

the world. These trees are stunning. They grow about two inches a year. They last for up to 150 years. People don't understand that these trees are so terrific. These trees have been brutalized by these criminals. They chopped this one down. One of my staffers said: Well, maybe they used it for firewood. Well, folks, have you ever tried to start a fire with cantaloupe? You can't burn this. I guess you can burn anything, but you will not stay warm. They are soft inside. It is not something you can burn.

We don't know how old the tree in this picture was, but it was probably 80 or 100 years old. Look at that beautiful tree behind it. It is really unfortunate, but that is what they are doing. They are just destroying these beautiful trees.

One of them who was part of the Oregon crowd had a brand. He went out branding everything with his brand. He stamped his brand on different things that should be protected. This is sad.

I have tried to protect Gold Butte for a long time, and the reason we haven't been able to do anything up to this point is that the Bundy boys and their pals kept everybody off of that property, and that is why I am grateful for the Antiquities Act. Because of this legislation, the Bundys are in jail.

I will reach out to the White House—and there is no guarantee we will get it done, that's for sure—to see if President Obama will protect this area. He has the authority, as any President does, to stop this sort of destruction and stop it now. Threats to our public lands are threats to our economy, our environment, and our culture. When we preserve our lands, we preserve America, and that is what we are trying to do: Preserve this beautiful place.

I say again: Is this worth protecting and preserving? Of course it is.

Mr. President, please announce the Senate business of the day.

RESERVATION OF LEADER TIME

The PRESIDING OFFICER (Mr. ROUNDS). Under the previous order, the leadership time is reserved.

AMERICA'S SMALL BUSINESS TAX RELIEF ACT OF 2015

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of H.R. 636, which the clerk will report.

The legislative clerk read as follows:

A bill (H.R. 636) to amend the Internal Revenue Code of 1986 to permanently extend increased expensing limitations, and for other purposes.

Pending:

Thune/Nelson amendment No. 3464, in the nature of a substitute.

Thune (for Gardner) amendment No. 3460 (to amendment No. 3464), to require the FAA Administrator to consider the operational history of a person before authorizing the person to operate certain unmanned aircraft systems.

Thune amendment No. 3512 (to amendment No. 3464), to enhance airport security.

The PRESIDING OFFICER. The Senator from Florida.

Mr. NELSON. Mr. President, we have the FAA bill on the floor. I would like to discuss some of the amendments that are proposed and, hopefully, a couple that we will be voting on this morning. There are a couple of amendments—one offered by Senator THUNE on behalf of himself and this Senator, the ranking member of the Commerce Committee, and another offered by Senator HEINRICH. Both amendments deal with the issue of security but in different arenas.

Let me explain. The Thune-Nelson amendment applies to the question of perimeter security, of allowing employees to get into an airport—not the sterile area controlled by TSA, although, as I will explain, it can definitely affect the sterile area as well. On the other hand, the Heinrich amendment addresses security in the areas where passengers bunch up outside of TSA security, such as in a queue-up line going through TSA security, or passengers bunched up at the ticket counters, checking in their luggage.

Either way, as we saw from the experience of the Brussels airport explosion, those are very tempting targets for a terrorist. Therefore, the proposal in the Heinrich amendment, which I would commend to the Senate, is to increase the level of security, particularly with what are called VIPR teams, which, in essence, are not only at airports but at seaports and at transportation hubs.

Remember that in Brussels there was a bombing in one of the train stations as well. So we need to increase the surveillance and the security there, including dogs. As a matter of fact, our K-9 friends are some of the best that we have when it comes to protecting us because their noses are attuned to being able to sniff out the explosives that you cannot detect with metal detectors or with the AIT machine that we go through where we hold up our hands to see if we have anything on us.

It can detect if you have a package, if you have an explosive that is somewhere in one of your body cavities. It is going to be very, very difficult.

Dogs, because of their God-given sense of smell, can detect that. A properly trained dog is just amazing to watch. Now, interestingly, concurrently there is research going on at NIST, the National Institute of Standards and Technology, for an artificial dog nose, a mechanical item or a piece of software and hardware that would actually do the same job.

But that has not been perfected yet. That is going to be really interesting to see what they come up with. This Senator will report to the Senate later on that. But for the time being, the Heinrich amendment, which I hope we will vote on this morning, is concerned with that security that we have seen as a result of the Brussels bombing.

We certainly want to enhance security in our airports. Thank goodness we have the intelligence apparatus that we do in this country to be able to smoke out the terrorist before he ever does his dirty deed. It is more difficult for them to do it here in America than it is in Europe because of the alienation of those communities that then harbor the terrorists. We see the result in Brussels as well as Paris. That is the Heinrich amendment. That is a broad characterization of it, but basically that is the thrust.

The Thune-Nelson amendment is going at the perimeter security. OK, think Egypt and the Russian airliner. It was an airport employee who smuggled the bomb onto the plane, not as a passenger but as an airport employee. Think the Atlanta airport, 2 years ago. In a gunrunning scheme over 3 months, over 100 guns were transported from Atlanta to New York.

The police in New York could not figure out how all of these guns were getting on the streets in New York. They kept checking the trains, and they kept checking the interstates. They could not figure it out. Here is how they did it. An employee at the Atlanta airport—because Atlanta was not checking their employees—would smuggle the guns in. Then that employee had access in the terminal to get into the sterile area—the TSA sterile area—and he would go into the men's room, meet the passenger who had already come through security and was clean, and give the guns to him to put them in his empty knapsack, his backpack. This employee, over the course of 17 times, over 3 months, smuggled over 100 guns. Thank goodness it was a criminal enterprise, not a terrorist, because you can imagine what would have happened.

The Miami International Airport 10 years ago figured this out. What they did was, instead of having hundreds of entry points into the airport for airport employees in a very large airport like Atlanta, in Miami they boiled it down to a handful. There the employees went through similar security that passengers do to check to see if they had any weapons. They had a special identification card that they would have to stick into an electronic machine and put in their code, which was another way of checking to make sure that the employee was who they said they were.

Miami solved the problem after having a problem with drugs 10 years ago. Interestingly, in the interim, the Orlando International Airport, likewise, about 4 years ago had a similar drug problem. They did the same thing. They boiled down hundreds of entry points for airport employees to a handful. They had those checks. I have gone to see those checks at those two airports. That is exactly how they do it.

The fact is, we have 300 airports in the United States. There were only two that were doing this kind of perimeter checking. Atlanta then became the

poster boy of what can happen in a gunrunning scheme. I am happy to report to the Senate that, in fact, the Atlanta airport has now done exactly what Miami and Orlando have done. But we have 297 other airports that need to do the same thing.

So the Thune-Nelson amendment is exactly getting at that kind of perimeter security situation. I highly commend both the Thune-Nelson amendment as well as the Heinrich amendment. There are a whole bunch of cosponsors—bipartisan—on each of these. I highly recommend both of these to the Senate. I hope we will vote on those today—hopefully, this morning.

Now, there are going to be, of course, a series of many other amendments, some very well intentioned that have some technical glitches, and we have our very expert staff right now starting to try to work out some of these technical glitches. Then we can get moving with this FAA bill.

I would mention one other amendment that this Senator will be offering, and that is on a cyber security bill. Did the Presiding Officer see the “60 Minutes” segment where people with a laptop could take over an automobile by going through the electronics of the automobile? They can speed it up, they can make it stop it, and they can make it turn and completely take over the operation of an automobile.

Can the Presiding Officer imagine somebody being able to do that with an airliner with 250 people on board? Therefore, whether we want to face it or not, we better face it because we are in an era that what we need to do is to make sure technically that the systems in an airliner are separate, that there is an air gap, and that whatever those systems are—it might be Wi-Fi for the airplane, it might be music, or it may be whatever it is—there is an air gap so that someone cannot go into that system and suddenly get into the aircraft controls.

That is super important. One other thing I would mention is what we know as unmanned aerial vehicles, or drones. They have become quite popular. But, obviously, one of the things that is already in the bill, which Senator THUNE and I have insisted on as we approach this FAA bill, is that we have to come face-to-face with the reality that drones are now impairing the safety of an ascending or a descending aircraft. We have seen—the two of us—an operation where you can now take over the operation of a drone.

Education can do so much. People have to understand that you basically have to not fly a drone within 5 miles of an airport. Just recently, at Miami International Airport, there was an inbound American Airlines plane, and there was a drone about 1,000 feet off on the left side. Remember Captain Sully Sullenberger, when a flock of geese suddenly got sucked into the engines and all power was lost. Fortunately, he had the Hudson River that he could belly it in after he had taken off from LaGuardia.

You put a drone with plastic and metal, let that get sucked into the engine, and you will have a catastrophic failure. You don't want to put your passengers in that kind of operation. Therefore, education is one thing, but there is always going to be a young person that does not know about this. We don't know the answer. We know we can take over the operation of the drone, send it over here, have it set down, and have it land. The technology is there, but how do we apply that technology so we avoid this aircraft collision? There is an increasing use of drones that are so helpful for so many commercial purposes, not to mention the pure pleasure of flying a drone around, which we are seeing has become exceptionally popular. We address that in the bill by giving the appropriate direction to the FAA to start coming up with the solutions of how we are going to protect aircraft in and around airports.

On down the line, there are going to be so many different issues with regard to drones, far beyond the scope of the FAA bill. On the question of privacy—a drone suddenly coming down and coming at eye level outside your bedroom window snooping—there are all kinds of questions about privacy. What about the fact that you can now put a gun on a drone? We know in a war zone we have the capability of doing that with very sophisticated weapons, such as Hellfire missiles, but now some people are experimenting with putting a gun on a drone. We have the ramifications of what that means for society to deal with in the future. For the immediate future, the FAA bill on the floor—we have this problem of avoiding drones colliding into aircraft, and that is in the bill and it is addressed.

We have a lot of interesting issues to talk about. Let's get the Senate on it, and hopefully we can get agreement so we can at least vote on two of these amendments this morning.

Mr. President, I yield the floor.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

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

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

AMENDMENT NO. 3482, AS MODIFIED, TO
AMENDMENT NO. 3464

Mr. HEINRICH. Mr. President, I call up my amendment No. 3482, as modified, and ask that it be reported by number.

The PRESIDING OFFICER. The clerk will report.

The senior assistant legislative clerk read as follows:

The Senator from New Mexico [Mr. HEINRICH] proposes an amendment numbered 3482, as modified, to amendment No. 3464.

The amendment, as modified, is as follows:

(Purpose: To expand and enhance visible deterrents at major transportation hubs and to increase the resources to protect and secure the United States)

At the end of title V, insert the following:

SEC. 5032. VISIBLE DETERRENT.

Section 1303 of the Implementing Recommendations of the 9/11 Commission Act of 2007 (6 U.S.C. 1112) is amended—

(1) in subsection (a)—

(A) in paragraph (3), by striking “; and” and inserting a semicolon;

(B) in paragraph (4), by striking the period at the end and inserting “; and”; and

(C) by adding at the end the following:

“(5) if the VIPR team is deployed to an airport, shall require, as appropriate based on risk, that the VIPR team conduct operations—

“(A) in the sterile area and any other areas to which only individuals issued security credentials have unescorted access; and

“(B) in non-sterile areas.”; and

(2) in subsection (b), by striking “such sums as necessary for fiscal years 2007 through 2011” and inserting “such sums as necessary, including funds to develop not more than 60 VIPR teams, for fiscal years 2016 through 2017”.

SEC. 5033. LAW ENFORCEMENT TRAINING FOR MASS CASUALTY AND ACTIVE SHOOTER INCIDENTS.

Section 2006(a)(2) of the Homeland Security Act of 2002 (6 U.S.C. 607(a)(2)) is amended—

(1) by redesignating subparagraphs (E) through (I) as subparagraphs (F) through (J), respectively; and

(2) by inserting after subparagraph (D) the following:

“(E) training exercises to enhance preparedness for and response to mass casualty and active shooter incidents and security events at public locations, including airports and mass transit systems;”.

SEC. 5034. ASSISTANCE TO AIRPORTS AND SURFACE TRANSPORTATION SYSTEMS.

Section 2008(a) of the Homeland Security Act of 2002 (6 U.S.C. 609(a)) is amended—

(1) by redesignating paragraphs (9) through (13) as paragraphs (10) through (14), respectively; and

(2) by inserting after paragraph (8) the following:

“(9) enhancing the security and preparedness of secure and non-secure areas of eligible airports and surface transportation systems.”.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. HEINRICH. Mr. President, this amendment would strengthen U.S. airport security, especially in nonsecure or soft-target areas of airports—places such as check-in and baggage claim areas. It would also update Federal security programs to provide active shooter training for law enforcement and increase the presence of Federal agents with bomb-sniffing canines at these nonsecure areas.

I thank the cosponsors of the amendment: Senator MANCHIN, Senator SCHUMER, Senator NELSON, Senator KLOBUCHAR, Senator CANTWELL, Senator CARPER, Senator BALDWIN, Senator DURBIN, Senator BENNET, and Senator BLUMENTHAL.

I urge all of my colleagues to join me in supporting the adoption of this amendment.

I yield the floor.

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

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

Mr. CASEY. Mr. President, I wish to speak on the bill and ask consent to do so.

The PRESIDING OFFICER. The Senator is recognized.

Mr. CASEY. Mr. President, I am pleased to be joined by my colleague from Pennsylvania Senator TOOMEY to talk about an issue we began to discuss on the floor yesterday, but we have been working many months on this issue.

It is a rather simple issue, but it is a matter that has some real urgency connected to it because we are talking about a secondary barrier on airplanes—meaning a barrier other than what we know now to be a reinforced cockpit door—to prevent terrorists from getting into the cockpit. What we need to do in addition to that, after Congress mandated the installation of these reinforced cockpit doors, is add a secondary barrier.

This is something that arises because we not only know from the attack on 9/11 but thereafter, we know that, No. 1, this is still an intention that terrorists have to take over an airplane. We know since 9/11, 51—I will correct the record from yesterday, I think I said 15, I had transposed the number—but it is 51 hijacking attempts around the world since 9/11. This is not a problem that is going away, and we have to deal with it.

