, in addition to the definition made applicable in a case under this title by section 243(a)—

(A) for a Territory, any municipality of the Territory; and

(B) for a municipality, the governing Territory and any of the Territory's other municipalities.

(2) BOND.—The term ''Bond'' means a bond, loan, line of credit, note, or other borrowing title, in physical or dematerialized form, of which—

(A) the issuer, borrower, or guarantor is the municipality or Territory as defined by paragraphs (5) and (11); and

(B) the date of issuance or incurrence of debt precedes the date of enactment of this Act.

(3) COURT.—The term ''court'' means the district court for the territory in which the debtor is located or, for any territory in which the debtor is located that does not have a district court, the United States District Court for the District of Hawaii.

(4) DEBTOR.—The term ''debtor'' means the Territory or municipality concerning which a case under this title has been commenced.

(5) MUNICIPALITY.—The term ''municipality''—

(A) includes any political subdivision, public agency, instrumentality or instrumentality of a Territory; and

(B) should be broadly construed to effectuate the purposes of this title.

(6) PROPERTY OF THE ESTATE.—The term ''property of the estate'', when used in section 541 of title 11, United States Code, made applicable in a case under this title by section 243(a) means property of the debtor.

(7) SPECIAL REVENUES.—The term ''special revenues'' means receipts derived from the ownership, operation, or disposition of projects or systems of the debtor that are primarily used or intended to be used primarily to provide transportation, utility, or other services, including the proceeds of borrowings to finance the projects or systems.

(8) SPECIAL TAX PAYER.—The term ''special tax payer'' means record owner or holder of legal or equitable title to real property against which a special assessment or special tax has been levied the proceeds of which are the sole source of payment of an obligation issued by the debtor to defray the cost of an improvement relating to such real property.

(9) SPECIAL TAX PAYER AFFECTED BY THE PLAN.—The term ''special tax payer affected by the plan'' means special tax payer with respect to whose real property the plan proposes to increase the proportion of special assessments or special taxes referred to in paragraph (2) assessed against such real property.

(10) STATE.—The term ''State'' when used in a section of title 11, United States Code, made applicable in a case under this title by section 243(a) means State or Territory when used in reference to a the relationship of a State to the municipality of the State.

(11) TERRITORY.—The term ''Territory'' means the Commonwealth of Puerto Rico, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, or the United States Virgin Islands.

(12) TRUSTEE.—The term ''trustee'' when used in a section of title 11, United States Code, made applicable in a case under this title by section 243(a) means debtor, except as provided in section 926 of title 11, United States Code.

SEC. 202. WHO MAY BE A DEBTOR.

An entity may be a debtor under this title if the entity—

(1) is—

(A) a Territory that has requested the establishment of a Fiscal Stability and Reform Board in accordance with section 111; or

(B) a municipality—

(i) of a Territory that has requested the establishment of a Fiscal Stability and Reform Board in accordance with section 111; and

(ii) that has been specifically authorized, in its capacity as a municipality or by name, to be a debtor under this title by Territory law, or by a governmental officer or organization empowered by Territory law to authorize such entity to be a debtor under this title; and

(2) desires to effect a plan to adjust its debts.

SEC. 203. RESERVATION OF TERRITORIAL POWER TO CONTROL MUNICIPALITIES.

Subject to the limitations imposed by title III, this title does not limit or impair the power of a Territory to control, by legislation or otherwise, a municipality of or in the Territory in the exercise of the political or governmental powers of such municipality, including expenditures for such exercise, but—

(1) a Territory law prescribing a method of composition of indebtedness of such municipality may not bind any creditor that does not consent to such composition; and

(2) a judgment entered under such a law may not bind a creditor that does not consent to such composition.

SEC. 204. LIMITATION ON JURISDICTION AND POWERS OF COURT.

Subject to the limitations imposed by title II, notwithstanding any power of the court, unless the debtor consents or the plan so provides, the court may not, by any stay, order, or decree, in the case or otherwise, interfere with—

(1) any of the political or governmental powers of the debtor;

(2) any of the property or revenues of the debtor; or

(3) the debtor's use or enjoyment of any income-producing property.

Subtitle B—Initial Stay on Litigation

SEC. 211. DEFINITIONS.

In this subtitle, any term not defined under section 201 that is defined in title 11, United States Code, has the meaning given that term under title 11, United States Code.

SEC. 212. EFFECTIVE DATE.

Effective on the date on which the Governor of a territory signs a resolution adopted by the legislature of the territory to request the establishment of a Fiscal Stability

and Reform Board under section 111, section 213 shall take effect.

SEC. 213. AUTOMATIC STAY.

(a) Except as otherwise provided in this section, the adoption of a resolution under section 111 operates with respect to any claim, debt, or cause of action related to a Bond as a stay, applicable to all entities (as such term is defined in section 101 of title 11, United States Code), of—

(1) the commencement or continuation, including the issuance or employment of process, of a judicial, administrative, or other action or proceeding against a Territory or municipality, or to recover a claim against a Territory or municipality;

(2) the enforcement, against a Territory or municipality or against property of a Territory or municipality, of a judgment;

(3) any act to obtain possession of property of a Territory or municipality, or of property from a Territory or municipality, or to exercise control over property of a Territory or municipality;

(4) any act to create, perfect, or enforce any lien against property of a Territory or municipality;

(5) any act to create, perfect, or enforce against property of a Territory or municipality any lien to the extent that such lien secures a claim;

(6) any act to collect, assess, or recover a claim against a Territory or municipality; and

(7) the setoff of any debt owing to a Territory or municipality against any claim against a Territory or municipality.

(b) The adoption of a resolution under section 111 does not operate as a stay under subsection (a) of this section of the continuation of, including the issuance or employment of process, a judicial, administrative, or other action or proceeding against a Territory or municipality that was commenced on or before the date of the adoption of the resolution under section 111.

(c) Except as provided in subsection (d), (e), or (f), a stay of an act under subsection (a) shall cease to have effect no later than 12 months after the date of the adoption of a resolution under section 111, or upon a the commencement of a voluntary case under this title by the filing with the bankruptcy court of a petition by an entity that may be a debtor under section 202, whichever comes chronologically first.

(d) On motion of a party in interest and after notice and a hearing, the court may grant relief from a stay under subsection (a)—

(1) for cause, including the lack of adequate protection of a security interest in property of such party in interest; or

(2) with respect to a stay of an act against property under subsection (a), if—

(A) the debtor does not have an equity in such property; and

(B) such property is not necessary for a Territory or municipality to provide essential services.

(e) Thirty days after a request under subsection (d) of this section for relief from the stay of any act against property of a Territory or municipality under subsection (a) of this section, such stay is terminated with respect to the party in interest making such request, unless the court, after notice and a hearing, orders such stay continued in effect pending the conclusion of, or as a result of, a final hearing and determination under subsection (d) of this section. A hearing under this subsection may be a preliminary hearing, or may be consolidated with the final hearing under subsection (d) of this section. The court shall order such stay continued in effect pending the conclusion of the final hearing under subsection (d) of this section if there is a reasonable likelihood that the party opposing relief from such stay will prevail at the conclusion of such final hearing. If the hearing under this subsection is a preliminary hearing, then such final hearing shall be concluded not later than 30 days after the conclusion of such preliminary hearing, unless the 30-day period is extended with the consent of the parties in interest or for a specific time which the court finds is required by compelling circumstances.

(f) Upon request of a party in interest, the court, with or without a hearing, shall grant such relief from the stay provided under subsection (a) of this section as is necessary to prevent irreparable damage to the secured interest of an entity in property, if such interest will suffer such damage before there is an opportunity for notice and a hearing under subsection (d) or (e) of this section.

(g) No order, judgment, or decree entered in violation of this section shall have any force or effect.

(h) In any hearing under subsection (d) or (e) concerning relief from a stay—

(1) the party requesting such relief has the burden of proof on the issue of the debtor's equity in property; and

(2) the party opposing such relief has the burden of proof on all other issues.

Subtitle C—Adjudication and Judicial Review

SEC. 221. PETITION AND PROCEEDINGS RELATING TO PETITION.

(a) A voluntary case under this title is commenced by the filing with the bankruptcy court of a petition by an entity that may be a debtor under section 202.

(b) Notwithstanding section 202 and subsection (a), a case under this title concerning an unincorporated tax or special assessment district that does not have its own officials is commenced by the filing under subsection (a) of a petition by the governing authority of the district or the board or body having authority to levy taxes or assessments to meet the obligations of such district.

(c) After any objection to the petition, the court, after notice and a hearing, may dismiss the petition if—

(1) the debtor did not file the petition in good faith; or

(2) the petition does not meet the requirements of this title.

(d) If the petition is not dismissed under subsection (c), the court shall order relief under this title.

(e) The court may not—

(1) on account of an appeal from an order for relief, delay any proceeding under this title in the case in which the appeal is being taken; or

(2) order a stay of such proceeding pending such appeal.

(f) The reversal on appeal of a finding of jurisdiction shall not affect the validity of any debt incurred that is authorized by the court under section 364(c) or 364(d) of title 11, United States Code.

(g) For purposes of this title, the Governor may take any action necessary on behalf of the debtor to prosecute the debtor's case; including—

(1) filing a petition;

(2) submitting or modifying a plan of adjustment; or

(3) otherwise generally submitting filings in relation to the restructuring case with the court.

(h) Debtors under this title may file petitions or submit or modify plans of adjustment jointly if they are affiliates.

(i) Except as provided in subsection (j), this title shall take effect on the date of the enactment of this Act.

(j) This title shall apply with respect to—

(1) cases commenced under this title on or after the date of the enactment of this Act; and

(2) debts, claims, and liens created before, on, or after such date.

SEC. 222. JURISDICTION.

(a) The district courts shall have original and exclusive jurisdiction of a case under this title.

(b) Section 157 of title 28, United States Code, shall apply to a case under this title.

SEC. 223. VENUE.

Venue shall be proper in—

(1) with respect to a Territory, the district court for the Territory or, for any territory that does not have a district court, in the United States District Court for the District of Hawaii; and

(2) with respect to a municipality, the district court for the Territory in which the municipality is located or, for any territory that does not have a district court, in the United States District Court for the District of Hawaii.

SEC. 224. SELECTION OF PRESIDING JUDGE.

(a) For cases in which the debtor is a Territory, the chief judge of the court of appeals for the circuit embracing the district in which the case is commenced shall designate a bankruptcy judge to conduct the case.

(b) For cases in which the debtor is not a Territory, and the case has not been jointly filed with the case of a Territory or there is no case in which the affiliate Territory is a debtor, the chief judge of the court of appeals for the circuit embracing the district in which the case is commenced shall designate a bankruptcy judge to conduct the case.

(c) A bankruptcy judge designated under subsection (a) or (b) shall be subject to the provisions of chapter 6 of title 28, United States Code.

(d) Notwithstanding section 156, of title 28, United States Code, the bankruptcy judge designated under subsection (a) or (b) may appoint as many law clerks and additional judicial assistants as the judge deems necessary to assist in presiding over cases commenced under this title.

SEC. 225. APPELLATE REVIEW.

(a) Except as provided in subsection (b), subsections (a) and (d) of section 158 of title 28, United States Code, shall apply to a case under this title.

(b) Only an order confirming a plan of adjustment or dismissing a petition shall be considered final for purposes of section 158(a) of title 28, United States Code.

SEC. 226. APPLICABLE RULES OF PROCEDURE.

For all cases brought under this title, the Federal Rules of Bankruptcy Procedure shall apply.

SEC. 227. SEVERABILITY.

If any provision of this title or the application thereof to any person or circumstance is held invalid, the remainder of this title, or the application of that provision to persons or circumstances other than those as to which it is held invalid, is not affected thereby.

Subtitle D—The Plan

SEC. 231. FILING OF PLAN OF ADJUSTMENT.

The debtor shall file a plan for the adjustment of the debtor's debts. If such a plan is not filed with the petition, the debtor shall file such a plan at such later time as the court fixes.

SEC. 232. CONFIRMATION.

(a) A special tax payer may object to confirmation of a plan.

(b) The court shall confirm the plan if—

(1) the plan complies with the provisions of title 11, United States Code, made applicable in a case under this title by section 243(a);

(2) the plan complies with the provisions of this title;

(3) the debtor is not prohibited by law from taking any action necessary to carry out the plan;

(4) except to the extent that the holder of a particular claim has agreed to a different treatment of such claim, the plan provides that on the effective date of the plan each holder of a claim of a kind specified in section 507(a)(2) of title 11, United States Code, will receive on account of such claim cash equal to the allowed amount of such claim;

(5) any regulatory or electoral approval necessary under applicable nonbankruptcy law in order to carry out any provision of the plan has been obtained, or such provision is expressly conditioned on such approval;

(6) the plan is in the best interests of creditors and is feasible;

(7) the plan is consistent with the Fiscal Plan submitted under title II;

(8) the plan ensures that accrued pension liability in the Commonwealth Employee Retirement System and Teacher Retirement System shall be treated as senior, first priority secured debt, senior to any existing senior secured debt by statutory lien and notwithstanding any other provision of law may be satisfied by payment from the general revenues of the Commonwealth, provided that the maximum claim to be treated as secured by this senior, first priority secured statutory lien of an active annuitant shall be equal to the Pension Benefit Guaranty Corporation maximum guarantee for participants in a single-employer plan and that the maximum claim to be treated as secured by this senior, first priority secured statutory lien of an active or vested inactive participant in said pension funds shall be equal to the full benefit accrued by such active or inactive participant; and

(9) feasible and equitable the plan does not unduly impair the claims of holders of bonds that are—

(A) general obligations of the Territory to which the Territory pledged the full faith and credit and the taxing power of the Territory; and

(B) identified in an applicable nonbankruptcy law as having a first claim on available Territory resources.

Subtitle E—Additional Provisions

SEC. 241. COMPENSATION OF PROFESSIONALS.

(a) After notice to the parties in interest and the United States Trustee and a hearing, the court may award to a professional person employed by the debtor, in the debtor's sole discretion, or employed by a committee under section 1103 of title 11, United States Code—

(1) reasonable compensation for actual, necessary services rendered by the professional person, or attorney and by any paraprofessional person employed by any such person; and

(2) reimbursement for actual, necessary expenses.

(b) The court may, on its own motion or on the motion of any party in interest, award compensation that is less than the amount of compensation that is requested.

(c) In determining the amount of reasonable compensation to be awarded to a professional person, the court shall consider the nature, the extent, and the value of such services, taking into account all relevant factors, including—

(1) the time spent on such services;

(2) the rates charged for such services;

(3) whether the services were necessary to the administration of, or beneficial at the time at which the service was rendered toward the completion of, a case under this title;

(4) whether the services were performed within a reasonable amount of time commensurate with the complexity, importance, and nature of the problem, issue, or task addressed;

(5) with respect to a professional person, whether the person is board certified or otherwise has demonstrated skill and experience in the restructuring field; and

(6) whether the compensation is reasonable based on the customary compensation charged by comparably skilled practitioners in cases other than cases under this title or title 11, United States Code.

(d) The court shall not allow compensation for—

(1) unnecessary duplication of services; or

(2) services that were not—

(A) reasonably likely to benefit the debtor; or

(B) necessary to the administration of the case.

(e) The court shall reduce the amount of compensation awarded under this section by the amount of any interim compensation awarded under section 242, and, if the amount of such interim compensation exceeds the amount of compensation awarded under this section, may order the return of the excess to the debtor.

(f) Any compensation awarded for the preparation of a fee application shall be based on the level and skill reasonably required to prepare the application.

SEC. 242. INTERIM COMPENSATION.

A debtor's attorney, or any professional person employed by the debtor, in the debtor's sole discretion, or employed by a committee under section 1103 of title 11, United States Code, may apply to the court not more than once every 120 days after an order for relief in a case under this title, or more often if the court permits, for such compensation for services rendered before the date of such an application or reimbursement for expenses incurred before such date as is provided under section 241. After notice and a hearing, the court may allow to such applicant such compensation or reimbursement.

SEC. 243. APPLICABILITY OF OTHER SECTIONS.

(a) Sections 101, 102, 104, 105, 106, 107, 108, 112, 333, 344, 347(b), 349, 350(b), 351, 361, 362, 364(c), 364(d), 364(e), 364(f), 365, 366, 501, 502, 503, 504, 506, 507(a)(2), 509, 510, 524(a)(1), 524(a)(2), 544, 545, 546, 547, 548, 549(a), 549(c), 549(d), 550, 551, 552, 553, 555, 556, 557, 559, 560, 561, 562, 922, 923, 924, 925, 926, 927, 928, 929, 930, 942, 944, 945, 946, 1102, 1103, 1109, 1111(b), 1113, 1122, 1123(a)(1), 1123(a)(2), 1123(a)(3), 1123(a)(4), 1123(a)(5), 1123(b), 1123(d), 1124, 1125, 1126(a), 1126(b), 1126(c), 1126(e), 1126(f), 1126(g), 1127(d), 1128, 1129(a)(2), 1129(a)(3), 1129(a)(6), 1129(a)(8), 1129(a)(10), 1129(b)(1), 1129(b)(2)(A), 1129(b)(2)(B), 1142(b), 1143, 1144, and 1145 of title 11, United States Code, apply in a case under this title.

(b) A term used in a section of title 11, United States Code, made applicable in a case under this title by subsection (a) has the meaning defined for such term for the purpose of such applicable section, unless such term is otherwise defined in section 201.

(c) A section made applicable in a case under this title by subsection (a) that is operative if the business of the debtor is authorized to be operated is operative in a case under this title.

(d) Solely for purposes of this title, a reference to ''this title'', ''this chapter'', or words of similar import in a section of title 11, United States Code, made applicable in a case under this title by subsection (a) or to ''this title'', ''title 11'', or words of similar import in a section of title 28, United States Code, made applicable in a case under this title by section 222 or 225 or in the Federal Rules of Bankruptcy Procedure made applicable in a case under this title by section 226 shall be deemed to be a reference to this title.

TITLE III—PUERTO RICO CHAPTER 9 UNIFORMITY

SEC. 301. SHORT TITLE.

This title may be cited as the ''Puerto Rico Chapter 9 Uniformity Act of 2015''.

SEC. 302. AMENDMENT.

Section 101(52) of title 11, United States Code, is amended to read as follows:

''(52) The term 'State' includes Puerto Rico and, except for the purpose of defining who may be a debtor under chapter 9 of this title, includes the District of Columbia.''.

SEC. 303. EFFECTIVE DATE; APPLICATION OF AMENDMENT.

(a) EFFECTIVE DATE.—Except as provided in subsection (b), this Act and the amendment made by this Act shall take effect on the date of the enactment of this Act.

(b) APPLICATION OF AMENDMENT.—The amendment made by this title shall apply with respect to—

(1) cases commenced under title 11 of the United States Code on or after the date of the enactment of this Act; and

(2) debts, claims, and liens created before, on, or after such date.

SEC. 304. SEVERABILITY.

If any provision of this title or any amendment made by this title, or the application of such provision or amendment to any person or circumstance, is held to be unconstitutional, the remainder of this title and the amendments made by this title, or the application of that provision or amendment to other persons or circumstances, shall not be affected.

SA 4883. Mr. MENENDEZ (for himself and Ms. WARREN) submitted an amendment intended to be proposed by him to the bill S. 2328, 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:

At the appropriate place, insert the following:

DIVISION A—PUERTO RICO RECOVERY

SECTION 1. SHORT TITLE.

This division may be cited as ''Puerto Rico Recovery Act of 2016''.

SEC. 2. TABLE OF CONTENTS.

The table of contents for this division is as follows:

Sec. 1. Short title.
Sec. 2. Table of contents.

TITLE I—TAX PROVISIONS

Sec. 101. Puerto Rico residents eligible for earned income tax credit.
Sec. 102. Equitable treatment for residents of Puerto Rico with respect to the refundable portion of the child tax credit.

TITLE II—HEALTH CARE PARITY

Subtitle A—Medicaid

Sec. 201. Elimination of general Medicaid funding limitations (''cap'') for territories.
Sec. 202. Elimination of specific Federal medical assistance percentage (FMAP) limitation for territories.
Sec. 203. Application of Medicaid waiver authority to all of the territories.
Sec. 204. Application of 100 percent Federal poverty line (FPL) limitation to territories.
Sec. 205. Permitting Medicaid DSH allotments for territories.

Subtitle B—Medicare

Sec. 211. Calculation of Medicare DSH payments for IPPS hospitals in Puerto Rico.
Sec. 212. Application of part B deemed enrollment process to residents of Puerto Rico; special enrollment period and limit on late enrollment penalties.

Sec. 213. Puerto Rico practice expense GPCI improvement.
Sec. 214. Adjustment in benchmark for low base payment counties in Puerto Rico.
Sec. 215. Eliminating exclusion of part D eligible individuals residing in territories from eligibility for premium and cost-sharing subsidies.
Sec. 216. Report on treatment of territories under Medicare part D.
Subtitle C—Miscellaneous
Sec. 221. Report on exclusion of territories from Exchanges.

