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## Senate

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

### PRAYER

The PRESIDENT pro tempore. Today's opening prayer will be offered by the Reverend Camille Murray, pastor of Georgetown Presbyterian Church.

The guest Chaplain offered the following prayer:

Let us pray.

Eternal God, we give You thanks for the many provisions of this day and for the simple and sustaining gifts which enrich our lives. We thank You for the beauty and bounty of this great Nation. We offer You praise for the heritage we share, the faith we cherish, and the freedoms we enjoy.

As Your grateful people, we ask that You would remind us of the callings You have placed upon our lives. We pray that we would be faithful to those callings and to those entrusted to our care. May those elected to lead be given a double portion of Your Spirit, that they may have vision and wisdom from above.

Gracious God, keep us pure in thought, honest in speech, and diligent in our pursuit of the common good, all for the glory of Your Holy 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.

The PRESIDING OFFICER (Mr. ROUNDS). The Senator from Minnesota.

### WELCOMING THE GUEST CHAPLAIN

Mr. FRANKEN. Mr. President, I want to thank Camille Murray for our opening prayer this morning.

Reverend Murray currently serves in our Nation's Capital as the 20th senior pastor of the Georgetown Presbyterian Church. The church was founded in 1780, and Reverend Murray is the first woman pastor.

Reverend Murray grew up in my home State, in Mahtomedi, MN. She holds degrees from Vanderbilt University, Princeton Theological Seminary, Oxford University, and Wesley Seminary.

Reverend Murray's congregation is nonpartisan, with the belief that God transcends that which divides us.

We are so happy that she led us today in prayer.

Thank you very much.

### RECOGNITION OF THE MAJORITY LEADER

The PRESIDING OFFICER. The majority leader is recognized.

### NUCLEAR AGREEMENT WITH IRAN

Mr. MCCONNELL. Mr. President, the Democrats have chosen to deny the Senate a final vote on the President's deal with Iran. They made their choice, but that doesn't mean the discussion is over.

Today we will have another opportunity to address the lifting of congressionally mandated sanctions as called for in the Joint Comprehensive Plan of Action. Today we will have an opportunity to vote on a question of policy: Should Iran be left with a threshold nuclear program, one now recognized by the P5+1, and receive billions of dollars in sanctions relief without any linkage whatsoever to other aspects of its foreign policy adventurism. That is the question before us.

I will discuss that vote in greater detail in just a moment but first a reminder of how we got to this point.

Here is what we know about the nuclear deal with Iran. It is President Obama's deal with Iran, not America's

deal with Iran, because the President did everything possible to cut the American people out and to block their elected representatives from having a say.

He refused a treaty, because as Secretary Kerry noted quite candidly, he wasn't interested in negotiating something an elected Congress could support. He then had to be persuaded that resisting legislation to allow Congress an up-or-down vote on it—just as he had to be persuaded when Congress passed sanctions legislation that helped bring Iran to the table in the first place—would be futile. In other words, he didn't want the legislation that gave us an opportunity to respond to the President's deal with Iran. It had so many supporters, he knew the veto would be overridden. Then he finally convinced his party, which had voted unanimously for the legislation that gave Congress an opportunity to weigh in on the President's deal, to then deny the American people the up-or-down congressional vote Democrats had promised. Our Democratic friends went to extreme lengths to protect the President politically. Because they did, Democrats ensured that this would be not just Obama's deal with Iran but the Democratic Party's deal with Iran too.

It is a deal that allows Iran to grow stronger in any number of ways: diplomatically, militarily, in terms of trade, and in terms of its enrichment program. It is also a deal that achieves hardly any of the Obama administration's primary goals. Secretary Kerry once declared that an accounting of Iran's military-related nuclear activities "will be part of a final" deal. "If there is going to be a deal," he promised, "it will be done." But it isn't.

Secretary Moniz once declared that he expected we would have anytime, anywhere access to Iranian nuclear facilities. We will not.

President Obama once declared that "the deal we'll accept is they end their nuclear program—it's very straightforward"—or perhaps not quite so

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



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straightforward because this deal will not end Iran's nuclear program.

Because the President made clear his desire to secure an agreement at any cost, it became easy for the Iranians to exploit concession after concession after concession. It became possible for the world's leading state sponsor of terrorism to secure a deal that allows it to enrich uranium, to maintain thousands of centrifuges, and to become a recognized nuclear-threshold state, forever on the edge of developing a weapon. Iran was even able to secure a multibillion-dollar cash windfall that will allow it to strengthen terrorist groups such as Hezbollah and Hamas, along with Assad's bloody regime in Damascus—even the President basically admits as much.

The administration is now so invested in this deal that it is likely to veto any additional sanctions passed by Congress, even those against terrorism.

Presidents are able to secure stronger, better, and more durable outcomes when they seek constructive cooperation on matters beyond the water's edge.

Republicans stood proudly for more international trade jobs just a few months ago. The President agreed with us on the policy. We all fought in the same corner as a result. It was disappointing to then hear the same President dismiss honest intellectual disagreements on the Iran deal as reflexive opposition to him personally. What nonsense.

The President made a choice to turn this into a partisan campaign instead of a serious debate. He tried to cut out the American people and Congress at every single opportunity. Because he did, he has left his country and his party with an Executive deal that has hardly any durability or popular backing. Because he handled it this way, he has left his country and his party with an Executive deal that has hardly any durability or any public support. The American people aren't sold on it. A strong bipartisan majority of the House has rejected it. A strong bipartisan majority of the Senate rejects it too.

The deal can and likely will be revisited by the next Commander in Chief, but its negative consequences promise to live on regardless and far beyond one President's last few months in office.

Those who follow in the White House and in Congress will have to deal with an Iran enriched by billions of dollars to invest in conventional weapons upgrades and further support to terrorist groups. Many of us will be here in the future, when we have the need to work with the next President to decide how best to deal with Iran's ambitions and the future of this nuclear program.

One reason Iran was able to negotiate so successfully was because of Russian support for a deal that would be antithetical to America's interests. No surprise then that just days after the deal

was accounted, the commander of Iran's Quds Force reportedly flew to Moscow to secure Russian support for their mutual ally in Syria. No surprise then that as soon as the President had seemingly succeeded in securing the votes for a veto override, we heard that Russia was constructing a forward operating base to help prop up Assad. Iran's negotiating partner, Russia, will undoubtedly use its presence in Syria to attempt to leverage the Western powers to weaken sanctions crafted in response to the invasion of Crimea. That, my colleagues, is diplomatic linkage. Russia pursued it successfully; the Obama administration did not.

The administration attempted to negotiate this deal with a singular focus on ending Iran's nuclear program. Now we already know it failed in that regard, but that myopia also has other consequences as well, leading the administration to ignore many issues that should have been linked to the negotiations in the first place—everything from Iran's support for terrorism to its aggressive behavior across the Middle East, to its harassment of shipping vessels in the Persian Gulf—but not just those issues. The administration failed to negotiate to ensure the release of American citizens being held in Iranian custody. The administration failed to negotiate to ensure Iran's recognition of Israel's right to exist. But we can do something to link the freedom of American citizens being held in Iranian custody and the recognition of Israel to sanctions relief—something the administration should have done. We can say it has to be corrected before sanctions are lifted and billions more flow into Iranian coffers to be used for terrorism. That is what today's vote is about.

When it comes to American citizens being held in Iranian custody, the Senate voted unanimously just a few months ago to call for Iranian leaders to release our American citizens. One is a journalist in prison for spreading "propaganda against the state." Another is a pastor who dared to attend a Christian gathering.

