



United States  
of America

# Congressional Record

PROCEEDINGS AND DEBATES OF THE 114<sup>th</sup> CONGRESS, FIRST SESSION

Vol. 161

WASHINGTON, THURSDAY, JUNE 11, 2015

No. 93

## Senate

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

### PRAYER

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

Let us pray.

O God, in this quiet moment, may a holy hush come over us, giving us a sense of our dependence on You. May our Senators not trust too much in their abilities to solve problems and meet challenges but continue to seek the eternal and transcendent resources You offer to people of faith.

Lord, give our lawmakers humble and contrite hearts, that they may be channels of light and truth. Uphold them with Your everlasting and uplifting arms. May they persevere with integrity so that they may be presented holy and unblameable in Your sight. Keep our Senators calm and filled with faith in spite of all they must face.

We pray in Your great Name. Amen.

### PLEDGE OF ALLEGIANCE

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

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

### RECOGNITION OF THE MAJORITY LEADER

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

### TRIBUTE TO DR. JAMES BILLINGTON

Mr. MCCONNELL. Mr. President, we have recently learned that Dr. James Billington, the Librarian of Congress, who has been with us for almost 30 years, will be retiring in January. He

plans to spend more time with his wife of nearly 58 years, Marjorie. He wants to see more of his 4 children and 12 grandchildren. I am sure he would also like to catch up with his buddy who plays for the Grateful Dead or maybe just sit back with a box or two of the Mallomars he loves so much.

But I don't think Dr. Billington is ready to take his scholar's cap off quite yet, because he is preparing to do a little writing, too, about folks who played an important role in the history of—what else—the Library that means so much to him.

Dr. Billington has called the Library of Congress the “greatest collection of knowledge and copyrighted creativity in human history,” and I know how proud he is of the many initiatives he has undertaken to expand its reach and its relevance.

I noted yesterday that we are unlikely to come across many guys who can say they have been a Princeton valedictorian, a Harvard professor, an expert on the Kremlin, a veteran, and a Rhodes Scholar. But that is our Librarian of Congress.

He speaks 7 languages, he has 42 honorary doctorates, and I am hoping he will soon be able to start catching a full 8 hours of sleep every night.

Dr. Billington has certainly earned it, and we wish him the very best in his retirement.

### CYBER SECURITY

Mr. MCCONNELL. Mr. President, on a different matter, I think a lot of people were shocked to hear that the Obama administration was unable to prevent the information of 4 million Americans from being compromised by hackers.

Officials in the White House now owe it to every American to let Congress help them get out of the past and up to speed with the cyber security realities of the 21st century. That is just what the measure we will soon consider would help do.

It contains modern tools that cyber security experts tell us could help deter future attacks against both the public and the private sectors. The measure would also help get the word out faster about attacks as soon as they are detected, provide governments and businesses with knowledge they can use to erect stronger defenses, and help strike a critical balance between security and privacy in the process. The bill would do so, for instance, by mandating the creation of guidelines to limit the use, retention, and diffusion of consumers' personal information.

This is more than just a smart measure. It is a transparent one too. It has been carefully scrutinized by Senators from both parties. It has been endorsed overwhelmingly on a bipartisan basis by nearly every single Democrat and every single Republican on the Intelligence Committee, and it has been posted online and available for anyone to read for quite some time.

The need for this smart, bipartisan, transparent measure couldn't be clearer. We shouldn't wait for the administration to fumble away another 4 million Social Security numbers or personal addresses before we help them get modernized and up to speed.

That hasn't stopped some Democratic leaders from thinking they should try to score some political points by taking down a bipartisan measure to combat cyber attacks.

I hope they won't do that.

Most Americans would find it awfully cynical for Democratic leaders, in the wake of the administration's inability to stop such a massive cyber attack, to vote against the very same cyber security legislation their own party vetted and overwhelmingly endorsed in committee for the sake of scoring some kind of political point.

We have a smart, transparent, bipartisan, fully vetted measure before us that can help make our country safer.

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



Printed on recycled paper.

S4063

Senators in both parties have a chance to offer other amendments to the bill and amend it, too.

My hope now is that we can work together to help pass a measure that is in support of the American people and backed by a broad coalition of supporters—everyone from the U.S. Chamber of Commerce to the U.S. Telecom Association. The sooner we do, the sooner we can conference it with two similar White House-backed bills that passed the House, and the sooner we can finally get a good cyber security law on the books to help protect Americans.

#### NATIONAL DEFENSE AUTHORIZATION ACT

Mr. McCONNELL. Mr. President, that brings me then to the larger debate the Senate is having this week. The bill the cyber measure has been offered to is the annual Defense authorization Act. It is a related issue. It is about protecting our country. It makes sense to consider these issues together.

Now, the Defense bill is another measure that should be sailing to passage with strong bipartisan support. It does so almost every year. But Democratic leaders now seem to have a different idea.

Here is a headline that just appeared in the Washington Post: "Democrats prepare for filibuster summer."

"Democrats prepare for filibuster summer." We can already feel Americans just tense up. They don't even like the sound of it. Who would?

Let me read just a few lines from that story: "After almost six months in the minority . . . Senate Democrats aren't afraid to be obstructionists, detailing a strategy of blocking appropriations bills and other Republican agenda items until they get what they want"—"until they get what they want."

"Get ready for filibuster summer," the Post warned, because despite opening themselves "to charges of hypocrisy," Democrats have "decided to block all spending bills starting with the defense appropriations measure."

Putting the obvious hypocrisy aside, one thing is clear: The party leaders opposite seem to think this is all just a game.

Democratic leaders seem to think the pay raise for a soldier who gives everything to protect our country and who would give anything to provide for her kids isn't something she has earned, but something she can gamble with in a high-stakes game of "Shutdown Roulette."

Democratic leaders don't seem the least bit bothered by the dire national security implications of what they are doing. They have packed the car for their filibuster vacation, and they are ready to hit the road, whatever the consequences for our country. They are heading down this road at a time when "the United States has not faced a more diverse and complex array of crises since the end of World War II."

Those are the words of Henry Kissinger. And he is right. From Beijing, Moscow, and the tribal areas of Pakistan, to Ramadi and Tehran, we see unrest and global threats that threaten American values and American interests.

And what do we see from Democratic leaders? A serious plan?

We hear the President telling us he still doesn't even have one when it comes to confronting one of our most serious challenges—ISIL.

This is 8 months after he announced his intention to confront this threat. This is 8 months after I and others called on the President to provide us with a comprehensive plan to defeat this menace. And it is 8 months since I pledged that Congress would work with the administration to ensure our forces have the resources they need to carry out their missions.

Republicans have kept up our end of the bargain, even if the President still doesn't have a serious plan.

The President asked us for \$612 billion in his budget request to Congress. That is what he asked for. So we worked across the aisle to craft a bipartisan Defense authorization bill at precisely that level. He asked. We delivered.

The House version of this bill already passed by a big bipartisan margin. The Senate version sailed out of the Armed Services Committee on a vote of 22 to 4. We were all set to pass the very type of bill President Obama indicated he wanted, but then Democratic leaders started listening to that little partisan pat on their shoulder: Why not take this opportunity to pump up that unrelated government spending we like so much? Just threaten to filibuster pay raises for the troops until they shower more cash on the bureaucrats in Washington.

At a moment of grave and gathering threats, Democrats listened to that partisan voice—that partisan voice.

At a time when our military families need all the support they can get, Democratic leaders reverted to partisan form and are now threatening to blow up a bipartisan bill.

I would think this would be of some concern to commonsense Democrats. They have to be wondering if their leaders have totally lost it—completely lost it—with this filibuster summer and holding our military hostage.

We don't have to look too far to see the important role the military plays in each of our communities. I mentioned yesterday how important Fort Campbell is to Kentucky. Let me now tell my colleagues a little bit about Fort Knox.

Fort Knox hosts the Army's Human Resources Command. It is a hub for multiple major commands under the Training and Doctrine Command. Because of its vast array of excellent training grounds and exceptional training facilities, Fort Knox also recently began hosting thousands of cadets for

extensive annual training under the Army Leader's Training Course. Not only has Fort Knox been leading the Army in energy independence by developing the capability to go off the grid entirely, but it also continues to make an exceptionally important contribution locally, as well.

Fort Knox's economic impact on Hardin County and the surrounding communities stands at over \$2 billion a year. My constituents in Elizabethtown and across the Commonwealth know how important Fort Knox is to our community and to our country. They also know that passing the bipartisan Defense bill before us would allow for a critical new medical facility to be built at Fort Knox. They don't want to see Democratic leaders hold that medical facility hostage for unrelated partisan reasons.

Kentuckians and Americans know that supporting our troops is never ever a waste of time. They know that ensuring the military has the tools it needs isn't a game. Here is something else so many of our constituents know: What America needs right now is not a summer of filibusters but a season of serious bipartisan solutions. That is what the Defense bill before us represents, and that is what this new Congress has been doing all year. We have gotten a lot done. There is a lot more we can do. And if rank-and-file Democrats reject their leader's partisan games in favor of keeping up the bipartisan work that got us to this point instead—on a bill they joined Republicans to pass in committee 22 to 4—then that is just the kind of productive summer we can keep working toward.

#### RECOGNITION OF THE MINORITY LEADER

The PRESIDING OFFICER. The Democratic leader is recognized.

#### TRIBUTE TO DR. JAMES BILLINGTON

Mr. REID. Mr. President, I admire and appreciate very much my friend the Republican leader mentioning Dr. James Billington, a friend of mine.

I had a wonderful conversation with Dr. Billington yesterday. I wrote him a nice letter talking about what we have done together over these past three decades.

It seems only yesterday that I was chairman of the Legislative Branch Appropriations Subcommittee and a new Senator here. One of the first attacks we got from Republicans at that time was to whack the Library of Congress. They even went after the magazines that were produced in braille. I can remember the debate we had about Playboy magazine. I don't know what they were trying to eliminate, but they tried. I don't know what they could do with the braille in a Playboy magazine. But we were able to turn that back.

I so appreciate this good man and what he has done. His academic record

is terrific. As a person, he is the best. We have traveled parts of the world with him, together with Mark Hatfield, a Republican, who was one of the Republican leaders of the Senate, and I was a junior Senator at the time. We had a great trip. Prior to coming to the Library of Congress, Jim Billington was the acting leader of our country on the Soviet Union. He is a wonderful man, and I ask that my remarks indicate that I agree with every word the Republican leader said about Jim Billington.

#### NATIONAL DEFENSE AUTHORIZATION ACT

Mr. REID. Mr. President, my friend the Republican leader threw around words such as “cynicism” and “hypocrisy.” This speech my friend gave—I would suggest he walk into his office, his little bathroom in there, and look into that mirror because over that mirror he should be able to see the words “hypocrisy” and “cynicism” because the speech he gave was fervent with hypocrisy and cynicism.

We have tried very hard since the first of the year to cooperate with the Republicans, and we have done it. On this bill which is before us now, the Defense authorization bill—it is a bill I will talk about a little later in more detail—this is a piece of legislation which the President said before it left the committee was going to be vetoed. He not only said it, he put it in writing. We cooperated. We allowed it to go on the floor without the normal filibuster and the motion to proceed that I had to approach when I led the Senate as the majority leader hundreds of times—hundreds of times. So we have cooperated. We haven’t filibustered getting on the bill, as I mentioned, and we have allowed amendments to get pending and get votes. That is something the Republicans would not let us do when this bill came up the last 2 years. It is a major bill.

The Republican leader said a couple years ago, and I quote, “The Defense authorization bill requires 4 or 5 weeks to debate.” That is what he said.

So this work that he has done on this Defense authorization bill is just the height of hypocrisy and cynicism. He comes to the floor today and blames Barack Obama for the hacking that the Chinese did. He talks about what a great bill we have. He stuck on this bill the cyber security—for 5 years we tried to get up a cyber security bill. Every time we brought it up, it was stopped by the Republicans. Every time I met in my office 5 years ago with five different committee chairs, and they moved forward to try to get a bill out. Every step of the way, my Republican friends blocked us. So talk about cynicism, hypocrisy.

On the Defense bill they talk about what a gift they gave to the President. They gave a gift to the President of \$39 billion more deficit spending. That is more deficit spending on the overseas

contingency fund. They refused to allow that on virtually everything else.

My friend the chairman of the Armed Services Committee, in years past and, in fact, when this bill first came from the House, complained about this phony gimmick they were using, but now my friend, with whom I came to Congress 33 years ago, suddenly likes this bill. I don’t know how he can do the backflip he did to come to this reasoning.

There is no better example of the dysfunction created by the Republican leader and his party than what we have seen not in the last 5½ months, the last 24 hours. Think about what he has done. We are on the Defense authorization bill that the President said out loud and in writing he is going to veto. Everyone knows that. Every Republican knows that. But the Republican leader is hell-bent on moving forward with this cynical ploy to pass a bill that is destined to be vetoed.

Yesterday, he even went further and intimidated that Republicans love the defense of this country through our military and we don’t. At that time, I said, and I repeat, every one of my Democratic Senators is a patriot. They believe in this country, and they support the military. So supporting the military isn’t a lock that the Republicans have.

To make matters worse, the Republican leader is now using this bill which should be focused on funding our troops to pull these diverting, deceitful ploys on cyber security. On cyber security, with the Republican leader’s blessing, Senators BURR and MCCAIN employed a rarely used device to get a cyber security amendment pending with no agreement, and then, before any action was taken, the Republican leader quickly filed cloture.

When the Senate considered the 2012 cyber security bill—and we tried so hard to get that out—Senator MCCONNELL complained about cloture being filed too quickly, which I did because they wouldn’t let us move at all on the bill.

In 2012, Senator MCCONNELL said:

The few days the bill was on the floor, the majority limited its consideration to debate only and then . . . filed cloture. But, of course, that is kind of par for the course around here. . . . The notion that we should just roll over and wave through these bills without having a chance to improve them and that Democratic Senators would be willing to be rolled in such a way is ridiculous, especially on a bill of this significance.

Yet, here the Republican leader is doing just what he lambasted before. Now, that really is par for the course over these last 5 months.

For 6 years, in three different Congresses, virtually everything President Obama tried to do and we tried to do was filibustered. That is no secret. Hundreds of times—hundreds of times on motions to proceed, gobbling up 30 hours here, 2 days here. Hundreds of times.

So now what we find is something that to me is even more troubling.

There have been press reports today that Republicans on the House side are involved in a vote-buying scheme on the trade bill by promising never to reauthorize the Export-Import Bank. They are saying to these few Republicans: If you vote to allow us to go forward with this trade bill, we won’t do anything on the Export-Import Bank. What a shame.

Let me get this straight. Republicans want to pass a trade bill that hurts American workers, and in order to buy votes to make that happen, they are going to kill 165,000 more jobs by letting Ex-Im Bank lapse. The number of Americans working today because of the Bank, as we speak today, is 165,000.

Another part of this cynical ploy unfolded here on the Senate floor. The Republican leader, who is intent on letting the Export-Import Bank lapse, allowed a token vote on the measure to try to appease the Bank’s supporters. The Republican leader immediately walks out in the last 24 hours and files an amendment on Ex-Im Bank and within hours files a motion to table the amendment. Wow.

So we should not be easily fooled, and we are not. If the Bank expires, there is no telling how long it will take to renew it—if, in fact, it ever happens. None should be fooled by these sham votes. If we want to preserve the Bank, we should vote to extend it before it expires on June 30 this year—in a couple weeks.

I am amazed it is even an issue. It wasn’t that long ago that Republicans believed that this Bank was good for America. Republican Presidents believed in it—Reagan, Bush, and Bush.

I remember when the Republican leader was in favor of the Bank. In 1997, the Senator from Kentucky cosponsored legislation reauthorizing the Bank’s charter. With Senator MCCONNELL’s help, the Senate passed that bill unanimously. That is the way we used to do it because it was so good for America. Again, 4 years later, the Republican leader signed on to a letter encouraging George W. Bush to extend the Bank’s charter, which, of course, he did. At that time, he and 29 other Republican Senators argued that allowing the Bank to lapse would be devastating to the economy and in particular our trade deficit. Now the senior Senator from Kentucky has turned a legislative backflip and today wants the Bank to disappear. Talk about hypocrisy. Talk about cynicism. Wow. As he continues to remind everyone, he sets the schedule around here. Yet, he cannot be bothered to schedule a vote on the Export-Import Bank before it lapses.

So what changed? Here is what changed. The Republican leader is not the only Republican performing a breathtaking about-face on this issue. The chairman of the banking committee supported the Export-Import Bank as recently as a year or two ago. In fact, the senior Senator from Alabama supported a 4-year renewal. If the

Senator from Alabama had gotten his way, the Bank would still have a year left before the charter expired. But now the senior Senator from Alabama, speaking on the Bank's reauthorization, said, "I believe at the end of the day if it expires, we won't miss it." Tell that to 165,000 people who will lose their jobs. Just last night, the banking committee chairman tried to table an amendment reauthorizing the Export-Import Bank. That motion failed overwhelmingly and displayed that the Bank has a lot of support for reauthorization.

I don't mean to point a finger at just the Republican leader and the banking committee chairman. Many other Senate Republicans have flipped on this also and so quickly that I am sure their heads are spinning even as we speak.

To understand the Republican change of position, one need only look—where do we look? What do the Koch brothers want us to do? What do the Koch brothers want us to do? These Koch brothers are their billionaire benefactors. Charles and David Koch adamantly oppose the Export-Import Bank today but not yesterday. They were not always against the Bank.

Just like most other businesses in America, Koch Industries is always looking for new markets for its goods. They should. That means the Koch brothers are all for exports. How could they not be? After all, the Koch brothers got into business by selling services to Joseph Stalin. That is where they got started—Joseph Stalin and his brutal Communist Soviet Union.

More recently, Koch Industries and its subsidiaries have used the Export-Import Bank to find an international marketplace for their goods. The Hill newspaper reports that Koch companies Georgia-Pacific, John Zink, Molex, and Koch Heat Transfer, among others, received over \$16 million in loans from the Bank. That is what the Bank is intended for. That \$16 million is to help sustain American jobs.

But it is stunningly hypocritical that the same Koch brothers are using the Bank for loans they could literally write a check for and that they are attacking as a corporate giveaway. This reminds me of the time the Kochs attacked ObamaCare as collectivism. They probably know a little bit about it. That is where their business started. The Kochs attacked ObamaCare as collectivism, while collecting health subsidies through the Affordable Care Act. Talk about cynicism. Talk about hypocrisy.

Now, after benefiting from the Export-Import Bank, the Koch brothers figure we have it all. Why should we try to help anybody else? We are multi-billionaires. That is an understatement. They are labeling it "corporate welfare" and "a handout" for big business. I wonder if Charles and David got whiplash from their extreme turnaround. The Kochs' main political arm, Americans for Prosperity, is now lead-

ing an all-out assault on the Bank. It is going to great lengths to pressure Republicans to let the Bank's charter lapse.

It is one thing for a couple of oil baron billionaires to oppose a program for their own financial purposes; it is an entirely different thing for governing Republicans in Congress to do their bidding. But obviously that is what is happening. Why else the turnaround? Republicans in Congress were for the Export-Import Bank until the Kochs were against it. Now Republicans are running for cover, waiting to find a way that they can try to rationalize not being for it, when they were for it before.

One conservative news outlet run by the Heritage Foundation went so far as to report that Republican Presidential hopefuls have to reject the Export-Import Bank if they want the Koch's endorsement and financial backing. You cannot make up stuff better than this. The Daily Signal, for example, reports, "An endorsement would likely turn on a candidate's approach to one or more issues of importance to the Koch brothers, beginning with their opposition to the Federal Export-Import Bank."

It would be tragic if the Export-Import Bank was not reauthorized because Republicans with White House ambitions or Senators who are afraid they are going to get a primary here in the Senate are more interested in auditioning for the Koch brothers, as Presidential candidates are and Republican leaders in Congress do. They go meet with them a couple times a year to make sure they bow when they are supposed to and don't crowd and make sure they are called upon when they are asked to.

The Republican leader and his colleagues have completely altered their position on a program that supports 165,000 American jobs, jobs here right in our country, many in their own States. Every State in the Union benefits. Republicans have changed their opinion on a bank that has returned \$7 billion to the Treasury, our Treasury. It is a flip that would make a trapeze artist cringe.

I say to my Republican friends: Just because the Koch brothers tell you to jump, do you have to say: Well, how high do you want me to jump? We do not have much time. The Export-Import Bank charter expires at the end of this month. Last night's vote proves there is support in this Chamber to reauthorize this Bank. Sixty-five Senators voted in support of it last night. So I urge Senate Republicans to put aside their nonsensical backtracking on a program they themselves admitted was a job creator and understand where the real cynicism and hypocrisy lies in this Chamber.

#### RESERVATION OF LEADER TIME

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

#### MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, the Senate will be in a period of morning business for 1 hour, with Senators permitted to speak therein for up to 10 minutes each, with the time equally divided in the usual form.

The Senator from Utah.

#### TRADE PROMOTION AUTHORITY

Mr. HATCH. Mr. President, last month, the Senate passed the Bipartisan Congressional Trade Priorities and Accountability Act of 2015, which renews trade promotion authority or TPA. Years of hard work and compromise enabled us to pass this bill with strong bipartisan support in the Senate. Now with the Senate having already acted, all of our eyes are turned to the House of Representatives, where I know the Speaker and the Republican leadership, not to mention the chairman of the House Ways and Means Committee, who is the coauthor of the bill, are working to move this important bill forward.

I want to take some time to address some of the concerns I have heard from our House colleagues and others about this bill and the concept of TPA, in general. For example, I know some have claimed that TPA cedes too much congressional authority to the executive branch. This is a particularly troublesome proposition for some of my Republican House colleagues who might be wary of granting new powers to the current occupant of the White House.

Now, let me be clear. I have spent as much time as anyone in Congress criticizing President Obama's Executive overreach. I have come to the floor numerous times to catalog all the ways the current administration has overstepped its authority on issues ranging from health care to immigration, to labor policy. In fact, I was here just yesterday talking about efforts on the part of the administration to unilaterally undermine welfare reform.

So when people say they are worried about legislation that would take power from Congress and give it to this President, believe me, I understand. I would worry about that, too, but that is not what our TPA legislation does. Simply put, TPA is a compact between the House, the Senate, and the administration.

With TPA in place, the administration agrees to pursue negotiating objectives established by Congress and is required to consult with Congress on a regular basis during the whole negotiating process. In return, the House and Senate agree to vote on any trade agreement that meets those requirements under a specified timeline without amendments. The President does not have any new powers under this compact and Congress does not give up any powers.

In fact, the primary purpose of TPA is to enhance Congress's role in the negotiating process. That is right. Despite some claims that TPA is an abrogation of congressional power, the opposite is actually true. Without TPA, the Members of Congress and their constituents have no strong voice on establishing our trade priorities. With TPA, Congress can define trade negotiating objectives and priorities.

Without TPA, the administration is under no formal obligation to provide Congress with meaningful information on the status of ongoing trade negotiations. With TPA, Congress can require the administration to provide frequent updates and consultations. For example, the Senate-passed TPA bill will ensure that any Member of Congress who wants access to the negotiating text, at any time during the negotiations, will get that access.

In addition, Members of Congress will, once again at any time, be able to request and receive a briefing from the USTR, the U.S. Trade Representative, on the current status of ongoing trade negotiations. In other words, TPA gives Congress a much stronger say in the substance of our country's trade negotiations and provides mechanisms to hold the administration far more accountable.

Right now, the Obama administration is negotiating trade agreements with only ad hoc and informal direction from Congress. That will change once Congress renews TPA. Still, I know there are some who believe that by agreeing not to allow amendments or filibusters of trade agreements, Congress is giving up most of its power to influence trade agreements on the back end once an agreement is actually signed.

Again, let me be clear. Under TPA, Congress at all times—all times—maintains the ultimate authority over a trade agreement, the power to reject it entirely. TPA does not guarantee the passage of any trade agreement now or in the future, nor does it, as some have argued, reduce votes in Congress to a "rubberstamp" for the administration.

This is important, as there has been some confusion on this point. With the coming vote on TPA, the House of Representatives is not voting to approve any individual trade agreement. I know pundits and talking heads in the media have tried to conflate passage of TPA with Congress's approval of the Trans-Pacific Partnership, but in reality these are separate and distinct propositions.

Case in point: Over the last couple of years, I have been the most outspoken advocate in Congress in favor of renewing TPA. However, throughout that time, I have made it abundantly clear that my support for TPA does not guarantee any support for the Trans-Pacific Partnership. Indeed, I am fully prepared to vote against the TPP if the administration falls short on reaching high-priority negotiating objectives. Many on this side of the aisle and on

the other side of the aisle have informed them of some of these high-priority negotiating objectives.

But even if maintaining the power to accept or reject the trade agreement is not enough, the Senate-passed TPA bill contains procedures, including an all-new procedure that will enable Congress to strip procedural protections from any trade agreement if it determines there was inadequate consultation or that the negotiating objectives have not been met.

Additionally, under the bill, both the House and the Senate maintain their constitutional prerogative to change their respective rules to override TPA. So as you can see, the Congress has not given up any of its powers under TPA. In addition to preserving and enhancing Congress's role in trade policy, the Senate-passed TPA bill contains a number of provisions that actually constrain the administration as it negotiates and implements new trade agreements.

For example, the bill ensures that implementing bills to trade agreements will include—and I am quoting the text of the bill here—"only such provisions as are strictly necessary or appropriate to implement" trade agreements. Additionally, the bill makes clear that any commitments made by the administration that are not disclosed to Congress before an implementing bill for an agreement is introduced will not be considered as part of the agreement and will have no force of law.

Furthermore, the bill also ensures that trade agreements cannot be used to undermine U.S. sovereignty, another concern I have heard about TPA and one I wanted to make sure we were protecting against. The bill accomplishes this goal in four important ways; first, it makes clear that any provision of the trade agreement that is inconsistent with Federal or State law will have no effect; second, the bill states specifically that Federal and State laws will prevail in the event of a conflict with the trade agreement; third, it affirms that no trade agreement can prevent Congress or the States from changing their laws in the future; fourth, it confirms that the administration cannot unilaterally change U.S. law.

All of these provisions have been drafted with an eye toward maintaining the separation of powers and ensuring that no administration can use trade agreements to unilaterally write U.S. laws or policy. Now, we have all heard claims that the President intends to use trade agreements to change our immigration laws or enact strict climate change standards. TPA ensures that throughout the process of negotiating, finalizing, and approving a trade agreement, Congress stays in the driver's seat.

Finally, I want to address the concerns I have heard about the supposed secrecy surrounding the TPP agreement. Some of our House colleagues, as

well as a number of people in the media, have decried the fact that details of the TPP, the Trans-Pacific Partnership, have not yet been made public. They have also argued that by renewing the TPA before the details of the deal are disclosed, Congress would be enabling further secrecy. Again, this reflects a simple misunderstanding of simple negotiation tactics.

The TPP is still being negotiated. As with any high-stakes negotiation, some level of confidentiality is a must if we are going to get the best deal possible with 11 other countries at the table.

In all sensitive negotiations, there is a time for disclosure and a time to hold your cards close to your chest. So I recognize that with trade negotiations, our government is negotiating on behalf of the American people. We need to ensure that the maximum amount of transparency is possible.

Fortunately, the Senate-passed TPA bill strikes an appropriate balance to deal with these issues, providing unprecedented levels of transparency and oversight into the trade-negotiating process. Under our bill, the full text of a completed trade agreement must be made public at least 60 days before the President can even sign it—be made public at least 60 days before the President can even sign it. Talk about transparency—this is an all-new requirement, giving the American people new and unprecedented access and knowledge of all trade agreements well before they are even submitted to the Congress for approval.

After that 60-day period has expired and the President signs an agreement, he must submit to Congress the legal text of the trade agreement and a Statement of Administrative Action at least 30 days before formally submitting an implementing the bill. As I noted earlier, the bill includes all-new requirements giving Members of Congress access to text and information throughout the negotiating process.

Any Member of the House of Representatives that supports free trade who is concerned about the secrecy of current negotiations should be the first in line to support the Senate-passed TPA bill. Once again, any supporters of expanded U.S. exports who are also wary of executive overreach should be trumpeting their support for our bill.

The Senate TPA bill enhances Congress's role in trade negotiations. The Senate TPA bill maintains Congress's power to accept or reject any future trade agreement. The Senate TPA bill prevents the President from pursuing unilateral changes to U.S. law or policy. And the Senate TPA bill provides unprecedented levels of transparency and oversight into these trade agreements or into any trade agreements that may come forward, including TPP.

I am sure that some of the cynics out there have one more question: If TPA imposes all of these requirements and restrictions on the administration, why does the President want it so badly?

The answer to that question is simple. TPA is necessary in order for our negotiators to get a good deal. We know this is the case. Without TPA in place, our negotiating partners have no guarantees that the deal they sign will be one Congress will consider.

Without those guarantees, they are less likely to put their best offers on the table because they will have no assurance that our country can deliver on the deal or any deal they enter into with us. Make no mistake, we need to get good deals at the negotiating table.

More than 95 percent of the world's consumers live outside of our country, the United States. If our farmers, manufacturers, and entrepreneurs are going to compete on the world stage, they need access to these customers.

History has shown that high-standard free-trade agreements expand market access for U.S. exporters and reduce our trade deficits. Most importantly, they grow our economy, create good, high-paying jobs for workers here at home, and improve living standards for our citizens and for our trading partners. If the United States is going to advance its values and interests in the international marketplace, we need to be writing the rules and setting the standards. We cannot do that if we are sitting on the sidelines.

This is an important bill. I was very pleased to see it pass the Senate with bipartisan support.

I hope that in the coming days, we will see a similar result in the House of Representatives.

I yield the floor.

The PRESIDING OFFICER. The Senator from Michigan.

#### KING V. BURWELL

Ms. STABENOW. Mr. President, we expect a ruling this month in the Supreme Court case of *King v. Burwell*, which will have such an impact on families all across America and on the affordability and availability of health insurance for them and for their families. This is an incredibly important issue.

As someone who was there in the Senate Finance Committee at virtually every meeting—and who helped write the tax credit section of the bill—I wish to remind my colleagues of what is at stake in this decision.

During the Finance Committee markups, I worked very hard to make sure the affordability tax credits, which provide tax cuts for millions of Americans, were meaningful in helping people buy health insurance through the marketplaces. It took a lot of work to get those tax credits written into the Affordable Care Act. In fact, as my colleagues know, certainly on this side of the aisle, I would go to every meeting with charts and graphs, looking at what people would have to pay under various levels of tax cuts and how to make sure it was affordable. The great news is that the majority of Americans today are able to purchase affordable

health insurance for less than \$100 a month, and that was a lot of work to get done. That is really what is at stake right now.

Now, I know there are people who don't like the law that was written, but the legal argument being presented in the Supreme Court right now makes absolutely no sense. Folks on the Republican side of the aisle are asking the Supreme Court to raise the taxes of some 6.4 million Americans. We are talking about \$1.7 billion in tax increases going to all these States in the red, including my own.

We have Members of the Senate cheering on a court that could rule that there would be a \$1.7 billion tax increase on their own constituents. Don't count me in as one of those who are cheering that on. I don't understand it.

These Members of Congress are effectively saying that people in Massachusetts, where there is a State exchange, can have a tax cut and the affordable coverage that comes with it, but people in Oklahoma can't have a tax cut. They are suggesting it is fine for people who live in the District of Columbia to get tax cuts to help pay for their insurance, but people in Louisiana cannot or that people in New York can have tax cuts to help pay for their insurance, but people in Texas cannot.

Now, to drive this point home, I wish to take a moment to look at how many people in each State are at risk of a tax increase based on the Supreme Court ruling, because this is very important to literally millions and millions of Americans.

In Alabama the Supreme Court could raise taxes through their decision on 132,253 people. Over 132,000 people will find out this month whether they get a tax increase as a result of the Supreme Court decision.

In Alaska, we see the possibility of 16,583 people in the Last Frontier State who would see an average of \$536 more in taxes as a result of the possible decision being urged on by Republicans in the House and Senate.

In Arizona, the Grand Canyon State, over 126,000 people—Americans—would see a tax increase. There would be \$20 million total in tax increases in Arizona, depending on how the Supreme Court rules.

Let's go on to what is called the Natural State, Arkansas, where 48,100 people will see an average increase of \$284 as a result of the Supreme Court decision if they rule against what we know was done correctly in terms of writing the Affordable Care Act.

Let's go on and look at Delaware, the First State, where 19,128 people would see their taxes go up—a tax increase in Delaware, depending on what the Supreme Court does later this month.

In Florida, the Sunshine State, it is over 1.3 million people—1,324,516 people—and we are looking at almost \$390 million in tax increases that would be coming from the State of Florida if the Supreme Court sides with Republicans

and makes that decision that will increase people's taxes.

In Georgia, the Peach State, 412,385 Georgians will see a tax increase as a result of the Supreme Court if the Supreme Court does what the Republicans want to have done.

In Illinois, 232,371 people living in Illinois, next to Michigan, our great friends in Illinois—almost \$50 million in tax increases in Illinois will happen beginning at the end of this month if the Supreme Court rules the way Republicans want them to rule.

In Indiana, also next to the great State of Michigan, 159,802 people living in Indiana, Hoosiers, will see their taxes go up if the Supreme Court rules against providing tax cuts.

In Iowa, the Hawkeye State, 34,172 Iowans will see their taxes go up. These are families. These are working families. These are families working hard, with one job, maybe two jobs, maybe three jobs. There probably are folks who are certainly included in this who lost the equity in their homes after what happened with the great recession and are trying to dig themselves out of the hole and are celebrating the fact that they can go to bed at night not having to worry if the kids get sick, if they can take them to the doctor. Most of them are able to buy health insurance for less than \$100 a month because of the tax cuts we passed in the Affordable Care Act.

In Kansas, the Sunflower State, 69,979 people—almost 70,000 people in Kansas—will see their taxes go up if the Supreme Court sides with the Republican position on the Affordable Care Act.

In Louisiana, the Pelican State, 137,940 people who live in Louisiana—almost \$45 million would come out of this State in tax increases if the Supreme Court sides with the Republican position regarding the Affordable Care Act.

In Maine there are 60,939 people who represent families—people who have families, who have children, spouses—who are now able to afford insurance, most of them for under \$100 a month, maybe for the first time ever because of the tax cuts, tax credits that are translated into tax cuts for people in the Affordable Care Act.

This one means the most to me, of course, and that is my home State of Michigan. There is no way, by the way, I would have ever voted to do this. The idea that we voted for something that would make all of this happen is pretty crazy. Obviously, that was not legislative intent. But in Michigan, 228,388 people in my State, men and women and their children, will, in fact, see a tax increase if the Supreme Court rules with the Republican position at the end of this month.

Missouri, the Show Me State: Well, I will tell you what they don't want to show are more tax increases—197,663 people in Missouri, and we are talking about \$55 million coming out of the State of Missouri. These are families

who will pay more and, in many cases, not be able to afford health care anymore for their families. So they are going to pay more, and they are not going to have health care.

Mississippi, the Magnolia State: There are 75,613 people. That State will see over \$26 million in total tax increases.

Montana, the Treasure State: 41,766 people in Montana. It is close to \$10 million in total that will come out of Montana, from Montana families, in tax increases, if the Supreme Court sides with the Republican position in the House and the Senate and raises people's taxes.

Nebraska: 56,910 Nebraskans will see their taxes go up an average of \$257 each—almost \$15 million in total coming from Nebraska.

New Hampshire: The Supreme Court decision could raise taxes on almost 30,000 people—29,996 people—in New Hampshire who have health insurance now, most for under \$100 a month. They will probably lose their health care and the bonus is they will get a tax increase that will, in total, be almost \$8 million.

New Jersey, the Garden State: 172,345 people in New Jersey are all looking at about \$54 million in tax increases—this is New Jersey alone—who will get less health care and more taxes.

North Carolina, the Tar Heel State: 458,738 people. That is a lot of people in North Carolina—458,738 people—who today have the peace of mind of knowing if they get sick, they can go to a doctor, take their children to the doctor, they can prevent themselves from getting sick by having preventive care and cancer screenings and all those things we want for ourselves and our families. They will see their taxes go up if the Supreme Court sides with the Republican position.

North Dakota: 14,115 individuals will see their taxes go up. We are looking at \$3.3 million in small States such as North Dakota where families will pay an increase in taxes.

Ohio: 161,011 people in Ohio. The Buckeye State—the great rivals of my State. There are 161,011 Ohioans who are looking at \$41 million in total tax increases. They are looking at less health care and more taxes if the Supreme Court sides with the Republican position sometime between now and the end of the month.

The Sooner State of Oklahoma: 87,136 people living in Oklahoma. This is another State near and dear to me. This is where my mom grew up. She lived on a farm and actually picked cotton. I know how hard they work. So 87,136 people in Oklahoma will see over \$18 million come from this State. These are men and women who just want to make sure they have health care for their children so they can respond if somebody gets sick, if somebody has cancer, if somebody needs to have some health care help. They will see less health care and \$18 million more in tax increases if the Supreme Court sides

with the Republican position this month.

Pennsylvania, the Keystone State: 348,823 people. Again, a big State and a lot of people in Pennsylvania—348,823 people. This State will see almost \$80 million in total tax increases. So less health care, more taxes, if the Supreme Court gets this wrong and sides with the Republican position.

South Carolina: 154,221 people in South Carolina will see their taxes go up, meaning about \$43 million in total if this decision goes against the American people.

South Dakota, the Mount Rushmore State: This is another small State, but every single person there who is getting health care today and is paying less for it—most folks under \$100 a month—is going to care about this. There are 16,811 people in South Dakota who will get tax increases and less health care if the Supreme Court makes the wrong decision, if the Supreme Court in this case sides with the Republican position.

Tennessee: 155,753 people in Tennessee will see their taxes go up, with a total of about \$34 million just from Tennessee alone.

Texas: And here we begin to see bigger numbers. Again, big State, big numbers—832,334 people in Texas, and we are talking about over \$205 million in increased costs, increased taxes on people who live in Texas who just want to be able to provide health care for themselves and their children. That is all. This is not some big frill we are talking about here. It is pretty basic. We cannot control whether we get sick. We are looking at 832,000-plus people who are holding their breath waiting to see what the Supreme Court is going to do and whether they are going to side with them or they are going to side with the Republican position.

Utah: 86,330 individuals in Utah who will see their taxes go up, all together about \$18 million.

Virginia: 285,938 people. Pretty close by in Virginia. Again, on average, they will see a \$258 increase in their taxes or a total of \$74 million from Virginia. This is just across the bridge here.

West Virginia, the Mountain State: We have 26,145 West Virginians who would all, in total, see over \$8 million coming out of the State of West Virginia if the Supreme Court sides with the Republican position on the tax credits under health care.

Wisconsin: 166,142 people. This is another close neighbor of ours in Michigan. There are 166,000-plus people who will see over \$52 million coming right across Lake Michigan, as we look across at Wisconsin. So less health care and taxes go up if the Supreme Court gets this wrong and sides with the Republican position.

And finally, Wyoming: 16,937 individuals and over \$7 million coming from the State of Wyoming in total taxes if the Supreme Court gets this wrong.

Madam President, a central question for Justices to consider in *King v.*

Burwell is legislative intent. That is a question I am, frankly, very qualified to answer, given how engaged I was in crafting the Affordable Care Act and especially the tax cuts represented in the affordable tax credits. I was there. I can speak firsthand to what the intent was.

The core purpose of this law was to make sure health care coverage was affordable for every American. Pretty simple. And to achieve that, I fought very hard to make sure these tax credits would be available; that they would be enough to make the difference.

I pushed so hard for these tax cuts in the Finance Committee markup that Chairman Baucus ended up calling me “Senator Affordability” in the process. I knew we had to get that right for every American, including those in my State. The key to this Affordable Care Act is for individuals and small businesses to be able to pool their risk to help drive down the cost for everyone, and it is doing that.

So the law created the marketplaces where Americans could shop. We also wanted to give States the right to create a marketplace of their own, if that was their preference. Now, here is the important part. We didn't want States to feel like they were being forced to create a marketplace, so we gave them a choice: either a Federal marketplace or you could choose a State marketplace.

The Federal marketplace created [healthcare.gov](http://healthcare.gov). With [healthcare.gov](http://healthcare.gov), every American has an opportunity to go online to see if they qualify for these savings, driven by the tax credits created within the Affordable Care Act. The great news is that 6.4 million Americans are getting those tax cuts right now.

Now the Court is considering the ludicrous idea that Congress actually meant to make those tax credits available in States that created their own exchanges but only in those States; that somehow we were not trying to make sure everybody in the United States had access to affordable health care and lower taxes and to put that money toward providing health care—not every exchange, not every State, not every person buying health insurance, only Americans living in States with a State-created exchange. That is what they have to believe in order to take the position the Republicans are asking us to take.

I can't think of a single instance in the history of our country where Members of the U.S. Congress have voted to give tax cuts to people in one State and not to people in another State, particularly if it is their own State that is not getting the tax cut.

Senator Max Baucus from Montana was chair of the Finance Committee at that time. In Montana, there was no plan to set up a State health care exchange. It is totally absurd to suggest that Senator Baucus would help write—would lead the writing of a health care bill with tax cuts for the



people of other States and not his own State. Why would I, as a Senator from Michigan, push so hard for these tax credits in the Affordable Care Act that my own constituents wouldn't qualify for but people in other States would? That makes no sense whatsoever. The legislative intent here is crystal clear.

So we have this bizarre situation where colleagues across the aisle are asking the Court to strike down the tax cuts and raise taxes on millions of their own constituents.

My belief on this issue is the same as it was 5 years ago when I pushed the tax credits through the Finance Committee: The right to get those tax credits has nothing to do with where you live in the United States of America; it has to do with whether you need health care for yourself and your children. If you are an American, then you deserve the opportunity to receive these tax cuts that will make health care affordable for you and your family. Whether you get your plan through a State exchange or through the Federal Government, it doesn't matter. That was intent of the law when we wrote it; that is how the law has worked since the marketplace opened; and that is how it should continue into the future.

Finally, I want to make it absolutely clear that the bill authored by the Senator from Wisconsin, Mr. JOHNSON, is not a repeal-and-replace plan; it is a Trojan horse that would completely destroy the health care law that is currently providing medical care for over 16 million Americans in our country. Experts tell us it would lead to a death spiral, where rates would go up so high that only sick people would be willing to pay the premiums, making insurance completely unaffordable for American families. It would let your State decide what health benefits are essential to your family, meaning a family in Iowa could have completely different protections from someone living a few miles away in Minnesota. It puts an expiration date on the tax credits that make health coverage affordable. Conveniently enough, though, it extends the tax cuts until after the 2016 election. And there is the real danger that when the guarantee of these tax cuts expires in September 2017, they will not be renewed. By putting that expiration date after the election, it is clear that this bill's first priority isn't finding a way to make health care affordable; its priority is delaying a massive tax increase until after the election. The priority is to win an election first and dismantle affordable health care coverage second.

My hope and, frankly, my prayer is that the Court recognizes what I know to be true: that the language of this law is consistent with the original intent, which is clear from the very first words of the law, title I, page 1. Here is what it says: "Quality, Affordable Health Care for All Americans"—not Americans in some States and not others, all Americans.

It is my deep hope that the Court ruling will allow us to lock in affordable

health care coverage for good. Then we can move on and spend our time more productively, focusing on how to make a good law even better for families, communities, businesses, and providers. I hope that will be the opportunity we will have.

I yield the floor.

The PRESIDING OFFICER (Mrs. FISCHER). The Senator from Wyoming.

#### EXECUTIVE SESSION

##### NOMINATION OF DOUGLAS J. KRAMER TO BE DEPUTY ADMINISTRATOR OF THE SMALL BUSINESS ADMINISTRATION

Mr. ENZI. Madam President, I ask unanimous consent that the Senate proceed to executive session to consider Executive Calendar No. 145, and that the Senate proceed to vote without intervening action or debate on the nomination; that following the disposition of the nomination, the motion to reconsider be considered made and laid upon the table; that no further motions be in order to the nomination; that any statements related to the nomination be printed in the RECORD; that the President be immediately notified of the Senate's action and the Senate then resume legislative session.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The clerk will report the nomination.

The legislative clerk read the nomination of Douglas J. Kramer, of Kansas, to be Deputy Administrator of the Small Business Administration.

The PRESIDING OFFICER. The question is, Will the Senate advise and consent to the nomination of Douglas J. Kramer, of Kansas, to be Deputy Administrator of the Small Business Administration?

The nomination was confirmed.

The PRESIDING OFFICER. Under the previous order, the motion to reconsider is considered made and laid upon the table and the President will be immediately notified of the Senate's action.

#### LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will now resume legislative session. The Senator from Wyoming.

#### FEDERAL REGULATIONS

Mr. ENZI. Madam President, I rise today to speak about the growing burden of Federal regulations and the need to rein in the creation of new rules and the expansion of existing rules. The regulatory burden in 2014 is reported to be nearly \$2 trillion, and the Federal Register last year came out to nearly 78,000 pages of new rules and regulations. This chart shows that 78,000 pages of regulations is all too common, especially for this administration,

where regulatory overreach has become normal, and the size of the Federal Register has topped 80,000 pages for 4 out of the 6 years of the President's time in office. With this administration, we are seeing a high-water mark of regulations that are drowning American families and businesses.