TITLE I—TAX PROVISIONS

SEC. 101. PUERTO RICO RESIDENTS ELIGIBLE FOR EARNED INCOME TAX CREDIT.

(a) IN GENERAL.—Section 32 of the Internal Revenue Code of 1986 is amended by adding at the end the following new subsection:

''(n) RESIDENTS OF PUERTO RICO.—

''(1) IN GENERAL.—In the case of residents of Puerto Rico—

''(A) the United States shall be treated as including Puerto Rico for purposes of subsections (c)(1)(A)(ii)(I) and (c)(3)(C),

''(B) subsection (c)(1)(D) shall not apply to nonresident alien individuals who are residents of Puerto Rico, and

''(C) adjusted gross income and gross income shall be computed without regard to section 933 for purposes of subsections (a)(2)(B) and (c)(2)(A)(i).

''(2) LIMITATION.—The credit allowed under this section by reason of this subsection for any taxable year shall not exceed the amount, determined under regulations or other guidance promulgated by the Secretary, that a similarly situated taxpayer would receive if residing in a State.''.

(b) CHILD TAX CREDIT NOT REDUCED.—Subclause (II) of section 24(d)(1)(B)(ii) of such Code is amended by inserting before the period ''(determined without regard to section 32(n) in the case of residents of Puerto Rico)''.

(c) EFFECTIVE DATE.—The amendment made shall apply to taxable years beginning after December 31, 2015.

SEC. 102. EQUITABLE TREATMENT FOR RESIDENTS OF PUERTO RICO WITH RESPECT TO THE REFUNDABLE PORTION OF THE CHILD TAX CREDIT.

(a) IN GENERAL.—Section 24(d)(1) of the Internal Revenue Code of 1986 is amended by inserting ''or section 933'' after ''section 112''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to taxable years beginning after December 31, 2015.

TITLE II—HEALTH CARE PARITY

Subtitle A—Medicaid

SEC. 201. ELIMINATION OF GENERAL MEDICAID FUNDING LIMITATIONS (''CAP'') FOR TERRITORIES.

(a) IN GENERAL.—Section 1108 of the Social Security Act (42 U.S.C. 1308) is amended—

(1) in subsection (f), in the matter before paragraph (1), by striking ''subsection (g)'' and inserting ''subsections (g) and (h)'';

(2) in subsection (g)(2), in the matter before subparagraph (A), by inserting ''and subsection (h)'' after ''paragraphs (3) and (5)''; and

(3) by adding at the end the following new subsection:

''(h) SUNSET OF MEDICAID FUNDING LIMITATIONS FOR PUERTO RICO, THE VIRGIN ISLANDS OF THE UNITED STATES, GUAM, THE NORTHERN MARIANA ISLANDS, AND AMERICAN SAMOA.—Subsections (f) and (g) shall not apply to Puerto Rico, the Virgin Islands of the United States, Guam, the Northern Mariana Islands, and American Samoa beginning with fiscal year 2017.''.

(b) CONFORMING AMENDMENTS.—

(1) Section 1902(j) of the Social Security Act (42 U.S.C. 1396a(j)) is amended by striking '', the limitation in section 1108(f),''.

(2) Section 1903(u) of the Social Security Act (42 U.S.C. 1396b(u)) is amended by striking paragraph (4).

(3) Section 1323(c)(1) of the Patient Protection and Affordable Care Act (42 U.S.C. 18043(c)(1)) is amended by striking ''2019'' and inserting ''2016''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply beginning with fiscal year 2017.

SEC. 202. ELIMINATION OF SPECIFIC FEDERAL MEDICAL ASSISTANCE PERCENTAGE (FMAP) LIMITATION FOR TERRITORIES.

Section 1905 of the Social Security Act (42 U.S.C. 1396d) is amended—

(1) in subsection (b)(2), by inserting ''for fiscal years before fiscal year 2017'' after ''American Samoa''; and

(2) in subsection (y)(1), in the matter preceding subparagraph (A)—

(A) by inserting '', for fiscal years before fiscal year 2017,'' before ''is one of the''; and

(B) by inserting ''and, for fiscal year 2017 and subsequent fiscal years, is one of the 50 States, the District of Columbia, Puerto Rico, the Virgin Islands of the United States, Guam, the Northern Mariana Islands, or American Samoa,'' after ''the District of Columbia''.

SEC. 203. APPLICATION OF MEDICAID WAIVER AUTHORITY TO ALL OF THE TERRITORIES.

(a) IN GENERAL.—Section 1902(j) of the Social Security Act (42 U.S.C. 1396a(j)) is amended—

(1) by striking ''American Samoa and the Northern Mariana Islands'' and inserting ''Puerto Rico, the Virgin Islands of the United States, Guam, the Northern Mariana Islands, and American Samoa'';

(2) by striking ''American Samoa or the Northern Mariana Islands'' and inserting ''Puerto Rico, the Virgin Islands of the United States, Guam, the Northern Mariana Islands, or American Samoa'';

(3) by inserting ''(1)'' after ''(j)'';

(4) by inserting ''except as otherwise provided in this subsection,'' after ''Notwithstanding any other requirement of this title''; and

(5) by adding at the end the following:

''(2) The Secretary may not waive under this subsection the requirement of subsection (a)(10)(A)(i)(IX) (relating to coverage of adults formerly under foster care) with respect to any territory.''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply beginning October 1, 2016.

SEC. 204. APPLICATION OF 100 PERCENT FEDERAL POVERTY LINE (FPL) LIMITATION TO TERRITORIES.

(a) IN GENERAL.—Section 1902 of the Social Security Act (42 U.S.C. 1396a) is amended—

(1) in subsection (a)(10)(A)(i)(VIII), by inserting ''(or, subject to subsection (j), 100 percent in the case of Puerto Rico, the Virgin Islands of the United States, Guam, the Northern Mariana Islands, and American Samoa)'' after ''133 percent''; and

(2) in subsection (j), as amended by section 203, by adding at the end the following new paragraph:

''(3)(A) Subject to subparagraph (B), Federal financial participation shall not be available to Puerto Rico, the Virgin Islands of the United States, Guam, the Northern Mariana Islands, or American Samoa for medical assistance for an individual whose family income exceeds 100 percent of the official poverty line for a family of the size involved, except in the case of individuals qualifying for medical assistance under subsection (a)(10)(A)(i)(IX).

''(B) The Secretary may, under paragraph (1) or section 1115, waive the limitation under subparagraph (A) in the case of a territory other than Puerto Rico. In carrying out this subparagraph, the Secretary shall take into account the eligibility levels established under the State plan of the territory involved before the date of the enactment of this paragraph.''.

(b) NOT APPLYING 5 PERCENT DISREGARD.—Section 1902(e)(14)(I) of the Social Security Act (42 U.S.C. 1396b(e)(14)(I)) is amended by adding at the end the following:

''The previous sentence shall only apply to a State that is one of the 50 States or the District of Columbia.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to eligibility determinations made with respect to items and services furnished on or after October 1, 2016.

SEC. 205. PERMITTING MEDICAID DSH ALLOTMENTS FOR TERRITORIES.

Section 1923(f) of the Social Security Act (42 U.S.C. 1396) is amended—

(1) in paragraph (6), by adding at the end the following new subparagraph:

''(C) TERRITORIES.—

''(i) FISCAL YEAR 2017.—For fiscal year 2017, with respect to the territories of Puerto Rico, the Virgin Islands of the United States, Guam, the Northern Mariana Islands, and American Samoa, the DSH allotment determined for each such territory shall bear the same ratio to $150,000,000 as the ratio of the number of individuals who are low-income or uninsured and residing in each such respective territory (as estimated from time to time by the Secretary) bears to the sums of the number of such individuals residing in all of the territories.

''(ii) SUBSEQUENT FISCAL YEAR.—For each subsequent fiscal year, the DSH allotment for each such territory is subject to an increase or reduction in accordance with paragraphs (3) and (7).'';

(2) in paragraph (7)(A), by striking clause (iv) and redesignating clause (v) as clause (iv); and

(3) in paragraph (9), by inserting before the period at the end the following: '', and includes, beginning with fiscal year 2017, Puerto Rico, the Virgin Islands of the United States, Guam, the Northern Mariana Islands, and American Samoa''.

Subtitle B—Medicare

SEC. 211. CALCULATION OF MEDICARE DSH PAYMENTS FOR IPPS HOSPITALS IN PUERTO RICO.

Section 1886(d)(9)(D)(iii) of the Social Security Act (42 U.S.C. 1395ww(d)(9)(D)(iii)) is amended to read as follows:

''(iii) Subparagraph (F) (relating to disproportionate share payments), including application of subsection (r), except that for this purpose—

''(I) the sum described in clause (ii) of this subparagraph shall be substituted for the sum referred to in paragraph (5)(F)(ii)(I); and

''(II) for discharges occurring on or after October 1, 2015, subclause (I) of paragraph (5)(F)(vi) shall be applied by substituting for the numerator described in such subclause the number of subsection (d) Puerto Rico hospital's patient days for the cost reporting period involved which were made up of patients who (for such days) were entitled to benefits under part A of this title and were—

''(aa) entitled to supplementary security income benefits (excluding any State supplementation) under title XVI of this Act;

''(bb) eligible for medical assistance under a State plan under title XIX; or

''(cc) receiving aid or assistance under any plan of the State approved under title I, X, XIV, or XVI.''.

SEC. 212. APPLICATION OF PART B DEEMED ENROLLMENT PROCESS TO RESIDENTS OF PUERTO RICO; SPECIAL ENROLLMENT PERIOD AND LIMIT ON LATE ENROLLMENT PENALTIES.

(a) APPLICATION OF PART B DEEMED ENROLLMENT PROCESS TO RESIDENTS OF PUERTO RICO.—Section 1837(f)(3) of the Social Security Act (42 U.S.C. 1395p(f)(3)) is amended by striking '', exclusive of Puerto Rico''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to individuals whose initial enrollment period under section 1837(d) of the Social Security Act begins on or after the first day of the effective month, specified by the Secretary of Health and Human Services under section 1839(j)(1)(C) of such Act, as added by subsection (c)(2).

(c) TRANSITION PROVIDING SPECIAL ENROLLMENT PERIOD AND LIMIT ON LATE ENROLLMENT PENALTIES FOR CERTAIN MEDICARE BENEFICIARIES.—Section 1839 of the Social Security Act (42 U.S.C. 1395r) is amended—

(1) in the first sentence of subsection (b), by inserting ''subject to section 1839(j)(2),'' after ''subsection (i)(4) or (l) of section 1837,''; and

(2) by adding at the end the following new subsection:

''(j) SPECIAL RULES FOR CERTAIN RESIDENTS OF PUERTO RICO.—

''(1) SPECIAL ENROLLMENT PERIOD, COVERAGE PERIOD FOR RESIDENTS WHO ARE ELIGIBLE BUT NOT ENROLLED.—

''(A) IN GENERAL.—In the case of a transition individual (as defined in paragraph (3)) who is not enrolled under this part as of the day before the first day of the effective month (as defined in subparagraph (C)), the Secretary shall provide for a special enrollment period under section 1837 of 7 months beginning with such effective month during which the individual may be enrolled under this part.

''(B) COVERAGE PERIOD.—In the case of such an individual who enrolls during such special enrollment period, the coverage period under section 1838 shall begin on the first day of the second month after the month in which the individual enrolls.

''(C) EFFECTIVE MONTH DEFINED.—In this section, the term 'effective month' means a month, not earlier than October 2016 and not later than January 2017, specified by the Secretary.

''(2) REDUCTION IN LATE ENROLLMENT PENALTIES FOR CURRENT ENROLLEES AND INDIVIDUALS ENROLLING DURING TRANSITION.—

''(A) IN GENERAL.—In the case of a transition individual who is enrolled under this part as of the day before the first day of the effective month or who enrolls under this part on or after the date of the enactment of this subsection but before the end of the special enrollment period under paragraph (1)(A), the amount of the late enrollment penalty imposed under section 1839(b) shall be recalculated by reducing the penalty to 15 percent of the penalty otherwise established.

''(B) APPLICATION.—Subparagraph (A) shall be applied in the case of a transition individual who—

''(i) is enrolled under this part as of the month before the effective month, for premiums for months beginning with such effective month; or

''(ii) enrolls under this part on or after the date of the enactment of this Act and before the end of the special enrollment period under paragraph (1)(A), for premiums for months during the coverage period under this part which occur during or after the effective month.

''(C) LOSS OF REDUCTION IF INDIVIDUAL TERMINATES ENROLLMENT.—Subparagraph (A) shall not apply to a transition individual if the individual terminates enrollment under this part after the end of the special enrollment period under paragraph (1).

''(3) TRANSITION INDIVIDUAL DEFINED.—In this section, the term 'transition individual' means an individual who resides in Puerto Rico and who would have been deemed enrolled under this part pursuant to section 1837(f) before the first day of the effective month but for the fact that the individual was a resident of Puerto Rico, regardless of whether the individual is enrolled under this part as of such first day.''.

SEC. 213. PUERTO RICO PRACTICE EXPENSE GPCI IMPROVEMENT.

Section 1848(e)(1) of the Social Security Act (42 U.S.C. 1395w–4(e)(1)) is amended—

(1) in subparagraph (A), by striking ''and (I)'' and inserting ''(I), and (J)''; and

(2) by adding at the end the following new subparagraph:

''(J) FLOOR FOR PRACTICE EXPENSE INDEX FOR SERVICES FURNISHED IN PUERTO RICO.—

''(i) IN GENERAL.—For purposes of payment for services furnished in Puerto Rico in a year (beginning with 2016), after calculating the practice expense index in subparagraph (A)(i) for Puerto Rico, if such index is below the reference index (as defined in clause (ii)) for the year, the Secretary shall increase such index for Puerto Rico to equal the value of the reference index for the year. The preceding sentence shall not be applied in a budget neutral manner.

''(ii) REFERENCE INDEX DEFINED.—In this subparagraph, the term 'reference index' means, with respect to a year, 0.800 or, if less, the lowest practice expense index value for the year for any area in the 50 States or the District of Columbia.''.

SEC. 214. ADJUSTMENT IN BENCHMARK FOR LOW BASE PAYMENT COUNTIES IN PUERTO RICO.

Section 1853(n) of the Social Security Act (42 U.S.C. 1395w–23(n)) is amended—

(1) in paragraph (1), by striking ''and (5)'' and inserting '', (5), and (6)'';

(2) in paragraph (4), by striking ''In no case'' and inserting ''Subject to paragraph (6), in no case''; and

(3) by adding at the end the following new paragraph:

''(6) SPECIAL RULES FOR BLENDED BENCHMARK AMOUNT FOR TERRITORIES.—

''(A) IN GENERAL.—Subject to paragraph (2), the blended benchmark amount for an area in a territory for a year (beginning with 2016) shall not be less than 80 percent of the national average of the base payment amounts specified in subparagraph (2)(E) for such year for areas within the 50 States and the District of Columbia.

''(B) LIMITATION.—In no case shall the blended benchmark amount for an area in a territory for a year under subparagraph (A) exceed the lowest blended benchmark amount for any area within the 50 States and the District of Columbia for such year.''.

SEC. 215. ELIMINATING EXCLUSION OF PART D ELIGIBLE INDIVIDUALS RESIDING IN TERRITORIES FROM ELIGIBILITY FOR PREMIUM AND COST-SHARING SUBSIDIES.

(a) IN GENERAL.—Section 1860D–14(a)(3) of the Social Security Act (42 U.S.C. 1395w–114(a)(3)) is amended—

(1) in subparagraph (A), in the matter preceding clause (i), by striking ''subject to subparagraph (F),'';

(2) in subparagraph (B)(v), in the matter preceding subclause (I), by striking ''Subject to subparagraph (F), the Secretary'' and inserting ''The Secretary'';

(3) in subparagraph (C), by adding at the end the following new sentence: ''In the case of an individual who is not a resident of the 50 States or the District of Columbia, the poverty line (as such term is defined in clause (ii)) that shall apply to such individual shall be the poverty line for the 48 contiguous States and the District of Columbia.''; and

(4) by striking subparagraph (F).

(b) APPLICATION OF MEDICAID PROVISIONS.—Section 1935 of the Social Security Act (42 U.S.C. 1396u–5) is amended—

(1) in subsection (a), by striking ''subject to subsection (e)'' in the matter preceding paragraph (1); and

(2) by striking subsection (e).

(c) CONFORMING AMENDMENT.—Section 1108(f) of the Social Security Act (42 U.S.C. 1308(f)) is amended by striking ''and section 1935(e)(1)(B)'' in the matter preceding clause (i).

(d) EFFECTIVE DATE.—The amendments made by this section shall take effect on January 1, 2017.

SEC. 216. REPORT ON TREATMENT OF TERRITORIES UNDER MEDICARE PART D.

Paragraph (4) of section 1935(e) of the Social Security Act (42 U.S.C. 1396u–5(e)) is amended to read as follows:

''(4) REPORT ON APPLICATION OF SUBSECTION.—

''(A) IN GENERAL.—Not later than May 1, 2018, the Secretary shall submit to Congress a report on the application of this subsection during the period beginning with fiscal year 2006 and ending with December 31, 2017.

''(B) INFORMATION TO BE INCLUDED IN REPORT.—Such report shall include—

''(i) program guidance issued by the Secretary to implement this subsection;

''(ii) for each of Puerto Rico, the Virgin Islands of the United States, Guam, the Northern Mariana Islands, and American Samoa, information on the increased amount under paragraph (3) and how the territory has applied such amount, including the territory's program design, expenditures, and number of individuals (and dual-eligible individuals) assisted; and

''(iii) a description of the differences between how such territories are treated under part D of title XVIII and under this title compared with the treatment of the 50 States and the District of Columbia under such part and this title for different fiscal years within the period covered under the report.

''(C) RECOMMENDATIONS.—Such report shall include recommendations for improving prescription drug coverage for low-income individuals in each territory identified in subparagraph (B)(ii), including recommendations regarding each of the following alternative approaches:

''(i) Adjusting the aggregate amount specified in paragraph (3)(B).

''(ii) Allowing residents of the territories to be subsidy eligible individuals under section 1860D–14, notwithstanding subsection (a)(3)(F) of such section, or providing substantially equivalent low-income prescription drug subsidies to such residents.''.

Subtitle C—Miscellaneous

SEC. 221. REPORT ON EXCLUSION OF TERRITORIES FROM EXCHANGES.

(a) IN GENERAL.—Not later than February 1, 2018, the Secretary of Health and Human Services shall submit to Congress a report that details the adverse impacts in each territory from the practical exclusion of the territories from the provisions of part II of subtitle D of title I of the Patient Protection and Affordable Care Act insofar as such provisions provide for the establishment of an American Health Benefit Exchange or the administration of a federally facilitated Exchange in each State and in the District of Columbia for the purpose of making health insurance more affordable and accessible for individuals and small businesses.

(b) INFORMATION IN REPORT.—The report shall include information on the following:

(1) An estimate of the total number of uninsured and underinsured individuals residing in each territory with respect to health insurance coverage.

(2) A description of the number of health insurance issuers in each territory and the health insurance plans these issuers offer.

(3) An estimate of the number of individuals residing in each territory who are denied premium and cost-sharing assistance that would otherwise be available to them for obtaining health insurance coverage through an Exchange if they resided in one of the 50 States or in the District of Columbia.

(4) An estimate of the amount of Federal assistance described in paragraph (3) that is not being made available to residents of each territory.

(5) An estimate of the number of small employers in each territory that would be eligible to purchase health insurance coverage through a Small Business Health Options Program (SHOP) Marketplace that would operate as part of an Exchange if the employers were in one of the 50 States or in the District of Columbia.

SA 4884. Mr. MENENDEZ (for himself and Ms. WARREN) submitted an amendment intended to be proposed by him to the bill S. 2328, 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 95 strike line 13 and all that follows through page 97, line 17, and insert the following:

SEC. 403. APPLICATION OF REGULATION TO PUERTO RICO.

It is the sense of Congress

SA 4885. Mr. MENENDEZ (for himself and Mr. Booker) submitted an amendment intended to be proposed by him to the bill S. 2328, 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:

On page 73, line 22, insert ''1113,'' after ''1111(b),''.

SA 4886. Mr. MENENDEZ submitted an amendment intended to be proposed by him to the bill S. 2328, 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:

On page 91, between lines 17 and 18, insert the following:

(c) CERTIFICATION.—The Oversight Board may not take any action described in subsection (a) unless the Governor submits to the Oversight Board a certification that the Governor has determined that such action is necessary to prosecute the case of the debtor.

SA 4887. Mr. MENENDEZ (for himself and Mr. BOOKER) submitted an amendment intended to be proposed by him to the bill S. 2328, 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:

On page 87, between lines 17 and 18, insert the following:

(c) A district court judge designated to conduct a case under subsection (a) may certify to a bankruptcy court any question of law related to the case.