When it comes to Israel, Iran employs invective against Israel at every turn. It has already demonstrated both the will and the capability to strike out against the West and through proxies and cyber attacks at allies like Israel and Saudi Arabia.

What this deal will not do is alter Iran's behavior. What it will do is give Iran an even greater ability to follow through on these threats. So we cannot allow Iran to be empowered as a nuclear threshold state armed with billions in sanctions relief without at least providing some protection—some protection to Israel first, without at least demanding the release of Americans who have languished in Iranian custody for years first.

Let's at least agree on that. I understand there is strong division in the Senate—a bipartisan majority opposed, partisan minority in favor—over the

broader Iranian deal. But at the very least, at the very least, we should be able to come together over the vote we will take today. So I would urge all of my colleagues to vote for it.

#### RECOGNITION OF THE MINORITY LEADER

The PRESIDING OFFICER. The Democratic leader is recognized.

#### NUCLEAR AGREEMENT WITH IRAN AND GOVERNMENT FUNDING

Mr. REID. Mr. President, the Senate has already spoken and made it absolutely clear that the agreement with Iran will stand. Remember, an agreement to stop Iran from having a nuclear weapon is what it is all about. The issue has been decided. Instead of focusing on the critical issue of funding our government, Senator MCCONNELL has decided to waste an entire week on something that has already been decided, twice.

First, we are voting on the McConnell amendment, which would keep the President from being able to suspend or waive sanctions on Iran unless Iran frees all Americans and formally recognizes the State of Israel. All Senators, Democrats and Republicans, want all the Americans held by Iran or who have disappeared in Iran to come back home to their families as quickly as possible. We believe that Iran should recognize the State of Israel. We believe the other countries in that area should join along. We are very happy with the arrangement between Egypt and Israel which has been going on for many, many years and has been very good for some degree of stability in the area.

What Republican colleagues are doing now is very, very cynical. They are taking serious issues and turning them into pawns on a political chess board. Here is what Senator STABENOW said yesterday. Remember, she is the Senator from Michigan. She has a person from Michigan who has been held in Iran for some time now. Here is what she said yesterday:

The Senate Republican leader is . . . playing politics with Amir's life. The imprisonment of this veteran—this American hero—is being used by the Senate majority leader in a transparent attempt to score some cheap political points . . . and it's appalling. No American should ever be used in this way.

Elaborating, she told me that his family wants us to stay out of it, progress is being made. Please stay out of it. That is what his sister said. This cynical tactic is a waste of the Senate's time. We should be focused on preventing a government shutdown. Senator MCCONNELL has decided that the Senate should vote not once, not twice, but a third time on the resolution of disapproval, which has already failed, as I mentioned before, on two separate occasions.

The results will be the same today. Yet Senate Republicans appear to be

stuck and unable to move forward even in the face of a looming government shutdown. There are just a few legislative days until the government runs out of funding. Democrats have seen this coming for months and Republicans should have seen it also. Maybe they did but just ignored it.

That is why we have called for bipartisan budget negotiations. We are running out of time. That is an understatement. Last week, the Republican leader told this body:

We only have so much floor time in the Senate. We are going to try to use it on serious proposals that have a chance of becoming law.

I am sure he should read that to himself again today, yesterday, and maybe tomorrow. But after having made the statement, instead of voting on this key priority—that is, funding the government—we are spending time on cynical show votes even though everyone knows the result. Despite the fact that a shutdown looms in a matter of days, the Republican leader is turning the world's greatest deliberative body into the "show-vote" Senate.

Ensuring that the government has the funds it needs to operate is the basic responsibility of the Senate. That Republicans have let this crisis build instead of joining Democrats at the bargaining table is an embarrassment to this institution. The Republican leader and I don't see eye to eye on all political issues, but we both support a clean bill to stop a government shutdown. That is what he wants. A clean bill is the only way to prevent a government shutdown, no riders, no tricky things in it at all.

Just yesterday, the Republican Leader said, the sequester-level spending caps should be lifted. Thank goodness he said that. I agree with him. I agree with Senator McCAIN and Senator LINDSEY GRAHAM, who have talked about this on the Republican side. We all know how this ends. The Senate will pass a clean continuing resolution. I hope that is the ending we all see because that is what we should see.

When I say a clean bill, I mean no policy riders, no procedural loopholes, just a clean funding bill devoid of tricks. So what are we waiting for? Why are we dragging the country to the brink of another shutdown when the solution is staring us in the face? There is nothing to gain from delaying the inevitable and much to lose. The reality of the Senate is that the longer we wait, the more difficult the path forward will be. In the past, Republicans' inability to govern responsibly has amplified the voice of government shutdown advocates like the junior Senator from Texas. Every moment the Republican leader wastes increases the likelihood that one Senator's objection can raise enough procedural problems to force the entire government to shut down. I am not making this up, it happened 2 years ago.

Captains of chaos want nothing more than for the Republican leader to twid-

dle his thumbs. Every day we wait increases the leverage of those who want to shut down the government. We have seen this drama before. It happened 2 years ago. The Republican leader will need to file cloture at least twice if any single member of the caucus objects.

So if the Republican leader wants to avoid a government shutdown, he should start the process of bringing a bill to the floor by Thursday at the absolute latest. Time really is running out. Next week, Pope Francis will address Congress. We expect half a million people to come for the Pope's visit to Capitol Hill. The President of China will make his visit the very next day to the Nation's capital. It will be his first visit.

So there will be 3 or 4 days in session next week at the most. We are ready to move forward. There is no reason to wait any longer. It is time for Republicans to skip the manufactured drama, pass a clean funding bill today, and get something done around here for the American people. For months, Democrats have been clear about our priorities: First, any appropriations measure cannot be hijacked for ideological or special-interest riders. Second, any funding increase for the Pentagon must be matched by at least a dollar-for-dollar increase for domestic programs, including domestic anti-terror programs.

These are commonsense principles that should form the basis of any budget agreement, but Republicans have refused to negotiate. They are now focused on scoring political points at the expense of the American people. We voted twice. Why waste this time again on another vote? There will only be a few days of session next week.

When we return the following Monday, we will have just 3 days before the government funding expires. That is October 1. We should act now, pass a clean continuing resolution preventing a government shutdown, and then responsibly negotiate a compromise. It should be a short-term CR. Any other decision is a waste of precious time that we do not have.

#### HEALTH INSURANCE COVERAGE

Mr. REID. Finally, the number of Americans without health insurance dropped dramatically last year. All the press yesterday and this morning are reporting this, but this comes as no surprise. The good news happened as the Affordable Care Act's major coverage provisions took effect. This is further evidence the Affordable Care Act is working. The share of people without coverage dropped in every State in the Union in 2014. That is the first time in the history of the Census reports that every State has improved.

States that expanded Medicaid under the Affordable Care Act did better than those that did not. States that adopted the new law's Medicaid expansion had a 3.5-percentage-point drop in their uninsured rate. That is about 1½ times the 2.3-percentage-point decline in States

that did not expand the program. Overall, the national uninsured rate dropped by 2.9 percentage points.

Now, all these numbers mean that the uninsured rate is now at the lowest in the history of our country—the lowest ever. Once again, the Affordable Care Act, ObamaCare, is working.

#### RESERVATION OF LEADER TIME

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

#### HIRE MORE HEROES ACT OF 2015

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of H.J. Res. 61, which the clerk will report.

The senior assistant legislative clerk read as follows:

A joint resolution (H.J. Res. 61) amending the Internal Revenue Code of 1986 to exempt employees with health coverage under TRICARE or the Veterans Administration from being taken into account for purposes of determining the employers to which the employer mandate applies under the Patient Protection and Affordable Care Act.