The flood of regulations has been getting bigger every year for the past 2½ decades under administrations from both parties. We can't afford to keep piling on these rules. The economic burden of Federal regulations is clear. One study estimated that the regulatory burden in the United States cost more than \$1.8 trillion in 2014 and was bigger than the GDP of India.

My second chart puts this in perspective: Only the 10 largest economies are bigger than the U.S. regulatory burden all by itself.

This burden is real. Some studies have estimated the regulatory drag on economic growth in the United States to be as high as 2 percent per year over the last 6½ decades. An annual report from the Competitive Enterprise Institute also noted that in 2014 regulations cost the average household nearly \$15,000. A study by the Small Business Administration found that regulations increase costs by more than \$10,000 per employee.

The fact that we cannot afford this burden is just as clear. Economic growth in the first quarter shrank by seven-tenths of 1 percent. If we get a growth of 1 percent, it increases the revenue, without raising taxes, to the United States by \$300 billion. That is according to the Congressional Budget Office. According to the President's budget person, it would increase it by \$400 billion. Imagine what a seventh-tenths loss costs us.

Complex regulations are costly and time-consuming, especially for small businesses. Small business owners and their employees have to take on dozens of different responsibilities to make their business work. They have to be compliance experts now, and that takes time and resources away that they need to put toward growing their business and succeeding. I have spoken to many businesses in Wyoming that have stopped measuring their permitting applications in pages because it is easier to measure them in feet.

Businesses are struggling in this regulatory environment because they can't make long-term plans for investments. They don't know what new regulation might come out next month that will change their entire business model. And the problem with complex permitting and regulatory requirements is not just the cost that existing businesses have to bear; it also comes as a cost in businesses that don't even get started because the Federal Government has placed a mountain of paperwork between their idea and success.

The rush of regulations by this administration is clear. President Obama's administration has issued



more than 80 regulations that have a price tag of more than \$100 million each. That is, at a minimum, \$80 billion in costs for this administration's rules.

But what is more disturbing is not just the willingness to churn out more redtape but to find new and creative ways to do it. Agencies are only supposed to create new rules when they have clear authority from Congress to do so and can demonstrate a real need for the regulations. However, we are seeing more and more examples of the administration finding new justifications and new interpretations of laws that Congress has passed in order to get around Congress.

President Obama said that because he is unable to rely on Congress to achieve his agenda, he intends to use Executive orders. We have seen that with the Environmental Protection Agency, the National Labor Relations Board, the Consumer Financial Protection Bureau, which is collecting everybody's data as we speak, the National Security Agency, and so many other Federal agencies that are willing to read new authorities into existing laws and grant themselves new powers that Congress never intended.

One place that is willing to force through an agenda regardless of congressional intent, the will of the people, or the Constitution, is in the energy sector. Energy is one of the main drivers of our economy. Yet, this administration is doing everything it can to wage a regulatory war on coal by releasing rules and regulations designed to make coal harder to produce and making energy more expensive to use in our Nation. Anyone who uses electricity should be concerned about this—oh yeah, that is everybody, isn't it?

I recently talked to some sisters who were driving from Arizona to Wyoming. They were running low on gas, so they stopped in Colorado to fill up. The power was out at the gas station, so they couldn't pump gas or get a snack or use the restroom. All of these things—the gas pump, the cash register, the restroom lights—depend on electricity. Think of all the things around you that depend on electricity. Almost everything we do depends on electricity. Yet, this administration seems to want to do anything it can to drive up the cost of electricity.

A few years ago, Senators on both sides of the aisle realized that coal is one of our best sources of energy, the only stockpileable one, and rejected a cap-and-tax as an extremely expensive and bad idea—bipartisan. Now the administration is moving forward on a backdoor cap-and-tax proposal. They believe the best way to reach their goals of promoting alternative energy sources is to make the current sources more and more expensive to produce and to use. This hurts consumers, it hurts jobs, and it hurts our economy.

It is a simple fact: Make it more expensive to mine coal, and the coal in-

dustry will be less profitable. Make it more expensive to use coal to produce energy, and consumers will see a hit on their energy bills each and every month. Make it more difficult to turn a profit with coal, and coal workers will find themselves with fewer benefits, less job security, and a lot less employment, which costs the government more for unemployment.

This administration has made it clear that they do not care about these costs. The Small Business Advocate wrote EPA that their review panel on the Clean Power Plan was only checking the box and "is unlikely to succeed at identifying reasonable regulatory alternatives for small businesses." The incomplete information they provided "greatly limits [small entity representatives'] ability to propose potential regulatory flexibilities or discuss the costs and benefits of particular regulatory alternatives."

Rural electric cooperatives, transmission companies, and municipal utilities are going to bear the costs of these coal regulations. This is where our communities get their electricity, so those costs will likely be passed on to consumers. Businesses really have no other choice.

Several Members are pushing back on this regulatory overreach. For example, I am proud to cosponsor a bill Senator VITTER introduced earlier this week to protect small business from the onslaught of regulations. But the recent case of the Colowyo mine is a good example of how the administration does not care about a loss of jobs or costs to consumers and is a clear signal to Congress that we have to do more to oppose this.

Coal produced by this mine is responsible for employing over 200 people. The Craig Power Station in Senator GARDNER's State of Colorado sends power to a tristate cooperative which provides service in the West. If the cooperative goes offline, electricity prices for electric customers will rise. Why would it go offline? Because of a little vacation on the mine planned from 2007.

Senator GARDNER, will this affect your State's mine? But it also sets a wider precedent against our most dependable fuel source.

So what does taking this one mine offline—I know they are picking on a small one. That is easier to do than pick on a big one. But what does it mean to your constituents?

The PRESIDING OFFICER. The Senator from Colorado.

Mr. GARDNER. I thank the Senator from Wyoming through the Chair for bringing that point to our colleagues about what is happening in western Colorado and the Colowyo mine.

The Senator from Wyoming mentioned in his comments that sometimes the regulations from this administration can and should be measured in a matter of feet and not just pages because that is how many new regulations are being piled upon businesses in this country.

In the case of the Colowyo Mine, though, a 2007 permit is being brought into question by a Federal court that has given this mine 120 days—the Office of Surface Mining—to rectify a decision that was made back in 2007. This is a court case that was brought 8 years after the 2007 permit was granted.

If the 120 days go by and the court decides that the review was not complete by the Office of Surface Mining, it could result in a shutdown of the Colowyo Mine. As you mentioned, this will result in 220 layoffs. Communities in western Colorado of Craig and Meeker will be devastated.

This mine is responsible for about \$200 million in economic impact to Western Colorado. It pays almost \$10 million to the Federal Government in terms of taxes. It pays about \$1 million to the State of Colorado in terms of severance taxes. Think about the impact that losing 220 people would have on the Main Street of Craig, CO, and on the people of Meeker, CO. Think about the impacts this would have on families and the kids of the 220 employees who are being pulled out of school systems. Maybe \$100,000 or more of impact to schools that can barely afford the loss already. That is just to mention the direct impacts to those communities of this court decision, and, by the way, we only have about 85 or 86 days left to rectify this permit decision if the Department of the Interior decides they are not going to appeal this decision. You have about 80-some days to make this decision that could affect the lives of 220 people, that could affect \$200 million worth of economic activity.

You mentioned that this power is from an electric co-op. The Senator from Wyoming mentioned that this power is from an electricity co-op, a cooperative. There are no shareholders. There are no stockholders. There is no guaranteed income to Tri-State.

This is an organization that is a cooperative. It is designed to be owned by its members, those people who receive power through the cooperative. When we increase the cost of electricity by closing down a mine that feeds the Craig Power Station, in this case, you are increasing the cost of that electricity. You are taking money out of the hands of members across the Tri-State region, whether that is in Wyoming, Colorado, New Mexico or Nebraska. Those costs will get borne by the members of the cooperative.

One thing that we know as well is that Tri-State is one of those cooperatives that provide electricity to some of the poorest areas in Colorado. They are some of the areas that can least afford it. As a result of this decision, it will increase the cost of electricity, and those costs will be borne by those people who can least afford it—people on low income, people on fixed income, people in rural areas of our State who do not have as high an income as other areas in the State or country may have. This will have a significant economic impact.

In fact, the Senator from Wyoming may or may not know that a number of Members of Congress from the Colorado congressional delegation have written letters to the Department of the Interior urging them to appeal this decision as well as to put a stay on this decision, as we have 80-some days left and because 220 people, their lives, their livelihoods, their jobs are at stake, and these are small communities. They are communities that can be economically devastated with 220 job losses.

The Presiding Officer represents a State where there are many towns where five jobs are a really big deal, two jobs are a really big deal, one job is a really big deal. For a community that is the size of the town that I live in—3,000 people or so—to lose 220 jobs would be economic catastrophe.

Madam President, I ask unanimous consent to have printed in the RECORD a letter from Governor John Hickenlooper to the Honorable Sally Jewell, Secretary of the Interior, asking for an appeal of this decision. I also ask unanimous consent to have printed in the RECORD a letter written by Congressman ED PERLMUTTER to appeal this decision. In addition, I ask unanimous consent to have printed in the RECORD a letter that I wrote, as well as Congressman SCOTT TIPTON wrote, asking and urging for an appeal of this decision.

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

STATE OF COLORADO,  
OFFICE OF THE GOVERNOR,  
Denver, CO, May 22, 2015.

Hon. SALLY JEWELL,  
Secretary of the Interior, Department of the Interior, Washington, DC.

DEAR SECRETARY JEWELL: On May 8, 2015, a federal District Court judge in Denver issued a decision that could have significant impacts to communities in Moffat and Rio Blanco Counties, in northwest Colorado. That ruling found that the Interior Department's Office of Surface Mining Reclamation and Enforcement (OSMRE) failed to perform adequate public notice and environmental analysis when approving a mining plan for the Colowyo Coal Mine pursuant to the National Environmental Policy Act. Colowyo employs 220 people, contributes over \$200 million to the regional economy, generates royalties and taxes estimated at \$12.0 million annually, and provides affordable and reliable electricity to Colorado and the Intermountain West.

The final judgment in the Colowyo case stated that the court will void OSMRE's approval of the mining plan if the agency does not, within 120 days, supplement the environmental analysis, provide public notice and an opportunity to comment, and render a new decision. Such a result would effectively shut down the Colowyo Coal Mine, result in layoffs for all 220 individuals, impact hundreds of other families and businesses in the region, and eliminate the principle source of coal for the Craig Station Power Plant.

We have expressed our concerns to OSMRE about these impacts and pledged to play whatever role we can to minimize them, including participation as a cooperating agency in OSMRE's supplemental environmental

review. Given the importance of this mine to the economies of the region, we ask that you do everything possible to respond to the judge's order and remedy the situation as expeditiously as possible. If needed, we encourage OSMRE to petition the court for an extension of the time granted to complete the supplemental environmental review. In addition, we encourage you and OSMRE to appeal the decision if appropriate, given potential adverse impacts on mines in Colorado and other federal permitting decisions.

Thank you for your consideration. If we can be of any assistance, please do not hesitate to call on us.

Sincerely,

JOHN W. HICKENLOOPER,  
Governor.

CONGRESS OF THE UNITED STATES,  
HOUSE OF REPRESENTATIVES,  
June 2, 2015.

Hon. SALLY JEWELL,  
Secretary, Department of the Interior, Washington, DC.

DEAR SECRETARY JEWELL: I write regarding the recent federal District Court ruling affecting the Colowyo mine in Colorado. The ruling found the Office of Surface Mining Reclamation and Enforcement (OSMRE) failed to fulfill the requirements of the National Environmental Policy Act when approving the amended mining plan in 2007. The ruling gave OSMRE 120 days to re-examine the application and comply with the deficiencies identified by the Court.

I am concerned this ruling could have a damaging impact on communities in Moffat and Rio Blanco Counties. The mine supports more than 200 employees, over \$200 million in annual economic impact to the region, and is important to the steady supply of coal for Craig Station Power Plant which provides electricity to thousands of Coloradans. Quick resolution to this case is important so these workers and communities have the certainty they need.

I understand OSMRE is working with the State of Colorado pursuant to the Court's 120-day timeline to conduct additional public outreach and considerations in the environmental assessment. The Colowyo Coal Company also filed an appeal of the decision last week. While OSMRE must continue working to follow the Court's orders, I believe the Interior Department should also direct the Justice Department to appeal the Court's decision.

Thank you for your consideration and your attention to this important issue.

Sincerely,

ED PERLMUTTER,  
Member of Congress.

CONGRESS OF THE UNITED STATES,  
Washington, DC, May 21, 2015.

Hon. SALLY JEWELL,  
Secretary of the Interior, Department of the Interior, Washington, DC.

SECRETARY JEWELL: On May 8, 2015, the Federal District Court for the District of Colorado issued an order determining that the Office of Surface Mining ("OSM") failed to comply with the National Environmental Policy Act ("NEPA") in 2007, when it issued a mine plan approval for the Colowyo Coal Mine. The Court gave OSM 120 days to prepare a new analysis and issue a new decision. If OSM does not complete the process in 120 days, the Court stated that it would vacate the mine plan, effectively shutting down the Mine.

We write to urge you to take all necessary and appropriate action to ensure the continued operation of the Colowyo Coal Mine, which is a critical component of northwest Colorado's regional economy and has responsibly operated in the eight years since the

mine plan approval was issued by your office. Coal produced by this mine, located in Moffat and Rio Blanco counties, is then used to generate power at the Craig station and is responsible for employing over 200 people with a payroll of around \$20 million dollars. Requested actions include urgently deploying sufficient personnel with the resources and expertise to complete the supplemental NEPA work within the 120 day window provided by the District Court.

Colowyo Coal Mine is a significant contributor to both of the counties' economies. The adverse effects of shutting down this mine go beyond the jobs at the mine that would be lost. We surely do not need to impress upon your office the potentially devastating impact of reducing operations at two of the counties' largest employers as well as one of the largest electricity providers in the western half of the state.

In addition, we strongly urge OSM to evaluate the propriety of an appeal. Without remarking on the reasoning of the Court contained within the decision itself, the result nonetheless creates adverse precedent with other suits pending, which would harm not only Colowyo and the town of Craig, but potentially numerous other mining operations and towns in other states as well. The federal government must vigorously defend the legality of its permitting actions, and leave policy debates over the role of coal to the legislative and rulemaking proceedings where those debates belong.

Respectfully,

CORY GARDNER,  
U.S. Senator,  
SCOTT TIPTON,  
Member of Congress.

THE PRESIDING OFFICER. The Senator from Wyoming.

Mr. ENZI. Madam President, I thank the Senator from Colorado for his insights. This is the beginning of a process of eliminating coal mining in the United States. Here is a company that has their permit for 8 years for mining coal, and that permit took extensive permitting. Now what they are saying is that you have to take a look at where the coal is burned to see what the impacts are. That has never been one of the requirements. Again, it is one of those increases in regulation that this administration is fond of. It is designed to put things out of business, to raise costs.

I ask unanimous consent to have printed in the RECORD an article called "The Case For Legislative Impact Accounting Economics 21," which is part of the Manhattan Institute.

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

[June 9, 2015]

THE CASE FOR LEGISLATIVE IMPACT ACCOUNTING ECONOMICS 21 (PART OF THE MANHATTAN INSTITUTE)

(By Jason J. Fichtner, Patrick A. McLaughlin)

For the first time in six years, Congress finally passed a budget resolution. The federal budget process, when it works, permits Congress to monitor and fund programs based on their fiscal impact. Yet every Congressional budget masks the true economic costs of federal spending. Mandatory spending, which makes up the vast majority of federal spending and includes interest on the national debt, Social Security, Medicare and Medicaid, is not part of the annual budget process. Also excluded from the annual budget

process are the costs of regulations. In fact, the vast majority of economic costs induced by federal actions remain off the books.

We propose reforming the legislative and regulatory processes to put these costs on the books. After all, proper budgeting is about making trade-offs between competing wants and limited resources, and it requires planning, setting priorities and making difficult decisions. But these decisions cannot be made without a more complete understanding of the direct and indirect costs of proposed legislation and spending bills, and their regulatory progeny. Our proposal, called legislative impact accounting, would provide that information to Congress.

Estimates of the total cost of regulations vary widely, but by any account, they represent a significant cost to the economy. Government economists in the Office of Management and Budget tally up the direct compliance costs associated with rules created in the last decade that have an effect of more than \$100 million annually. OMB's most recent estimate was that annual costs fall between \$57 and \$84 billion. Conversely, economists John Dawson and John Seater estimated how the economy would look if federal regulations were held to 1949 levels—essentially asking the question: What if, instead of spending resources on regulatory compliance, businesses invested in research and development? The answer was shocking. In 2011, instead of \$15.1 trillion, annual GDP would have equaled \$54 trillion . . .

Our proposal, legislative impact accounting, would incorporate economic analyses of legislation and regulation into the budget process in two ways: First, when new legislation is proposed, an independent office—perhaps the Congressional Budget Office—would produce an estimate of the economic costs the legislation would create. Importantly, a legislative impact assessment would attempt to consider economic costs of proposed legislation, not just budgetary outlays. Examples of some of the effects that could be included as specific line items are: direct compliance costs, employment effects, technological hindrances, trade distortions, and changes to the cumulative regulatory burden. This type of analysis is not unprecedented. The European Commission provides impact assessments on all legislation considered by the European Parliament.

Second, legislative impact accounting would require retrospective analyses of the economic effects of legislation, starting five years after the legislation passed. The idea is to learn what the real effects have been, and to then update the original estimates produced in the first stage. This would effectively create a much-needed feedback loop that communicates information about the economic effects of legislation back to Congress.

Mr. ENZI. I yield the floor.

#### CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

#### NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2016

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of H.R. 1735, which the clerk will report.

The legislative clerk read as follows:

A bill (H.R. 1735) to authorize appropriations for fiscal year 2016 for military activities of the Department of Defense, for mili-

tary construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

Pending:

McCain amendment No. 1463, in the nature of a substitute.

McCain amendment No. 1456 (to amendment No. 1463), to require additional information supporting long-range plans for construction of naval vessels.

Cornyn amendment No. 1486 (to amendment No. 1463), to require reporting on energy security issues involving Europe and the Russian Federation, and to express the sense of Congress regarding ways the United States could help vulnerable allies and partners with energy security.

Vitter amendment No. 1473 (to amendment No. 1463), to limit the retirement of Army combat units.

Markey amendment No. 1645 (to amendment No. 1463), to express the sense of Congress that exports of crude oil to United States allies and partners should not be determined to be consistent with the national interest if those exports would increase energy prices in the United States for American consumers or businesses or increase the reliance of the United States on imported oil.

Reed (for Blumenthal) amendment No. 1564 (to amendment No. 1463), to increase civil penalties for violations of the Servicemembers Civil Relief Act.

McCain (for Paul) modified amendment No. 1543 (to amendment No. 1463), to strengthen employee cost savings suggestions programs within the Federal Government.

Reed (for Durbin) modified amendment No. 1559 (to amendment No. 1463), to prohibit the award of Department of Defense contracts to inverted domestic corporations.

McCain (for Burr) modified amendment No. 1569 (to amendment No. 1463), to improve cybersecurity in the United States through enhanced sharing of information about cybersecurity threats.

Feinstein (for McCain) amendment No. 1889 (to amendment No. 1463), to reaffirm the prohibition on torture.

Fischer/Booker amendment No. 1825 (to amendment No. 1463), to authorize appropriations for national security aspects of the Merchant Marine for fiscal years 2016 and 2017.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. Madam President, as we return to the legislation, unfortunately we are still, apparently, unable to move forward with managers' packages and amendments and others. So I would like to apologize to my colleagues on both sides of the aisle who have pending amendments, who have parts of managers' packages, and who have invested so many hours of time and effort to this legislation, not to mention members of the committee who spent an inordinate amount of time putting together a Defense authorization bill that I think all of us on both sides, with the exception of four who voted against it, were proud of and a product that was accomplished in a bipartisan fashion.

I, again, want to thank my friend from Rhode Island for all of his hard work. But apparently right now we are still stuck in resistance. Rather than go through all of the reasons why, I hope we can have some serious negotia-

tions in order for us to move forward and complete this legislation.

Meanwhile, the world moves on, and there are greater and greater challenges to our security. In fact, this morning the New York Times says: "Trainers Intended as Lift, but Quick Iraq Turnaround Is Unlikely." That is The New York Times.

The New York Times says:

Mr. Obama's plan does not call for small teams of American troops to accompany Iraqi fighters onto the battlefield, to call in airstrikes or advise on combat operations. Nor is it likely to significantly intensify an air campaign in which American warplanes have been able to locate and bomb their targets only about a quarter of the time.

"This alone is not going to do it," said Michele A. Flournoy, who was the senior policy official in the Pentagon during Mr. Obama's first term. "It is a great first step, but it should be the first in a series of steps."

One of the reasons I have that quote from Michele Flournoy is that it is not just former Bush administration officials. It is former Obama administration officials who all agree that what we are doing is without strategy and without prospect of success.

POLITICO article: "Obama's Iraq quagmire."

The President finds himself dragged back into a war he was elected to end.

When pressed on why the latest efforts do not include having American troops serve as spotters for airstrikes or sending Apache aircraft to back up the Iraqi troops, Deputy National Security Adviser Ben Rhodes told reporters the president "has been very clear he'll look at a range of different options."

That is encouraging that the President has been very clear. I love it. All these spokespeople use two sorts of fillers: One is "very clear" and the other is "quite frankly."

Do you ever notice that? Isn't that interesting? Maybe we should take that out of their vocabulary—"very clear" and "frankly"—when they are neither clear nor frank.

But anyway, Mr. Rhodes said—he is really a very interesting guy: "The U.S. military cannot and should not do this simply for Iraqis, and, frankly, Iraqis want to be in the lead themselves."

"The U.S. military cannot and should not do this simply for Iraqis."

Does anyone in the world think that the United States of America would be engaged simply for Iraqis? Has Mr. Rhodes ever listened to Mr. Baghdadi and ISIS and their intentions to attack and destroy America as much as they possibly can?

POLITICO: "Trainers or advisors? White House and Pentagon don't agree."

The White House says the new batch of troops deploying to Iraq are going to train Iraqi recruits to fight the Islamic State. The Pentagon says the 450 American personnel headed to Al-Taqqaddum Air Base are going over just as advisers.

The mixed signals come as President Barack Obama struggles to find a balance between achieving his goal of "degrading and ultimately destroying" the terrorist group known as the Islamic State in Iraq and the Levant while avoiding restarting a war in

Iraq that he has worked to end since he became President in 2009.

From The Wall Street Journal editorial this morning: "Obama's Latest Iraq Escalation."

President Obama all but admitted on Wednesday that his strategy against the Islamic State is flailing by ordering an additional 450 U.S. military advisers to join the 3,500 already in Iraq. Alas, this looks like more of the half-hearted incrementalism that hasn't worked so far.

The fundamental problem with Mr. Obama's strategy is that he is so determined to show that the U.S. isn't returning to war in Iraq that he isn't doing enough to win the war we are fighting. In September he pledged to "degrade" and ultimately "destroy" ISIS—the kind of commitment a U.S. President must never make lightly. But his fitful bombing and timid special-forces campaign hasn't been able to stop the jihadist advances, much less drive it out of Iraq's western cities.

The longer ISIS stands up to a U.S. President pledging its destruction, the more of a magnet it becomes for young men willing to die for its perverted form of Islam.

Again, an article in the Wall Street Journal today: "To U.S. Allies, Al Qaeda Affiliate in Syria Becomes the Lesser Evil."

This is what so many of us were so concerned about when we literally begged for help for the Free Syrian Army back as long ago as 3 years ago—that we would end up in a situation where we had the Faustian choice of Al Qaeda, Bashar al-Assad versus Al Qaeda or Al Qaeda-affiliated organizations. That is a scenario that most of us said might happen, unless we supported the Free Syrian Army.

The Wall Street Journal says:

In the three-way war ravaging Syria, should the local Al Qaeda branch be seen as the lesser evil to be wooed rather than bombed?

This is increasingly the view of some of America's regional allies and even some Western officials.

Outnumbered and outgunned, the more secular, Western-backed rebels have found themselves fighting shoulder to shoulder with Nusra in key battlefields.

The list goes on and on.

Lebanon's Labor Minister, who is a prominent Lebanese Christian politician long opposed to Mr. Assad, said:

"This is great error—we refuse the choice between ISIS and Nusra. We want to choose between democracy and dictatorship, not between terrorism and terrorism. If the Syrians have to choose between ISIS, Nusra or Assad, they will choose Assad."

That is exactly the situation that Assad has been hoping for.

The New York Times: "Russian Groups Crowdfund the War in Ukraine."

The Novorossiia Humanitarian Battalion boasts on its website that it provided funds to buy a pair of binoculars used by rebels in eastern Ukraine to spot and destroy an armored vehicle. . . . It is unclear just how extensive the fundraising network is, or how much money flows through it, though the separatist groups identified by The Times claim in social media posts to have raised millions of dollars.

The New York Times, "Increasingly Frequent Call on Baltic Sea: 'The Russian Navy Is Back.'"

The Wall Street Journal, "The New Cold War's Arctic Front: Putin is militarizing one of the world's coldest, most remote regions."

The Washington Post:

The U.S. should send aid to democracy's front lines in Ukraine.

In the past several months, Ukraine's freely elected government has taken dramatic steps to reform its economy, fight corruption and rebuild democratic institutions. It has imposed painful austerity on average Ukrainians, stripped oligarchs of political and economic privileges and rewritten laws to encourage free enterprise and foreign investment. It has done all this even while fighting a low-grade war against Russia, which has deployed an estimated 10,000 troops to eastern Ukraine and, with its local proxies, attacks Ukrainian forces on a near-daily basis. . . . What's missing is a decision by Mr. Obama to make the defense of Ukraine a priority. The president has ceded leadership on the issue to Germany and France and overridden those in his administration and Congress who support arms deliveries. . . . A stronger U.S. commitment to Ukraine will not guarantee its success. But Mr. Obama's lukewarm support risks a catastrophic failure for the cause of Western democracy.

I cannot emphasize enough to my colleagues that this is a critical and fundamental issue as to whether we will provide defensive weapons to Ukraine, and I would remind my colleagues who don't want to send American troops anywhere that they are not asking for American troops. They are not asking for a single boot on the ground. Why in the world we can't provide them with defensive weapons is something I will never understand as long as I live.

The New York Times, "Hackers May Have Obtained Names of Chinese with Ties to U.S. Government."

And, of course, we all know that in the last week some 4 million Americans, at least, have been hacked into and had some of their most sensitive information broken into, which is one of the arguments many of us had for consideration of the cyber bill on the floor of the Senate as part of the Defense bill. Obviously, we are in a cyber war. Obviously, it requires the involvement and engagement of the Department of Defense, along with our intelligence agencies, and that is why I am a bit taken aback by the vociferous opposition by my colleagues on that side of the aisle to addressing this issue since it is clearly part of the defense and security of this Nation.

I would like to mention—and I appreciate the indulgence of my friend from Rhode Island—the issue of Russian rocket engines. Less than 6 months after the prohibition was enacted in last year's NDAA, which would end the use of RD-180 on military space launches by 2019, the administration has stated they want access to 14 more Russian rocket engines. Agreeing to the administration's request endorses another 8 years of Russian rocket engines and over \$300 million for Vladimir Putin and his cronies.

We must not reward Vladimir Putin and the Russian military industrial

complex. We cannot in good conscience agree to reward the Russian military industrial base with over \$300 million in rocket engines while they occupy Crimea, destabilize Ukraine, send weapons to Iran, and violate the 1987 Intermediate-Range Nuclear Forces Treaty.

The bill before us today would limit the use of Russian rocket engines and restates the committee's direction to end the use of Russian engines for national security space launches by 2019. There are some who want to continue our Nation's dependence on Russian rocket engines. The NDAA would put an end to this dependence and stop hundreds of millions of dollars from going to Vladimir Putin. We can meet our national security space needs without Russia, and we must lead by example by eliminating our dependence as quickly as possible and fostering competition.

I say to my colleagues, we have two launch providers, ULA and SpaceX. Regardless of the Russian RD-180, we will be able to provide full redundant capabilities by 2017 with the Delta IV, Falcon 9, and Falcon Heavy. There will be no capability gap. The Atlas 5 is not going anywhere anytime soon. With the engines allowed under this amendment, ULA has enough Atlas 5s to get them through at least 2018, if not later.

As the New York Times editorial board stated last week:

When sanctions are necessary, the countries that impose them must be willing to pay a cost, too. After leaning on France to cancel the sale of two ships to Russia because of the invasion of Ukraine, the United States can hardly insist on continuing to buy national security hardware from one of Mr. Putin's cronies.

I have a Reuter's article from last year. "Comrade Capitalism: In murky Pentagon deal with Russia, big profit for a tiny Florida firm."

ULA's dealings with Russia are troubling and ethically questionable. A Reuters investigation this past November on the RD-180 raises troubling issues regarding the businesses and shell companies that facilitate the purchase of Russian rocket engines. The report describes a five-person company called RD AMROSS, a joint venture between Russian rocket engine manufacturer Energomash and Pratt and Whitney Rocketdyne that collects nearly \$93 million in cost markups.

The article uncovers that in the past, RD AMROSS was investigated by the Defense Contract Management Agency, which determined that in a previous contract, RD AMROSS had collected \$80 million in "unallowable excessive pass-through charges."

The article titled "Comrade Capitalism" also exposed the role senior Russian politicians and close friends of Vladimir Putin play in the in the Energomash management. The article states that according to a Russian audit of Energomash, the Russian rocket manufacturer had been operating at a loss because funds were

“being captured by unnamed offshore intermediary companies.”

Well, I just want to say there is no argument for the continued purchase of these rocket engines from the Russians—from Vladimir Putin and his cronies, one of whom was involved in the management and has been sanctioned by the United States of America.

I have confidence America is capable of building our own rocket engines, and I am confident we can do that in a reasonable period of time—like 1 to 2 years. For us to commit to the continued use of these rocket engines and making millions and millions of dollars, in this case \$300 million, for Vladimir Putin and his cronies is—the question has to be asked of individuals who want to continue the purchase of these rocket engines from this Russian shell company: Why do you want to help Vladimir Putin? Why do you want to help Vladimir Putin and his cronies by giving them as much as \$300 million? That is a legitimate question.

If any of my colleagues who support this basically unlimited or continued purchase of rocket engines from Russia rather than having it terminated in a reasonable and very short time, the question has to be asked: Why are you helping Vladimir Putin? Why are you helping his cronies? That is a legitimate question, and if any of my colleagues try to force this continued and unnecessary purchase of Russian rocket engines, that question needs to be asked of them.

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. VITTER. Madam 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. 1473, AS MODIFIED

Mr. VITTER. Madam President, I ask unanimous consent that my amendment No. 1473 be modified with the changes at the desk.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The amendment, as modified, is as follows:

On page 38, line 12, insert after “**FIGHTER AIRCRAFT**” the following: “**AND ARMY COMBAT UNITS**”.

On page 43, between lines 3 and 4, insert the following:

(e) **MINIMUM NUMBER OF ARMY BRIGADE COMBAT TEAMS.**—Section 3062 of title 10, United States Code, is amended by adding at the end the following new subsection:

“(e)(1) Effective October 1, 2015, the Secretary of the Army shall maintain the following:

“(A) A total number of brigade combat teams for the regular and reserve components of the Army of not fewer than 32 brigade combat teams.

“(B) A total number of brigade combat teams for the Army National Guard of not fewer than 26 brigade combat teams.

“(2) In this subsection, the term ‘brigade combat team’ means any unit that consists of—

“(A) an arms branch maneuver brigade;

“(B) its assigned support units; and

“(C) its assigned fire teams”.

(f) **REDUCTION OF ARMY BRIGADE COMBAT TEAMS.**—

(1) **PRESERVATION OF TEAMS.**—The Secretary of the Army shall give priority to maintaining 32 brigade combat teams for the Army as required by subsection (e)(1) of section 3062 of title 10 United States Code (as amended by subsection (e) of this section), and shall carry out such priority as funding or appropriations become available to maintain such war fighting capability.

(2) **REDUCTION.**—Notwithstanding subsection (e)(1) of section 3062 of title 10 United States Code (as so amended), or paragraph (1) of this subsection, the Secretary may, after October 1, 2015, reduce the number of brigade combat teams for the Army to fewer than 32 brigade combat teams upon the latest of the following:

(A) The date that is 30 days after the date on which the Secretary submits the report required by paragraph (3).

(B) The date that is 30 days after the date on which the Secretary certifies to the congressional defense committees that the reduction of Army brigade combat teams will not increase the operational risk of meeting the National Defense Strategy.

(C) The date that is 30 days after the date on which the Secretary certifies to the congressional defense committees that funding or appropriations are not adequate to sustain 32 brigade combat teams for the regular Army.

(3) **REPORT.**—The Secretary shall submit to the congressional defense committees a report setting forth the following:

(A) The rationale for any proposed reduction of the total strength of the Army, including the National Guard and Reserves, below the strength provided in subsection (e) of section 3062 of title 10, United States Code (as so amended), and an operational analysis of the total strength of the Army that demonstrates performance of the designated mission at an equal or greater level of effectiveness as the personnel of the Army so reduced.

(B) An assessment of the implications for the Army, the Army National Guard of the United States, and the Army Reserve of the force mix ratio of Army troop strengths and combat units after such reduction.

(C) Such other matters relating to the reduction of the total strength of the Army as the Secretary considers appropriate.

(g) **ADDITIONAL REPORTS.**—

(1) **IN GENERAL.**—At least 90 days before the date on which the total strength of the Army, including the National Guard and Reserves, is reduced below the strength provided in subsection (e) of section 3062 of title 10, United States Code (as amended by subsection (e) of this section), the Secretary of the Army, in consultation with (where applicable) the Director of the Army National Guard or Chief of the Army Reserve, shall submit to the congressional defense committees a report on the reduction.

(2) **ELEMENTS.**—Each report submitted under paragraph (1) shall include the following:

(A) A list of each major combat unit of the Army that will remain after the reduction, organized by division and enumerated down to the brigade combat team-level or its equivalent, including for each such brigade combat team—

(i) the mission it is assigned to; and

(ii) the assigned unit and military installation where it is based.

(B) A list of each brigade combat team proposed for disestablishment, including for each such unit—

(i) the mission it is assigned to; and

(ii) the assigned unit and military installation where it is based.

(C) A list of each unit affected by a proposed disestablishment listed under subparagraph (B) and a description of how such unit is affected.

(D) For each military installation and unit listed under subparagraph (B)(ii), a description of changes, if any, to the designed operational capability (DOC) statement of the unit as a result of a proposed disestablishment.

(E) A description of any anticipated changes in manpower authorizations as a result of a proposed disestablishment listed under subparagraph (B).

(h) **REPORT MANNING OF BRIGADE COMBAT TEAMS AT ACHIEVEMENT OF ARMY ACTIVE END-STRENGTH.**—Upon the achievement of the end strength for active duty personnel of the Army specified in section 401(1), the Secretary of the Army shall submit to the congressional defense committees a report on the current manning of each brigade combat team of the Army.

(i) **CONSTRUCTION.**—Nothing in this section should be construed to supersede Army manning of brigade combat teams at designated levels.

Mr. VITTER. Madam President, I discussed this amendment yesterday on the floor. It deals with brigade combat teams in the Army, making sure we don't cut through fat and into meat and bone with regard to that essential part of our force. I urge bipartisan support of this commonsense amendment.

There is already language in the underlying bill that takes similar action on the Air Force side and on the Navy side with regard to major, significant key units in those forces, and it is the same principle that would be applied to the Army's brigade combat teams.

This amendment is strongly supported by the national organizations built around both the Army National Guard and the Regular Army.

Madam President, I yield the floor.

The PRESIDING OFFICER. The Senator from Rhode Island.

#### AMENDMENT NO. 1564

Mr. REED. Madam President, I call for regular order with respect to amendment No. 1564.

The PRESIDING OFFICER. The amendment is now pending.

#### AMENDMENT NO. 1564, AS MODIFIED

Mr. REED. I have a modification to that amendment, which is at the desk.

The PRESIDING OFFICER. The amendment is so modified.

The amendment, as modified, is as follows:

At the end of subtitle G of title X, add the following:

**SEC. 1085. INTEREST RATE LIMITATION ON DEBT ENTERED INTO DURING MILITARY SERVICE TO CONSOLIDATE OR REFINANCE STUDENT LOANS INCURRED BEFORE MILITARY SERVICE.**

(a) **IN GENERAL.**—Subsection (a) of section 207 of the Servicemembers Civil Relief Act (50 U.S.C. App. 527) is amended—

(1) in paragraph (1), by inserting “ON DEBT INCURRED BEFORE SERVICE” after “LIMITATION TO 6 PERCENT”;

(2) by redesignating paragraphs (2) and (3) as paragraphs (3) and (4), respectively;

(3) by inserting after paragraph (1) the following new paragraph (2):

“(2) LIMITATION TO 6 PERCENT ON DEBT INCURRED DURING SERVICE TO CONSOLIDATE OR REFINANCE STUDENT LOANS INCURRED BEFORE SERVICE.—An obligation or liability bearing interest at a rate in excess of 6 percent per year that is incurred by a servicemember, or the servicemember and the servicemember's spouse jointly, during military service to consolidate or refinance one or more student loans incurred by the servicemember before such military service shall not bear an interest at a rate in excess of 6 percent during the period of military service.”;

(4) in paragraph (3), as redesignated by paragraph (2) of this subsection, by inserting “or (2)” after “paragraph (1)”;

(5) in paragraph (4), as so redesignated, by striking “paragraph (2)” and inserting “paragraph (3)”.

(b) IMPLEMENTATION OF LIMITATION.—Subsection (b) of such section is amended—

(1) in paragraph (1), by striking “the interest rate limitation in subsection (a)” and inserting “an interest rate limitation in paragraph (1) or (2) of subsection (a)”;

(2) in paragraph (2)—

(A) in the paragraph heading, by striking “AS OF DATE OF ORDER TO ACTIVE DUTY”;

(B) by inserting before the period at the end the following: “in the case of an obligation or liability covered by subsection (a)(1), or as of the date the servicemember (or servicemember and spouse jointly) incurs the obligation or liability concerned under subsection (a)(2)”.

(c) STUDENT LOAN DEFINED.—Subsection (d) of such section is amended by adding at the end the following new paragraph:

“(3) STUDENT LOAN.—The term ‘student loan’ means the following:

“(A) A Federal student loan made, insured, or guaranteed under title IV of the Higher Education Act of 1965 (20 U.S.C. 1070 et seq.).

“(B) A private student loan as that term is defined in section 140(a) of the Truth in Lending Act (15 U.S.C. 1650(a)).”.

**SEC. 1086. TERMINATION OF RESIDENTIAL LEASES AFTER ASSIGNMENT OR RELOCATION TO QUARTERS OF UNITED STATES OR HOUSING FACILITY UNDER JURISDICTION OF UNIFORMED SERVICE.**

(a) TERMINATION OF RESIDENTIAL LEASES.—

(1) IN GENERAL.—Section 305 of the Servicemembers Civil Relief Act (50 U.S.C. App. 535) is amended—

(A) in subsection (a)(1)—

(i) in subparagraph (A), by striking “or” at the end;

(ii) in subparagraph (B), by striking the period at the end and inserting “; or”;

(iii) by adding at the end the following new subparagraph:

“(C) in the case of a lease described in subsection (b)(1) and subparagraph (C) of such subsection, the date the lessee is assigned to or otherwise relocates to quarters or a housing facility as described in such subparagraph.”;

(B) in subsection (b)(1)—

(i) in subparagraph (A), by striking “or” at the end;

(ii) in subparagraph (B), by striking the period at the end and inserting “; or”;

(iii) by adding at the end the following new subparagraph:

“(C) the lease is executed by or on behalf of a person who thereafter and during the term of the lease is assigned to or otherwise relocates to quarters of the United States or a housing facility under the jurisdiction of a uniformed service (as defined in section 101 of title 37, United States Code), including housing provided under the Military Housing Privatization Initiative.”.

(2) MANNER OF TERMINATION.—Subsection (c)(1) of such section is amended—

(A) in subparagraph (A)—

(i) by inserting “in the case of a lease described in subsection (b)(1) and subparagraph (A) or (B) of such subsection,” before “by delivery”;

(ii) by striking “and” at the end;

(B) by redesignating subparagraph (B) as subparagraph (C); and

(C) by inserting after subparagraph (A) the following new subparagraph (B):

“(B) in the case of a lease described in subsection (b)(1) and subparagraph (C) of such subsection, by delivery by the lessee of written notice of such termination, and a letter from the servicemember's commanding officer indicating that the servicemember has been assigned to or is otherwise relocating to quarters of the United States or a housing facility under the jurisdiction of a uniformed service (as defined in section 101 of title 37, United States Code), to the lessor (or the lessor's grantee), or to the lessor's agent (or the agent's grantee); and”.

(b) DEFINITION OF MILITARY ORDERS AND CONTINENTAL UNITED STATES FOR PURPOSES OF ACT.—

(1) TRANSFER OF DEFINITIONS.—Such Act is further amended by transferring paragraphs (1) and (2) of section 305(i) (50 U.S.C. App. 535(i)) to the end of section 101 (50 U.S.C. App. 511) and redesignating such paragraphs, as so transferred, as paragraphs (10) and (11).

(2) CONFORMING AMENDMENTS.—Such Act is further amended—

(A) in section 305 (50 U.S.C. App. 535), as amended by paragraph (1), by striking subsection (i); and

(B) in section 705 (50 U.S.C. App. 595), by striking “or naval” both places it appears.

**SEC. 1087. PROTECTION OF SURVIVING SPOUSE WITH RESPECT TO MORTGAGE FORECLOSURE.**

(a) IN GENERAL.—Title III of the Servicemembers Civil Relief Act (50 U.S.C. App. 531 et seq.) is amended by inserting after section 303 (50 U.S.C. App. 533) the following new section:

**“SEC. 303A. PROTECTION OF SURVIVING SPOUSE WITH RESPECT TO MORTGAGE FORECLOSURE.**

“(a) IN GENERAL.—Subject to subsection (b), with respect to a servicemember who dies while in military service and who has a surviving spouse who is the servicemember's successor in interest to property covered under section 303(a), section 303 shall apply to the surviving spouse with respect to that property during the one-year period beginning on the date of such death in the same manner as if the servicemember had not died.

“(b) NOTICE REQUIRED.—

“(1) IN GENERAL.—To be covered under this section with respect to property, a surviving spouse shall submit written notice that such surviving spouse is so covered to the mortgagee, trustee, or other creditor of the mortgage, trust deed, or other security in the nature of a mortgage with which the property is secured.

“(2) TIME.—Notice provided under paragraph (1) shall be provided with respect to a surviving spouse anytime during the one-year period beginning on the date of death of the servicemember with respect to whom the surviving spouse is to receive coverage under this section.

“(3) ADDRESS.—Notice provided under paragraph (1) with respect to property shall be provided via e-mail, facsimile, standard post, or express mail to facsimile numbers and addresses, as the case may be, designated by the servicer of the mortgage, trust deed, or other security in the nature of a mortgage with which the property is secured.

“(4) MANNER.—Notice provided under paragraph (1) shall be provided in writing by using a form designed under paragraph (5) or

submitting a copy of a Department of Defense or Department of Veterans Affairs document evidencing the military service-related death of a spouse while in military service.

“(5) OFFICIAL FORMS.—The Secretary of Defense shall design and distribute an official Department of Defense form that can be used by an individual to give notice under paragraph (1).”.

(b) EFFECTIVE DATE.—Section 303A of such Act, as added by subsection (a), shall apply with respect to deaths that occur on or after the date of the enactment of this Act.

(c) CLERICAL AMENDMENT.—The table of contents in section 1(b) of such Act (50 U.S.C. App. 501) is amended by inserting after the item relating to section 303 the following new item:

“Sec. 303A. Protection of surviving spouse with respect to mortgage foreclosure.”.

**SEC. 1088. MAKING PERMANENT EXTENDED PERIOD OF PROTECTIONS FOR MEMBERS OF UNIFORMED SERVICES RELATING TO MORTGAGES, MORTGAGE FORECLOSURE, AND EVICTION.**

Section 710(d) of the Honoring America's Veterans and Caring for Camp Lejeune Families Act of 2012 (Public Law 112-154) is amended by striking paragraphs (1) and (3).

**SEC. 1089. INCREASE IN CIVIL PENALTIES FOR VIOLATION OF SERVICEMEMBERS CIVIL RELIEF ACT.**

(a) IN GENERAL.—Section 801(b)(3) of the Servicemembers Civil Relief Act (50 U.S.C. App. 597(b)(3)) is amended—

(1) in subparagraph (A), by striking “\$55,000” and inserting “\$110,000”;

(2) in subparagraph (B), by striking “\$110,000” and inserting “\$220,000”.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on the date that is 180 days after the date of the enactment of this Act and shall apply with respect to violations of the Servicemembers Civil Relief Act (50 U.S.C. App. 501 et seq.) that occur on or after such date.

Mr. REED. I thank the Presiding Officer, and 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. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

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

**BIPARTISAN SOLUTIONS**

Mr. SCHUMER. Madam President, this morning I heard the distinguished majority leader say it was a time for bipartisan solutions. He said: “What America needs right now is a season of serious bipartisan solutions.”

Democrats couldn't agree more. We have been asking for weeks for all parties to sit down and start talking about the budget—not at the eleventh hour, not when we are already at the edge of a cliff, but now.