This is the barrier we are talking about. So people understand the nature of this barrier, this is a lightweight wire mesh gate that would prevent a terrorist from getting into the cockpit or even getting to the door of the cockpit, which, as we said, is already reinforced. What it does fundamentally is block access to the flight deck. That is what we are talking about. That is what our amendment does.

We know the substantial number of groups that support this. I will just read the list for the record. And this actually is support for the underlying bill that Senator TOOMEY and I and others have been working on for a while. The underlying bill itself was S. 911. Also, the amendment, amendment No. 3458, is endorsed by the following groups: the Airline Pilots Association, the Allied Pilots Association, the Association of Flight Attendants, the Federal Law Enforcement Officers Association, the US Airline Pilots Association, the Coalition of Airline Pilots Association, the Port Authority of New York & New Jersey, and Families of September 11.

There have been numerous studies done. I am holding a study—although you can't see it from a distance—which was conducted by the Cato Institute, among others, on terrorism risk and

cost-benefit analysis of aviation security.

So we not only have substantial support from virtually every group you could point toward, but we have some expertise on how to protect pilots in the cockpit, how to protect passengers on an airplane, and, of course, how to do that by preventing terrorists from getting through or near the cockpit because of a good secondary barrier.

This effort started literally from folks we now know in Pennsylvania. It started with, among other people, the Saracini family, Ellen Saracini, the wife of Captain Victor Saracini, who piloted United Flight 175, which terrorists hijacked and flew into the World Trade Center on 9/11. So in memory of Captain Saracini and inspired by the great work of his wife Ellen Saracini, we offer this amendment.

Again, I am very pleased to be working on this with my colleague Senator TOOMEY, and I yield the floor.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. TOOMEY. Mr. President, I would like to underscore the points made by my colleague Senator CASEY. I thank him for his leadership.

This is a very simple matter that is very straightforward and common sense. We know there is a very real vulnerability in our commercial aircraft. We know this. There is no mystery here. And we have a very simple, affordable, reasonable solution that will provide the security we need.

After September 11, 2001, Congress very rightly mandated that the cockpit door be reinforced so that it is virtually impossible to destroy that door, to knock down that door, to defeat the purpose of that door when it is closed and latched. The problem is that when it is open—which it must be open periodically during many flights—a very strong door is useless. We know what happens now on airlines because we have all witnessed it, right? When a pilot needs to come out or go in or there is access to the cockpit when that door is open, the flight attendant rolls a little serving cart in front of the door. I suppose that is better than nothing, but it is not much better than nothing. That cart can be rolled away.

We are not the only ones who have observed this. An FAA advisory has observed this risk. The 9/11 Commission pointed out that the terrorists were very focused on the opportunity created by the opening of the cockpit door. As Senator CASEY pointed out, there have been multiple attempts to breach that door. Several have been successful. We have an amendment that solves this problem in a very affordable, reasonable, sensible way. It is a lightweight, collapsible barrier made of wire mesh, and a flight attendant can simply draw it across the opening, lock it, and then at that point the cockpit door can be opened and there is no way someone would be able to rush through that wire mesh in time to get to the cockpit during that moment

when the door is open. That is what our amendment does.

It passed the Transportation Committee in the House unanimously. As Senator CASEY pointed out, it has very broad support from many of the stakeholders who care about the security of our commercial aviation.

It is our hope and understanding that we will be very soon propounding a unanimous consent agreement which will allow this amendment to be pending and that this will be one of the amendments which will be on the docket for a subsequent vote. I hope we will get to that momentarily. I hope we will get that locked in, and then I would urge my colleagues to vote yes on our amendment and enhance commercial aviation safety.

I yield the floor.

Mr. THUNE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The 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. Without objection, it is so ordered.

Mrs. FISCHER. Mr. President, I rise to discuss an important matter before the Senate, the reauthorization of our Nation's Federal Aviation Administration. The FAA is tasked with a critical mission to manage the safety and the security of our Nation's airspace.

Our Nation's airspace is an incredible resource that fuels our economy. According to the Bureau of Transportation Statistics, in 2015, a record 896 million passengers traversed America's skies. Our aviation system contributes \$1.5 trillion to our Nation's economy and it supports 11.8 million jobs for hard-working Americans, as noted by the National Air Traffic Controllers Association.

The Senate's FAA reauthorization bill will make our aviation system stronger for families, children, veterans, and the traveling public. It will also benefit Nebraska's rural airports and local aviation stakeholders. Notably, this carefully negotiated bill will strengthen America's aviation system without raising fees or taxes on airline passengers.

Our robust, bipartisan legislation includes several major priorities I championed. I am proud of bipartisan language I worked to include in the bill, along with Senators BOOKER, CANTWELL, and AYOTTE. Our provision would compel the FAA to work with the airline industry to comprehensively assess and update guidelines for emergency medical kits on commercial aircraft. These kits, which haven't been statutorily updated since 1998, provide lifesaving resources for passengers. It is well past time for the FAA to evaluate medications and equipment included in these kits. Doing so will ensure all passengers,

particularly families with young infants facing unknown allergic reactions, have access to the medical supplies they might need in an emergency situation.

In addition, I worked with Senator McCASKILL to include an amendment that would make it easier for traveling mothers to care for their young infants. Our amendment unanimously passed the Commerce Committee. We worked closely with airport stakeholders, including Omaha's Eppley Airfield, to establish reasonable minimum standards for both medium- and large-hub airports to develop private rooms for nursing mothers in future capital development plans. Traveling as a new mom can be challenging and it can be stressful at times, but I believe this important change will provide increased flexibility and also peace of mind for mothers traveling through airports across our country.

I also joined Senator HIRONO to include an amendment that would ensure disabled veterans working at the FAA have access to service-connected disability leave. The FAA was one of the few agencies not included in the recently passed Wounded Warriors Federal Leave Act. That bill required Federal agencies to ensure disabled vets have access to service-connected disability leave. Our disabled veterans bravely served our country, and they deserve access to benefits they have earned. I am grateful for the achievements this bill will advance for the flying public. At the same time, the bill is also a victory for Nebraska's rural communities and airports.

The Small Airport Regulation Relief Act, which is included in the FAA bill, would create a temporary exemption for small airports so they can continue to receive airport improvement program funds—those AIP funds—despite downturns in air service. The survival of smaller airports, such as Scottsbluff's Western Nebraska Regional Airport, depends on these crucial funds to provide service to local passengers and businesses. Several of Nebraska's small and community airports, such as Alliance, Chadron, Grand Island, McCook, North Platte, and Scottsbluff, will also benefit from a continuation of the Essential Air Service, or EAS, Program. The EAS Program incentivizes air carriers to provide service to underserved and rural areas, and it is critical to ensuring air service continues for Nebraska's rural communities.

Meanwhile, the Central Nebraska Regional Airport in Grand Island is growing and hosts a privately operated Federal contract tower. I encouraged the inclusion of provisions to compel the FAA to complete a pending cost-benefit analysis for Federal contract tower airports. This analysis would reflect the cost-share arrangement more accurately between our local airports and the FAA for those contract towers. Through this legislation, we can help to reduce the burden on local airports such as Grand Island, NE.

One of the major challenges facing aviation manufacturers has been the FAA's inconsistent and often unclear regulatory process. I collaborated with Duncan Aviation of Lincoln, NE, the largest family-owned maintenance, repair, and overhaul organization in the world, to address this challenge. In fact, Chairman THUNE toured the facilities at Duncan Aviation with me in Lincoln last fall.

Our bill would provide clarity to aviation businesses like Duncan Aviation by compelling the FAA to establish a centralized safety guidance database. Moreover, the bill would require the FAA to establish a Regulatory Consistency Communications Board. The Board would set standards to ensure the consistent application of regulations and guidance at regional offices throughout our country. Agricultural aviators in Nebraska will also benefit from safety enhancements in this bill. Far too many of our agricultural pilots have died in recent years after collisions with unmarked utility towers.

This legislation would ensure that towers are marked to create safer skies for our agriculture pilots. Passing our FAA bill will be a major accomplishment for the Senate. I appreciate and commend the hard work of Chairman THUNE, Ranking Member NELSON, and their committee staffers on this meaningful FAA reauthorization bill. In the coming days, I look forward to working together to help pass this critical legislation that will benefit the flying public, our national aviation system, and Nebraska's rural airports and aviation stakeholders.

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

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

Mr. THUNE. Mr. President, I ask unanimous consent that my amendment numbered 3512 be modified with the changes at the desk and that at 12:05 p.m. today the Senate vote on the following amendments in the order listed: Thune No. 3512, as modified; and Heinrich No. 3482, as modified; further that at 1:45 p.m. today the Senate vote on the Schumer amendment No. 3483 and that no second-degree amendments be in order to any of the amendments prior to the vote and that there be 2 minutes equally divided prior to each vote.

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

The amendment (No. 3512), as modified, is as follows:

At the appropriate place, insert the following:

**TITLE _____ —TRANSPORTATION
SECURITY AND TERRORISM PREVENTION
Subtitle A—Airport Security Enhancement
and Oversight Act**

SEC. 101. SHORT TITLE.

This subtitle may be cited as the "Airport Security Enhancement and Oversight Act".

SEC. 102. FINDINGS.

Congress makes the following findings:

(1) A number of recent airport security breaches in the United States have involved the use of Secure Identification Display Area (referred to in this section as "SIDA") badges, the credentials used by airport and airline workers to access the secure areas of an airport.

(2) In December 2014, a Delta ramp agent at Hartsfield-Jackson Atlanta International Airport was charged with using his SIDA badge to bypass airport security checkpoints and facilitate an interstate gun smuggling operation over a number of months via commercial aircraft.

(3) In January 2015, an Atlanta-based Aviation Safety Inspector of the Federal Aviation Administration used his SIDA badge to bypass airport security checkpoints and transport a firearm in his carry-on luggage.

(4) In February 2015, a local news investigation found that over 1,000 SIDA badges at Hartsfield-Jackson Atlanta International Airport were lost or missing.

(5) In March 2015, and again in May 2015, Transportation Security Administration contractors were indicted for participating in a drug smuggling ring using luggage passed through the secure area of the San Francisco International Airport.

(6) The Administration has indicated that it does not maintain a list of lost or missing SIDA badges, and instead relies on airport operators to track airport worker credentials.

(7) The Administration rarely uses its enforcement authority to fine airport operators that reach a certain threshold of missing SIDA badges.

(8) In April 2015, the Aviation Security Advisory Committee issued 28 recommendations for improvements to airport access control.

(9) In June 2015, the Inspector General of the Department of Homeland Security reported that the Administration did not have all relevant information regarding 73 airport workers who had records in United States intelligence-related databases because the Administration was not authorized to receive all terrorism-related information under current interagency watchlisting policy.

(10) The Inspector General also found that the Administration did not have appropriate checks in place to reject incomplete or inaccurate airport worker employment investigations, including criminal history record checks and work authorization verifications, and had limited oversight over the airport operators that the Administration relies on to perform criminal history and work authorization checks for airport workers.

(11) There is growing concern about the potential insider threat at airports in light of recent terrorist activities.

SEC. 103. DEFINITIONS.

In this subtitle:

(1) ADMINISTRATION.—The term "Administration" means the Transportation Security Administration.

(2) ADMINISTRATOR.—The term "Administrator" means the Administrator of the Transportation Security Administration.

(3) APPROPRIATE COMMITTEES OF CONGRESS.—The term "appropriate committees of Congress" means—

(A) the Committee on Commerce, Science, and Transportation of the Senate;

(B) the Committee on Homeland Security and Governmental Affairs of the Senate; and

(C) the Committee on Homeland Security of the House of Representatives.

(4) ASAC.—The term “ASAC” means the Aviation Security Advisory Committee established under section 44946 of title 49, United States Code.

(5) SECRETARY.—The term “Secretary” means the Secretary of Homeland Security.

(6) SIDA.—The term “SIDA” means Secure Identification Display Area as defined in section 1540.5 of title 49, Code of Federal Regulations, or any successor regulation to such section.

SEC. 104. THREAT ASSESSMENT.

(a) INSIDER THREATS.—

(1) IN GENERAL.—Not later than 90 days after the date of enactment of this Act, the Administrator shall conduct or update an assessment to determine the level of risk posed to the domestic air transportation system by individuals with unescorted access to a secure area of an airport (as defined in section 44903(j)(2)(H)) in light of recent international terrorist activity.

(2) CONSIDERATIONS.—In conducting or updating the assessment under paragraph (1), the Administrator shall consider—

(A) domestic intelligence;

(B) international intelligence;

(C) the vulnerabilities associated with unescorted access authority granted to domestic airport operators and air carriers, and their employees;

(D) the vulnerabilities associated with unescorted access authority granted to foreign airport operators and air carriers, and their employees;

(E) the processes and practices designed to mitigate the vulnerabilities associated with unescorted access privileges granted to airport operators and air carriers, and their employees;

(F) the recent security breaches at domestic and foreign airports; and

(G) the recent security improvements at domestic airports, including the implementation of recommendations made by relevant advisory committees.

(b) REPORTS TO CONGRESS.—The Administrator shall submit to the appropriate committees of Congress—

(1) a report on the results of the assessment under subsection (a), including any recommendations for improving aviation security;

(2) a report on the implementation status of any recommendations made by the ASAC; and

(3) regular updates about the insider threat environment as new information becomes available and as needed.

SEC. 105. OVERSIGHT.

(a) ENHANCED REQUIREMENTS.—

(1) IN GENERAL.—Subject to public notice and comment, and in consultation with airport operators, the Administrator shall update the rules on access controls issued by the Secretary under chapter 449 of title 49, United States Code.

(2) CONSIDERATIONS.—As part of the update under paragraph (1), the Administrator shall consider—

(A) increased fines and advanced oversight for airport operators that report missing more than 5 percent of credentials for unescorted access to any SIDA of an airport;

(B) best practices for Category X airport operators that report missing more than 3 percent of credentials for unescorted access to any SIDA of an airport;

(C) additional audits and status checks for airport operators that report missing more than 3 percent of credentials for unescorted access to any SIDA of an airport;

(D) review and analysis of the prior 5 years of audits for airport operators that report

missing more than 3 percent of credentials for unescorted access to any SIDA of an airport;

(E) increased fines and direct enforcement requirements for both airport workers and their employers that fail to report within 24 hours an employment termination or a missing credential for unescorted access to any SIDA of an airport; and

(F) a method for termination by the employer of any airport worker that fails to report in a timely manner missing credentials for unescorted access to any SIDA of an airport.