Pending:

McConnell amendment No. 2640, of a perfecting nature.

McConnell amendment No. 2656 (to amendment No. 2640), to prohibit the President from waiving, suspending, reducing, providing relief from, or otherwise limiting the application of sanctions pursuant to an agreement related to the nuclear program of Iran.

McConnell amendment No. 2657 (to amendment No. 2656), to change the enactment date.

McConnell amendment No. 2658 (to the language proposed to be stricken by amendment No. 2640), to change the enactment date.

McConnell amendment No. 2659 (to amendment No. 2658), of a perfecting nature.

McConnell motion to commit the joint resolution to the Committee on Foreign Relations, with instructions, McConnell amendment No. 2660, to prohibit the President from waiving, suspending, reducing, providing relief from, or otherwise limiting the application of sanctions pursuant to an agreement related to the nuclear program of Iran.

McConnell amendment No. 2661 (to the instructions) amendment No. 2660), of a perfecting nature.

McConnell amendment No. 2662 (to amendment No. 2661), of a perfecting nature.

The PRESIDING OFFICER. Under the previous order, the time until 11 a.m. will be equally divided between the two leaders or their designees.

The Senator from Illinois.

Mr. DURBIN. Mr. President, my calculation is there are about 36 minutes remaining before the vote. I ask unanimous consent on the Democratic side that I be given 3 minutes, Senator CARDIN 5 minutes, Senator MENENDEZ of New Jersey 5 minutes, Senator CARPER of Delaware 5 minutes—Senator CARPER 3 minutes, and Senator Kaine 2 minutes.

The PRESIDING OFFICER. Would the Senator please restate those.

Mr. DURBIN. Yes, 3 minutes for myself, 5 minutes for Senator CARDIN of

Maryland, 5 minutes for Senator MENENDEZ of New Jersey, 3 minutes for Senator CARPER, 2 minutes for Senator KAINE.

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

Mr. DURBIN. Mr. President, we listened to the comments of Senator MCCONNELL, the Republican leader. He has given us a "litany of horrors" when it comes to the conduct of the nation of Iran. He has given us fair warning that this is a country that we cannot trust because of past conduct. I think the point that needs to be made at this moment is I don't disagree with his premise or his conclusion. But I ask him and all others in his similar political position: How can Iran with a nuclear weapon be a better thing for this world, for the Middle East, or for Israel?

I think the answer is obvious. That is why the President, in league with our major allies and some not so frequent allies, has brokered an agreement to send in international inspectors to destroy the centrifuges which are building these nuclear weapons, to put a concrete core in the reactor that produces the plutonium, and to continue the inspection of Iran nonstop so that they do not develop a nuclear weapon.

That to me is an ultimate positive outcome. Does it cure all of the horrors that have been listed by the Senator from Kentucky? Of course not. But how can he imagine that Iran with its record would be in a better position—or that we would be in a better position—if Iran had a nuclear weapon? I do not think so. That, I think, is the issue before us. I have to harken back to the statement made yesterday by my colleague from Michigan. She is in contact with the family of one of the prisoners being held there. They are concerned, I am concerned, that dramatizing these four prisoners as part of our political debate on the floor, which is what the Republicans have done with their amendment is a risky process. We want these prisoners to come home safely. We voted that way overwhelmingly.

Playing them as part of a floor strategy by the Republicans is risky. I wish we would not take the risk at their possible expense. So I would urge my colleagues to join me in voting against the cloture motion that is going to come before us at 11 o'clock to move forward on this particular amendment.

I will close by saying, the press reports last night explained why we are here wasting a week in the Senate: Because of the Republican presidential debate and because of the fact that even some of the Republican presidential candidates reserved a vial of venom to be used against the leader here, the majority leader of the Senate and the Speaker of the House.

It is clear they are under immense pressure to show their Republican manhood. That is what this exercise is all about.

I yield the floor.

The PRESIDING OFFICER. The Senator from Maryland.

Mr. CARDIN. Mr. President, the next vote we are going to take on the Iran agreement will fundamentally change the resolution before us. It is out of compliance with the review act. The Iran review act gives Congress three options: approve the agreement, disapprove the agreement or take no action. This amendment would provide conditional approval of the Iran agreement.

Let me make clear to our colleagues that the framework of the agreement is to provide Iran sanctions relief in exchange for stopping Iran from becoming a nuclear weapons state. That is the yardstick. It provides for inspections and enforcement, preserving our options if Iran participates in terrorism, human rights, and ballistic missile violations, and the bottom line is whether Iran is in better or worse shape to acquire a nuclear weapon under this agreement.

I reached my judgment on it, as did 100 Senators. I opposed the agreement, but this amendment takes us in a different direction. This amendment says that if Iran recognizes Israel and releases four hostages, that sanctions relief will be granted to Iran. I hope Iran does recognize Israel, but I must tell you I would have no confidence in their statement or trust in their statement if they issued a statement recognizing Israel.

Senator STABENOW has already talked about whether this is the most effective way to bring back our hostages. One can challenge that. So this conditional approval gives up any of the disapproval resolution on the nuclear part of the agreement. That makes absolutely no sense whatsoever.

Let me remind our colleagues that this is September 17. This is the 60th day of the congressional review, the last day of the congressional review. Quite frankly, this vote is a political exercise, and this issue is way too important for us to be engaged in a political issue on the review.

We have worked very hard over 60 days to get information. The committee has worked very hard. We are very proud of the record of the Senate Foreign Relations Committee in this regard. We shouldn't be participating in this political battle. It is clear this Iran agreement will be implemented.

Now it is time for this body to stop taking show votes and instead pivot to the serious work of addressing the problems with the deal. This means making sure we are working with the Government of Israel on a security package that will now enable Israel to defend against conventional and terrorist threats from Iran; it means making sure we are working with our partners in the Gulf Cooperation Council to make sure we are collectively prepared to counter destabilizing any Iranian activities; it means making sure we are prepared to counter Iranian terrorism, ballistic missile proliferation, and

human rights abuses; it means making sure we are working effectively with our European allies to prepare for Iran potentially cheating on the deal.

Let's turn to the serious work we have in front of us and recognize that we all need to be together to prevent Iran from becoming a nuclear weapons State. We stand for Israel's security, we stand for the return of our hostages, but let's also make sure we have the strongest possible decision to make sure we prevent Iran from becoming a nuclear weapons State. Let's work together.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. MENENDEZ. Mr. President, I rise as an opponent of the Iran nuclear agreement, and I have set forth at length—both on the Senate floor and in a speech at Seton Hall University School of Diplomacy and International Relations—my reasons why, but I am also an opponent to the McConnell amendment that would support the deal if Iran recognizes Israel and releases American hostages.

I have said on this floor—and will say again—that I have a problem with the underlying nuclear agreement. As much as I wish to see the hostages released—and have voted in a resolution that the Senate passed calling for Iran to do so—and have them come home to their families, and as much as I would like Israel to be recognized by Iran as a sovereign, independent nation, I am not certain I would want to give my imprimatur to the agreement even under those conditions, which this amendment would do. This, in essence, makes—if adopted—a conditional agreement. We in the Senate would be voting to say the agreement can move forward if the hostages are released and if Iran recognizes the State of Israel as a sovereign and independent state.

I must say I want the hostages back, as does everyone in this Chamber. I want Israel to be recognized as a sovereign and independent state, although I believe that any such recognition by Iran at this point in time would be temporal, at best, and can only be meaningful by actions, not just simply by such a declaration.