From a substantive perspective, this only makes sense. Both parties hate the sequester. Both parties understand there is a smarter way to budget than senselessly acting as though we are hostage to these arbitrary, meat-cleaver cuts that were never intended to go into effect, whether on the defense side or on the nondefense side.

So, Mr. Majority Leader, let's sit down and start talking about some serious bipartisan solutions.



The majority leader makes it seem as though he has been negotiating and being fair. Every number in the Appropriations Committee had no consultation from the Democrats. They just chose the numbers. That is not bipartisan. They did not talk to the White House, which has veto power over every one of these. That is not bipartisan.

We all know that the only way we are going to get something done on the budget, on the spending bills is by sitting down together and talking. Why not sooner rather than later? Why not now rather than at the last minute?

There is a charade going on by my friends on the other side. They totally decide the appropriations numbers by themselves. They totally decide to use OCO for defense but they do nothing for the nondefense side. Then they say: Let's move forward with those bills.

That is not bipartisan. Have any Democrats been consulted? I ask the majority leader: Who has he consulted on the other side of the aisle about his numbers? Who has he consulted at the White House about his numbers? He knows he needs input from both to get anything done.

I think what the majority leader wants to do is play a game of chicken—wait until the end and then say: Do it our way. Well, that is not going to work.

Over the next month or two, the American people are going to see that we will not move forward on these proposals until—but certainly with great vigor when—there is a bipartisan discussion and agreement. We all know how this place works. The Senate and our system of government—both the executive and the Congress—are involved in doing the budget and doing the appropriations bills in particular. It works only when both parties come to agreement. When one party tries to shove things down the other party's throat, which, in all due respect, is what the majority leader is now doing, we end up with worries and sometimes the reality of a government shutdown. If the majority leader wants that, he should continue with this strategy, and any shutdown will be on his hands. We don't want that, the American people don't want that, and my guess is most of the Members on this side of the aisle don't want that. We want to come to an agreement.

All we want the majority leader to do is talk to us, not to decide in his office or maybe with the chair of the Appropriations Committee what all the numbers should be—how much to spend on defense, how much to spend on education, how much to spend on highways. Those are some of the most important decisions we make around here, and they will not be made without bipartisanship, sooner rather than later.

Mr. Majority Leader, like it or not, we have a Democratic President, and we have 46 Democratic votes in the Senate—enough to stop us from mov-

ing forward if we can't negotiate—like it or not, Mr. Majority Leader.

The path the majority leader is pursuing is a cul-de-sac that will either force us to sit down and negotiate later in the day or force a CR, which no one wants, or even if some of the people on that side of the aisle have their way, a government shutdown, as they did once before. None of those is a good solution. The best solution is for us to all sit down and talk. We should not keep kicking the can down the road. Yet, here we are.

In Roll Call this week: "McConnell Cool to Budget Summit."

When he was asked: Is it time to start talking about the budget, he replied: No, of course not. Why? What is his logic? His logic is Democrats should just accept everything Republicans want.

That is not why we have two parties. That is not how the Senate works. That is not how democracy works. There is nothing left for Democrats to conclude other than that there is a yawning chasm between the Republican leader's stated intentions and his actions to date, because the current posture by the majority has been this: my way or shut down the government. Well, we have seen that before, it didn't work, and it is not going to work this time.

We are saying, let's negotiate and let's start those negotiations soon, before it is too late. If the Republican leader truly wants a season of bipartisan solutions, well, the winds are blowing in one direction. Sit down with Democrats and let's start negotiating a sensible budget, and let's start doing it now. We are ready to sit down this afternoon. We are ready to sit down at any moment that he gives us a signal. Let's get in the room and start the real work of finding bipartisan agreement on the budget, plain and simple.

One other thing, when the American people ask why Washington so gridlocked, just look at how the majority leader is handling one of the most important parts of what the government does, where the dollars go. There is gridlock when one side insists that it has to get all of its way and not sit down with the other side. That is the path at the moment that the majority leader is on. We hope he gets off of it. It is untenable. It won't work. It will lead to a bad solution.

Once again, I repeat: We are willing to sit down and start talking about the budget, talking about how much to spend on defense and transportation and education and medical research today. We are waiting, Mr. Majority Leader, for you to give us that ability, that signal, so we can actually enact a budget without acrimony and that will work for this great country of ours.

I yield the floor.

AMENDMENT NO. 1569, AS MODIFIED

Mr. LEAHY. Madam President, earlier this year, the Senate Intelligence Committee reported the Cybersecurity Information Sharing Act to the Senate

floor. This bill is intended to facilitate sharing of cyber threat information between the private sector and the government. While this could be useful in protecting against cyber attacks, I am concerned that certain provisions in the Senate Intelligence Committee's bill would severely undermine Americans' privacy.

Senator BURR's bill would remove all existing legal restrictions to allow an unprecedented wave of information—including Americans' personal communications—to flow from the private sector into government databases without any meaningful controls or limitations. It would explicitly authorize the government to use this information to "prevent" crimes that have nothing to do with cybersecurity, such as firearms possession, arson, and robbery.

These problems are compounded by the fact that this bill requires all information provided to the government through the information-sharing regime to be immediately disseminated, which does not allow time for removal of unnecessary private information, to a number of Federal agencies—including the National Security Agency and others. We do not know whether this information would also be shared with the Drug Enforcement Administration, or the Internal Revenue Service, for example. We do know this would open a new flow of information to the Federal Government, without appropriate restrictions on how these agencies can store, query, or mine this information.

Congress should enact cybersecurity legislation to protect American businesses and the American people. But we need a cyber security bill, not a cyber surveillance bill.

There are also provisions in this bill that add entirely new exemptions to the Freedom of Information Act, FOIA. These provisions are completely unnecessary, and have the potential to greatly weaken government transparency.

Senator BURR's information sharing bill is major legislation that deserves full debate and a meaningful opportunity for Senators to offer amendments to improve the bill. It has had neither.

The bill was drafted behind closed doors. It has not been the subject of any open hearings or public debate. The text of the bill was only made public by the Intelligence Committee after it was reported to the Senate floor, and no other committee of jurisdiction—including the Judiciary Committee—was allowed to consider and improve the bill. I shared with Chairman GRASSLEY my concern that the Judiciary Committee should also consider this bill, and Chairman GRASSLEY assured me that there would be a "robust and open amendment process" if this bill were considered on the Senate floor. I expect that the Senate Homeland Security Committee received the same assurances.

Senator BURR's attempt to offer the Intelligence Committee's information sharing bill as an amendment to the



National Defense Authorization Act runs directly counter to those assurances. This is not a sincere effort to consider and pass this bill under regular order. Instead, through a series of procedural maneuvers, Republican leadership is deliberately preventing any type of meaningful debate on this bill.

I agree that we must do more to protect our cyber security, but we should not rush to pass legislation that has significant privacy implications for millions of Americans. We must be thoughtful and responsible. Attempting to stifle meaningful debate and pass this bill as an amendment to the NDAA is the wrong answer. That is not how the Senate should operate. I urge Senators to vote no on cloture.

AMENDMENT NO. 1473, AS MODIFIED

Mr. MORAN. Madam President, Senator VITTER spoke about his amendment, No. 1473, to the fiscal year 2016 National Defense Authorization Act, which makes certain our U.S. Army is able to maintain the current number of brigade combat teams to prevent further reductions to the Army force structure.

I support Senator VITTER's amendment and encourage my colleagues to do the same so that our military men and women are prepared to face our Nation's evolving national security threats.

Our Army and soldiers here at home and abroad need all the support we can give them. In the coming months, I look forward to welcoming home Major General Funk, who is currently serving in Iraq and leading the front against ISIS. We must remember that he and the soldiers he commands need our help and protection, just as they serve and protect us.

The across-the-board cuts called for in the Budget Control Act, including a reduced force structure, make no sense when our country continues to face global threats. The cuts fail to establish priorities and suggest that every program has equal value, which is not the case.

In my home State of Kansas, these reductions could have a significant impact on the Intellectual Center of the Army, Fort Leavenworth, and the Army's First Infantry Division, the Big Red One.

The Big Red One is just one of the many divisions across the country that could lose entire brigade combat teams, BCTs, degrading our Army's ability to meet current and emerging challenges such as Russian aggression, Ebola response operations, and taking on terrorist organizations like ISIS or Al Shabaab. I mention these specific examples because they are the most recent situations over the last 12 months that call on our Armed Forces to be ready and resilient.

Without arbitrary budget reductions, the Army would not intentionally choose to downsize the Army and let valuable soldiers go.

As the cochair for the Senate Defense Communities Caucus, we must consider

our towns and citizens who overwhelmingly support our military. These reductions make no common sense for our communities and the soldiers and their families who call our towns home.

These reductions impact the morale of the men and women who serve our country, as well as their families, at a time when we need their commitment and readiness the most.

I urge my colleagues to support Senator VITTER's amendment. Maintaining our Nation's military forces must be our top priority. A capable and strong national defense is critical to the security of the United States and is our Federal Government's primary constitutional responsibility.

The PRESIDING OFFICER. The Senator from South Dakota.

Mr. ROUNDS. Madam President, I rise today to encourage my colleagues to join the bipartisan group of Armed Services Committee members who support a very important measure for our troops. Last month, we overwhelmingly voted in favor of the National Defense Authorization Act for 2016 that the Senate is considering today.

The defense of our Nation is a fundamental responsibility of the Federal Government, and the annual passage of the NDAA is an important step in making sure that our servicemembers have what they need to do their job and to succeed. These brave men and women selflessly sacrifice everything to keep us safe from the forces of darkness that wish to do us harm. We owe it to these men and women to wisely work together to make certain they have the necessary tools to accomplish their dangerous and demanding missions, and that is what we did in the Armed Services Committee just a few weeks ago.

Under the leadership of Chairman MCCAIN and Ranking Member REED, we reported a bill out of committee that not only supports our Armed Forces but makes a host of needed reforms as well, and we did this overwhelmingly by a bipartisan vote of 22 to 4.

I would like to cite a number of the bill provisions which make our Nation stronger and which I hope Congress and the President will enact into law.

Our bill cuts nearly \$10 billion in wasteful and duplicative spending, thereby freeing up additional funds to develop and procure weapons systems of the future, while also giving our troops in combat the tools they need today.

This bill also makes important reforms aimed at recruiting and retaining the All-Volunteer Force that has so consistently defended our country for over four decades.

The Armed Services Committee produced this legislation by using the limited and admittedly less than optimal funding tools at its disposal. For now, the hand we are dealt is limited by the Budget Control Act, which includes arbitrary spending caps and the threat of sequestration. So in our bill we are

funding our Armed Forces using funds from the overseas contingency operations account. We are doing so at a level above that requested by the President for this account. OCO was included in the Budget Control Act because Members of the 112th Congress recognized the importance of funding our men and women who serve on the frontlines.

I believe that many Members of the Senate fervently hope that in the near future we will be able to fund our government in a fiscally sound manner, without the irrational budget caps and threat of sequestration that pervades all of Congress's budgetary deliberations.

I am willing to work with any of my colleagues on either side of the aisle to fix the Budget Control Act, but until that day comes, we need to use the funding options we have available to keep America safe. The legislation before us today does exactly that. We are following the rules that are in force today.

I am proud of my colleagues who serve with me on the Armed Services Committee for coming together to achieve a truly bipartisan, comprehensive bill. Our bill will support our troops and meet the demands of a military that needs to continue its dynamic evolution in the face of ever more sophisticated threats. And I am pleased that a number of provisions I offered are included in the final package we are debating today.

Now that we have completed our work in committee and Leader McCONNELL has brought our bill to the full Senate for debate, we must come together to pass the NDAA, as the Senate has done each year for more than five decades. It is no coincidence that the NDAA is the only legislation to achieve this track record; rather, it indicates the vital importance that generations of Senate Members have attached to it. The defense of our country is not a partisan issue.

The bipartisan NDAA sustains what our servicemembers need to succeed in a world that grows ever more dangerous. From the Russian aggression in Ukraine and mounting Chinese coercion in Asia to the ugly aggression of the self-proclaimed Islamic State in the Middle East, new threats continue to rise throughout the world. These threats are multifaceted, and our enemy's tactics ever-changing. We must make certain our Armed Forces can continue to face these challenges, and we must uphold our commitment to them.

I encourage my colleagues to pass the NDAA, and I encourage our President to work with Congress to keep Americans safe.

Thank you, Madam President.

I yield the floor.

The PRESIDING OFFICER. The Senator from Arkansas.

ZIVOTOFSKY V. KERRY DECISION

Mr. COTTON. Madam President, earlier this week, the Supreme Court

wrongly decided the case of *Zivotofsky v. Kerry*, an unprecedented decision which impairs Congress's role in foreign policy and which is an affront to our close ally Israel.

The *Zivotofsky* case concerned the executive branch's refusal to implement a 2002 law passed by Congress and signed by the President. The law required State Department officials to offer U.S. persons born in Jerusalem the option of listing Israel as their location of birth on passports and other consular documents. The State Department's practice had been to list the place of birth only as Jerusalem, reflecting the President's policy of not recognizing any national sovereign authority over the Holy City.

Despite the fact that a President signed the statute into law, the executive branch has fought tooth and nail for 13 years to free itself from what it viewed as the heavy burden of writing the word "Israel" on one line in a tiny number of U.S. passports, and it argued its case all the way to the Supreme Court.

In litigating the *Zivotofsky* case, it is no surprise that the President outlined a maximalist vision for his power to steer the Nation's foreign policy, leaving little room for the people's representatives in Congress. But it was a surprise that the Supreme Court acquiesced to the President's position.

Before Monday, in the entire 225-year history of our Nation, the Supreme Court had never sided with a President's blatant refusal to comply with a duly-passed statute affecting the conduct of foreign affairs. This is a remarkable and disturbing break with precedent and one made through a poorly reasoned judicial opinion. The Court announced that the President possesses an exclusive constitutional power to recognize other nations and that this power crowds out any attempt by Congress to legislate in this area, including on how locations of birth are characterized on passports.

But this conclusion suffers from a number of problems. The Court is supposed to only find a preclusive executive power where such a power is clearly committed to the executive branch in our Constitution. But nowhere in the text of the Constitution is there a reference to a recognition power, let alone an allocation of such a power to the President alone. The Court acknowledges this in its opinion, so it instead finds the recognition power embedded in the constitutional provision stating that the President "shall receive Ambassadors and other public Ministers." But, as Alexander Hamilton wrote in *Federalist* 69, that provision was understood to be a matter of "dignity," not "authority" that would have "no consequence for the administration of government." In other words, that provision does not imbue the President with a power; it imposes an obligation on him, and a ceremonial one at that.

The provision furthermore appears in the section of the Constitution that

imposes an array of obligations on the President, not the section investing him with any powers. Ironically, it appears right before the provision that obligates the President to "take care that the Laws be faithfully executed." I would assume the Framers believed that "the Laws" would include ones regarding passports.

I want to be very clear on this. The recognition power the Court identified is not enumerated in the text of the Constitution, and no one at the time of the founding believed it to be included. At the same time, the Constitution explicitly entrusts Congress with grave international responsibilities, including the power to declare war and raise and support armies. These powers place the legislative branch in a central role in the conduct of our Nation's foreign policy. The Supreme Court therefore stood on remarkably shaky ground when it announced a supposedly exclusive Presidential power—one that can nullify contrary congressional enactments. And it unwisely and indeterminately expanded the President's unchecked discretion in the conduct of foreign affairs. That is a potentially dangerous opening, particularly with the current President. President Obama has shown an unhealthy penchant for granting unilateral concessions to longtime enemies abroad. That tendency cannot and must not go unchecked.

Beyond the constitutional infirmities of the Court's opinion, I want to comment on the broader issue in the background of the *Zivotofsky* case.

The executive branch based its refusal to comply with the passport law on the fear that identifying a person born in Jerusalem as having been born in Israel would upend the peace process. The State Department declared that compliance with the law "would critically compromise" U.S. efforts to forge an agreement between Israel and the Palestinians, "significantly harm" our foreign policy, and "cause irreversible damage" to the role of the United States as an honest broker.

That is embarrassing hyperbole, and it is also complete nonsense. The role of an honest broker in negotiations is just that—to be honest. So let's be honest. Israel's seat of government is located in Jerusalem. Israel administers the entire city. Over 500,000 Israelis live and work in Jerusalem. The reality is that Jerusalem is the capital of Israel, and any final agreement—whether or not it includes some sort of sharing arrangement—will not change that. The United States and the world should not deny that reality; they should accept it and then begin the hard work of helping the parties forge a lasting peace.

The role of an honest broker is to ground negotiations in truth. It is to quell unreasonable reactions and expectations. It is to strip away issues that are peripheral and focus on those that are essential.

That the President believes the designation of Jerusalem as a part of

Israel on a passport can throw the entire prospect of peace into a tailspin says much about his confidence in his abilities as a mediator, and it perhaps also says much about the current political climate in the Middle East, where deepened divisions would render renewed talks at this point unproductive.

Ultimately, a resolution of the Israel-Palestinian dispute should be reached, but progress toward that resolution will not move forward if the Palestinians remain unreasonably sensitive to peripheral issues such as passports. It will not move forward if the President is afraid to speak the truth. It will not move forward if the United States Congress is restrained from adding a dose of reality to the conduct of our foreign affairs.

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

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

Mr. CARDIN. Madam President, I ask unanimous consent to speak as in morning business.

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

#### TRANSPORTATION REAUTHORIZATION BILL

Mr. CARDIN. Madam President, we have 2 more weeks remaining before the scheduled district work period with regard to the Fourth of July. Then, when we come back from there, in the next work period there will be another deadline. The deadline I am referring to is the enactment of a 6-year transportation reauthorization bill.

We have been talking about finding a 6-year reauthorization solution now for over a year—well over a year. We have been working with short-term extensions. We had a 10-month extension that expired just recently. We did another 2-month extension with a commitment that our committees would work to come together, that Democrats and Republicans would work to come together for a 6-year reauthorization of the transportation programs for this country.

My constituents are frustrated. I am frustrated. You see, I commute between Baltimore and Washington every day. This community or this area has the second worst traffic congestion in the country. We desperately need a more robust Federal partner in dealing with the transportation challenges of my State and of every State in this country. We need to move forward with transit projects. Every person we can get to use mass transit is one less car on the road.

It helps all of us. It helps our transportation infrastructure and the wear and tear. It helps our environment. We have bridges that literally must be replaced. In the southern part of my State, the Nice Bridge desperately

needs to be replaced. That costs money. You need a Federal partner to do that. We have road maintenance and expansion issues in every State in this country.

We have safety concerns that are not being addressed today. I would like to take my colleagues to some of the overpasses in Baltimore that need to be upgraded for the purposes of safety. Route 1 through College Park desperately needs attention. In my State, there is Georgia Avenue and Randolph Road in Montgomery County and 301, a major artery on the Eastern Shore of Maryland, which need real serious safety upgrades that are important.

Each one of these is extremely expensive. I know that every Senator could list dozens of projects in their own State that need to move forward for safety reasons. Then there is the issue of jobs. We all know that without the predictability of a 6-year program, transportation construction is delayed. That costs us not only construction jobs—and there are literally millions of construction jobs that depend upon the Federal partnership in transportation—but the economic impact of a reauthorization of the surface transportation program. So many projects in Maryland are affected by this.

But let me talk about one part of Maryland that does not always get the same attention, and that is the western part of our State. It is not where the real population of Maryland is located. But the completion of the Appalachia Highway, the north-south highway, is critically important to the economic future of western Maryland—and I might tell you also Pennsylvania and West Virginia. We need to get that done.

Quite frankly, without a long-term reauthorization of the surface transportation program, I do not know if we will get that done. That means jobs. That means our economy. We know that we have to be more competitive as a country. We know we are involved in global competition. The countries that we compete with are putting much more of their economy into transportation than we are into infrastructure. We must do a better job.

Well, the Federal partnership in constructing the roads, the bridges, and the transit systems is called MAP-21. It expires at the end of July—again. This is not the first time. We have not reauthorized the 6-year program for a long time. We need a 6-year program. Why? Because when you enter into a transportation project, it is more than just a 2-month commitment or a 10-month commitment. Our States cannot go into these multiyear projects unless they know they have a Federal partner. The only way they know they have a Federal partner is if we give them the certainty of a 6-year reauthorization bill.

So it is critically important. So what should we do? Starting now, the committees of jurisdiction need to have hearings and working sessions and re-

port out legislation. That should be done now. There needs to be a commitment as to what schedule will be followed so we do not miss this deadline. That was the commitment that the leadership gave us—that we will get this done in this 2-month period.

Well, unless our committees are working to come together with legislation—in the Environment and Public Works Committee, which both the Presiding Officer and I serve on, we need to bring out a bill. We have done it before. The Senate Finance Committee, which I serve on, is responsible for the financial aspects on how we get together on that.

I am going to come back to that in one moment. Of course the banking committee is responsible for the transit section, as are other committees involved. But let me make an observation; that is, yes, we have to come out with a 6-year reauthorization. That is critical. We do not want any more short-term extensions. Secondly, it has to be a robust program.

We know that if we just reauthorize at the current level, it will be inadequate. We know that. We know that, each of us in talking to our State transportation agencies. They tell you they need a more robust Federal partnership and that the challenges today are more expensive. And we have delayed for so long that it is even more expensive. So we need to come to grips with a 6-year reauthorization but at a level that will allow for a stronger Federal partnership.

The President's number is \$478 billion over 6 years. I think that is a reasonable level. If we just have a level-funded adjusted-for-inflation program, it would be \$331 billion. I would hope that we would recognize that the additional \$147 billion the President is talking about over 6 years is a modest increase but an important increase to the Federal share to deal with our urgent needs of safety, economic development, jobs, and competitiveness.

Now, here is the problem. As to the current revenues in the transportation trust fund, if we just use the \$331 billion, which is basically a freeze adjusted for inflation for the next 6 years, there is a \$97 billion gap. We do not have enough money projected in the transportation trust fund for a basically stand-still 6-year reauthorization. We are \$97 billion short.

So we need to come to grips as to how we are going to fill that void. I said I serve on the Senate Finance Committee. There are lots of revenues that go into the trust fund that we should look at adjusting. There are other ideas about how we can bring in transportation revenues. I hope we look at all of that. Then there has been the recommendation that has been done by both Democrats and Republicans. We have to find a way to bridge the gap here. It does not do any good if we just have one party that agrees on how to deal with this. We all have to deal with it.

It is incumbent upon the Republican leadership to get engaged in that debate—and the Democratic leadership. We have already said that we are open to the current revenues that go into the transportation trust fund. But there is one area that seems to be in agreement between Democrats and Republicans, and that is looking at international reform. We have all talked about the fact that we have a lot of earnings from our corporations—American corporations—that are trapped overseas because the companies have made a decision not to repatriate the money back into the United States because it would be subject to a higher U.S. corporate tax rate.

They do not want to pay that higher tax. That is a business decision made by U.S. businesses. Now, obviously, the way to solve that is to reform our business taxes here. Senator THUNE and I are cochairing a working group of the Senate Finance Committee to try to come to grips with that. It is going to be difficult for us to do that. You heard the numbers I have already given you.

But every 1-percent reduction in the corporate tax rate costs about \$100 billion over 10 years. If you include relief for those who pay the personal tax rates for their business income, it is probably closer to \$150 or \$160 billion to get a 1-percent reduction in the corporate tax rate. So that is going to be challenging.

In the meantime, there have been recommendations in order to unleash those funds: Why don't we find a charge that is less than the full corporate tax for those revenues that are returned to the United States? We have Democrats and Republicans working together on a bill, including the President, who has submitted that in his budget. He has submitted a toll charge for the revenues that are trapped overseas that corporations would have to pay.

That toll charge would be at a 14-percent rate. Then he has projected a minimum tax on foreign earnings at 19 percent that would have to be paid with certain reforms on trying to move the United States more to a territorial corporate tax rate. I mention that because I think there is interest by both Democrats and Republicans to take a look at reforming the way we tax foreign income for American companies so that we can have greater economic activity here in the United States. These proposals generate a significant amount of revenue, both one-time-only and permanent revenue.

I mention that because we could take a look at the international tax reform proposals. Democrats and Republicans have both submitted proposals on this. That could help us get to a robust 6-year reauthorization of the surface transportation bill. We could get that. My reason for mentioning it right now is this: Let's talk about it. Let's have the Republicans come to the table and talk about it also. Let's not just wait these next 2 weeks, go into the work

period, come back, and be faced with another deadline with no game plan on how we are going to resolve it and say: We have to pass another short-term extension so we can get together and talk about it.

Let's start talking about this now. I tell you that there are viable options. The one thing I found is that Democrats and Republicans agree that infrastructure is important and we have to have a stronger program in this country for infrastructure. I always enjoy hearing from Senator INHOFE, the chairman of the Environment and Public Works Committee, a person with whom I came to the Congress. He says frequently that he may be a conservative but when it comes to infrastructure spending, it is important that we have a robust Federal program.

Under his leadership and under Senator BOXER's leadership, we have been able to bring out bills from the Environment and Public Works Committee to reauthorize a 6-year program. The challenge is this: Can we find the revenue? Of course, there we need to work together as Democrats and Republicans. So I come to the floor to urge my colleagues: Let's work together. That is what the American people expect us to do. They expect us to work together to solve the problem.

I don't think there is a Member of the Senate who would disagree that we should have a robust reauthorization of a 6-year transportation program for this country, that our States need it, that our country needs it, and that we need it for our economy. Let's put aside our own individual differences. Let's sit down and work out a bill. Let's start working it out now. Let's not wait until the next deadline.

I urge my colleagues to do this. That is what the American people want us to do. That is what we need to do to move this country forward.

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

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

#### NUCLEAR AGREEMENT WITH IRAN

Mr. MENENDEZ. Madam President, I know we are on the national defense bill and, of course, national defense is ultimately about national security, and one of the concerns I have about national security and our national interests is the challenge of a nuclear-armed Iran.

I came to the floor last week to say that when it comes to dealing with Iran—as we count down to the deadline for an agreement—the truth is always elusive. I said then that international inspectors reported that Tehran's stockpile of nuclear fuel, rather than decreasing, actually increased by 20 percent.

Now, in the last days before the agreement deadline is reached, David

Albright, a well-respected expert on Iran's nuclear program, in an article for the Institute for Science and International Security, says that the State Department's explanation of Iran's newly produced 3.5 percent enriched uranium falls short and that the State Department seemed to be making excuses for the fact that Iran has not reduced its enrichment level, which they agreed to do in the Joint Plan of Action. The fact is uranium enrichment, when taken to the maximum, can lead to bomb material. So reducing the enrichment level is critical, in terms of possible breakout time in Iran's ability to develop a nuclear weapon.

Albright says:

The core of the State Department's explanation in the last few days appears to be that Iran meets the conditions of the Joint Plan of Action once it feeds newly produced low enriched uranium hexafluoride gas into the uranium conversion plant at Esfahan. . . .

Now, to bring this down into lay terms, this conversion plant is there to take this enriched uranium—that if further enriched, can lead to bomb material—to transform the enriched uranium that can be prepared for potential nuclear material to an oxide form, and that is a form in which the bomb threat is dramatically reduced.

But the Esfahan plant didn't even become operational until the fall of 2014, a year after it was supposed to have opened, and—conveniently for the Iranians—it is having operational difficulties, making it highly unlikely Iran can convert the low-enriched uranium hexafluoride, which we are concerned about, into enriched uranium dioxide used for making nuclear power reactor fuel.

Put simply, at the end of the day, once again Iran will not have lived up to what they agreed to.

Now, we knew from the beginning it was going to be a challenge. We knew it was going to be difficult for the Iranians to blend down their nuclear fuel, rather than to ship it out to another country, which so far they have refused to do. We knew it would be a concern if they weren't able to convert low-enriched uranium hexafluoride into the enriched uranium dioxide—the one in which, obviously, we have far less concerns. And, frankly, because that is obviously a problem, I am concerned, because as the Albright article states, “The amounts of LEU amount to about 4,000 kilograms of 3.5 LEU hexafluoride, enough to potentially make 2 to 3 nuclear weapons if further enriched to weapons-grade uranium.”

Two to three nuclear weapons if further enriched to nuclear-grade uranium. Now, I am concerned this is more blue smoke and mirrors that overlooked the real ambitions of an untrustworthy negotiating partner. I am concerned Iran is still saying it will not ship out excess low-enriched uranium but somehow blend it down and store it at the plant, which can't possibly blend down enough at this point to meet the requirements under the Joint Plan of Action.

I am concerned this is more of an issue than the administration is willing to concede, particularly if, at the end, there is no deal and we, through sanctions relief, paid them to convert and then they walk away with massive amounts of low-enriched uranium that can be fed into their centrifuges and be easily converted to highly enriched uranium and on to weapons-grade uranium.

According to David Albright:

Based on the IAEA's report—

That is the International Atomic Energy Administration's report to member states—

the problems in making enriched uranium oxide were apparent by the fall of 2014 . . . but the Administration decided not to make a major issue about the lack of oxide production.

The article goes on to say:

Concluding that Iran has met the Joint Plan of Action condition to convert to oxide newly-enriched up to 5 percent is incorrect.

And it further says:

In this case, the potential violation refers to Iran not producing the enriched oxide at the end of the initial six month period of the Joint Plan of Action and again after its first extension.

This is a continuing quote:

The choosing of a weaker condition which must be met cannot be a good precedent for interpreting more important provisions in a final deal. Moreover, it tends to confirm the view of critics that future violations of a long-term deal will be downplayed for the sake of generating or maintaining support for the deal.

It says:

The administration relied on a technical remedy that Iran had not demonstrated it could carry out.

The article concludes:

The State Department has some explaining to do.

Now, the enrichment issue is one thing, but then there is the recently released U.N. Security Council report on a whole host of the existing Security Council resolutions and mandates as it relates to Iran, and there are other problems as well. They are well documented in this just recently released report; that Iran has continued to deny the legitimacy of Security Council resolutions not addressed in the Joint Plan of Action; that Iran's arms transfers have actively continued, raising concerns in particular in the region; that cases of noncompliance with the travel ban have also been observed; that Iran has continued certain nuclear activities, including enrichment and work at Arak; and that there is no progress by Iran in addressing possible military dimensions that had been agreed to be addressed by Iran and the International Atomic Energy Agency. The most troubling relates to allegations of large-scale high-explosives experimentation at Parchin.

The report goes on to talk about Iran's missile technology. Here we have a sense from the U.N. Security Council's report where it speaks to Iran's missile capability. And I am using a

map here that I give credit to the New York Times for to demonstrate what that means. Iran has two kinds of ballistic missiles capable of delivering a nuclear weapon, according to the report—the Ghadr missile, which is a variation of the liquid-fuel Shahab-3, with a range of about 1,600 kilometers, or 995 miles, and the other is the Sejil missile, with a range of about 2,000 kilometers, or about 1,250 miles. The first missile encompasses most of the gulf and certainly our ally, the State of Israel, as well as Afghanistan and Pakistan, not to mention Turkey, among others, and then the longer range missile actually goes as far as into Europe. And this is missile technology that is still in development. As the U.N. Security Council report points out, we can see the range of Iran's missiles and the potential military dimensions of its pursuits.

Then there is the issue of arms embargo violations and the transfer of conventional arms. For whatever reasons—and the report speculates that maybe member states, meaning member countries of the United Nations, don't want to upset the apple cart of the negotiations—there have been no reports—even in the midst of very clear violations taking place, and those have been largely reported—from member states of the U.N. about the transfer of conventional arms by Iran. But the U.N. report nevertheless says that “the panel notes media reports pointing to continued military support and alleged arms transfers to Syria, Lebanon, Iraq and Yemen, and to Hezbollah and Hamas.”

The report also says that a shipment of arms was confirmed by Massoud Barzani, president of Kurdistan's regional government, who said: “We asked for weapons and Iran was the first country to provide [them].” This is a clear violation if ever there were one.

According to the report, some member states informed the panel that Iran's nuclear procurement trends and circumvention techniques remain basically unchanged. In fact, Great Britain informed the U.N. panel that they are aware of an active Iranian nuclear procurement network associated with Iran's centrifuge technology company known as TESA and Kalay Electric Company, which are listed sanction entities under the U.N. Security Council resolutions.

The report further says that member states have reported on the methods Iran has used and continues to use to carry out financial transactions below the radar to conceal any connection to Iran. Some states that import oil, for example, have authorized their banks to receive payments into accounts belonging to the Central Bank of Iran. The funds were reportedly paid out against invoices for exports of goods to Iran although the goods were never exported, meaning money was taken out and ultimately made its way to Iran even though they were not for payment

of anything because nothing was shipped.

The simple fact is—and there are many other examples in the U.N. Security Council report, to which I commend my colleagues' attention—we can't trust Iran to abide by its agreements or to abide by U.N. resolutions even when they are in the midst of negotiations, when you would think they would be behaving the best. One would think they would want to put their best foot forward. Why would we think we can trust them if they are violating U.N. Security Council resolutions? That is the world—not the United States, not even the P5+1, but the world—telling them they can't do these things or they violate an international order. So why would we think we could trust them not to enrich uranium, not to pursue a weapons program, and not to find any way possible to renege on any agreement they reach when they are violating existing Security Council resolutions?

As I have said, I will come to the floor to reiterate my skepticism that Iran will not do all it can to pursue their agenda. I believe, rather, they will try to find a way to pursue their agenda, to play fast and loose with the truth, to hide the truth, to cover it up, and to buy time. Iran needs to be held responsible for its commitments—forget about its work; its commitments. There can be no slippage, no delays, no obfuscation. That is how they succeeded in the past in bringing themselves to be on the verge of becoming a threshold nuclear state.

So where do we go from here? It remains to be seen whether compliance with that which has already been agreed to by the Iranians—even at this early stage while the world is watching—can be realized or will it be explained away.

I intend to come to the floor again and again to hold Iran accountable for its actions and to keep a laser-like focus on the mullahs in Tehran. I fear that when that spotlight is off, when the press is gone, when the agreement is out of the headlines and the curtain closes on the P5+1 talks, Iran will pull back into the shadows. When that happens and if it goes wrong, what will we do then?

We haven't seen the final agreement, so we will have to wait to make a final judgment on it. But if the final agreement follows in the line of the framework agreement, then we will have a set of circumstances where we will not be solving the problem. I think some of the experts who were before the Senate Foreign Relations Committee yesterday in a briefing admitted to the fact—and one or two of them are proponents of an agreement—they said this does not solve the problem but only kicks the problem down the road.

Those are hard choices no matter what, but I would rather confront a country that is on the path to nuclear weapons before it gets it and when it is at its weakest point, not when it be-

comes a country at its stronger point, with far more resources, with sanctions that have largely dissipated. And even with snapback provisions—which I think we should have, but several years down the road when the world has now engaged Iran in doing business and Iran has risen in its economy—its economy has already stopped its free-fall just on the basis of expectations—and it decides possibly to break out 3 or 4 years down the road, putting all of those international sanctions back together, as someone who was the author of those sanctions here in the Congress, I can tell you that is going to take a lot more work. There is no instantaneous snapback: Oh, we will put the sanctions back and they will have effect immediately. You have to tell the world, you have to give them notice that, in fact, there are sanctions back in effect. You have to tell companies now doing business and give them time to disinvest from those businesses. By the time you add that, if experience is a good barometer, we gave at a minimum 6 months' lead time to tell the world this is going to be a sanctionable activity, and by the time we actually pursued enforcement and implementation of those, it was far beyond—close to a year. Well, that happens to be the time we are actually vying for breakout time.

So I am going to continue to come to the floor to continue to shine a spotlight on the challenges we have with Iran and on the shortcomings of the interim agreement as we hope for a good final agreement. But I will use the refrain that the administration at one time used, which is that no agreement is better than a bad agreement, and that is what my concern is—that we are headed toward a bad agreement.

With that, I yield the floor.

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

#### EARMARKS

Mr. FLAKE. Mr. President, I rise today to talk about a problem that, despite a congressional ban on the practice, continues to plague our budget. That problem is earmarks.

Back in 1986—just a little history lesson here—as Congress engaged in a last-minute scramble to fund the government, a Republican Congressman from Pennsylvania slipped an earmark into a massive spending bill. He turned a small exhibit of steam-powered trains, known as Steamtown USA, into a national park. Three decades, nearly \$100 million, and one congressional earmark ban later, that project continues to cost taxpayers millions of dollars annually. The bridge to nowhere, the North Carolina teapot museum, the indoor rainforest in Iowa, and, yes, Steamtown USA, are among the many egregious earmarks that led fed-up taxpayers to press for a ban on this kind of spending.

Like triceratops and velociraptors, earmarks that were declared extinct, fossilized relics of a bygone era, are somehow making a reappearance. What taxpayers and many in Congress didn't

realize is that despite the successful ban on earmarks, we are still paying millions of dollars for the old ones. Through unexpended funds, carve-outs in the Tax Code, and grant awards, spending on past earmark projects and their recipients still roam the Federal budget landscape.

Today, I am releasing a report—“Jurassic Pork”—which will highlight the fossilized pork projects that are still embedded or buried deep in the Federal budget. It should serve as a reminder of the past scandals that brought about the extinction of earmarks and serve as a warning that the cost of earmarking often outlives the practice itself.

“Jurassic Pork” digs into just two dozen of the many earmarked projects and recipients of congressional bounty that continue to cost taxpayers millions of dollars.

Take for example the aptly named *VelociRFTA*, a bus rapid transit system in Colorado that covers the 40 miles between Aspen and Glenwood that began as an \$810,000 earmark. Since the earmark ban took place in 2010, thanks to continued Federal funding, this project—this vestige—has cost taxpayers \$36 million.

Also highlighted in the report is the American Ballet Theater, which supplemented a flow of Federal grant money with more than \$800,000 in earmarked funds from a Member of Congress who also happened to perform in one of the group’s recent productions.

Then there are the 6,000 unspent highway earmarks representing \$5.9 billion that sit idle in the Department of Transportation account. These include pork projects such as the \$600,000 Upper Delaware Scenic Byway Visitor Center in Cocheton, NY. Unfortunately for taxpayers, the visitor center ended up being built in Narrowsburg. Because the location was specified as Cocheton, the money will likely continue to sit on the Federal Government’s ledger.

Now, within these unspent transportation earmarks, there is a smaller group that is often referred to as “orphan” earmarks. These are earmarks that have had less than 10 percent of their expended—or their anticipated funds spent over 10 years. According to the Congressional Research Service, 70 earmarks worth more than \$120 million remain on the books, and in August 2015, more than 1,200 earmarks from the last major highway bill that was passed in 2005 will officially become orphan earmarks. These represent \$2 billion in yet-to-be-spent funds.

With the near bankrupt highway trust fund, Congress needs to find a way to permanently park these unspent funds. To that end, I have also introduced a Jurassic Pork Act, which will rescind funding for orphan earmarks and will return this money to the highway trust fund. We all know the highway trust fund could use it about now.

Now, like John Hammond, the billionaire CEO of the failed theme park

in the first “Jurassic Park” film, not everyone in Congress is content to leave these as relics of the past. Not a year after the earmark ban was implemented in the Senate, the then-majority leader proclaimed: “I’ve done earmarks all my career, and I’m happy I’ve done earmarks all my career.”

Others from both sides of the aisle have argued that a return to earmarking would help to lard up or incentivize votes. But taxpayers don’t exist for political horse trading or as a reward for powerful Members to dole out as tributes. Taxpayers need to remain vigilant against all this kind of parochial spending, and we cannot return to pork as we knew it.

The moratorium on earmarks in 2010 didn’t put an end to these kind of shenanigans. But as readers of “Jurassic Pork” will see, the spending on their legacy continues. Taxpayers have already seen the end of this movie. We don’t need to be treated to a sequel.

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

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

#### AMENDMENT NO. 1473, AS MODIFIED

Mr. LEE. I ask for regular order with respect to Vitter amendment No. 1473.

#### AMENDMENT NO. 1687 TO AMENDMENT NO. 1473, AS MODIFIED

Mr. LEE. I send a second-degree amendment, Lee amendment No. 1687, to the desk as a second-degree amendment to Vitter amendment No. 1473 and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Utah [Mr. LEE] proposes an amendment numbered 1687 to amendment No. 1473, as modified.

Mr. LEE. 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 provide for the protection and recovery of the greater sage-grouse, the conservation of lesser prairie-chicken, and the removal of endangered species status for the American burying beetle)

At the appropriate place, insert the following:

#### SEC. \_\_\_\_ . PROTECTION AND RECOVERY OF GREATER SAGE GROUSE.

(a) DEFINITIONS.—In this section:

(1) The term “Federal resource management plan” means—

(A) a land use plan prepared by the Bureau of Land Management for public lands pursuant to section 202 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1712); or

(B) a land and resource management plan prepared by the Forest Service for National

Forest System lands pursuant to section 6 of the Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1604).

(2) The term “Greater Sage Grouse” means a sage grouse of the species *Centrocercus urophasianus*.

(3) The term “State management plan” means a State-approved plan for the protection and recovery of the Greater Sage Grouse.

(b) PURPOSE.—The purpose of this section is—

(1) to facilitate implementation of State management plans over a period of multiple, consecutive sage grouse life cycles; and

(2) to demonstrate the efficacy of the State management plans for the protection and recovery of the Greater Sage Grouse.

(c) ENDANGERED SPECIES ACT OF 1973 FINDINGS.—

(1) DELAY REQUIRED.—Any finding by the Secretary of the Interior under clause (i), (ii), or (iii) of section 4(b)(3)(B) of the Endangered Species Act of 1973 (16 U.S.C. 1533(b)(3)(B)) with respect to the Greater Sage Grouse made during the period beginning on September 30, 2015, and ending on the date of the enactment of this Act shall have no force or effect in law or in equity, and the Secretary of the Interior may not make any such finding during the period beginning on the date of the enactment of this Act and ending on September 30, 2025.

(2) EFFECT ON OTHER LAWS.—The delay imposed by paragraph (1) is, and shall remain, effective without regard to any other statute, regulation, court order, legal settlement, or any other provision of law or in equity.

(3) EFFECT ON CONSERVATION STATUS.—Until the date specified in paragraph (1), the conservation status of the Greater Sage Grouse shall remain warranted for listing under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.), but precluded by higher-priority listing actions pursuant to clause (iii) of section 4(b)(3)(B) of the Endangered Species Act of 1973 (16 U.S.C. 1533(b)(3)(B)).

(d) COORDINATION OF FEDERAL LAND MANAGEMENT AND STATE CONSERVATION AND MANAGEMENT PLANS.—

(1) PROHIBITION ON MODIFICATION OF FEDERAL RESOURCE MANAGEMENT PLANS.—In order to foster coordination between a State management plan and Federal resource management plans that affect the Greater Sage Grouse, upon notification by the Governor of a State with a State management plan, the Secretary of the Interior and the Secretary of Agriculture may not amend or otherwise modify any Federal resource management plan applicable to Federal lands in the State in a manner inconsistent with the State management plan for a period, to be specified by the Governor in the notification, of at least five years beginning on the date of the notification.

(2) RETROACTIVE EFFECT.—In the case of any State that provides notification under paragraph (1), if any amendment or modification of a Federal resource management plan applicable to Federal lands in the State was issued during the one-year period preceding the date of the notification and the amendment or modification altered management of the Greater Sage Grouse or its habitat, implementation and operation of the amendment or modification shall be stayed to the extent that the amendment or modification is inconsistent with the State management plan. The Federal resource management plan, as in effect immediately before the amendment or modification, shall apply instead with respect to management of the Greater Sage Grouse and its habitat, to the extent consistent with the State management plan.



(3) DETERMINATION OF INCONSISTENCY.—Any disagreement regarding whether an amendment or other modification of a Federal resource management plan is inconsistent with a State management plan shall be resolved by the Governor of the affected State.

(e) RELATION TO NATIONAL ENVIRONMENTAL POLICY ACT OF 1969.—With regard to any Federal action consistent with a State management plan, any findings, analyses, or conclusions regarding the Greater Sage Grouse or its habitat under the National Environmental Policy Act of 1969 (42 U.S.C. 4331 et seq.) shall not have a preclusive effect on the approval or implementation of the Federal action in that State.

(f) REPORTING REQUIREMENT.—Not later than one year after the date of the enactment of this Act and annually thereafter through 2021, the Secretary of the Interior and the Secretary of Agriculture shall jointly submit to the Committee on Energy and Natural Resources of the Senate and the Committee on Natural Resources of the House of Representatives a report on the Secretaries' implementation and effectiveness of systems to monitor the status of Greater Sage Grouse on Federal lands under their jurisdiction.

(g) JUDICIAL REVIEW.—Notwithstanding any other provision of statute or regulation, this section, including determinations made under subsection (d)(3), shall not be subject to judicial review.

**SEC. \_\_\_\_\_. IMPLEMENTATION OF LESSER PRAIRIE-CHICKEN RANGE-WIDE CONSERVATION PLAN AND OTHER CONSERVATION MEASURES.**

(a) DEFINITIONS.—In this section:

(1) CANDIDATE CONSERVATION AGREEMENTS.—The terms "Candidate Conservation Agreement" and "Candidate and Conservation Agreement With Assurances" have the meaning given those terms in—

(A) the announcement of the Department of the Interior and the Department of Commerce entitled "Announcement of Final Policy for Candidate Conservation Agreements with Assurances" (64 Fed. Reg. 32726 (June 17, 1999)); and

(B) sections 17.22(d) and 17.32(d) of title 50, Code of Federal Regulations (as in effect on the date of enactment of this Act).