(b) TEMPORARY CREDENTIALS.—The Administrator may encourage the issuance by airport and aircraft operators of free one-time, 24-hour temporary credentials for workers who have reported their credentials missing, but not permanently lost, stolen, or destroyed, in a timely manner, until replacement of credentials under section 1542.211 of title 49 Code of Federal Regulations is necessary.

(c) NOTIFICATION AND REPORT TO CONGRESS.—The Administrator shall—

(1) notify the appropriate committees of Congress each time an airport operator reports that more than 3 percent of credentials for unescorted access to any SIDA at a Category X airport are missing or more than 5 percent of credentials to access any SIDA at any other airport are missing; and

(2) submit to the appropriate committees of Congress an annual report on the number of violations and fines related to unescorted access to the SIDA of an airport collected in the preceding fiscal year.

SEC. 106. CREDENTIALS.

(a) LAWFUL STATUS.—Not later than 90 days after the date of enactment of this Act, the Administrator shall issue guidance to airport operators regarding placement of an expiration date on each airport credential issued to a non-United States citizen no longer than the period of time during which that non-United States citizen is lawfully authorized to work in the United States.

(b) REVIEW OF PROCEDURES.—

(1) IN GENERAL.—Not later than 90 days after the date of enactment of this Act, the Administrator shall—

(A) issue guidance for transportation security inspectors to annually review the procedures of airport operators and air carriers for applicants seeking unescorted access to any SIDA of an airport; and

(B) make available to airport operators and air carriers information on identifying suspicious or fraudulent identification materials.

(2) INCLUSIONS.—The guidance shall require a comprehensive review of background checks and employment authorization documents issued by the Citizenship and Immigration Services during the course of a review of procedures under paragraph (1).

SEC. 107. VETTING.

(a) ELIGIBILITY REQUIREMENTS.—

(1) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, and subject to public notice and comment, the Administrator shall revise the regulations issued under section 44936 of title 49, United States Code, in accordance with this section and current knowledge of insider threats and intelligence, to enhance the eligibility requirements and disqualifying criminal offenses for individuals seeking or having unescorted access to a SIDA of an airport.

(2) DISQUALIFYING CRIMINAL OFFENSES.—In revising the regulations under paragraph (1), the Administrator shall consider adding to the list of disqualifying criminal offenses and criteria the offenses and criteria listed in section 122.183(a)(4) of title 19, Code of Federal Regulations and section 1572.103 of title 49, Code of Federal Regulations.

(3) WAIVER PROCESS FOR DENIED CREDENTIALS.—Notwithstanding section 44936(b) of title 49, United States Code, in revising the regulations under paragraph (1) of this subsection, the Administrator shall—

(A) ensure there exists or is developed a waiver process for approving the issuance of credentials for unescorted access to the SIDA, for an individual found to be otherwise ineligible for such credentials; and

(B) consider, as appropriate and practicable—

(i) the circumstances of any disqualifying act or offense, restitution made by the individual, Federal and State mitigation remedies, and other factors from which it may be concluded that the individual does not pose a terrorism risk or a risk to aviation security warranting denial of the credential; and

(ii) the elements of the appeals and waiver process established under section 70105(c) of title 46, United States Code.

(4) LOOK BACK.—In revising the regulations under paragraph (1), the Administrator shall propose that an individual be disqualified if the individual was convicted, or found not guilty by reason of insanity, of a disqualifying criminal offense within 15 years before the date of an individual's application, or if the individual was incarcerated for that crime and released from incarceration within 5 years before the date of the individual's application.

(5) CERTIFICATIONS.—The Administrator shall require an airport or aircraft operator, as applicable, to certify for each individual who receives unescorted access to any SIDA of an airport that—

(A) a specific need exists for providing that individual with unescorted access authority; and

(B) the individual has certified to the airport or aircraft operator that the individual understands the requirements for possessing a SIDA badge.

(6) REPORT TO CONGRESS.—Not later than 90 days after the date of enactment, the Administrator shall submit to the appropriate committees of Congress a report on the status of the revision to the regulations issued under section 44936 of title 49, United States Code, in accordance with this section.

(7) RULE OF CONSTRUCTION.—Nothing in this subsection may be construed to affect existing aviation worker vetting fees imposed by the Administration.

(b) RECURRENT VETTING.—

(1) IN GENERAL.—Not later than 90 days after the date of enactment of this Act, the Administrator and the Director of the Federal Bureau of Investigation shall fully implement the Rap Back service for recurrent vetting of eligible Administration-regulated populations of individuals with unescorted access to any SIDA of an airport.

(2) REQUIREMENTS.—As part of the requirement in paragraph (1), the Administrator shall ensure that—

(A) any status notifications the Administration receives through the Rap Back service about criminal offenses be limited to only disqualifying criminal offenses in accordance with the regulations promulgated by the Administration under section 44903 of title 49, United States Code, or other Federal law; and

(B) any information received by the Administration through the Rap Back service is provided directly and immediately to the relevant airport and aircraft operators.

(3) REPORT TO CONGRESS.—Not later than 60 days after the date of enactment of this Act, the Administrator shall submit to the appropriate committees of Congress a report on the implementation status of the Rap Back service.

(c) ACCESS TO TERRORISM-RELATED DATA.—Not later than 30 days after the date of enactment of this Act, the Administrator and the Director of National Intelligence shall coordinate to ensure that the Administrator is authorized to receive automated, real-time access to additional Terrorist Identities Datamart Environment (TIDE) data and any other terrorism related category codes to improve the effectiveness of the Administration’s credential vetting program for individuals that are seeking or have unescorted access to a SIDA of an airport.

(d) ACCESS TO E-VERIFY AND SAVE PROGRAMS.—Not later than 90 days after the date of enactment of this Act, the Secretary shall authorize each airport operator to have direct access to the E-Verify program and the Systematic Alien Verification for Entitlements (SAVE) automated system to determine the eligibility of individuals seeking unescorted access to a SIDA of an airport.

SEC. 108. METRICS.

(a) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Administrator shall develop and implement performance metrics to measure the effectiveness of security for the SIDAs of airports.

(b) CONSIDERATIONS.—In developing the performance metrics under subsection (a), the Administrator may consider—

- (1) adherence to access point procedures;
- (2) proper use of credentials;
- (3) differences in access point requirements between airport workers performing functions on the airside of an airport and airport workers performing functions in other areas of an airport;
- (4) differences in access point characteristics and requirements at airports; and
- (5) any additional factors the Administrator considers necessary to measure performance.

SEC. 109. INSPECTIONS AND ASSESSMENTS.

(a) MODEL AND BEST PRACTICES.—Not later than 180 days after the date of enactment of this Act, the Administrator, in consultation with the ASAC, shall develop a model and best practices for unescorted access security that—

- (1) use intelligence, scientific algorithms, and risk-based factors;
- (2) ensure integrity, accountability, and control;
- (3) subject airport workers to random physical security inspections conducted by Administration representatives in accordance with this section;
- (4) appropriately manage the number of SIDA access points to improve supervision of and reduce unauthorized access to these areas; and
- (5) include validation of identification materials, such as with biometrics.

(b) INSPECTIONS.—Consistent with a risk-based security approach, the Administrator shall expand the use of transportation security officers and inspectors to conduct enhanced, random and unpredictable, data-driven, and operationally dynamic physical inspections of airport workers in each SIDA of an airport and at each SIDA access point—

- (1) to verify the credentials of airport workers;
- (2) to determine whether airport workers possess prohibited items, except for those that may be necessary for the performance of their duties, as appropriate, in any SIDA of an airport; and
- (3) to verify whether airport workers are following appropriate procedures to access a SIDA of an airport.

(c) SCREENING REVIEW.—

(1) IN GENERAL.—The Administrator shall conduct a review of airports that have imple-

mented additional airport worker screening or perimeter security to improve airport security, including—

- (A) comprehensive airport worker screening at access points to secure areas;
- (B) comprehensive perimeter screening, including vehicles;
- (C) enhanced fencing or perimeter sensors; and
- (D) any additional airport worker screening or perimeter security measures the Administrator identifies.

(2) BEST PRACTICES.—After completing the review under paragraph (1), the Administrator shall—

- (A) identify best practices for additional access control and airport worker security at airports; and
- (B) disseminate the best practices identified under subparagraph (A) to airport operators.

(3) PILOT PROGRAM.—The Administrator may conduct a pilot program at 1 or more airports to test and validate best practices for comprehensive airport worker screening or perimeter security under paragraph (2).

SEC. 110. COVERT TESTING.

(a) IN GENERAL.—The Administrator shall increase the use of red-team, covert testing of access controls to any secure areas of an airport.

(b) ADDITIONAL COVERT TESTING.—The Inspector General of the Department of Homeland Security shall conduct red-team, covert testing of airport access controls to the SIDA of airports.

(c) REPORTS TO CONGRESS.—

(1) ADMINISTRATOR REPORT.—Not later than 90 days after the date of enactment of this Act, the Administrator shall submit to the appropriate committee of Congress a report on the progress to expand the use of inspections and of red-team, covert testing under subsection (a).

(2) INSPECTOR GENERAL REPORT.—Not later than 180 days after the date of enactment of this Act, the Inspector General of the Department of Homeland Security shall submit to the appropriate committee of Congress a report on the effectiveness of airport access controls to the SIDA of airports based on red-team, covert testing under subsection (b).

SEC. 111. SECURITY DIRECTIVES.

(a) REVIEW.—Not later than 180 days after the date of enactment of this Act, and annually thereafter, the Administrator, in consultation with the appropriate regulated entities, shall conduct a comprehensive review of every current security directive addressed to any regulated entity—

- (1) to determine whether the security directive continues to be relevant;
- (2) to determine whether the security directives should be streamlined or consolidated to most efficiently maximize risk reduction; and
- (3) to update, consolidate, or revoke any security directive as necessary.

(b) NOTICE.—For each security directive that the Administrator issues, the Administrator shall submit to the appropriate committees of Congress notice of—

- (1) the extent to which the security directive responds to a specific threat, security threat assessment, or emergency situation against civil aviation; and
- (2) when it is anticipated that the security directive will expire.

SEC. 112. IMPLEMENTATION REPORT.

Not later than 1 year after the date of enactment of this Act, the Comptroller General of the United States shall—

- (1) assess the progress made by the Administration and the effect on aviation security of implementing the requirements under sections 104 through 111 of this Act; and

(2) report to the appropriate committees of Congress on the results of the assessment under paragraph (1), including any recommendations.

SEC. 113. MISCELLANEOUS AMENDMENTS.

(a) ASAC TERMS OF OFFICE.—Section 44946(c)(2)(A) is amended to read as follows:

“(A) TERMS.—The term of each member of the Advisory Committee shall be 2 years, but a member may continue to serve until the Assistant Secretary appoints a successor. A member of the Advisory Committee may be reappointed.”.

(b) FEEDBACK.—Section 44946(b)(5) is amended to read as follows:

“(5) FEEDBACK.—Not later than 90 days after receiving recommendations transmitted by the Advisory Committee under paragraph (2) or paragraph (4), the Assistant Secretary shall respond in writing to the Advisory Committee with feedback on each of the recommendations, an action plan to implement any of the recommendations with which the Assistant Secretary concurs, and a justification for why any of the recommendations have been rejected.”.

Subtitle B—TSA PreCheck Expansion Act

SEC. 201. SHORT TITLE.

This subtitle may be cited as the “TSA PreCheck Expansion Act”.

SEC. 202. DEFINITIONS.

In this subtitle:

(1) ADMINISTRATOR.—The term “Administrator” means the Administrator of the Transportation Security Administration.

(2) DEPARTMENT.—The term “Department” means the Department of Homeland Security.

(3) PRECHECK PROGRAM.—The term “PreCheck Program” means the trusted traveler program implemented by the Transportation Security Administration under section 109(a)(3) of the Aviation and Transportation Security Act (49 U.S.C. 114).

(4) TSA.—The term “TSA” means the Transportation Security Administration.

SEC. 203. PRECHECK PROGRAM AUTHORIZATION.

The Administrator shall continue to administer the PreCheck Program established under the authority of the Aviation and Transportation Security Act (Public Law 107-71; 115 Stat. 597).

SEC. 204. PRECHECK PROGRAM ENROLLMENT EXPANSION.

(a) IN GENERAL.—Not later than 90 days after the date of enactment of this Act, the Administrator shall publish PreCheck Program enrollment standards that add multiple private sector application capabilities for the PreCheck Program to increase the public’s enrollment access to the program, including standards that allow the use of secure technologies, including online enrollment, kiosks, tablets, or staffed laptop stations at which individuals can apply for entry into the program.

(b) REQUIREMENTS.—Upon publication of the PreCheck Program enrollment standards under subsection (a), the Administrator shall—

- (1) coordinate with interested parties—
 - (A) to deploy TSA-approved ready-to-market private sector solutions that meet the PreCheck Program enrollment standards under subsection (a);
 - (B) to make available additional PreCheck Program enrollment capabilities; and
 - (C) to offer secure online and mobile enrollment opportunities;
- (2) partner with the private sector to collect biographic and biometric identification information via kiosks, mobile devices, or other mobile enrollment platforms to increase enrollment flexibility and minimize the amount of travel to enrollment centers for applicants;

(3) ensure that any information, including biographic information, is collected in a manner that—

(A) is comparable with the appropriate and applicable standards developed by the National Institute of Standards and Technology; and

(B) protects privacy and data security, including that any personally identifiable information is collected, retained, used, and shared in a manner consistent with section 552a of title 5, United States Code (commonly known as “Privacy Act of 1974”), and with agency regulations;

(4) ensure that the enrollment process is streamlined and flexible to allow an individual to provide additional information to complete enrollment and verify identity; and

(5) ensure that any enrollment expansion using a private sector risk assessment instead of a fingerprint-based criminal history records check is evaluated and certified by the Secretary of Homeland Security, and verified by the Government Accountability Office or a federally funded research and development center after award to be equivalent to a fingerprint-based criminal history records check conducted through the Federal Bureau of Investigation, with respect to the effectiveness in identifying individuals who are not qualified to participate in the PreCheck Program due to disqualifying criminal history; and

(6) ensure that the Secretary has certified that reasonable procedures are in place with regard to the accuracy, relevancy, and proper utilization of information employed in private sector risk assessments.