So at the end of the day, for all the reasons I have heard my colleagues on this floor talk about the consequences of the nuclear deal, surely you cannot be of the thought that as desirous as the releasing of the hostages is or the desire to have Israel recognized by Iran as a sovereign state, that that would then give you a clear sailing for the underlying nuclear agreement. That, in essence, is what this amendment would provide for.

We have many concerns as we move forward with Iran. We already see that. Even as this agreement is being moved forward, Iran has given its OK to Russia to overfly Iran and then Iraq, where we have spent so many lives and national treasure, to send military hardware into Syria to prop up the Assad

regime—which Iran has also been a patron of—and at same time to maybe very well establish a military base for Russia. So there are going to be a lot of concerns, notwithstanding this agreement that we have with Iran, but I, for one, do not want to give any idea that we would support this agreement—as someone who opposes it—simply because the hostages would be released and Iran would recognize Israel.

Some might believe that will never happen, so therefore the agreement wouldn't move forward, but if the agreement is as good as so many of my colleagues have said it is for Iran, then it might not be a price they would find too high to pay in order to have the agreement move forward.

In any event, whether Iran thinks it is a good agreement for them and would do so, I simply do not want to support the underlying agreement by virtue of a sleight of hand on something that is desirable and, independently, this body would be united on—getting all of the hostages back and doing everything necessary to achieve that and at the same time making sure Israel is truly, truly recognized, not only in words but in deed. That is why I will be voting against the amendment.

There are far more serious things, such as renewing the Iran Sanctions Act, in the days ahead that I think are critical. Many of the things Senator CARDIN has been talking about in his proposed legislation will be critical to having the type of response we want in Iran against its hegemonic interests in the region as well as its nuclear ambitions. For that, I will be voting against the amendment.

I yield the floor.

The PRESIDING OFFICER. The Senator from Delaware.

#### THE ECONOMY

Mr. CARPER. Mr. President, going back to the elections of last November, there are three takeaways—enduring takeaways—for me from that election: No. 1, people want us to work together; No. 2, they want us to get things done; No. 3, they want us to find ways to further strengthen the economic recovery of our country.

Today the Department of Labor released the most recent weekly information on filers of unemployment insurance in this country. They do it every Thursday. They have been doing this for years. Today the number is 264,000 people. It sounds like a lot—well, compared to what?

The week that Barack Obama and JOE BIDEN were inaugurated as President and Vice President, that number was not 264,000, it was 628,000. Anytime that number is over 400,000 we are losing jobs. Anytime the number is under 400,000 per week, we are adding jobs. That number has been under 300,000 for the last 28 straight weeks. I don't know that there has ever been a time when we have seen a number that low for that long.

We are strengthening the economic recovery. We ought to continue to do

that. There are a number of things we ought to do on this floor to further strengthen the economic recovery. We need to avoid a budget shutdown. We need to put in place a responsible spending plan for the next year. Our country is under cyber attack 24/7—companies, businesses of all kinds and shapes. We need to have tax certainty. We need to put in place a tax plan for our country rather than stop and go. We need to fully fund a 6-year transportation plan. Those are just some of the things we can do to further strengthen the economic recovery.

Are we dealing with those? No, we are not. We are coming back again to vote—really—on the same thing we voted on before.

Let me just say, with all due respect, do I want the hostages released? You bet. Have I let the Iranian officials, senior officials whom I know, know that? You bet, every time I talk to them and meet with them.

The best way to make sure the hostages are released, the best way to hasten the day that Israel has a kind of relationship with Iran that they had not all that many years ago is to put in place and to fully implement the plan that is before us, one that will make it very difficult for the Iranians to develop a nuclear weapons program and ensure that if they do, we know about it.

My message to Zarif—the Foreign Minister of Iran who has been the lead point person on their negotiations for the last 2 years—this is my message to him and to the Iranian officials: No. 1, you could have a stronger economy; No. 2, you could have a nuclear weapons program. You cannot have both. There is a whole new generation of people who have grown up in that country, 78 million people. The average age is 25. Does the Revolutionary Guard like the agreement? No, they don't. They want to kill it.

How about the young people who have grown up in that country who like Americans, who want to have a better relationship with us, what do they want?

The PRESIDING OFFICER. The Senator's time has expired.

Mr. CARPER. They want us to take yes for an answer, and I would take no for an answer with the measure that is before us today.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. FLAKE. Mr. President, I just wish to say a few words about the vote we are about to take and about this process.

I do not favor this agreement. I have indicated I would vote against it. I would like to get to a final vote on the subject and not just have endless cloture votes. It has been offered on the Democratic side that we would go to a final vote if the margin was set at 60. We have a 60-vote threshold. I say take it. Let's get to a final vote. We have seen the end of this movie already. The President has the sufficient votes to

sustain the veto. Therefore, this would simply be an exercise to send something to the President that he would veto and then have that veto sustained. I see no value in doing that. There is no value to our allies to see that there is a split in Congress or between Congress and the Executive on this issue.

The President is in his last term, he is not hurt politically by this, and there is no reason to do that. So I don't know why in the world we want to go through that exercise or insist on going through that exercise simply to force cloture.

I would like to send the disapproval motion to the President—that would be fine—but to not get to a final vote because we are insisting on doing that seems to me misguided. Let's agree and go to a final vote and set it at a 60-vote threshold. That would be fine. We know the end of this movie already.

With regard to the amendment itself, the text of it, we are talking about our desire to have the hostages who are in Iran released. Everyone would like that. Everyone would like to see Iran recognize Israel. But should a whole agreement be based on those two items? No. There are a lot of other things that need to be done as well.

As I said, I don't believe this was negotiated well. I think it could have been better. That is why I will vote against it if I have a chance.

But let's give the Members of this body that chance. Let's have a vote on the final product, the process that we set up with the Corker-Cardin legislation, and not insist on sending something to the President that would be sent back and that we know the result.

I want to register my support of having a final vote, regardless of where that vote threshold is.

With that, I yield back.

Mr. CARPER. Will the Senator from Arizona yield for a moment?

Mr. FLAKE. I yield to the Senator.

Mr. CARPER. First, let me thank Senator FLAKE for a very thoughtful statement. It reminds me a little bit of what Senator REID has been asking for by unanimous consent for a week or two; that is, to actually forgo cloture votes and that sort of thing. Let's just go to a final vote, but we want a 60-vote threshold. I think the expectation has been for months that there would be a 60-vote threshold.

If the Senator from Arizona is comfortable with forgoing all of this parliamentary procedure and to going to an up-or-down vote with a 60-vote threshold, I think that is the way to do it. That is the way we ought to do this. I applaud the Senator for what he said.

Mr. FLAKE. Thank you. I do think that this is a serious matter. This is an agreement that is important, that is going to last beyond this administration and beyond the next one. Congress should be on record on this issue with more than just a procedural vote. I understand the desire to have a vote by simple majority—that would be the preference—but if we cannot get there,

and this is a body of compromise, then let's have a vote, a final vote on the subject.

As to the matter of—let me just say, with these amendments, I will vote with my colleagues on this side of the aisle on a cloture vote to get to a final vote on these amendments, but if it comes to it, I will vote against those amendments, not that I don't want the hostages released or Israel recognized, but the entire agreement should not be based on those two items. There are other important aspects of the agreement, and to pick two as a way to go forward doesn't make sense to me. So I will vote with my party on cloture to move ahead to vote on the amendment, but if it comes to that, I will vote against those amendments.

With that, I yield the floor.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. PERDUE. Mr. President, I rise to speak today about President Obama's nuclear deal with Iran.