(2) RANGE-WIDE PLAN.—The term "Range-Wide Plan" means the Lesser Prairie-Chicken Range-Wide Conservation Plan of the Western Association of Fish and Wildlife Agencies, as endorsed by the United States Fish and Wildlife Service on October 23, 2013, and published for comment on January 29, 2014 (79 Fed. Reg. 4652).

(3) SECRETARY.—The term "Secretary" means the Secretary of the Interior.

(b) PROHIBITION ON TREATMENT AS THREATENED OR ENDANGERED SPECIES.—

(1) IN GENERAL.—Notwithstanding any prior action by the Secretary, the lesser prairie-chicken shall not be treated as a threatened species or endangered species under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.) before January 31, 2021.

(2) PROHIBITION ON PROPOSAL.—Effective beginning on January 31, 2021, the lesser prairie-chicken may not be treated as a threatened species or endangered species under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.) unless the Secretary publishes a determination, based on the totality of the scientific evidence, that conservation (as that term is used in that Act) under the Range-Wide Plan and the agreements, programs, and efforts referred to in subsection (c) have not achieved the conservation goals established by the Range-Wide Plan.

(c) MONITORING OF PROGRESS OF CONSERVATION PROGRAMS.—The Secretary shall monitor and annually submit to Congress a report on progress in conservation of the lesser

prairie-chicken under the Range-Wide Plan and all related—

(1) Candidate Conservation Agreements and Candidate and Conservation Agreements With Assurances;

(2) Other Federal conservation programs administered by the United States Fish and Wildlife Service, the Bureau of Land Management, and the Department of Agriculture;

(3) State conservation programs; and

(4) private conservation efforts.

**SEC. \_\_\_\_\_. REMOVAL OF ENDANGERED SPECIES STATUS FOR AMERICAN BURYING BEETLE.**

Notwithstanding the final rule of the United States Fish and Wildlife Service entitled "Endangered and Threatened Wildlife and Plants; Determination of Endangered Status for the American Burying Beetle" (54 Fed. Reg. 29652 (July 13, 1989)), the American burying beetle shall not be listed as a threatened or endangered species under the Endangered Species Act (16 U.S.C. 1531 et seq.).

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

Mr. MCCAIN. I object.

The PRESIDING OFFICER. Objection is heard.

The clerk will continue to call the roll.

The senior assistant legislative clerk continued with the call of the roll.

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

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. INHOFE. Mr. President, I am fully aware that we are not going to be able to get past a unanimous consent request, but I wanted to make sure the Chair knew and others know that we have an amendment that I will do the best I can to bring out.

It is an amendment that already has 21 cosponsors. There is a provision in the Senate bill that was put in by the Senate that is not in the House bill that has to do with commissaries. It is viewed upon as privatizing commissaries. It is not really that. It is an attempt to evaluate the idea of the commissaries being privatized by using five commissaries as test cells to see what kind of result we would get if we did privatize them.

What we are doing with my amendment is taking it back—taking that language out—in order to go ahead with an assessment before we do that. It wouldn't make sense to me that if we wanted to get this done, even if we felt very passionately about privatizing, that we would do it before we had an assessment. So the assessment would be first.

We had a lot of discussion about this in the Senate Armed Services Committee. As I said, we now have 21 cosponsors who would like to reverse this so we can do the assessment and then make the determination.

It is kind of interesting, even though most people say privatizing is not going to actually save or make any money, the amendment simply requires the assessment on privatizing before we make any significant changes to our servicemembers' privatized commissary benefits. This is something that is very popular among members of our service, wives, and husbands, when surveyed last year. Approximately, 95 percent of the servicemembers were using the commissaries to purchase household goods to achieve needed savings in their family budgets with a 91-percent satisfaction rate. We don't get 91 percent satisfaction rates around here very often. The language in this bill as it is now ignores the recommendations made by the Military Compensation and Retirement Modernization Commission that we are all very familiar with. In the report released in January, it specifically stated, in recommendation No. 8, "to protect access and savings to DOD commissaries and exchanges." Well, that is exactly what we want to do.

I have a very impressive list, which I will not read, of 41 organizations and associations, including labor unions, the Gold Star Widows, American Veterans, and others, and I ask unanimous consent that this list be printed in the RECORD.

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

**ORGANIZATIONS SUPPORTING INHOFE/MIKULSKI AMENDMENT**

1. National Military and Veterans Alliance
2. American Federation of Labor and Congress of Industrial Organizations Teamsters
3. The Coalition to Save Our Military Shopping Benefits
4. National Guard Association of the United States
5. Military Officers Association of America
6. American Federation of Government Employees
7. Veterans of Foreign Wars
8. Armed Forces Marketing Council
9. American Logistics Association
10. American Military Retirees Association
11. American Military Society
12. American Retirees Association
13. Army and Navy Union
14. Gold Star Widows
15. International Brotherhood of Teamsters
16. Military Order of Foreign Wars
17. Military Order of the Purple Heart
18. National Association for Uniformed Services
19. National Defense Committee
20. Society of Military Widows
21. The Flag and General Officers Network
22. Tragedy Assistance Program for Survivors
23. Uniformed Services Disabled Retirees
24. Vietnam Veterans of America
25. Fleet Reserve Association
26. National Military Family Association
27. Military Officers Association of America
28. The Retired Enlisted Association
29. Association of the United States Army
30. American Veterans
31. United States Army Warrant Officers Association
32. Jewish War Veterans of the United States of America
33. Association of the United States Navy



- 34. Air Force Sergeants Association
- 35. Military Partners and Families Coalition
- 36. National Association for Uniformed Services
- 37. American Military Retirees Association
- 38. The American Military Partner Association
- 39. American Logistics Association
- 40. Reserve Officer Association
- 41. Air Force Association

Mr. INHOFE. I also have a synopsis of letters of support that is from six different organizations, including the Military Officers Association of America; the Armed Forces Marketing Council; the International Brotherhood of Teamsters; the American Federation of Government Employees, AFL-CIO; the American Military Retirees Association; and [saveourbenefit.org](http://saveourbenefit.org).

Mr. President, I ask unanimous consent that the synopsis of these six letters representing these organizations be printed in the RECORD.

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

MILITARY OFFICERS ASSOCIATION OF AMERICA: "This amendment requires a study in lieu of the Senate Armed Service Committee (SASC) language that mandate a privatization pilot in at least five commissaries chosen from the commissary agency's largest U.S. markets. MOAA commends this approach. To conduct a privatization pilot without proper assessment could result in unintended consequences, putting this highly valued benefit at risk. The commissary is a vital part of military compensation providing a significant benefit to military families. The average family of four who shops exclusively at the commissary sees a savings of up to 30 percent."

ARMED FORCES MARKETING COUNCIL: "What is at stake for military families: Loss of up to 30% savings on a market basket of products for military families. That equates to over \$4000 per year for a family of four. Loss of jobs for military family members. Over 60 percent of DeCA employees are military related and their jobs are transferable, allowing them to retain their positions and seniority when the military provides permanent change of station orders. Families would be required to pay sales taxes on groceries. Loss of a cherished benefit that is enjoyed by 95% of the active force. Loss of traffic at commissaries will adversely impact sales in military exchanges by up to 40%. This will diminish the dividend that supports quality of life programs for military families."

INTERNATIONAL BROTHERHOOD OF TEAMSTERS: "The commissary system is a vital benefit to our nation's active military, their families, and veterans across the country. The system provides thousands of jobs for American Teamsters in the warehouse, shipping, and food distribution industries. Commissaries also provide a needed benefit for military spouses and family members, who make up nearly 30 percent of Department of Commissary employees."

AMERICAN FEDERATION OF GOVERNMENT EMPLOYEES (AFL-CIO): "The Department of Defense's (DoD) commissaries and exchanges (Army and Air Force Exchange Service, AAFES) are an earned benefit treasured by military families and an important contributor to their quality of life. The modest cost of providing military families with inexpensive but essential goods and services is almost invisible in the Department's overall budget. Given that privatization of the commissaries has been repeatedly rejected by the executive and legislative branches and

that this option was explicitly not recommended by a recent commission which looked comprehensively at the commissaries, it makes no sense to begin to privatize the commissaries before understanding the impact on costs and services as well as morale and recruitment. Senator Inhofe's amendment would wisely direct DoD to study the impact of privatization, and the Government Accountability Office to review the DoD's finding, before the Department is directed to privatize the commissaries."

AMERICAN MILITARY RETIREES ASSOCIATION: "The American Military Retirees Association believes commissary and exchanges are a vital part of military pay and compensation. Ninety percent of the military community uses these benefits and consistently rank[s] them as a top compensation benefit, yielding returns that far outweigh taxpayer support. They also provide critical jobs for military families and veterans—over 60 percent of employees are military affiliated—and provide healthy living alternatives both stateside and overseas."

SAVEOURBENEFIT.ORG: "The Inhofe-Mikulski amendment offers a sensible, pragmatic and thoughtful approach to examining private operation of military commissaries. Senators Inhofe and Mikulski are right. Study before deciding to implement. Nearly 40 organizations—representing tens of millions of active duty, Guard and Reserve, retirees, military families, veterans and survivors—agree. The Military Compensation and Retirement Modernization Commission (MCRMC) surveyed the private sector and found no interest among major retailers to operate on military bases. The Commission, chartered by the Senate, found that commissaries were worth preserving and recommended changes to the current structure—not privatization."

Mr. INHOFE. Mr. President, it is my intention, as soon as we get to the point where we can get into the queue and get unanimous consent to set the current business aside—it would be my intention to do that to consider this amendment.

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. MCCAIN. 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. MCCAIN. Mr. President, I ask unanimous consent that notwithstanding rule XXII, the cloture vote on amendment No. 1569 be moved to 3 p.m. today. I ask unanimous consent that it be in order to call up the following amendments: Ernst No. 1549, Gillibrand No. 1578, Whitehouse No. 1693, Fischer-Booker No. 1825, Collins No. 1660, Cardin No. 1468; that at 11 a.m. on Tuesday, June 16, the Senate vote in relation to the following amendments in the order listed: Fischer-Booker No. 1825; Collins No. 1660; Cardin No. 1468; Gillibrand No. 1578; Ernst No. 1549; Whitehouse No. 1693; Durbin No. 1559, as modified; and Paul No. 1543; that there be no second-degree amendments in order to any of these amendments prior to the votes, and that the Gillibrand, Ernst, Whitehouse, Durbin, and Paul amendments require a 60-affirmative-vote threshold for adoption; also,

that there be 2 minutes equally divided between the votes and that all votes after the first be 10 minutes in length.

I further ask that notwithstanding rule XXII, the cloture vote on the McCain substitute amendment No. 1463 occur at 3 p.m. on Tuesday, June 16.

The PRESIDING OFFICER. Is there objection?

The Democratic leader.

Mr. REID. Mr. President, reserving the right to object, and I initially say to my impatient friend, he has to be patient and allow me to say a few words. During the short time we have been in the minority, we have behaved in a way that I think is proper for a responsible minority. For example, on this bill dealing with the authorization of our defense capacity in the United States, we have been very clear how we support the troops. But remember, we have this little difficult issue. The President of the United States has said he is going to veto this bill. So we have worked through all this with that in mind. Having said that, in spite of that, we did not ask for a cloture vote on the motion to proceed. When we were in the majority, having the minority not do that was a big day. It happened extremely rarely. We have been doing that consistently—with some exceptions but not many.

On this Defense bill, we have allowed amendments to become pending. There are a dozen or so pending right now. We have allowed the Senate to conduct votes. We have allowed managers' amendments to be cleared—lots of them. We have reacted in a responsible way. We have no regret for having done that.

The two managers were working together to get amendments pending in a mutually agreed-upon fashion when out of the blue, up comes this cyber security amendment. It was also done in a very unusual way where Senator BURR employed parliamentary devices to get the cyber security bill pending to where we are right now. We could have been playing around all week with our offering amendments, but I have always felt that it should be done extremely rarely, for the minority to do something like that. We could have done that.

If you look at the amendments that have been offered by us Democrats, they are all, with rare exception, dealing with the security of this Nation—not sage grouse, not all the other things the Republicans have brought up in this bill.

To say that the Ex-Im Bank and the cyber security amendments have impeded progress is a gross understatement. The cyber security bill is a major bill in its own way—a major bill. I can speak with some authority in this regard. Five years ago, I got every committee chair who had jurisdiction over this subject and we met over a period of days to come up with a cyber security bill. We did that. Republicans stopped us. We kept getting a smaller

group of people involved as we were narrowing the bill, and we actually were scheduled to finally have a vote on the cyber security bill. It wasn't as good as I thought we should have, but it was an important bill. And what happened on that? The chamber of commerce made a call to some of the Republican leaders in the Senate, and suddenly that bill was gone and we were voting on another ObamaCare amendment that, of course, went nowhere.

But we have tried cyber security.

The Intelligence Committee reported out this bill, and I appreciate that they did. It was on a bipartisan basis, but it also contains a lot of matter within the jurisdiction of other committees—for example, the Homeland Security Committee and the Judiciary Committee.

To her credit, the ranking member, Senator FEINSTEIN, recognized that and went to the Democrats and said: We will work with you and make sure the problems you have with this bill when it gets to the floor—we will work with you on this.

Senator FEINSTEIN is a person of her word. I know she will do that, and she will do that.

This morning, the Republican leader, who is on the floor, was saying that we just had an attack on 4 million people and that it is Obama's fault. I think that is stretching things a little bit, especially recognizing that I have only given a brief travel through the times we have tried to get up the cyber security legislation. We should take the time to do it right.

I have told the chairman of the Armed Services Committee, and I have checked with our ranking member of the Finance Committee, who is extremely interested—and hasn't been for 10 minutes or 10 days or 10 months but 10 years—in privacy. He has been our leader on privacy on this side of the aisle, and he believes we could finish it, if we had a free shot at this cyber bill, in a couple of days—and I agree with him—at the most. So we are not trying to avoid cyber. I believe—we believe it is an important part of what we need to do. But we should take time to do it right. We should not be tacking this important piece of legislation onto a bill the President has already said he is going to veto just so the Republicans can blame Obama for vetoing this bill as well.

If the majority would withdraw their cyber amendment and agree to take it up after this bill, we could do it in a couple of days and then we could return to working on the Defense bill. But we cannot take up all these new amendments my friend the chairman of the committee wants to set up votes on—we have the 9 he talks about, plus 6; that is 15—until we resolve this matter dealing with cyber security.

So without belaboring the point—and I appreciate my impatient friend being patient with me and listening to me go through all of this—I ask the majority leader or my friend the chairman of the

Armed Services Committee if he would modify his consent request as follows.

Mr. President, I ask unanimous consent that the cloture motion with respect to amendment No. 1569—that is cyber security—as modified, be withdrawn; that the pending amendment No. 1569—again, that is cyber security—as modified, be withdrawn; and that upon the disposition of H.R. 1735, the Defense authorization bill, the Senate proceed to the consideration of Calendar No. 28, S. 754. That is the bill which came out of the Intelligence Committee.

The PRESIDING OFFICER. The majority leader.

Mr. MCCONNELL. Mr. President, reserving the right to object, I am going to propose a modification of the consent request propounded by the Democratic leader: that following disposition of H.R. 2685, the Defense appropriations bill, the Senate turn to consideration of S. 754, the cyber security measure reported by the Senate Intelligence Committee. I further ask that there be 10 relevant amendments to be offered by each bill manager or designee, with 1 hour of debate followed by a vote on the amendments offered, with a 60-vote threshold on those amendments that are not germane to the bill.

The PRESIDING OFFICER. Is there objection to the request of the majority leader?

The minority leader.

Mr. REID. Mr. President, reserving the right to object to my friend's modification, I repeat, the cyber security bill is important and the Senate should turn to it, but putting it after the Defense appropriations bill is a false promise. It is a facade. I think it is very clear. I heard the Republican leader give a speech on the floor today that he knows, unless there are some changes made, we are not going to get on the Defense appropriations bill. So this is a false promise.

If we could do it in a more specific, determined time, that would be one thing, but the Republican leader obviously has no plan to complete the Defense appropriations bill if this is how we are proceeding; rather, they are proceeding ahead with his partisan budget plan—a plan the President said will not become law.

Until Republicans sit down to work out a bipartisan Senate budget, the Senate will not finish the Defense authorization bill. Once again, the right way to do this would be to consider the cyber security bill on its own merits after the Defense authorization bill is done. It would take 2 days.

So I ask the majority leader if he would modify his consent request to the following: that upon disposition of the Defense authorization bill, H.R. 1735, the Senate proceed to consideration of Calendar No. 28, S. 754, which is the cyber security bill.

The PRESIDING OFFICER. The majority leader.

Mr. MCCONNELL. Mr. President, reserving the right to object, and I will

object, I will point out that the Defense appropriations bill was reported out of the Appropriations Committee today with only three members voting against it. There was a lot of discussion about the Democratic leader saying "We are not going to pass the bill," but when the votes were counted, only three members—all on the Democratic side but only three—voted against reporting the bill out of committee.

My good friend the Democratic leader and I have had this discussion back and forth, but one of the advantages of being in the majority is that we set the schedule, and we are going to do the Defense appropriations bill after we do the Defense authorization bill; therefore, I object.

The PRESIDING OFFICER. Is there objection to the request of the majority leader?

Mr. REID. Yes.

The PRESIDING OFFICER. Objection is heard.

Does the Senator from Arizona modify his request with the request of the Democratic leader?

Mr. MCCAIN. Mr. President, may I make a couple of comments real quick before the distinguished majority leader modifies his request?

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. I would remind my good friend from Nevada, the Democratic leader, for the last 2 years we took up the Defense authorization bill, and it was taken up so late there was not a single amendment—not a single, solitary amendment on the Defense authorization bill for the last 2 years. So I understand the Democratic leader's commitment to amendments. It is too bad that for 2 years we never had a single amendment to the Defense authorization bill.

As far as relevant amendments are concerned, one of the things about this body is that everybody has the right to propose an amendment until their amendments are not made germane. The three pending Democratic amendments we have now on the bill are not germane.

So all I can say is that I hope we can get a modification. I hope we can move forward.

I just wish to point out one more time what I know that my colleagues have heard over and over, and I will make it brief. Henry Kissinger testified before the Senate Armed Services Committee that the world has never been in more crises. This world is at risk, and we have to—we have to protect the men and women who are serving in our security. I would argue that a national defense authorization act is probably more important now than it has been at any time in recent history.

I refuse to modify my request.

The PRESIDING OFFICER. Is there objection to the Senator's original request?

Mr. REID. Which Senator?

The PRESIDING OFFICER. The Senator from Arizona.

Mr. REID. Yes, I object.

The PRESIDING OFFICER. Objection is heard.

The majority leader.

Mr. MCCONNELL. Mr. President, I ask unanimous consent that notwithstanding rule XXII, the cloture vote on amendment No. 1569 be moved to 3 p.m. today and that the mandatory quorum call be waived.

The PRESIDING OFFICER. Is there objection?

Mr. REID. Mr. President, reserving the right to object.

The PRESIDING OFFICER. The minority leader.

Mr. REID. Mr. President, I will be extremely brief. We can have a debate here. We can look at all the press clippings of both sides on what happened in the last 2 years on Defense authorization. We didn't get a bill. We got a bill, but it was done in secret by the managers of the two bills in the House and the Senate. The reason that happened—it wasn't our fault. They wouldn't let us on the bill—"they" meaning the Republicans. So we can debate that all we want. Those are the facts.

I do not object to my friend's request.

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

The majority leader.

#### CLOTURE MOTION

Mr. MCCONNELL. Mr. President, I send a cloture motion to the desk on the McCain substitute amendment No. 1463.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The bill clerk read as follows:

#### CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the McCain amendment No. 1463 to H.R. 1735, an act to authorize appropriations for fiscal year 2016 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

Mitch McConnell, John McCain, Richard C. Shelby, Jeff Flake, John Barrasso, John Cornyn, Mike Rounds, Jeff Sessions, Shelley Moore Capito, Lamar Alexander, Lindsey Graham, Joni Ernst, John Hoeven, Roger F. Wicker, Kelly Ayotte, Richard Burr, Thom Tillis.

#### CLOTURE MOTION

Mr. MCCONNELL. Mr. President, I send a cloture motion to the desk with respect to the underlying House bill, H.R. 1735.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The bill clerk read as follows:

#### CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the

Standing Rules of the Senate, do hereby move to bring to a close debate on H.R. 1735, an act to authorize appropriations for fiscal year 2016 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

Mitch McConnell, John McCain, Richard C. Shelby, Jeff Flake, John Barrasso, John Cornyn, Mike Rounds, Jeff Sessions, Shelley Moore Capito, Lamar Alexander, Lindsey Graham, Joni Ernst, John Hoeven, Roger F. Wicker, Kelly Ayotte, Richard Burr, Thom Tillis.

The PRESIDING OFFICER. The majority leader.

#### AMENDMENT NO. 1569, AS MODIFIED

Mr. MCCONNELL. Mr. President, in just a moment, the Senate will consider an important cyber security measure. I urge every one of my colleagues to support it.

USA TODAY recently cited a cyber security expert who noted that this Senate legislation has the potential to greatly reduce the number of victims targeted by the kinds of hackers we have seen in recent years. It contains modern tools to help deter future attacks against both the government and the private sector, to provide them with knowledge to erect stronger defenses, and to get the word out faster about attacks when they are detected. The top Democrat on the Intelligence Committee reminded us that the cyber security measure before us would also protect individual privacy and civil liberties. She has urged Congress to "act quickly" to deter a threat that is literally impossible to overstate.

The White House has also urged Congress to act.

The new Congress has been asked to act, and today we are, with a good, strong, transparent, bipartisan measure which has been thoroughly vetted by both parties in committee and which has been available for months—literally months—for anyone to read. It was endorsed by nearly every Democrat and every Republican on the Intelligence Committee, 14 to 1. It is also backed by a broad coalition of supporters, everyone from the chamber of commerce to the United States Telecom Association.

It is legislation that is all about protecting our country, which is why it makes perfect sense to consider it alongside defense legislation with the very same aim. Cyber security amendments can be offered, and the debate will continue.

So let's work together to advance this measure. There are now 4 million extra reasons for Congress to act quickly. The sooner we do, the sooner we can conference it with similar legislation that passed the House and get a good cyber security law enacted to help protect our country. The opportunity to begin doing that will come in a few moments with a vote for cloture on this bipartisan cyber security bill.

The PRESIDING OFFICER (Mr. CASIDY). The minority leader.

Mr. REID. Mr. President, we have on the Senate floor an authorization bill for about \$600 billion—Defense authorization for about \$600 billion. I can't imagine the procedural games, the chicanery involved in this. Why did we yesterday have on this bill something on Ex-Im Bank? Was it just to check it off so they could say we tried and Democrats wouldn't let us do it? Why would we have on this \$600 billion bill dealing with the security of this Nation something else that also deals with the security of this Nation and that deserves a separate piece of legislation so we can have amendments and talk about that? We have agreed to do it in a very short period of time.

There is no good reason for doing it this way. We should limit the matter at hand to the Defense authorization bill at some \$600 billion, and then we have agreed to go to cyber security. We are willing to do that. But I cannot imagine—I cannot imagine—why the Republican leader is doing this. It makes a mockery of the legislative process.

Mr. WYDEN. Will the leader yield for a question?

Mr. REID. I will be happy to yield to the ranking member of the committee for a question.

Mr. WYDEN. Leader, I strongly oppose cloture on this cyber measure and I want to ask the Senator a question.

I think we all understand how dangerous hackers are. They are increasingly sophisticated. The most dangerous hackers rarely use the same technique twice. I believe what the Senator is saying is we can't deal with this responsibly by stapling the cyber bill to something else. Is that one of the key reasons the leader is opposing this?

The PRESIDING OFFICER. All time has expired.

Mr. REID. Mr. President, respectfully, I suggest we are on leader time now. My time is protected—or used to be—and the Senator asked me a question. I yielded to him for a question. He should have the right to answer the question.

The PRESIDING OFFICER. Without objection it is so ordered.

Mr. WYDEN. I will be very brief.

I oppose cloture on the cyber measure. I think what the leader is saying is that the cyber measure is so serious we shouldn't deal with it by stapling it to something else. It is so important we ought to have an opportunity over that 2-day period to deal with it separately; is that the leader's view?

Mr. REID. Without any question.

#### CLOTURE MOTION

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

The bill clerk read as follows:

#### CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on amendment No. 1569, as modified, to the McCain

amendment No. 1463 to H.R. 1735, an act to authorize appropriations for fiscal year 2016 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

Mitch McConnell, Lamar Alexander, John Cornyn, Orrin G. Hatch, David Perdue, Bob Corker, Michael B. Enzi, Susan M. Collins, Jeff Flake, Mike Rounds, Richard Burr, David Vitter, James M. Inhofe, Daniel Coats, John McCain, Deb Fischer, Tom Cotton.

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

The question is, Is it the sense of the Senate that debate on amendment No. 1569, as modified, offered by the Senator from Arizona, Mr. McCAIN, for the Senator from North Carolina, Mr. BURR, to the substitute amendment No. 1463, shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The senior assistant legislative clerk called the roll.

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

Mr. DURBIN. I announce that the Senator from Vermont (Mr. LEAHY) and the Senator from Oregon (Mr. MERKLEY) are necessarily absent.

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

The yeas and nays resulted—yeas 56, nays 40, as follows:

[Rollcall Vote No. 207 Leg.]

#### YEAS—56

Alexander	Ernst	Murkowski
Ayotte	Fischer	Nelson
Barrasso	Flake	Perdue
Bennet	Gardner	Portman
Blunt	Graham	Risch
Boozman	Grassley	Roberts
Burr	Hatch	Rounds
Capito	Hoever	Sasse
Cassidy	Inhofe	Scott
Coats	Isakson	Sessions
Cochran	Johnson	Shelby
Collins	King	Sullivan
Corker	Kirk	Thune
Cornyn	Klobuchar	Tillis
Cotton	Lankford	Toomey
Crapo	Manchin	Vitter
Daines	McCain	Warner
Donnelly	McConnell	Wicker
Enzi	Moran	

#### NAYS—40

Baldwin	Heinrich	Reid
Blumenthal	Heitkamp	Reid
Booker	Heller	Sanders
Boxer	Hirono	Schatz
Brown	Kaine	Schumer
Cantwell	Lee	Shaheen
Cardin	Markey	Stabenow
Carper	McCaskey	Tester
Casey	Menendez	Udall
Coons	Mikulski	Warren
Durbin	Murphy	Whitehouse
Feinstein	Murray	Wyden
Franken	Paul	
Gillibrand	Peters	

#### NOT VOTING—4

Cruz	Merkley
Leahy	Rubio

The PRESIDING OFFICER. On this vote, the yeas are 56, the nays are 40.

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

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

The senior assistant legislative clerk proceeded to call the roll.

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

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

WELCOMING VISITORS FROM WHEATON COLLEGE

Mr. COATS. Mr. President, now that we concluded the vote, I would like to announce for the RECORD that I am privileged and honored to be able to host a number of people from my alma mater, Wheaton College. The board of trustees is holding a meeting here in Washington. They are visiting the Capitol and we are about to go on a tour.

I want to thank them for their service to our college and to America. They are spending a good amount of time here working through issues that are very important to the school. Wheaton College is an evangelical school that has been true to the faith in dealing with the challenges that exist today. I am pleased to be able to acknowledge that they are here visiting the Capitol, and enjoying the sites of Washington while making some tough decisions.

I yield the floor.

The PRESIDING OFFICER. The Senator from Vermont.

(The remarks of Mr. SANDERS pertaining to the introduction of S. 1564 are printed in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

The PRESIDING OFFICER. The Senator from Michigan.

FEDERAL VEHICLE REPAIR COST SAVINGS ACT

Mr. PETERS. Mr. President, I rise to urge my colleagues to support the bipartisan legislation I introduced with my colleague Senator LANKFORD, the Federal Vehicle Repair Cost Savings Act.

I am pleased the Senate is considering the first bill I introduced as a Senator, which was approved by the Homeland Security and Governmental Affairs Committee on a unanimous vote earlier this year.

I appreciate Senator LANKFORD partnering with me to work on this legislation in committee and as it has moved to the Senate floor. I look forward to continuing to work with him as a member of the subcommittee he chairs, the Regulatory Affairs and Federal Management Subcommittee.

I also appreciate that my colleague from Michigan Representative HUIZENGA has introduced bipartisan companion legislation in the House of Representatives.

The Federal Vehicle Repair Cost Savings Act is a bipartisan, commonsense measure that will help save taxpayers money and promote conservation by encouraging Federal agencies to use remanufactured auto parts when they are maintaining their fleets of vehicles.

In addition to saving money, this legislation also supports remanufacturing

suppliers and their employees in Michigan and across the country. Remanufactured parts are usually less expensive than similar parts and have been returned to same-as-new condition using a standardized industrial process.

The United States is the largest producer, consumer, and exporter of remanufactured goods. Remanufacturing of motor vehicle parts accounts for over 30,000 full-time U.S. jobs, and our country employs over 20,000 workers remanufacturing off-road equipment.

In addition to the cost savings using remanufactured parts, it also has significant environmental benefits. Remanufacturing saves energy by reusing raw materials such as iron, aluminum, and copper. On average, the remanufacturing process saves approximately 85 percent of the energy and material used to manufacture equivalent new products.

I urge my colleagues to support S. 565, the Federal Vehicle Repair Cost Savings Act, commonsense legislation that is good for taxpayers, our environment, and American manufacturers.

Mr. President, I also rise to support the bipartisan Ayotte-Peters amendment to authorize bilateral research and development with Israel on anti-tunnel capabilities.

I appreciate Senator AYOTTE's efforts to work together on this critical matter of national security. Israel remains our closest ally in the Middle East, and this amendment will further our shared cooperation to increase security for both Americans and Israelis.

Our ally Israel faces significant threats from underground tunnels built by terrorists intent on murdering innocent Israelis. Hamas and Hezbollah threaten Israel with an extensive network of sophisticated tunnels which are used to smuggle weapons and carry out kidnappings and attacks against Israeli citizens.

These are not simple tunnels dug by hand with shovels. These tunnels cost millions of dollars and are built with thousands of tons of concrete. Often they are built using resources intended for humanitarian purposes in Gaza but are instead diverted to terrorist activity. They are constructed with machinery designed to avoid detection. In some cases, Hamas has filled the tunnels with provisions to last several months. The Israeli Defense Forces called the tunnels underneath Gaza an underground city of terror.

Bomb attacks from tunnels dug by terrorist organizations are a growing threat to forward deployed U.S. forces and our diplomatic personnel abroad. Terrorists carry out these attacks by digging tunnels underneath a target and detonating explosives.

Earlier this week, the publication Defense One reported that ISIS is also using tunnel bombs as a tactic, detonating at least 45 tunnel bombs in Iraq and Syria over the last 2 years.

We face threats from tunnels on American soil as well. Our own Border Patrol and law enforcement on the

southern border are up against drug smugglers, human traffickers, and other global criminal organizations using tunnels to sneak drugs, weapons, and people across our border illegally.

I serve on the Homeland Security Committee and understand the threat our Border Patrol agents and law enforcement face from transnational criminal organizations using tunnels along our southern border. These criminals flow to the path of least resistance, and as our border security efforts address one threat, they seek other methods to avoid detection and continue their criminal activity.

When the U.S. Border Patrol blocked drug smugglers and human traffickers from utilizing existing drainage tunnels, the criminals began digging their own tunnels. We need to stay ahead of these threats, and that is why we must conduct critical research and development so we can detect and destroy these dangerous tunnels.

This amendment will authorize joint research and development with Israel on anti-tunnel capabilities. This joint approach will help us work together on research and development against this shared threat.

The amendment requires Israel to share in the cost of this research and provides a framework for sharing intellectual property developed together before action is carried out. This amendment will allow the Department of Defense to work with Israel to develop a capability that will be used to protect our homeland and our troops abroad as well as those of our ally.

This amendment will make clear that joint research and development on anti-tunnel capabilities can and should be part of our security cooperation with Israel. It will also send a strong message that the Senate recognizes the threat posed by tunnels intended for attacks against Israel, and this cooperation will help us secure our own borders as well.

I urge all my colleagues to support the Ayotte-Peters amendment No. 1628. 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. MCCAIN. 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. MCCAIN. Mr. President, I ask unanimous consent that amendment No. 1569, as modified, be withdrawn; that the next first-degree amendments in order to H.R. 1735, the Defense authorization bill, be the Gillibrand amendment No. 1578 and the Ernst amendment No. 1549; and that the Gillibrand and Ernst amendments be subject to a 60-affirmative-vote threshold.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

AMENDMENT NO. 1549 TO AMENDMENT NO. 1463

Mr. MCCAIN. Mr. President, I call up the Ernst amendment No. 1549.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Arizona [Mr. MCCAIN], for Mrs. ERNST, proposes an amendment numbered 1549 to amendment No. 1463.

Mr. MCCAIN. 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 provide for a temporary, emergency authorization of defense articles, defense services, and related training directly to the Kurdistan Regional Government)

At the end of section 1229, add the following:

(c) STATEMENT OF POLICY.—It is the policy of the United States to promote a stable and unified Iraq, including by directly providing the Kurdistan Regional Government military and security forces associated with the Government of Iraq with defense articles, defense services, and related training, on an emergency and temporary basis, to more effectively partner with the United States and other international coalition members to defeat the Islamic State of Iraq and the Levant (ISIL).

(d) AUTHORIZATION.—

(1) MILITARY ASSISTANCE.—The President, in consultation with the Government of Iraq, is authorized to provide defense articles, defense services, and related training directly to Kurdistan Regional Government military and security forces associated with the Government of Iraq for the purpose of supporting international coalition efforts against the Islamic State of Iraq and the Levant (ISIL) and any successor group or associated forces.

(2) DEFENSE EXPORTS.—The President is authorized to issue licenses authorizing United States exporters to export defense articles, defense services, and related training directly to the Kurdistan Regional Government military and security forces described in paragraph (1). For purposes of processing applications for such export licenses, the President is authorized to accept End Use Certificates approved by the Kurdistan Regional Government.

(3) TYPES OF ASSISTANCE.—Assistance authorized under paragraph (1) and exports authorized under paragraph (2) may include anti-tank and anti-armor weapons, armored vehicles, long-range artillery, crew-served weapons and ammunition, secure command and communications equipment, body armor, helmets, logistics equipment, excess defense articles and other military assistance that the President determines to be appropriate.

(e) RELATIONSHIP TO EXISTING AUTHORITIES.—

(1) RELATIONSHIP TO EXISTING AUTHORITIES.—Assistance authorized under subsection (b)(1) and licenses for exports authorized under subsection (d)(2) shall be provided pursuant to the applicable provisions of the Arms Export Control Act (22 U.S.C. 2751 et seq.) and the Foreign Assistance Act of 1961 (22 U.S.C. 2151 et seq.), notwithstanding any requirement in such applicable provisions of law that a recipient of assistance of the type authorized under subsection (d)(1) shall be a country or international organization. In addition, any requirement in such provisions of law applicable to such countries or international organizations concerning the provision of end use retransfers and other assur-

ance required for transfers of such assistance should be secured from the Kurdistan Regional Government.

(2) CONSTRUCTION AS PRECEDENT.—Nothing in this section shall be construed as establishing a precedent for the future provision of assistance described in subsection (d) to organizations other than a country or international organization.

(f) REPORTS.—

(1) INITIAL REPORT.—Not later than 45 days after the date of the enactment of this Act, the President shall submit to the appropriate congressional committees a report that includes the following:

(A) A timeline for the provision of defense articles, defense services, and related training under the authority of subsections (d)(1) and (d)(2).

(B) A description of mechanisms and procedures for end-use monitoring of such defense articles, defense services, and related training.

(C) How such defense articles, defense services, and related training would contribute to the foreign policy and national security of the United States, as well as impact security in the region.

(2) UPDATES.—Not later than 180 days after the submittal of the report required by paragraph (1), and every 180 days thereafter through the termination pursuant to subsection (i) of the authority in subsection (d), the President shall submit to the appropriate congressional committees a report updating the previous report submitted under this subsection. In addition to any matters so updated, each report shall include a description of any delays, and the circumstances surrounding such delays, in the delivery of defense articles, defense services, and related training to the Kurdistan Regional Government pursuant to the authority in subsections (d)(1) and (d)(2).

(3) FORM.—Any report under this subsection shall be submitted in unclassified form, but may include a classified annex.

(4) DEFINITION.—In this subsection, the term “appropriate congressional committees” means—

(A) the Committee on Foreign Relations, the Committee on Appropriations, the Committee on Armed Services, and the Select Committee on Intelligence of the Senate; and

(B) the Committee on Foreign Affairs, the Committee on Appropriations, the Committee on Armed Services, and the Permanent Select Committee on Intelligence of the House of Representatives.

(g) NOTIFICATION.—The President should provide notification to the Government of Iraq, when practicable, not later than 15 days before providing defense articles, defense services, or related training to the Kurdistan Regional Government under the authority of subsection (d)(1) or (d)(2).

(h) ADDITIONAL DEFINITIONS.—In this section, the terms “defense article”, “defense service”, and “training” have the meanings given those terms in section 47 of the Arms Export Control Act (22 U.S.C. 2794).

(i) TERMINATION.—The authority to provide defense articles, defense services, and related training under subsection (d)(1) and the authority to issue licenses for exports authorized under subsection (d)(2) shall terminate on the date that is three years after the date of the enactment of this Act.

Mr. MCCAIN. I yield the floor.

The PRESIDING OFFICER. The Senator from Rhode Island.

AMENDMENT NO. 1578 TO AMENDMENT NO. 1463

(Purpose: To reform procedures for determinations to proceed to trial by court-martial for certain offenses under the Uniform Code of Military Justice.

Mr. REED. I ask that the pending amendment be set aside and on behalf of Senator GILLIBRAND I call up amendment No. 1578.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Rhode Island [Mr. REED], for Mrs. GILLIBRAND, proposes an amendment numbered 1578 to amendment to 1463.

Mr. REED. 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 printed in the RECORD of June 3, 2015, under "Text of Amendments.")

Mr. REED. Thank you, Mr. President.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. Mr. President, as is obvious, we have an agreement to votes on both the Gillibrand and Ernst amendments. I would imagine it may require a recorded vote, but I am not positive. Then, we are planning on moving forward with additional amendments as agreed to by both sides and a managers' package as well. That is our intention. I am told that at some point there may be a cloture motion on the bill as well.

So I wish to thank the Senator from Rhode Island for his continued cooperation, and hopefully we can get as many Members' amendments as possible up and voted on and finish the bill, at the soonest, next week.

#### MORNING BUSINESS

Mr. MCCAIN. Mr. President, I ask unanimous consent that the Senate proceed to a period of morning business, with Senators permitted to speak therein for up to 10 minutes each.

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

Mr. MCCAIN. I await the impressive and loquacious and convincing words of the Senator from Texas.

I yield the floor.

The PRESIDING OFFICER. The Senator from Texas.

Mr. CORNYN. Mr. President, I appreciate the comments of my friend from Arizona, but if I am going to be as loquacious as he suggested, it may take me a little more than 10 minutes, so I ask unanimous consent to speak for up to 15 minutes.

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

#### NATIONAL DEFENSE AUTHORIZATION ACT

Mr. CORNYN. Mr. President, over the last few days, this Chamber has been discussing the Defense authorization

bill, thus fulfilling one of our basic responsibilities as part of the Federal Government; that is, our national security, and in the process making sure our warfighters—the people who are on the cutting edge of the knife, so to speak, in terms of our national security—have the resources we are morally committed and duty-bound to provide them.

So when voting for the Defense authorization bill, we as legislators are fulfilling our responsibilities, just as those who wear the uniform are performing their duties—no more, no less—although I must say ours is a tad safer than they are experiencing, to be sure.

With so much at stake for the security of our country, the well-being of our folks in uniform as well as the families of those servicemembers hanging in the balance, as I mentioned yesterday, it is particularly disappointing that the Democratic leader has characterized the discussion of this bill as "a waste of time." I really have to believe he would want to take those words back because it certainly is not a waste of time.

Unfortunately, it is becoming more and more evident that the threats of the Democratic leader and the President of the United States to stall Republicans' efforts to get this bill passed quickly is just the first step to a larger political strategy. The reason I know that is not because it just occurred to me—an epiphany—it is because they said so in the pages of the Washington Post just yesterday.

The headline says it all: "Democrats prepare for filibuster summer." That is the headline in the Washington Post yesterday.

The article goes on to say: "Democrats have decided to block all spending bills starting with the defense appropriations measure headed to the floor next week."

So imagine my surprise when yesterday the Democratic leader came to the floor and accused Republicans of threatening to shut down the government, the same day his colleague, the senior Senator from New York, detailed their strategy to block all appropriations bills, in the Washington Post.

One thing we have to love about our friends across the aisle: They are not unclear, nor are they timid, about telling us what their plans are. Indeed, it is there for the world to read and for us to read.

But let me say it again. Hours after the Democratic leader laid out their plans to filibuster all government spending bills, their leader claimed Republicans were the ones threatening a shutdown.

This type of cynical political maneuvering is what the American people so soundly rejected in the last election on November 4. Stifling debate and shutting down the Senate are not what the American people sent us to do, and it is certainly not what my constituents expect me to do on their behalf.

Today, our colleagues across the aisle have now blocked an amendment that would provide for greater sharing of information to address the rampant and growing cyber threat this country faces. The sharing of cyber threat information will help us as a country deter future cyber attacks, and it helps both the public and the private sector to act in a more nimble way when attacks are detected. So the fact that seven Democrats joined virtually all Republicans to move forward with this bill, tells me the Democratic position is not monolithic. In other words, when the Democratic leader and the senior Senator from New York say it is our plan to shut down the Senate and not to cooperate to get the people's work done, not every Member of the Democratic minority are comfortable with that cynical strategy—and good for them.

The refusal to move forward with this legislation, particularly the cyber security part of this discussion, is just unconscionable.

Let me give my colleagues some other headlines. Just last week, there was a massive breach at the Office of Personnel Management. The sensitive personal information of up to 4 million—4 million—current and former Federal employees may have been compromised. There are now reports that the stolen data includes login information and credentials that is actively being traded, bought, and sold online.

Now, we will await the details of the current investigation into this, but we know it has great potential to harm not only the privacy interests and the financial interests of the people affected but also our national security. We know there are state actors—notably China and Russia—who are, on a regular basis, engaged in cyber attacks against the United States in an effort to steal our intellectual property as well as in order to do intelligence operations using the Internet and using cyber space.

Now, in terms of the personal interests of these employees, it may expose them—many of whom may work with national security matters—to further targeting by hackers, identity thieves, and even foreign intelligence agents.

At the end of last month, it was reported that the data of more than 100,000 taxpayers was stolen at the IRS. Just so colleagues understand the reason for my concern, the former Acting Director of the CIA, on June 11, 2015, when asked about former Senator and former Secretary of State Hillary Clinton's decision to put all of her official emails at the Secretary of State's office on a private email server, Michael Morell said: "I think that foreign intelligence services, the good ones, have everything on any unclassified network that the government uses."

So not only do they have it on unclassified networks such as the one Hillary Clinton maintained, but also if they are able to breach the security measures we have in place on government networks, they are happy to steal



that for whatever their purpose may be, whether it is intelligence-gathering or whether it is economic harm that they can impose on American citizens by hacking their identity or stealing their bank accounts or what have you.

So we also have to be worried about the 100,000 people whose accounts were hacked at the IRS. The suggestion that was made by the IRS Commissioner at the Finance Committee recently is that these identity thieves steal this information so they can then file false tax returns and then claim the refunds or the other credit that those taxpayers would have otherwise been able to receive. Imagine when these 100,000 or so taxpayers go about the business of filing their own tax returns, only to find out that a cyber thief has stolen their identity and filed a tax return and taken their refund or their tax credit before they ever had a chance to do it.

At the IRS, we know the breach included access to past tax returns. As we all know, we have to put a lot of sensitive information on tax returns. That is why they are not public information. But they also include sensitive information such as Social Security numbers, addresses, birth dates—all stolen and potentially in the hands of criminals.

The hypocrisy of the administration in this area is just breathtaking. It was just June 6—last Saturday—that Josh Earnest, the White House Press Secretary, chastised Congress, on behalf of the President of the United States, for not acting urgently enough on the issue of cyber security. Here is what Mr. Earnest said: “We need the United States Congress to come out of the Dark Ages and actually join us here in the 21st century to make sure that we have the kinds of defenses that are necessary to protect a modern computer system.”

That is what White House Press Secretary Josh Earnest said on June 6, 2015.

Then our colleagues on the Democratic side have the temerity to come here and block the very type of legislation that the White House has called for. How hypocritical can you get? How cynical can you get? Indeed, the Democratic leader then says, well, they are doing everything the way they should be doing it, and it is really a Republican conspiracy to shut down the government.

These are just the most recent examples of a threat that should be keeping us up at night—a threat that should cause us to quickly act to find solutions to the cyber security threat to the American people and to the United States Government and, yes, to our national security.