SA 4888. Mr. MENENDEZ submitted an amendment intended to be proposed by him to the bill S. 2328, 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:

At the end of section 308, add the following:

(c) Notwithstanding any other provision of law, the race, sex, national origin, or religion of a district court judge designated to conduct a case under this section may not serve as the sole basis for requiring the recusal of that district court judge.

SA 4889. Mr. MENENDEZ submitted an amendment intended to be proposed by him to the bill S. 2328, 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 88, strike line 20 and all that follows through page 89, line 2, and insert the following:

time set by the court.

(c) VOTE.—An affirmative vote of 5 of the members of the Oversight Board shall be required to file a plan of adjustment under this section.

SEC. 313. MODIFICATION OF PLAN.

The Oversight Board, after the issuance of a certification pursuant to section 104(j) of this Act, may, upon an affirmative vote of 5 of the members of the Oversight Board, modify the plan at any time before confirmation, but may not modify the plan so that the plan as modified fails to meet the requirements of this title. After the Oversight Board files a modification, the plan as modified becomes the plan.

SA 4890. Mr. MENENDEZ submitted an amendment intended to be proposed by him to the bill S. 2328, 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:

In section 206, strike subsection (b) and insert the following:

(b) ISSUANCE OF RESTRUCTURING CERTIFICATION.—The Oversight Board shall issue a restructuring certification for an entity only after the Oversight Board determines that the requirements of subsection (a) have been met with respect to the entity, which shall satisfy the requirement established under section 302(2).

SA 4891. Mr. MENENDEZ submitted an amendment intended to be proposed by him to the bill S. 2328, 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 39, strike line 19 and all that follows through page 40, line 9, and insert the following:

the Oversight Board deems necessary; and

(M) ensure that assets, funds, or resources of a territorial instrumentality are not loaned to, transferred to, or otherwise used for the benefit of a covered territory or another covered territorial instrumentality of a covered territory, unless permitted by the constitution of the territory, an approved plan of adjustment under title III, or a Qualifying Modification approved under title VI.

SA 4892. Mr. MENENDEZ (for himself and Mr. BOOKER) submitted an amendment intended to be proposed by him to the bill S. 2328, 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:

On page 38, strike lines 21 and 22 and insert the following:

(B) ensure the funding of essential public services at a level that increases the safety, health, and standard of living of the covered territory;

SA 4893. Mr. MENENDEZ submitted an amendment intended to be proposed by him to the bill S. 2328, 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:

On page 40, strike line 9 and insert the following:

Act; and

(O) reduce factors that lead to economic migration out of the covered territory.

SA 4894. Mr. MENENDEZ (for himself and Mr. BOOKER) submitted an amendment intended to be proposed by him to the bill S. 2328, 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:

On page 38, lines 23 and 24, strike ''for public pension systems'' and insert ''to eliminate funding deficits for current and future public pension obligations''.

SA 4895. Mr. MENENDEZ submitted an amendment intended to be proposed by him to the bill S. 2328, 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:

On page 38, strike lines 23 and 24 and insert the following:

(C) provide funding for public pension systems at a level necessary to prevent an increase in poverty among current and future senior citizen retirees in the covered territory;

SA 4896. Mr. MENENDEZ submitted an amendment intended to be proposed by him to the bill S. 2328, 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 71, strike line 19 and all that follows page 72, line 21.

SA 4897. Mr. MENENDEZ (for himself and Mr. BOOKER) submitted an amendment intended to be proposed by him to the bill S. 2328, 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:

In section 101, strike subsection (e) and insert the following:

(e) MEMBERSHIP.—

(1) NUMBER; CATEGORIES.—

(A) NUMBER OF MEMBERS.—The Oversight Board shall consist of 9 members appointed by the President who meet the qualifications described in subsection (f) and section 109(a).

(B) CATEGORIES.—The Board shall be comprised of—

(i) 1 Category A member;

(ii) 1 Category B member;

(iii) 2 Category C members;

(iv) 1 Category D member;

(v) 1 Category E member;

(vi) 2 Category F members; and

(vii) 1 Category G member.

(2) APPOINTED MEMBERS.—

(A) APPOINTMENT.—The President shall appoint the individual members of the Oversight Board, of which—

(i) the Category A member should be selected from a list of individuals submitted by the Speaker of the House of Representatives;

(ii) the Category B member should be selected from a separate list of individuals submitted by the Speaker of the House of Representatives;

(iii) the Category C members should be selected from a list submitted by the majority leader of the Senate;

(iv) the Category D member should be selected from a list submitted by the minority leader of the House of Representatives;

(v) the Category E member should be selected from a list submitted by the minority leader of the Senate;

(vi) the Category F members should be selected from a list submitted by the Governor and approved by the Legislature; and

(vii) the Category G member may be selected in the sole discretion of the President.

(B) SUBMISSION OF LIST.—After the selection of the Category G Board member by the President under subparagraph (A)(vii), for purposes of subparagraph (A) and within a timely manner—

(i) the Speaker of the House of Representatives shall submit to the President 2 nonoverlapping lists of at least 3 individuals, of which 1 list shall include 3 individuals who—

(I) maintain a primary residence in the territory; or

(II) have a primary place of business in the territory;

(ii) the majority leader of the Senate shall submit to the President a list of at least 4 individuals;

(iii) the minority leader of the House of Representatives shall submit to the President a list of at least 3 individuals;

(iv) the minority leader of the Senate shall submit to the President a list of at least 3 individuals; and

(v) the Governor shall submit to the President a list of at least 4 individuals.

(C) ADDITIONAL NAMES.—If the President does not select any of the individuals from a list submitted under subparagraph (B), the official that submitted the list may supplement the lists submitted under that subparagraph with the names of additional individuals.

(D) REQUIREMENT FOR CATEGORY A MEMBER.—The Category A member shall—

(i) maintain a primary residence in the territory; or

(ii) have a primary place of business in the territory.

(E) SENATE CONFIRMATION.—With respect to the appointment of an Oversight Board member in Category A, B, C, D, E, or F—

(i) the appointment shall be by and with the advice and consent of the Senate; or

(ii) if the President appoints an individual from a list of individuals in accordance with this subsection, no Senate confirmation shall be required.

(F) VACANCY.—In the event of a vacancy of a Category A, B, C, D, E, or F Oversight Board member, the official responsible for submitting a list of individuals for that category under subparagraph (B) shall submit a list in accordance with this subsection within a timely manner of the date on which resignation or removal of the Oversight Board member becomes effective.

(G) DEADLINE FOR PUERTO RICO.—With respect to an Oversight Board for Puerto Rico, if any of the 9 members have not been appointed by September 30, 2016, the President shall appoint an individual from the list for the vacant category by December 1, 2016, if the list includes at least 2 individuals per vacancy who—

(i) meet the requirements under subsection (f) and section 109; and

(ii) are willing to serve.

SA 4898. Mr. MENENDEZ submitted an amendment intended to be proposed by him to the bill S. 2328, 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:

In section 101, strike subsection (f) and insert the following:

(f) ELIGIBILITY FOR APPOINTMENTS.—An individual is eligible for appointment as a member of the Oversight Board only if the individual—

(1) maintains a primary residence in the territory;

(2) has knowledge and expertise in finance, municipal bond markets, management, law, or the organization or operation of business or government; and

(3) prior to appointment, is not an officer, elected official, or employee of the territorial government, a candidate for elected office of the territorial government, or a former elected official of the territorial government.

SA 4899. Mr. MENENDEZ submitted an amendment intended to be proposed by him to the bill S. 2328, 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 18, strike lines 15 through 20 and insert the following:

nization or operation of business or government;

(2) prior to appointment, an individual is not an officer, elected official, or employee of the territorial government, a candidate for elected office of the territorial government, or a former elected official of the territorial government; and

(3) maintains a primary residence in the applicable covered territory if the Oversight Board contains more than 3 members who do not maintain a primary residence in the applicable covered territory.

SA 4900. Mr. MENENDEZ (for himself and Mr. BOOKER) submitted an amendment intended to be proposed by him to the bill S. 2328, 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:

On page 27, strike lines 11 through 19.

SA 4901. Mr. MENENDEZ (for himself and Mr. BOOKER) submitted an amendment intended to be proposed by him to the bill S. 2328, 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 37, strike line 16 and all that follows through page 43, line 12, and insert the following:

SEC. 201. DEVELOPMENT AND APPROVAL OF FISCAL PLANS.

(a) IN GENERAL.—Not later than the date that is 60 days before the date on which the Governor of an applicable covered territory is required under applicable law to submit to the legislature of the applicable covered territory a proposed budget for the upcoming fiscal year, the Governor, in consultation with the Chief Financial Officer, shall develop and submit to the Board and applicable territorial government a Fiscal Plan for the applicable territorial government in accordance with this section.

(b) INITIAL FISCAL PLAN.—The Governor of an applicable covered territory in consultation with the Chief Financial Officer shall develop an initial Fiscal Plan in accordance with subsection (a) within 90 days of the Governor of the applicable covered territory signing a resolution adopted by the legislature of the territory to request the establishment of a Fiscal Stability and Reform Board under this subtitle, or not later than the date that is 60 days before the date on which the Governor of the applicable covered territory is required under applicable law to submit to the legislature of the applicable covered territory a proposed budget for the upcoming fiscal year, whichever comes chronologically first.

(c) REQUIREMENTS.—

(1) IN GENERAL.—A Fiscal Plan shall, to the maximum extent practicable, with respect to the applicable territorial government—

(A) provide for estimates of revenues and expenditures in accordance with modified accrual accounting standards and based on—

(i) applicable laws; or

(ii) specific laws that require enactment in order to reasonably achieve the projections of the Fiscal Plan;

(B) ensure the funding of essential public services;

(C) provide full funding to cover all existing public pension obligations;

(D) provide for the elimination of budget gaps in financing;

(E) provide for a reduction in the debt burden to a level that is sustainable;

(F) improve fiscal governance;

(G) enable the achievement of fiscal targets;

(H) create independent forecasts of revenue for the period covered by the Fiscal Plan; and

(I) not impede investments to promote sustained economic growth.

(2) TERM.—A Fiscal Plan shall be in effect for a period of not less than 5 years.

(3) TRANSPARENCY.—A Fiscal Plan shall be made publicly available no less than 15 days after final approval as specified within subsection (d).

(d) APPROVAL BY BOARD.—

(1) REQUIREMENT.—The Governor of a covered territory shall not submit to the legislature of the applicable covered territory an annual budget for a fiscal year unless the Fiscal Plan has been approved for that fiscal year in accordance with this subsection.

(2) APPROVAL.—Not later than the date that is 15 days after the date on which the Governor submits a Fiscal Plan to the Board under subsection (a), the Board shall—

(A) certify the Fiscal Plan; or

(B) fail to certify the Fiscal Plan and provide to the Governor recommendations for revisions to the Fiscal Plan.

(3) REVISED FISCAL PLAN.—

(A) IN GENERAL.—Not later than the date that is 15 days after the date on which the Board submits recommendations to the Governor under paragraph (2)(B), the Governor shall submit to the Board a revised Fiscal Plan.

(B) APPROVAL; DISAPPROVAL.—Not later than the date that is 7 days after the date on

which the Governor submits to the Board a revised Fiscal Plan under subparagraph (A), the Board shall—

(i) certify the revised Fiscal Plan; or

(ii) disapprove the revised Fiscal Plan.

(4) DEVELOPMENT BY BOARD.—If the Governor of a covered territory fails to submit to the Board a revised Fiscal Plan on or before the date specified in paragraph (3)(A), the Board shall develop and submit to the Governor a final revised Fiscal Plan not later than the date that is 22 days after the date on which recommendations are provided to the Governor under paragraph (2)(B).

SA 4902. Mr. MENENDEZ submitted an amendment intended to be proposed by him to the bill S. 2328, 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 43, strike line 13 and all that follows through page 50, line 6, and insert the following:

SEC. 202. REVIEW OF BUDGETS.

(a) BUDGET PROPOSED BY GOVERNOR.—

(1) SUBMISSION TO BOARD.—The Governor of the applicable covered territory shall submit to the Board for review a proposed budget for each fiscal year by not later than the earlier of—

(A) the date that is 120 days before the first day of the fiscal year covered by the proposed budget; and

(B) the date that is 60 days before the date by which the Governor is required under applicable law to submit to the legislature of the applicable covered territory a proposed budget for the applicable fiscal year.

(2) DETERMINATION OF COMPLIANT BUDGET.—Not later than the date that is 15 days after the date on which a Board receives a proposed budget under paragraph (1), the Board shall—

(A) determine whether the proposed budget is a compliant budget; and

(B)(i) if the proposed budget is a compliant budget—

(I) approve the compliant budget; and

(II) submit the compliant budget to the legislature of the applicable covered territory; or

(ii) if the proposed budget is not a compliant budget, provide to the Governor of the applicable covered territory—

(I) a notice of violation that includes a description of any corrective action suggested by the Board; and

(II) an opportunity to correct the violation by requiring the Governor to submit to the Board a revised budget by not later than the date that is 15 days after the date on which the notice of violation under subclause (I) is provided.

(3) REVISED BUDGETS.—Not later than the date that is 7 days after the date on which the Board receives a revised budget under paragraph (2)(B)(ii)(II), the Board shall—

(A) determine whether the revised budget is a compliant budget; and

(B)(i) if the revised budget is a compliant budget—

(I) approve the compliant budget; and

(II) submit the compliant budget to the legislature of the applicable covered territory; or

(ii) if the revised budget is not a compliant budget—

(I) issue a notice of noncompliance;

(II) publicly submit recommendations of the Board for adjustments that should be made to ensure the adopted budget of the territorial government for the applicable fiscal year is a compliant budget;

(III) submit the noncompliant budget to the legislature of the applicable covered territory with recommendations of the Board for adjustments that should be made to ensure the adopted budget of the territorial government for the applicable fiscal year is a complaint budget; and

(IV) issue a directive that the legislature shall strive to adopt the Board's recommendations in the budget of the territorial government for the applicable fiscal year.

(b) BUDGET APPROVAL BY LEGISLATURE.—

(1) IN GENERAL.—The legislature of the applicable covered territory shall submit to the Board the budget adopted by the legislature not later than—

(A) the date that is 30 days before the first day of each applicable fiscal year; or

(B) the date previously approved in writing by the Board not to exceed 60 days after the first day of the applicable fiscal year, if a date was approved in writing.

(2) DETERMINATION BY BOARD.—Not later than the date that is 7 days after the date on which the Board receives an adopted budget submitted under paragraph (1), the Board shall—

(A) determine whether the adopted budget is a compliant budget; and

(B)(i) if the adopted budget is a compliant budget, issue a compliance certification for the compliant budget; or

(ii) if the budget is not a compliant budget—

(I) issue a certificate of noncompliance;

(II) publicly submit recommendations of the Board for adjustments that should be made to the budget of the territorial government for the upcoming fiscal year to ensure the revenues and expenditures are consistent with the Fiscal Plan;

(III) provide to the Governor and legislature of the applicable covered territory a certificate of noncompliance that includes a description of any recommendations of the Board for adjustments that should be made to the budget of the territorial government for the upcoming fiscal year to ensure the revenues and expenditures are consistent with the Fiscal Plan; and

(IV) issue a directive that the Governor and the legislature shall strive to adopt the Board's recommendations in the budget of the territorial government for the upcoming fiscal year.

SA 4903. Mr. MENENDEZ submitted an amendment intended to be proposed by him to the bill S. 2328, 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 37, strike 16 and all that follows through page 63, line 5.

SEC. 201. DEVELOPMENT AND APPROVAL OF FISCAL PLANS.

(a) IN GENERAL.—Not later than the date that is 60 days before the date on which the Governor of an applicable covered territory is required under applicable law to submit to the legislature of the applicable covered territory a proposed budget for the upcoming fiscal year, the Governor, in consultation with the Chief Financial Officer, shall develop and submit to the Board and applicable territorial government a Fiscal Plan for the applicable territorial government in accordance with this section.

(b) INITIAL FISCAL PLAN.—The Governor of an applicable covered territory in consultation with the Chief Financial Officer shall develop an initial Fiscal Plan in accordance with subsection (a) within 90 days of the Governor of the applicable covered territory signing a resolution adopted by the legislature of the territory to request the establishment of a Fiscal Stability and Reform Board under this subtitle, or not later than the date that is 60 days before the date on which the Governor of the applicable covered territory is required under applicable law to submit to the legislature of the applicable covered territory a proposed budget for the upcoming fiscal year, whichever comes chronologically first.

(c) REQUIREMENTS.—

(1) IN GENERAL.—A Fiscal Plan shall, to the maximum extent practicable, with respect to the applicable territorial government—

(A) provide for estimates of revenues and expenditures in accordance with modified accrual accounting standards and based on—

(i) applicable laws; or

(ii) specific laws that require enactment in order to reasonably achieve the projections of the Fiscal Plan;

(B) ensure the funding of essential public services;

(C) provide full funding to cover all existing public pension obligations;

(D) provide for the elimination of budget gaps in financing;

(E) provide for a reduction in the debt burden to a level that is sustainable;

(F) improve fiscal governance;

(G) enable the achievement of fiscal targets;

(H) create independent forecasts of revenue for the period covered by the Fiscal Plan; and

(I) not impede investments to promote sustained economic growth.

(2) TERM.—A Fiscal Plan shall be in effect for a period of not less than 5 years.

(3) TRANSPARENCY.—A Fiscal Plan shall be made publicly available no less than 15 days after final approval as specified within subsection (d).

(d) APPROVAL BY BOARD.—

(1) REQUIREMENT.—The Governor of a covered territory shall not submit to the legislature of the applicable covered territory an annual budget for a fiscal year unless the Fiscal Plan has been approved for that fiscal year in accordance with this subsection.

(2) APPROVAL.—Not later than the date that is 15 days after the date on which the Governor submits a Fiscal Plan to the Board under subsection (a), the Board shall—

(A) certify the Fiscal Plan; or

(B) fail to certify the Fiscal Plan and provide to the Governor recommendations for revisions to the Fiscal Plan.

(3) REVISED FISCAL PLAN.—

(A) IN GENERAL.—Not later than the date that is 15 days after the date on which the Board submits recommendations to the Governor under paragraph (2)(B), the Governor shall submit to the Board a revised Fiscal Plan.

(B) APPROVAL; DISAPPROVAL.—Not later than the date that is 7 days after the date on which the Governor submits to the Board a revised Fiscal Plan under subparagraph (A), the Board shall—

(i) certify the revised Fiscal Plan; or

(ii) disapprove the revised Fiscal Plan.

(4) DEVELOPMENT BY BOARD.—If the Governor of a covered territory fails to submit to the Board a revised Fiscal Plan on or before the date specified in paragraph (3)(A), the Board shall develop and submit to the Governor a final revised Fiscal Plan not later than the date that is 22 days after the date on which recommendations are provided to the Governor under paragraph (2)(B).

SEC. 202. REVIEW OF BUDGETS.

(a) BUDGET PROPOSED BY GOVERNOR.—

(1) SUBMISSION TO BOARD.—The Governor of the applicable covered territory shall submit to the Board for review a proposed budget for each fiscal year by not later than the earlier of—

(A) the date that is 120 days before the first day of the fiscal year covered by the proposed budget; and

(B) the date that is 60 days before the date by which the Governor is required under applicable law to submit to the legislature of the applicable covered territory a proposed budget for the applicable fiscal year.

(2) DETERMINATION OF COMPLIANT BUDGET.—Not later than the date that is 15 days after the date on which a Board receives a proposed budget under paragraph (1), the Board shall—

(A) determine whether the proposed budget is a compliant budget; and

(B)(i) if the proposed budget is a compliant budget—

(I) approve the compliant budget; and

(II) submit the compliant budget to the legislature of the applicable covered territory; or

(ii) if the proposed budget is not a compliant budget, provide to the Governor of the applicable covered territory—

(I) a notice of violation that includes a description of any corrective action suggested by the Board; and

(II) an opportunity to correct the violation by requiring the Governor to submit to the Board a revised budget by not later than the date that is 15 days after the date on which the notice of violation under subclause (I) is provided.

(3) REVISED BUDGETS.—Not later than the date that is 7 days after the date on which the Board receives a revised budget under paragraph (2)(B)(ii)(II), the Board shall—

(A) determine whether the revised budget is a compliant budget; and

(B)(i) if the revised budget is a compliant budget—

(I) approve the compliant budget; and

(II) submit the compliant budget to the legislature of the applicable covered territory; or

(ii) if the revised budget is not a compliant budget—

(I) issue a notice of noncompliance;

(II) publicly submit recommendations of the Board for adjustments that should be made to ensure the adopted budget of the territorial government for the applicable fiscal year is a compliant budget;

(III) submit the noncompliant budget to the legislature of the applicable covered territory with recommendations of the Board for adjustments that should be made to ensure the adopted budget of the territorial government for the applicable fiscal year is a complaint budget; and

(IV) issue a directive that the legislature shall strive to adopt the Board's recommendations in the budget of the territorial government for the applicable fiscal year.