I have now cast multiple votes to proceed to an up-or-down vote on this nuclear deal. However, according to President Obama and his administration, Congress's review period ends today, even though there is still controversy about that.

I want to applaud the ranking member of the Foreign Relations Committee and the chairman—the ranking member, Senator CARDIN, who is here today, and Senator CORKER—for getting us to this point. In a unanimous vote in our committee, we got this bill, brought it to the Senate, and we had a 98-to-1 vote in a bipartisan effort to bring this before the American people. Today, we are here with a very small minority of Americans who actually support this deal.

This administration chose not to consider this as a treaty but as a non-binding political agreement. That means in a little over a year, our next President can determine whether he or she will abide by this deal with Iran.

My question is this: What can we do now—right now—in the Senate, over the next 14 months, to continue to fight this President's nuclear deal with Iran? I speak today to confirm that I will continue this fight, individually, if necessary. In the next 14 months I am committed to finding ways we can mitigate the effects of this dangerous deal with Iran.

We need to ratchet up sanctions on Iran for terrorism and human rights violations and continue to be vigilant in both of those areas. We need to be prepared with sanctions that can be snapped back swiftly when, not if, Iran cheats, even if that cheating is only incremental. We need a strategy to deal with the increase in terrorism and aggression we will see from Iran after they get over a \$60 billion payday from this deal. We need a plan to reassure our allies in the region and to counter the nuclear and conventional arms race this deal is sure to trigger.

I have been saying this for months, which is why I ensured the passage of

an amendment in the State Department authorization bill that calls on the administration to produce such a strategy. I refuse to accept the world's deadliest weapons getting into the hands of this rogue regime.

Hearing this administration sell the Iran deal, I am so often reminded of President Clinton's deal in 1994. In 1994 President Clinton promised our country this nonbinding agreement with North Korea would make America and the world safer. Look at where we are today. Just 12 short years after Clinton's deal, North Korea completed its first nuclear detonation test. Today North Korea has a nuclear bomb, and it is cooperating with Iran on Iran's program. Just this week North Korea announced it is bolstering its nuclear arsenal and is prepared to use nuclear weapons against the United States of America.

I fear President Obama's deal with Iran will yield similar results. We cannot allow Iran to obtain a nuclear weapon—not now, not in 10 years, not ever. For the security of our children and our children's children, our country, our world, and our future, we absolutely have to make sure that Iran never becomes a nuclear weapons state.

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. CORKER. 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. CORKER. Mr. President, today we have a series of votes that I know may be difficult for the American people, who may be looking on, to understand. In the Senate we have a procedure called cloture, which signifies whether Members are ready to end debate and move on to the vote on the substance of the bill we are now discussing.

We have been on this now for 2 weeks. We have had 12 hearings in the Foreign Relations Committee, with my distinguished friend Senator CARDIN as the ranking member, and we have had all kinds of debate on the floor. Almost every Senator in the Senate has spoken. Yet we find ourselves in this place where a bipartisan majority of Senators wish to send a vote of disapproval to the President and 42 Senators are keeping us from doing so.

If I could just walk through this, first of all, in a strong bipartisan, almost overwhelming manner—almost four times since 2010—this body has put sanctions in place against Iran to bring them to the negotiating table. I want to commend people on both sides of the aisle for making that happen. My friend, BOB MENENDEZ, and MARK KIRK on our side, together with all the rest of us helped to make those things happen.

When this body saw that the President, after we helped to bring Iran to

the table, was going to negotiate a deal that cut us out—that, in essence, caused him to be able to go straight to the U.N. Security Council and cause a deal to be implemented—I worked with my friend Senator CARDIN, and others, and we put in place something called the Iran review act, which gave us this ability to have 60 days to look at the proposal, to go through it, and to voice our approval or disapproval. We have had that debate.

Unfortunately, because the President did not achieve what he said he was going to achieve—and by the way, if he had, there would be 100 Senators today voicing their approval. The President, when he began the negotiations, said he was going to end Iran's nuclear program. Unfortunately, from my perspective, he squandered—squandered—that opportunity.

We had a boot on the neck of Iran, a rogue nation. We had some of the greatest countries in the world involved in the negotiations to end their program. Instead, we capitulated and have agreed to the industrialization of their nuclear program. We have agreed to let them continue their research and development so they can do what they are doing in an even quicker manner. We have allowed them to continue their ability to deliver intercontinental ballistic missiles.

We all know they have no need for their program other than to develop a nuclear weapon. We know that. They have no practical need. So a strong bipartisan majority of this body wants to send to the President a resolution of disapproval. Yet today what is happening, I fear—for the third time—is that a minority—a partisan minority, I will say—of 42 Senators are going to block that from occurring.

Now, look, I understand procedures around here. I do. I understand the cloture vote. I knew that when we agreed to this bill. We agreed to it being dealt with under what is called "normal procedures." We agreed to that. I just want to remind people, though, that back in the gulf war, this body decided it was going to support President Bush—the first President Bush, Bush 41—when he really didn't need to come to Congress. But he came to us for the authorization of the use of military force and that was passed on a 52-48 vote—52-48.

What we have happening today, though, is that we have 58 Senators here who disapprove of what the President has negotiated. They feel he squandered the opportunity given to him with our support. Instead of ending their program, he has allowed it to be industrialized. And so we have 58 Senators here who want to express themselves and to send to the President this resolution of disapproval. We have 42 Senators on a procedural vote who are keeping us from doing so—42 Senators.

In essence, they are saying, I guess, we haven't debated this enough. Almost every Senator has expressed

themselves. We have had 12 hearings in the Committee on Foreign Relations, with all kinds of classified briefings. The Committee on Armed Services had hearings, and the Select Committee on Intelligence had hearings.

I just want to say that I know many people spent a lot of time. I know the ranking member looked at this backwards and forwards before he came to his own conclusion. This, to me, really is taking on a tone of Members of this body protecting the President—protecting the President—from having to veto something this body would send to him, which is a resolution of disapproval.

So I am disappointed we are where we are. I am disappointed the Senate functions in the way it does today, where a majority of Senators who wish for something to happen cannot make it happen. In this particular case it is happening in a manner, in my belief, to really keep the President from having to veto this, which is what a majority of Senators in the Senate would like to see happen.

With that, I hope that at least a couple of Senators here will decide that we have discussed this long enough and that we will allow this body to vote on the actual underlying substance. That is, by the way, what the Iran Nuclear Agreement Review Act was about. On a 98-to-1 basis Senators in this body said they wanted the ability—98 of us; 1 Senator was missing or we would have had 99—to weigh in on this topic, and now that is not going to occur.

I believe my time is over. I understand the minority may have about 2 minutes left and then we will proceed to a vote. But I want to thank my good friend Senator CARDIN, who I think serves in a very distinguished way. I could not have a better partner. So I thank him for his comments as they are about to come and also for his cooperation.

The PRESIDING OFFICER. The Senator from Maryland.

Mr. CARDIN. Mr. President, Senator CORKER and I have been in agreement for 53 days of the 60-day review. And he is absolutely correct that 58 Senators disapprove of this agreement and don't think it should go forward. He and I are in agreement on that. We both believe we could have done better and we should reject the agreement, but 42 Senators believe we should go forward.

I thought the colloquy that took place just a few moments ago on the floor between Senator CARPER and Senator FLAKE was the way we should have completed this issue, then have a final vote with a 60-vote threshold. That is where I thought we were headed when we went into the August work period.

We have understood the process, and Americans know where every Member of the Senate stands on this agreement. Americans also understand the 60-vote threshold in the Senate. And they certainly understand the 67 votes necessary to override a veto. This

agreement is moving forward. We all know that. We should all be talking about how to move forward on the agreement.