Some of our Democratic friends act as if the fact that we have decided to file an amendment to the Defense authorization bill, which represents an almost unanimous vote of the bipartisan vote of the Senate Intelligence Committee, was some sort of dirty

trick—that we pulled a fast one on them. Well, this legislation has been out there for the world to see for quite a while now, and it was negotiated by the senior Senator from California, the ranking member on the Senate Intelligence Committee, Senator FEINSTEIN, and Senator BURR, the chairman of the Intelligence Committee, and as I said, it only had one dissenting vote in the Senate Intelligence Committee. So to have the gall to come on the Senate floor and act as if this is some sort of pulling a fast one or some sort of trick is just disingenuous. I could probably think of some other words to describe it, too, but “disingenuous” will have to suffice for now.

To come out here and to block debate on a vote on a cyber security bill at a time when the news is chock-full of the nature of this threat and its intrusive invasion into the privacy of the American people and its danger to our national security is just flat out irresponsible. These are not threats we can afford to ignore.

And here is the coup de grace—the icing on the cake. Two months ago the Democratic leader came to the floor and said he was “committed” to getting cyber security legislation done, and that was before these most recent attacks. So for the Democratic leader to claim this morning that Senate Republicans were—these are his words—using “deceitful ploys” to ensure our Nation is safe from these threats is really beyond the pale.

In addition to the clear and undeniable urgency of the problem, I would like to also point out that this was the same language that was, as I said, passed out of the Intelligence Committee in March. So perhaps you can understand why I am so confused by our Democratic colleagues’ position and actually by the White House’s position.

The White House called for cyber security legislation. Cyber security legislation gets voted out of the Senate Intelligence Committee 14 to 1. The Democratic leader said we need to act on cyber security, and we try to act on cyber security legislation, only to be blocked by the Democratic leader. All I can see is the Democratic leader’s “commitment” to work on cyber legislation has given way to partisan gamesmanship by our Democratic colleagues who are promising “a filibuster summer.” Well, welcome to the filibuster summer.

But this is not what the American people deserve. This isn’t why they sent us here, and this is what they affirmatively rejected this last election. But somehow our Democratic colleagues just can’t stand it that we have actually turned things around and we have been able to make some slow, incremental progress. We passed the first budget since 2009. You know, that should be a scandal, but I guess it represents progress that we finally have been able to do it with the new majority starting in January. We have

worked with the White House to pass trade promotion authority and some things that are tough and are controversial on both sides of the aisle. We have taken a number of positive steps on child trafficking and on a number of other topics. Now we are trying to do our most basic duty and deal with our Nation’s defense, and that includes protecting our Nation’s cyber security infrastructure while we fund our Armed Forces to make sure they have the resources to do what they volunteered to do so bravely on our behalf.

The men and women of this country and particularly the men and women who wear the uniform of the U.S. military deserve better. This National Defense Authorization Act, this basic bill to which the cyber security language was being offered, has strong bipartisan support, and it passed out of the Armed Services Committee overwhelmingly. And do you know what? It even authorizes funding levels at the figure requested by the President of the United States. Yet our Senate Democratic colleagues are still dragging their feet, refusing to allow us to vote on amendments to this bill and defeating the very cyber security provision that the Democratic leader said we ought to get to and that Josh Earnest chastised Congress for not passing. Yet Members of his own political party—the President’s own political party—blocked that cyber security legislation.

So this bill should not be held hostage to political gamesmanship. The American people’s security and safety should not be held hostage to political gamesmanship, and the Senate, which used to be known as the world’s greatest deliberative body, should not be used just purely for partisan gain.

So I hope that the seven Democrats who actually voted to proceed on this cyber security bill will get some more allies. I can tell that not all of our friends across the aisle are comfortable with the Democratic leader’s direction to block this cyber security legislation, and perhaps over the weekend, some will have second thoughts. I hope as they have those second thoughts, they will focus on our collective duty to our troops and their families and to our duty as Members of the Senate to promote and protect the security of the American people.

So let’s get back to basics. Let’s do what the American people elected us to do by voting on a bipartisan bill that will protect our country and provide for our troops.

I yield the floor.

THE PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. TOOMEY. Mr. President, I ask unanimous consent to speak for up to 20 minutes.

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

#### THE FERGUSON EFFECT

Mr. TOOMEY. Mr. President, last month I was here on the Senate floor



to address the topic of the riots in Baltimore and the unfortunate and completely misguided scapegoating of police officers that has been going on far too often in parts of our country today. So I rise again today on the same topic because in just the last month or so there have been some more very harmful developments in this area.

One of those developments is the dramatic decline in police arrests and a massive increase in violent crime and murders in the city of Baltimore. Now, some of my friends would say: Why is the Senator from Pennsylvania speaking out so often about these tragic circumstances that are happening in Baltimore? Well, first of all, as a U.S. Senator, I am concerned with what goes on in our entire country, not just my State. Baltimore is a great American city that is going through a very difficult period, and we should all be concerned about it. Second of all, Baltimore is, of course, less than 100 miles away from Pennsylvania. Most importantly, what is happening in Baltimore is not happening only in Baltimore. The scapegoating of police and the rise of violent crime is happening in New York City and in other places as well. And, frankly, it is a threat to public safety and security in every city.

Some, including the police chief of St. Louis, MO, have described what has come to be known as the Ferguson effect. This can be traced back to the riots and lawlessness that followed the unfortunate death of Michael Brown in Ferguson, MO, last August. As you will remember, in the Ferguson case, Officer Darren Wilson acted in self-defense and shot and killed Brown when Brown attacked him while he was resisting arrest. In the weeks and months that followed the incident, and after Officer Wilson was cleared of wrongdoing, violent protests erupted. Protesters, police, and bystanders were injured. Buildings were burned to the ground. Property was destroyed. But instead of placing the onus on those who were actually causing the havoc, it was portrayed by many as if law enforcement was somehow responsible for the violence and unrest. Anti-law enforcement sentiments were even expressed by some of the local officials in Ferguson. This endorsement of violent protesters empowered those who wished to turn peaceful protests into violent riots, and it also left the police feeling powerless.

What has happened in Ferguson since is as tragic as it was predictable. The homicide rate in Ferguson increased 47 percent in the latter portion of 2014, and robberies in St. Louis County jumped by 82 percent. This really should be no surprise. This is what happens when a city puts these views of "police as the problem" into practice, such as when a city determines that police are the cause of the violence as opposed to the brave defense against it, when a city justifies lawlessness, stops law enforcement from doing its job, and allows law breakers to go unpunished. The results of those prac-

tices are that the innocent members of those very communities pay a horrible price.

These tragic circumstances are now playing out in the city of Baltimore. On April 18 of this year, many Baltimore residents began peaceful protests over the injury and eventual death of Mr. Freddie Gray while he was in police custody. As I mentioned in my speech about this last month, in my view, Freddie Gray's death absolutely calls out for justice and calls out for a thorough investigation, and the judicial process is now proceeding and playing out exactly as it should. But what has happened in Baltimore since then is not about Freddie Gray.

A week after the Baltimore protests began, on April 25, they turned violent. Over the next 5 days rioters damaged 200 businesses. They set fire to a newly constructed senior center, burned down a CVS drugstore and cut the fire hose of the firemen who were trying to put out the flames, and set fire to 144 cars. And 130 law enforcement officers were injured, many seriously. The chaos was so extreme that the city had to impose a curfew for 5 days and had to call in 3,000 National Guard troops.

Now with all that mayhem, how did the public officials of Baltimore respond? On the first day of the violence, the mayor held a press conference in which she legitimized the violence. She said: "We also gave those who wish to destroy space to do that as well."

Seriously, space to destroy? Destroying other people's property, setting buildings and cars ablaze, attacking police officers? These are not legitimate acts, and no mayor should be accommodating those kinds of acts with "space." In fact, they are criminal. They are harmful. These are exactly the kinds of activities that a mayor should be all about stopping and preventing. But that is not all.

Next the Baltimore police were given a stand-down order, and they were forbidden from arresting the looters and the rioters. Then officials announced that half of all those arrested for the destruction and violence would be released without charges. Mobs would gather around police when they tried to enforce the law. All this is a clear illustration of the impact that the Ferguson effect is having on Baltimore.

Lawbreakers are in control, and the city's residents are at the mercy of the lawbreakers. Law enforcement has been limited because of a lack of support from the community and the civic and the political leaders.

Baltimore has seen the disastrous effects of this policy. The riots began to subside on April 30 when six police officers were arrested in the death of Mr. Gray, but the violence has continued. The month of May that just passed was Baltimore's deadliest month in over 40 years. There were 43 homicides in the month of May alone. Shootings have more than doubled compared to May of the previous year. These murders have nothing to do with anger over the

death of Freddie Gray; they have everything to do with public policy that disparages police and turns a blind eye on criminal activity. You see, in Baltimore in the month of May, arrests were nearly 70 percent lower than the same month last year.

Some attempt to portray this whole crisis in racial terms, but tragically all too often the victims of this surge in violent crime are innocent African Americans who live in cities in which the police are no longer permitted to do their jobs.

Consider the case of an 8-year-old boy police found shot in the head on Thursday, May 28 at 8:20 a.m. He was lying dead beside his mother, who had also been fatally shot in the head.

Take the case of 23-year-old Charles Dobbins, who was killed on Monday, May 25. Charles' cousin reports that Charles was killed in a robbery. Charles worked at BWI. He worked transporting handicapped people to and from the terminals. He loved kids. When he graduated from high school, he worked for Baltimore city schools as a bus aid assisting disabled children.

Consider the case of 4-year-old Jacele Johnson. She was in a car with her teenage cousin when someone opened fire on the car, seriously wounding them both.

These are not just statistics; these are real people who are now lost to us. Their lives matter. That 8-year-old boy and his mother, 23-year-old Charles Dobbins, a little 4-year-old girl, Jacele Johnson, and her cousin—their lives matter.

The Ferguson effect, unfortunately, is not the only phenomenon that is at work here. Unfortunately, our President seems to have bought into the notion that the police are the problem and the solution is to deny them valuable tools.

This last month, the President announced extensive restrictions on when local police may access lifesaving Federal surplus equipment. The gear we are talking about is almost all purely defensive. It is riot helmets, riot shields, armored personnel transport vehicles. This is surplus gear. The Federal Government has already paid for it but has decided it has no use for it. It has long been the practice that this surplus protective gear has been made available to local police forces.

Why is this administration making it harder to send this purely defensive gear—gear that would otherwise go unused—to insufficiently protected police officers across the country? Why would the administration do that? Well, they released a report telling us why. Here is what they said in their own report. According to this report by the administration, the Federal equipment "could significantly undermine community trust" and that this concern outweighs the interest in "addressing law enforcement needs (that could not otherwise be fulfilled)." President Obama likewise opined that Federal equipment "can sometimes give people

a feeling like there's an occupying force" and "can send the wrong message."

So this is the concern that justified keeping lifesaving gear from police officers. So, according to the administration, the need to save police officers' lives in the line of duty is something that should be weighed against and, in fact, sacrificed to the desire to prevent distrust or discomfort on the part of others. How many police officers' lives are we going to sacrifice? One? Twenty? One-hundred? This is outrageous.

Each day across America, there are 780,000 law enforcement officers who put on a badge and uniform, and they answer the call of those in need no matter the danger. When others run away, they run to the problem. The rest of us in America rely on these law enforcement officers doing their job. The people who live in high-crime areas, often ethnic minorities living in high-poverty areas of our inner cities—these are the folks who most depend on those officers. When those officers are held back, we all pay a steep price, but the residents of those communities pay the steepest price.

I just hope we in the Federal Government will stop putting obstacles in the way of law enforcement and start supporting them. I hope we as a nation will stop scapegoating law enforcement and start thanking them. If we fail to reverse the Ferguson effect, what we will see is more violent crime and more suffering of our people.

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

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

#### BIPARTISANSHIP

Mr. BOOZMAN. Mr. President, over the past few years, bipartisanship has not always fared well in the Senate. We have been able to change the Chamber's culture for the better in 2015. Now that is in jeopardy once again.

In the first half of the year, we had a number of bipartisan accomplishments. It kicked off with the passage of the Clay Hunt Suicide Prevention for American Veterans Act at the beginning of the year. The new law will provide the VA with the personnel, services, and proper tools to help veterans facing mental illness struggles, which is vital as it is estimated that 22 veterans commit suicide every day. The Clay Hunt act will help stop this tragic and unacceptable trend.

Then we were able to pass the Justice for Victims of Trafficking Act in a unanimous fashion. This law will save lives. It will restore dignity to the victims of these heinous crimes, and it will help end modern-day slavery.

We followed that with legislation that will give Congress a voice in the President's negotiations with Iran over its illicit nuclear program. There was such a strong show of bipartisanship on this vote that it forced President Obama to drop his initial veto threat. Had we not maintained bipartisan unity, there would be no review of the Iran deal. There would be nothing stopping President Obama from signing a bad agreement with Iran. It is because we stood together across party lines that the American people will now have a say in negotiations.

Before we adjourned for the Memorial Day work period, we approved granting the President trade promotion authority. We worked together to provide the President with the necessary tools to negotiate a fair trade deal while maintaining Congress's important role in the process.

I say all this to highlight what we can accomplish when we work together. Unfortunately, the minority leader seems intent on ending that streak.

We are in the midst of discussing another bill which should have substantial bipartisan support, the National Defense Authorization Act. Yet, Minority Leader REID has called this vital, traditionally bipartisan bill "a waste of time." This is a bill which, as the senior Senator from Arizona has noted, Congress has passed for 53 consecutive years, including those when the minority leader controlled the Senate schedule.

Far from a waste of time, the NDAA helps us modernize our military to face today's security challenges. We live in a dangerous world. We have to stay ahead of those who would seek to harm us, not fall behind them. This is no time to be dismissive of our national security needs.

It is also about the livelihood of over 1.4 million men and women on Active Duty and 718,000 civilian personnel. We are talking about the Nation's largest employer. The NDAA helps us ensure that we are doing everything we need to do to help them. So I think we can all agree there is much in this bill that needs to get done.

Unfortunately, the White House is taking what should be a bipartisan bill and using it to push for its own political end game to increase domestic spending. Worse yet, the President has somehow convinced Senate Democrats to go along with this misguided strategy.

Instead of approaching this in a bipartisan manner, the minority leader is forcing his caucus to carry water for President Obama, who has indicated he would veto the NDAA unless he gets the domestic spending increases he is demanding. That means the President stands ready to block the policy prescriptions and funding levels for the Department of Defense unless we give other agencies, such as the EPA, as they try their additional power grab through things like the Clean Water

Act and extending that, and the IRS, as they waste money on bonuses for their employees—all of this is very dangerous.

There will be plenty of time to debate our domestic spending priorities and allotments, but now is not the time. Let's get that bipartisan mentality back and finish the work that needs to be done to protect our Nation.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

#### HONORING VIETNAM VETERANS AND NORTH DAKOTA'S SOLDIERS WHO LOST THEIR LIVES IN VIETNAM

Ms. HEITKAMP. Mr. President, today, as I have for a number of weeks, I rise to speak about 11 North Dakotans who did not come home from the Vietnam war. Each of these men gave his life for our country.

Before I begin speaking about the 198 North Dakotans who died during Vietnam, I wish to thank my great friend, Bill Anderson of Rutland, ND. Bill is a marine, and he is a veteran of the Vietnam war.

Bill grew up in Rutland, attended the University of North Dakota, and then started law school at the University of Colorado. It was the late 1960s, and young men with college degrees were being drafted. So Bill left law school, enlisted in the Marine Corps, and was trained to be an officer. In 1970, he arrived in Vietnam and became the commander of the 2nd Platoon of Delta Company, 1st Battalion, 5th Marine Regiment.

Bill's own written words about the impact the Vietnam war had on him strike me. He didn't choose to write about his blindness caused by the malaria vaccine that he took or his lymphoma caused by Agent Orange exposure. Instead, Bill focused on his experience in Vietnam and on the greatness of the 18- and 20-year-old Marines with whom he served. Bill writes:

I am proud, every day, of the Marines I served with in Vietnam. They did not shrink from danger. They did not flinch at combat. They did their duty with steadfast courage of United States Marines, and for that Americans can, and should, be proud and grateful.

I am grateful for Bill's service to our country. I am also proud of his service to my State. After his time in the Marines, Bill ran his family-owned insurance business. And then, when he was 40 years old and had lost most of his vision, he returned to law school. Since the 1980s, Bill has served many communities in southeastern North Dakota as a private practice lawyer. In fact, I can tell you this, as a lawyer myself: Bill Anderson is one of the most brilliant

lawyers I have ever worked with. And since 2004, Bill has been a Sargent County Commissioner.

So thank you, Bill. I hope that you will have a great reunion later this month in Tennessee with the Marines of Company D.

Mr. President, I now wish to take a few moments to talk about the lives of those Vietnam veterans who did not come home.

ARLAN GABLE

Arlan Gable was from Rolette. He was born February 3, 1938. He served in the Army's 25th Infantry Division. Arlan was 29 years old when he died on June 10, 1967.

He was the youngest of 10 children and grew up on his parents' farm outside of Rolette. Arlan's niece, Sandi, remembers all the animals on the farm, and in particular, she remembers chasing his mother's geese.

Each of the five boys in the family served our country in the military. Right after graduating from high school, Arlan enlisted in the Army. He served in Korea and Germany, and he served two tours of duty in Vietnam. Arlan was killed while serving as the gunner on a tank when the tank hit a landmine. About 1 month before, Arlan had been home on leave. After his death, Arlan's mother's health deteriorated very rapidly.

MARK MANGIN

Mark Mangin, a native of Verono, was born April 29, 1949. He served in the Marine Corps' 3rd Marine Amphibious Force. On October 1, 1969, Mark died. He was only 20 years old.

He grew up on his parents' small farm and had one brother, Marvin. Marvin said that during high school Mark played basketball and loved fixing old cars. The brothers both worked for neighboring farmers. Before graduating, Mark enlisted to serve because he wanted to become a marine. He earned his GED while at basic training.

Mark sent letters home from Vietnam asking Marvin to take care of their mom and dad, and he wrote that he was an expert marksman and liked what he was doing. He included pictures of himself holding young Vietnamese children.

When he had less than 1 month left of his tour of duty in Vietnam, Mark was killed when someone near him tripped the wire of a boobytrap. His brother believes that with his mechanical abilities, he would have become a mechanic.

MICHAEL MEYHOFF

Michael Meyhoff was from Center and was born February 3, 1948. He served in the Army's 25th Infantry Division. Michael died January 4, 1968. He was 19 years old.

He grew up in a big family in a small house. Michael was the second of 11 children. Two of his brothers, Rick and Brent, also served in the Army.

While growing up, Michael enjoyed helping his grandparents on their family farm near Center, ND. Michael's

brother, Rick, says that Michael was a good athlete and was an explorer. He always had to see what was over the next hill. He especially loved fishing with his father and always looked forward to fishing trips as opportunities to explore and spend time with his family in the outdoors. Michael was very family-minded and was excellent at writing letters and responding to letters from his brothers, sisters, parents, and grandparents.

When he died, Michael's community was deeply affected. Now, 47 years after his death, his family and community still think about him or talk about him daily.

Michael's mother, Harriet, will turn 90 years old next month. She has told the family that when she dies, she wants to be buried with Michael's Purple Heart.

CHARLES PIPER, JR.

Charles Piper, Jr., was born November 21, 1937. He was from Durbin. He served in the Navy on the USS Robison as a master chief boiler technician. Charles was 34 years old when he died on August 30, 1972.

Charles and his sister Marion worked on nearby farms after their father died when they were children. Marion says that Charles was a good listener and was always a good mentor to her son. When Charles was 17 years old and had just graduated from Casselton High School, he enlisted in the Navy. He didn't like water, but his cousins serving in the Navy inspired him to join.

Charles made his Navy service a career. He had about a year left in the Navy before he planned to retire. His dream after retirement was to work for the game and fish department and to live with his wife Marie on their farm near Kalispell, MT.

THOMAS WELKER

Thomas Welker was born on February 23, 1938, and made his home in Minot with his wife Frances. He served in the Army 101st Airborne Division. His unit was called the Screaming Eagles. Thomas died on July 27, 1967. He was 29 years old.

Before going to Vietnam, the Army stationed Thomas, Frances, and their sons, John, Thomas, Rodney, and Dean, in several places in the United States. Thomas' older stepson, Rodney, said that Thomas loved to hunt and fish. He worked two jobs to support his family, working as a bartender on the base in the evenings.

In Vietnam, Thomas was killed when someone nearby stepped on a Bouncing Betty. The Army awarded him a Bronze Star Medal for his valor that day. Thomas is buried in Arlington National Cemetery.

IRVIN KNIPPELBERG

Irvin Knippelberg was born in Turtle Lake on January 17, 1939. He served in the Army's 25th Infantry Division. He was 27 years old when he died on May 19, 1966.

He was the youngest of five children. His two brothers served our country

during the Korean war—Jack in the Army and Darold in the Navy.

Growing up on his family's farm near Turtle Lake, Irvin was the big little brother. He was 6 feet 4 inches tall, but he was the kid brother. His brother Darold is Irvin's only living sibling. Darold said that when the brothers played together boxing, Irvin's arms were so long that he could hit his brothers four times before they could ever get close to him. Darold remembers Irvin as a good-natured, loveable guy who everyone liked. Darold says he knows that Irvin's faith helped him along in life.

After high school, Irvin first enlisted in the Marine Corps. He later enlisted in the Army and spent time in Alaska and Japan before his tour of duty in Vietnam. He planned to make the Army his career. Irvin had only been in Vietnam about 1 month when he was shot and killed.

DELBERT AUSTIN OLSON

Delbert Austin Olson was from Casselton, and he was born on January 4, 1926. He served as a commander in the Navy. Delbert was 42 years old when he went missing on January 11, 1968.

Delbert was the youngest of four children who grew up on his family's farm. His brothers also served in the military—Charles in Korea and Harold in World War II. Delbert's family said that he loved flying and was committed to his Navy career. He was a phenomenal naval officer and pilot.

Delbert was 6 feet 4 inches tall, and his son, David, is 6 feet 6 inches tall. Delbert's brother, Charles, told David that he looks just like his dad, "Delly."

In 1968, Delbert and eight other Navy crewmen went missing when their aircraft crashed into a mountain in Laos. In the 1990s, investigation crews were finally able to search for the remains from the crash. All nine crewmen were identified and, in 2003, they were buried together in Arlington National Cemetery.

In addition to his siblings, Delbert is survived by his daughter Dana and his son David.

DONALD SOBY

Donald Soby was from Rugby. He was born on December 15, 1946. He served in the Army's 101st Airborne Division. Donald died on July 7, 1967. He was 20 years old.

Donald was the youngest of three children. His brother William also served in Vietnam in the Air Force.

Their sister Margaret said that Donald always lived for today. He was a good kid, but if he wanted to do something, he would go and do it that day because he may not get another chance. She remembers Donald's sense of humor and good-natured pranks.

Donald and his best friend, Terry, shared many adventures together, including taking Margaret's young son with them to a nearby town to attract girls and running into the game warden, who sent them home after discovering the ducks they were supposed to

be hunting looked a lot more like pheasants.

Donald and his brother William both served in Vietnam at the same time. The brothers inquired about Donald's leaving Vietnam since they were both serving, but they were advised to wait until William's discharge. They were able to spend Christmas of 1966 together. That was the last time William saw Donald.

In May, Donald was wounded, and he died in July as a result of those wounds. The family is extremely grateful to Wanda Nielson of Rugby for coordinating efforts for the military to fly Donald's mother to the Philippines to be with Donald at the time of his death.

JOHN JOYCE

John Joyce, a Minot native, was born on November 15, 1944. He served in the Marine Corps, Kilo Company, 3rd Battalion, 26th Marines. John died on April 17, 1969. He was 24 years old.

John was one of four children and enjoyed playing sports in his free time. In addition to playing football, basketball, and track, John left a legacy of being an excellent baseball player. He played baseball for Minot State University and for Northern Arizona University. In 2001, he was inducted into the Minot Baseball Hall of Fame.

After college John became a teacher and coach for a year in Montana. He then enlisted in the Marines and served in Vietnam. One of John's best friends, Jan Olson, who taught with John and also served in Vietnam, said this about John: "Inch for inch, pound for pound, he was the toughest man I ever knew and he was also the nicest man."

About 6 weeks after his death, John was awarded the Bronze Star Medal for his heroic actions. His Bronze Star citation describes John putting himself in the line of fire while defending his platoon with a grenade launcher and then carrying a wounded companion to a covered position.

Ronald Jensen is a Marine who served under John in Vietnam. Ronald's 2003 book, titled "Tail End Charlie," describes John like this:

He was a great guy, no questions about it. He helped everybody, always in the front, and he saved me. He was most liked by his men. He saved a lot of lives over there.

WILLIAM "BILL" KRISTJANSON

William "Bill" Kristjanson was born October 13, 1943, and was from Inkster. He served in the Army's 1st Infantry Division. His unit's nickname was the Black Scarves. Bill died on February 26, 1970. He was 26 years old. He was the only child born to Sig and Frances Kristjanson.

He attended elementary school in Conway and high school in Inkster. In 1967, Bill graduated from the University of North Dakota. He also attended the University of Michigan and the University of Oslo in Norway. Bill's pride and interest in his father's Icelandic heritage inspired him to tour Iceland after graduating from UND.

In 1968, Bill was drafted into the Army. In Vietnam, he was involved in

both ground and air combat. About 5 months after arriving in Vietnam, Bill was promoted from private first class to sergeant on the battlefield.

On February 11, Bill was injured when the vehicle he was riding in overturned. About 2 weeks later, he died in a military hospital in Japan. The ten medals the Army awarded him, both before and after his death, demonstrate that Bill was a heroic soldier the Army valued greatly.

PATRICK MCCABE

Patrick McCabe was from Bismarck, and he was born on July 20, 1924. He served in the Army as a master sergeant. Patrick died May 6, 1968, at the age of 43.

He came from a family dedicated to serving our country. Four of the six boys in his family served in the military, and all three of Patrick's sons followed in his footsteps and joined the military. Two of his sons served in Vietnam after Patrick's death—Mark as a medic in the Marines and Scott as an Air Force pilot. Patrick's third son, David, served in the Air Force for over 20 years.

Patrick's daughter, Kathy, said that her dad was a good man who helped anyone who needed it. Her dad loved his country and felt like the Army was his family.

Patrick served in World War II and two tours of duty in Vietnam. He volunteered to return to Vietnam and died during his second tour of duty.

We tell these stories because we cannot ever forget that every life matters. I am always struck by imagining what these young men would have been had they been allowed to grow up, whom these young men could have been when they were grandfathers and whom they would have taken fishing or hunting or taught how to play football. But these lives were given in sacrifice to their country and in sacrifice so that all of us can live in freedom, and we must never forget, during this period of commemoration of the Vietnam war, those people who gave the ultimate sacrifice, those people who were killed in action in Vietnam.

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

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

The Senator from Alaska.

#### NATIONAL DEFENSE AUTHORIZATION ACT

Mr. SULLIVAN. Mr. President, I rise in support of the National Defense Authorization Act. I rise in support to move this bill forward and the amendments that many of us in this body want to have heard, debated, and voted on.

I also rise in opposition to obstruction—obstruction to this bill, obstruction to the key issues of national defense for our country. Make no mistake, there is obstruction going on, on the Senate floor right now, with regard to this important bill.

A little bit of background here: This bill, the NDAA, came out of the Senate Armed Services Committee after a lot of hard work, bipartisan work, by all the members of the committee. We worked together to include over 185 amendments. Almost all of these were bipartisan amendments.

My colleagues on the other side of the aisle talked about voting against the bill because they did not like the way it was funded, even though our committee had nothing to do with the funding. But at the end of the day, after much debate in the committee, we worked and passed a strong, important, reform-oriented bipartisan NDAA by a vote of 22 to 4. That is bipartisan.

I thank the chairman of that committee Senator MCCAIN and the ranking member Senator REED on their great leadership in getting this committee to work so closely together to move the bill forward.

As part of the Armed Services Committee, just 2 weeks ago, I had the distinct honor of traveling with both of them to Vietnam and to Singapore for an important Defense Ministry conference. It was a huge honor for me as a new Member of the body to travel with JOHN MCCAIN and JACK REED—two veterans who have sacrificed a lot for their country—to Vietnam and other places. They did a fantastic job on this bill.

Then, this bill came to the floor and it all stopped. Everything came to a halt. There are over 500 amendments of Senators who want to move forward on a bipartisan basis to try to improve this bill. We have gotten to barely a trickle—barely a trickle—and nothing has happened. For 2 weeks we have been on this bill and nothing has happened after the great work we did in the Senate Armed Services Committee.

What is going on here? It is the same obstructionist playbook that my colleagues and particularly the minority leader used for the last few years, and the American people have rejected it. They rejected it last November, and they rejected it when they realized this body had only 14 rollcall votes on amendments during the entire year of 2014. That is not how this body is supposed to work. Nobody on either side of the aisle wants this body to work that way. It is certainly not how it is supposed to work when it comes to the defense of our Nation and the critical bill to take care of our men and women in uniform. Yet, the minority leader said this bill is a waste of time. I will repeat that. The National Defense Authorization Act, one of the most important things we do in this body, is "a waste of time."

I understand that the parties have ideological differences, and that is certainly the way it should be. That is the

way it has been since the founding of our great Nation. But if leaders on the other side of the aisle believe that protecting the country, taking care of the men and women in uniform, and keeping our promises to them is a waste of time, then we don't belong to different parties, we belong in different universes. In this world, in this universe, in the U.S. Senate, our most important job is to protect this country and to take care of the men and women who so courageously serve our country. It is not a waste of time to be doing that. It is the most important thing we were sent here to do.

We took an oath. We pledged to solemnly swear to defend the Constitution of the United States against all enemies, foreign and domestic. That is what this bill does, and that is what we—Members on both sides—are trying to do in terms of improving it with amendments, but none of those are moving. None of those are moving, and that is a shame.

One of the things we tried to address in the bill is the serious threats and challenges our Nation faces.

At the Senate Armed Services Committee hearing we had several weeks ago, former Secretary of State Henry Kissinger said:

The United States has not faced a more diverse and complex array of crises since the end of the second world war.

We know what they are—the growth and brutality of ISIS, a rising China, Iran on the verge of obtaining a nuclear weapon. The largest state sponsor of terrorism is possibly on the verge of gaining a nuclear weapon, and a resurgent Russia has invaded the sovereign territory of another country. It is the first time since World War II in the heart of Europe.

So at this time we not only have obstruction on the other side of the aisle from the leader there, the President of the United States is threatening to veto the NDAA. I am not sure they are reading about what is going on in the world. I am not sure they recognize the critical importance of this bill. And to threaten to veto this bill, and therefore what—we are going to stop? No. We are going to do our duty, and we will put this on the President's desk, and we will see if he vetoes it when the United States faces this huge array of challenges.

Let me talk about one of those challenges for a few minutes. It is an important area. As a Senator from Alaska, it is certainly an important area for me. It is the Arctic and the increasing militarization of the Arctic by Russia.

Earlier this year, Russia began a 5-day Arctic war exercise that included 38,000 troops, 50 surface warships, in addition to submarines, and 110 aircraft in the Arctic. And the Russians are not being shy about their ambitions in the Arctic. President Putin has said he wants to build 13 new airfields and add four new Russian combat brigades in the Arctic. He is going to stand up a

new Arctic command, and he is going to add several new icebreakers to their already robust fleet.

The chairman of the Armed Services Committee talked about this. He talked about what the Russians are doing in the Arctic. There is no mystery here. As a matter of fact, today there was an outstanding article in the Wall Street Journal entitled "The New Cold War's Arctic Front," with the subtitle "Putin is militarizing one of the world's coldest, most remote regions." Well, in my State, this is home. America is an Arctic nation because of Alaska.

Mr. President, I ask unanimous consent that this article be printed in the RECORD.

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

[The Wall Street Journal, Jun. 9, 2015]

THE NEW COLD WAR'S ARCTIC FRONT

(By Sohrab Ahmari)

HELSINKI.—G-7 leaders gathering in Bavaria on Monday vowed to extend sanctions if Russia doesn't dial back its aggression against Ukraine. Previous sanctions haven't deterred Kremlin land-grabs, and the question now isn't if Russian President Vladimir Putin will strike again but whom he'll target next. Mr. Putin considers Europe's eastern periphery, stretching from the Baltic Sea to the Black Sea, part of Russia's imperial inheritance.

Yet in recent years the Russian leader has also turned his attention northward, to the Arctic, militarizing one of the world's coldest, most remote regions. Here in Finland, one of eight Arctic states, the Russian menace next door looms large.

"That is a tough nut to crack, to know exactly what the Russians want," newly appointed Finnish Foreign Minister Timo Soini says. "But I'm sure they know. Because they are masters of chess, and if something is on the loose they will take it"—a variation on the old proverb that "a Cossack will take whatever is not fixed to the ground."

There is much that "is not fixed to the ground" already in the Arctic, and more every year. Climate change is transforming the High North. By 2030, the Northern Sea Route (NSR) from the Kara Strait to the Pacific will have nine weeks of open water, according to the U.S. Navy, up from two in 2012. The NSR is a 35% to 60% shorter passage between European ports and East Asia than the Suez or Panama routes, according to the Arctic Council. The Northwest Passage, which connects the Atlantic and Pacific Oceans via the Canadian Arctic Archipelago, will have five weeks of open water by 2030, up from zero in 2012. It represents a 25% shorter passage between Rotterdam and Seattle than non-Arctic routes, according to a NATO Parliamentary Assembly study published in March. As with other claims about the climate, these aren't universally accepted prognostications.

These changes have implications not just for trade but also for the ability to exploit the vast energy resources beneath the Arctic. Energy fields in the region have to date produced some 40 billion barrels of oil and 1,100 trillion cubic feet of natural gas. The U.S. Geological Survey estimates the region also holds 13% of the world's undiscovered conventional oil, a third of the world's undiscovered conventional gas and a fifth of the world's undiscovered natural-gas liquids.

No wonder Moscow has been racing to reopen old Soviet bases on its territory across

the Arctic and develop new ones. Mr. Putin wants by the end of 2015 to have 14 operational airfields in the Arctic, according to the NATO Parliamentary Assembly, and he has increased Russia's special-forces presence in the region by 30%.

"In the Arctic area they have twofold objectives," says a senior official at the Finnish Defense Ministry. "To secure the Northern Sea Route and [exploit] the energy-resources potential. And they are increasing their ability to surveil that part of the world, to refurbish their abilities for the air force and the Northern Fleet. They are exercising their ability to move their airborne troops from the central part of Russia to the north."

The Russian buildup in the region is made worse by the fact that Moscow makes no effort to be a good neighbor. The Kremlin's propensity for holding unannounced exercises in the region can only be a deliberate attempt to provoke. The senior official voices the concern that the Kremlin might use yet another such drill "as deployment for a real operation"—which is considerably less paranoid than it sounds given Mr. Putin's record.

Russian warplanes have violated Finnish airspace as recently as August, and pro-Kremlin media have also launched a systematic propaganda campaign against Finland. "They are writing things about us and our defense forces that are not from this world," says the senior official, such as the yarn that the Finnish government removes children from ethnic-Russian Finnish families for adoption by gay couples in the U.S.

Another Defense Ministry official says that he finds it hard to view as spontaneous "one of their pro-Putin demonstrations with crowds shouting 'Thank you, Putin! You gave us Crimea. Now give us Poland and Finland.'"

Despite such developments, the possibility of conflict here might seem distant for now. But it poses troubling questions about the West's readiness in the Arctic-security race. So far there has been plenty of Allied strategizing, including a 2013 White House paper on Arctic strategy heavy on climate-change alarmism but offering little by way of real mobilization. Russia still has the world's largest fleet of icebreakers, many of them nuclear-powered. Washington, by contrast, fields just one heavy icebreaker, the Coast Guard's aging Polar Star.

For the Finns, the Kremlin menace raises another touchy issue: their nonmembership in NATO. The April election that sent Mr. Soini to the Foreign Ministry and the centrist Juha Sipilä into the premiership relegated Alexander Stubb, an uncommonly pro-NATO Finnish prime minister, to the Finance Ministry in the new government. Mr. Soini, who leads the right-wing populist True Finns party, has denounced Mr. Stubb in the past as a "radical market liberal NATO hawk." But now in government, Mr. Soini strikes more nuanced notes that belie his party's anti-Atlanticist reputation.

"If we think that the paradigm [in the region] is going to be changed," he says, "there is no hesitation that we will do it," meaning join NATO. He adds: "Whatever the system or situation in Russia we have to cope, and we have some experience with them. And they also respect us. They know our history. . . . We want to be independent and free."

Mr. SULLIVAN. The writer of this article talks about what is at stake and about what the Russians are doing in the Arctic.

Here is a map. It is a little small, but it shows Russia's Arctic push and the dramatic increase of airbases, operational infrastructure all around the

Arctic, and the different exercises. We know that it is an important place—transportation, natural resources. This is a critical area.

Our leaders are taking notice, our military leaders. ADM Bill Gortney with the U.S. Northern Command stated: “Russian heavy bombers flew more out-of-area patrols in 2014 than in any year since the Cold War.”

Secretary of Defense Carter just 2 months ago said: “The Arctic is going to be a major area of importance to the United States, both strategically and economically in the future—it’s fair to say that we’re late to the recognition of that.”

This is why the NDAA is so important. Congress heard this testimony. The Senate Armed Services Committee heard this testimony. We have been following what has been happening in the Arctic, and we have acted. The NDAA has provisions to start to address the challenges we see in the Arctic. It certainly is focused on making sure the Arctic remains a peaceful and stable place, but it also starts to focus the leadership of our military on the Arctic, and that is important.

There is language in the NDAA which was unanimously voted on in the committee—it is very bipartisan—that requires the Secretary of Defense to submit a report that updates the U.S. military strategy in the Arctic and requires a military operations plan to be described for the protection and security of our interest in the Arctic. It lays out what the issues are, what the threats are, and what the Russians are doing in the Arctic.

President Putin is certainly going to be watching, and maybe he is taking notice that we are noticing, and that is one reason why this is an important bill.

As we can see here, today’s Wall Street Journal article talked about President Putin moving forward and possibly having the ability to send airborne troops and airborne brigades to the Arctic. Yet, right now, our own U.S. Army is thinking about removing the only airborne brigade in the Arctic. That is not good strategy.

That is why we need this bill. We need to set the direction in terms of strategy and to make sure we are not making strategic mistakes as the Russians move forward in the Arctic and we start looking at reducing our capabilities there. Weakness is provocative, and if anyone knows that, it is President Putin. We need to show strength, and that is why we need to pass this bill.

Finally, I want to talk briefly about an amendment I wanted to offer. I am still trying to get it offered as part of the NDAA. As I mentioned, there is a lineup of hundreds of amendments. Unfortunately, the leader on the other side of the aisle doesn’t want to move them. This is one of those amendments. It is a very bipartisan amendment. If it were allowed to come to the floor, it would probably pass over-

whelmingly. It is a simple amendment. All it does is ask the President to follow the law when it comes to raising the pay of members of our military. It is a simple amendment.

The law States that our servicemembers are entitled to get a larger pay increase—not much, but when there is a pay increase, they should get a slightly larger pay increase than their civilian counterparts. That is the current law. My amendment expresses the sense of the Senate that when giving a pay increase to members of the Department of Defense, military and civilian, that the President simply needs to follow the law.

I want to emphasize something as somebody who has served in the military and is still serving in the Reserves. Our civilian DOD employees and members do a superb job. They are patriotic, they work hard, and they deeply respect the members of the military with whom they serve. I have seen this throughout my entire career.

The current law, however, recognizes the unique sacrifices our servicemembers make wearing the uniform of our country and mandates a half-a-percent greater pay increase when there is a pay increase for our men and women in uniform. Right now, the President is not abiding by that law. It is simple. He needs to do it. My amendment would request and focus on this issue, and I think we could probably get 100 Senators to vote for it.

What is the origin of this law and the intent behind it? It is simple. It recognizes the unique sacrifices our men and women in the military make. These sacrifices are well known to the American people. They include long hours and serious, difficult separations from family. Of course, they include the risk of combat when our troops are deployed overseas in combat zones. It includes hardship to families. When our troops are deployed, they miss weddings, birthdays, first communions. It even takes training into account because the members of the military don’t work on a 9-to-5 basis.

I will give one example. I had the great opportunity to head out to the National Training Center in Fort Irwin, CA. It is one of the great training bases in our country—one of the great training places in the world. I was there to watch the training of the 1st Stryker Brigade, which is based in Fairbanks, AK. They were out there for a month deployment and training hard. They were not punching a clock 9 to 5; they were training around the clock every day.

I happened to be out there on Super Bowl Sunday. The vast majority of Americans were enjoying the Super Bowl, as they should have been. They were having fun, going to parties, watching the game, drinking Coke, Pepsi, and a little beer. But there were some Americans who were out in the middle of Fort Irwin in the desert training. They were not watching the Super Bowl; they were training to

make sure that when their country next called them up, they would be ready to protect our Nation. That is the reason this law states that we treat our military members a little bit different than other members of the Department of Defense.

That is all my amendment would do, but unfortunately, this one, like dozens, if not hundreds, is not going to be heard—at least for the time being—because the minority leader on the other side is trying to bring back the way they used to run the Senate last year and the year before and the year before that.

We know. We heard the stories. Last year, again, there were 14 amendments that were brought to the floor for a rollcall vote in 2014. They essentially shut down the greatest deliberative body in the world. We have heard the stories of how the previous majority leader used his position to block consideration of amendments more than twice as often as the previous six majority leaders combined, and now we are doing it on a bill that relates to the national security of our Nation and the critical issue of taking care of the men and women in uniform.

I hope we can move through this. I hope we can get to regular order. I hope this body can take up amendments such as mine—commonsense, bipartisan amendments that are going to keep our Nation safer, take care of our troops and their families, and give the American people faith that we are doing the job they sent us here to do. That is my hope.

We are already doing it under the new majority leader. We voted on almost 200 amendments already this year, but right now we are stuck on one of the most important bills this body will consider for the entire year. It is a shame. We need to get unstuck.

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 bill clerk proceeded to call the roll.

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

The PRESIDING OFFICER (Mr. SUL-LIVAN). Without objection, it is so ordered.

#### SECTION 3112 OF S. CON. RES. 11

Mr. HATCH. On March 27, 2015, the Senate functioned properly by adopting S. Con. Res. 11 on the congressional budget for the U.S. Government for fiscal year 2016.

Section 3112 of that budget resolution contains a specification of procedures governing cost estimates for what is defined to be “major legislation” as defined in section 3112(c)(1).

I wish to provide a few comments to clarify that section of the budget resolution, and I understand that my distinguished colleague from Oregon, Finance Committee Ranking Member



WYDEN, also wishes to provide separate and related comments.

In setting out what is to be taken as “major legislation,” the budget resolution specifies that legislation may be designated to be “major” if the Senator or House Member who is chairman or vice chairman of the Joint Committee on Taxation, or JCT, designates the legislation as such “for revenue legislation.” Of course, such language is entirely consistent with existing laws and practice, under which the responsibility and control over revenue estimates in the congressional budget process lies squarely with the chair and vice chair of the JCT.

The budget resolution also specifies that legislation may be designated to be “major” if the chair of the Committee on the Budget in the Senate or the House designates the legislation as such “for all direct spending and revenue legislation.” Of course, existing laws and practice assigns responsibility and control over spending estimates with the Budget Committees. However, the budget resolution includes “revenue legislation” as part of what the Budget Committee chairs may use for designating legislation as being “major.”

As I understand the intent of the language, when major legislation is to be considered, there can be cases in which the legislation may require estimates both from the JCT and from the Congressional Budget Office, or CBO. In such cases, there is nothing to prohibit use of longstanding practice in which the Budget Committees consult with the chair and vice chair of the JCT to ensure that any necessary revenue estimates are arrived at by the JCT, for use in scoring major legislation. To be clear, however, nothing in the budget resolution should be taken to mean that the chairs of the Budget Committees have authority to interfere with the responsibility and control over revenue estimates in any part of the congressional budget process which, as I identified earlier, lies squarely with the chair and vice chair of the JCT.

It is my understanding that the budget resolution does not direct or allow for any possibility of such interference, and my purpose in the remarks I am making today is to make that understanding clear. As I have mentioned, longstanding practice has been that if a need arises for the CBO to obtain information on major legislation from the JCT in terms of revenue estimates or effects of legislative proposals on marginal effective tax rates, Budget Committee members can ensure that those estimates and effects are obtained by consulting with the chair and vice chair of the JCT. This longstanding practice ensures smooth processing of the JCT’s workload, and prevents any direct control or intervention in JCT’s workload from other committees with other jurisdictions.

Mr. WYDEN. Mr. President, I share the concern of my colleague, the Finance Committee chairman, and I sup-

port his interpretation of this provision. In accordance with longstanding historical practice, and because of important practical considerations, the chair and vice chair of the Joint Committee on Taxation should exercise principal control over the revenue estimating process, and section 3112 should not be interpreted to authorize the chairs of the Budget Committees to interfere with JCT’s responsibility for and control over revenue estimates in any part of the congressional budget process.

However, I must note that on the broader point of dynamic estimates, I am opposed, and I was therefore opposed to section 3112 being included in the budget resolution and conference agreement to start with. Dynamic estimates rely on shaky math and convenient assumptions that reward advocates of tax cuts while punishing advocates of long-term investments in people and our Nation’s infrastructure.