(b) BUDGET APPROVAL BY LEGISLATURE.—

(1) IN GENERAL.—The legislature of the applicable covered territory shall submit to the Board the budget adopted by the legislature not later than—

(A) the date that is 30 days before the first day of each applicable fiscal year; or

(B) the date previously approved in writing by the Board not to exceed 60 days after the first day of the applicable fiscal year, if a date was approved in writing.

(2) DETERMINATION BY BOARD.—Not later than the date that is 7 days after the date on which the Board receives an adopted budget submitted under paragraph (1), the Board shall—

(A) determine whether the adopted budget is a compliant budget; and

(B)(i) if the adopted budget is a compliant budget, issue a compliance certification for the compliant budget; or

(ii) if the budget is not a compliant budget—

(I) issue a certificate of noncompliance;

(II) publicly submit recommendations of the Board for adjustments that should be made to the budget of the territorial government for the upcoming fiscal year to ensure the revenues and expenditures are consistent with the Fiscal Plan;

(III) provide to the Governor and legislature of the applicable covered territory a certificate of noncompliance that includes a description of any recommendations of the Board for adjustments that should be made to the budget of the territorial government for the upcoming fiscal year to ensure the revenues and expenditures are consistent with the Fiscal Plan; and

(IV) issue a directive that the Governor and the legislature shall strive to adopt the Board's recommendations in the budget of the territorial government for the upcoming fiscal year.

On page 66, strike lines 1 through 12.

SA 4904. Mr. MENENDEZ submitted an amendment intended to be proposed by him to the bill S. 2328, 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:

On page 53, line 3, insert '', if not fewer than 5 of the members of the Oversight Board certify that any corrective action would not affect funding of essential public services or public pension systems'' after ''shall''.

SA 4905. Mr. MENENDEZ submitted an amendment intended to be proposed by him to the bill S. 2328, 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:

On page 39, beginning with line 15, strike through line 17.

SA 4906. Mr. MENENDEZ submitted an amendment intended to be proposed by him to the bill S. 2328, 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:

On page 68, line 20, insert ''including recommendations on changes to the treatment of Puerto Ricans under the Internal Revenue Code of 1986 and Federal health policies,'' after ''laws,''.

SA 4907. Mr. MENENDEZ submitted an amendment intended to be proposed by him to the bill S. 2328, 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:

On page 136, strike lines 5 through 18.

SA 4908. Mr. MENENDEZ submitted an amendment intended to be proposed by him to the bill S. 2328, 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:

At the end of title IV, add the following:

SEC. 414. REPRESENTATION IN THE HOUSE OF REPRESENTATIVES.

Notwithstanding any other provision of law, during any period in which there is an Oversight Board in effect for Puerto Rico under this Act, the Resident Commissioner of Puerto Rico shall have a vote in the House of Representatives.

SA 4909. Mr. MENENDEZ submitted an amendment intended to be proposed by him to the bill S. 2328, 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 86, strike line 19 and all that follows through page 87, line 6.

SA 4910. Mr. MENENDEZ submitted an amendment intended to be proposed by him to the bill S. 2328, 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:

Strike section 209 and insert the following:

SEC. 209. TERMINATION OF BOARD.

A Board shall terminate on certification by the Board that—

(1) the Board has been in operation for not less than 3 years and the applicable territorial government has adequate access, on an unsecured basis, to short-term and long-term credit markets at reasonable interest rates to meet the borrowing needs of the territorial government using a compliant budget; or

(2) for not less than 3 consecutive fiscal years prior to the certification, the expenditures made by the applicable territorial government for each fiscal year did not exceed the revenues of the territorial government during that fiscal year, using a compliant budget.

SA 4911. Mr. MENENDEZ submitted an amendment intended to be proposed by him to the bill S. 2328, 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:

In section 101(b), strike paragraph (1) and insert the following:

(1) PUERTO RICO.—Subject to the legislature of Puerto Rico adopting a resolution approving the establishment of a Financial Oversight and Management Board for Puerto Rico, a Financial Oversight and Management Board is established for Puerto Rico.

In section 101, strike subsection (e) and insert the following:

(e) MEMBERSHIP.—

(1) NUMBER; CATEGORIES.—

(A) NUMBER OF MEMBERS.—The Oversight Board shall consist of 9 members appointed by the President who meet the qualifications described in subsection (f) and section 109(a).

(B) CATEGORIES.—The Board shall be comprised of—

(i) 1 Category A member;

(ii) 1 Category B member;

(iii) 2 Category C members;

(iv) 1 Category D member;

(v) 1 Category E member;

(vi) 2 Category F members; and

(vii) 1 Category G member.

(2) APPOINTED MEMBERS.—

(A) APPOINTMENT.—The President shall appoint the individual members of the Oversight Board, of which—

(i) the Category A member should be selected from a list of individuals submitted by the Speaker of the House of Representatives;

(ii) the Category B member should be selected from a separate list of individuals submitted by the Speaker of the House of Representatives;

(iii) the Category C members should be selected from a list submitted by the majority leader of the Senate;

(iv) the Category D member should be selected from a list submitted by the minority leader of the House of Representatives;

(v) the Category E member should be selected from a list submitted by the minority leader of the Senate;

(vi) the Category F members should be selected from a list submitted by the Governor and approved by the Legislature; and

(vii) the Category G member may be selected in the sole discretion of the President.

(B) SUBMISSION OF LIST.—After the selection of the Category G Board member by the President under subparagraph (A)(vii), for purposes of subparagraph (A) and within a timely manner—

(i) the Speaker of the House of Representatives shall submit to the President 2 nonoverlapping lists of at least 3 individuals, of which 1 list shall include 3 individuals who—

(I) maintain a primary residence in the territory; or

(II) have a primary place of business in the territory;

(ii) the majority leader of the Senate shall submit to the President a list of at least 4 individuals;

(iii) the minority leader of the House of Representatives shall submit to the President a list of at least 3 individuals;

(iv) the minority leader of the Senate shall submit to the President a list of at least 3 individuals; and

(v) the Governor shall submit to the President a list of at least 4 individuals.

(C) ADDITIONAL NAMES.—If the President does not select any of the individuals from a list submitted under subparagraph (B), the official that submitted the list may supplement the lists submitted under that subparagraph with the names of additional individuals.

(D) REQUIREMENT FOR CATEGORY A MEMBER.—The Category A member shall—

(i) maintain a primary residence in the territory; or

(ii) have a primary place of business in the territory.

(E) SENATE CONFIRMATION.—With respect to the appointment of an Oversight Board member in Category A, B, C, D, E, or F—

(i) the appointment shall be by and with the advice and consent of the Senate; or

(ii) if the President appoints an individual from a list of individuals in accordance with this subsection, no Senate confirmation shall be required.

(F) VACANCY.—In the event of a vacancy of a Category A, B, C, D, E, or F Oversight Board member, the official responsible for submitting a list of individuals for that category under subparagraph (B) shall submit a list in accordance with this subsection within a timely manner of the date on which resignation or removal of the Oversight Board member becomes effective.

(G) DEADLINE FOR PUERTO RICO.—With respect to an Oversight Board for Puerto Rico, if any of the 9 members have not been appointed by September 30, 2016, the President shall appoint an individual from the list for the vacant category by December 1, 2016, if the list includes at least 2 individuals per vacancy who—

(i) meet the requirements under subsection (f) and section 109; and

(ii) are willing to serve.

In section 201(b)(1)(C), strike ''adequate'' and insert ''full''.

In section 206, strike subsection (b) and insert the following:

(b) ISSUANCE OF RESTRUCTURING CERTIFICATION.—The Oversight Board shall issue a restructuring certification for an entity only after the Oversight Board determines that the requirements of subsection (a) have been met with respect to the entity, which shall satisfy the requirement established under section 302(2).

Strike sections 403 and 404.

SA 4912. Mr. BLUMENTHAL submitted an amendment intended to be proposed by him to the bill S. 2328, 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:

On page 38, strike line 24 and insert the following:

pension systems, and in so doing, treat participant contributions to any trust administered by the territory or any instrumentality thereof as the property of the contributor and ensure that funding is pledged for each fiscal year sufficient to satisfy the lawful claims of participants to their contributions;

SA 4913. Mr. BLUMENTHAL submitted an amendment intended to be proposed by him to the bill S. 2328, 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:

On page 38, line 23, strike ''adequate'' and insert ''full''.

SA 4914. Mr. BLUMENTHAL submitted an amendment intended to be proposed by him to the bill S. 2328, 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:

On page 38, strike line 24 and insert the following:

pension systems to ensure payment of retirement benefits accrued as of the effective date of this Act (to the extent such benefits do not exceed the maximum guarantee which would apply with respect to the participant under section 4022 of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1322) if title IV of such Act applied to the participant's plan), treat participant contributions to any trust administered by the territory or any instrumentality thereof as the property of the contributor, and ensure that funding is pledged for each fiscal year sufficient to satisfy the lawful claims of participants to their contributions;

SA 4915. Mr. BLUMENTHAL submitted an amendment intended to be proposed by him to the bill S. 2328, 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:

Strike section 403 and insert the following:

SEC. 403. FIRST MINIMUM WAGE IN PUERTO RICO.

Section 6(g) of the Fair Labor Standards Act of 1938 (29 U.S.C. 206(g)) is amended—

(1) by redesignating paragraph (4) as paragraph (5); and

(2) by striking paragraphs (2) and (3) and inserting the following:

''(2) In lieu of the rate prescribed by subsection (a)(1), the Governor of Puerto Rico, subject to the approval of the Financial Oversight and Management Board established pursuant to section 101 of the Puerto Rico Oversight, Management, and Economic Stability Act, may designate a time period not to exceed four years during which employers in Puerto Rico may pay employees who are initially employed after the date of enactment of such Act a wage which is not less than the wage described in paragraph (1). Notwithstanding the time period designated, such wage shall not continue in effect after such Board terminates in accordance with section 209 of such Act.

''(3) No employer may take any action to displace employees (including partial displacements such as reduction in hours, wages, or employment benefits) for purposes of hiring individuals at the wage authorized in paragraph (1) or (2).

''(4) Any employer who violates this subsection shall be considered to have violated section 15(a)(3) (29 U.S.C. 215(a)(3)).''.

SA 4916. Mr. SANDERS submitted an amendment intended to be proposed by him to the bill S. 2328, 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:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Puerto Rico Humanitarian Relief and Reconstruction Act''.

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Definition of Commonwealth.

TITLE I—SENSE OF CONGRESS ON DEBT HELD BY THE COMMONWEALTH

Sec. 101. Findings.
Sec. 102. Purposes.
Sec. 103. Sense of Congress.

TITLE II—PUERTO RICO RECONSTRUCTION FINANCE CORPORATION

Sec. 201. Definitions.
Sec. 202. Establishment and funding.
Sec. 203. Board of the Corporation.
Sec. 204. Duties.
Sec. 205. Default by the Commonwealth or a municipality of the Commonwealth.
Sec. 206. Rule of construction.

TITLE III—PUERTO RICO CHAPTER 9 UNIFORMITY

Sec. 301. Amendment.
Sec. 302. Effective date; application of amendment.
Sec. 303. Severability.

TITLE IV—ADDRESSING HEALTH CARE DISPARITIES IN THE COMMONWEALTH

Subtitle A—Medicaid

Sec. 411. Elimination of general Medicaid funding limitations (''cap'') for Puerto Rico.
Sec. 412. Elimination of specific Federal medical assistance percentage (FMAP) limitation for Puerto Rico.
Sec. 413. Application of 100 percent Federal poverty line (FPL) limitation to Puerto Rico.
Sec. 414. Extension of application of Medicare payment floor to primary care services furnished in Puerto Rico under Medicaid and application to additional providers.

Subtitle B—Medicare Provisions

Sec. 421. Application of part B deemed enrollment process to residents of Puerto Rico; special enrollment period and limit on late enrollment penalties.
Sec. 422. Puerto Rico practice expense GPCI improvement.

Sec. 423. Permanent extension of incentive payments for primary care services furnished in Puerto Rico.

Subtitle C—National Environmental Public Health Tracking and Studies

Sec. 431. National Environmental Public Health Tracking.
Sec. 432. Study on environmental, biological, and health data from the island of Vieques, Puerto Rico.

TITLE V—INFRASTRUCTURE INVESTMENTS

Subtitle A—Energy Infrastructure Incentives

Sec. 511. Grant program to promote of access to renewable energy and energy efficiency for Puerto Rico.
Sec. 512. Incentives for energy efficient commercial buildings.
Sec. 513. Incentives for new energy efficient homes.

Subtitle B—Transportation, Housing, and Agriculture Infrastructure Incentives

Sec. 521. General provisions.
Sec. 522. Highway program.
Sec. 523. TIGER discretionary grants.
Sec. 524. Passenger and freight rail improvements.
Sec. 525. Airport Improvement Program.
Sec. 526. Clean and safe water revolving funds.
Sec. 527. Rural Utilities Service programs.
Sec. 528. Rural Energy for America Program.
Sec. 529. Construction of ferry boats and ferry terminal facilities.
Sec. 530. Corps of Engineers funds.
Sec. 531. Predisaster hazard mitigation and resiliency.
Sec. 532. Broadband programs.
Sec. 533. Housing and community development.

TITLE VI—EARNED INCOME TAX CREDIT AND TAX EQUALIZATION MEASURES

Sec. 611. Puerto Rico residents eligible for earned income tax credit.
Sec. 612. Equitable treatment for residents of Puerto Rico with respect to the refundable portion of the child tax credit.

TITLE VII—PUERTO RICO DETERMINATION ON STATUS

Sec. 701. Vote regarding status.
Sec. 702. Certification and transmittal of results.
Sec. 703. Transition process.
Sec. 704. Rules for elections for Federal offices.
Sec. 705. Issuance of Presidential proclamation.
Sec. 706. State of Puerto Rico.
Sec. 707. Effect on membership of House of Representatives.

SEC. 2. DEFINITION OF COMMONWEALTH.

In this Act, the term ''Commonwealth'' means the Commonwealth of Puerto Rico.

TITLE I—SENSE OF CONGRESS ON DEBT HELD BY THE COMMONWEALTH

SEC. 101. FINDINGS.

Congress finds that—

(1) in 2015, a Commission for the Comprehensive Audit of Puerto Rico's Public Debt was established in Puerto Rico under Act 97; and

(2) the Commission for the Comprehensive Audit of Puerto Rico's Public Debt is currently conducting an audit of the debt held by Puerto Rico.

SEC. 102. PURPOSES.

The purposes of this Act are—

(1) to ensure that pensions of ordinary investors are protected; and

(2) to ensure that Wall Street speculators are not able to profit from the misfortune of United States citizens, including the 3,500,000 people in Puerto Rico.

SEC. 103. SENSE OF CONGRESS.

It is the sense of Congress that—

(1) if the Commission for the Comprehensive Audit of Puerto Rico's Public Debt finds that any of the debt held by Puerto Rico was acquired in violation of the Constitution of Puerto Rico, the Puerto Rican government should immediately set aside this debt and suggest to holders of this debt that they seek redress from the investment banks that helped market and sell these unconstitutional instruments;

(2) the Board of Governors of the Federal Reserve System has the authority to provide emergency financing to Puerto Rico to facilitate an orderly restructuring of the debt held by Puerto Rico under sections 13(3) and 14(2)(b) of the Federal Reserve Act (12 U.S.C. 343 and 355); and

(3) Puerto Rico is experiencing a humanitarian crisis, and that the American government must meet the basic human needs of its citizens ahead of the profits of Wall Street.

TITLE II—PUERTO RICO RECONSTRUCTION FINANCE CORPORATION

SEC. 201. DEFINITIONS.

In this title:

(1) BOARD.—The term ''Board'' means the Board of the Corporation.

(2) BOND.—The term ''Bond'' means a bond, loan, line of credit, note, or other borrowing title, in physical or dematerialized form, of which—

(A) the issuer, borrower, or guarantor is a municipality or the Commonwealth; and

(B) the date of issuance or incurrence of debt precedes the date of enactment of this Act.

(3) CORPORATION.—The term ''Corporation'' means the Puerto Rico Reconstruction Finance Corporation established under section 202.

(4) MUNICIPALITY.—The term ''municipality''—

(A) includes any political subdivision, public agency, instrumentality or instrumentality of the Commonwealth; and

(B) should be broadly construed to effectuate the purposes of this title.

SEC. 202. ESTABLISHMENT AND FUNDING.

There is established a public bank with the authority to draw upon the Exchange Stabilization Fund, to be known as the ''Reconstruction Finance Corporation of Puerto Rico''.

SEC. 203. BOARD OF THE CORPORATION.

(a) IN GENERAL.—The Corporation shall have a board consisting of 7 members, including a chairman, of whom all shall—

(1) reside in Puerto Rico;

(2) have expertise in the economy, culture, history, and government of Puerto Rico; and

(3) represent the interests of labor, agriculture, small business, and the environment.

(b) APPOINTMENT.—

(1) IN GENERAL.—The President shall appoint the individual members of the Board, of whom—

(A) 4 members should be selected from a list submitted by the legislative branch of the Puerto Rican government;

(B) 2 members should be selected from a list submitted by the Governor of Puerto Rico; and

(C) 1 member may be selected in the sole discretion of the President.

(2) ADVICE AND CONSENT.—With respect to the appointment of a Board member described in subparagraph (A) or (B) of paragraph (1), such an appointment shall be by and with the advice and consent of the Senate, unless the President appoints an individual from a list, as provided in this subsection, in which case no Senate confirmation is required.

(c) TERM.—Each member of the Board shall serve a term of 4 years and may be reappointed after the expiration of a term.

(d) ETHICS.—

(1) CONFLICT OF INTEREST.—Notwithstanding any ethics provision governing employees of the Commonwealth, all members and staff of the Board shall be subject to the Federal conflict of interest requirements described in section 208 of title 18, United States Code.

(2) FINANCIAL DISCLOSURE.—Notwithstanding any ethics provision governing employees of the Commonwealth, all members of the Board and staff designated by the Board shall be subject to disclosure of their financial interests, the contents of which shall conform to the same requirements set forth in section 102 of the Ethics in Government Act of 1978 (5 U.S.C. App.).

SEC. 204. DUTIES.

The Board may—

(1) hire and pay members of the Board and staff;

(2) organize the affairs in accordance with bylaws approved by the Board;

(3) discount any note or Bond from any public entity in the Commonwealth upon approval of a majority of the Board;

(4) make any expenditure the Board determines is necessary to address the humanitarian crisis in the Commonwealth and restore economic growth;

(5) authorize expenditures and lending activities, including discounting any note or offering a financial guarantee, by an affirmative vote of a majority of the members of the Board;

(6) negotiate with the Commonwealth or a municipality that has defaulted on a Bond over budgets, revenues, and appropriations;

(7) remove a stay under section 205(d);

(8) discount Bonds and notes from the Commonwealth or a municipality;

(9) may reduce the par value of any such Bond; and

(10) protect the public pensions in the Commonwealth as well as ordinary investors and pension funds in the United States.

SEC. 205. DEFAULT BY THE COMMONWEALTH OR A MUNICIPALITY OF THE COMMONWEALTH.

(a) WHO MAY FILE AN APPLICATION WITH THE CORPORATION.—An entity may file an application with the Corporation under this title if and only if such entity—

(1) is a municipality or the Commonwealth;

(2) is specifically authorized, in its capacity as a municipality or the Commonwealth or by name, to file an application with the Corporation under this title by Commonwealth law, by the Corporation itself, or by a governmental officer or organization empowered by Commonwealth law to authorize such entity to file an application with the Corporation under this title;

(3) desires to and is authorized by Commonwealth law, by the Corporation itself, or by a governmental officer or organization empowered by Commonwealth law to make such authorization to restructure its Bond debts; and

(4)(A) has obtained the agreement of creditors holding at least a majority in amount of the claims that such entity intends to impair under a plan in a case under this title;

(B) has negotiated in good faith with creditors and has failed to obtain the agreement of creditors holding at least a majority in amount of the claims of each class that such entity intends to impair under a plan in a case under this title; or

(C) is unable to negotiate with creditors because such negotiation is impracticable, as determined by the entity.

(b) APPLICATION.—The Commonwealth or a municipality may file with the Corporation an application that the Commonwealth or municipality that the Commonwealth or municipality—

(1) meets the requirements described in subsection (a); and

(2) desires to restructure its debt.

(c) PURCHASE OF BONDS.—

(1) IN GENERAL.—If the Commonwealth or a municipality files an application under subsection (b) and the Board, by an affirmative vote of a majority of the members of the Board, accepts the application—

(A) the Corporation shall purchase each Bond from the holder of the Bond issued by the Commonwealth or municipality at the price paid for the Bond by the holder of the Bond; and

(B) the par value of each Bond issued by the Commonwealth or municipality shall be reduced to the last price paid for that Bond.

(2) AUTHORITY OF CORPORATION.—The Corporation may examine records of sales of Bonds to determine whether the price paid by the holder of a Bond is not fraudulent.