What I don't understand is the next vote. I don't understand why the majority leader decided to bring forward an amendment to change a resolution of disapproval into a resolution of conditional approval. To me, that is totally inconsistent with the review act, and it is counterproductive for those who either support or disapprove of the agreement. It is not fitting and not consistent with the work done during the first 53 days of the review, where we worked very hard in committee so that every Member of the Senate could get as much information available to make their individual judgments whether to vote for or against the agreement. And 58 voted for, 42 against.

This vote I don't understand, and I would urge my colleagues—befitting the Iran review and the Senate's responsibilities here, we should be voting no on the amendment that is offered by the majority leader.

I yield the floor.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. CORKER. Mr. President, I think I understand the frustration expressed by the ranking member. The ranking member knows I worked with him to ensure that when we had this debate, we stayed away from those issues that divide us. He knows I took multiple tough votes, as did others, to keep things in balance.

There are Members of this body who feel as if this amendment the Senator is talking about is one on which they would have liked to have expressed themselves. Since we are in a place where it appears that 42 Senators are going to keep us from actually being able to go forward with the vote on whether we agree or disagree—the Senator and I are in the same place on this. But since that has occurred, I think out of frustration and knowing there were a number of Members who wanted to express themselves on the way this next amendment is—I think that is the reason that has occurred.

Mr. CARDIN. Mr. President, I ask unanimous consent that the Senator have an additional minute so he can yield to me.

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

Mr. CARDIN. If the Senator will yield, do the people who are suggesting that this amendment be voted on recognize that they are making this a conditional approval vote and therefore that if Iran were to recognize Israel, if this were to become law and if Iran were to recognize Israel and release the four hostages, that the agreement would go forward? Do they understand this is not one of the options provided under the Iran review act and it is inconsistent with the discussions I think we have always had as to what the votes would be on the floor of the U.S. Senate?

Mr. CORKER. Mr. President, if I could respond through the Chair, I think what people understand is that 42 Senators are causing a filibuster to take place and that we are not ever going to be able to get to that vote of conscience all of us have wanted to make. And since they know that, they understand this deal is going to go forward, and therefore, in order—since these people really never had the opportunity to express themselves in this manner—there never was an amendment during the debate relative to the amendment we now have before us. I think since they know it is going to go forward, since in essence the filibuster is underway that keeps this final vote from occurring and a motion of disapproval from going to the President, there is a divergence off of that to express themselves in a different way.

Mr. CARDIN. Mr. President, I ask unanimous consent for 1 additional minute for the chairman of the committee.

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

Mr. CARDIN. If the chairman will yield, I understand the frustration. There is a lot of frustration on not getting votes when we want to get votes. But I remind the chairman that every request for a vote on the Iran review act came from the Republican side of the aisle. There were none from the Democratic side of the aisle. We had votes on Republican amendments. If you recall correctly, it was a Republican effort that ultimately led to no option other than to cut off further amendments by the majority leader.

Let me also suggest that on two occasions we have attempted to allow for a final vote with a 60-vote threshold so that we wouldn't have to use any filibuster. The Democratic leader consented to a motion to proceed without the necessary cloture vote because we don't want this to be procedure, and I think everyone wants to vote and has voted their conscience.

Mr. CORKER. If I could, and I very much appreciate—first of all, I could not work with a more thoughtful, diligent Member of the U.S. Senate than the ranking member.

I think what the Senator's side needs to understand—and I have tried to articulate this—is that during these negotiations, we tried to set up a privileged motion where it was set up not unlike one, two, three agreements that we have. We understood that the minority leader—and I respect this—does not like privileged amendments, that the leaders like to control the floor, and in this case he wanted to be able to control his side. So we were not able to set this up as a privileged vote. As the Senator knows, we then agreed to do it under regular order—regular order—and the Senator and I agreed to those negotiations.

What the Senator would be asking our side to do to move to a 60-vote debate is actually raise the threshold from a simple majority, which is the

way regular order works. The Senator would ask us to raise the threshold to a 60-vote threshold, which is above and beyond regular order. So the Senator can understand how people don't understand why we would agree to raising that threshold.

So, look, we understand what is getting ready to happen. The Senator and I have a lot of business to do relative to Syria, relative to Iraq, relative to refugees and others.

I am disappointed that the Senate functions in the way it does. As I mentioned, back under the gulf war, back in 1991, instead of a filibuster, Members allowed us to vote on a—I wasn't here then, and I don't think the Senator was here then—on a 52-to-48 basis, people moved beyond the filibuster and allowed the majority to express themselves.

I hope at some point in time the Senate will move to a place where we allow the majority to express themselves. This is not happening on a significant vote of conscience. I am disappointed in that, but I understand what the outcome is going to be, and I look forward to working with the Senator on other issues.

## 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 legislative clerk read as follows:

## CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on Senate amendment No. 2656.

Mitch McConnell, John Cornyn, Roy Blunt, John Thune, Deb Fischer, John Barrasso, Roger F. Wicker, Michael B. Enzi, Shelley Moore Capito, Orrin G. Hatch, Rob Portman, Mike Crapo, Richard C. Shelby, Pat Roberts, Thad Cochran, Mike Rounds, David Perdue.

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. 2656, offered by the Senator from Kentucky, Mr. MCCONNELL, to H.J. Res. 61, shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The bill clerk called the roll.

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

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

The yeas and nays resulted—yeas 53, nays 45, as follows:

[Rollcall Vote No. 266 Leg.]

## YEAS—53

Alexander	Burr	Collins
Ayotte	Capito	Corker
Barrasso	Cassidy	Cornyn
Blunt	Coats	Cotton
Boozman	Cochran	Crapo

Cruz	Isakson	Roberts
Daines	Johnson	Rounds
Enzi	Kirk	Sasse
Ernst	Lankford	Scott
Fischer	Lee	Sessions
Flake	Manchin	Shelby
Gardner	McCain	Sullivan
Graham	McConnell	Thune
Grassley	Moran	Tillis
Hatch	Murkowski	Toomey
Heller	Perdue	Vitter
Hoeben	Portman	Wicker
Inhofe	Risch	

## NAYS—45

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

## NOT VOTING—2

Paul	Rubio
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The PRESIDING OFFICER. On this vote, the yeas are 53, the nays are 45.

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

The majority leader.

## CLOTURE MOTION WITHDRAWN

Mr. MCCONNELL. Madam President, I ask unanimous consent to withdraw the cloture motion on H.J. Res. 61.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

## SENATOR COLLINS' 6,000TH VOTE

Mr. MCCONNELL. Colleagues, before the next vote, Senator ANGUS KING and I wish to make a couple of observations for a few moments.

Former Maine Senator Margaret Chase Smith was once known for a nearly unbeatable attendance record. She hadn't missed a single rollcall vote in more than 13 years of service, but that came to an end one day in 1968 when Senator Smith narrowly missed casting her 2,942d consecutive vote. She had been recovering from surgery hundreds of miles away from here. So it was understandable. Yet I am not sure if surgery, a tsunami or the most wicked Maine nor'easter could stop a woman who occupies Margaret Chase Smith's seat today because not only is the senior Senator from Maine a fierce admirer of her pioneering predecessor, she is also nearly unstoppable once she puts her mind to something, and we have all experienced that.