(c) **MARKETING OF PRECHECK PROGRAM.**—Upon publication of PreCheck Program enrollment standards under subsection (a), the Administrator shall—

(1) in accordance with those standards, develop and implement—

(A) a continual process, including an associated timeframe, for approving private sector marketing of the PreCheck Program; and

(B) a long-term strategy for partnering with the private sector to encourage enrollment in such program;

(2) submit to Congress, at the end of each fiscal year, a report on any PreCheck Program application fees collected in excess of the costs of administering the program, including to access the feasibility of the program, for the preceding fiscal year; and

(3) include in the report under paragraph (2) recommendations for using such amounts to support marketing of the program under this subsection.

(d) **IDENTITY VERIFICATION ENHANCEMENT.**—Not later than 120 days after the date of enactment of this Act, the Administrator shall—

(1) coordinate with the heads of appropriate components of the Department to leverage department-held data and technologies to verify the citizenship of individuals enrolling in the PreCheck Program;

(2) partner with the private sector to use biometrics and authentication standards, such as relevant standards developed by the National Institute of Standards and Technology, to facilitate enrollment in the program; and

(3) consider leveraging the existing resources and abilities of airports to conduct fingerprint and background checks to expedite identity verification.

(e) **PRECHECK PROGRAM LANES OPERATION.**—The Administrator shall—

(1) ensure that PreCheck Program screening lanes are open and available during peak and high-volume travel times at appropriate airports to individuals enrolled in the PreCheck Program; and

(2) make every practicable effort to provide expedited screening at standard screen-

ing lanes during times when PreCheck Program screening lanes are closed to individuals enrolled in the program in order to maintain operational efficiency.

(f) **VETTING FOR PRECHECK PROGRAM PARTICIPANTS.**—Not later than 90 days after the date of enactment of this Act, the Administrator shall initiate an assessment to identify any security vulnerabilities in the vetting process for the PreCheck Program, including determining whether subjecting PreCheck Program participants to recurrent fingerprint-based criminal history records checks, in addition to recurrent checks against the terrorist watchlist, could be done in a cost-effective manner to strengthen the security of the PreCheck Program.

Subtitle C—Securing Aviation From Foreign Entry Points and Guarding Airports Through Enhanced Security Act of 2016

SEC. 301. SHORT TITLE.

This subtitle may be cited as the “Securing Aviation from Foreign Entry Points and Guarding Airports Through Enhanced Security Act of 2016”.

SEC. 302. LAST POINT OF DEPARTURE AIRPORT SECURITY ASSESSMENT.

(a) **IN GENERAL.**—Not later than 180 days after the date of enactment of this Act, the Administrator of the Transportation Security Administration shall conduct a comprehensive security risk assessment of all last point of departure airports with nonstop flights to the United States.

(b) **CONTENTS.**—The security risk assessment required under subsection (a) shall include consideration of the following:

(1) The level of coordination and cooperation between the Transportation Security Administration and the foreign government of the country in which the last point of departure airport with nonstop flights to the United States is located.

(2) The intelligence and threat mitigation capabilities of the country in which such airport is located.

(3) The number of known or suspected terrorists annually transiting through such airport.

(4) The degree to which the foreign government of the country in which such airport is located mandates, encourages or prohibits the collection, analysis, and sharing of passenger name records.

(5) The passenger security screening practices, capabilities, and capacity of such airport.

(6) The security vetting undergone by aviation workers at such airport.

(7) The access controls utilized by such airport to limit to authorized personnel access to secure and sterile areas of such airports.

SEC. 303. SECURITY COORDINATION ENHANCEMENT PLAN.

(a) **IN GENERAL.**—Not later than 240 days after the date of enactment of this Act, the Administrator of the Transportation Security Administration shall submit to Congress and the Government Accountability Office a plan—

(1) to enhance and bolster security collaboration, coordination, and information sharing relating to securing international-inbound aviation between the United States and domestic and foreign partners, including U.S. Customs and Border Protection, foreign government entities, passenger air carriers, cargo air carriers, and United States Government entities, in order to enhance security capabilities at foreign airports, including airports that may not have nonstop flights to the United States but are nonetheless determined by the Administrator to be high risk; and

(2) that includes an assessment of the ability of the Administration to enter into a mutual agreement with a foreign government

entity that permits Administration representatives to conduct without prior notice inspections of foreign airports.

(b) **GAO REVIEW.**—Not later than 180 days after the submission of the plan required under subsection (a), the Comptroller General of the United States shall review the efforts, capabilities, and effectiveness of the Transportation Security Administration to enhance security capabilities at foreign airports and determine if the implementation of such efforts and capabilities effectively secures international-inbound aviation.

SEC. 304. WORKFORCE ASSESSMENT.

Not later than 270 days after the date of enactment of this Act, the Administrator of the Transportation Security Administration shall submit to Congress a comprehensive workforce assessment of all Administration personnel within the Office of Global Strategies of the Administration or whose primary professional duties contribute to the Administration’s global efforts to secure transportation security, including a review of whether such personnel are assigned in a risk-based, intelligence-driven manner.

SEC. 305. DONATION OF SCREENING EQUIPMENT TO PROTECT THE UNITED STATES.

(a) **IN GENERAL.**—The Administrator of the Transportation Security Administration is authorized to donate security screening equipment to a foreign last point of departure airport operator if such equipment can be reasonably expected to mitigate a specific vulnerability to the security of the United States or United States citizens.

(b) **REPORT.**—Not later than 30 days before any donation of security screening equipment pursuant to subsection (a), the Administrator of the Transportation Security Administration shall provide to the Committee on Homeland Security and Governmental Affairs and the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Homeland Security of the House of Representatives a detailed written explanation of the following:

(1) The specific vulnerability to the United States or United States citizens that will be mitigated by such donation.

(2) An explanation as to why the recipient of such donation is unable or unwilling to purchase security screening equipment to mitigate such vulnerability.

(3) An evacuation plan for sensitive technologies in case of emergency or instability in the country to which such donation is being made.

(4) How the Administrator will ensure the security screening equipment that is being donated is used and maintained over the course of its life by the recipient.

(5) The total dollar value of such donation.

SEC. 306. NATIONAL CARGO SECURITY PROGRAM.

(a) **IN GENERAL.**—The Administrator of the Transportation Security Administration may evaluate foreign countries’ air cargo security programs to determine whether such programs provide a level of security commensurate with the level of security required by United States air cargo security programs.

(b) **APPROVAL AND RECOGNITION.**—

(1) **IN GENERAL.**—If the Administrator of the Transportation Security Administration determines that a foreign country’s air cargo security program evaluated under subsection (a) provides a level of security commensurate with the level of security required by United States air cargo security programs, the Administrator shall approve and officially recognize such foreign country’s air cargo security program.

(2) **EFFECT OF APPROVAL AND RECOGNITION.**—If the Administrator of the Transportation

Security Administration approves and officially recognizes pursuant to paragraph (1) a foreign country's air cargo security program, cargo aircraft of such foreign country shall not be required to adhere to United States air cargo security programs that would otherwise be applicable.

(c) REVOCATION AND SUSPENSION.—

(1) IN GENERAL.—If the Administrator of the Transportation Security Administration determines at any time that a foreign country's air cargo security program approved and officially recognized under subsection (b) no longer provides a level of security commensurate with the level of security required by United States air cargo security programs, the Administrator may revoke or temporarily suspend such approval and official recognition until such time as the Administrator determines that such foreign country's cargo security programs provide a level of security commensurate with the level of security required by such United States air cargo security programs.

(2) NOTIFICATION.—If the Administrator of the Transportation Security Administration revokes or suspends pursuant to paragraph (1) a foreign country's air cargo security program, the Administrator shall notify the Committee on Homeland Security of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate not later than 30 days after such revocation or suspension.

Subtitle D—Miscellaneous

SEC. 401. INTERNATIONAL TRAINING AND CAPACITY DEVELOPMENT.

(a) IN GENERAL.—In accordance with section 114 of title 49, United States Code, the Administrator of the Transportation Security Administration shall establish an international training and capacity development program to train the appropriate authorities of foreign governments in air transportation security.

(b) CONTENTS OF TRAINING.—If the Administrator determines that a foreign government would benefit from training and capacity development assistance, the Administrator may provide to the appropriate authorities of that foreign government technical assistance and training programs to strengthen aviation security in managerial, operational, and technical areas, including—

- (1) active shooter scenarios;
- (2) incident response;
- (3) use of canines;
- (4) mitigation of insider threats;
- (5) perimeter security;
- (6) operation and maintenance of security screening technology; and
- (7) recurrent related training and exercises.

SEC. 402. CHECKPOINTS OF THE FUTURE.

(a) IN GENERAL.—The Administrator of the Transportation Security Administration, in accordance with chapter 449 of title 49, United States Code, shall request the Aviation Security Advisory Committee to develop recommendations for more efficient and effective passenger screening processes.

(b) CONSIDERATIONS.—In making recommendations to improve existing passenger screening processes, the Aviation Security Advisory Committee shall consider—

- (1) the configuration of a checkpoint;
- (2) technology innovation;
- (3) ways to address any vulnerabilities identified in audits of checkpoint operations;
- (4) ways to prevent security breaches at airports where Federal security screening is provided;
- (5) best practices in aviation security;
- (6) recommendations from airport and aircraft operators, and any relevant advisory committees; and
- (7) "curb to curb" processes and procedures.

(c) REPORT.—Not later than 1 year after the date of enactment of this Act, the Administrator shall submit to the appropriate committees of Congress a report on the results of the Aviation Security Advisory Committee review, including any recommendations for improving screening processes.

AMENDMENTS NOS. 3458, AS MODIFIED; 3495; AND 3524 EN BLOC TO AMENDMENT NO. 3464

Mr. THUNE. Mr. President, finally, I ask unanimous consent to set aside the pending amendment in order to call up the following amendments: Casey-Toomey No. 3458, as modified; Heller No. 3495; and Bennet No. 3524.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The Senator from Florida.

Mr. NELSON. Mr. President, I obviously support the agreement. This is a good first step in moving this FAA bill along.

The PRESIDING OFFICER. The clerk will report the amendments en bloc.

The legislative clerk read as follows:

The Senator from South Dakota [Mr. THUNE], for others, proposes amendments numbered 3458, as modified; and 3495 en bloc to amendment No. 3464.

The Senator from Florida [Mr. NELSON], for Mr. BENNET, proposes an amendment numbered 3524 to amendment No. 3464.

The amendments are as follows:

AMENDMENT NO. 3458, AS MODIFIED

(Purpose: To protect passengers in air transportation, pilots, and flight attendants from terrorists and mentally unstable individuals by requiring the installation of secondary barriers to prevent cockpit intrusions)

Strike section 5010 and insert the following:

SEC. 5010. SECONDARY COCKPIT BARRIERS.

(a) SHORT TITLE.—This section may be cited as the "Saracini Aviation Safety Act of 2016".

(b) REQUIREMENT.—Not later than one year after the date of the enactment of this Act, the Administrator of the Federal Aviation Administration shall issue an order requiring installation of a secondary cockpit barrier on each new aircraft that is manufactured for delivery to a passenger air carrier in the United States operating under the provisions of part 121 of title 14, Code of Federal Regulations.

AMENDMENT NO. 3495

(Purpose: To improve employment opportunities for veterans by requiring the Administrator of the Federal Aviation Administration to determine whether occupations at the Administration relating to unmanned aircraft systems technology and regulations can be incorporated into the Veterans Employment Program of the Administration)

At the appropriate place, insert the following:

SEC. ____ . INCORPORATION OF FEDERAL AVIATION ADMINISTRATION OCCUPATIONS RELATING TO UNMANNED AIRCRAFT INTO VETERANS EMPLOYMENT PROGRAMS OF THE ADMINISTRATION.

Not later than 180 days after the date of the enactment of this Act, the Administrator of the Federal Aviation Administration, in consultation with the Secretary of Veterans Affairs, the Secretary of Defense, and the Secretary of Labor, shall determine whether occupations of the Administration

relating to unmanned aircraft systems technology and regulations can be incorporated into the Veterans Employment Program of the Administration, particularly in the interaction between such program and the New Sights Work Experience Program and the Vet-Link Cooperative Education Program.

AMENDMENT NO. 3524

(Purpose: To improve air service for families and pregnant women)

Strike section 3113 and insert the following:

SEC. 3113. LASTING IMPROVEMENTS TO FAMILY TRAVEL.

(a) SHORT TITLE.—This section may be cited as the "Lasting Improvements to Family Travel Act" or the "LIFT Act".

(b) ACCOMPANYING MINORS FOR SECURITY SCREENING.—The Administrator of the Transportation Security Administration shall formalize security screening procedures that allow for one adult family caregiver to accompany a minor child throughout the entirety of the security screening process.

(c) SPECIAL ACCOMMODATIONS FOR PREGNANT WOMEN.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Transportation shall prescribe regulations under section 41705 of title 49, United States Code, that direct all air carriers to include pregnant women in their nondiscrimination policies, including policies with respect to preboarding or advance boarding of aircraft.

(d) FAMILY SEATING.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall prescribe regulations directing each air carrier to establish a policy that ensures that, if a family is traveling on a reservation with a child under the age of 13, that child is able to sit in a seat adjacent to the seat of an accompanying family member over the age of 13 at no additional cost.

AMENDMENT NO. 3512, AS MODIFIED

Mr. THUNE. Mr. President, if I might just speak to amendment No. 3512, which we will be voting on momentarily, I know Senator NELSON has already spoken on this issue. We worked very hard on a series of security bills that we could bring to the floor. We are trying to move them separately, but I think they fit nicely into the debate we are having on the FAA reauthorization.