(3) MISREPRESENTATION OF BOND PURCHASE PRICE.—Any person that violates paragraph (1) shall be subject to the penalties under section 10 of the Securities Exchange Act of 1934 (15 U.S.C. 78j) in the same manner and to the same extent as if the person had violated that section.

(4) BOND INSURERS.—Any insurer of a Bond issued by the Commonwealth or a municipality on which the Commonwealth or municipality has defaulted shall not be liable to the holder of a Bond for any amount that is greater than the purchase price of the Bond if the insurer demonstrates to the satisfaction of the Corporation that the solvency of the issuer would be affected by the restructuring of the Bond.

(5) PAYMENTS AS FINAL SETTLEMENT.—Amounts paid by the Corporation for bonds under this subsection shall be in full and final settlement of any and all debts, claims, and liens with respect to such bonds.

(d) AUTOMATIC STAY.—

(1) Except as otherwise provided in this section, the filing and acceptance of an application under subsection (b) operates with respect to any claim, debt, or cause of action related to a Bond as a stay, applicable to all entities (as such term is defined in section 101 of title 11, United States Code), of—

(A) the commencement or continuation, including the issuance or employment of process, of a judicial, administrative, or other action or proceeding against the Commonwealth or a municipality, or to recover a claim against the Commonwealth or a municipality;

(B) the enforcement, against the Commonwealth or a municipality or against property of the Commonwealth or a municipality, of a judgment;

(C) any act to obtain possession of property of the Commonwealth or a municipality, or of property from the Commonwealth or a municipality, or to exercise control over property of the Commonwealth or a municipality;

(D) any act to create, perfect, or enforce any lien against property of the Commonwealth or a municipality;

(E) any act to create, perfect, or enforce against property of the Commonwealth or a municipality any lien to the extent that such lien secures a claim;

(F) any act to collect, assess, or recover a claim against the Commonwealth or a municipality; and

(G) the setoff of any debt owing to the Commonwealth or a municipality against any claim against the Commonwealth or a municipality.

(2) On motion of a party in interest and after notice and a hearing, the Board may grant relief from a stay under paragraph (1)—

(A) for cause, including the lack of adequate protection of a security interest in property of such party in interest; or

(B) with respect to a stay of an act against property under paragraph (1), if—

(i) the applying entity does not have an equity in such property; and

(ii) such property is not necessary for the Commonwealth or municipality to provide essential services.

(3) Thirty days after a request under paragraph (4) for relief from the stay of any act against property of the Commonwealth or a municipality under paragraph (1), such stay is terminated with respect to the party in interest making such request, unless the Board, after notice and a hearing, orders such stay continued in effect pending the conclusion of, or as a result of, a final hearing and determination under paragraph (4). A hearing under this subsection may be a preliminary hearing, or may be consolidated with the final hearing under paragraph (4). The Corporation shall order such stay continued in effect pending the conclusion of the final hearing under paragraph (4) if there is a reasonable likelihood that the party opposing relief from such stay will prevail at the conclusion of such final hearing. If the hearing under this subsection is a preliminary hearing, then such final hearing shall be concluded not later than 30 days after the conclusion of such preliminary hearing, unless the 30-day period is extended with the consent of the parties in interest or for a specific time which the Corporation finds is required by compelling circumstances.

(4) Upon request of a party in interest, the Corporation, with or without a hearing, shall grant such relief from the stay provided under paragraph (1) as is necessary to prevent irreparable damage to the secured interest of an entity in property, if such interest will suffer such damage before there is an opportunity for notice and a hearing under paragraph (2) or (3).

(5) No order, judgment, or decree entered in violation of this section shall have any force or effect.

(6) In any hearing under paragraph (2) or (3) concerning relief from a stay—

(A) the party requesting such relief has the burden of proof on the issue of the applying entity's equity in property; and

(B) the party opposing such relief has the burden of proof on all other issues.

SEC. 206. RULE OF CONSTRUCTION.

No application submitted or accepted under this title shall be permitted to diminish or impair any pension benefit, or the funding obligations for such a benefit, nor shall it permit the impairment or rejection of any agreement between a debtor and any labor organization.

TITLE III—PUERTO RICO CHAPTER 9 UNIFORMITY

SEC. 301. AMENDMENT.

Section 101(52) of title 11, United States Code, is amended to read as follows:

''(52) The term 'State' includes Puerto Rico and, except for the purpose of defining who may be a debtor under chapter 9 of this title, includes the District of Columbia.''.

SEC. 302. EFFECTIVE DATE; APPLICATION OF AMENDMENT.

(a) EFFECTIVE DATE.—Except as provided in subsection (b), this title and the amendment made by this title shall take effect on the date of the enactment of this Act.

(b) APPLICATION OF AMENDMENT.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendment made by this title shall apply with respect to—

(A) cases commenced under title 11 of the United States Code on or after the date of the enactment of this Act; and

(B) debts, claims, and liens created before, on, or after such date.

(2) EXCEPTION.—No case commenced by a municipality of Puerto Rico under chapter 9 of title 11, United States Code, shall permit—

(A) the diminishment or impairment of any pension benefit, or the funding obligations for such a benefit; or

(B) the impairment or rejection of any agreement between a debtor and any labor organization.

SEC. 303. SEVERABILITY.

If any provision of this title or any amendment made by this title, or the application of such provision or amendment to any person or circumstance, is held to be unconstitutional, the remainder of this title and the amendments made by this title, or the application of that provision or amendment to other persons or circumstances, shall not be affected.

TITLE IV—ADDRESSING HEALTH CARE DISPARITIES IN THE COMMONWEALTH

Subtitle A—Medicaid

SEC. 411. ELIMINATION OF GENERAL MEDICAID FUNDING LIMITATIONS ("CAP") FOR PUERTO RICO.

(a) IN GENERAL.—Section 1108 of the Social Security Act (42 U.S.C. 1308) is amended—

(1) in subsection (f), in the matter before paragraph (1), by striking ''subsection (g)'' and inserting ''subsections (g) and (h)'';

(2) in subsection (g)(2), in the matter before subparagraph (A), by inserting ''and subsection (h)'' after ''paragraphs (3) and (5)''; and

(3) by adding at the end the following new subsection:

''(h) SUNSET OF MEDICAID FUNDING LIMITATIONS FOR PUERTO RICO.—Subsections (f) and (g) shall not apply to Puerto Rico beginning with fiscal year 2017.''.

(b) CONFORMING AMENDMENTS.—

(1) Section 1903(u) of the Social Security Act (42 U.S.C. 1396b(u)) is amended by striking ''Puerto Rico,''.

(2) Section 1323(c)(1) of the Patient Protection and Affordable Care Act (42 U.S.C. 18043(c)(1)) is amended by striking ''ending with 2019'' and inserting the following: ''ending with—

''(A) for purposes of payment pursuant to subsection (a) to Puerto Rico, 2016; and

''(B) for purposes of payment pursuant to subsection (a) to another territory, 2019.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply beginning with fiscal year 2017.

SEC. 412. ELIMINATION OF SPECIFIC FEDERAL MEDICAL ASSISTANCE PERCENTAGE (FMAP) LIMITATION FOR PUERTO RICO.

(a) IN GENERAL.—Section 1905 of the Social Security Act (42 U.S.C. 1396d) is amended—

(1) in clause (2) of subsection (b), by striking ''Puerto Rico,''; and

(2) in subsection (y)(1), in the matter preceding subparagraph (A)—

(A) by inserting '', for fiscal years before fiscal year 2017,'' before ''is one of the''; and

(B) by inserting ''and, for fiscal year 2017 and subsequent fiscal years, is one of the 50 States, the District of Columbia, or Puerto Rico,'' after ''the District of Columbia''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply beginning with fiscal year 2017.

SEC. 413. APPLICATION OF 100 PERCENT FEDERAL POVERTY LINE (FPL) LIMITATION TO PUERTO RICO.

(a) IN GENERAL.—Section 1902 of the Social Security Act (42 U.S.C. 1396a) is amended—

(1) in subsection (a)(10)(A)(i)(VIII), by inserting ''(or, subject to subsection (j), 100 percent in the case of Puerto Rico)'' after ''133 percent''; and

(2) in subsection (j)—

(A) by inserting ''(1)'' after ''(j)''; and

(B) by adding at the end the following new paragraph:

''(2)(A) Subject to subparagraph (B), Federal financial participation shall not be available to Puerto Rico for medical assistance for an individual whose family income exceeds 100 percent of the poverty line (as defined in section 2110(c)(5)) for a family of the size involved, except in the case of individuals qualifying for medical assistance under subsection (a)(10)(A)(i)(IX).

''(B) The Secretary may, under section 1115, waive the limitation under subparagraph (A). In carrying out this subparagraph, the Secretary shall take into account the eligibility levels established under the State plan of Puerto Rico before the date of the enactment of this paragraph.''.

(b) NOT APPLYING 5 PERCENT DISREGARD.—Section 1902(e)(14)(I) of the Social Security Act (42 U.S.C. 1396b(e)(14)(I)) is amended by adding at the end the following:

''The previous sentence shall not apply to Puerto Rico.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to eligibility determinations made with respect to items and services furnished on or after October 1, 2016.

SEC. 414. EXTENSION OF APPLICATION OF MEDICARE PAYMENT FLOOR TO PRIMARY CARE SERVICES FURNISHED IN PUERTO RICO UNDER MEDICAID AND APPLICATION TO ADDITIONAL PROVIDERS.

(a) IN GENERAL.—Section 1902(a)(13) of the Social Security Act (42 U.S.C. 1396a(a)(13)) is amended—

(1) in subparagraph (B), by striking ''; and'' and inserting a semicolon;

(2) in subparagraph (C), by striking the semicolon at the end and inserting ''; and''; and

(3) by adding at the end the following new subparagraph:

''(D) payment for primary care services (as defined in subsection (jj)) at a rate that is not less than 100 percent of the payment rate that applies to such services and physician under part B of title XVIII (or, if greater, the payment rate that would be applicable under such part if the conversion factor under section 1848(d) for the year involved were the conversion factor under such section for 2009), and that is not less than the rate that would otherwise apply to such services under this title if the rate were determined without regard to this subparagraph, and that are furnished in Puerto Rico on or after January 1, 2017—

''(i) by a physician with a primary specialty designation of family medicine, general internal medicine, or pediatric medicine, but only if the physician self-attests that—

''(I) the physician is Board certified in family medicine, general internal medicine, or pediatric medicine; or

''(II) with respect to the most recently completed calendar year (or in the case of a newly eligible physician, the preceding month), 60 percent of all services the physician billed for under the State plan or a waiver under this title, or provided through a medicaid managed care organization (as defined in section 1903(m)(1)(A)), were for services described in subparagraph (A) or (B) of subsection (jj)(1);

''(ii) by a physician with a primary specialty designation of obstetrics and gynecology, but only if the physician self-attests that—

''(I) the physician is Board certified in obstetrics and gynecology; and

''(II) with respect to the most recently completed calendar year (or in the case of a newly eligible physician, the preceding month), 60 percent of all services the physician billed for under the State plan or a waiver under this title, or provided through a medicaid managed care organization (as defined in section 1903(m)(1)(A)), were for services described in subparagraph (A) or (B) of subsection (jj)(1);

''(iii) by an advanced practice clinician, as defined by the Secretary, that works under the supervision of—

''(I) a physician that satisfies the criteria specified in clause (i) or (ii); or

''(II) a nurse practitioner or a physician assistant (as such terms are defined in section 1861(aa)(5)(A)) who is working in accordance with State law, or a certified nurse-midwife (as defined in section 1861(gg)) who is working in accordance with State law, but only if the nurse practitioner, physician assistant, or certified nurse-midwife self-attests that, with respect to the most recently completed calendar year (or in the case of a newly eligible nurse practitioner, physician assistant, or certified nurse-midwife, the preceding month), 60 percent of all services the nurse practitioner, physician assistant, or certified nurse-midwife billed for under the State plan or a waiver under this title, or provided through a medicaid managed care organization (as defined in section 1903(m)(1)(A)), were for services described in subparagraph (A) or (B) of subsection (jj)(1);

''(iv) by a rural health clinic, Federally-qualified health center, or other health clinic that receives reimbursement on a fee schedule applicable to a physician, a nurse practitioner or a physician assistant (as such terms are defined in section 1861(aa)(5)(A)) who is working in accordance with State law, or a certified nurse-midwife (as defined in section 1861(gg)) who is working in accordance with State law, for services furnished by a physician, nurse practitioner, physician assistant, or certified nurse-midwife, or services furnished by an advanced practice clinician supervised by a physician described in clause (i)(I) or (ii)(I), another advanced practice clinician, or a certified nurse-midwife, but only if the rural health clinic or Federally-qualified health center self-attests that 60 percent of all services billed for under the State plan or a waiver under this title, or provided through a medicaid managed care organization (as defined in section 1903(m)(1)(A)), were for services described in subparagraph (A) or (B) of subsection (jj)(1); or

''(v) by a nurse practitioner or a physician assistant (as such terms are defined in section 1861(aa)(5)(A)) who is working in accordance with State law, or a certified nurse-midwife (as defined in section 1861(gg)) who is working in accordance with State law, in accordance with procedures that ensure that the portion of the payment for such services that the nurse practitioner, physician assistant, or certified nurse-midwife is paid is not less than the amount that the nurse practitioner, physician assistant, or certified nurse-midwife would be paid if the services were provided under part B of title XVIII, but only if the nurse practitioner, physician assistant, or certified nurse-midwife self-attests that, with respect to the most recently completed calendar year (or in the case of a newly eligible nurse practitioner, physician assistant, or certified nurse-midwife, the preceding month), 60 percent of all services the nurse practitioner, physician assistant, or certified nurse-midwife billed for under the State plan or a waiver under this title, or provided through a medicaid managed care organization (as defined in section 1903(m)(1)(A)), were for services described in subparagraph (A) or (B) of subsection (jj)(1);''.

(b) CONFORMING AMENDMENTS.—

(1) Section 1905(dd) of the Social Security Act (42 U.S.C. 1396(dd)) is amended—

(A) by inserting the following sentence after the first sentence: ''Notwithstanding subsection (b), with respect to the portion of the amounts expended for medical assistance for services described in section 1902(a)(13)(D) furnished in Puerto Rico on or after January 1, 2017, that is attributable to the amount by which the minimum payment rate required under such section (or, by application, section 1932(f)) exceeds the payment rate applicable to such services under the State plan as of July 1, 2009, the Federal medical assistance percentage shall be equal to 100 percent.''; and

(B) in the last sentence, by striking ''preceding sentence does not'' and inserting ''preceding sentences do not''.

(2) Section 1932(f) of the Social Security Act (42 U.S.C. 1396u–2(f)) is amended—

(A) by striking ''section 1902(a)(13)(C)'' and inserting ''subparagraph (C) or (D) of section 1902(a)(13)''; and

(B) by striking ''specified in such section'' and inserting ''specified in such subparagraphs''.

Subtitle B—Medicare Provisions

SEC. 421. APPLICATION OF PART B DEEMED ENROLLMENT PROCESS TO RESIDENTS OF PUERTO RICO; SPECIAL ENROLLMENT PERIOD AND LIMIT ON LATE ENROLLMENT PENALTIES.

(a) APPLICATION OF PART B DEEMED ENROLLMENT PROCESS TO RESIDENTS OF PUERTO RICO.—Section 1837(f)(3) of the Social Security Act (42 U.S.C. 1395p(f)(3)) is amended by striking '', exclusive of Puerto Rico''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to individuals whose initial enrollment period under section 1837(d) of the Social Security Act begins on or after the first day of the effective month, specified by the Secretary of Health and Human Services under section 1839(j)(1)(C) of such Act, as added by subsection (c)(2).

(c) TRANSITION PROVIDING SPECIAL ENROLLMENT PERIOD AND LIMIT ON LATE ENROLLMENT PENALTIES FOR CERTAIN MEDICARE BENEFICIARIES.—Section 1839 of the Social Security Act (42 U.S.C. 1395r) is amended—

(1) in the first sentence of subsection (b), by inserting ''subject to section 1839(j)(2),'' after ''subsection (i)(4) or (l) of section 1837,''; and

(2) by adding at the end the following new subsection:

''(j) SPECIAL RULES FOR CERTAIN RESIDENTS OF PUERTO RICO.—

''(1) SPECIAL ENROLLMENT PERIOD, COVERAGE PERIOD FOR RESIDENTS WHO ARE ELIGIBLE BUT NOT ENROLLED.—

''(A) IN GENERAL.—In the case of a transition individual (as defined in paragraph (3)) who is not enrolled under this part as of the day before the first day of the effective month (as defined in subparagraph (C)), the Secretary shall provide for a special enrollment period under section 1837 of 7 months beginning with such effective month during which the individual may be enrolled under this part.

''(B) COVERAGE PERIOD.—In the case of such an individual who enrolls during such special enrollment period, the coverage period under section 1838 shall begin on the first day of the second month after the month in which the individual enrolls.

''(C) EFFECTIVE MONTH DEFINED.—In this section, the term 'effective month' means a month, not earlier than October 2017 and not later than January 2018, specified by the Secretary.

''(2) REDUCTION IN LATE ENROLLMENT PENALTIES FOR CURRENT ENROLLEES AND INDIVIDUALS ENROLLING DURING TRANSITION.—

''(A) IN GENERAL.—In the case of a transition individual who is enrolled under this part as of the day before the first day of the effective month or who enrolls under this part on or after the date of the enactment of this subsection but before the end of the special enrollment period under paragraph (1)(A), the amount of the late enrollment penalty imposed under section 1839(b) shall be recalculated by reducing the penalty to 15 percent of the penalty otherwise established.

''(B) APPLICATION.—Subparagraph (A) shall be applied in the case of a transition individual who—

''(i) is enrolled under this part as of the month before the effective month, for premiums for months beginning with such effective month; or

''(ii) enrolls under this part on or after the date of the enactment of this Act and before the end of the special enrollment period under paragraph (1)(A), for premiums for months during the coverage period under this part which occur during or after the effective month.

''(C) LOSS OF REDUCTION IF INDIVIDUAL TERMINATES ENROLLMENT.—Subparagraph (A) shall not apply to a transition individual if the individual terminates enrollment under this part after the end of the special enrollment period under paragraph (1).

''(3) TRANSITION INDIVIDUAL DEFINED.—In this section, the term 'transition individual' means an individual who resides in Puerto Rico and who would have been deemed enrolled under this part pursuant to section 1837(f) before the first day of the effective month but for the fact that the individual was a resident of Puerto Rico, regardless of whether the individual is enrolled under this part as of such first day.''.

SEC. 422. PUERTO RICO PRACTICE EXPENSE GPCI IMPROVEMENT.

Section 1848(e)(1) of the Social Security Act (42 U.S.C. 1395w–4(e)(1)) is amended—

(1) in subparagraph (A), by striking ''and (I)'' and inserting ''(I), and (J)''; and

(2) by adding at the end the following new subparagraph:

''(J) FLOOR FOR PRACTICE EXPENSE INDEX FOR SERVICES FURNISHED IN PUERTO RICO.—

''(i) IN GENERAL.—For purposes of payment for services furnished in Puerto Rico in a year (beginning with 2017), after calculating the practice expense index in subparagraph (A)(i) for Puerto Rico, if such index is below the reference index (as defined in clause (ii)) for the year, the Secretary shall increase such index for Puerto Rico to equal the value of the reference index for the year. The preceding sentence shall not be applied in a budget neutral manner.

''(ii) REFERENCE INDEX DEFINED.—In this subparagraph, the term 'reference index' means, with respect to a year, 0.800 or, if less, the lowest practice expense index value for the year for any area in the 50 States or the District of Columbia.''.

SEC. 423. PERMANENT EXTENSION OF INCENTIVE PAYMENTS FOR PRIMARY CARE SERVICES FURNISHED IN PUERTO RICO.

Section 1833(x)(1) of the Social Security Act (42 U.S.C. 1395l(x)(1)) is amended by inserting ''(and in the case of primary care services furnished on or after January 1, 2017, in Puerto Rico)'' after ''2016''.

Subtitle C—National Environmental Public Health Tracking and Studies

SEC. 431. NATIONAL ENVIRONMENTAL PUBLIC HEALTH TRACKING.

(a) IN GENERAL.—Not later than 60 days after the date of enactment of this Act, the Secretary of Health and Human Services, acting through the Director of the Centers for Disease Prevention and Control, shall update the National Environmental Public Health Tracking Network of the Centers for Disease Control and Prevention to include Puerto Rico (including Vieques).

(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated such sums as may be necessary to carry out this section.

SEC. 432. STUDY ON ENVIRONMENTAL, BIOLOGICAL, AND HEALTH DATA FROM THE ISLAND OF VIEQUES, PUERTO RICO.

(a) IN GENERAL.—Not later than 60 days after the date of enactment of this Act, the Secretary of Health and Human Services shall award a grant to an institution of higher education in Puerto Rico for the conduct of a 3-year study, in collaboration with the Puerto Rico Department of Health, on the environmental, biological, and health of residents of Vieques, Puerto Rico and specifically whether and to what extent past military exercises on Vieques have contributed to health conditions experienced by some residents of Vieques.