Since assuming her seat in 1997, one of those somethings that she is so fixated on has been to never miss a single vote. She blew past her idol's record nearly a decade ago. The senior Senator then marched on to 3,000 consecutive votes, 4,000, 5,000, and the next vote will be her 6,000th vote in a row. Only two other Senators have ever achieved a longer unbroken streak. Former Senator Proxmire took 10,252 consecutive votes, and our colleague, the senior Senator from Iowa, has

voted more than 7,440 times in a row. This means our colleague from Maine hasn't missed a single vote during her entire Senate tenure. She has not had one sick day in more than 18 years. It is really remarkable, and so are the tales of what it took to get here. One time she twisted her ankle as she tore down a corridor, sprinting back to the Capitol from a ready-to-depart plane. Just ask her about the logistics of planning a wedding and honeymoon around the recess calendar.

Our colleague is willing to do just about anything to ensure that she is here in this Chamber representing the people of Maine.

I ask the entire Senate to join me in congratulating her as she celebrates this notable milestone.

(Applause, Senators rising.)

The PRESIDING OFFICER. The Democratic leader.

Mr. REID. Madam President, it is no surprise to me that SUSAN COLLINS is such a hard worker. She started as a young woman, digging potatoes for 30 cents a barrel at a neighbor's farm in Caribou, ME.

I have learned a lot about her over these years. I have served with her now for almost two full decades. Hard work and diligence is her byword. We have worked on some things together that have been extremely important for the country. Some of the things I won't bring up because they might not sit well with some of my Republican friends, but she is a person who is truly an independent Senator. I admire the work she has done. She, of course, has a good education.

I started out really thinking the world of her when she was first elected because I learned where she was trained. One of my favorite Senators whom I have served with here in the Senate has been Bill Cohen from Maine. He was a terrific Senator and a fine man. I am convinced that one of the reasons she is as good as she is is because of what she learned in Senator Cohen's office.

I served under him. He was chairman of the Aging Committee. I served with him on other matters. He and I were both in the House of Representatives. We shared lockers, in that little room that they give us back there, for many years. I so admired him. I knew when she came here, her having worked there, that she would be good, and she has been really good.

I am also impressed with her ability to work with our Independent Senator, ANGUS KING. They have worked so well together. They don't always agree on issues, but they are always agreeable on every issue. I admire both of them, and I am so proud to join in lending my voice to congratulate this good woman, the senior Senator from the State of Maine.

(Applause, Senators rising.)

The PRESIDING OFFICER. The Senator from Maryland.

Ms. MIKULSKI. Madam President, I know it is not the usual protocol to follow the two leaders who have spoken,

but I wish to exercise a personal privilege of being the senior woman in the Senate and say that on behalf of all the women in the Senate, we congratulate Senator COLLINS on this enormous and significant milestone. She is certainly in the tradition of a very esteemed predecessor from the State of Maine, Margaret Chase Smith, who was, herself, a historic figure.

Senator Smith was known for her devotion to Maine, her advocacy for her constituents, her fierce independence, and for always being at the forefront of being an advocate for what is right. Senator COLLINS continues to do that.

We want to congratulate her because she is a fierce fighter for Maine. She is absolutely independent. For her, it is not about the other side of the aisle; for her, it is not about aisles, it is about building bridges.

I believe that if Margaret Chase Smith were alive today, she would walk over and give Senator COLLINS a great big hug and say: Keep at it. Keep at it. We say to Senator COLLINS: Keep at it for many more votes and for many more good years to come.

I yield the floor.

(Applause, Senators rising.)

The PRESIDING OFFICER. The Senator from Maine.

Mr. KING. Madam President, I rise to congratulate my colleague, my esteemed colleague, my esteemed senior colleague for this accomplishment. I think it is important to realize—we all know the logistical challenges of making every single vote. What she has done is symbolic of her service to this country and to the State of Maine. It is not just making every vote. It is symbolic of an intense, fierce commitment to this body and to this institution and to the country. I am delighted that the majority leader and the minority leader have recognized her today.

I had the occasion to sit next to her at a function in Maine when the vote record came out. It comes out about quarterly or every 6 months. I looked at mine. I had it in my hand. I leaned over to her and I said: Look, I have a 98.6-percent attendance record of voting in the Senate. She leaned back and said: You will never catch me. It is true.

Of course, as has been mentioned, she sits in the seat of Margaret Chase Smith, one of Maine's important leaders of the mid-20th century, one of the most important Members of this body. Every day that Margaret Chase Smith appeared on the Senate floor, she had in her lapel a red rose. So in order to recognize Senator COLLINS today, I wish to present her with a rose symbolic of her kinship to Senator Margaret Chase Smith.

Senator COLLINS, what an accomplishment. Thank you on behalf of the people of Maine and the people of this country.

(Applause, Senators rising.)

The PRESIDING OFFICER. The majority leader.

Mr. MCCONNELL. Madam President, quickly, before the next vote, there will be no more votes this week.

The next vote will be on cloture on the motion to proceed to H.R. 36, the Pain-Capable Unborn Child Protection Act, on Tuesday morning. The Senate will be in session on Monday to debate the pain-capable bill, and I hope all Members will be here to join in that discussion.

I yield the floor.

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 Senate amendment No. 2640.

Mitch McConnell, John Cornyn, Roy Blunt, John Thune, Deb Fischer, John Barrasso, Roger F. Wicker, Michael B. Enzi, Shelley Moore Capito, Orrin G. Hatch, Rob Portman, Mike Crapo, Richard C. Shelby, Pat Roberts, Thad Cochran, Mike Rounds, David Perdue.

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. 2640, offered by the Senator from Kentucky, Mr. MCCONNELL, to H.J. Res. 61, shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The legislative clerk called the roll.

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

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

The yeas and nays resulted—yeas 56, nays 42, as follows:

[Rollcall Vote No. 267 Leg.]

YEAS—56

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

NAYS—42

Baldwin	Franken	Murphy
Bennet	Gillibrand	Murray
Blumenthal	Heinrich	Nelson
Booker	Heitkamp	Peters
Boxer	Hirono	Reed
Brown	Kaine	Reid
Cantwell	King	Sanders
Carper	Klobuchar	Schatz
Casey	Leahy	Shaheen
Coons	Markey	Stabenow
Donnelly	McCaskill	
Durbin	Merkley	
Feinstein	Mikulski	

Tester	Warner	Whitehouse
Udall	Warren	Wyden

NOT VOTING—2

Paul Rubio

The PRESIDING OFFICER. On this vote, the yeas are 56, the nays are 42.

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

The majority whip.

Mr. CORNYN. Madam President, by twice denying this Chamber the opportunity for a simple up-or-down vote on the President's nuclear deal with Iran, our Democratic colleagues have all but assured that a bad deal—an executive agreement that many of them have also criticized—will go into effect without the American people having their say on this deal.

It is clear from public opinion polls and actually from counting noses here and in the House that a bipartisan majority of both Houses opposes this bad deal, but by using procedural blockades, our Democratic friends have prevented that up-or-down vote and the accountability that should go along with it. For what? For what? To protect the President.

As the majority leader has pointed out, the President is proud of this deal. This is about his legacy. He thinks this deal is perfect. So why are our friends on the other side of the aisle trying to protect the President from vetoing a piece of legislation he is proud of?

Well, during the debate, these very same colleagues who have filibustered this bill have stressed that although they support the President's deal, they remain deeply devoted supporters of the State of Israel. They say they remain deeply concerned about the plight of American citizens held hostage by an Iranian regime. But just a moment ago, these very same colleagues, when they had an opportunity to prove it, well, let's just say their actions speak louder than their words.

The vote we just had should have been a straightforward vote. The legislation the Democrats have filibustered would have prohibited the President from providing any sanctions relief to the Iranian regime until two things happen: No. 1, the Iranian regime acknowledges Israel as a sovereign state, and No. 2, the regime releases U.S. prisoners it currently holds. But with only one exception, every Senator on the Democratic side of the aisle voted against both of those provisions. Well, to be sure, they are consistent about one thing: shielding the President, who is desperate to protect his legacy, from having to make tough decisions.