Senators NELSON, AYOTTE, CANTWELL, and I have been leading oversight of airport and airline workers abusing their secure area access badges. This oversight led our committee to approve bipartisan legislation—S. 2361, Airport Security Enhancement and Oversight Act—to tighten the vetting of airport workers with ties to terrorists and serious criminal behavior that should disqualify them from accessing sensitive airport areas.

Just in the past few weeks, a number of badged aviation industry workers have been caught in the act of helping criminal organizations. On March 18, a flight attendant abandoned a suitcase with 68 pounds of cocaine after being confronted by transportation security officers in California. On March 26 in Florida, an airline gate agent was arrested with a backpack containing \$282,400 in cash that he intended to hand off to an associate.

As we work to address the threat of an aviation insider helping terrorists,

criminals who break laws for financial gain and those with a history of violence are a really good place to start. It is high time that we start cracking down on these types of offenses for people who are working in sensitive areas of our airports.

U.S. terrorism experts believe that ISIS is recruiting criminals to join its ranks in Europe, and some of the perpetrators in the deadly attacks in Brussels were previously known to authorities as criminals. Ensuring that airport workers with security credentials are trustworthy is especially important, considering that experts believe an ISIS affiliate may have planted a bomb on a Russian Metrojet flight leaving Egypt with the help of an airport employee, which killed 224 people on board. The recent attacks by ISIS in the unsecured area of the Brussels Airport also underscore the vulnerability of airport areas outside of TSA security screening checkpoints.

The House of Representatives and the Commerce Committee also approved legislation—H.R. 2843, the PreCheck Expansion Act—in December of 2015 to expand the PreCheck program by developing private sector partnerships and capabilities to vet and enroll more individuals. These private sector partners would be required to use an assessment equivalent to a fingerprint-based criminal history record check conducted through the FBI. These changes would increase the number of passengers who are vetted before they get to the airport. As a result, more passengers would receive expedited airport screening and get through security checkpoints more quickly, ensuring they don't pose the kind of easy target that the ISIS suicide bombers exploited at the Brussels Airport.

In addition to the bills approved by our committee on March 23, the House Homeland Security Committee approved H.R. 4698, the SAFE GATES Act of 2016, which would strengthen security at international airports with direct flights to the United States. Specifically, the bill would require TSA to conduct a comprehensive risk assessment of all last-point-of-departure airports, a security coordination enhancement plan, and a workforce assessment. It would authorize the TSA to donate security screening equipment to foreign last-point-of-departure airports and to evaluate foreign countries' air cargo security programs to prevent any shipment of nefarious materials via air cargo.

I believe these bills will help make air travel more secure, and they should advance in the full Senate in this amendment to the FAA bill. I encourage my colleagues to support the Thune-Nelson amendment and then also follow-on with the Heinrich amendment, which will come up shortly after a vote on that amendment. I think the Heinrich amendment also makes a number of important security improvements that will also strengthen airport security.

There has been a discussion about whether there ought to be more VIPR teams. I think there are 30 or so at this point, and the amendment would allow that number to go up to 60. Yesterday we had the opportunity to question the TSA Administrator, Admiral Nefenger, about whether additional VIPR teams would be useful. He said they could put to use anything they were given in terms of additional units that might be deployed to places around the country where they think there is a need. So that is the principal component of the Heinrich amendment, which also addresses some of the security issues.

I don't think we can understate how important security is in light of everything that is going on in the world today. We have people who want to harm Americans, and it is our job to make sure we are giving those authorities who are there to prevent those types of attacks against Americans all the tools they need in order to do their jobs effectively.

I encourage our colleagues here in the Senate—when we have an opportunity to vote here momentarily on both of these security amendments—to support those amendments. They improve and strengthen security at our airports around this country, and I think they fit nicely within the context of the FAA reauthorization bill and the debate we are currently having on the floor of the U.S. Senate.

I yield the floor.

The PRESIDING OFFICER. The senior Senator from Florida.

AMENDMENT NO. 3483 TO AMENDMENT NO. 3464

Mr. NELSON. Mr. President, I ask unanimous consent to call up Schumer amendment No. 3483 and ask that the Schumer and Bennet amendments be NELSON for SCHUMER and BENNET.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The clerk will report.

The bill clerk read as follows:

The Senator from Florida [Mr. NELSON], for Mr. SCHUMER, proposes an amendment numbered 3483 to amendment No. 3464.

Mr. NELSON. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: To require the Federal Aviation Administration to establish minimum standards for space for passengers on passenger aircraft)

At the end of subtitle A of title III, add the following:

SEC. 3124. REGULATIONS RELATING TO SPACE FOR PASSENGERS ON AIRCRAFT.

(a) MORATORIUM ON REDUCTIONS TO AIRCRAFT SEAT SIZE.—Not later than 30 days after the date of the enactment of this Act, the Administrator of the Federal Aviation Administration shall prohibit any air carrier from reducing the size, width, padding, or pitch of seats on passenger aircraft operated by the air carrier, the amount of leg room per seat on such aircraft, or the width of aisles on such aircraft.

(b) REGULATIONS RELATING TO SPACE FOR PASSENGERS ON AIRCRAFT.—Not later than 180 days after the date of the enactment of this Act, the Administrator shall prescribe regulations—

(1) establishing minimum standards for space for passengers on passenger aircraft, including the size, width, padding, and pitch of seats, the amount of leg room per seat, and the width of aisles on such aircraft for the safety, health, and comfort of passengers; and

(2) requiring each air carrier to prominently display on the website of the air carrier the amount of space available for each passenger on passenger aircraft operated by the air carrier, including the size, width, padding, and pitch of seats, the amount of leg room per seat, and the width of aisles on such aircraft.

(c) CONSULTATIONS.—In prescribing the regulations required by subsection (b), the Administrator shall consult with the Occupational Safety and Health Administration, the Centers for Disease Control and Prevention, passenger advocacy organizations, physicians, and ergonomic engineers.

(d) AIR CARRIER DEFINED.—In this section, the term "air carrier" means an air carrier (as defined in section 40102 of title 49, United States Code) that transports passengers by aircraft as a common carrier for compensation.

Mr. NELSON. Mr. President, in just 5 minutes we will have our first series of votes on amendments on this bill. This is a good start to the FAA bill. It is improving the underlying bill that has a lot of attention to security already in it. But these are clearly amendments that will improve the bill.

I spoke about it earlier today. I certainly commend these amendments to the Senate.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER (Mrs. FISCHER). The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

VOTE ON AMENDMENT NO. 3512, AS MODIFIED.

The PRESIDING OFFICER. Under the previous order, there will now be 2 minutes of debate equally divided prior to a vote on amendment No. 3512, as modified, offered by the Senator from South Dakota.

Mr. THUNE. Madam President, I yield back whatever time remains.

The PRESIDING OFFICER. The question is on agreeing to the amendment, as modified.

Mr. THUNE. Madam President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The bill clerk called the roll.

Mr. THUNE. The following Senators are necessarily absent: the Senator from Texas (Mr. CORNYN) and the Senator from Texas (Mr. CRUZ).

Further, if present and voting the Senator from Texas (Mr. CORNYN) would have voted "yea."

Mr. REID. I announce that the Senator from Illinois (Mr. DURBIN), the Senator from Vermont (Mr. SANDERS), and the Senator from New Mexico (Mr. UDALL) are necessarily absent.

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

The result was announced—yeas 85, nays 10, as follows:

[Rollcall Vote No. 41 Leg.]

YEAS—85

Alexander Franken Paul
Ayotte Gardner Perdue
Baldwin Gillibrand Peters
Barrasso Graham Portman
Bennet Grassley Reed
Blumenthal Hatch Reid
Blunt Heinrich Risch
Boozman Heitkamp Roberts
Boxer Heller Rounds
Burr Hoeven Rubio
Cantwell Inhofe Sasse
Capito Isakson Schatz
Cardin Johnson Schumer
Carper Kaine Scott
Cassidy King Sessions
Coats Kirk Shaheen
Cochran Klobuchar Shaheen
Collins Lankford Shelby
Coons Lee Stabenow
Corker Manchin Sullivan
Cotton McCain Tester
Crapo McCaskill Thune
Daines McConnell Tillis
Donnelly Menendez Toomey
Enzi Mikulski Vitter
Ernst Moran Warner
Feinstein Murkowski Whitehouse
Fischer Murphy Wicker
Flake Nelson

NAYS—10

Booker Leahy Warren
Brown Markey Wyden
Casey Merkley
Hirono Murray

NOT VOTING—5

Cornyn Durbin Udall
Cruz Sanders

The amendment (No. 3512), as modified, was agreed to.

AMENDMENT NO. 3482, AS MODIFIED

The PRESIDING OFFICER. Under the previous order, there will now be 2 minutes of debate equally divided prior to a vote on amendment No. 3482, as modified, offered by the Senator from New Mexico.

The Senator from New Mexico.

Mr. HEINRICH. Madam President, airports, bus depots, and train stations are things that we all rely on every day to have the freedom of movement we enjoy in this country.

In the wake of the recent terror attacks in the Brussels Airport and Metro, Americans are worried about their security, and they want to feel safe when traveling with their loved ones.

While we relentlessly target terrorists overseas, we must also do all we can to intelligently protect Americans here at home. My amendment would increase the number of TSA VIPR teams, who provide a visible deterrent to terrorist threats in high-priority locations. These teams are recognizable as they often have bomb-sniffing canines. My amendment would also provide active shooter training for law enforcement and strengthen security in nonsecure so-called soft-target areas,

such as check-in and baggage claim areas.

By employing these additional commonsense safeguards, we will intelligently respond to these threats. Most importantly, by preserving our freedom to go about our daily lives, we will ensure that the terrorists have failed to change how we live and who we are.

The PRESIDING OFFICER. Who yields time?

The Senator from South Dakota.

Mr. THUNE. Madam President, I urge my colleagues to support the Heinrich amendment.

I yield back the remainder of my time.

The PRESIDING OFFICER. The question is on agreeing to amendment No. 3482, as modified.

Ms. KLOBUCHAR. Madam President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The senior assistant legislative clerk called the roll.

Mr. THUNE. The following Senators are necessarily absent: the Senator from Texas (Mr. CORNYN) and the Senator from Texas (Mr. CRUZ). Further, if present and voting, the Senator from Texas (Mr. CORNYN) would have voted "yea."

Mr. REID. I announce that the Senator from Illinois (Mr. DURBIN) and the Senator from Vermont (Mr. SANDERS) are necessarily absent.

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

The result was announced—yeas 91, nays 5, as follows:

[Rollcall Vote No. 42 Leg.]

YEAS—91

Alexander Gillibrand Nelson
Ayotte Graham Perdue
Baldwin Grassley Peters
Bennet Hatch Portman
Blumenthal Heinrich Reed
Blunt Heitkamp Reid
Booker Heller Risch
Boozman Hirono Roberts
Boxer Hoeven Rounds
Brown Inhofe Rubio
Burr Isakson Sasse
Cantwell Johnson Schatz
Capito Kaine Schumer
Cardin King Sessions
Carper Kirk Shaheen
Casey Klobuchar Shaheen
Cassidy Lankford Shelby
Coats Leahy Stabenow
Cochran Lee Sullivan
Collins Manchin Tester
Coons Markey Thune
Corker McCain Tillis
Cotton McCaskill Toomey
Crapo McConnell Udall
Daines Menendez Vitter
Donnelly Merkley Warner
Ernst Mikulski Warren
Feinstein Moran Whitehouse
Fischer Murkowski Wicker
Franken Murphy Wicker
Gardner Murray Wyden

NAYS—5

Barrasso Flake Scott
Enzi Paul

NOT VOTING—4

Cornyn Durbin
Cruz Sanders

The amendment (No. 3482), as modified, was agreed to.

The PRESIDING OFFICER. The Senator from Arkansas.

IRANIAN ACCESS TO U.S. FINANCIAL SYSTEM

Mr. COTTON. Mr. President, when Obama administration officials sold the President's nuclear deal last summer to the American people, they were clearly sensitive to charges that they gave too much away. They knew that giving Iran \$100 billion that we could never get back in exchange for a mere temporary deal that expired in 10 to 15 years would be viewed with deep skepticism.

They knew that an inspection system that gives the ayatollahs a 24-day heads-up before an inspection would not pass the laugh test. They knew that granting the ayatollahs massive sanctions relief while still allowing them to develop an industrial-scale nuclear enrichment program would invite accusations that the President was, to put it frankly, swindled.

So in their sales pitch, these administration officials sought to blunt these expected criticisms. They repeatedly stated that the United States would maintain certain tough sanctions, even after the deal became effective. They said the United States would hold the line on measures that punish and suppress Iran's nonnuclear malign activities. They emphatically stated that in no way would the U.S. economy be allowed to bolster an Iranian economy that is significantly controlled by the Iranian regime, tainted by illicit financing of terrorism, and used by the ayatollahs to fund domestic oppression and international aggression—including blowing up hundreds of American soldiers in Iraq with roadside bombs.

In particular, these administration officials were emphatic that the United States would never, ever, ever grant Iran access to the U.S. financial system and U.S. dollars to facilitate Iran's trade in oil and other goods.

For instance, when testifying before the Senate Foreign Relations Committee in July, Treasury Secretary Jack Lew stated:

Iranian banks will not be able to clear U.S. dollars through New York, hold correspondent account relationships with U.S. financial institutions, or enter into financing arrangements with U.S. banks. Iran, in other words, will continue to be denied access to the world's largest financial and commercial market.

Likewise, Adam Szubin, the Acting Under Secretary for Terrorism and Financial Intelligence, echoed that sentiment and was even more precise. In September he stated:

Iran will not be able to open bank accounts with U.S. banks, nor will Iran be able to access the U.S. banking sector, even for that momentary transaction to, what we call, dollarize a foreign payment. . . . That is not in the cards. That is not part of the relief offered under the JCPOA. So, the U.S. sanctions on Iran, which, of course, had their origins long before Iran had a nuclear program, will remain in place.

It is difficult to overstate the importance of these statements uttered just a few months ago. The U.S. dollar is the standard currency in which international trade is conducted. Because the ayatollahs can't deal in dollars, they haven't fully opened their economy to the world—thankfully. In addition, the U.S. financial system hasn't yet been tainted by Iran's terror financing, its international aggression, and its crackdown on domestic democratic dissent.