(b) ELEMENTS.—The study conducted under subsection (a) shall include—

(1) a review of the existing literature and previous public health assessments;

(2) testing of drinking water, air, seafood, locally grown produce, and soil samples;

(3) an analysis of previous biomonitoring studies in Vieques;

(4) new biomonitoring testing to determine the source of previously unexplained findings of metals in residents' blood, urine, hair, or feces;

(5) biomonitoring control group testing from mainland Puerto Rico; and

(6) an analysis of the impact of the cumulative effects of exposure to multiple contaminants.

(c) USE OF FUNDS.—All costs related to biomonitoring and environmental testing under the study under subsection (a) shall be paid for directly with funds awarded under the grant under such subsection. Grant funds may be used to purchase testing equipment, as needed.

(d) FINAL REPORT.—The recipient of the grant under subsection (a) shall submit to the Secretary of Health and Human Services, a final report under such grant. Not later than 30 days after the submission of such report, the Secretary shall make such report public.

(e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated $10,000,000 to carry out this section.

TITLE V—INFRASTRUCTURE INVESTMENTS

Subtitle A—Energy Infrastructure Incentives

SEC. 511. GRANT PROGRAM TO PROMOTE OF ACCESS TO RENEWABLE ENERGY AND ENERGY EFFICIENCY FOR PUERTO RICO.

(a) IN GENERAL.—Upon application, the Secretary of the Treasury shall, subject to the requirements of this section, provide a grant to each eligible person who places in service specified energy property in the Commonwealth to reimburse such person for a portion of the expense of such property as provided in subsection (b). No grant shall be made under this section with respect to any property unless—

(1) in the case of specified energy property which is described in paragraph (1) of section 45(d) or clause (i) of section 48(a)(3)(A) of the Internal Revenue Code of 1986 (determined without regard to any date by which construction must begin), the construction of such property begins after the date of the enactment of this Act and before January 1 of the applicable calendar year, and

(2) in the case of any other specified energy property, such property is placed in service after the date of the enactment of this Act and before January 1 of the applicable calendar year.

(b) GRANT AMOUNT.—

(1) IN GENERAL.—The amount of the grant under subsection (a) with respect to any specified energy property shall be the applicable percentage of the basis of such property.

(2) APPLICABLE PERCENTAGE.—For purposes of paragraph (1), the term ''applicable percentage'' means—

(A) 30 percent in the case of any property described in paragraphs (1) through (4) of subsection (d), and

(B) 10 percent in the case of any other property.

(3) DOLLAR LIMITATIONS.—In the case of property described in paragraph (1), (2), (6), or (7) of subsection (d), the amount of any grant under this section with respect to such property shall not exceed the limitation described in section 48(a)(5)(E), 48(c)(1)(B), 48(c)(2)(B), or 48(c)(3)(B) of the Internal Revenue Code of 1986, respectively, with respect to such property.

(c) TIME FOR PAYMENT OF GRANT.—The Secretary of the Treasury shall make payment of any grant under subsection (a) during the 60-day period beginning on the later of—

(1) the date of the application for such grant, or

(2) the date the specified energy property for which the grant is being made is placed in service.

(d) SPECIFIED ENERGY PROPERTY.—For purposes of this section, the term ''specified energy property'' means any of the following:

(1) QUALIFIED FACILITIES.—Any qualified property (as defined in section 48(a)(5)(D) of the Internal Revenue Code of 1986) which is part of a qualified facility (within the meaning of section 45 of such Code) described in paragraph (1), (2), (3), (4), (6), (7), (9), or (11) of section 45(d) of such Code (determined without regard to any date by which construction must begin).

(2) QUALIFIED FUEL CELL PROPERTY.—Any qualified fuel cell property (as defined in section 48(c)(1) of such Code, determined without regard to any termination date).

(3) SOLAR PROPERTY.—Any property described in clause (i) or (ii) of section 48(a)(3)(A) of such Code (determined without regard to any termination date).

(4) QUALIFIED SMALL WIND ENERGY PROPERTY.—Any qualified small wind energy property (as defined in section 48(c)(4) of such Code, determined without regard to any termination date).

(5) GEOTHERMAL PROPERTY.—Any property described in clause (iii) of section 48(a)(3)(A) of such Code.

(6) QUALIFIED MICROTURBINE PROPERTY.—Any qualified microturbine property (as defined in section 48(c)(2) of such Code, determined without regard to any termination date).

(7) COMBINED HEAT AND POWER SYSTEM PROPERTY.—Any combined heat and power system property (as defined in section 48(c)(3) of such Code, determined without regard to subparagraph (A)(iv) thereof).

(8) GEOTHERMAL HEAT PUMP PROPERTY.—Any property described in clause (vii) of section 48(a)(3)(A) of such Code (determined without regard to any termination date).

Such term shall not include any property unless depreciation (or amortization in lieu of depreciation) is allowable (or would be allowable if section 933 of the Internal Revenue Code of 1986 were not taken into account) with respect to such property.

(e) ELIGIBLE PERSON.—For purposes of this section, the term ''eligible person'' means—

(1) any individual that is a bona fide resident (as defined under section 937 of the Internal Revenue Code of 1986) of the Commonwealth, and

(2) any corporation which is organized under the laws of the Commonwealth.

(f) APPLICABLE CALENDAR YEAR.—For purposes of this section, the term ''applicable calendar year'' means the calendar year following the first calendar year in which the aggregate amount of grants paid under subsection (a) exceeds $1,200,000,000.

(g) OTHER DEFINITIONS.—Terms used in this section which are also used in section 45 or 48 of the Internal Revenue Code of 1986 shall have the same meaning for purposes of this section as when used in such section 45 or 48. Any reference in this section to the Secretary of the Treasury shall be treated as including the Secretary's delegate.

(h) APPLICATION OF CERTAIN RULES.—In making grants under this section, the Secretary of the Treasury shall apply rules similar to the rules of section 50 of the Internal Revenue Code of 1986, except that in applying subsection (b)(1) thereof ''Puerto Rico'' shall be substituted for ''United States''. In applying such rules, if the property is disposed of, or otherwise ceases to be specified energy property, the Secretary of the Treasury shall provide for the recapture of the appropriate percentage of the grant amount in such manner as the Secretary of the Treasury determines appropriate.

(i) APPROPRIATIONS.—There is hereby appropriated to the Secretary of the Treasury such sums as may be necessary to carry out this section.

SEC. 512. INCENTIVES FOR ENERGY EFFICIENT COMMERCIAL BUILDINGS.

(a) PERMANENT EXTENSION OF ENERGY EFFICIENT COMMERCIAL BUILDINGS DEDUCTION.—Section 179D of the Internal Revenue Code of 1986 is amended by striking subsection (h).

(b) UPDATE OF STANDARD.—

(1) IN GENERAL.—Section 179D of the Internal Revenue Code of 1986 is amended by striking ''Standard 90.1-2001'' each place it appears and inserting ''the applicable ASHRAE standard''.

(2) APPLICABLE ASHRAE STANDARD.—Section 179D(c)(2) of such Code is amended to read as follows:

''(2) APPLICABLE ASHRAE STANDARD.—The term 'applicable ASHRAE standard' means—

''(A) Standard 90.1–2013 of the American Society of Heating, Refrigerating, and Air Conditioning Engineers and the Illuminating Engineering Society of North America, or

''(B) in the case of any subsequent standard adopted by the American Society of Heating, Refrigerating, and Air Conditioning Engineers which supersedes the standard described in subparagraph (A), such subsequent standard.''.

(3) EFFECTIVE DATE.—The amendments made by this subsection shall apply to property placed in service after December 31, 2015.

(c) GRANT PROGRAM FOR PUERTO RICO.—

(1) IN GENERAL.—Upon application, the Secretary of the Treasury shall, subject to the requirements of this subsection, provide a grant to each eligible person who places in service energy efficient building property to reimburse such person for a portion of the expense of such property as provided in paragraph (2). No grant shall be made under this subsection with respect to any property unless such property is placed in service on or before the last day of the applicable calendar year.

(2) GRANT AMOUNT.—The amount of the grant under paragraph (1) with respect to any energy efficient building property shall be equal to the product of—

(A) 35 percent, and

(B) the excess of—

(i) the product of—

(I) $1.80, and

(II) the square footage of the building, over

(ii) the aggregate amount of all prior grants under paragraph (1) with respect to the building.

(3) TIME FOR PAYMENT OF GRANT.—The Secretary of the Treasury shall make payment of any grant under paragraph (1) during the 60-day period beginning on the later of—

(A) the date of the application for such grant, or

(B) the date the energy efficient commercial building property for which the grant is being made is placed in service.

(4) ENERGY EFFICIENT COMMERCIAL BUILDING PROPERTY.—For purposes of this subsection, the term ''energy efficient commercial building property'' has the meaning given such term under section 179D(c) of the Internal Revenue Code of 1986, except that—

(A) the determination of whether depreciation (or amortization in lieu of depreciation) is allowable under such section 179D(c)(1)(A) shall be made without regard to section 933 of such Code, and

(B) such section 179D(c)(1)(B)(i) shall be applied by substituting ''Puerto Rico'' for ''United States''.

(5) ELIGIBLE PERSON.—For purposes of this subsection, the term ''eligible person'' means—

(A) any individual that is a bona fide resident (as defined under section 937 of the Internal Revenue Code of 1986) of Puerto Rico, and

(B) any corporation which is organized under the laws of the Commonwealth.

(6) APPLICABLE CALENDAR YEAR.—For purposes of this subsection, the term ''applicable calendar year'' means the calendar year following the first calendar year in which the aggregate amount of grants paid under subsection (a) exceeds $400,000,000.

(7) SECRETARY OF THE TREASURY.—Any reference in this subsection to the Secretary of the Treasury shall be treated as including the Secretary's delegate.

(8) APPLICATION OF SPECIAL RULES.—Rules similar to the rules of subsections (d), (f), and (g) of section 179D of the Internal Revenue Code of 1986 shall apply with respect to grants under this subsection.

(9) APPROPRIATIONS.—There is hereby appropriated to the Secretary of the Treasury such sums as may be necessary to carry out this subsection.

SEC. 513. INCENTIVES FOR NEW ENERGY EFFICIENT HOMES.

(a) PERMANENT EXTENSION OF NEW ENERGY EFFICIENT HOME CREDIT.—Section 45L of the Internal Revenue Code of 1986 is amended by striking subsection (g).

(b) UPDATE OF STANDARD.—

(1) IN GENERAL.—Section 45L of the Internal Revenue Code of 1986 is amended by striking ''the standards of chapter 4 of the 2006 International Energy Conservation Code, as such Code (including supplements) is in effect on January 1, 2006'' each place it appears and inserting ''the applicable standards''.

(2) APPLICABLE STANDARDS.—Section 45L of such Code, as amended by subsection (a), is amended by adding at the end the following new subsection:

''(h) APPLICABLE STANDARDS.—For purposes of this section, the term 'applicable standards' means, with respect to any dwelling unit, the standards in effect for residential building energy efficiency under the International Energy Conservation Code on the first day of the taxable year in which construction for the dwelling unit commenced.''.

(3) EFFECTIVE DATE.—The amendments made by this subsection shall apply to homes acquired after December 31, 2015.

(c) GRANT PROGRAM FOR PUERTO RICO.—

(1) IN GENERAL.—Upon application, the Secretary of the Treasury shall, subject to the requirements of this subsection, provide a grant to each eligible contractor with respect to each qualified new energy efficient home which is—

(A) constructed by an eligible contractor, and

(B) acquired by a person from such eligible contractor for use as a residence.

No grant shall be made under this subsection with respect to any qualified new energy efficient home unless such home is acquired by another person for use as a residence on or before the last day of the applicable calendar year.

(2) AMOUNT OF GRANT.—The amount of the grant under paragraph (1) with respect to any qualified new energy efficient home is an amount equal to—

(A) in the case of a dwelling unit described in paragraph (1) or (2) of section 45L(c) of the Internal Revenue Code of 1986, $2,000, and

(B) in the case of a dwelling unit described in paragraph (3) of section 45L(c) of the Internal Revenue Code of 1986, $1,000.

(3) TIME FOR PAYMENT OF GRANT.—The Secretary of the Treasury shall make payment of any grant under paragraph (1) during the 60-day period beginning on the later of—

(A) the date of the application for such grant, or

(B) the date the qualified new energy efficient home for which the grant is acquired by another person for use as a residence.

(4) QUALIFIED NEW ENERGY EFFICIENT HOME.—For purposes of this subsection, the term ''qualified new energy efficient home'' has the meaning given such term under section 45L(b)(2) of the Internal Revenue Code of 1986, except that—

(A) subparagraph (A) thereof shall be applied by substituting ''Puerto Rico'' for ''the United States'', and

(B) subparagraph (B) thereof shall be applied by substituting ''the date of the enactment of section 513 of the Puerto Rico Humanitarian Relief and Reconstruction Act'' for ''the date of the enactment of this section''.

(5) APPLICABLE CALENDAR YEAR.—For purposes of this subsection, the term ''applicable calendar year'' means the calendar year following the first calendar year in which the aggregate amount of grants paid under subsection (a) exceeds $400,000,000.

(6) OTHER TERMS.—Terms used in this subsection which are also used in section 45L of the Internal Revenue Code of 1986 shall have the same meaning for purposes of this subsection as when used in section 45L. Any reference in this subsection to the Secretary of the Treasury shall be treated as including the Secretary's delegate.

(7) APPROPRIATIONS.—There is hereby appropriated to the Secretary of the Treasury such sums as may be necessary to carry out this subsection.

Subtitle B—Transportation, Housing, and Agriculture Infrastructure Incentives

SEC. 521. GENERAL PROVISIONS.

(a) WAIVER OF NON-FEDERAL SHARE.—Notwithstanding any other provision of law, the non-Federal share of the cost of any program or activity carried out using funds provided under this subtitle shall be zero.

(b) MAINTENANCE OF FUNDING; ADMINISTRATIVE EXPENSES.—

(1) MAINTENANCE OF FUNDING.—The funding provided to any program or account under this subtitle shall supplement (and not supplant) any funding provided for that program or account under any other provision of law.

(2) ADMINISTRATIVE EXPENSES.—Notwithstanding any other provision of law (including regulations), of any funds provided for a

program or account under this subtitle, the applicable Federal department or agency head may use such percentage for administrative expenses as is established by the limitation for administrative expenses in applicable laws (including regulations) relating to the program or activity.

SEC. 522. HIGHWAY PROGRAM.

(a) FUNDING.—Out of funds of the Treasury not otherwise appropriated, there is appropriated to the Secretary of Transportation $450,000,000 for each of fiscal years 2017 through 2026 to carry out the Puerto Rico Highway Program under section 165(b) of title 23, United States Code.

(b) CONFORMING AMENDMENT.—Section 165(a)(1) of title 23, United States Code, is amended by striking ''$158,000,000'' and inserting ''$608,000,000''.

SEC. 523. TIGER DISCRETIONARY GRANTS.

(a) DEFINITION OF TIGER DISCRETIONARY GRANT.—In this section, the term ''TIGER discretionary grant'' means a grant awarded and administered by the Secretary of Transportation using funds made available for national infrastructure investments under title I of division L of the Consolidated Appropriations Act, 2016 (Public Law 114–113; 129 Stat. 2835).

(b) REQUIREMENT.—Out of funds of the Treasury not otherwise appropriated, there is appropriated to the Secretary of Transportation $50,000,000 for each of fiscal years 2017 through 2021 to award TIGER discretionary grants for eligible programs and activities in the Commonwealth of Puerto Rico.

SEC. 524. PASSENGER AND FREIGHT RAIL IMPROVEMENTS.

(a) FUNDING.—Out of funds of the Treasury not otherwise appropriated, there is appropriated to the Secretary of Transportation $120,000,000 for each of fiscal years 2017 through 2021 for planning and capital costs to build, improve, or expand passenger and freight rail projects in the Commonwealth under titles 23 and 49, United States Code.

(b) ELIGIBLE USES.—Of the amounts made available for each fiscal year under subsection (a)—

(1) not more than 15 percent may be used for temporary operating assistance for such rail and transit projects as the Secretary of Transportation determines to be eligible; and

(2) not more than 50 percent may be allocated to another transportation capital investment account funded under this Act, on approval of the Secretary of Transportation.

SEC. 525. AIRPORT IMPROVEMENT PROGRAM.

Out of funds of the Treasury not otherwise appropriated, there is appropriated to the Secretary of Transportation $40,000,000 for each of fiscal years 2017 through 2021 to make grants under the Airport Improvement Program under subchapter I of chapter 471 of title 49, United States Code, for eligible programs and activities in the Commonwealth.

SEC. 526. CLEAN AND SAFE WATER REVOLVING FUNDS.

Out of funds of the Treasury not otherwise appropriated, there is appropriated to the Administrator of the Environmental Protection Agency for each of fiscal years 2017 through 2021—

(1) $25,000,000 to make a capitalization grant to the Commonwealth for the purpose of establishing and maintaining a water pollution control revolving fund under title VI of the Federal Water Pollution Control Act (33 U.S.C. 1381 et seq.); and

(2) $25,000,000 to make a capitalization grant to the Commonwealth for the purpose of establishing and maintaining a drinking water treatment revolving loan fund under section 1452(a) of the Safe Drinking Water Act (42 U.S.C. 300j–12(a)).

SEC. 527. RURAL UTILITIES SERVICE PROGRAMS.

(a) WATER AND ENVIRONMENTAL PROGRAMS.—Out of funds of the Treasury not otherwise appropriated, there is appropriated to the Administrator of the Rural Utilities Service $50,000,000 for each of fiscal years 2017 through 2021 to provide, for eligible programs and activities in the Commonwealth—

(1) water or waste disposal grants or direct or guaranteed loans under paragraph (1) or (2) of section 306(a) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1926(a));

(2) rural water or wastewater technical assistance and training grants under section 306(a)(14) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1926(a)(14));

(3) emergency community water assistance grants under section 306A of the Consolidated Farm and Rural Development Act (7 U.S.C. 1926a); and

(4) solid waste management grants under section 310B(b) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1932(b)).

(b) ELECTRIC PROGRAM.—Out of funds of the Treasury not otherwise appropriated, there is appropriated to the Administrator of the Rural Utilities Service $50,000,000 for each of fiscal years 2017 through 2021 to provide electric infrastructure grants for eligible programs and activities in the Commonwealth under the Rural Electrification Act of 1936 (7 U.S.C. 901 et seq.).

SEC. 528. RURAL ENERGY FOR AMERICA PROGRAM.

Out of funds of the Treasury not otherwise appropriated, there is appropriated to the Secretary of Agriculture $25,000,000 for each of fiscal years 2017 through 2021 to provide financial assistance and grants for eligible programs and activities in the Commonwealth under section 9007 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 8107).

SEC. 529. CONSTRUCTION OF FERRY BOATS AND FERRY TERMINAL FACILITIES.

Out of funds of the Treasury not otherwise appropriated, there is appropriated to the Secretary of Transportation $5,000,000 for each of fiscal years 2017 through 2021 for the construction of ferry boats and ferry terminal facilities in the Commonwealth under section 147 of title 23, United States Code.

SEC. 530. CORPS OF ENGINEERS FUNDS.

(a) CONSTRUCTION ACCOUNT.—Out of funds of the Treasury not otherwise appropriated, there is appropriated to the Construction Account of the Corps of Engineers $150,000,000 for each of fiscal years 2017 through 2021 for authorized navigation, coastal storm and riverine flood damage reduction, ecosystem restoration, and environmental infrastructure assistance activities in the Commonwealth, with priority given to dredging the Caño Martín Peña.

(b) OPERATIONS AND MAINTENANCE ACCOUNT.—Out of funds of the Treasury not otherwise appropriated, there is appropriated to the Operations and Maintenance Account of the Corps of Engineers $75,000,000 for each of fiscal years 2017 through 2021 for eligible operations and maintenance costs of coastal harbors and channels, and for inland harbors, to improve the movement of goods through marine ports in the Commonwealth.

SEC. 531. PREDISASTER HAZARD MITIGATION AND RESILIENCY.

Out of funds of the Treasury not otherwise appropriated, there is appropriated to the Director of the Federal Emergency Management Agency $50,000,000 for each of fiscal years 2017 through 2021 to carry out in the Commonwealth minor localized flood reduction projects and major flood risk reduction projects under the predisaster hazard mitigation program under section 203 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5133).

SEC. 532. BROADBAND PROGRAMS.

(a) BROADBAND INITIATIVES PROGRAM.—Out of funds of the Treasury not otherwise appropriated, there is appropriated $30,000,000 for each of fiscal years 2017 through 2021 for the broadband initiatives program established under title VI of the Rural Electrification Act of 1936 (7 U.S.C. 950bb et seq.) to expand access to, and the quality of, broadband service across the Commonwealth, with preference given to—

(1) public or cooperatively owned telecommunications systems; or

(2) telecommunications systems that provide telehealth, distance learning, and public safety benefits.