#### FAIR ELECTIONS NOW ACT

Mr. DURBIN. Mr. President, it was 8 years ago that I first introduced the Fair Elections Now Act. Former Senator Arlen Specter, our late colleague and former chairman of the Judiciary Committee, was my lead cosponsor. We introduced the bill because we believed that America needs a system that rewards candidates with the best ideas and principles—not just the person who is the most talented in raising special interest money.

I noted that day that our democracy was in trouble because special interests and big-donor money were choking the system and preventing us from facing up to the big challenges of our time. Little did I know that almost a decade later, this problem would have grown much worse.

Through a series of recent cases—including the infamous *Citizens United* decision—the Supreme Court has allowed wealthy, well-connected campaign donors and special interests to unleash a deluge of cash in an effort to sway Federal, State, and local elections across our Nation. When it comes to understanding the influence of wealthy donors and special interests on Federal elections, the numbers speak for themselves.

In the 2012 election cycle, candidates for both the House and Senate raised the majority of their funds from large donations of \$1,000 or more. Forty percent of all contributions to Senate candidates came from donors who maxed out at the \$2,500 contribution limit, representing just 0.02 percent of the American population.

We saw this trend continue during the recent midterm elections. The 100 biggest donors gave a combined \$323 million during the 2014 election cycle through official campaign contributions and donations to national party committees, PACs, Super PACs, and 527 organizations. In contrast to those 100 donors, an estimated 4.75 million

people gave a comparable amount of \$356 million through small-dollar donations of \$200 or less. Astonishing as these figures are, they don’t include the \$173 million spent in the 2014 election cycle by tax-exempt “dark money” groups that are not required to publicly disclose their donors.

Deep-pocketed special interests are aiming to control the agenda in Congress. It is time to fight back and fundamentally reform the way we finance congressional elections. We need a system that allows candidates to focus on constituents instead of fundraising—a system that encourages ordinary Americans to make their voice heard with small, affordable donations to the candidate of their choice.

That is why I am once again introducing the Fair Elections Now Act. While this bill cannot solve all of the problems facing our Nation’s campaign finance system, the Fair Elections Now Act will dramatically change the way campaigns are funded. This bill allows candidates to focus on the people they represent, regardless of whether those people have the wealth to attend a big money fundraiser or donate thousands of dollars.

I would like to thank Sens. BALDWIN, BOXER, BROWN, FRANKEN, GILLIBRAND, HEINRICH, KLOBUCHAR, LEAHY, MARKEY, MCCASKILL, MENENDEZ, MERKLEY, MURPHY, SANDERS, SHAHEEN, UDALL, and WARREN for cosponsoring the Fair Elections Now Act and joining me in this effort to reform our campaign finance system.

The Fair Elections Now Act will help restore public confidence in congressional elections by providing qualified candidates for Congress with grants, matching funds, and vouchers from the Fair Elections Fund to replace campaign fundraising that largely relies on lobbyists, wealthy donors, corporations, and other special interests. In return, participating candidates would agree to limit their campaign spending to amounts raised from small-dollar donors plus the amounts provided from the Fair Elections Fund.

The Fair Elections system would have three stages for Senate candidates. First, candidates would need to prove their viability by raising a minimum number and amount of small-dollar qualifying contributions from in-state donors. Qualified candidates would then be required to limit the amount raised from each donor to \$150 per election.

In the primary, participants would receive a base grant that would vary in amount based on the population of the State that the candidate seeks to represent. Participants would also receive a 6 to 1 match for small-dollar donations up to a defined matching cap. After reaching that cap, the candidate could raise an unlimited amount of \$150 contributions, as well as contributions from small-donor People PACs.

In the general election, qualified candidates would receive an additional



grant, further small-dollar matching, and vouchers for purchasing television advertising. The candidate could continue to raise an unlimited amount of \$150 contributions, as well as contributions from small-donor People PACs.

Under the Fair Elections Now Act, candidates would have an incentive to seek small donations. And citizens would have an incentive to donate to the candidate of their choice, knowing that their small donation of \$150 would be converted to a \$900 donation through the 6 to 1 Fair Elections match.

Citizens would also be eligible for a modest, refundable tax credit. The Fair Elections Now Act establishes the "My Voice Tax Credit" to encourage individuals to make small donations to campaigns. Citizens could also make their voices heard by aggregating small contributions of \$150 or less into a type of small-donor political action committee, known as a "People PAC." People PACs would then be permitted to make campaign contributions to qualified Fair Elections candidates. Coupled with the Fair Elections public financing system, People PACs would elevate the views and interests of a diverse spectrum of Americans, rather than those of the traditional, wealthy donor class.

Our country is facing major challenges. We need to continue to create more jobs and restore economic security for the middle class. We need to build and sustain our transportation infrastructure. We need to fix our broken immigration system. We need to ensure that the right to vote is protected and preserved.

But with high-powered, special interest lobbyists fighting every proposal to make our country stronger, it is incredibly difficult for members of Congress to make progress on behalf of their constituents. This bill would dramatically reduce the influence of these special interests and wealthy donors, because Fair Elections candidates would not need their money to run campaigns. As a result, the bill would enhance the voice of average Americans. Let me be clear: the overwhelming majority of people serving in American politics are good, honest people, and I believe that most members of Congress are guided by the best of intentions. But we are nonetheless stuck in a terrible, corrupting system.

A recent poll found bipartisan concerns about our current system. According to the poll, more than four out of five Americans say money plays too great a role in political campaigns. Two-thirds say that the wealthy have more of a chance to influence the electoral process than other Americans. The perception is that politicians are corrupted by big money interests . . . and whether that is true or not, that perception and the loss of trust that goes with it make it very difficult for Congress to solve tough issues.

This problem—the perception of pervasive corruption—is undermining our

democracy, and we must address it. Everyone is entitled to a seat at the table, but wealthy donors and big corporations shouldn't be able to buy every seat.

The Fair Elections Now Act will reform our campaign finance system so that members of Congress can focus on implementing policies in the best interest of the people who elected them—not just the wealthy donors and special interests that bankrolled their success. I urge my colleagues and the American people to support this important legislation.

#### RECOGNIZING THE 90TH BIRTHDAY OF LESTER CROWN

Mr. DURBIN. Mr. President, today I recognize the 90th birthday of one of the outstanding business leaders of our time—Chicago businessman, Lester Crown.

Lester Crown was born on June 7, 1925, to Henry Crown, the son of Jewish immigrants from Lithuania, and his wife, Rebecca Kranz. Like many other Illinoisans, Lester came from a family of Lithuanian immigrants with humble beginnings who moved to America to pursue a better life for their children.

Lester's father worked hard with his two brothers to build their family construction supplies company, the Material Service Corporation. As a young man, Lester worked with his father at the Material Service's quarry over the summers to lend a hand. Through the hard work and dedication of the entire Crown family, the Material Service Corporation became one of the most successful companies in America. Several years later, that family business merged with General Dynamics Corporation to become America's largest defense contractor.

From the start, Lester saw his father's work and learned what it took to be a successful businessman. He used his experience to excel and quickly became the president of Marblehead Lime and Royal Crown (RC) Cola. After years of managing companies, Lester took over as chair of General Dynamics and as the head of the family investment firm.

One of Lester's many talents has been his ability to recognize great potential. His eye for promising investments has led him to grace the Forbes 400 list every year since 1982. With a quick glance at his impressive list of investments we can easily see why—he is a major shareholder in Maytag, Hilton Hotels, Alltel, Aspen Skiing Company, New York's Rockefeller Center, the New York Yankees, and Illinois' very own Chicago Bulls.

But Lester is not just a successful businessman, he is also a dedicated philanthropist, husband, and father. He has channeled his successes to provide generous contributions to a wide array of local and national projects. His charitable footprint can be seen in landmarks such as the famous Crown Fountain in Millennium Park, the Lyric

Opera of Chicago, Stroger Hospital, and in universities across the Nation.

Lester and his wife Renee have been happily married for more than 60 years and have seven children. Renee serves as a founding member and former president of the Women's Board of Northwestern University and a life director of the Multiple Sclerosis Society. She also serves on the board of the Boys and Girls Clubs of Chicago, the Field Museum, the Joffrey Ballet, and as an honorary chair of the Shoah Visual History Foundation.

Lester and Renee are an inspiration for many in their family who have become successful investors and philanthropists. Their son Jim is continuing the legacy started by Lester's father nearly a century ago by now serving as the lead director of General Dynamics. Together, the Crown family works with roughly 600 groups a year and donates millions of dollars annually to support organizations that focus on education and community development.

In addition to the energy Lester has poured into his family and business life, he has been a pillar in the Jewish-American community in his support of Israel. Few can match his dedicated commitment to the survival and success of the nation of Israel.

While few share Lester's long list of business achievements, even fewer share his level of leadership and generosity. It is with great pride that I ask my colleagues to join me in celebrating the 90th birthday of Lester Crown and to congratulate him on his legendary career and his many contributions to the city of Chicago, the Nation, and the world. I offer my best wishes as he continues to provide visionary leadership through his business endeavors and family philanthropy for years to come.

#### CONFIRMATION OF ERIC MILLER TO BE VERMONT'S U.S. ATTORNEY

Mr. LEAHY. Mr. President, last night, the Senate confirmed Eric Miller to be Vermont's 37th U.S. attorney. I am confident that he will do an outstanding job as the top Federal law enforcement officer in the State. Before recommending Eric to the President, I consulted prosecutors, defense attorneys, judges, law enforcement officials, and civic leaders throughout Vermont. They were unanimous in their support for Eric. I was particularly impressed with his thoughtfulness, vision, and depth of experience. Eric Miller is one of Vermont's leading trial attorneys. He is well regarded by State and local law enforcement and leaders in Vermont's legal community.

Eric Miller has worked since 1999 in the Burlington office of the law firm Sheehey Furlong & Behm PC, serving as partner since 2002. He has litigated a range of complex issues in Federal civil and criminal cases, including trials and appeals. As an appointee to the Criminal Justice Act panel of the U.S. District Court for the District of Vermont,

Eric has also represented indigent defendants in serious felony cases involving narcotics, weapons, and immigration-related charges. He clerked for the Honorable Fred Parker on the U.S. Court of Appeals for the Second Circuit in Burlington. He has a law degree from Yale University and an undergraduate degree from Duke University.

I thank Eric for his willingness to continue to serve Vermont and I congratulate him on his confirmation.

#### SENATE COMPETITIVE CAUCUS

Mr. COONS. Mr. President, the hallmark of our Nation's economy has long been the ability of anyone with creativity, ambition, and a good work ethic to realize their dreams and move America forward. From the lightbulb to the iPhone, the legacy of American invention has shone brightly throughout the world. Yet while our culture of innovation and entrepreneurial spirit remain strong, the policy framework that empowers that spirit to flourish is losing its competitive edge.

For years, enabling our Nation's innovative drive was an economic system unparalleled around the world—from competitive tax laws to public investments in research, infrastructure, and education. We have long understood something that many other countries haven't: for innovation and the entrepreneurial spirit to thrive, we need a strong, competitive economic ecosystem. There simply is no single silver bullet for economic growth.

While other nations catch up, our system is deteriorating in a number of ways. Federal investments in basic research and development are not keeping up with inflation and our tax code remains riddled with complexity, unable to spur growth and provide the certainty our businesses need. We also have to address the tough questions about how to fund our infrastructure, transportation, and education systems. In our dynamic market economy, the natural churn of businesses opening and closing keeps our Nation competitive, as long as we are creating more businesses than we are closing, of course. According to the Census Bureau, however, U.S. businesses are now failing faster than they are being created for the first time in 35 years—since the data began being recorded. Meanwhile, the 2014 Global Innovation Index saw the U.S. innovation ecosystem fall to 6th, while ranking 39th in ease of starting a business. These declines are coupled to a global R&D forecast that projects leading competitors—like China—will surpass the U.S. in total R&D investment by 2022.

Yet even with these challenges, we do retain a competitive edge. Americans' entrepreneurial drive still spurs our economy; manufacturing output continues to increase; our colleges and universities remain the envy of the world; innovations in the American energy industry have reduced our trade deficit and improved our energy secu-

rity; and private sector R&D has rebounded after several years of stagnation.

We now find ourselves at a competitive inflection point. We can either do more to nurture and take advantage of our strengths—only some of which we have mentioned—or we can fall behind in the 21st century. In order to support our competitive strengths, Senator JERRY MORAN and I are launching the bipartisan Senate Competitiveness Caucus, a forum to bring together Democrats and Republicans to address the most pressing issues facing our economy.

Rather than focus on just one issue or one bill, we have built the caucus with the understanding that it will take a whole range of policies working in concert to sustain our innovation ecosystem.

We will pursue ways to invest in our roads, bridges, ports, and highways so they meet the needs of a 21st century economy. We will work to make our tax code more competitive so the United States will remain the best country in which to do business and raise a family. We will seek to streamline regulations to protect consumers and make it easier to start and grow a business. We will look at our Federal budget and focus Federal resources on pro-growth policies that will create an environment for job creation now and into the future. We will work together to boost manufacturing because no country can support a strong middle class without a thriving manufacturing sector. That is just a start.

If the last century has taught us anything, it is that other countries will not slow down when it comes to chasing America's economic success. That means that even though the United States remains a world leader in innovation and competitiveness, it will only become more difficult to retain that position as the years go by. Members of the Competitiveness Caucus understand that we are now competing with every country, every government, every worker, and every business on the planet. Congress must come together to turn our economic challenges into opportunities for growth.

#### HEALTH INFORMATION EXCHANGE: A PATH TOWARDS IMPROVING THE QUALITY AND VALUE OF HEALTH CARE FOR PATIENTS

Mr. ALEXANDER. Mr. President, I ask unanimous consent to have printed in the RECORD a copy of my remarks at the Senate Health, Education, Labor and Pensions Committee hearing earlier this week.

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

#### HEALTH INFORMATION EXCHANGE: A PATH TOWARDS IMPROVING THE QUALITY AND VALUE OF HEALTH CARE FOR PATIENTS

We're here today to outline our plans to conduct an intensive review of electronic health records.

There is a great deal of bipartisan interest in this on the committee. My staff and Sen. Murray's staff have been meeting with experts every day, the staff of each of our committee members have been meeting once a week, and Sen Murray and myself have been speaking with the administration regularly as well.

The administration understands our level of interest and is working with us to improve these records.

Here's what we're talking about:

The Meaningful Use Program began in 2009 to encourage the 491,000 physicians who serve Medicaid and Medicare patients and almost 4,500 hospitals who serve those patients to begin to adopt and use electronic health records systems.

Of those 491,000 physicians, 456,000 have received some sort of Medicare or Medicaid incentive payment from the Meaningful Use Program. All hospitals and most physicians that tried were able to meet the first stage requirements. For those who met the requirements, the government paid incentive payments in the form of higher Medicare reimbursements. It has so far paid out \$30 billion in incentive payments.

But the program's stage 2 requirements are so complex that only about 11 percent of eligible physicians have been able to comply so far, and just about 42 percent of eligible hospitals have been able to comply.

The next step in the program is penalties for doctors and hospitals that don't comply. This year, 257,000 physicians have already begun losing 1 percent of their Medicare reimbursements and 200 hospitals may be losing even more than that.

Our goal is to identify the 5 or 6 steps we can take to improve electronic health records—a technology that has great promise, but has, through bad policy and bad incentives, run off track.

To put it bluntly, physicians and doctors have said to me that they are literally "terrified" on the next implementation stage of electronic health records, called Meaningful Use Stage 3, because of its complexity and because of the fines that will be levied.

My goal is that before that phase is implemented, we can work with physicians and hospitals and the administration to get the system back on track and make it a tool that hospitals and physicians can look forward to using to help their patients instead of something they dread.

Today will mark the start of a series of hearings we will hold this summer to address various possible solutions.

Senator Murray and I are today announcing the next two hearings in the series, which will be chaired by different members of our committee to examine solutions to the problems we identify.

The first hearing is on the burden physicians face with these systems, and I have asked Senator Cassidy, who is a physician himself, to chair that hearing.

The second hearing is on the question of whether you and I control information about our health, and I have asked Senator Collins to chair that hearing.

On March 17, we held our first hearing to identify the problems with electronic health records, and the government's Meaningful Use Program.

At today's hearing, we will set the table for this series of hearings by discussing how we can solve those problems and improve electronic health records.

I was in Nashville at Vanderbilt University two weeks ago for a public workshop of the National Institutes of Health Precision Medicine Working Group, which is working out the details of the president's precision medicine initiative. That will involve creating a collection of 1 million sequenced genomes

that researchers and scientists and doctors nationwide can consult in treating patients and curing diseases.

It's cutting edge medicine that has the potential to change the way we treat everything from diabetes to cancer.

But it will only work the way it's supposed to if electronic health records systems work the way they are supposed to.

Number one, electronic health records can help to assemble and understand the genomes of the one million individuals. And, second, if we want to make genetic information useful, being able to exchange information will help doctors when they write a prescription for you.

So that's just one important medical breakthrough initiative that will rely on a big improvement to electronic health records.

This committee is interested not least because the government has invested \$30 billion to encourage doctors and hospitals to install these expensive systems.

The program has increased adoption. According to the Centers for Medicare and Medicaid Services (CMS), since 2009, the percentage of physicians with a basic electronic health record system has grown from 22 percent to 48 percent. And the percentage of hospitals with a basic records system has grown from 12 percent to 59 percent. But the program hasn't done enough to make the systems easy to use or interoperable—meaning able to communicate with one another—or really achieved much beyond adoption.

According to a Medical Economics survey nearly 70 percent of physicians say their electronic health record systems have not been worth it. They are spending more time taking notes than taking care of patients, and they are spending a lot of their own money on systems that have to comply with government requirements, not satisfying their own needs to serve patients with the latest in cutting edge medicine that could be accessed with the kind of technology Health IT is supposed to promise.

Or as the conservative columnist Charles Krauthammer, a doctor himself, wrote recently: "The EHR technology, being in its infancy, is hopelessly inefficient. Hospital physicians will tell you endless tales about the wastefulness of the data collection and how the lack of interoperability defeats the very purpose of data sharing."

Today we have invited experts representing various perspectives:

Medical informatics, the profession focused on what information to use and how to use it to improve care; a records system vendor, one of the companies tasked with building the records systems; a health system chief information officer, the expert in charge of implementing Health IT for a hospital's many different types of care providers across many different types of care settings; and the perspective of the patient so that we can hear recommendations on how improvements in Health IT can improve the patient experience and patient involvement in their own care.

I am especially interested to hear from our witnesses their recommendations to improve the exchange of health information, which has been a glaring failure of the current state of electronic health records.

Patients will receive better care if we can improve the exchange of information so that a patient's health record can be accessed by physicians and pharmacists in an efficient and reliable way, the term industry experts use for this exchange of information is interoperability.

We're fortunate that a report was published May 28, 2015, by the American Medical Informatics Association offering immediate strategies to the challenges in electronic

health records that I've been detailing. The report was written by a task force of experts from all aspects of Health IT: physicians, researchers, vendors, patient advocates, and others.

We know that improvements need to be made to these programs, and they need to be done quickly. One of the things I like about this report is that the recommendations are targeted for the next 6 to 12 months and could make improvements quickly.

The report makes recommendations in these five areas:

Simplify and speed documentation—that means using technology to help doctors spend less time taking notes and more time taking care of patients.

Refocus regulation—that means the government requirements should be clear, simple, and streamlined towards better patient care.

Increase transparency and streamline certification, such as using detailed tests for records systems to receive certification, so purchasers can easily judge performance and compare products.

Foster innovation—The brilliant minds working in Information Technology should be allowed to innovate new ideas, not just react to satisfying government ideas for Health IT. Standards are important, but they should support and enable innovations—not stifle them.

And "support person-centered care delivery"—Today, with a click of a mouse or a swipe on a smart phone, one can see the prices for airplane tickets from competing airlines or, mortgage rates from hundreds of banks. But, in health care, Information Technology has not made much difference to the patient experience. Patients still fill out paper forms with clipboards at every doctor appointment, call multiple offices to make appointments, and piece together their health information one doctor office and one hospital visit at a time. Electronic health records could change that experience for all of us so that when an individual visits a doctor, his care team can access his information no matter where the patient has been or which doctors he's seen in the past and deliver more accurate and higher quality care for the patient.

I look forward to hearing our witnesses' recommendations, their thoughts on this report, and also advice on how we can make improvements as quickly as possible.

#### ADDITIONAL STATEMENTS

##### COMMEMORATING THE 100TH ANNIVERSARY OF KIWANIS INTERNATIONAL

• Mr. DONNELLY. Mr. President, today I wish to honor Kiwanis International for its 100th anniversary celebration. Since its formation in 1915, Kiwanis has become a global service organization, supporting communities both in its Indianapolis headquarters and beyond.

Last year, I had the pleasure of meeting Stan Soderstrom, who serves as the executive director of Kiwanis International and oversees the organization's branches and clubs in 80 nations, from the Kiwanis Club of Pike Township in Indianapolis. With a hands-on approach and great leadership from folks like Stan, as well as previous leaders such as State Representative Christina Hale, Kiwanis clubs provide a

place for fellowship, as well as personal and community growth. Kiwanis and its affiliates boast more than 600,000 members who raise more than \$100 million and contribute more than 18 million volunteer hours each year. Their impact is tremendous and felt globally.

In the State of Indiana, there are more than 190 Kiwanis clubs and more than 6,000 adult members participating in a wide variety of charitable efforts. Kiwanis has served the Indianapolis area by providing everything from playground projects to scholarship programs. Hoosier Kiwanis clubs have raised more than \$234,000 to benefit the Child Life program at Riley Hospital for Children and contributed more than \$1.1 million toward the Eliminate Project, which works with developing countries to help immunize millions of women in the fight against maternal and neonatal tetanus. These Hoosiers serve as an example of the hard work and service that make Indiana a great place to live. Each year, Kiwanis clubs in Indiana serve nearly 300,000 children and youths, raise more than \$1.1 million, and donate more than 50,000 volunteer hours of invaluable service. I commend the Indiana district Kiwanis leaders for these great accomplishments in doing good for Indiana communities and the world.

On behalf of the citizens of Indiana, I congratulate and thank each and every member of Kiwanis International for helping Kiwanis evolve into the thriving and impactful organization that it is today. For a century, Kiwanians have faithfully served their local communities and communities around the world. I wish them continued growth and success for many more years to come.●

##### CONGRATULATING THE UNIVERSITY OF NEVADA, LAS VEGAS ROBOTICS TEAM

• Mr. HELLER. Mr. President, today, I wish to congratulate the University of Nevada, Las Vegas, UNLV, robotics team on being selected as one of the top ten in the world by competing in the 2015 U.S. Defense Advanced Research Projects Agency Robotics Challenge. The competition included a dozen teams from the United States, including the Massachusetts Institute of Technology, the National Aeronautics and Space Administration, and Lockheed Martin. Eleven teams from Japan, Germany, Italy, South Korea, and Hong Kong also participated.

The competition was initially created in response to the humanitarian need after the Fukushima Daiichi nuclear reactor incident in 2011. The goal of the program remains to accelerate the development of advanced robots capable of entering areas too dangerous for humans and acting as first responders in the disaster zone. The robots chosen as finalists, including UNLV's Metal Rebel, competed in eight tasks related to disaster response, including climbing stairs, turning valves, tripping circuit breakers, walking among

rubble, and driving alone. Metal Rebel took eighth place out of 23 teams, bringing in a score of 6 out of 8 and a time of 57:41. This team of students and faculty stands as a tribute to what dedication and hard work can achieve. I am proud to call them fellow Nevadans.

The team of 15 UNLV engineering students was led by Paul Oh, Lincy professor of unmanned aerial systems and expert in robotics and autonomous systems for UNLV's Howard R. Hughes College of Engineering. Mr. Oh joined the competition to help UNLV and Nevada become a national leader in the autonomous systems industry. He was also the former program director for the National Science Foundation robotics. His work for this university and our State is greatly appreciated.

I am excited to see local students and faculty bringing recognition to both Nevada and to UNLV for their advancement in a global competition. These students should be proud to call themselves top contenders in this international competition. I ask my colleagues to join me and all Nevadans in congratulating UNLV for its success and honorable representation of Nevada.●

#### CONGRATULATING BECKY BOSSHART, MICHAEL PFURR, ROHAN DHARAN, MICHAEL MONCRIEFF, AND RYAN LARSEN

● Mr. HELLER. Mr. President, today, I wish to recognize five of Nevada's brightest students—Becky Bosshart, Michael Pfurr, Rohan Dharan, Michael Moncrieff, and Ryan Larsen—on being selected as 2015 recipients of the Fulbright scholarship.

The Fulbright Scholar Program was developed shortly after World War II by former U.S. Senator James William Fulbright due to language barriers experienced by Americans and their allies during the war. Students selected for the program study and teach English abroad, building upon their language skills, as well as growing international good will. The scholarship is highly competitive, with thousands applying from colleges and universities across the country. I am proud to congratulate these five students on their achievement, as well as the University of Nevada, Las Vegas, UNLV, on receiving its largest amount of Fulbright scholarship selections in a single year in Rebel history. The students are shining examples of how hard work leads to success, and stand as role models for future Rebels.

The five students will teach English and expand upon their language skills in countries from Eastern Europe to Asia. Ms. Bosshart served in the Peace Corps in Chernivisti, Ukraine, and worked diligently to return to Eastern Europe. She will spend her time in Romania. Mr. LARSEN spent the last 6 years mentoring Fulbright scholarship applicants and will spend time in Japan. Mr. Moncrieff will complete his

Ph.D. while studying in Kistanje, Croatia. Mr. Dharan, a member of Teach for America, will expand upon his teaching experience in New Delhi, India. Finally, Mr. Pfurr will build upon his experience in Austria. I am proud to call these excellent students ambassadors for not only the United States, but also for Nevada, throughout their journeys.

Today, I ask my colleagues to join me in congratulating these exceptional young Nevadans. These students worked hard for this incredible opportunity, and I wish them the best of luck in their future endeavors.●

#### CONGRATULATING WOODY OVERTON

● Mrs. McCASKILL. Mr. President, I congratulate my good friend Woody Overton on his retirement after 14 years as director of governmental affairs and community relations at JE Dunn Construction and his many years of leadership and service to Kansas City. Woody demonstrated exceptional professionalism, and I am pleased to recognize his outstanding career today.

Woody, a native of Trenton, MO, received his bachelor's degree in political science from the University of Missouri—Kansas City. He is a U.S. Army veteran and is deeply involved with nonprofit and civic organizations in the Kansas City area.

Woody served as assistant to former U.S. Senator Thomas Eagleton in charge of major projects and constituent services from 1977 to 1986. He learned from the best and embodied the lessons he learned from Senator Eagleton throughout his life and career. Each time you talk to Woody he will share a lesson he learned through an anecdote. That time in his life was the defining moment of his career, and his love of public service and community involvement came directly from his respect and admiration for his boss and friend, Senator Tom Eagleton.

In 1992, Woody ran the Clinton Presidential campaign in Missouri, helping President Clinton secure a must-win State by ten points. In 1993, Woody was appointed as the Regional Administrator of the General Services Administration's, GSA, Heartland Region which includes Missouri, Iowa, Nebraska, and Kansas. Woody served as its chief executive officer and regional liaison to other Federal agencies, State and local Governments. Woody's leadership and accomplishments in providing better customer service to Federal agencies earned him the GSA Administrator's "Exceptional Service Award" in May 2001.

Woody's ability to work with Democrats and Republicans to help Kansas City remain a Federal regional center during his tenure as head of Kansas City's GSA should be commended. He oversaw construction of several important Kansas City buildings including the Federal courthouse, the Illus W. Davis Civic Mall, the FBI office, and

the Agriculture Department complex and in Kansas City, Kansas another courthouse and the Environmental Protection Agency headquarters.

Woody is looking forward to spending more time with his family, and especially his grandchildren. I know they will enjoy the opportunity to spend more time with him.

It is my pleasure to honor Woody Overton today. He has touched the lives of many and immensely improved the Kansas City community.

I ask that the Senate join me in congratulating and honoring Glen W. "Woody" Overton.●

#### RECOGNIZING MAINSTREET SELF STORAGE

● Mr. VITTER. Mr. President, small businesses are able to recognize what their neighbors and communities need, and what is even more impressive is that they are able to meet those needs quickly and efficiently. This is especially important when a natural disaster strikes. That is why this week's Small Business of the Week is Mainstreet Self Storage of Shreveport, LA.

Northwest Louisiana is currently struggling with major flooding, which has driven families out of their homes and shut down small businesses. In response, Mainstreet Self Storage is doing its part to help those affected by offering free storage space for the next 3 months. Through this program, Mainstreet aims to provide folks a safe, secure space to store their belongings—truly a fine example of Louisiana's ingenuity and generosity.

In May of 2009, the Delaney family opened a facility offering storage and moving solutions for Shreveport-Bossier city residents. Mainstreet Self Storage's complex is comprised of climate-controlled units, nonclimate controlled-units, car garages, cover RV storage, and open or closed storage for boats and vehicles. Mainstreet's top-of-the-line security system and humidity-controlled units give clients a peace of mind in the stowing of their belongings. Shortly after opening, Mainstreet partnered with the U-Haul company in order to offer moving and transportation equipment to their customers. In the years since, Mainstreet Self Storage has become a Top 100 U-Haul Dealer and was recently named the eighth in the Nation for customer service.

Congratulations to MainStreet Storage for being selected as the Small Business of the Week. We appreciate and recognize your generosity and commitment to aiding your neighbors in Northwest Louisiana during these times of need.●

#### MESSAGE FROM THE PRESIDENT

A message from the President of the United States was communicated to the Senate by Mr. Pate, one of his secretaries.

## EXECUTIVE MESSAGE REFERRED

As in executive session the Presiding Officer laid before the Senate a message from the President of the United States submitting nominations which were referred to the Committee on the Judiciary.

(The message received today is printed at the end of the Senate proceedings.)

## MESSAGE FROM THE HOUSE

At 11:31 a.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 2393. An act to amend the Agricultural Marketing Act of 1946 to repeal country of origin labeling requirements with respect to beef, pork, and chicken, and for other purposes.

The message also announced that the House has agreed to the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 54. Concurrent resolution authorizing the reprinting of the 25th edition of the pocket version of the United States Constitution.

The message further announced that pursuant to 22 U.S.C. 1928a, and the order of the House of January 6, 2015, the Speaker appoints the following Members on the part of the House of Representatives to the United States Group of the NATO Parliamentary Assembly: Mr. LARSON of Connecticut, Mr. DAVID SCOTT of Georgia, Ms. FRANKEL of Florida, and Mr. CONNOLLY of Virginia.

## REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. THUNE, from the Committee on Commerce, Science, and Transportation, with an amendment in the nature of a substitute:

H.R. 23. A bill to reauthorize the National Windstorm Impact Reduction Program, and for other purposes (Rept. No. 114-62).

By Mr. COCHRAN, from the Committee on Appropriations, without amendment:

S. 1558. An original bill making appropriations for Department of Defense for the fiscal year ending September 30, 2016, and for other purposes (Rept. No. 114-63).

By Mrs. CAPITO, from the Committee on Appropriations, with an amendment in the nature of a substitute:

H.R. 2250. A bill making appropriations for the Legislative Branch for fiscal year ending September 30, 2016, and for other purposes (Rept. No. 114-64).

By Mr. CORKER, from the Committee on Foreign Relations, without amendment:

S. 756. A bill to require a report on accountability for war crimes and crimes against humanity in Syria.

## INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. THUNE (for himself, Mr. SCHATZ, Mr. WICKER, and Mr. RUBIO):  
S. 1551. A bill to provide for certain requirements relating to the Internet Assigned Numbers Authority stewardship transition; to the Committee on Commerce, Science, and Transportation.

By Mr. DAINES:  
S. 1552. A bill to authorize the Dry-Redwater Regional Water Authority System and the Musselshell-Judith Rural Water System in the State of Montana, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. GRAHAM (for himself, Mr. MCCAIN, Mr. MCCONNELL, Mr. CRUZ, Mr. DAINES, Mr. PERDUE, Mr. HATCH, Mr. INHOFE, Mr. ROUNDS, Mr. COATS, Mr. TILLIS, Mr. CASSIDY, Mr. VITTER, Mr. COTTON, Mr. RUBIO, Mr. RISC, Mrs. ERNST, Mr. LANKFORD, Mr. ISAKSON, Mr. MORAN, Mr. GRASSLEY, Mr. THUNE, Mrs. FISCHER, Mr. BLUNT, Mr. SASSE, Mr. ROBERTS, Mr. SCOTT, Mr. LEE, Mr. COCHRAN, Mr. SESSIONS, Mr. CRAPO, Mr. SHELBY, Mr. CORKER, Mr. WICKER, Mr. PAUL, Mr. BARRASSO, Mr. ENZI, Mr. CORNYN, Mr. BOOZMAN, Mr. BURR, Mr. PORTMAN, Mr. HOEVEN, Mr. JOHNSON, Mr. SULLIVAN, Mr. FLAKE, and Mr. TOOMEY):  
S. 1553. A bill to amend title 18, United States Code, to protect pain-capable unborn children, and for other purposes; to the Committee on the Judiciary.

By Mr. CARDIN (for himself, Mr. MERKLEY, Mr. WHITEHOUSE, and Mrs. FEINSTEIN):  
S. 1554. A bill to amend the Federal Water Pollution Control Act and to direct the Secretary of the Interior to conduct a study with respect to stormwater runoff from oil and gas operations, and for other purposes; to the Committee on Environment and Public Works.

By Ms. HIRONO (for herself, Mr. HELLER, Mr. REID, Mr. Kaine, and Mr. SCHATZ):  
S. 1555. A bill to award a Congressional Gold Medal, collectively, to the Filipino veterans of World War II, in recognition of the dedicated service of the veterans during World War II; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. DURBIN (for himself and Mr. FRANKEN):  
S. 1556. A bill to amend section 455(m) of the Higher Education Act of 1965 in order to allow adjunct faculty members to qualify for public service loan forgiveness; to the Committee on Health, Education, Labor, and Pensions.

By Mr. DURBIN (for himself, Mr. BLUMENTHAL, Mr. BROWN, Mr. MARKEY, Mrs. MURRAY, Mr. TESTER, and Mr. WHITEHOUSE):  
S. 1557. A bill to amend the Servicemembers Civil Relief Act to extend the interest rate limitation on debt entered into during military service to debt incurred during military service to consolidate or refinance student loans incurred before military service, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. COCHRAN:  
S. 1558. An original bill making appropriations for Department of Defense for the fiscal year ending September 30, 2016, and for other purposes; from the Committee on Appropriations; placed on the calendar.

By Ms. AYOTTE (for herself and Mr. PETERS):  
S. 1559. A bill to protect victims of domestic violence, sexual assault, stalking, and dating violence from emotional and psychological trauma caused by acts of violence or threats of violence against their pets; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. ROBERTS (for himself and Ms. HEITKAMP):

S. 1560. A bill to amend the Commodity Exchange Act to provide end-users with a reasonable amount of time to meet their margin requirements and to repeal certain indemnification requirements for regulatory authorities to obtain access to swap data required to be provided by swaps entities; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. LEAHY (for himself and Mr. GRAHAM):

S. 1561. A bill to clarify the definition of nonadmitted insurer under the Nonadmitted and Reinsurance Reform Act of 2010, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. WYDEN:  
S. 1562. A bill to amend the Internal Revenue Code of 1986 to reform taxation of alcoholic beverages; to the Committee on Finance.

By Mr. MARKEY (for himself, Mr. KIRK, Mr. BLUMENTHAL, and Mr. MENENDEZ):

S. 1563. A bill to amend the Children's Online Privacy Protection Act of 1998 to extend, enhance, and revise the provisions relating to collection, use, and disclosure of personal information of children, to establish certain other protections for personal information of children and minors, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. SANDERS:  
S. 1564. A bill to require that employers provide not less than 10 days of paid vacation time to eligible employees, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. REED (for himself, Mr. SCHUMER, Mr. MENENDEZ, Mr. WARNER, Mr. MERKLEY, Ms. WARREN, Mr. BLUMENTHAL, Mr. FRANKEN, Mr. DURBIN, Mr. Kaine, and Ms. HIRONO):

S. 1565. A bill to allow the Bureau of Consumer Financial Protection to provide greater protection to servicemembers; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. KIRK (for himself and Mr. FRANKEN):

S. 1566. A bill to amend the Public Health Service Act to require group and individual health insurance coverage and group health plans to provide for coverage of oral anticancer drugs on terms no less favorable than the coverage provided for anticancer medications administered by a health care provider; to the Committee on Health, Education, Labor, and Pensions.

By Mr. PETERS (for himself, Mr. DAINES, and Mr. TILLIS):

S. 1567. A bill to amend title 10, United States Code, to provide for a review of the characterization or terms of discharge from the Armed Forces of individuals with mental health disorders alleged to affect terms of discharge; to the Committee on Armed Services.

By Mr. GARDNER (for himself, Mr. ISAKSON, and Mr. BENNET):

S. 1568. A bill to extend the authorization to carry out the replacement of the existing medical center of the Department of Veterans Affairs in Denver, Colorado, to authorize transfers of amounts to carry out the replacement of such medical center, and for other purposes; considered and passed.

By Mr. VITTER (for himself, Mr. TESTER, and Mrs. FISCHER):

S. 1569. A bill to require a review of the adequacy of existing procedures to ensure at least one employee of the personal office of each Senator serving on a committee that requires access to top secret and sensitive compartmented information may obtain the

security clearances necessary for the employee to have access to such information; to the Committee on Rules and Administration.

By Mr. SCHATZ:

S. 1570. A bill to authorize appropriations to the Secretary of Commerce to establish public-private partnerships under the Market Development Cooperator Program of the International Trade Administration, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

## SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. NELSON (for himself and Mr. THUNE):

S. Res. 199. A resolution expressing the sense of the Senate regarding establishing a National Strategic Agenda; to the Committee on Homeland Security and Governmental Affairs.

By Mrs. FEINSTEIN (for herself, Mr. KIRK, Mr. DURBIN, Mrs. BOXER, Mr. CARDIN, and Mr. MENENDEZ):

S. Res. 200. A resolution wishing His Holiness the 14th Dalai Lama a happy 80th birthday on July 6, 2015, and recognizing the outstanding contributions His Holiness has made to the promotion of nonviolence, human rights, interfaith dialogue, environmental awareness, and democracy; to the Committee on the Judiciary.

## ADDITIONAL COSPONSORS

S. 146

At the request of Mr. FLAKE, the name of the Senator from Tennessee (Mr. ALEXANDER) was added as a cosponsor of S. 146, a bill to authorize the Secretary of the Interior or the Secretary of Agriculture to enter into agreements with States and political subdivisions of States providing for the continued operation, in whole or in part, of public land, units of the National Park System, units of the National Wildlife Refuge System, and units of the National Forest System in the State during any period in which the Secretary of the Interior or the Secretary of Agriculture is unable to maintain normal level of operations at the units due to a lapse in appropriations, and for other purposes.

S. 280

At the request of Mr. PORTMAN, the name of the Senator from Virginia (Mr. WARNER) was added as a cosponsor of S. 280, a bill to improve the efficiency, management, and interagency coordination of the Federal permitting process through reforms overseen by the Director of the Office of Management and Budget, and for other purposes.

S. 299

At the request of Mr. FLAKE, the names of the Senator from Connecticut (Mr. BLUMENTHAL) and the Senator from Washington (Ms. CANTWELL) were added as cosponsors of S. 299, a bill to allow travel between the United States and Cuba.

S. 488

At the request of Mr. SCHUMER, the name of the Senator from North Da-

kota (Ms. HEITKAMP) was added as a cosponsor of S. 488, a bill to amend title XVIII of the Social Security Act to allow physician assistants, nurse practitioners, and clinical nurse specialists to supervise cardiac, intensive cardiac, and pulmonary rehabilitation programs.

S. 512

At the request of Mr. HATCH, the name of the Senator from Connecticut (Mr. MURPHY) was added as a cosponsor of S. 512, a bill to amend title 18, United States Code, to safeguard data stored abroad from improper government access, and for other purposes.

S. 578

At the request of Mr. SCHUMER, the name of the Senator from North Dakota (Ms. HEITKAMP) was added as a cosponsor of S. 578, a bill to amend title XVIII of the Social Security Act to ensure more timely access to home health services for Medicare beneficiaries under the Medicare program.

At the request of Ms. COLLINS, the name of the Senator from Kansas (Mr. MORAN) was added as a cosponsor of S. 578, *supra*.

S. 629

At the request of Mr. PORTMAN, the name of the Senator from North Carolina (Mr. BURR) was added as a cosponsor of S. 629, a bill to enable hospital-based nursing programs that are affiliated with a hospital to maintain payments under the Medicare program to hospitals for the costs of such programs.

S. 637

At the request of Mr. CRAPO, the name of the Senator from Oklahoma (Mr. INHOFE) was added as a cosponsor of S. 637, a bill to amend the Internal Revenue Code of 1986 to extend and modify the railroad track maintenance credit.

S. 682

At the request of Mr. DONNELLY, the name of the Senator from Indiana (Mr. COATS) was added as a cosponsor of S. 682, a bill to amend the Truth in Lending Act to modify the definitions of a mortgage originator and a high-cost mortgage.

S. 843

At the request of Mr. BROWN, the name of the Senator from North Dakota (Ms. HEITKAMP) was added as a cosponsor of S. 843, a bill to amend title XVIII of the Social Security Act to count a period of receipt of outpatient observation services in a hospital toward satisfying the 3-day inpatient hospital requirement for coverage of skilled nursing facility services under Medicare.

S. 890

At the request of Ms. CANTWELL, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. 890, a bill to amend title 54, United States Code, to provide consistent and reliable authority for, and for the funding of, the Land and Water Conservation Fund to maximize the ef-

fectiveness of the Fund for future generations, and for other purposes.

S. 1049

At the request of Ms. HEITKAMP, the name of the Senator from Wisconsin (Ms. BALDWIN) was added as a cosponsor of S. 1049, a bill to allow the financing by United States persons of sales of agricultural commodities to Cuba.

S. 1099

At the request of Mr. SCOTT, the names of the Senator from Indiana (Mr. DONNELLY) and the Senator from Georgia (Mr. ISAKSON) were added as cosponsors of S. 1099, a bill to amend the Patient Protection and Affordable Care Act to provide States with flexibility in determining the size of employers in the small group market.

S. 1115

At the request of Mrs. FISCHER, the name of the Senator from Wisconsin (Mr. JOHNSON) was added as a cosponsor of S. 1115, a bill to close out expired, empty grant accounts.

S. 1121

At the request of Ms. AYOTTE, the name of the Senator from Nevada (Mr. REID) was added as a cosponsor of S. 1121, a bill to amend the Horse Protection Act to designate additional unlawful acts under the Act, strengthen penalties for violations of the Act, improve Department of Agriculture enforcement of the Act, and for other purposes.

S. 1140

At the request of Mr. BARRASSO, the names of the Senator from Wisconsin (Mr. JOHNSON) and the Senator from Alabama (Mr. SHELBY) were added as cosponsors of S. 1140, a bill to require the Secretary of the Army and the Administrator of the Environmental Protection Agency to propose a regulation revising the definition of the term "waters of the United States", and for other purposes.

At the request of Mr. SASSE, his name was added as a cosponsor of S. 1140, *supra*.

S. 1170

At the request of Mrs. FEINSTEIN, the names of the Senator from New Hampshire (Mrs. SHAHEEN) and the Senator from Hawaii (Mr. SCHATZ) were added as cosponsors of S. 1170, a bill to amend title 39, United States Code, to extend the authority of the United States Postal Service to issue a semipostal to raise funds for breast cancer research, and for other purposes.

S. 1178

At the request of Mr. FLAKE, the name of the Senator from Utah (Mr. HATCH) was added as a cosponsor of S. 1178, a bill to prohibit implementation of a proposed rule relating to the definition of the term "waters of the United States" under the Clean Water Act, or any substantially similar rule, until a Supplemental Scientific Review Panel and Ephemeral and Intermittent Streams Advisory Committee produce certain reports, and for other purposes.

S. 1182

At the request of Mr. BLUNT, the names of the Senator from Maryland



(Mr. CARDIN) and the Senator from Mississippi (Mr. WICKER) were added as cosponsors of S. 1182, a bill to exempt application of JSA attribution rule in case of existing agreements.

S. 1214

At the request of Mr. MENENDEZ, the name of the Senator from New Mexico (Mr. UDALL) was added as a cosponsor of S. 1214, a bill to prevent human health threats posed by the consumption of equines raised in the United States.

S. 1239

At the request of Mr. DONNELLY, the name of the Senator from Nebraska (Mr. SASSE) was added as a cosponsor of S. 1239, a bill to amend the Clean Air Act with respect to the ethanol waiver for the Reid vapor pressure limitations under that Act.

S. 1476

At the request of Mrs. BOXER, the name of the Senator from Maryland (Ms. MIKULSKI) was added as a cosponsor of S. 1476, a bill to require States to report to the Attorney General certain information regarding shooting incidents involving law enforcement officers, and for other purposes.

S. 1495

At the request of Mr. TOOMEY, the name of the Senator from Georgia (Mr. PERDUE) was added as a cosponsor of S. 1495, a bill to curtail the use of changes in mandatory programs affecting the Crime Victims Fund to inflate spending.