But now, a mere 7 months into a 15-year agreement, the Obama administration is shedding the resolve its officials tried to so hard to display before Congress. According to numerous reports, the administration intends to backtrack on the statements of Secretary Lew and Adam Szubin. It is looking for some way, somehow to give Iran access to U.S. dollars to boost Iranian trade and investment.

I want to be very clear. If the President moves to grant Iran access to the U.S. dollar—whether directly or indirectly—there will be consequences. If there is any statement, guidance, regulation, or Executive action that opens the U.S. banking sector to Iran even a crack, the Senate will hold hearings with each official who assured the American people last summer that the ayatollahs would never access the dollar. We will explore whether they lied back then or whether they intend to resign in protest now.

If this policy change moves forward, I will dedicate myself to working with my colleagues to pass legislation blocking the change. If the Obama administration proceeds with this massive concession to the ayatollahs, every Member of the Senate who voted to accept the Iranian deal will have to go home and explain why the U.S. economy is now complicit in Iran's financing of terrorist attacks against Americans and American allies.

That the Obama administration would even consider allowing Iran access to the U.S. banking sector is extremely disconcerting, but it is not surprising. It follows a steady pattern that has become increasingly clear since the conclusion of the nuclear deal. Time and again, Iran provokes the United States, commits brazen acts to destabilize its neighbors, and threatens to undo the Iran deal. In response, the United States rushes to grant the ayatollahs more concessions in order to placate them.

Iran has tested ballistic missiles, captured U.S. sailors, and fueled conflicts in Syria and Yemen with fresh arms and troops—all while employing "Death to America" as a rallying cry.

But in the face of Iran's continued aggression, the President has displayed only weakness. Instead of steeling himself for a fight with the ayatollahs, he has laid down and rolled over for them.

He has repeatedly refused to designate Iran's tests of ballistic missiles as the violations of U.N. Security Council resolutions they so clearly are.

The President also agreed to send an additional \$1.7 billion to the ayatollahs, ostensibly to settle outstanding claims. For good measure, that \$1.7 billion includes \$1.3 billion in gratuitous interest payments.

The President granted clemency to seven convicted Iranian criminals and dismissed arrest warrants for 14 Iranian fugitives who faced charges for sanctions violations. Now the President may be on the verge of granting the largest concession yet—dollarizing Iran's international trade and declaring Iran truly open for business.

We should call this for what it is—concession creep. In the same manner that no Member of the Senate should trust Iran to abide by its commitments made in the Iranian nuclear deal, we can no longer trust the administration to hold fast to the specific concessions contained in the four corners of that deal. The ink is hardly dry on the deal, and the President has already shown himself all too susceptible to the temptations of appeasement.

The ayatollahs reportedly have complained to U.S. officials that it is too hard to transact business without access to U.S. dollars. The answer to that should be "too bad."

It should not be easy for the world's worst sponsor of terrorism to do business with the global economy. It should not be easy for industries dominated by the Iranian Revolutionary Guard Corps to trade in financial markets. International business leaders, directors, CEOs, and general counsels should not rush into Iran for fear of the grave reputational, financial, political, and legal consequences of doing business with this outlaw regime.

The Iranians know the Obama administration is desperate to preserve the nuclear deal. They hold the possibility of walking away from the agreement as a sword of Damocles over the President's head in order to extract concession after concession. They lord it over him in order to forestall any U.S. action that would meaningfully stop their regional aggression and campaign of terror. So intense is President Obama's fear that the Ayatollah will rip up the nuclear agreement, he has completely upended U.S. strategy in the Middle East to the point where adversaries are allies and allies are becoming adversaries.

This parade of concessions must stop, and it must stop now. The administration must fully implement all new sanctions passed by Congress to punish Iran's development of ballistic missiles, its sponsorship of terrorism, and its human rights abuses. It must work with our traditional allies in the Middle East to neutralize Iran's attempt to foment instability throughout the region. The President should issue a very clear order that Iran will not be granted any direct or indirect access to the U.S. banking system and the dollar.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Oregon.

(The remarks of Mr. MERKLEY pertaining to the introduction of S. 2760 are printed in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. MERKLEY. Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Washington.

AMENDMENT NO. 3490 TO AMENDMENT NO. 3464

Ms. CANTWELL. Mr. President, I call up my amendment No. 3490.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Washington [Ms. CANTWELL] proposes an amendment numbered 3490 to amendment No. 3464.

Ms. CANTWELL. I ask unanimous consent that the reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: To extend protections against physical assault to air carrier customer service representatives)

Strike section 5009 and insert the following:

SEC. 5009. INTERFERENCE WITH AIR CARRIER EMPLOYEES.

(a) IN GENERAL.—Section 46503 is amended by inserting after "to perform those duties" the following ", or who assaults an air carrier customer representative in an airport, including a gate or ticket agent, who is performing the duties of the representative or agent."

(b) CONFORMING AMENDMENT.—Section 46503 is amended in the section heading by inserting "**or air carrier customer representatives**" after "**screening personnel**".

(c) CLERICAL AMENDMENT.—The analysis for chapter 465 is amended by striking the item relating to section 46503 and inserting the following:

"46503. Interference with security screening personnel or air carrier customer representatives."

Ms. CANTWELL. Mr. President, I call up this amendment and offer it because the issue is making sure that those who work in the air transportation system are safe and secure. This is an important issue to the men and women who work at Sea-Tac and at other airports and are part of the delivery system of making sure air transportation is safe. They are an integral part of air transportation at every airport in the United States of America.

This issue is something that has been considered in the House of Representatives as part of the transportation package as well, and it is part of what we think should be in this package in the Senate; that is, making sure that those who are part of the delivery system—ticket counter agents, agents who are aiding and assisting in getting passengers through the terminals and onto planes at the gate, assisting, as many of the challenging days go by, in delivering good air transportation service. What has happened is that these individuals have become victims—the victims of physical, violent abuse; that is, the public has taken to bodily harm against these individuals. So this amendment puts in similar safeguards

that are in line with other transportation officials who are protected from this kind of physical abuse.

I will have more to say on it, but I know my colleague is trying to get to the floor to speak as well. I will put into the RECORD examples of individuals who are ticketing agents, baggage agents, air transportation delivery system workers who have been hurt, and they deserve to have protection.

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

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

AMENDMENT NO. 3483

Mr. SCHUMER. Mr. President, I rise today to urge a ‘yes’ vote on the upcoming amendment to require the FAA to set a minimum standard seat size.

This amendment would ensure that airlines can’t keep chopping down on seat size and legroom until consumers are packed in like sardines in a can on every flight.

Over the last few decades, between the size of the seat and the distance between the seats, the flying public has lost half a foot of their space. Flying is not pleasant anymore. You are crammed in. I am not that tall—a little under 6-foot-1. What I do when I fly is I take out the magazine and the airsickness bag and the little folder that shows you where the exits are to gain one-sixteenth of an inch more legroom. Moms with kids have a lot of trouble in those very narrow seats. Have you ever been in the situation where you are in the middle and there are two sort of large people on either side of you? It is not the most pleasant flying experience.

We don’t have too much competition anymore. We have very few airlines. This is a place where the public is clamoring for change. When I said I was going to offer this amendment, I got more feedback on it than most other things. And you don’t have to be 6-foot-4 to understand the problem.

You would think that by cramming in more and more passengers on each flight, the airlines could lower their prices. Instead, several major airlines went in the other direction: They started charging for the extra inches and legroom that were once considered standard. So it practically costs you an arm and a leg just to have space for your arms and legs.

At a time when airlines are making record profits, at a time when fuel costs are extremely low, we need this amendment to protect consumers’ safety and comfort.

This amendment would do three things. It doesn’t set a standard seat size; it freezes the current seat size in place so they can’t shrink it any further. It directs the FAA to set min-

imum standard seat size and pitch for all commercial flights. And some of this involves comfort, but some of it involves safety. God forbid there is something terrible happening on a plane—the seats are so narrow, it is harder for people to get out. Finally, we focus on transparency. We require airlines to post their seat sizes on their Web sites, providing at least a commercial incentive for airlines to offer more comfortable seat arrangements.

Most folks travel under the expectation that the airlines are going to set the guidelines and that is that; there is nothing they can do about it. We actually had to put in the underlying bill that airlines should refund bag fees charged to consumers if the airline lost their bags. And I would say to my good friends on the other side, if we can mandate that bag fees be returned—not leave it up to the free market—we can mandate that the FAA at least set a proper seat size. They can’t say: Well, leave it up to the free market on one but not on the other. It is not a little fair.

Now we see why we need these amendments. The bag fee—and I agree that if they lose your bags or delay your bags, they shouldn’t keep the extra bag fee. It should be refunded. In most industries, that would be a standard practice. If you fail to deliver a service somebody paid for, they should get their money back. But sometimes in the airline industry you have to require basic courtesy.

In conclusion, the great Abraham Lincoln was once asked how long a man’s legs should be, and he famously answered: Long enough to reach from the body to the ground. If you asked a major airline today how long a man’s legs should be, they would say: Short enough to miss the tray table. That is no way to fly.

I urge my colleagues to support this amendment and move this bill in a more consumer-friendly direction.

Mr. President, I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

Mr. SCHUMER. Mr. President, some of my colleagues have to catch planes, and it takes extra time for them to squeeze into those small seats with no legroom. So I yield back my time, and I ask unanimous consent that we move the vote up to right now.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The question is on agreeing to amendment No. 3483.

Mr. SCHUMER. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. THUNE. The following Senators are necessarily absent: the Senator from Texas (Mr. CORNYN) and the Senator from Texas (Mr. CRUZ).

Further, if present and voting, the Senator from Texas (Mr. CORNYN) would have voted ‘nay.’

Mr. REID. I announce that the Senator from Illinois (Mr. DURBIN) and the Senator from Vermont (Mr. SANDERS) are necessarily absent.

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

The result was announced—yeas 42, nays 54, as follows:

[Rollcall Vote No. 43 Leg.]

YEAS—42

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

NAYS—54

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

NOT VOTING—4

Cornyn	Durbin
Cruz	Sanders

The amendment (No. 3483) was rejected.

The PRESIDING OFFICER. The Senator from Ohio.

COMPREHENSIVE ADDICTION AND RECOVERY BILL

Mr. PORTMAN. Mr. President, I rise today to urge my colleagues in the House of Representatives to pass the legislation we passed here in the Senate a few weeks ago called the Comprehensive Addiction and Recovery Act, or CARA. We passed it on March 10, which was 27 days ago—almost a month. It is estimated that we lose about 120 Americans every day to drug overdoses. That means that during that time period—those 27 days—we lost about 3,240 additional Americans who we represent to substance abuse and death from heroin and prescription drug overdoses.

Since 2007, drug overdoses have killed more people in Ohio than any other cause of accidental death, even surpassing car accidents. It is probably

true nationally now as well. Addiction is treatable, but 9 out of 10 people who need treatment aren't getting it. That is a tragedy. It shows that the system we have right now just isn't working, and that is what our legislation addresses, among other things. In one 5-day span since we passed CARA, just in the last month, we had five people die from heroin and Fentanyl overdoses in one of the cities I represent—Cleveland, OH.

I was in Athens, OH, more than 2 weeks after we passed CARA, and received a tour of the Rural Women's Addiction Recovery Bassett House facility. Dr. Joe Gay and Ruth Tarter took me around so I could meet some of the brave women who stepped forward to treat their addiction issues. Some of them were there with their kids. They have an amazing success rate.

I will tell you that 3 days after I left Athens, OH, \$40,000 of heroin was seized at a traffic stop very close to this treatment facility. It is everywhere. It knows no ZIP code. It is in rural areas, suburban areas, and inner cities. States are starting to take action. Ohio is taking action, your States are taking action, and communities are taking action. Local leaders know this is a problem, but they want the Federal Government to be a better partner. That is what CARA provides. It provides best practices from around the country. It provides more funding for some critical elements that are evidence-based—based on research and what actually works. Our States and local communities are desperate for this right now.

By the way, this legislation is not just bipartisan. It is also bicameral. In other words, not only have Republicans and Democrats worked across the aisle here in the Senate over the last 3 years putting this bill together, but our colleagues in the House have worked together as well. I am encouraged by the fact that the CARA legislation in the House has 113 cosponsors. It is bipartisan. It is based on good evidence. It is based on a lot of work and effort. Today I heard through a media account that one of the House leaders said there is interest in moving something even this month. That is great. But he also talked about hearings and markups and so on. Let's be sure the hearings and markups don't delay what we know we should do, which is to pass the CARA legislation. It has been bicameral and bipartisan. It passed the Senate with a 94-to-1 vote. That never happens around here—94 to 1. This is legislation which we know will make a difference right now in our communities that are dealing with a crisis we all face. Let's move this legislation.

I say to my friends in the House with all due respect, this legislation has been carefully crafted and we have done the hard work. I mentioned that we spent 3 years of factfinding on this bill. We didn't think we had all the right answers, so we went out to experts all over the country. We took time to listen. We consulted with

them. We listened to experts, doctors, law enforcement, and patients in recovery. We listened to the drug experts in the Obama administration, such as the White House Office of National Drug Control Policy, ONDCP. They have been very helpful. We brought in people from Health and Human Services and listened to them. We brought in people from my home State of Ohio and other States around the country.

We heard from family members, many of whom have channelled their grief at losing a loved one into advocacy for the CARA legislation because they know it is going to help. One testified in the Judiciary Committee when we marked up the legislation. Tonda DaRe from Carrollton, OH, talked about having lost her daughter, who was a very successful high school student and engaged to be married. Everything was going great. When she turned 21, she made a mistake: She tried heroin. She went into recovery. She relapsed. She ended up dying of an overdose.

Unfortunately, this is a story that is retold all over our country. There are moms, there are dads, there are aunts and uncles and brothers and sisters who come forward to tell us these tragic stories about losing a loved one. They want this legislation to pass because they know it is going to help another family member or a friend or a coworker or someone whom they have never met but whom they want to help so they don't have to go through the grief they have gone through.

Senator SHELDON WHITEHOUSE—a Democrat—and I have worked on this legislation together, along with many other people in this Chamber. We have also worked, as I said, with many on the House side. We worked with folks on both sides of the aisle and both sides of the Capitol because this has become an issue that affects us all. It is a non-partisan issue. We have to move it forward.