(b) BROADBANDUSA PROGRAM.—Out of funds of the Treasury not otherwise appropriated, there is appropriated $30,000,000 for each of fiscal years 2017 through 2021 to the National Telecommunications and Information Administration to carry out the BroadbandUSA program in the Commonwealth, with preference given to—

(1) public or cooperatively owned telecommunications systems; or

(2) telecommunications systems that provide telehealth, distance learning, and public safety benefits.

SEC. 533. HOUSING AND COMMUNITY DEVELOPMENT.

(a) HOME INVESTMENT PARTNERSHIPS PROGRAM.—

(1) ALL PARTICIPATING JURISDICTIONS.—Out of funds of the Treasury not otherwise appropriated, there is appropriated $17,000,000 for each of fiscal years 2017 through 2021 for the HOME Investment Partnerships program authorized under title II of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 12721 et seq.) to be allocated proportionately among participating jurisdictions in the Commonwealth in accordance with the allocation among such jurisdictions for the most recent fiscal year.

(2) CAÑO MARTÍN PEÑA COMMUNITIES.—Out of funds of the Treasury not otherwise appropriated, in addition to the amount appropriated under paragraph (1), there is appropriated $3,000,000 for each of fiscal years 2017 through 2021 for the HOME Investment Partnerships program authorized under title II of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 12721 et seq.) to be allocated to the HOME Investment Partnership Program of the Municipality of San Juan for use by the Caño Martín Peña Community Land Trust (also known as ''El Fedeicomiso de la Tierra del Caño Martín Peña'') to create, improve, and rehabilitate affordable housing in the 8 Caño Martín Peña communities, including for the costs of relocating homes from the banks of the channel to other locations in the community.

(b) COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM.—

(1) ALL JURISDICTIONS.—Out of funds of the Treasury not otherwise appropriated, there is appropriated $60,000,000 for each of fiscal years 2017 through 2021 for the community development block grant program under title I of the Housing and Community Development Act of 1974 (42 U.S.C. 5301 et seq.) to be allocated proportionately among entitlement communities and nonentitlement communities in the Commonwealth in accordance with the allocation among such communities for the most recent fiscal year.

(2) CAÑO MARTÍN PEÑA COMMUNITIES.—Out of funds of the Treasury not otherwise appropriated, in addition to the amount appropriated under paragraph (1), there is appropriated $5,000,000 for each of fiscal years 2017 through 2021 for the community development block grant program under title I of the Housing and Community Development Act of 1974 (42 U.S.C. 5301 et seq.) to be allocated to the Municipality of San Juan for use by the

Martin Peña Canal ENLACE Project Corporation (also known as ''La Corporación del Proyecto ENLACE del Caño Martín Peña'') for housing, community, and economic development in the 8 Caño Martín Peña communities.

TITLE VI—EARNED INCOME TAX CREDIT AND TAX EQUALIZATION MEASURES

SEC. 611. PUERTO RICO RESIDENTS ELIGIBLE FOR EARNED INCOME TAX CREDIT.

(a) IN GENERAL.—Section 32 of the Internal Revenue Code of 1986 is amended by adding at the end the following new subsection:

''(n) RESIDENTS OF PUERTO RICO.—

''(1) IN GENERAL.—In the case of residents of Puerto Rico—

''(A) the United States shall be treated as including Puerto Rico for purposes of subsections (c)(1)(A)(ii)(I) and (c)(3)(C),

''(B) subsection (c)(1)(D) shall not apply to nonresident alien individuals who are residents of Puerto Rico, and

''(C) adjusted gross income and gross income shall be computed without regard to section 933 for purposes of subsections (a)(2)(B) and (c)(2)(A)(i).

''(2) LIMITATION.—The credit allowed under this section by reason of this subsection for any taxable year shall not exceed the amount, determined under regulations or other guidance promulgated by the Secretary, that a similarly situated taxpayer would receive if residing in a State.''.

(b) CHILD TAX CREDIT NOT REDUCED.—Subclause (II) of section 24(d)(1)(B)(ii) of such Code is amended by inserting before the period ''(determined without regard to section 32(n) in the case of residents of Puerto Rico)''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2015.

SEC. 612. EQUITABLE TREATMENT FOR RESIDENTS OF PUERTO RICO WITH RESPECT TO THE REFUNDABLE PORTION OF THE CHILD TAX CREDIT.

(a) IN GENERAL.—Section 24(d)(1) of the Internal Revenue Code of 1986 is amended by inserting ''or section 933'' after ''section 112''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to taxable years beginning after December 31, 2015.

TITLE VII—PUERTO RICO DETERMINATION ON STATUS

SEC. 701. VOTE REGARDING STATUS.

(a) VOTE.—

(1) IN GENERAL.—Not later than January 31, 2018, the State Elections Commission of Puerto Rico shall provide for a binding vote or series of votes as described in paragraph (2), in accordance with rules and regulations determined by the Commission, including qualifications for voter eligibility.

(2) REGULATIONS.—Not later than 90 days after the date of enactment of this Act, the State Elections Commission of Puerto Rico shall promulgate regulations governing the provision by the State Elections Commission of a binding vote, or series of binding votes, regarding whether Puerto Rico should—

(A) be admitted as a State of the United States;

(B) become a sovereign nation; or

(C) continue the status quo as a commonwealth territory of the United States and simply reform the government of the Commonwealth.

(b) FUNDS FOR VOTE.—The funds made available pursuant to Public Law 113–76 (128 Stat. 5) may be used to conduct the vote under this section.

SEC. 702. CERTIFICATION AND TRANSMITTAL OF RESULTS.

Not later than 10 days after the certification of the vote by the State Elections Commission of Puerto Rico, the Governor of Puerto Rico shall transmit the certified results to the President of the United States, the Speaker of the House of Representatives, and the President pro tempore of the Senate.

SEC. 703. TRANSITION PROCESS.

If a majority of the votes cast in the vote conducted pursuant to section 701 are for the admission of Puerto Rico into the United States as a State, the following shall apply:

(1) PROCLAMATION.—Within 30 calendar days of receipt of the certified results transmitted pursuant to section 702, the President shall issue a proclamation to begin the transition process that will culminate in Puerto Rico's admission into the United States as a State effective by not later than the date that is 4 years after the date on which the vote under section 701 is certified by the State Elections Commission of Puerto Rico.

(2) COMMISSION.—

(A) ESTABLISHMENT.—Within 90 calendar days of receipt of the certified results transmitted pursuant to section 702, the President shall appoint a commission, to be known as the ''Commission on the Equal Application of Federal Law to Puerto Rico'' (referred to in this paragraph as the ''Commission'').

(B) PURPOSE.—The Commission shall survey the laws of the United States and make recommendations to Congress as to how laws that do not apply to the territory or apply differently to the territory than to the several States should be amended or repealed to treat Puerto Rico equally with the several States as of the date of the admission of Puerto Rico into the United States as a State.

(C) MEMBERSHIP.—The Commission shall consist of 5 persons, at least 2 of whom shall be residents of Puerto Rico.

(D) REPORT.—The Commission shall issue a final report to the President of the United States, the Speaker of the House of Representatives, and the President pro tempore of the Senate by July 1, 2018.

(E) TERMINATION.—Upon issuing the final report under subparagraph (D), the Commission shall terminate.

(F) FEDERAL ADVISORY COMMITTEE ACT.—The Federal Advisory Committee Act (5 U.S.C. App.), other than section 14, shall apply to the Commission.

SEC. 704. RULES FOR ELECTIONS FOR FEDERAL OFFICES.

(a) PREPARATION FOR ELECTIONS.—If a majority of the votes cast in the vote conducted pursuant to section 701 are for the admission of Puerto Rico into the United States as a State, not later than January 1, 2020, Puerto Rico shall carry out such actions as may be necessary to enable Puerto Rico to hold elections for Federal office in November 2020 in accordance with this section.

(b) PRESIDENTIAL ELECTION.—With respect to the election for the office of President and Vice President held in November 2020—

(1) Puerto Rico shall be considered a State for purposes of chapter 21 of title 3, United States Code;

(2) the electors of Puerto Rico shall be considered electors of a State for purposes of such chapter; and

(3) for purposes of section 3 of such title, the number of electors from Puerto Rico shall be equal to the number of Senators and Representatives to which Puerto Rico is entitled during the 117th Congress, as determined in accordance with subsections (c) and (d).

(c) ELECTION OF SENATORS.—

(1) ELECTION OF 2 SENATORS.—The regularly scheduled general elections for Federal office held in Puerto Rico during November 2020 shall include the election of 2 Senators, each of whom shall first take office on the first day of the 117th Congress.

(2) SPECIAL RULE.—In the election of Senators from Puerto Rico pursuant to paragraph (1), the 2 Senate offices shall be separately identified and designated, and no person may be a candidate for both offices. No such identification or designation of either of the offices shall refer to, or be taken to refer to, the terms of such offices, or in any way impair the privilege of the Senate to determine the class to which each of the Senators elected shall be assigned.

(d) ELECTION OF REPRESENTATIVES.—

(1) IN GENERAL.—Effective on the first day of the 117th Congress, and until the taking effect of the first reapportionment occurring after the regular decennial census conducted for 2020, Puerto Rico shall be entitled to the number of Representatives to which Puerto Rico would have been entitled for the 116th Congress if Puerto Rico had been a State during such Congress, as shown in the statement transmitted by the President to Congress under paragraph (2).

(2) DETERMINATION OF INITIAL NUMBER.—

(A) DETERMINATION.—Not later than July 1, 2019, the President shall submit to Congress a statement of the number of Representatives to which Puerto Rico would have been entitled for the 116th Congress if Puerto Rico had been a State during such Congress, in the same manner as provided under section 22(a) of the Act of June 28, 1929 (2 U.S.C. 2a(a)).

(B) SUBMISSION OF NUMBER BY CLERK.—Not later than 15 calendar days after receiving the statement of the President under subparagraph (A), the Clerk of the House of Representatives, in accordance with section 22(b) of such Act (2 U.S.C. 2a(b)), shall transmit to the Governor of Puerto Rico and the Speaker of the House of Representatives a certificate of the number of Representatives to which Puerto Rico is entitled during the period described in paragraph (1).

(3) TERMINATION OF OFFICE OF RESIDENT COMMISSIONER.—Effective on the date on which a Representative from Puerto Rico first takes office in accordance with this subsection, the Office of the Resident Commissioner to the United States, as described in section 36 of the Act of March 2, 1917 (48 U.S.C. 891 et seq.), is terminated.

(e) ADMINISTRATION OF PRIMARY ELECTIONS.—Puerto Rico may hold primary elections for the offices described in this section at such time and in such manner as Puerto Rico may provide, so long as such elections are held in the manner required by the laws applicable to elections for Federal office.

SEC. 705. ISSUANCE OF PRESIDENTIAL PROCLAMATION.

Following the transition process set forth in section 703, if applicable, the President shall issue a proclamation declaring that Puerto Rico is admitted into the United States on an equal footing with the other States, effective on the date that is 4 years after the date on which the vote under section 701 is certified by the State Elections Commission of Puerto Rico. Upon issuance of the proclamation by the President, Puerto Rico shall be deemed admitted into the United States as a State.

SEC. 706. STATE OF PUERTO RICO.

Upon the admission of Puerto Rico into the United States as a State, the following shall apply:

(1) STATE CONSTITUTION.—The Constitution of the Commonwealth of Puerto Rico shall be accepted as the Constitution of the State.

(2) TERRITORY.—The State shall consist of all of the territory, together with the waters included in the seaward boundary, of the Commonwealth of Puerto Rico.

(3) CONTINUITY OF GOVERNMENT.—The persons holding legislative, executive, and judicial offices of the Commonwealth of Puerto Rico shall continue to discharge the duties of their respective offices.

(4) CONTINUITY OF LAWS.—

(A) TERRITORY LAW.—All of the territory laws in force in Puerto Rico shall continue in force and effect in the State, except as modified by this Act, and shall be subject to repeal or amendment by the Legislature and the Governor of Puerto Rico.

(B) FEDERAL LAW.—All of the laws of the United States shall have the same force and effect as on the date immediately prior to the date of admission of Puerto Rico into the United States as a State, except for any provision of law that treats Puerto Rico and its residents differently than the States of the United States and their residents, which shall be amended as of the date of admission to treat the State of Puerto Rico and its residents equally with the other States of the United States and their residents.

SEC. 707. EFFECT ON MEMBERSHIP OF HOUSE OF REPRESENTATIVES.

(a) TEMPORARY INCREASE DURING INITIAL PERIOD.—

(1) TEMPORARY INCREASE.—Upon the admission of Puerto Rico into the United States as a State, during the period described in paragraph (1) of section 704(d)—

(A) the membership of the House of Representatives shall be increased by the number of Members to which Puerto Rico is entitled during such period; and

(B) each such Representative shall be in addition to the membership of the House of Representatives as prescribed by law on the date of enactment of this Act.

(2) NO EFFECT ON EXISTING APPORTIONMENT.—The temporary increase in the membership of the House of Representatives provided under paragraph (1) shall not, during the period described in paragraph (1) of section 704(d)—

(A) operate to either increase or decrease the permanent membership of the House of Representatives as prescribed in the Act of August 8, 1911 (2 U.S.C. 2); or

(B) affect the basis of reapportionment established by section 22 of the Act of June 28, 1929 (2 U.S.C. 2a), for the 82nd Congress and each Congress thereafter.

(b) PERMANENT INCREASE EFFECTIVE WITH NEXT REAPPORTIONMENT.—

(1) IN GENERAL.—Upon the admission of Puerto Rico into the United States as a State, effective with respect to the 118th Congress and each succeeding Congress, the House of Representatives shall be composed of a number of Members equal to the sum of 435 plus the number by which the membership of the House was increased under subsection (a).

(2) REAPPORTIONMENT OF MEMBERS RESULTING FROM INCREASE.—

(A) IN GENERAL.—Section 22(a) of the Act of June 28, 1929 (2 U.S.C. 2a(a)), is amended by striking ''the then existing number of Representatives'' and inserting ''the number of Representatives established with respect to the 118th Congress''.

(B) EFFECTIVE DATE.—The amendment made by subparagraph (A) shall apply with respect to the regular decennial census conducted for 2020 and each subsequent regular decennial census.

SA 4917. Mr. PORTMAN (for himself and Mr. BURR) submitted an amendment intended to be proposed by him to the bill S. 2328, 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:

At the end of title IV, insert the following:

SEC. 414. BENEFIT SUSPENSIONS FOR MULTIEMPLOYER PLANS IN CRITICAL AND DECLINING STATUS.

(a) ERISA AMENDMENTS.—Section 305(e)(9)(H) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1085(e)(9)(H)) is amended—

(1) in clause (ii)—

(A) by striking ''Except as provided in clause (v), the'' and inserting ''The''; and

(B) by striking ''a majority of all participants and beneficiaries of the plan'' and inserting '', of the participants and beneficiaries of the plan who cast a vote, a majority'';

(2) by striking clause (v);

(3) by redesignating clause (vi) as clause (v); and

(4) in clause (v), as so redesignated—

(A) by striking ''(or following a determination under clause (v) that the plan is a systemically important plan)''; and

(B) by striking ''(or, in the case of a suspension that goes into effect under clause (v), at a time sufficient to allow the implementation of the suspension prior to the end of the 90-day period described in clause (v)(I))''.

(b) IRC AMENDMENTS.—Section 432(e)(9)(H) of the Internal Revenue Code of 1986 is amended—

(1) in clause (ii)—

(A) by striking ''Except as provided in clause (v), the'' and inserting ''The''; and

(B) by striking ''a majority of all participants and beneficiaries of the plan'' and inserting '', of the participants and beneficiaries of the plan who cast a vote, a majority'';

(2) by striking clause (v);

(3) by redesignating clause (vi) as clause (v); and

(4) in clause (v), as so redesignated—

(A) by striking ''(or following a determination under clause (v) that the plan is a systemically important plan)''; and

(B) by striking ''(or, in the case of a suspension that goes into effect under clause (v), at a time sufficient to allow the implementation of the suspension prior to the end of the 90-day period described in clause (v)(I))''.

(c) EFFECTIVE DATE.—The amendments made by subsections (a) and (b) shall apply to any vote on the suspension of benefits under section 305(e)(9)(H) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1085(e)(9)(H)) and section 432(e)(9)(H) of the Internal Revenue Code of 1986 that occurs after the date of enactment of this Act.

SA 4918. Mr. LEE submitted an amendment intended to be proposed by him to the bill S. 2328, 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:

Between sections 403 and 404, insert the following:

SEC. 403A. EXEMPTING PUERTO RICO FROM THE FEDERAL MINIMUM WAGE.

The Fair Labor Standards Act of 1938 (29 U.S.C. 201 et seq.) is amended—

(1) in section 6(a)(2) (29 U.S.C. 206(a)(2)), by striking ''Puerto Rico or'' each place it appears; and

(2) in section 13 (29 U.S.C. 213)—

(A) in subsection (f), by inserting ''(except as provided under subsection (k))'' after ''Puerto Rico''; and

(B) by adding at the end the following:

''(k) The provisions of section 6 shall not apply with respect to any employee whose services during the workweek are performed in a workplace within Puerto Rico.''.

SA 4919. Mr. LEE submitted an amendment intended to be proposed by him to the bill S. 2328, 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:

At the appropriate place, insert the following:

SEC. ___. EXEMPTION FROM THE COASTWISE LAWS FOR PUERTO RICO.

Section 55101(b) of title 46, United States Code, is amended—

(1) in paragraph (2), by striking ''or'' at the end;

(2) in paragraph (3), by striking the period at the end and inserting a semicolon and ''or''; and

(3) by adding at the end the following:

''(4) Puerto Rico.''.

SA 4920. Mr. LEE submitted an amendment intended to be proposed by him to the bill S. 2328, 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:

At the end of title IV, add the following:

SEC. 414. EXEMPTING PUERTO RICO FROM FEDERAL PREVAILING WAGE REQUIREMENTS.

Notwithstanding any other provision of law, Puerto Rico shall be exempt from any requirements regarding the payment of a prevailing wage under—

(1) any of the Acts related to subchapter IV of chapter 31 of title 40, United States Code, as listed in appendix A to part 1 of subtitle A of title 29 of the Code of Federal Regulations (as in effect on the date of enactment of this Act);

(2) chapter 67 of title 41, United States Code; or

(3) any other requirement under Federal law regarding paying workers the prevailing wage of a locality.

SA 4921. Mr. LEE submitted an amendment intended to be proposed by him to the bill S. 2328, 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:

In section 101(b), strike paragraph (1) and insert the following:

(1) IN GENERAL.—Except as provided in paragraph (2), Congress, acting on behalf of a territory, may establish a Financial Oversight and Management Board for the covered territory, in accordance with this section.

SA 4922. Mr. LEE submitted an amendment intended to be proposed by him to the bill S. 2328, 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:

In section 405(a)(1), insert '', including a pension or a pension plan,'' before ''whether''.

SA 4923. Mr. LEE submitted an amendment intended to be proposed by him to the bill S. 2328, 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:

On page 98, line 7, strike ''**UPON ENACTMENT**'' and insert ''**AFTER OPPORTUNITY FOR CONFIRMATION OF THE BOARD**''.

On page 98, line 22, strike ''date of enactment of this Act'' and insert ''date described in subsection (p)''.

On page 99, line 14, strike ''(i.e., the enactment of this Act)'' and insert ''on the date described in subsection (p)''.

On page 99, lines 22 and 23, strike ''the enactment of this Act,'' and insert ''the date described in subsection (p),''.

On page 99, lines 24 and 25, strike ''the enactment of this Act'' and insert ''the date described in subsection (p)''.

On page 100, lines 3 and 4, strike ''the enactment of this Act'' and insert ''the date described in subsection (p)''.

On page 101, lines 22 and 23, strike ''as established by section 101(b)'' and insert ''as determined by the date described in subsection (p)''.

On page 106, line 25, strike ''prior to the enactment of this Act'' and insert ''prior to the date described in subsection (p)''.

On page 108, line 1, strike ''the enactment of this Act'' and insert ''the date described in subsection (p)''.

Beginning on page 109, strike line 1 and all that follows through line 3 on page 110.

On page 111, between lines 10 and 11, insert the following:

(p) DATE UPON WHICH AUTOMATIC STAY TAKES EFFECT.—The date described in this subsection shall be the earlier of—

(1) the date by which all members of the Oversight Board for Puerto Rico that are subject to confirmation by the Senate have been confirmed; or

(2) September 15, 2016.

SA 4924. Mr. CASSIDY submitted an amendment intended to be proposed by him to the bill S. 2328, 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:

Strike section 302 and insert the following:

SEC. 302. WHO MAY BE A DEBTOR.