AMENDMENT NO. 1473

At the request of Mr. VITTER, the name of the Senator from Kansas (Mr. MORAN) was added as a cosponsor of amendment No. 1473 proposed to H.R. 1735, an act to authorize appropriations for fiscal year 2016 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 1559

At the request of Mr. DURBIN, the name of the Senator from Oregon (Mr. MERKLEY) was added as a cosponsor of amendment No. 1559 proposed to H.R. 1735, an act to authorize appropriations for fiscal year 2016 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 1567

At the request of Ms. AYOTTE, the name of the Senator from Florida (Mr. RUBIO) was added as a cosponsor of amendment No. 1567 intended to be proposed to H.R. 1735, an act to authorize appropriations for fiscal year 2016 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 1578

At the request of Mrs. GILLIBRAND, the name of the Senator from Michigan (Mr. PETERS) was added as a cosponsor of amendment No. 1578 proposed to H.R. 1735, an act to authorize appropriations for fiscal year 2016 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 1605

At the request of Mr. COTTON, the name of the Senator from Nebraska (Mr. SASSE) was added as a cosponsor of amendment No. 1605 intended to be proposed to H.R. 1735, an act to authorize appropriations for fiscal year 2016 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 1771

At the request of Mr. SANDERS, the names of the Senator from Vermont (Mr. LEAHY), the Senator from Minnesota (Mr. FRANKEN) and the Senator from Michigan (Ms. STABENOW) were added as cosponsors of amendment No. 1771 intended to be proposed to H.R. 1735, an act to authorize appropriations for fiscal year 2016 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 1783

At the request of Mr. BLUNT, his name was added as a cosponsor of amendment No. 1783 intended to be proposed to H.R. 1735, an act to authorize appropriations for fiscal year 2016 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 1987

At the request of Mr. MURPHY, the name of the Senator from Kentucky (Mr. PAUL) was added as a cosponsor of amendment No. 1987 intended to be proposed to H.R. 1735, an act to authorize appropriations for fiscal year 2016 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

#### STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. DAINES:

S. 1552. A bill to authorize the Dry-Redwater Regional Water Authority System and the Musselshell-Judith Rural Water System in the State of Montana, and for other purposes; to

the Committee on Energy and Natural Resources.

Mr. DAINES. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 1552

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE.

This Act may be cited as the “Clean Water for Rural Communities Act”.

#### SEC. 2. PURPOSE.

The purpose of this Act is to ensure a safe and adequate municipal, rural, and industrial water supply for the citizens of—

- (1) Dawson, Garfield, McCone, Prairie, Richland, Judith Basin, Wheatland, Golden Valley, Fergus, Yellowstone, and Musselshell Counties in the State of Montana; and
- (2) McKenzie County, North Dakota.

#### SEC. 3. DEFINITIONS.

In this Act:

(1) ADMINISTRATOR.—The term “Administrator” means the Administrator of the Western Area Power Administration.

(2) AUTHORITY.—The term “Authority” means—

(A) in the case of the Dry-Redwater Regional Water Authority System—

(i) the Dry-Redwater Regional Water Authority, which is a publicly owned nonprofit water authority formed in accordance with Mont. Code Ann. § 75-6-302 (2007); and

(ii) any nonprofit successor entity to the Authority described in clause (i); and

(B) in the case of the Musselshell-Judith Rural Water System—

(i) the Central Montana Regional Water Authority, which is a publicly owned nonprofit water authority formed in accordance with Mont. Code Ann. § 75-6-302 (2007); and

(ii) any nonprofit successor entity to the Authority described in clause (i).

(3) DRY-REDWATER REGIONAL WATER AUTHORITY SYSTEM.—The term “Dry-Redwater Regional Water Authority System” means the Dry-Redwater Regional Water Authority System authorized under section 4(a)(1) with a project service area that includes—

(A) Garfield and McCone Counties in the State;

(B) the area west of the Yellowstone River in Dawson and Richland Counties in the State;

(C) T. 15 N. (including the area north of the Township) in Prairie County in the State; and

(D) the portion of McKenzie County, North Dakota, that includes all land that is located west of the Yellowstone River in the State of North Dakota.

(4) INTEGRATED SYSTEM.—The term “integrated system” means the transmission system owned by the Western Area Power Administration Basin Electric Power District and the Heartland Consumers Power District.

(5) MUSSELHELL-JUDITH RURAL WATER SYSTEM.—The term “Musselshell-Judith Rural Water System” means the Musselshell-Judith Rural Water System authorized under section 4(a)(2) with a project service area that includes—

(A) Judith Basin, Wheatland, Golden Valley, and Musselshell Counties in the State;

(B) the portion of Yellowstone County in the State within 2 miles of State Highway 3 and within 4 miles of the county line between Golden Valley and Yellowstone Counties in the State, inclusive of the Town of Broadview, Montana; and

(C) the portion of Fergus County in the State within 2 miles of US Highway 87 and within 4 miles of the county line between Fergus and Judith Basin Counties in the State, inclusive of the Town of Moore, Montana.

(6) **NON-FEDERAL DISTRIBUTION SYSTEM.**—The term “non-Federal distribution system” means a non-Federal utility that provides electricity to the counties covered by the Dry-Redwater Regional Water Authority System.

(7) **PICK-SLOAN PROGRAM.**—The term “Pick-Sloan program” means the Pick-Sloan Missouri River Basin Program (authorized by section 9 of the Act of December 22, 1944 (commonly known as the “Flood Control Act of 1944”) (58 Stat. 891, chapter 665)).

(8) **SECRETARY.**—The term “Secretary” means the Secretary of the Interior.

(9) **STATE.**—The term “State” means the State of Montana.

(10) **WATER SYSTEM.**—The term “Water System” means—

(A) the Dry-Redwater Regional Water Authority System; and

(B) the Musselshell-Judith Rural Water System.

**SEC. 4. DRY-REDWATER REGIONAL WATER AUTHORITY SYSTEM AND MUSSELHELL-JUDITH RURAL WATER SYSTEM.**

(a) **AUTHORIZATION.**—The Secretary may carry out—

(1) the project entitled the “Dry-Redwater Regional Water Authority System” in a manner that is substantially in accordance with the feasibility study entitled “Dry-Redwater Regional Water System Feasibility Study” (including revisions of the study), which received funding from the Bureau of Reclamation on September 1, 2010; and

(2) the project entitled the “Musselshell-Judith Rural Water System” in a manner that is substantially in accordance with the feasibility report entitled “Musselshell-Judith Rural Water System Feasibility Report” (including any and all revisions of the report).

(b) **COOPERATIVE AGREEMENT.**—The Secretary shall enter into a cooperative agreement with the Authority to provide Federal assistance for the planning, design, and construction of the Water Systems.

(c) **COST-SHARING REQUIREMENT.**—

(1) **FEDERAL SHARE.**—

(A) **IN GENERAL.**—The Federal share of the costs relating to the planning, design, and construction of the Water Systems shall not exceed—

(i) in the case of the Dry-Redwater Regional Water Authority System—

(I) 75 percent of the total cost of the Dry-Redwater Regional Water Authority System; or

(II) such other lesser amount as may be determined by the Secretary, acting through the Commissioner of Reclamation, in a feasibility report; or

(ii) in the case of the Musselshell-Judith Rural Water System, 75 percent of the total cost of the Musselshell-Judith Rural Water System.

(B) **LIMITATION.**—Amounts made available under subparagraph (A) shall not be returnable or reimbursable under the reclamation laws.

(2) **USE OF FEDERAL FUNDS.**—

(A) **GENERAL USES.**—Subject to subparagraphs (B) and (C), the Water Systems may use Federal funds made available to carry out this section for—

(i) facilities relating to—

(I) water pumping;

(II) water treatment; and

(III) water storage;

(ii) transmission pipelines;

(iii) pumping stations;

(iv) appurtenant buildings, maintenance equipment, and access roads;

(v) any interconnection facility that connects a pipeline of the Water System to a pipeline of a public water system;

(vi) electrical power transmission and distribution facilities required for the operation and maintenance of the Water System;

(vii) any other facility or service required for the development of a rural water distribution system, as determined by the Secretary; and

(viii) any property or property right required for the construction or operation of a facility described in this subsection.

(B) **ADDITIONAL USES.**—In addition to the uses described in subparagraph (A)—

(i) the Dry-Redwater Regional Water Authority System may use Federal funds made available to carry out this section for—

(I) facilities relating to water intake; and

(II) distribution, pumping, and storage facilities that—

(aa) serve the needs of citizens who use public water systems;

(bb) are in existence on the date of enactment of this Act; and

(cc) may be purchased, improved, and repaired in accordance with a cooperative agreement entered into by the Secretary under subsection (b); and

(ii) the Musselshell-Judith Rural Water System may use Federal funds made available to carry out this section for—

(I) facilities relating to—

(aa) water supply wells; and

(bb) distribution pipelines; and

(II) control systems.

(C) **LIMITATION.**—Federal funds made available to carry out this section shall not be used for the operation, maintenance, or replacement of the Water Systems.

(D) **TITLE.**—Title to the Water Systems shall be held by the Authority.

**SEC. 5. USE OF POWER FROM PICK-SLOAN PROGRAM BY THE DRY-REDWATER REGIONAL WATER AUTHORITY SYSTEM.**

(a) **FINDING.**—Congress finds that—

(1) McCone and Garfield Counties in the State were designated as impact counties during the period in which the Fort Peck Dam was constructed; and

(2) as a result of the designation, the Counties referred to in paragraph (1) were to receive impact mitigation benefits in accordance with the Pick-Sloan program.

(b) **AVAILABILITY OF POWER.**—

(1) **IN GENERAL.**—Subject to paragraph (2), the Administrator shall make available to the Dry-Redwater Regional Water Authority System a quantity of power required, of up to 1½ megawatt capacity, to meet the pumping and incidental operation requirements of the Dry-Redwater Regional Water Authority System during the period beginning on May 1 and ending on October 31 of each year—

(A) from the water intake facilities; and

(B) through all pumping stations, water treatment facilities, reservoirs, storage tanks, and pipelines up to the point of delivery of water by the water supply system to all storage reservoirs and tanks and each entity that distributes water at retail to individual users.

(2) **ELIGIBILITY.**—The Dry-Redwater Regional Water Authority System shall be eligible to receive power under paragraph (1) if the Dry-Redwater Regional Water Authority System—

(A) operates on a not-for-profit basis; and

(B) is constructed pursuant to a cooperative agreement entered into by the Secretary under section 4(b).

(3) **RATE.**—The Administrator shall establish the cost of the power described in paragraph (1) at the firm power rate.

(4) **ADDITIONAL POWER.**—

(A) **IN GENERAL.**—If power, in addition to that made available to the Dry-Redwater Regional Water Authority System under paragraph (1), is necessary to meet the pumping requirements of the Dry-Redwater Regional Water Authority, the Administrator may purchase the necessary additional power at the best available rate.

(B) **REIMBURSEMENT.**—The cost of purchasing additional power shall be reimbursed to the Administrator by the Dry-Redwater Regional Water Authority.

(5) **RESPONSIBILITY FOR POWER CHARGES.**—The Dry-Redwater Regional Water Authority shall be responsible for the payment of the power charge described in paragraph (4) and non-Federal delivery costs described in paragraph (6).

(6) **TRANSMISSION ARRANGEMENTS.**—

(A) **IN GENERAL.**—The Dry-Redwater Regional Water Authority System shall be responsible for all non-Federal transmission and distribution system delivery and service arrangements.

(B) **UPGRADES.**—The Dry-Redwater Regional Water Authority System shall be responsible for funding any transmission upgrades, if required, to the integrated system necessary to deliver power to the Dry-Redwater Regional Water Authority System.

**SEC. 6. WATER RIGHTS.**

Nothing in this Act—

(1) preempts or affects any State water law; or

(2) affects any authority of a State, as in effect on the date of enactment of this Act, to manage water resources within that State.

**SEC. 7. AUTHORIZATION OF APPROPRIATIONS.**

(a) **AUTHORIZATION.**—There are authorized to be appropriated such sums as are necessary to carry out the planning, design, and construction of the Water Systems, substantially in accordance with the cost estimate set forth in the applicable feasibility study or feasibility report described in section 4(a).

(b) **COST INDEXING.**—

(1) **IN GENERAL.**—The amount authorized to be appropriated under subsection (a) may be increased or decreased in accordance with ordinary fluctuations in development costs incurred after the applicable date specified in paragraph (2), as indicated by any available engineering cost indices applicable to construction activities that are similar to the construction of the Water Systems.

(2) **APPLICABLE DATES.**—The date referred to in paragraph (1) is—

(A) in the case of the Dry-Redwater Regional Water Authority System, January 1, 2008; and

(B) in the case of the Musselshell-Judith Rural Water Authority System, November 1, 2014.

By Mr. DURBIN (for himself and Mr. FRANKEN):

S. 1556. A bill to amend section 455(m) of the Higher Education Act of 1965 in order to allow adjunct faculty members to qualify for public service loan forgiveness; to the Committee on Health, Education, Labor, and Pensions.

Mr. DURBIN. Mr. President, today I introduced the Adjunct Faculty Loan Fairness Act, a bill that would enable faculty working less than full-time to participate in the Public Service Student Loan Forgiveness Program.

Contingent faculty members are like full-time instructors. They have advanced degrees. They teach classes and

spend many hours outside the classroom preparing for class. They hold office hours, grade papers and give feedback to students. They provide advice and write letters of recommendation. Students rely on them. Since most adjuncts have advanced degrees and, as almost 75 percent of graduate degree recipients have an average of \$61,000 in student loans, they are also among the 40 million Americans with student debt.

The Public Service Loan Forgiveness program is meant to encourage graduates to go into public service by offering student loan forgiveness for eligible federal loans after 10 years of full-time work in government or the non-profit sector. Public service fields like nursing, military service, and public health qualify. Many education jobs qualify, including full-time work at public universities and part-time work at community colleges in high-needs subject areas or areas of shortage. But other faculty members, those who work part-time, are not eligible for loan forgiveness because the law requires an annual average of 30 hours per week to qualify for the program. For adjunct faculty working at several schools on a contingent basis, this requirement can be difficult or impossible to meet, even when they are putting in more than 30 hours of work each week.

The number of faculty hours given for each class is calculated differently at different schools. Some give one hour per hour in the classroom while others actually take into consideration the time required outside the classroom. So, even as these faculty members are working hard and as their options for tenured, full-time positions become slimmer, more of them are overworked and undervalued for their work in public service.

The Adjunct Faculty Loan Fairness Act of 2015 would solve this by amending the Higher Education Act to expand the definition of a “public service job” to include a part-time faculty member who teaches at least one course at an eligible institution of higher education. They would still have to meet all the other requirements to qualify for the program, including making 120 on-time payments while employed at a qualifying institution, and they could not be employed full-time elsewhere at the same time.

This bill would benefit someone like Alyson, an adjunct professor from Chicago, IL, who graduated with \$65,000 in student loan debt and, after 10 years of on-time payments, has over \$56,000 left. Like most adjuncts, Alyson strings together multiple teaching assignments along with part-time work to afford her monthly living expenses and minimum student loan payment. She comes from a family of educators and considers teaching her dream job. Alyson would like to participate in the Public Service Loan Forgiveness program. This bill would ensure that Alyson and many thousands like her,

could obtain credit towards the Public Service Loan Program for loan payments she made while teaching, whether she was teaching one course or seven.

Unfortunately, for all their contributions to the college programs and the students they work with, adjunct faculty don’t have the same employment benefits or job security as their colleagues. The number of classes they teach every semester varies. To make ends meet, these professors often end up teaching classes at more than one school in the same semester, getting paid about \$3,000 per class and making an average annual income that hovers around minimum wage. This also means that, in some parts of the country, they spend as much time commuting as they do teaching.

Nationally, over half of all higher education faculty work on a contingent basis, facing low pay with little or no benefits or job security. In the past, these were a minority of professors who were hired to teach an occasional class because they could bring experience to the classroom in a specific field or industry. Over time, as university budgets have tightened and it has gotten more expensive to hire full-time, tenure track professors, higher education institutions have increasingly hired adjuncts.

From 1991 to 2011, the number of part-time faculty in the U.S. increased two and a half times from 291,000 to over 760,000. At the same time, the percentage of professors holding tenure-track positions has been steadily decreasing—from 45 percent of all instructors in 1975 to only 24 percent in 2011. The number of full-time instructors, tenured and non-tenured, now makes up only about 50 percent of professors on U.S. campuses. The other 50 percent of the 1.5 million faculty employees at public and non-profit colleges and universities in the U.S. work on a part-time, contingent basis.

Illinois colleges rely heavily on adjuncts. In 2012, 53 percent of all faculty at public and not-for-profit colleges and universities in the State, more than 30,400 faculty employees, worked on a part-time basis. This is a 52.6 percent increase in part-time faculty in Illinois compared to a 13 percent increase in full-time faculty since 2002.

Not surprisingly, in Illinois, 69 percent of all part-time faculty work in Chicago, where the cost of living is 16 percent higher than the U.S. average. Based on an average payment of \$3,000 per class an adjunct professor must teach between 17 and 30 classes a year to pay for rent and utilities in Chicago.

They would have to teach up to seven classes to afford groceries for a family of four and two to four classes per year just to cover student loan payments. Because they are part-time, they are not eligible for vacation time, paid sick days, or group health-care. So they would have to teach an additional two to three classes to afford family coverage from the lowest priced health

insurance offered on Get Covered Illinois, the official health marketplace.

Even though these professors are working in a relatively low-paying field, teaching our students, their part-time status also means they aren’t eligible for the Public Service Loan Forgiveness Program.

This bill does not completely fix this growing reliance on part-time professors who are underpaid and undervalued. But it would ensure that members of the contingent faculty workforce are no longer excluded from the loan forgiveness program for public servants. I would like to thank my colleague, Senator AL FRANKEN from Minnesota for joining me in this effort. I hope my other colleagues will also join me to provide this benefit to faculty members who provide our students with a quality education.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 1556

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE.

This Act may be cited as the “Adjunct Faculty Loan Fairness Act of 2015”.

#### SEC. 2. LOAN FORGIVENESS FOR ADJUNCT FACULTY.

Section 455(m)(3)(B)(ii) of the Higher Education Act of 1965 (20 U.S.C. 1087e(m)(3)(B)(ii)) is amended—

(1) by striking “teaching as” and inserting the following: “teaching—

“(I) as”;

(2) by striking “, foreign language faculty, and part-time faculty at community colleges), as determined by the Secretary.” and inserting “and foreign language faculty), as determined by the Secretary; or”;

(3) by adding at the end the following:

“(II) as a part-time faculty member or instructor who—

“(aa) teaches not less than 1 course at an institution of higher education (as defined in section 101(a)), a postsecondary vocational institution (as defined in section 102(c)), or a Tribal College or University (as defined in section 316(b)); and

“(bb) is not employed on a full-time basis by any other employer.”.

By Mr. DURBIN (for himself, Mr. BLUMENTHAL, Mr. BROWN, Mr. MARKEY, Mrs. MURRAY, Mr. TESTER, and Mr. WHITEHOUSE):

S. 1557. A bill to amend the Servicemembers Civil Relief Act to extend the interest rate limitation on debt entered into during military service to debt incurred during military service to consolidate or refinance student loans incurred before military service, and for other purposes; to the Committee on Veterans’ Affairs.

Mr. DURBIN. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 1557

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. SHORT TITLE.**

This Act may be cited as the “Service-member Student Loan Affordability Act of 2015”.

**SEC. 2. INTEREST RATE LIMITATION ON DEBT ENTERED INTO DURING MILITARY SERVICE TO CONSOLIDATE OR REFINANCE STUDENT LOANS INCURRED BEFORE MILITARY SERVICE.**

(a) IN GENERAL.—Subsection (a) of section 207 of the Servicemembers Civil Relief Act (50 U.S.C. App. 527) is amended—

(1) in paragraph (1), by inserting “ON DEBT INCURRED BEFORE SERVICE” after “LIMITATION TO 6 PERCENT”;

(2) by redesignating paragraphs (2) and (3) as paragraphs (3) and (4), respectively;

(3) by inserting after paragraph (1) the following new paragraph (2):

“(2) LIMITATION TO 6 PERCENT ON DEBT INCURRED DURING SERVICE TO CONSOLIDATE OR REFINANCE STUDENT LOANS INCURRED BEFORE SERVICE.—An obligation or liability bearing interest at a rate in excess of 6 percent per year that is incurred by a servicemember, or the servicemember and the servicemember’s spouse jointly, during military service to consolidate or refinance one or more student loans incurred by the servicemember before such military service shall not bear an interest at a rate in excess of 6 percent during the period of military service.”;

(4) in paragraph (3), as redesignated by paragraph (2) of this subsection, by inserting “or (2)” after “paragraph (1)”; and

(5) in paragraph (4), as so redesignated, by striking “paragraph (2)” and inserting “paragraph (3)”.

(b) IMPLEMENTATION OF LIMITATION.—Subsection (b) of such section is amended—

(1) in paragraph (1), by striking “the interest rate limitation in subsection (a)” and inserting “an interest rate limitation in paragraph (1) or (2) of subsection (a)”;

(2) in paragraph (2)—

(A) in the paragraph heading, by striking “AS OF DATE OF ORDER TO ACTIVE DUTY”;

(B) by inserting before the period at the end the following: “in the case of an obligation or liability covered by subsection (a)(1), or as of the date the servicemember (or servicemember and spouse jointly) incurs the obligation or liability concerned under subsection (a)(2)”.

(c) STUDENT LOAN DEFINED.—Subsection (d) of such section is amended by adding at the end the following new paragraph:

“(3) STUDENT LOAN.—The term ‘student loan’ means the following:

“(A) A Federal student loan made, insured, or guaranteed under title IV of the Higher Education Act of 1965 (20 U.S.C. 1070 et seq.).

“(B) A private student loan as that term is defined in section 140(a) of the Truth in Lending Act (15 U.S.C. 1650(a)).”.

By Mr. SANDERS:

S. 1564. A bill to require that employers provide not less than 10 days of paid vacation time to eligible employees, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mr. SANDERS. Mr. President, I want to say a few words about family values. “Family values” is an expression that has been used for many years by my Republican colleagues. Generally speaking, what they mean by “family values” is opposition to a woman’s right to choose, opposition to contraception, opposition to gay rights. I happen to strongly disagree with many of my Republican colleagues on those issues. Let me take the opportunity to briefly give a somewhat different per-

spective on family values—on real family values, on the values that really matter to millions of families in this country.

When a mother gives birth to a baby and is unable to spend time with that newborn child during the first weeks and months of that baby’s life because she does not have the money to stay home and is forced to go back to work, which is the case for millions of mothers in this country, that is not a family value. Separating a mother from a newborn baby for economic reasons is not a family value. In fact, that is an attack on everything that a family is supposed to stand for.

When a wife is diagnosed with cancer and her husband cannot get time off of work to take care of her because he does not have any family or medical leave time or sick leave time, that is not a family value. That is an attack on everything that a family is supposed to stand for.

When a husband, wife, and kids, during the course of an entire year, are unable to spend any time on a vacation, when they cannot get together in leisure activity, when they cannot relax and spend quality time with each other, that is not a family value.

Let us be very clear in understanding that, in fact, in terms of protecting the needs of our families, in terms of real family values, in many, many respects the United States of America lags behind virtually every other major country on earth.

When you look at other major countries, what you find is that the United States is the only advanced economy that does not guarantee its workers some form of paid family leave, some form of paid sick time, some form of paid vacation time. In other words, when it comes to basic workplace protections and family benefits, workers in every other major industrialized country in the world get a better deal than our workers here in the United States. That is wrong. That is a travesty, and that has got to change.

Last place is no place for America. It is time for us to join the rest of the industrialized world by showing the people of this country that we are not just a nation that talks about family values but that we are a nation that is prepared to live up to these ideals by making sure that workers in this country have access to paid family leave, paid sick time, and paid vacations, just like workers in virtually every other major country on earth.

Simply stated, it is unacceptable that millions of women in this country give birth and are forced back to work because they do not have the income to stay home with their newborn babies.

When we talk about family values, what is more important than for mothers and fathers to bond with their babies at a time when almost every psychologist will tell you those are the most important weeks and months of a human being’s life? What kind of family value is it when you tell a woman

who has just had a baby that she cannot spend time with her child because she has to go back to work? This is not a family value. That is an insult to every mother, every father, and every newborn child in this country, and we have to change that.

The reality is that the Family and Medical Leave Act that was signed into law in 1993 is totally inadequate. Today, nearly 8 out of 10 workers in this country who are eligible to take time off under this law cannot do so because they cannot afford to do so, according to the Department of Labor. Even worse, 40 percent of American workers are not even eligible to receive this unpaid leave because they work for a company with fewer than 50 employees.

In my view, every worker in this country should be guaranteed at least 12 weeks of paid family and medical leave, and that is why I am a proud cosponsor of the FAMILY Act, introduced by KIRSTEN GILLIBRAND. The FAMILY Act would guarantee employees 12 weeks of paid family and medical leave to take care of a baby, to help a family member who is diagnosed with cancer or has some other serious medical condition or to take care of themselves if they become seriously ill. Just like Social Security retirement and disability, it is an insurance program that workers would pay into at a price of about one cup of coffee a week.

That is not all. We have to make certain that in this country workers have paid sick time. It is absurd that low-wage workers in McDonald’s and Burger King and low-wage employees all over this country who get sick are forced to work because they cannot afford to take time off. Not only is this unfair to the workers, it is also a public health issue. I do not know about you, but I am not crazy about the idea of somebody who is sick coming to work and preparing the food that I eat in a restaurant.

That is why I am supporting the Healthy Families Act, introduced by Senator PATTY MURRAY, which guarantees 7 days of paid sick leave to American workers. This bill would benefit 43 million Americans who today do not have access to paid sick leave, and it would create a permanent floor in workplaces where employers already provide some paid sick leave.

Last but not least, when we talk about the disappearing American middle class, we are talking about millions of American workers working longer hours for lower wages. We are talking about Americans who are overworked, underpaid and, in many cases, living under enormous stress. In my State of Vermont, I see it every week I am home. You talk to people who work not one job but who are working two jobs or sometimes three jobs in order to cobble together some income and some health care.

Here is an amazing irony. Many of us can remember in school reading about workers protesting, taking to the

streets 100 years ago, and they held up large banners. Do you know what those banners said 100 years ago? They said: We want a 40-hour workweek. A 40-hour workweek was the demand 100 years ago. Today, we still have not achieved that goal.

In fact, today 85 percent of men who are working and 66 percent of working women are working more than 40 hours a week. In fact, in America today—not widely known but true—our people are working the longest hours of any major country on Earth, because as real wages go down, people have to work 50 hours or they have to work 60 hours. Husbands are working here, and wives are working there—all to cobble together some income in order to provide for the family.

Today Americans are working 137 hours a year more than workers in Japan—and the Japanese are very hard workers. We are working 260 hours more than the British and almost 500 hours a year more than French workers.

That is why I am introducing legislation today to require employers to provide at least 10 days of paid vacation to workers in this country. This is already done in almost every other major country on Earth. It is one more way to demonstrate our commitment to real family values. What we are saying is that if families are overworked and if husbands and wives do not even have the time to spend together with their kids, what family values are about is that at least for 2 weeks a year, people can come together under a relaxed environment and enjoy the family. That is a family value that I want to see happen in this country.

The time is long overdue for us to start talking about real family values, not about abortion, not about gay rights but the values the American people want to see inscribed in law to protect their families. Let us make sure every American worker is entitled to paid family and medical leave, paid sick time, and guaranteed at least some vacation time. Those are real family values. Let's go forward and make that happen.

By Mr. REED (for himself, Mr. SCHUMER, Mr. MENENDEZ, Mr. WARNER, Mr. MERKLEY, Ms. WARREN, Mr. BLUMENTHAL, Mr. FRANKEN, Mr. DURBIN, Mr. KAINE, and Ms. HIRONO):

S. 1565. A bill to allow the Bureau of Consumer Financial Protection to provide greater protection to servicemembers; to the Committee on Banking, Housing, and Urban Affairs.

Mr. REED. Mr. President, today, along with Senators SCHUMER, MENENDEZ, WARNER, MERKLEY, WARREN, BLUMENTHAL, FRANKEN, DURBIN, KAINE, and HIRONO, I am introducing the Military Consumer Protection Act, which reinforces our commitment to consumer protections for servicemembers.

Our country has a strong tradition of ensuring that our servicemembers are

protected while they sacrifice to keep our Nation safe. Building on such efforts, Congress passed the Soldiers' and Sailor's Civil Relief Act as World War II escalated to provide crucial financial protections for servicemembers to "enable such persons to devote their entire energy to the defense needs of the Nation." Now called the Servicemember Civil Relief Act, SCRA, this law includes such protections as prohibiting the eviction of servicemembers and their dependents from rental or mortgaged properties and capping the interest at 6 percent on debts incurred prior to an individual entering active duty military service.

Despite the SCRA's importance, enforcement of this critical law has been found to be inconsistent and subject to the discretion of our financial regulators. Indeed, misinformation, lapses, and mistakes that the SCRA was intended to fix continue to persist. Moreover, according to a July 2012 report from the Government Accountability Office, "in 2010, examinations for SCRA compliance occurred in an estimated 26 percent of all [financial] institutions, compared with 2007 when about 4 percent of all institutions were reviewed for SCRA."

Without a change in the law, SCRA enforcement will continue to be subject to the changing priorities of the financial regulators. Simply put, prioritizing the consumer protection of our servicemembers should not be discretionary. It should be mandatory, and my legislation ensures that SCRA enforcement will be a permanent priority for the Consumer Financial Protection Bureau, CFPB, which Congress created to enforce Federal consumer financial protection laws.

In 2010, as we were debating the creation of the CFPB, I led the bipartisan effort to ensure it would contain a key role in protecting servicemembers through the establishment of an Office of Servicemember Affairs. Since that time, the CFPB has coordinated with other enforcement agencies and regulators to help servicemembers recover millions in relief from unscrupulous actors in the financial marketplace. With this demonstrated record of success in protecting our servicemembers, the CFPB is an ideal focal point for enforcement of certain key SCRA provisions, such as the protections against default judgments and the maximum rate of interest on debts incurred before military service.

As we take steps to protect our servicemembers, we should do all we can to make sure there is a strong watchdog on the beat that can enforce the protections we have put in place. Our legislation is supported by the National Guard Association of the United States, the National Military Family Association, the Military Officers Association of America, Americans for Financial Reform, the Consumer Federation of America, Consumer Action, the National Consumer Law Center, and the U.S. Public Interest Research

Group. I urge our colleagues to help honor our commitment to our Nation's servicemembers by joining us in this effort to improve the supervision and enforcement of the SCRA.

#### SUBMITTED RESOLUTIONS

#### SENATE RESOLUTION 199—EXPRESSING THE SENSE OF THE SENATE REGARDING ESTABLISHING A NATIONAL STRATEGIC AGENDA

Mr. NELSON (for himself and Mr. THUNE) submitted the following resolution; which was referred to the Committee on Homeland Security and Governmental Affairs:

S. RES. 199

Whereas the United States needs its leaders to pursue policies in the interest of the United States that are foremost national priorities;

Whereas the United States faces many fiscal and long-term policy challenges that not only threaten the opportunities, hopes, and aspirations of the citizens of the United States, but the overall ability of the United States to be a world leader in bringing peace and stability around the world;

Whereas the United States needs its leaders to unite behind common goals and concrete solutions to create the next generation of growth and opportunity;

Whereas a National Strategic Agenda can provide both a long-term vision and a priority list, oriented around common goals for the United States, both of which, as of May 2015, do not exist in the Federal Government;

Whereas adopting a National Strategic Agenda would bring a long-term vision to a policymaking process that has become too often dominated by short-term political considerations;

Whereas a National Strategic Agenda can provide a consistent framework and focus the attention of the Federal Government on the most urgent problems facing the United States;

Whereas millions of people in the United States are currently seeking employment opportunities to improve their lives and provide a better future for their children;

Whereas, as of May 2015, the Federal debt is higher as a percentage of gross domestic product than at any time since World War II and will be an unsustainable burden on future generations if left unaddressed;

Whereas the Social Security and Medicare benefits that millions of people in the United States have earned must be preserved and protected;

Whereas a fiscally responsible solution to secure Social Security and Medicare for future generations is needed now, as waiting longer will further jeopardize the ability to preserve and protect these programs;

Whereas the United States can become energy secure by pursuing an all-of-the-above energy plan that develops more affordable and sustainable domestic energy sources, increases energy efficiency, and builds a more reliable and resilient system for energy generation and transmission; and

Whereas the creation and implementation of a new National Strategic Agenda for the United States will require the participation of both the legislative and executive branch along with agreement by all parties to work together: Now, therefore, be it

*Resolved*, That it is the sense of the Senate that—

(1) the 4 goals of the National Strategic Agenda are to—

(A) create 25,000,000 new jobs over the next 10 years;

(B) balance the Federal budget by 2030;

(C) secure Medicare and Social Security for the next 75 years; and

(D) make the United States energy secure by 2024;

(2) the Senate should strive to create, debate, and adopt policy solutions to achieve the 4 goals of the National Strategic Agenda to address the national interest and priorities represented by the agenda; and

(3) in achieving success toward the National Strategic Agenda, the goal of the Senate should be to reach solutions through—

(A) collaboration, not division;

(B) mutual respect, not partisan bickering; and

(C) a commitment to honor the public duty of the Senate to the United States as a body of representatives elected by people across the United States.

**SENATE RESOLUTION 200—WISHING HIS HOLINESS THE 14TH DALAI LAMA A HAPPY 80TH BIRTHDAY ON JULY 6, 2015, AND RECOGNIZING THE OUTSTANDING CONTRIBUTIONS HIS HOLINESS HAS MADE TO THE PROMOTION OF NONVIOLENCE, HUMAN RIGHTS, INTERFAITH DIALOGUE, ENVIRONMENTAL AWARENESS, AND DEMOCRACY**

Mrs. FEINSTEIN (for herself, Mr. KIRK, Mr. DURBIN, Mrs. BOXER, Mr. CARDIN, and Mr. MENENDEZ) submitted the following resolution; which was referred to the Committee on the Judiciary:

**S. RES. 200**

Whereas, for over 50 years, His Holiness the 14th Dalai Lama has significantly advanced greater understanding, tolerance, harmony, and respect among the religious faiths of the world;

Whereas the Dalai Lama was awarded the Nobel Peace Prize in 1989 in recognition of his efforts to seek a peaceful resolution to the situation in Tibet and to promote non-violent methods for resolving conflict;

Whereas the Dalai Lama was awarded the Congressional Gold Medal in 2007 in recognition of his many enduring and outstanding contributions to peace, nonviolence, human rights, and religious understanding;

Whereas the Dalai Lama has led the effort to preserve the rich and unique cultural, religious, historical, and linguistic heritage of the people of Tibet while working to safeguard other endangered cultures throughout the world;

Whereas the 14th Dalai Lama has devolved the traditional role of the Dalai Lama as the political head of the Tibetan government, and his own responsibilities within the Central Tibetan Administration, in favor of the democratically elected leadership of Tibetans in exile, while continuing to travel and speak as a spiritual leader for the people of Tibet;

Whereas the Dalai Lama, together with leading environmentalists, has been gravely concerned by the degraded state of the environment of Tibet and the consumption of the natural resources of Tibet, including freshwater, because the degradations have implications not only for the people of Tibet, but for the whole of Asia; and

Whereas the people of the United States, including Tibetan Americans, have come to regard the Dalai Lama as a leading figure of moral and religious authority: Now, therefore, be it

*Resolved*, That the Senate—

(1) extends well-wishes to the Dalai Lama on his 80th birthday;

(2) recognizes the Dalai Lama for a lifelong commitment and outstanding contribution to the promotion of nonviolence, human rights, religious tolerance, environmental awareness, and democracy; and

(3) recognizes the Dalai Lama for using moral authority to promote the concept of universal responsibility as a guiding tenet for how human beings should treat one another and the planet that all human beings share.

**AMENDMENTS SUBMITTED AND PROPOSED**

SA 1997. Mr. INHOFE submitted an amendment intended to be proposed to amendment SA 1463 proposed by Mr. MCCAIN to the bill H.R. 1735, to authorize appropriations for fiscal year 2016 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table.

SA 1998. Mr. MCCONNELL (for Mr. RUBIO) submitted an amendment intended to be proposed to amendment SA 1463 proposed by Mr. MCCAIN to the bill H.R. 1735, supra; which was ordered to lie on the table.

SA 1999. Mr. CASSIDY submitted an amendment intended to be proposed to amendment SA 1463 proposed by Mr. MCCAIN to the bill H.R. 1735, supra; which was ordered to lie on the table.

SA 2000. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 1463 proposed by Mr. MCCAIN to the bill H.R. 1735, supra; which was ordered to lie on the table.

SA 2001. Mr. PETERS (for himself, Mr. DAINES, and Mr. TILLIS) submitted an amendment intended to be proposed to amendment SA 1463 proposed by Mr. MCCAIN to the bill H.R. 1735, supra; which was ordered to lie on the table.

SA 2002. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 1463 proposed by Mr. MCCAIN to the bill H.R. 1735, supra; which was ordered to lie on the table.

SA 2003. Mrs. FISCHER submitted an amendment intended to be proposed to amendment SA 1463 proposed by Mr. MCCAIN to the bill H.R. 1735, supra; which was ordered to lie on the table.

SA 2004. Mr. BROWN (for himself and Mr. PORTMAN) submitted an amendment intended to be proposed to amendment SA 1463 proposed by Mr. MCCAIN to the bill H.R. 1735, supra; which was ordered to lie on the table.

SA 2005. Mr. COTTON submitted an amendment intended to be proposed to amendment SA 1569 proposed by Mr. BURR (for himself and Mrs. BOXER) to the amendment SA 1463 proposed by Mr. MCCAIN to the bill H.R. 1735, supra; which was ordered to lie on the table.

SA 2006. Mr. SCHATZ submitted an amendment intended to be proposed to amendment SA 1463 proposed by Mr. MCCAIN to the bill H.R. 1735, supra; which was ordered to lie on the table.

SA 2007. Mr. GRAHAM submitted an amendment intended to be proposed to amendment SA 1463 proposed by Mr. MCCAIN to the bill H.R. 1735, supra; which was ordered to lie on the table.

SA 2008. Mr. GRAHAM submitted an amendment intended to be proposed to amendment SA 1463 proposed by Mr. MCCAIN to the bill H.R. 1735, supra; which was ordered to lie on the table.

SA 2009. Ms. MIKULSKI submitted an amendment intended to be proposed to

amendment SA 1463 proposed by Mr. MCCAIN to the bill H.R. 1735, supra; which was ordered to lie on the table.

SA 2010. Mr. SANDERS submitted an amendment intended to be proposed to amendment SA 1463 proposed by Mr. MCCAIN to the bill H.R. 1735, supra; which was ordered to lie on the table.

SA 2011. Ms. AYOTTE (for herself, Mr. PETERS, Mr. RUBIO, Mr. BLUMENTHAL, Mr. GRAHAM, Mrs. GILLIBRAND, Mr. WICKER, Mr. NELSON, Mrs. FISCHER, Mr. INHOFE, Mr. ROBERTS, Mr. BOOZMAN, Mr. BLUNT, Mr. ROUNDS, Mr. HATCH, and Mr. KIRK) submitted an amendment intended to be proposed to amendment SA 1463 proposed by Mr. MCCAIN to the bill H.R. 1735, supra; which was ordered to lie on the table.

SA 2012. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 1463 proposed by Mr. MCCAIN to the bill H.R. 1735, supra; which was ordered to lie on the table.

SA 2013. Mr. BLUMENTHAL submitted an amendment intended to be proposed to amendment SA 1463 proposed by Mr. MCCAIN to the bill H.R. 1735, supra; which was ordered to lie on the table.

SA 2014. Mr. CASEY (for himself and Mr. CORNYN) submitted an amendment intended to be proposed to amendment SA 1463 proposed by Mr. MCCAIN to the bill H.R. 1735, supra; which was ordered to lie on the table.

SA 2015. Mr. INHOFE submitted an amendment intended to be proposed to amendment SA 1463 proposed by Mr. MCCAIN to the bill H.R. 1735, supra; which was ordered to lie on the table.

**TEXT OF AMENDMENTS**

**SA 1997.** Mr. INHOFE submitted an amendment intended to be proposed to amendment SA 1463 proposed by Mr. MCCAIN to the bill H.R. 1735, to authorize appropriations for fiscal year 2016 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title II, add the following:

**SEC. 236. ASSESSMENT OF EFFECT OF BETTER BUYING POWER 3.0 INITIATIVE ON INDEPENDENT RESEARCH AND DEVELOPMENT.**

(a) **ASSESSMENT OF BETTER BUYING POWER 3.0.**—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees an assessment of the Better Buying Power 3.0 initiative and its management of independent research and development activities by contractors of the Department of Defense.

(b) **ELEMENTS.**—The assessment required under subsection (a) shall include the following:

(1) An assessment of the implementation of Better Buying Power 3.0 and how it balances the need for management of reimbursement of Department contractor independent research and development costs with the need to preserve the independence of a contractor to choose which technologies to pursue in its independent research and development program.

(2) An assessment of the costs, risks and benefits of proposed changes to the current guidelines of the Department for authorizing independent research and development by



contractors and reimbursing such contractors for expenses relating to such independent research and development.

(3) Recommendations for legislative or administrative action to improve the ways in which the Department authorizes independent research and development by contractors of the Department and reimburses such contractors for expenses relating to such independent research and development.

**SA 1998.** Mr. MCCONNELL (for Mr. RUBIO) submitted an amendment intended to be proposed to amendment SA 1463 proposed by Mr. MCCAIN to the bill H.R. 1735, to authorize appropriations for fiscal year 2016 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

On page 475, beginning on line 17, strike “2035; and” and all that follows through “(E) Implications” on line 18 and insert the following: “2035;

(D) options to address ship classes that begin decommissioning prior to 2035, including Ticonderoga-class guided missile cruisers; and

(E) implications

**SA 1999.** Mr. CASSIDY submitted an amendment intended to be proposed to amendment SA 1463 proposed by Mr. MCCAIN to the bill H.R. 1735, to authorize appropriations for fiscal year 2016 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle G of title X, add the following:

**SEC. 1085. RETENTION OF RECORDS OF REPRIMANDS AND ADMONISHMENTS RECEIVED BY EMPLOYEES OF THE DEPARTMENT OF VETERANS AFFAIRS.**

(a) IN GENERAL.—Chapter 7 of title 38, United States Code, is amended by adding at the end the following new section:

**“§ 714. Record of reprimands and admonishments**

“If any employee of the Department receives a reprimand or admonishment, the Secretary shall retain a copy of such reprimand or admonishment in the permanent record of the employee as long as the employee is employed by the Department.”.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

“714. Record of reprimands and admonishments.”.

**SA 2000.** Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 1463 proposed by Mr. MCCAIN to the bill H.R. 1735, to authorize appropriations for fiscal year 2016 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes;

which was ordered to lie on the table; as follows:

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

**SEC. 1614. POINT OF ORDER AGAINST CERTAIN LEGISLATION MODIFYING RESTRICTIONS ON THE USE OF ROCKET ENGINES FROM THE RUSSIAN FEDERATION FOR THE EVOLVED EXPENDABLE LAUNCH VEHICLE PROGRAM.**

(a) POINT OF ORDER.—It shall not be in order in the Senate to consider any bill, joint resolution, motion, amendment, amendment between the Houses, or conference report if the bill, joint resolution, motion, amendment, amendment between the Houses, or conference report—

(1) would not authorize appropriations for a fiscal year for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy; and

(2) would modify, amend, or supersede restrictions on the use of rocket engines designed or manufactured in the Russian Federation for the evolved expendable launch vehicle program.

(b) WAIVER AND APPEAL.—Subsection (a) may be waived or suspended in the Senate only by an affirmative vote of three-fifths of the Members, duly chosen and sworn. An affirmative vote of three-fifths of the Members of the Senate, duly chosen and sworn, shall be required to sustain an appeal of the ruling of the Chair on a point of order raised under subsection (a).

**SA 2001.** Mr. PETERS (for himself, Mr. DAINES, and Mr. TILLIS) submitted an amendment intended to be proposed to amendment SA 1463 proposed by Mr. MCCAIN to the bill H.R. 1735, to authorize appropriations for fiscal year 2016 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title V, add the following:

**SEC. 524. REVIEW OF CHARACTERIZATION OR TERMS OF DISCHARGE FROM THE ARMED FORCES OF INDIVIDUALS WITH MENTAL HEALTH DISORDERS ALLEGED TO AFFECT TERMS OF DISCHARGE.**

Section 1553(d) of title 10, United States Code, is amended by adding at the end the following new paragraph:

“(3)(A) In addition to the requirements of paragraphs (1) and (2), in the case of a former member described in subparagraph (B), the board shall—

“(i) review medical evidence of the Secretary of Veterans Affairs or a civilian health care provider that is presented by the former member; and

“(ii) review the case with a rebuttable presumption in favor of the former member that post-traumatic stress disorder or traumatic brain injury materially contributed to the circumstances resulting in the discharge of a lesser characterization.

“(B) A former member described in this subparagraph is a former member described in paragraph (1) or a former member whose application for relief is based in whole or in part on matters relating to post-traumatic stress disorder or traumatic brain injury as supporting rationale or as justification for priority consideration whose post-traumatic stress disorder or traumatic brain injury is related to combat or military sexual trauma, as determined by the Secretary concerned.”.