We held five forums here in Washington, DC, and brought in experts to get counsel and advice. They helped us develop a legislative proposal that was thoughtful because it actually addressed the real problem.

In April 2014, we had a forum on the criminal justice system which included alternatives to incarceration, and you will see that in our legislation. The notion is, for users who get arrested for possession, let's not just throw them in jail because that hasn't worked. Let's get them into treatment and get them into a recovery program that works.

In July 2014, we held a forum on how women are impacted by this drug epidemic, looking particularly at addiction and treatment responses. Some new data that is out there now shows that most of the people who are suffering from heroin and prescription drug addiction are women.

In December 2014, we held a forum on the science of addiction—how we could get at this from a medical point of view, how we could come up with bet-

ter medical approaches to this to be able to stop the craving, to deal with the addiction problem, to get people through withdrawal. We also talked about how to address some of the collateral consequences of addiction.

In April of 2015, we held a forum on our youth and how we can better promote drug prevention. After all, keeping people from getting into the funnel of addiction in the first place has to be a priority. To help people avoid going down that funnel of addiction, we need better prevention, better education. That is part of our legislation. We also had input about what is working in recovery and what is not working in recovery.

We held a forum in July of 2015 to talk about our veterans, to talk about the very sad situation with veterans who are coming back to our shores who have PTSD—post-traumatic stress disorder—and who have brain injuries. Some recent data shows that about 20 percent of returning veterans with those issues are becoming addicted to prescription drugs or heroin; therefore, veterans courts are a major part of our legislation. These are drug courts that are focused on mental health and addiction specifically for our veterans. I have seen them in Ohio. They are working great. It is unbelievable.

I talked to a guy who has been in and out of the system his whole life. He is about 45 years old now. He finally found this court that was going to help him—took him out of jail and got him into treatment. Hanging over his head was the possibility of incarceration if he didn't do the right thing and stay clean. He is now a senior at Ohio State University and is about to get his degree, and he reunited with his family for the first time in many years. He is clean. It can work.

The final result was the legislative text that reflected this open and deliberative process I am talking about. This bill—just like the research it supports—is evidence-based. We didn't ask who had the idea; we just asked whether it was a good idea.

It is no wonder that CARA now has support from 130 national groups, from the Fraternal Order of Police, to stakeholders in public health—doctors and nurses, those in recovery, experts in the field, people who actually know what is going on because they are in the trenches working on this. They want this bill passed. They know it will help them and help them now.

As I said, that vote was 94 to 1, which means 94 Senators say this bill is ready to go. These are Senators from every State in the Union who support this legislation, therefore representing every congressional district in the United States of America. It makes sense. It expands prevention and educational efforts to prevent opiate abuse, the use of heroin and prescription drugs.

It increases drug-disposal sites to get medications out of people's hands and get it into the right hands. It takes

this medication off the bathroom shelves.

It has a drug-monitoring program to get at the overprescribing issue. So many people who are currently addicted to heroin started with prescription drugs. In fact, the majority did. There is different data out there, but it is very clear that prescription drugs are a huge part of heroin addiction.

It also authorizes law enforcement task forces to combat heroin and meth. Law enforcement has an important role to play here. It expands training and the availability of naloxone, or Narcan, to law enforcement. This is for our firefighters. When you go to a firehouse in your State—for those listening in the House, in your district—ask them: Are you going on more fire runs or are you going on more runs to help people with overdoses? They will tell you what they tell me: overdoses. That is what it has come to. That is happening in your fire department in your community.

By the way, to tell you how much this law can make a difference—because we do help get the training for them to be able to use Narcan and get the Narcan or naloxone into the right hands—Ohio public safety officials have administered naloxone over 16,000 times since 2015—16,000 overdoses that might otherwise have resulted in death. For the most part, this miracle drug works. First responders know how important it is. That is why the Fraternal Order of Police supports this bill. They want to equip their officers, but so do the firefighters.

CARA also supports recovery programs, including those focused on youth and building communities of recovery. To avoid people getting into addiction in the first place, it also creates a national task force on recovery because there is a lot of information out there we need to bring together to find out what works and what doesn't work precisely in terms of dealing with the collateral consequences imposed by addiction.

CARA expands treatment for pregnant women who struggle with addiction and provides support for babies who suffer from what is called neonatal abstinence syndrome. What does that mean? That means babies who are born addicted. In Ohio, tragically, we had a 750-percent increase in the number of babies born with addiction in the last 12 years. I have been to the hospitals. I have been to St. Rita's in Lima. I have been to Rainbow Babies in Cleveland. I have been to Cincinnati Children's Hospital. I have seen these babies. These are tiny babies who are addicted, and they have to be taken through withdrawal.

The compassionate nurses and doctors who are doing it—God bless them—I asked them: What is going to happen to these babies?

They told me: ROB, we don't know. We don't know the long-term consequences because it is so new.

But it is dramatic and it is happening in all of your hospitals. These neonatal

units are now taking on a whole other task, which is helping babies through withdrawal.

I visited folks who are not only pregnant but are addicted, and I talked to them about what they are going through and what the consequences are going to be, and it is sad. Many say: ROB, the grip of addiction is so great. I am now in treatment, but I worry about what is going to happen to my baby.

We also expand treatment for expectant and postpartum women for that reason. And these expectant and postpartum women who need this help can make the right decision with more help from us. It expands residential treatment programs for pregnant women who are struggling with addiction. It creates a pilot program to provide family-based services to women who are addicted to opiates.

CARA also helps veterans, as I said. It allows those veterans to get into a veterans court, where they can get help to walk through how they get out of this addiction, how they get into recovery. They can get support from other veterans around them to provide the kind of help they need to get out of this cycle of incarceration and addiction.

What do we say to the 40 million Americans who are struggling with addiction when they ask "Why don't you guys act?" The Senate acted 94 to 1. Why can't we get this done? It is time to move. They shouldn't have to wait. We shouldn't have to wait.

To those 40 million who struggle, to those who think they can't overcome this addiction, to those who believe there is no one out there to help them, the message is, you are not alone. There is hope. You can beat this. I have seen it. There are people who care and want to help.

There are so many heartbreaking stories of addiction, but there are also so many stories of hope. I think about Vanessa Perkins from Nelsonville, OH. Vanessa became addicted to heroin. Once she became addicted, she also became a victim of sex trafficking.

Those two are related. In Ohio, they tell me that most sex trafficking has now to do with heroin addiction. In other words, the trafficker gets these women—usually women—addicted to heroin, and that is one way they become dependent on their trafficker.

What Vanessa tells me is that it took her a long time to turn her life around, but she was courageous and brave enough to seek treatment, and she is now back on track. For the last 6 years she has been helping others, taking her experience and using it to help others deal with their addiction. She is on the board of a group called Freedom a la Cart, which is a company in Columbus, OH, that I visited last month that provides job opportunities for trafficking victims. They do a heck of a job and teach these women a trade, too—culinary arts. Now so many of these women who had been trafficked, who

had been heroin addicts, are back on their feet, reunited with their families, and know the dignity and self-respect that come from the work they are doing and from helping others.

There is hope. Treatment can work.

Mr. President, leaders in the House say they want to move anti-heroin legislation through regular order. Again, I heard today that one of the leaders said they are planning to take action. I had conversations with Speaker RYAN on this issue. I had conversations with other leaders in the House on it. I take them at their word. I am hopeful we will see the House begin to act next week when that Chamber returns, but I will say this: The House must act, and they must act soon. I am not going to be patient on this. This is urgent, and people's lives are at stake. The House must pass this bill so the President can sign it and so it can begin to make a real difference in the lives of the people we represent. This is our responsibility. We need to take advantage of this opportunity that the Senate has given us by this huge vote—94 to 1—to get this legislation to the President and get it enacted into law.

Mr. President, I yield back my time.
The PRESIDING OFFICER. The Senator from Michigan.

FLINT, MICHIGAN, WATER CRISIS

Ms. STABENOW. Mr. President, today I would like to speak about two different subjects. Both are connected in the sense that they involve lack of action and people counting on us to act as a Senate.

The first involves the fact that today in the city of Flint, MI, we still have people who can't drink the water coming out of the tap. I think any one of us would have trouble if that happened for 1 day, but we are talking about months and months—going on 2 years now—that we have seen a system completely broken down because of decisions, because of lack of treating the water, a whole range of things.

From my perspective, the most important thing is the fact that people still don't have access to clean, safe water. They can't bathe their babies. They can't take a shower themselves. I can't imagine what it must be like for families in Flint who are waiting and waiting for help.

I want to thank President Obama for doing what he can do through the administration to help from the standpoint of health and nutrition and education, but the fundamental problem is replacing the damaged pipes.

As my colleagues know, we have been working very hard and we have developed a bipartisan proposal. I wish to thank the chair and ranking member of the Energy and Natural Resources Committee, Senator MURKOWSKI and Senator CANTWELL, for working with us, and so many colleagues who are now bipartisan cosponsors on a bill with myself and Senator PETERS. I wish to thank Senator INHOFE as chair of EPW and ranking member Senator BOXER and so many people who have

come together to support this effort, not only for Flint, but we now are seeing headlines across the country about other areas where lead poisoning in water is a serious issue and where we have all kinds of communities with water infrastructure needs.

We have put together a proposal. We have a bipartisan proposal. We are ready to move forward. We need a vote on this proposal. As people in this building know, the junior Senator from Utah is holding us up from being able to get that vote. We have spent weeks now—weeks—trying to find a way to get beyond this objection. We thought we had an agreement, and then the bar just keeps changing.

This is not a game. These are real people, and we are trying to solve a real problem. We have put forward a proposal fully paid for that actually reduces the deficit, paid for out of a program that I care deeply about because I authored it in 2007, and prior to Senator PETERS being a Senator, when he was in the House, he was the champion of the program that we are offering to use as a payoff.

So I just want to remind everyone—and I am going to continue to come to the floor and remind colleagues every day—that a group of Americans in a city of 100,000 where there has been a Federal emergency declared are still waiting for us to act to help them—not to do the whole thing, not to pay for all of what needs to be done in terms of water infrastructure, but to do our part as a Federal Government, as we have done in communities across the country for other kinds of emergencies.

We need to help the children of Flint. Nine thousand children under the age of six are being exposed to lead poisoning; some homes have exposure higher than a toxic waste dump. I can tell my colleagues as a mother and now as a grandmother, I would never tolerate something like that. I can't imagine what is happening for families.

We have the opportunity to do something. It is easy. It is fully paid for. It is fully paid for by something that colleagues on the other side of the aisle have wanted to eliminate—fully paid for. It helps communities across the country. Now we have a situation where one Member has indicated, well, it is not his problem. He doesn't care; it is not his problem.

I hope as Americans we are willing to say that other people's problems—I would think we care about them, whether it is our own children, our own grandchildren, people we know or not. That is what we expect when there are emergencies and disasters across the country. And whether it is in the farm bill that I worked on with the distinguished Presiding Officer where we strengthened livestock disaster assistance—even though that is not a huge issue to me in the State of Michigan, but I know it is for a lot of States and a lot of communities. That is what we do as Americans. We care about people and communities.

We have a group of people right now who are not being seen. I want my colleagues to see this baby and the picture this represents of a group of people who are waiting for help and deserve help.

FILLING THE SUPREME COURT VACANCY

Mr. President, I wish to address something else now and turn to history to talk about somebody else who is waiting. He can drink his water and take a shower. That is a good thing. But we have a very distinguished jurist, the Chief Judge of the DC Court of Appeals, nominated by the President of the United States to be a Supreme Court Justice, who is waiting for the opportunity to be heard, to have a hearing, to meet with people, to have a vote, yes or no.

We have spoken a lot about the Constitution, about responsibilities, about debates. Our three branches of government are sworn to uphold both the written word of the Constitution and the spirit of the Constitution. This spirit was expressed in a series of articles beginning in 1787. I wasn't there at the time. But in reading what our Founding Fathers said—those who framed the Constitution—I think it is important to look at what they intended through the Federalist Papers.

On April 1, 1788, Alexander Hamilton, writing in Federalist Paper No. 76, outlined two specific roles for Supreme Court nominees: that the President nominate Justices and the Senate provide advice and consent. Hamilton explained how the Senate held the power to reject a nominee, to prevent the appointment of unfit characters from family connection, from personal attachment, or from other biases.

As my colleagues know, Senators can investigate the character of a nominee by meeting the nominee in person, by holding hearings, and by looking at their writings. At the Senate Judiciary Committee they can ask the nominee questions in full view of the public. Based on responses, if they believe a nominee does not have the appropriate character, they can reject the nomination. They can vote no. That is our right as Senators.

But Senators in the current Republican majority are refusing to do any of that. They have said they will not hold hearings. Most of them will not even meet with the nominee, Judge Merrick Garland. I want to commend Republican Senators who are, in fact, meeting with Judge Garland. This is their job. This is our job—the job established for us by America's Founding Fathers—and a majority of the majority is refusing to do it.

Now, according to the average time for moving a Supreme Court nominee through the process, if the Republican majority did their job, as previous Senates did, then there would be a hearing of the Judiciary Committee by April 27, but there is none scheduled. The Judiciary Committee would hold a vote by May 12, but there is no vote coming. And based on historical precedent, the Supreme Court nominee would then

come to the floor for a vote on confirmation before Memorial Day. But because my colleagues across the aisle are refusing to do their job, that vote will not happen.

My Republican colleagues like to say that the Senate does not confirm Supreme Court nominees during a Presidential year, but that doesn't square with the facts. More than a dozen Supreme Court nominees have been confirmed by the Senate in an election year. In 1988, also a Presidential year, the Senate did its job by confirming President Reagan's Supreme Court nominee, Justice Anthony Kennedy, with a Democratically controlled Senate. In 1940, another Presidential election year, the Senate did its job by confirming President Franklin Roosevelt's nominee, Justice Frank Murphy. In 1932, the Senate did its job by confirming President Hoover's Supreme Court nominee. In 1916, the Senate did its job twice by confirming President Wilson's two nominees for the Supreme Court.