An entity may be a debtor under this title if—

(1) the entity is—

(A) a territory that has requested the establishment of an Oversight Board or has had an Oversight Board established for it by the United States Congress in accordance with section 101 of this Act; or

(B) a covered territorial instrumentality of a territory described in paragraph (1)(A);

(2) the Oversight Board has issued a certification under section 206(b) of this Act for such entity;

(3) the entity desires to effect a plan to adjust its debts; and

(4) the entity is insolvent, as determined before giving effect to any voluntarily or involuntarily created acceleration of debt or any clawback of revenues transferred from or allocated to that entity by the central government of the Territory.

SA 4925. Mr. PORTMAN (for himself and Mr. BURR) submitted an amendment intended to be proposed by him to the bill S. 2328, 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:

At the end, insert the following:

SEC. _____. BENEFIT SUSPENSIONS FOR MULTI-EMPLOYER PLANS IN CRITICAL AND DECLINING STATUS.

(a) ERISA AMENDMENTS.—Section 305(e)(9)(H) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1085(e)(9)(H)) is amended—

(1) in clause (ii)—

(A) by striking ''Except as provided in clause (v), the'' and inserting ''The''; and

(B) by striking ''a majority of all participants and beneficiaries of the plan'' and inserting '', of the participants and beneficiaries of the plan who cast a vote, a majority'';

(2) by striking clause (v);

(3) by redesignating clause (vi) as clause (v); and

(4) in clause (v), as so redesignated—

(A) by striking ''(or following a determination under clause (v) that the plan is a systemically important plan)''; and

(B) by striking ''(or, in the case of a suspension that goes into effect under clause (v), at a time sufficient to allow the implementation of the suspension prior to the end of the 90-day period described in clause (v)(I))''.

(b) IRC AMENDMENTS.—Section 432(e)(9)(H) of the Internal Revenue Code of 1986 is amended—

(1) in clause (ii)—

(A) by striking ''Except as provided in clause (v), the'' and inserting ''The''; and

(B) by striking ''a majority of all participants and beneficiaries of the plan'' and inserting '', of the participants and beneficiaries of the plan who cast a vote, a majority'';

(2) by striking clause (v);

(3) by redesignating clause (vi) as clause (v); and

(4) in clause (v), as so redesignated—

(A) by striking ''(or following a determination under clause (v) that the plan is a systemically important plan)''; and

(B) by striking ''(or, in the case of a suspension that goes into effect under clause (v), at a time sufficient to allow the implementation of the suspension prior to the end of the 90-day period described in clause (v)(I))''.

(c) EFFECTIVE DATE.—The amendments made by subsections (a) and (b) shall apply to any vote on the suspension of benefits under section 305(e)(9)(H) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1085(e)(9)(H)) and section 432(e)(9)(H) of the Internal Revenue Code of 1986 that occurs after the date of enactment of this Act.

SA 4926. Mr. MCCONNELL submitted an amendment intended to be proposed by him to the bill S. 2328, 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:

In lieu of the matter proposed, insert the following:

EXEMPTING PUERTO RICO FROM THE FEDERAL MINIMUM WAGE.

The Fair Labor Standards Act of 1938 (29 U.S.C. 201 et seq.) is amended—

(1) in section 6(a)(2) (29 U.S.C. 206(a)(2)), by striking ''Puerto Rico or'' each place it appears; and

(2) in section 13 (29 U.S.C. 213)—

(A) in subsection (f), by inserting ''(except as provided under subsection (k))'' after ''PuertoRico''; and

(B) by adding at the end the following:

''(k) The provisions of section 6 shall not apply with respect to any employee whose services during the workweek are performed in a workplace within Puerto Rico.''.

SA 4927. Mr. RUBIO (for himself and Mr. CARDIN) proposed an amendment to the bill H.R. 3766, to direct the President to establish guidelines for covered United States foreign assistance programs, 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 ''Foreign Aid Transparency and Accountability Act of 2016''.

SEC. 2. DEFINITIONS.

In this Act:

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term ''appropriate congressional committees'' means—

(A) the Committee on Foreign Relations of the Senate;

(B) the Committee on Appropriations of the Senate;

(C) the Committee on Foreign Affairs of the House of Representatives; and

(D) the Committee on Appropriations of the House of Representatives.

(2) EVALUATION.—The term ''evaluation'' means, with respect to a covered United States foreign assistance program, the systematic collection and analysis of information about the characteristics and outcomes of the program, including projects conducted under such program, as a basis for—

(A) making judgments and evaluations regarding the program;

(B) improving program effectiveness; and

(C) informing decisions about current and future programming.

(3) COVERED UNITED STATES FOREIGN ASSISTANCE.—The term ''covered United States foreign assistance'' means assistance authorized under—

(A) part I of the Foreign Assistance Act of 1961 (22 U.S.C. 2151 et seq.), except for—

(i) title IV of chapter 2 of such part (relating to the Overseas Private Investment Corporation); and

(ii) chapter 3 of such part (relating to International Organizations and Programs);

(B) chapter 4 of part II of the Foreign Assistance Act of 1961 (22 U.S.C. 2346 et seq.; relating to Economic Support Fund);

(C) the Millennium Challenge Act of 2003 (22 U.S.C. 7701 et seq.); and

(D) the Food for Peace Act (7 U.S.C. 1721 et seq.).

SEC. 3. GUIDELINES FOR COVERED UNITED STATES FOREIGN ASSISTANCE PROGRAMS.

(a) PURPOSES.—The purposes of this section are to—

(1) evaluate the performance of covered United States foreign assistance and its contribution to the policies, strategies, projects, program goals, and priorities undertaken by the Federal Government;

(2) support and promote innovative programs to improve effectiveness; and

(3) coordinate the monitoring and evaluation processes of Federal departments and agencies that administer covered United States foreign assistance.

(b) ESTABLISHMENT OF GUIDELINES.—Not later than 18 months after the date of the enactment of this Act, the President shall set forth guidelines, according to best practices of monitoring and evaluation studies and analyses, for the establishment of measurable goals, performance metrics, and monitoring and evaluation plans that can be applied with reasonable consistency to covered United States foreign assistance.

(c) OBJECTIVES OF GUIDELINES.—

(1) IN GENERAL.—The guidelines established pursuant to subsection (b) shall provide direction to Federal departments and agencies that administer covered United States foreign assistance on—

(A) monitoring the use of resources;

(B) evaluating the outcomes and impacts of covered United States foreign assistance projects and programs; and

(C) applying the findings and conclusions of such evaluations to proposed project and program design.

(2) OBJECTIVES.—The guidelines established pursuant to subsection (b) shall provide direction to Federal departments and agencies that administer covered United States foreign assistance on how to—

(A) establish annual monitoring and evaluation objectives and timetables to plan and manage the process of monitoring, evaluating, analyzing progress, and applying learning toward achieving results;

(B) develop specific project monitoring and evaluation plans, including measurable goals and performance metrics, and to identify the resources necessary to conduct such evaluations, which should be covered by program costs;

(C) apply rigorous monitoring and evaluation methodologies to such programs, including through the use of impact evaluations, ex-post evaluations, or other methods, as appropriate, that clearly define program logic, inputs, outputs, intermediate outcomes, and end outcomes;

(D) disseminate guidelines for the development and implementation of monitoring and evaluation programs to all personnel, especially in the field, who are responsible for the design, implementation, and management of covered United States foreign assistance programs;

(E) establish methodologies for the collection of data, including baseline data to serve as a reference point against which progress can be measured;

(F) evaluate, at least once in their lifetime, all programs whose dollar value equals or exceeds the median program size for the relevant office or bureau or an equivalent calculation to ensure the majority of program resources are evaluated;

(G) conduct impact evaluations on all pilot programs before replicating, or conduct performance evaluations and provide a justification for not conducting an impact evaluation when such an evaluation is deemed inappropriate or impracticable;

(H) develop a clearinghouse capacity for the collection, dissemination, and preservation of knowledge and lessons learned to guide future programs for United States foreign assistance personnel, implementing partners, the donor community, and aid recipient governments;

(I) internally distribute evaluation reports;

(J) publicly report each evaluation, including an executive summary, a description of the evaluation methodology, key findings, appropriate context, including quantitative and qualitative data when available, and recommendations made in the evaluation within 90 days after the completion of the evaluation;

(K) undertake collaborative partnerships and coordinate efforts with the academic community, implementing partners, and national and international institutions, as appropriate, that have expertise in program monitoring, evaluation, and analysis when such partnerships provide needed expertise or significantly improve the evaluation and analysis;

(L) ensure verifiable, reliable, and timely data, including from local beneficiaries and stakeholders, are available to monitoring and evaluation personnel to permit the objective evaluation of the effectiveness of covered United States foreign assistance programs, including an assessment of assumptions and limitations in such evaluations; and

(M) ensure that standards of professional evaluation organizations for monitoring and evaluation efforts are employed, including ensuring the integrity and independence of evaluations, permitting and encouraging the exercise of professional judgment, and providing for quality control and assurance in the monitoring and evaluation process.

(d) PRESIDENT'S REPORT.—Not later than 18 months after the date of the enactment of this Act, the President shall submit a report to the appropriate congressional committees that contains a detailed description of the guidelines established pursuant to subsection (b). The report shall be submitted in unclassified form, but it may contain a classified annex.

(e) COMPTROLLER GENERAL'S REPORT.—The Comptroller General of the United States shall, not later than 18 months after the report required by subsection (d) is submitted to Congress, submit to the appropriate congressional committees a report that—

(1) analyzes the guidelines established pursuant to subsection (b); and

(2) assesses the implementation of the guidelines by the agencies, bureaus, and offices that implement covered United States foreign assistance as outlined in the President's budget request.

SEC. 4. INFORMATION ON COVERED UNITED STATES FOREIGN ASSISTANCE PROGRAMS.

(a) PUBLICATION OF INFORMATION.—

(1) UPDATE OF EXISTING WEBSITE.—Not later than 90 days after the date of the enactment of this Act, the Secretary of State shall update the Department of State's website, ''ForeignAssistance.gov'', to make publicly available comprehensive, timely, and comparable information on covered United States foreign assistance programs, including all information required under subsection (b) that is available to the Secretary of State.

(2) INFORMATION SHARING.—Not later than 2 years after the date of the enactment of this Act, and quarterly thereafter, the head of each Federal department or agency that administers covered United States foreign assistance shall provide the Secretary of State with comprehensive information about the covered United States foreign assistance programs carried out by such department or agency.

(3) UPDATES TO WEBSITE.—Not later than 2 years after the date of the enactment of this Act, and quarterly thereafter, the Secretary of State shall publish, on the ''ForeignAssistance.gov'' website or through a successor online publication, the information provided under subsection (b).

(b) MATTERS TO BE INCLUDED.—

(1) IN GENERAL.—The information described in subsection (a)—

(A) shall be published for each country on a detailed basis, such as award-by-award; or

(B) if assistance is provided on a regional level, shall be published for each such region on a detailed basis, such as award-by-award.

(2) TYPES OF INFORMATION.—

(A) IN GENERAL.—To ensure the transparency, accountability, and effectiveness of covered United States foreign assistance programs, the information described in subsection (a) shall include—

(i) links to all regional, country, and sector assistance strategies, annual budget documents, congressional budget justifications, and evaluations in accordance with section 3(c)(2)(J);

(ii) basic descriptive summaries for covered United States foreign assistance programs and awards under such programs; and

(iii) obligations and expenditures.

(B) PUBLICATION.—Each type of information described in subparagraph (A) shall be published or updated on the appropriate website not later than 90 days after the date on which the information is issued.

(C) RULE OF CONSTRUCTION.—Nothing in this paragraph may be construed to require a Federal department or agency that administers covered United States foreign assistance to provide any information that does not relate to, or is not otherwise required by, the covered United States foreign assistance programs carried out by such department or agency.

(3) REPORT IN LIEU OF INCLUSION.—

(A) HEALTH OR SECURITY OF IMPLEMENTING PARTNERS.—If the head of a Federal department or agency, in consultation with the Secretary of State, makes a determination that the inclusion of a required item of information online would jeopardize the health or security of an implementing partner or program beneficiary or would require the release of proprietary information of an implementing partner or program beneficiary, the head of the Federal department or agency shall provide such determination in writing to the appropriate congressional committees, including the basis for such determination.

(B) NATIONAL INTERESTS OF THE UNITED STATES.—If the Secretary of State makes a determination that the inclusion of a required item of information online would be detrimental to the national interests of the United States, the Secretary of State shall provide such determination, including the basis for such determination, in writing to the appropriate congressional committees.

(C) FORM.—Information provided under this paragraph may be provided in classified form, as appropriate.

(4) FAILURE TO COMPLY.—If a Federal department or agency fails to comply with the requirements under paragraph (1), (2), or (3) of subsection (a), or subsection (c), with respect to providing information described in subsection (a), and the information is not subject to a determination under subparagraph (A) or (B) of paragraph (3) not to make the information publicly available, the Director of the Office of Management and Budget, in consultation with the head of such department or agency, not later than one year after the date of the enactment of this Act, shall submit a consolidated report to the appropriate congressional committees that includes, with respect to each required item of information not made publicly available—

(A) a detailed explanation of the reason for not making such information publicly available; and

(B) a description of the department's or agency's plan and timeline for—

(i) making such information publicly available; and

(ii) ensuring that such information is made publicly available in subsequent years.

(c) SCOPE OF INFORMATION.—The online publication required under subsection (a) shall, at a minimum—

(1) in each of the fiscal years 2016 through 2019, provide the information required under subsection (b) for fiscal years 2015 through the current fiscal year; and

(2) for fiscal year 2020 and each fiscal year thereafter, provide the information required under subsection (b) for the immediately preceding 5 fiscal years in a fully searchable form.

(d) SENSE OF CONGRESS.—It is the sense of Congress that the Secretary of State and the Administrator of the United States Agency for International Development should coordinate the consolidation of processes and data collection and presentation for the Department of State's website, ''ForeignAssistance.gov'', and the United States Agency for International Development's website, ''Explorer.USAID.gov'', to the extent that is possible to maximize efficiencies, no later than the end of fiscal year 2018.

SA 4928. Mr. RUBIO (for himself and Mr. CARDIN) proposed an amendment to the bill H.R. 3766, to direct the President to establish guidelines for covered

United States foreign assistance programs, and for other purposes; as follows:

Amend the title so as to read: ''A bill to direct the President to establish guidelines for covered United States foreign assistance programs, and for other purposes.''.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. ISAKSON. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on June 28, 2016, at 9:30 a.m.

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

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. ISAKSON. 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 June 28, 2016, at 9:45 a.m., in room SR–253 of the Russell Senate Office Building to conduct a Subcommittee hearing entitled ''How the Internet of Things (IoT) Can Bring U.S. Transportation and Infrastructure into the 21st Century.''

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

COMMITTEE ON FINANCE

Mr. ISAKSON. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session of the Senate on June 28, 2016, at 10 a.m., in room SD–215 of the Dirksen Senate Office Building to conduct a hearing entitled ''Examining the Proposed Medicare Part B Drug Demonstration.''

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

COMMITTEE ON FOREIGN RELATIONS

Mr. ISAKSON. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on June 28, 2016, at 10 a.m., to conduct a hearing entitled ''Global Efforts to Defeat ISIS.''

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

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. ISAKSON. 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 June 28, 2016, at 2 p.m., in room SD–430 of the Dirksen Senate Office Building, to conduct a hearing entitled ''Small Business Health Care: Cost and Options.''

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

COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

Mr. ISAKSON. 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 June 28, 2016, at 4 p.m.

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

COMMITTEE ON THE JUDICIARY

Mr. ISAKSON. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate on June 28, 2016, at 10 a.m., in room SD–226 of the Dirksen Senate Office Building, to conduct a hearing entitled ''One Year After Enactment: Implementation of the Justice for Victims of Trafficking Act of 2015.''

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

SELECT COMMITTEE ON INTELLIGENCE

Mr. ISAKSON. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate, on June 28, 2016, at 2:30 p.m., in room SH–219 of the Hart Senate Office Building.

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

SUBCOMMITTEE ON OVERSIGHT, AGENCY ACTION, FEDERAL RIGHTS, AND FEDERAL COURTS

Mr. ISAKSON. Mr. President, I ask unanimous consent that the Committee on the Judiciary, Subcommittee on Oversight, Agency Action, Federal Rights, and Federal Courts be authorized to meet during the session of the Senate on June 28, 2016, at 2:30 p.m., in room SD–226 of the Dirksen Senate Office Building, to conduct a hearing entitled ''Willful Blindness: Consequences of Agency Efforts To Deemphasize Radical Islam in Combating Terrorism.''

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

SUBCOMMITTEE ON PUBLIC LANDS, FORESTS, AND MINING

Mr. ISAKSON. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources' Subcommittee on Public Lands, Forests, and Mining be authorized to meet during the session of the Senate on June 28, 2016, at 2:30 p.m., in room SD–366 of the Dirksen Senate Office Building.

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

PRIVILEGES OF THE FLOOR

Mr. MERKLEY. Mr. President, I ask unanimous consent that my intern Andrew Dunn be given the full privilege of the floor for the remainder of the day.

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

Mr. MERKLEY. Mr. President, I ask unanimous consent that my staff member Michael McKieran be given privileges of the floor until his paperwork is processed.

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

REMOVAL OF INJUNCTION OF SECRECY—TREATY DOCUMENT NO. 114–12

Mr. ROUNDS. Mr. President, as in executive session, I ask unanimous consent that the injunction of secrecy be removed from the following treaty transmitted to the Senate on June 28, 2016, by the President of the United States: Protocol to the North Atlantic Treaty of 1949 on the Accession of Montenegro, Treaty Document No. 114–12. I further ask that the treaty be considered as having been read the first time; that it be referred, with accompanying papers, to the Committee on Foreign Relations and ordered to be printed; and that the President's message be printed in the RECORD.

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

The message of the President is printed in the Record of June 29, 2016, on page S4750.

FOREIGN AID TRANSPARENCY AND ACCOUNTABILITY ACT OF 2015

Mr. ROUNDS. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 318, H.R. 3766.

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

The legislative clerk read as follows:

A bill (H.R. 3766) to direct the President to establish guidelines for United States foreign development and economic assistance programs, and for other purposes.

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

Mr. ROUNDS. I ask unanimous consent that the Rubio substitute amendment be agreed to, the bill, as amended, be read a third time and passed, the Rubio title amendment be agreed to, and the motions to reconsider be considered made and laid upon the table.

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

The amendment (No. 4927) in the nature of a substitute was agreed to.

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

The bill (H.R. 3766), as amended, was ordered to a third reading, was read the third time, and passed.

The amendment (No. 4928) was agreed to, as follows:

(Purpose: To amend the title)

Amend the title so as to read: ''A bill to direct the President to establish guidelines for covered United States foreign assistance programs, and for other purposes.''.

ORDERS FOR WEDNESDAY, JUNE 29, 2016

Mr. ROUNDS. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 9:30 a.m., Wednesday, June 29; that following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, and the time for the two leaders be reserved for their use later in the day; further, that following leader remarks, the Senate resume consideration of the House message to

accompany S. 2328, with the time until the cloture vote equally divided between the two leaders or their designees.

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

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. ROUNDS. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that it stand adjourned under the previous order.

There being no objection, the Senate, at 7:56 p.m., adjourned until Wednesday, June 29, 2016, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate:

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE REGULAR AIR FORCE UNDER TITLE 10, U.S.C., SECTION 531:

To be major

RICHARD D. BETZOLD
MEGAN T. BING
KEELY M. CHEVALLIER
MARYELLEN T. DOLAT
GARRETT G. FRIEDMAN
LEE R. HAFEN
REMEALLE A. HOW
LINDSEY N. JULY
ROBERT W. KRELL
GRANT W. MALLORY
MICHAEL S. MCLAUGHLIN
JENNIFER L. MITCHELL
DAVID J. MORROW
SCOTT R. NODZO
THOMAS J. PAINTER
SABRINE SEMOIN
CHARLIE N. SRIVILASA
JENNIFER E. TONNESON

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE GRADES INDICATED IN THE REGULAR AIR FORCE UNDER TITLE 10, U.S.C., SECTION 531:

To be lieutenant colonel

STEFANIE L. SHAVER

To be major

WILLIAM J. BRIDGHAM

IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY MEDICAL SERVICE CORPS UNDER TITLE 10, U.S.C., SECTIONS 624 AND 3064:

To be major

NATHAN D. SCHROEDER

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY UNDER TITLE 10, U.S.C., SECTION 624:

To be major

RENEE V. SCOTT

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTION 12203:

To be colonel

KEITH D. BLODGETT

THE FOLLOWING NAMED ARMY NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12211:

To be colonel

JEFFREY M. ALSTON
RICHARD BERTHAO
ROBERT H. BUMGARDNER
JAMES W. DEAN II
RONNIE B. DELFIN
CHRISTOPHER A. HOLLAND
STEPHEN E. SCHEMENAUER
THEODORE R. SCOTT III
DAVID T. STAUFFER
MICHAEL J. TURLEY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY UNDER TITLE 10, U.S.C., SECTION 624:

To be major

STEVEN C. LOOS

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY UNDER TITLE 10, U.S.C., SECTION 624:

To be colonel

DANIEL W. M. MACKLE