**SA 2002.** Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 1463 proposed by Mr. MCCAIN to the bill H.R. 1735, to authorize appropriations for fiscal year 2016 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

Strike section 1273 and insert the following:

**SEC. 1273. SENSE OF CONGRESS AND REPORT ON QATAR FIGHTER AIRCRAFT CAPABILITY CONTRIBUTION TO REGIONAL SAFETY.**

(a) SENSE OF CONGRESS.—It is the sense of the Congress that—

(1) the United States should consider, in a timely manner, the July 2013 Letter of Request from the Government of Qatar for fighter aircraft;

(2) the approval of such a sale, if found to be in the national interests of the United States, could contribute to the self-defense of Qatar, deter the regional ambitions of Iran, reassure partners and allies of the United States commitment to regional security, and enhance the strike capability of fighter aircraft of the Qatar air force;

(3) the ability of our regional partners to respond to threatening Iranian military actions in the Gulf, such as closing the Strait of Hormuz or launching a ballistic missile attack, is a critical element of deterring Iranian aggression and to maintaining security and stability in the region;

(4) the maintenance by Israel of a Qualitative Military Edge (QME) is vital, and due diligence is essential in thoroughly evaluating the impact of such a sale as it relates to the military capabilities of Israel; and

(5) the Department of State should prioritize its consideration of whether to issue a Letter of Offer and Acceptance, to advance the sale of fighter aircraft to the Government of Qatar so that key decisions can be taken regarding the way forward for capabilities that are critical for security and stability in the Middle East.

(b) REPORT.—

(1) IN GENERAL.—Not later than 30 days after the date of the enactment of this Act, the Secretary of State shall, in consultation with the Secretary of Defense, shall submit to the appropriate committees of Congress a report on the risks and benefits of the sale of fighter aircraft to Qatar as described in subsection (a).

(2) ELEMENTS.—The report required by paragraph (1) shall include the followings:

(A) A description of the assumptions regarding the increase to Qatar air force capabilities as a result of the sale.

(B) A description of the assumptions regarding items described in subparagraph (A) as they may impact the preservation by Israel of a Qualitative Military Edge.

(C) An estimated timeline for final adjudication of the decision to approve the sale.

(3) FORM.—The report required by paragraph (1) may be submitted in classified or unclassified form.

(4) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this subsection, the term “appropriate committees of Congress” means—

(A) the Committee on Armed Services, the Committee on Foreign Relations, and the Committee on Appropriations of the Senate; and

(B) the Committee on Armed Services, the Committee on Foreign Affairs, and the Committee on Appropriations of the House of Representatives.

**SA 2003.** Mrs. FISCHER submitted an amendment intended to be proposed to amendment SA 1463 proposed by Mr. MCCAIN to the bill H.R. 1735, to authorize appropriations for fiscal year 2016 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**SEC. \_\_\_\_ . SBIR PROGRAM ADMINISTRATIVE FEE EXTENSION.**

Section 9(mm)(1) of the Small Business Act (15 U.S.C. 638(mm)(1)) is amended, in the matter preceding subparagraph (A), by striking “for the 3 fiscal years beginning after the date of enactment of this subsection” and inserting “until September 30, 2017”.

**SA 2004.** Mr. BROWN (for himself and Mr. PORTMAN) submitted an amendment intended to be proposed to amendment SA 1463 proposed by Mr. MCCAIN to the bill H.R. 1735, to authorize appropriations for fiscal year 2016 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle G of title X, add the following:

**SEC. 1084. SENSE OF SENATE ON THE IMPORTANCE OF THE AIR FORCE MINORITY LEADERS PROGRAM.**

(a) FINDINGS.—The Senate makes the following findings:

(1) The Air Force Minority Leaders Program facilitates the development of relationships between the Department of the Air Force and students, teachers, and professors from historically black colleges and universities and minority institutions (HBCU/MI) to contribute to the performance of research tasks for the Department.

(2) The Air Force Minority Leaders Program promotes valuable research for the Department, increases the pipeline of minority scientific talent for professions within the Air Force, and strengthens the scientific and educational infrastructure in the minority community.

(b) SENSE OF SENATE.—It is the sense of the Senate to encourage the Department of the Air Force and the Air Force Research Laboratory to continue to invest in the Air Force Minority Leaders Program by devoting time, personnel, and resources to the Program in order to meet the critical objectives of the Department with respect to defense capabilities, science and technology, the future workforce, and other technical matters.

**SA 2005.** Mr. COTTON submitted an amendment intended to be proposed to amendment SA 1569 proposed by Mr. BURR (for himself and Mrs. BOXER) to the amendment SA 1463 proposed by Mr. MCCAIN to the bill H.R. 1735, to authorize appropriations for fiscal year 2016 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe

military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

On page 29, strike line 9 and insert the following:

authority regarding a cybersecurity threat; and

(iii) communications between a Federal law enforcement entity and a private entity regarding a cybersecurity threat;

**SA 2006.** Mr. SCHATZ submitted an amendment intended to be proposed to amendment SA 1463 proposed by Mr. MCCAIN to the bill H.R. 1735, to authorize appropriations for fiscal year 2016 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title VI, add the following:

**SEC. 622. POLICIES OF THE DEPARTMENT OF DEFENSE ON TRAVEL OF NEXT OF KIN TO PARTICIPATE IN THE DIGNIFIED TRANSFER OF REMAINS OF MEMBERS OF THE ARMED FORCES AND CIVILIAN EMPLOYEES OF THE DEPARTMENT OF DEFENSE WHO DIE OVERSEAS.**

(a) REVIEW OF POLICIES.—

(1) IN GENERAL.—The Secretary of Defense shall carry out a review of the current policies of the Department of Defense on the travel for next of kin to participate in the dignified transfer of remains of members of the Armed Forces and civilian employees of the Department who die overseas.

(2) ELEMENTS.—The review required by this subsection shall include the following:

(A) An assessment of the changes to Department instructions and Federal regulations necessary to provide Government funded travel to the next of kin to participate in the dignified transfer of remains of members of the Armed Forces and civilian employees of the Department who die overseas, regardless whether the death occurred in a combat area or a non-combat area.

(B) An action plan and timeline for making the changes described in subparagraph (A).

(b) MODIFICATION OF POLICIES.—

(1) IN GENERAL.—Except as provided in paragraph (2), not later than February 1, 2016, the Secretary of Defense shall take appropriate actions to modify the policies of the Department in order to provide Government funded travel for the next of kin to participate in the dignified transfer of remains of members of the Armed Forces and civilian employees of the Department of Defense who die overseas, regardless whether the death occurs in a combat area or a non-combat area.

(2) EXCEPTION.—The Secretary is not required to modify the policies of the Department as described in paragraph (1) if, by not later than March 1, 2016, the Secretary certifies, in writing, to the congressional defense committees that such action is not in the best interest of the United States. The certification shall include the following:

(A) An assessment and reevaluation by the Secretary of the rational for excluding the next of kin from Government funded travel if the death of a member of the Armed Forces or civilian employee of the Department overseas occurs in a non-combat area.

(B) Recommendations for alternative plans to ensure that the next of kin of members of the Armed Forces and civilian employees of

the Department who die overseas in a non-combat area may participate in the dignified transfer of the remains of the deceased at Dover Port Mortuary, including through the actions of appropriate non-governmental organizations.

**SA 2007.** Mr. GRAHAM submitted an amendment intended to be proposed to amendment SA 1463 proposed by Mr. MCCAIN to the bill H.R. 1735, to authorize appropriations for fiscal year 2016 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle G of title X, add the following:

**SEC. 1085. MILITARY COMPENSATION AND RETIREMENT MODERNIZATION COMMISSION.**

(a) EXTENSION OF COMMISSION.—Section 679 of the National Defense Authorization Act for Fiscal Year 2013 (Public Law 112-239; 126 Stat. 1795), as amended by section 1095(b)(6) of the National Defense Authorization Act for Fiscal Year 2014 (Public Law 113-66; 127 Stat. 880), is further amended by striking “not later than 35 months after the Commission establishment date” and inserting “on October 1, 2016”.

(b) FUNDING.—Section 680 of the National Defense Authorization Act for Fiscal Year 2013 (126 Stat. 1795), as amended by section 1095(b)(7) of the National Defense Authorization Act for Fiscal Year 2014 (127 Stat. 880), is further amended—

(1) in the first sentence, by inserting “(a) IN GENERAL.—” before “Of the amounts”;

(2) in the third sentence, by striking “under this section” and inserting “under this subsection”; and

(3) by adding at the end the following new subsection:

“(b) ADDITIONAL FUNDING.—Of the amounts authorized to be appropriated for fiscal year 2016 for the Department of Defense by the National Defense Authorization Act for Fiscal Year 2016, \$1,800,000 shall be made available to the Commission to carry out its duties under this subtitle. Funds made available to the Commission under the preceding sentence shall remain available until expended.”.

**SA 2008.** Mr. GRAHAM submitted an amendment intended to be proposed to amendment SA 1463 proposed by Mr. MCCAIN to the bill H.R. 1735, to authorize appropriations for fiscal year 2016 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

Strike section 1645 and insert the following:

**SEC. 1645. ISRAELI COOPERATIVE MISSILE DEFENSE PROGRAM CODEVELOPMENT AND POTENTIAL COPRODUCTION.**

(a) IN GENERAL.—Except as otherwise provided in this section, of the amount authorized to be appropriated for fiscal year 2016 for Procurement, Defense-wide, and available for the Missile Defense Agency, \$150,000,000 may be provided to the Government of Israel to procure the David’s Sling Weapon System

and \$15,000,000 for the Arrow 3 Upper Tier Interceptor Program, including for co-production of parts and components in the United States by United States industry.

(b) DISBURSEMENT.—

(1) IN GENERAL.—Except as provided in paragraph (2), following successful completion of milestones that inform production decisions and production readiness reviews in the research, development, and technology agreements for the David's Sling Weapon System and the Arrow 3 Upper Tier Development Program, the Director of the Missile Defense Agency may disburse amounts available pursuant to subsection (a) on the basis of what is mutually agreed to by the United States and Israel, on or after the date that the United States enters into a bilateral agreement with the Government of Israel that, as determined by the Director, accomplishes the following:

(A) Establishes the terms of co-production of parts and components of the respective systems—

(i) in a manner that will minimize non-curring engineering and facilitization expenses; and

(ii) that ensures that an optimal production share is carried out by United States persons.

(B) Ensures that, in the case of coproduction of the David's Sling Weapon System, a study is jointly conducted by the Israel Missile Defense Organization and the Missile Defense Agency of the United States as follows:

(i) The purpose of the study shall be to determine the most effective and efficient ways to reach a target of 50 percent production in the United States by the end of the multi-year coproduction plan.

(ii) The study shall identify and assess, with respect to the process of moving production to the United States—

(I) the best opportunities for United States contractors;

(II) cost, schedule, and operational risks; and

(III) imports required.

(iii) The study shall be carried out so that the results will inform future negotiations on the amendments to the bilateral agreement with regard to United States work share.

(C) Establishes a plan for procurement, using amounts disbursed under this subsection and based on the Israeli requirement for the number of interceptors and batteries of the respective systems that will be procured.

(D) Allows the Director of the Missile Defense Agency and the Under Secretary of Defense for Acquisition, Technology and Logistics to establish technical milestones for co-production and procurement of the respective systems.

(E) Establishes joint approval processes for third party sales of such systems.

(2) EXCEPTION FOR LONG LEAD TIME AND CRITICAL ITEMS.—(A) The Director may make a disbursement under paragraph (1) before the date that the United States enters into a bilateral agreement described in such paragraph for long lead time and critical procurement items and activities, not to exceed \$90,000,000 for the David's Sling Weapon System and \$15,000,000 for the Arrow 3 Upper Tier Interceptor Program.

(B) Amounts disbursed under subparagraph (A) shall be considered amounts disbursed under a bilateral agreement described in paragraph (1).

**SA 2009.** Ms. MIKULSKI submitted an amendment intended to be proposed to amendment SA 1463 proposed by Mr. MCCAIN to the bill H.R. 1735, to authorize appropriations for fiscal year 2016

for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

**SEC. 1409. ADDITIONAL AMOUNT FOR OTHER AUTHORIZATIONS, WORKING CAPITAL FUNDS, FOR THE DEFENSE COMMISSARY AGENCY.**

(a) ADDITIONAL AMOUNT.—The amount authorized to be appropriated for fiscal year 2016 by section 1401 is hereby increased by \$322,000,000, with the amount of the increase to be available for working capital funds, Defense Commissary Agency, as specified in the funding table in section 4501.

(b) OFFSET.—

(1) O&M, ARMY.—The amount authorized to be appropriated for fiscal year 2016 by section 301 is hereby decreased by \$53,666,667, with the amount of the decrease to be applied to amounts available for operation and maintenance, Army, as specified in the funding table in section 4301 and achieved by limiting excessive and redundant purchases of spare parts.

(2) O&M, NAVY.—The amount authorized to be appropriated for fiscal year 2016 by section 301 is hereby decreased by \$53,666,667, with the amount of the decrease to be applied to amounts available for operation and maintenance, Navy, as specified in the funding table in section 4301 and achieved by limiting excessive and redundant purchases of spare parts.

(3) O&M, AIR FORCE.—The amount authorized to be appropriated for fiscal year 2016 by section 301 is hereby decreased by \$53,666,666, with the amount of the decrease to be applied to amounts available for operation and maintenance, Air Force, as specified in the funding table in section 4301 and achieved by limiting excessive and redundant purchases of spare parts.

(4) GENERALLY.—The aggregate amount available for fiscal year 2016 under this division due to foreign currency fluctuations is reduced from the aggregate amount otherwise specified in the funding tables in division D by \$151,000,000.

**SA 2010.** Mr. SANDERS submitted an amendment intended to be proposed to amendment SA 1463 proposed by Mr. MCCAIN to the bill H.R. 1735, to authorize appropriations for fiscal year 2016 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle E of title VIII, add the following:

**SEC. 884. REPORT ON DEFENSE CONTRACTING FRAUD.**

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report on defense contracting fraud.

(b) ELEMENTS.—The report required under subsection (a) shall include the following elements:

(1) A summary of fraud-related criminal convictions and civil judgements or settlements over the previous five fiscal years.

(2) A listing of contractors that within the previous five fiscal years performed con-

tracts for the Department of Defense and were debarred or suspended from Federal contracting based on a criminal conviction for fraud.

(3) An assessment of the total value of Department of Defense contracts entered into during the previous five fiscal years with contractors that have been indicted for, settled charges of, been fined by any Federal department or agency for, or been convicted of fraud in connection with any contract or other transaction entered into with the Federal Government.

(4) Recommendations by the Inspector General of the Department of Defense or other appropriate Department of Defense official regarding how to penalize contractors repeatedly involved in fraud in connection with contracts or other transactions entered into with the Federal Government, including an update on implementation by the Department of any previous such recommendations.

**SA 2011.** Ms. AYOTTE (for herself, Mr. PETERS, Mr. RUBIO, Mr. BLUMENTHAL, Mr. GRAHAM, Mrs. GILLIBRAND, Mr. WICKER, Mr. NELSON, Mrs. FISCHER, Mr. INHOFE, Mr. ROBERTS, Mr. BOOZMAN, Mr. BLUNT, Mr. ROUNDS, Mr. HATCH, and Mr. KIRK) submitted an amendment intended to be proposed to amendment SA 1463 proposed by Mr. MCCAIN to the bill H.R. 1735, to authorize appropriations for fiscal year 2016 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

Strike section 1272 and insert the following:

**SEC. 1272. UNITED STATES-ISRAEL ANTI-TUNNEL COOPERATION.**

(a) FINDINGS.—Congress makes the following findings:

(1) Tunnels can be used for criminal purposes, such as smuggling drugs, weapons, or humans, or for terrorist or military purposes, such as launching surprise attacks or detonating explosives underneath civilian or military infrastructure.

(2) Tunnels have been a growing threat on the southern border of the United States for years.

(3) In the conflict in Gaza in 2014, terrorists used tunnels to conduct attacks against Israel.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) it is in the national security interests of the United States to develop technology to detect and counter tunnels, and the best way to do this is to partner with other affected countries;

(2) the Administration should, on a joint basis with Israel, carry out research, development, test, and evaluation of anti-tunnel capabilities to detect, map, and neutralize underground tunnels that threaten the United States or Israel; and

(3) the Administration should use developed anti-tunnel capabilities to better protect the United States and deployed United States military personnel.

**(c) AUTHORITY TO ESTABLISH ANTI-TUNNEL CAPABILITIES PROGRAM WITH ISRAEL.—**

(1) IN GENERAL.—The Secretary of Defense, upon request of the Ministry of Defense of Israel and in consultation with the Secretary of State and the Director of National Intelligence, is authorized to carry out research, development, test, and evaluation, on a joint

basis with Israel, to establish anti-tunnel capabilities to detect, map, and neutralize underground tunnels that threaten the United States or Israel. Such authority includes authority to construct facilities and install equipment necessary to carry out research, development, test, and evaluation so authorized. Any activities carried out pursuant to such authority shall be conducted in a manner that appropriately protects sensitive information and United States and Israel national security interests.

(2) **REPORT.**—The activities described in paragraph (1) and subsection (d) may be carried out after the Secretary of Defense submits to the appropriate committees of Congress a report setting forth the following:

(A) A memorandum of agreement between the United States and Israel regarding sharing of research and development costs for the capabilities described in paragraph (1), and any supporting documents.

(B) A certification that the memorandum of agreement—

(i) requires sharing of costs of projects, including in-kind support, between the United States and Israel;

(ii) establishes a framework to negotiate the rights to any intellectual property developed under the memorandum of agreement; and

(iii) requires the United States Government to receive quarterly reports on expenditure of funds, if any, by the Government of Israel, including a description of what the funds have been used for, when funds were expended, and an identification of entities that expended the funds.

(d) **ASSISTANCE IN CONNECTION WITH PROGRAM.**—

(1) **IN GENERAL.**—The Secretary of Defense is authorized to provide procurement, maintenance, and sustainment assistance to Israel in support of the anti-tunnel capabilities research, development, test, and evaluation activities authorized in subsection (c)(1).

(2) **REPORT.**—Assistance may not be provided under paragraph (1) until 15 days after the Secretary submits to the appropriate committees of Congress a report setting forth a detailed description of the assistance to be provided.

(3) **MATCHING CONTRIBUTION.**—Assistance may not be provided under this subsection unless the Government of Israel contributes an amount not less than the amount of assistance to be so provided to the program, project, or activity for which the assistance is to be so provided.

(e) **QUARTERLY REPORTS.**—The Secretary of Defense shall submit to the appropriate committees of Congress on a quarterly basis a report that contains a copy of the most recent quarterly report provided by the Government of Israel to the Department of Defense pursuant to subsection (c)(2)(B)(iii).

(f) **APPROPRIATE COMMITTEES OF CONGRESS DEFINED.**—In this section, the term “appropriate committees of Congress” means—

(1) the Committee on Armed Services, the Committee on Foreign Relations, the Committee on Homeland Security, and the Committee on Appropriations of the Senate; and

(2) the Committee on Armed Services, the Committee on Foreign Affairs, the Committee on Homeland Security, and the Committee on Appropriations of the House of Representatives.

(g) **SUNSET.**—The authority in this section to carry out activities described in subsection (c), and to provide assistance described in subsection (d), shall expire on the date that is three years after the date of the enactment of this Act.

**SA 2012.** Mr. MCCAIN submitted an amendment intended to be proposed to

amendment SA 1463 proposed by Mr. MCCAIN to the bill H.R. 1735, to authorize appropriations for fiscal year 2016 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**SEC. —. BORDER SECURITY ON FEDERAL LANDS ALONG THE SOUTHERN BORDER.**

(a) **DEFINITIONS.**—In this section:

(1) **FEDERAL LANDS.**—The term “Federal lands” includes all land under the control of the Secretary concerned that is located—

(A) within 100 miles of the international border between the United States and Mexico; and

(B) within the Tucson and Yuma sectors of United States Border Patrol.

(2) **SECRETARY CONCERNED.**—The term “Secretary concerned” means—

(A) with respect to land under the jurisdiction of the Secretary of Agriculture, the Secretary of Agriculture; and

(B) with respect to land under the jurisdiction of the Secretary of the Interior, the Secretary of the Interior.

(b) **SUPPORT FOR BORDER SECURITY NEEDS.**—

(1) **IN GENERAL.**—To achieve border security on Federal lands—

(A) notwithstanding any other provision of law, the Secretary concerned shall provide U.S. Customs and Border Protection personnel with immediate access to Federal lands for border security activities, including—

(i) routine motorized patrols; and

(ii) the deployment of communications, surveillance, and detection equipment;

(B) the Secretary concerned may provide education and training to U.S. Customs and Border Protection personnel on the natural and cultural resources present on individual Federal land units; and

(C) the security activities described in subparagraph (A) shall be conducted, to the maximum extent practicable, in a manner that the Secretary of Homeland Security determines will best protect the natural and cultural resources on Federal lands.

(2) **INTERMINGLED STATE AND PRIVATE LAND.**—Paragraph (1) shall not apply to any private or State-owned land within the boundaries of Federal lands.

(3) **SUNSET.**—The requirements under this subsection shall terminate on the date that is 4 years after the date of the enactment of this Act.

(c) **REPORT.**—Not later than 90 days before the date on which the requirements under subsection (b) are scheduled to terminate, the Comptroller General of the United States shall submit a report to the appropriate congressional committees that includes—

(1) an analysis of the effectiveness of the actions taken pursuant to such subsection, including the impact of such actions on—

(A) border security activities; and

(B) the natural and cultural resources on impacted Federal lands;

(2) an assessment of the 2006 Memos of Understanding between the Department of Homeland Security, the Department of Agriculture, and the Secretary of the Interior regarding access to Federal and Indian lands for border security activities, including—

(A) how such memoranda, as in force on the date of the enactment of this Act, impacted border security activities;

(B) the best way to improve such memoranda and their application;

(C) specific ways in which such memoranda could be used to ensure that the Department of Homeland Security receives timely access to Federal lands for critical border security activities; and

(D) the number of agency personnel required to effectively and efficiently execute such memoranda;

(3) a sector-by-sector analysis of the expected impact of applying the requirements under subsection (b) to the entire land border of the United States, including—

(A) an assessment of—

(i) how border security activities and natural, cultural, and historic resources on Federal and Indian lands would be impacted, including the potential impact on wildlife, including endangered species;

(ii) any actions the Department of Homeland Security would need to take to mitigate the impact of border security activities, including the estimated costs of such actions; and

(iii) whether lack of access hinders border security; and

(B) an examination of the impact of providing the Department of Homeland Security with increased access to Federal and Indian lands located within—

(i) 25 miles of the United States border;

(ii) 50 miles of the United States border, or

(iii) 100 miles of the United States border;

and

(4) a sector-by-sector analysis of—

(A) the costs incurred by each Secretary concerned relating to managing and mitigating for illegal border activity on Federal lands, including the cost of restoring natural resources that were damaged by illegal border activity;

(B) the impact of illegal traffic on wildlife, including endangered species and critical habitat; and

(C) the impact of illegal traffic on natural, cultural, and historic resources on Federal lands.

**SA 2013.** Mr. BLUMENTHAL submitted an amendment intended to be proposed to amendment SA 1463 proposed by Mr. MCCAIN to the bill H.R. 1735, to authorize appropriations for fiscal year 2016 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle G of title X, add the following:

**SEC. 1085. ASSISTANCE FOR INDIVIDUALS WHO USED POST-9/11 EDUCATIONAL ASSISTANCE TO PURSUE A PROGRAM OF EDUCATION AT AN INSTITUTION OF HIGHER LEARNING THAT CLOSED WHILE PURSUING THE PROGRAM.**

(a) **ASSISTANCE.**—

(1) **IN GENERAL.**—Subchapter II of chapter 33 of title 38, United States Code, is amended by inserting after section 3318 the following new section:

**“§3318A. Assistance for individuals who pursue programs of education at institutions of higher learning that unexpectedly close**

“(a) **COVERED INDIVIDUALS.**—(1) For purposes of this section, a covered individual is any individual who—

“(A)(i) pursued a program of education at an institution of higher learning with educational assistance under this chapter and stopped pursuing such program of education

because the institution of higher learning closed before such individual could complete such program of education or because the individual anticipated that such institution of higher learning would close and withdrew from such program not more than 120 days before the date on which such institution of higher learning actually closed; and

“(ii) did not complete such program of education pursuant to a teach-out plan (as defined in section 487(f)(2) of the Higher Education Act of 1965 (20 U.S.C. 1094(f)(2))); or

“(B) pursued a program of education with educational assistance under this chapter at an institution of higher learning that the Secretary determines caused such harm to the individual as the Secretary determines equity requires that the individual receive relief under this section.

“(2) For purposes of this subsection and in the case of the closing of an institution of higher learning, the Secretary may increase the 120-day period specified in paragraph (1)(A)(i) if the Secretary determines that exceptional circumstances regarding such closing justify the increase.

“(b) RESTORATION OF ENTITLEMENT TO EDUCATIONAL ASSISTANCE.—The Secretary shall restore to each covered individual who used educational assistance under this chapter to pursue a program of education at an institution of higher learning—

“(1) as described in subparagraph (A) of subsection (a)(1) such individual's entitlement to educational assistance under this chapter in an amount equal to one month for each month of educational assistance used by the individual to pursue such program of education at such institution of higher learning; and

“(2) as described in subparagraph (B) of such subsection such individual's entitlement to educational assistance under this chapter in such amount as the Secretary determines equity requires.

“(c) RESTORATION OF ENTITLEMENT TO TUTORIAL ASSISTANCE.—In the case of a covered individual described in subsection (a)(1) who received benefits under section 3314 of this title to correct a deficiency of the covered individual in a course that was part of the program of education pursued by the covered individual as described in such subsection, the Secretary shall—

“(1) in a case described in subparagraph (A) of such subsection, restore to such covered individual such covered individual's entitlement to benefits under such section in an amount equal to the amount paid under such section for such correction; and

“(2) in a case described in subparagraph (B) of such subsection, restore to such covered individual such amount of such covered individual's entitlement to benefits under such section as the Secretary determines equity requires.

“(d) CONTINUED PAYMENT OF MONTHLY HOUSING STIPENDS.—(1) Subject to paragraph (2), in the case of a covered individual described in subsection (a)(1) who in the case described in subparagraph (A) of such subsection was receiving a monthly housing stipend under this chapter while pursuing the program of education at the institution of higher learning that closed or who in a case described in subparagraph (B) of such subsection in which the covered individual was receiving a monthly housing stipend under this chapter while pursuing the program of education and stopped pursuing the program of education because of the harm caused by the institution of higher learning, the Secretary shall continue to pay to such covered individual such monthly housing stipend for the first month beginning after the covered individual stopped pursuing such program of education and for each month thereafter until the covered individual begins pursuing

a program of education at a new institution of higher learning with educational assistance under this chapter.

“(2) No individual may receive more than three months of monthly stipend under this subsection.

“(e) NATIONAL TESTS.—In the case of a covered individual who pursued a program of education at an institution of higher education as described in subsection (a)(1) and received educational assistance under section 3315A of this title for a national test for admission to such program of education or institution of higher learning or for course credit at such institution of higher learning, the Secretary shall restore to such covered individual the months of entitlement charged such covered individual pursuant to subsection (c) of such section for such educational assistance.

“(f) RELOCATION AND TRAVEL ASSISTANCE.—A payment under section 3318 of this title for pursuit of a program of education at an institution of higher learning as described in subsection (a)(1) of this section shall not be considered a payment of additional assistance under section 3318 of this title for purposes of subsection (d) of such section.

“(g) RECOVERY.—In a case of a covered individual who pursued a program of education at an institution of higher learning as described in subsection (a)(1), the Secretary shall seek to recover from the institution of higher learning the value of—

“(1) the entitlement to educational assistance restored to the covered individual under subsections (b) and (e), if any;

“(2) the entitlement to tutorial assistance restored to the covered individual under subsection (c), if any;

“(3) the amount of monthly housing stipend paid to the covered individual under subsection (d)(1), if any; and

“(4) the additional assistance provided to the covered individual under section 3318 of this title for such pursuit, if any.

“(h) INSTITUTION OF HIGHER LEARNING DEFINED.—In this section, the term ‘institution of higher learning’ has the meaning given that term in section 3452 of this title.”.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 33 of such title is amended by inserting after the item relating to section 3318 the following new item:

“3318A. Assistance for individuals who pursue programs of education at institutions of higher learning that unexpectedly close.”.

(b) CONSTRUCTION.—Nothing in section 3318A of such title, as added by subsection (a)(1), or any other provision of law, shall be construed to prohibit the Secretary of Veterans Affairs from restoring entitlement or continuing payment under such section before promulgating regulations to carry out such section.

(c) RETROACTIVE EFFECTIVE DATE.—Section 3318A of such title, as added by subsection (a), shall apply as if it were enacted on the date of the enactment of the Post-9/11 Veterans Educational Assistance Act of 2008 (Public Law 110-252).

**SA 2014.** Mr. CASEY (for himself and Mr. CORNYN) submitted an amendment intended to be proposed to amendment SA 1463 proposed by Mr. MCCAIN to the bill H.R. 1735, to authorize appropriations for fiscal year 2016 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle E of title X, add the following:

**SEC. 1049. SENSE OF CONGRESS ON FURTHER CUTS TO THE NUMBER OF BRIGADE COMBAT TEAMS OF THE ARMY.**

It is the sense of Congress that—

(1) both the quantity and complexity of national security threats facing the United States have grown in recent years, particularly the threat posed by the terrorists of the self-declared Islamic State of Iraq and the Levant, and continuing aggression by the Russian Federation;

(2) the National Commission on the Future of the Army is currently assessing the appropriate force structure for the Army in light of these threats, and is required to report to Congress on that assessment by February 1, 2016; and

(3) in light of these growing threats and that assessment, the Department of Defense should not make further reductions in the number of brigade combat teams in the regular and reserve components of the Army, including the Army National Guard, which would be difficult and costly to reverse and would have an adverse impact on the ability of the Army to respond to global threats.

**SA 2015.** Mr. INHOFE submitted an amendment intended to be proposed to amendment SA 1463 proposed by Mr. MCCAIN to the bill H.R. 1735, to authorize appropriations for fiscal year 2016 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle B of title VII, add the following:

**SEC. 832. APPLICABILITY OF EXECUTIVE ORDER 13673 “FAIR PAY AND SAFE WORK-PLACES” TO DEPARTMENT OF DEFENSE CONTRACTORS.**

(a) LIMITATION.—The Secretary of Defense shall limit the application of any acquisition regulations promulgated pursuant to Executive Order 13673 to contractors or subcontractors who have been suspended or debarred under the laws and regulations in effect on May 28, 2015, as a result of a Federal labor law violations covered by Executive Order 13673.

(b) COMPLIANCE REQUIREMENTS.—The Secretary shall ensure that Department of Defense contractors or subcontractors who are not described under subsection (a) are not compelled or required to comply with the conditions for contracting eligibility as stated in any acquisition regulations promulgated to implement Executive Order 13673.

**NOTICES OF HEARINGS**

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. ALEXANDER. Mr. President, I would like to announce that the Committee on Health, Education, Labor, and Pensions will meet during the session of the Senate on June 16, 2015, at 10 a.m., in room SD-430 of the Dirksen Senate Office Building, to conduct a hearing entitled “Achieving the Promise of Health Information Technology: What Can Providers and the U.S. Department of Health and Human Services Do To Improve the Electronic Health Record User Experience?”

For further information regarding this meeting, please contact Jamie

Garden of the committee staff on (202) 224-1409.

COMMITTEE ON HEALTH, EDUCATION, LABOR,  
AND PENSIONS

Mr. ALEXANDER. Mr. President, I would like to announce that the Committee on Health, Education, Labor, and Pensions will meet during the session of the Senate on June 17, 2015, at 10 a.m., in room SD-430 of the Dirksen Senate Office Building, to conduct a hearing entitled "Reauthorizing the Higher Education Act: Evaluating Accreditation's Role in Ensuring Quality."

For further information regarding this meeting, please contact Jake Baker of the committee staff on (202) 224-0738.

AUTHORITY FOR COMMITTEES TO  
MEET

COMMITTEE ON ENVIRONMENT AND PUBLIC  
WORKS

Mr. VITTER. Mr. President, I ask unanimous consent that the Committee on Environment and Public Works be authorized to meet during the session of the Senate on June 11, 2015, at 9:30 a.m., in room SD-406 of the Dirksen Senate Office Building.

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

COMMITTEE ON HOMELAND SECURITY AND  
GOVERNMENTAL AFFAIRS

Mr. VITTER. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs be authorized to meet during the session of the Senate on June 11, 2015, at 10:30 a.m., to conduct a hearing entitled "Blowing the Whistle on Retaliation: Accounts of Current and Former Federal Agency Whistleblowers."

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

SELECT COMMITTEE ON INTELLIGENCE

Mr. VITTER. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on June 11, 2015, at 2:30 p.m.

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

PRIVILEGES OF THE FLOOR

Ms. HEITKAMP. Mr. President, I ask unanimous consent that Ryan Nagle, my State director, be granted floor privileges for the duration of today's session of the Senate.

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

TO EXTEND THE AUTHORIZATION  
TO CARRY OUT THE REPLACE-  
MENT OF THE EXISTING MED-  
ICAL CENTER OF THE DEPART-  
MENT OF VETERANS AFFAIRS IN  
DENVER, COLORADO

Mr. GARDNER. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consider-

ation of S. 1568, introduced earlier today.

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

The bill clerk read as follows:

A bill (S. 1568) to extend the authorization to carry out the replacement of the existing medical center of the Department of Veterans Affairs in Denver, Colorado, to authorize transfers of amounts to carry out the replacement of such medical center, and for other purposes.

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

Mr. GARDNER. Mr. President, I thank Chairman ISAKSON of the Veterans' Affairs Committee for his tireless work on this legislation and Senator BLUMENTHAL as well as the co-sponsor of this legislation tonight, Senator BENNET, my colleague from Colorado.

This gives us the breathing room we need to finish the job in Colorado. We have more work to do with the Veterans' Administration, but tonight we can begin the process of starting to finish this job.

I ask unanimous consent that the bill be read a third time and passed, and the motion to reconsider be laid upon the table.

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

The bill (S. 1568) was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 1568

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. EXTENSION OF AUTHORIZATION FOR  
DEPARTMENT OF VETERANS AF-  
FAIRS MAJOR MEDICAL FACILITY  
PROJECT PREVIOUSLY AUTHOR-  
IZED.**

Section 2(a) of the Construction Authorization and Choice Improvement Act (Public Law 114-19) is amended—

- (1) by striking "in fiscal year 2015,"; and
- (2) by striking "\$900,000,000" and inserting "\$1,050,000,000".

**SEC. 2. LIMITED, ONE-TIME AUTHORITY TO  
TRANSFER SPECIFIC AMOUNTS TO  
CARRY OUT MAJOR MEDICAL FAC-  
ILITY PROJECT IN DENVER, COLO-  
RADO.**

(a) IN GENERAL.—Of the unobligated balances of amounts available to the Department of Veterans Affairs for fiscal year 2015, the Secretary of Veterans Affairs may transfer amounts from the appropriations accounts under the following headings, in the amounts and from the activities specified, to the appropriations account under the heading "Construction, Major Projects":

- (1) "Medical Services", \$6,494,000 to be derived from amounts available for the Human Capital Investment Plan.
- (2) "Medical Support and Compliance", \$1,611,000 to be derived from amounts available for the Human Capital Investment Plan.
- (3) "Medical Facilities", \$80,735,000 to be derived from amounts available for green energy projects of the Department and human capital investment plans.
- (4) "National Cemetery Administration", \$60,000 to be derived from amounts available for the Human Capital Investment Plan.
- (5) "General Administration", \$1,130,000 to be derived from amounts available for the Office of the Secretary.
- (6) "General Operating Expenses, Veterans Benefits Administration", \$670,000 to be de-

rived from amounts available for the Human Capital Investment Plan.

(7) "Information Technology Systems", \$240,000 to be derived from amounts available for the Human Capital Investment Plan.

(8) "Construction, Minor Projects", \$3,000,000 to be derived from amounts available for minor construction projects at the staff offices of the Department.

(b) TRANSFER OF AMOUNTS AVAILABLE IN FUNDS.—

(1) REVOLVING SUPPLY FUND.—Of the unobligated balances of amounts available in the revolving supply fund of the Department under section 8121 of title 38, United States Code, the Secretary may transfer \$20,030,000 to the appropriations account under the heading "Construction, Major Projects".

(2) FRANCHISE FUND.—Of the unobligated balances of amounts available in the Department of Veterans Affairs Franchise Fund established in title I of the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 1997 (Public Law 104-204; 31 U.S.C. 501 note), the Secretary may transfer \$36,030,000 to the appropriations account under the heading "Construction, Major Projects".

(c) USE OF AMOUNTS AND AVAILABILITY.—The amounts transferred under subsections (a) and (b) shall—

- (1) be used only to carry out the major medical facility construction project in Denver, Colorado, specified in section 2 of the Construction Authorization and Choice Improvement Act (Public Law 114-19); and
- (2) remain available until September 30, 2016.

**DEPARTMENT OF HOMELAND SE-  
CURITY INTEROPERABLE COM-  
MUNICATIONS ACT**

Mr. GARDNER. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 95, H.R. 615.

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

The bill clerk read as follows:

A bill (H.R. 615) to amend the Homeland Security Act of 2002 to require the Under Secretary for Management of the Department of Homeland Security to take administrative action to achieve and maintain interoperable communications capabilities among the components of the Department of Homeland Security, and for other purposes.

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Homeland Security and Governmental Affairs, with an amendment to strike all after the enacting clause and insert in lieu thereof the following:

H.R. 615

**SECTION 1. SHORT TITLE.**

*This Act may be cited as the "Department of Homeland Security Interoperable Communications Act" or the "DHS Interoperable Communications Act".*

**SEC. 2. DEFINITIONS.**

*In this Act—*

- (1) the term "Department" means the Department of Homeland Security;
- (2) the term "interoperable communications" has the meaning given that term in section 701(d) of the Homeland Security Act of 2002, as added by section 3; and
- (3) the term "Under Secretary for Management" means the Under Secretary for Management of the Department of Homeland Security.



### SEC. 3. INCLUSION OF INTEROPERABLE COMMUNICATIONS CAPABILITIES IN RESPONSIBILITIES OF UNDER SECRETARY FOR MANAGEMENT.

Section 701 of the Homeland Security Act of 2002 (6 U.S.C. 341) is amended—

(1) in subsection (a)(4), by inserting before the period at the end the following: “, including policies and directives to achieve and maintain interoperable communications among the components of the Department”; and

(2) by adding at the end the following:

“(d) **INTEROPERABLE COMMUNICATIONS DEFINED.**—In this section, the term ‘interoperable communications’ has the meaning given that term in section 7303(g) of the Intelligence Reform and Terrorism Prevention Act of 2004 (6 U.S.C. 194(g)).”.

### SEC. 4. STRATEGY.

(a) **IN GENERAL.**—Not later than 180 days after the date of enactment of this Act, the Under Secretary for Management shall submit to the Committee on Homeland Security of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate a strategy, which shall be updated as necessary, for achieving and maintaining interoperable communications among the components of the Department, including for daily operations, planned events, and emergencies, with corresponding milestones, that includes the following:

(1) An assessment of interoperability gaps in radio communications among the components of the Department, as of the date of enactment of this Act.

(2) Information on efforts and activities, including current and planned policies, directives, and training, of the Department since November 1, 2012 to achieve and maintain interoperable communications among the components of the Department, and planned efforts and activities of the Department to achieve and maintain such interoperable communications.

(3) An assessment of obstacles and challenges to achieving and maintaining interoperable communications among the components of the Department.

(4) Information on, and an assessment of, the adequacy of mechanisms available to the Under Secretary for Management to enforce and compel compliance with interoperable communications policies and directives of the Department.

(5) Guidance provided to the components of the Department to implement interoperable communications policies and directives of the Department.

(6) The total amount of funds expended by the Department since November 1, 2012 and projected future expenditures, to achieve interoperable communications, including on equipment, infrastructure, and maintenance.

(7) Dates upon which Department-wide interoperability is projected to be achieved for voice, data, and video communications, respectively, and interim milestones that correspond to the achievement of each such mode of communication.

(b) **SUPPLEMENTARY MATERIAL.**—Together with the strategy required under subsection (a), the Under Secretary for Management shall submit to the Committee on Homeland Security of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate information on—

(1) any intra-agency effort or task force that has been delegated certain responsibilities by the Under Secretary for Management relating to achieving and maintaining interoperable communications among the components of the Department by the dates referred to in subsection (a)(7); and

(2) who, within each such component, is responsible for implementing policies and directives issued by the Under Secretary for Management to so achieve and maintain such interoperable communications.

### SEC. 5. REPORT.

Not later than 100 days after the date on which the strategy required under section 4(a) is submitted, and every 2 years thereafter for 6 years, the Under Secretary for Management shall submit to the Committee on Homeland Security of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate a report on the status of efforts to implement the strategy required under section 4(a), including the following:

(1) Progress on each interim milestone referred to in section 4(a)(7) toward achieving and maintaining interoperable communications among the components of the Department.

(2) Information on any policies, directives, guidance, and training established by the Under Secretary for Management.

(3) An assessment of the level of compliance, adoption, and participation among the components of the Department with the policies, directives, guidance, and training established by the Under Secretary for Management to achieve and maintain interoperable communications among the components.

(4) Information on any additional resources or authorities needed by the Under Secretary for Management.

### SEC. 6. APPLICABILITY.

Sections 4 and 5 shall only apply with respect to the interoperable communications capabilities within the Department and components of the Department to communicate within the Department.

Mr. GARDNER. Mr. President, I ask unanimous consent that the committee-reported substitute be agreed to; the bill, as amended, be read a third time and passed, and the motion to reconsider be considered made and laid upon the table.

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

The committee-reported amendment in the nature of a substitute was agreed to.

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

The bill was read the third time.

The bill (H.R. 615), as amended, was passed.

### AUTHORIZING THE REPRINTING OF THE 25TH EDITION OF THE POCKET VERSION OF THE UNITED STATES CONSTITUTION

Mr. GARDNER. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of H. Con. Res. 54, which is at the desk.

The PRESIDING OFFICER. The clerk will report the concurrent resolution by title.

The bill clerk read as follows:

A concurrent resolution (H. Con. Res. 54) authorizing the reprinting of the 25th edition of the pocket version of the United States Constitution.

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. GARDNER. I ask unanimous consent that the concurrent resolution be agreed to and the motion to reconsider be laid upon the table with no intervening action or debate.

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

The concurrent resolution (H. Con. Res. 54) was agreed to.

### SIGNING AUTHORITY

Mr. GARDNER. Mr. President, I ask unanimous consent that the junior Senator from Georgia be authorized to sign duly enrolled bills or joint resolutions.

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

### UNANIMOUS CONSENT AGREEMENT—EXECUTIVE CALENDAR

Mr. GARDNER. Mr. President, I ask unanimous consent that on Monday, June 15, at 5 p.m., the Senate proceed to Executive Session to the en bloc consideration of Executive Calendar Nos. 131 and 132; that there be 30 minutes for debate equally divided in the usual form; that upon the use or yielding back of time, the Senate proceed to vote without intervening action or debate on the nominations in the order listed; that following disposition of the nominations, the motions to reconsider be considered made and laid upon the table; that no further motions be in order to the nominations; that any statements related to the nominations be printed in the RECORD; and that the President be immediately notified of the Senate's action and the Senate then resume legislative session.

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

### ORDERS FOR MONDAY, JUNE 15, 2015

Mr. GARDNER. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 2 p.m. on Monday, June 15; that following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, and the time for the two leaders be reserved for their use later in the day; that following leader remarks, the Senate be in a period of morning business for 1 hour, with Senators permitted to speak therein for up to 10 minutes each; further, that following morning business, the Senate then resume consideration of H.R. 1735; and, finally, the filing deadline for all first-degree amendments to both H.R. 1735 and the McCain substitute 1463 be at 4 p.m.

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

### ADJOURNMENT UNTIL MONDAY, JUNE 15, 2015, AT 2 P.M.

Mr. GARDNER. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that it stand adjourned under the previous order.

There being no objection, the Senate, at 6:19 p.m., adjourned until Monday, June 15, 2015, at 2 p.m.

### NOMINATIONS

Executive nominations received by the Senate:

## THE JUDICIARY

## CONFIRMATION

## SMALL BUSINESS ADMINISTRATION

BRIAN R. MARTINOTTI, OF NEW JERSEY, TO BE UNITED STATES DISTRICT JUDGE FOR THE DISTRICT OF NEW JERSEY, VICE STANLEY R. CHESLER, RETIRING.

ROBERT F. ROSSITER, JR., OF NEBRASKA, TO BE UNITED STATES DISTRICT JUDGE FOR THE DISTRICT OF NEBRASKA, VICE JOSEPH F. BATAILLON, RETIRED.

Executive nomination confirmed by  
the Senate June 11, 2015:

DOUGLAS J. KRAMER, OF KANSAS, TO BE DEPUTY ADMINISTRATOR OF THE SMALL BUSINESS ADMINISTRATION.