The U.S. Constitution was ratified in June 1788, just a few months after Hamilton published the Federalist Paper I mentioned a few minutes ago. And for nearly 228 years—228 years—during times of war, times of peace, periods of prosperity, and periods of economic hardship, America has balanced the powers between the executive and the legislative branches in selecting who would serve in the third branch of government. We have done it during Democratic majorities and Republican majorities for 228 years.

To those who are refusing to hold hearings on a nomination, my question is this: What has changed? What has changed this year? What is it about this President that causes him to be treated this way? What is it that is leading my colleagues to question the judgment and the wisdom of Alexander Hamilton and the rest of the Founding Fathers who signed the Constitution and gave us the responsibility for advice and consent?

In short, why now are you refusing to do your job? Just do your job. Do what we are paid to do.

Last month, I went over in front of the Supreme Court on a beautiful, sunny day when a lot of people were here visiting, and I talked to a number of citizens and asked them what they thought about what was happening, the debate going on about filling a vacancy on the Supreme Court. I also asked them what would happen to you if during a year you told your employer that a major part of your job—a very big responsibility that you have in your job—you were going to refuse to do for a year or so. What would happen? Well, the answer is pretty easy. People said: I would be fired.

People say: Why aren't you doing your job? Why isn't the majority doing its job? Because if you are not willing to do the work, why should you have the job? Nobody else can do that in their job.

That is why the polls show overwhelmingly that the American people side with those of us on the Democratic side, with all of us who stand together as Democratic Senators to say: Do your job. We are willing to do our job. People stand with the Constitution and with the overwhelming history of our country.

It is very simple. It is a very simple idea. It is a phrase we say all the time in all kinds of circumstances. We say to our children, we say to people we work with: Just do your job. Well, this is our job. Hold a hearing, meet with the nominee, have a vote. You can vote yes; you can vote no. You could skip that day. But this judge deserves a vote, and it is our responsibility to vote and to fill the vacancy on the highest Court in the land. That is what the American people expect us to do. That is what they deserve.

It is time that the Senate do its job. Thank you, Mr. President.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

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

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

Mr. CASSIDY. Mr. President, I rise today to discuss several provisions in an amendment to the FAA reauthorization bill that is currently before the Senate and that specifically benefits my home State of Louisiana.

There are more than 253 air traffic control towers throughout the country operating through a successful public-private partnership called the Federal Contract Tower Program. This program is especially critical to rural areas—as I have in Louisiana and as does the Presiding Officer—to ensure that America's airspace and the traveling public are safe. However, there are currently 30 towers awaiting the FAA to finalize an internal agency formula called the benefit-cost analysis, referred to as the BCA, which will allow eligible towers to enter the Federal Contract Tower Program. One of these airports is the Hammond Northshore Regional Airport in Hammond, LA.

The Federal Contract Tower Program has been in place for more than 30 years and is a prime example of an effective public-private partnership between government and the private sector. Contract towers handle approximately 28 percent of the Nation's air traffic control tower operations but account for only 14 percent of the FAA's total tower operations budget. Repeated studies by the U.S. Department of Transportation inspector general have shown that the Contract Tower Program increases aviation safety while reducing costs to taxpayers and the Federal Government. It is also important to note that approximately 80

percent of the contract controller workforce are veterans.

Congress has demonstrated numerous times in bipartisan fashion the merit and need for the Federal Contract Tower Program. Given the success of the program and the increasing likelihood of further FAA delays, I am pleased the Commerce Committee included language in the FAA reauthorization bill to strengthen and improve the Federal Contract Tower Program. Senators CORNYN, VITTER, PORTMAN, and WICKER have been leaders on this issue, and their work is greatly appreciated.

Currently, America's trade and economy are being hampered because many cargo planes from other countries are prohibited from flying into U.S. airports because they have not been upgraded to newer types of technology. Some aircraft are what is called "Stage 2 aircraft." These aircraft were phased out following the passage of the Airport Noise and Capacity Act of 1990, which mandated the phaseout for Stage 2 aircraft over 75,000 pounds. I have introduced an amendment that would permit flights to a small number of airports under limited circumstances for revenue and nonrevenue flights of Stage 2 aircraft over 75,000 pounds.

One of the airports that meets the criteria is the Acadiana Regional Airport in New Iberia, LA. This airport is located in a heavy industrial complex and surrounded by agricultural land. The Acadiana Regional Airport has an advantage over other types of airports because it is surrounded by land use compatible with airport operations. Additionally, it is situated near the Port of Iberia, which is home to more than 100 companies employing close to 5,000 people in industries such as construction, energy, equipment rental, and trucking. This would bolster Louisiana's economy, help working families, and improve America's ability to trade with the world.

Louisiana's economy relies on the thriving maritime industry. In 2014 a study from the Transportation Institute showed that 54,850 maritime-related jobs contribute more than \$11 billion annually to Louisiana's economy. One in every 83 Louisiana jobs is connected to the domestic maritime industry, nearly twice that of any other State.

With ports along the Mississippi and Red Rivers, our State sees vessels of varying sizes and types. While loading cargo, these ships must drain ballast water that they have taken on to maintain the balance of the ship. This can have varying degrees of environmental effects, with costly and confusing State and Federal regulations making compliance difficult.

Senator RUBIO is sponsoring the Vessel Incidental Discharge Act, which creates a uniform, enforceable, and scientifically based national standard on ballast water discharges. This is needed in order to simplify the highly complicated and overly burdensome patch-

work of State and Federal regulations that are in place today.

Everyone I talk to in Louisiana's maritime industry and also in the inland marine, which would take the agriculture products from States such as the State the Presiding Officer represents, says it is necessary for these regulations to be harmonized, and they emphasize the importance of passing this bill. I am a cosponsor of this bill, and I am glad to see that Senator RUBIO has filed the amendment to the bill we are considering on the floor today.

The FAA Reauthorization Act contains many measures that will protect Americans, improve our economy, and protect our environment. I urge all my fellow Senators to support the bill and these amendments.

I yield the floor.

AMENDMENT NO. 3512, AS MODIFIED

Mr. LEAHY. Mr. President, Aviation safety, as much as all national security, must be of paramount importance. I am increasingly concerned with reports from across the country that Secure Identification Display Area, SIDA, badges have gone missing, either through loss or theft. These badges, which grant access to secure areas of airports, allow employees to bypass traditional security checkpoints and, in the wrong hands, can pose a considerable security threat.

An amendment considered and adopted earlier today by the Senate, Thune amendment No. 3512, is aimed at addressing this problem and would implement additional accountability and oversight methods to ensure that these SIDA badges do not fall into the wrong hands. It would provide for further employer accountability and allow for increased fines and enforcement actions against workers that fail to report the loss or theft of a badge. These are well-intentioned goals and ones that I support.

I opposed this amendment, however, because extraneous provisions included in the amendment directly contradict bipartisan efforts in this Congress to reform our criminal justice system, including by reducing unnecessary barriers to employment for people with criminal records. The amendment will require the TSA Administrator to propose increasing the lookback period from 10 years to 15 years for background checks of airport and airline workers who have or are seeking SIDA badges. Under current regulations, there are a number of offenses that disqualify a potential employee, if the individual was convicted of the offense during the 10-year lookback period.

The amendment would also require the TSA Administrator to consider adding more offenses to the list of disqualifying crimes. Disqualifying offenses already include a number of low-level offenses, such as felony drug possession. These provisions would exacerbate barriers to reentry. The scope of the changes will still exclude many potential employees and lead to the firing of a number of current employees.

I ask unanimous consent to have printed in the RECORD at the conclusion of my remarks a letter from Transport Workers Union of America, the AFL-CIO, the Association of Flight Attendants, CWA—the Communication Workers of America, the International Association of Machinists and Aerospace Workers, the Transportation Trades Department—AFL-CIO, the Leadership Conference on Civil and Human Rights, and the National Employment Law Project in opposition to this amendment.

I am committed to working with Senator THUNE to ensure greater accountability for Secure Identification Display Area badges. It must be a priority. I hope that he and others will work with me through the conference of this bill to eliminate these barriers to employment for individuals with certain criminal records.

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

APRIL 6, 2016.

OPPOSE THE AIRPORT SECURITY ENHANCEMENT AND OVERSIGHT ACT (S. 2361) AS AN AMENDMENT TO THE FAA REAUTHORIZATION ACT (H.R. 636)

DEAR SENATOR: On behalf of the undersigned organizations, we write to oppose any efforts to expand background checks on aviation workers as proposed in the Airport Security Enhancement and Oversight Act (S. 2361). In particular, we are opposed to the inclusion of S. 2361 as an amendment to H.R. 636, the FAA Reauthorization Act, which is currently under consideration in the Senate. As drafted, S. 2361 would undermine reforms around the nation that have reduced barriers to employment of people with criminal records, thus representing a serious setback for the bipartisan criminal justice reform movement.

The Airport Security Enhancement and Oversight Act would alter the requirements for airport workers to obtain Secure Identification Display Area (SIDA) badges by instructing the Transportation Security Administration (TSA) Administrator to propose increasing the lookback period on many aviation workers' employment background checks from 10 years to 15 years. This provision undermines the goal of promoting rehabilitation, and it conflicts with the substantial research documenting that criminal history lookback periods should not extend back more than seven years.

The bill also instructs the TSA Administrator to consider increasing disqualifying criminal offenses to include crimes that do not appear to be related to transportation security. These reforms would have far reaching impact and exacerbate barriers to reentry. As many as one in three Americans have a criminal record and nearly half of U.S. children have a parent with a criminal record, creating life-long barriers to opportunity, including employment, for entire families. This change will also have an overwhelming discriminatory impact on communities of color, who have been hardest hit by a flawed criminal justice system. Moreover, this proposal does not account for the compelling evidence documenting the impact of gainful employment on those who have previously been convicted of a crime. Full integration into society is essential to successful anti-terror programs and efforts to lower recidivism rates. By requiring the dismissal of many current employees who have worked in a position for years, the legislation ignores these widely accepted principles.

We do support some elements of this legislation. The bill would create a waiver process for those who are denied credentials. This would ensure the consideration of circumstances from which it may be concluded that an individual does not pose a risk of terrorism or to security. The waiver process would consider the circumstances surrounding an offense, restitution, mitigation remedies, and other factors. This provision is modeled on a very successful program in the Transportation Worker Identification Credential (TWIC), a credential that is similar to a SIDA, which is used at secure areas of port facilities.

We strongly encourage you oppose the inclusion of any amendment providing blanket categorical exclusions that would increase background checks on aviation workers and act as additional barriers to the employment of people with criminal records. Thank you for your consideration. If you have any questions, please feel free to contact Brendan Danaher, Director of Government Affairs at the Transport Workers Union, or Greg Regan, Senior Legislative Representative at the Transportation Trades Department, AFL-CIO.

Sincerely,

TRANSPORT WORKERS
UNION OF AMERICA.
AFL-CIO.
ASSOCIATION OF FLIGHT
ATTENDANTS—CWA.
COMMUNICATION WORKERS
OF AMERICA.
INTERNATIONAL
ASSOCIATION OF
MACHINISTS AND
AEROSPACE WORKERS.
THE LEADERSHIP
CONFERENCE ON CIVIL
AND HUMAN RIGHTS.
NATIONAL EMPLOYMENT
LAW PROJECT.
TRANSPORTATION TRADES
DEPARTMENT, AFL-CIO.

VOTE EXPLANATION

• Mr. DURBIN. Mr. President, I was absent from today's votes on three amendments to the pending business, H.R. 636, the vehicle for a bill to reauthorize the Federal Aviation Administration, due to events I attended with President Obama in Illinois. Had I been present, my votes would have been as follows.

On rollcall vote No. 41, Thune amendment No. 3512, as modified, I would have voted against adoption. I am concerned about the impact that a provision in this amendment will have on formerly incarcerated individuals who have successfully reintegrated into society after completing sentences for low-level crimes unrelated to transportation security. The provision, which will make it more difficult for these individuals to obtain certain aviation jobs years after a criminal conviction, undermines efforts to reduce barriers to reentry, lower recidivism rates, and reform our criminal justice system.

On rollcall vote No. 42, Heinrich amendment No. 3482, as modified, I would have voted in favor of adoption. This amendment will further strengthen the homeland by increasing security in soft targets at airports, in areas like check-ins and baggage claims, where terrorists recently carried out deadly attacks in Brussels. The amendment will expand and enhance visible deter-

rents, create a new eligible use under Homeland Security grants for training exercises to enhance preparedness for active shooter incidents, and authorize and make explicit that Homeland Security grants can be used for airport and surface transportation in these nonsecure soft target areas. I am proud to have cosponsored this amendment.

On rollcall vote No. 43, Schumer amendment No. 3483, I would have voted in favor of adoption. This amendment would establish consumer safeguards like minimum standards for space for passengers on aircrafts, including the size and pitch of seats, the amount of leg room, and the width of aisles.

As these votes demonstrate, after a series of temporary extensions, the Senate is finally considering a long-term FAA reauthorization bill. In light of recent threats both here and abroad, it is important that we get this right. I look forward to continuing to work with my colleagues on a bipartisan basis on these important security reforms, consumer protections, and other pressing aviation-related issues in the coming days and weeks.●

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

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

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

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

UNANIMOUS CONSENT AGREEMENT—EXECUTIVE
CALENDAR

Mr. MCCONNELL. Mr. President, I ask unanimous consent that on Monday, April 11, at 5 p.m., the Senate proceed to executive session to consider the following nomination: Calendar No. 215; that there be 30 minutes for debate only on the nomination, equally divided in the usual form; that upon the use or yielding back of time, the Senate vote on the nomination without intervening action or debate; that if confirmed, the motion to reconsider be considered made and laid upon the table, the President be immediately notified of the Senate's action, and the Senate then resume legislative session without any intervening action or debate.

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

OLDER AMERICANS ACT
REAUTHORIZATION ACT OF 2015

Mr. MCCONNELL. Mr. President, I ask that the Chair lay before the Senate a message from the House to accompany S. 192.

The Presiding Officer laid before the Senate the following message from the House of Representatives:

Resolved, That the bill from the Senate (S. 192) entitled "An Act to reauthorize the Older Americans Act of 1965, and for other purposes," do pass with an amendment.