I don't see the President particularly shy about making a decision, even when it is not authorized by the law, when it exceeds his authority under the Constitution. This President has been the most reckless of any President I have read about or seen in my lifetime when it comes to observing the limitations and constraints based on the law and the Constitution.

To say the blockade of these important bills is a disappointment is an understatement.

I know that many of us will continue to work to promote the bilateral relationship with Israel—between the United States and Israel—over any sort of association with the world's foremost state sponsor of terrorism. Many of us—myself included—will continue to call on the administration to bring our citizens home safely from Iran. We are not giving up. We are not going to quit.

#### PAIN-CAPABLE UNBORN CHILD PROTECTION ACT

This Chamber does have a lot of important work ahead of us. For the remainder of my time, I would like to discuss how we can come together to protect the most vulnerable among us; that is, our unborn.

Earlier this summer, horrific videos were released depicting Planned Parenthood executives discussing the harvesting of organs from unborn babies. The most recent video was released just a few days ago. In these videos, the blatant disregard for human life was underscored by a cavalier attitude on full display by Planned Parenthood executives. They flippantly and callously discussed the selling of body parts from babies who never had a chance for life.

Without a doubt, these videos show a dark, ugly side to our humanity. How people could become so desensitized that they do not recoil in shock at these videos and what they depict is beyond me. All I can conclude is that people somehow have ignored the right to life and the potential for life these babies represent, under handy catch phrases like “choice.” These videos rightly shock the conscience of many in our country, stirring even supporters of Planned Parenthood to publicly denounce them as “disturbing.” And yes they are, but they are more than that.

As our Nation unites behind this very basic understanding of our moral mandate to defend those who cannot defend themselves, we will have a unique opportunity to make an important stride to support an agenda that promotes life over death. Next week the Senate will consider a piece of legislation called the Pain-Capable Unborn Child Protection Act—legislation I cosponsored along with I believe 45 cosponsors in the Senate—that would prohibit nationwide nearly all abortions after a pregnancy has reached 5 months.

Many States, including my State, have a ban on abortions once the baby becomes viable outside the womb. A friend of mine who is a neonatologist has told me privately what anybody can find on the Internet or anywhere else, which is that roughly at about 20 weeks, the baby becomes viable outside of the womb. So this legislation will prohibit abortions after that baby becomes viable, which under this legislation is 5 months. At 5 months, an unborn child's fingerprints and taste buds are developing. It is at this stage that many doctors and experts believe an

unborn child can experience pain. Banning nearly all abortions after 5 months—at the point unborn children can feel pain—should be an obvious moral imperative for all of us.

I understand that the issue of abortion divides our country and that some believe abortion should be available on demand at all points during a pregnancy. Well, we took an important step here in the Congress just a few years ago in banning the barbaric practice of partial-birth abortion—the actual delivery of a child alive and then literally killing the child as part of an abortion once they are born alive. Regardless of whether you are pro-choice or pro-life, hopefully we can come together and draw a line—a very clear line—at viability of that baby.

I would like to point out how vital this legislation is for those who, like me, believe we ought to be advancing a culture of life in this country. Very simply, the Pain-Capable Unborn Child Protection Act would save the lives of thousands of unborn children a year. That is why this legislation has garnered the support of groups such as National Right to Life and the Susan B. Anthony List.

This Chamber is long overdue in taking a hard look at the practices depicted by Planned Parenthood in these videos and examining our own conscience and our Nation's policies that affect the unborn.

It is important to point out that, contrary to what some in our country would believe, the United States has been one of the most liberal and most permissive countries in the world with regard to abortion. As a matter of fact, the commonsense consensus of most democracies, most civilized countries around the world, is that abortion after 5 months is unequivocally wrong. There are actually only seven countries in the world that allow abortions after 5 months, after viability of the fetus. Sadly, the United States is one of those seven. We should not be proud of the fact that we are right there alongside of China, North Korea, and Vietnam. Virtually almost all other civilized countries in the world—even if they allow elective access to abortion, they draw an important line at viability, at 5 months. America can and must do better than this. Every life is a precious gift of God, and we must protect those who cannot protect themselves.

At the same time the Senate will be considering this legislation, the Pain-Capable Unborn Child Protection Act—which, by the way, the House has already passed—the House will be voting on two additional pieces of legislation, I believe perhaps as early as tomorrow, one that would provide that children born alive during the process of abortion be protected—this is the Born-Alive Abortion Survivors Protection Act, and I believe that will pass the House of Representatives and be available for the Senate to take up later—and also a defund Planned Parenthood

bill introduced by Representative BLACK, which would put a 1-year moratorium on funding to Planned Parenthood while the investigation of their practices depicted on those videos is completed.

Right now there are four congressional investigations underway—the Senate Judiciary Committee, the House Energy and Commerce Committee, the House Judiciary Committee, and the House Oversight and Government Affairs Reform Committee. Those investigations are meticulous, they will be thorough, and we will be able to find out, No. 1, whether Planned Parenthood and their affiliates are complying with existing law, which prohibits profiteering from the sale of baby body parts, and whether the mothers, who presumably grant consent, actually know exactly what is happening to their unborn babies; that is, being sold for research and other purposes.

Just this year in the 114th Congress, we have also passed other important pro-life legislation: the Justice for Victims of Trafficking Act, where we preserved the Hyde amendment, which prohibits and has prohibited since 1976 the use of tax dollars to fund abortions, with some exceptions, and then the Medicare Access and CHIP Reauthorization Act of 2015, which reiterated the law of the land since 1976, the Hyde amendment—named for Henry Hyde, former Congressman from Illinois—that applies these types of protections to funding for community health centers.

These videos have perhaps reawakened the conscience of many of us and made some of us who were not aware of these barbaric practices depicted in these videos—made it crystal clear to us that there are things we need to do in response, particularly for those who believe every human life ought to be treated with dignity and respect.

There should be no hesitation from either side of the aisle to ensure we are doing our very best to protect precious human life, so in addition to the ongoing investigations I mentioned, in addition to the legislation we have already passed to make sure tax dollars are not used to fund abortions, we must also respond with legislation like that which the House will pass either later this week or next week that I mentioned a moment ago and legislation like the Pain-Capable Unborn Child Protection Act which would fundamentally protect the rights of unborn children. Next week this Chamber will have the opportunity to make this the law of the land.

Mr. REID. Madam President, today marks the last day of the 60-day Congressional review period that was established in the Iran Nuclear Agreement Review Act of 2015, which the President signed into law. As has been noted numerous times, by supporting that legislation the Senate voted to consider three possible outcomes: no action at all, a resolution of approval,

or a resolution of disapproval. Republicans brought a resolution of disapproval before the Senate and it failed. In fact, it failed on three separate occasions. Thus, the agreement will go into force. This issue has been decided.

However, numerous Republicans have claimed on the Senate floor that because this historic international nuclear agreement with Iran is not a treaty, and because Congress did not expressly approve the agreement, the deal will not carry into the next presidential administration. That could not be further from the truth.

Let's set the record straight: history has proven that international agreements are an essential element of diplomacy and have longevity far beyond a single administration.

Examples of recent nonproliferation agreements in place through more than one administration include: the Helsinki Final Act, the Vienna Document, the Proliferation Security Initiative, and the Missile Technology Control Regime.

It is absolutely clear that the Iran agreement can remain in force beyond the Obama administration, as have many other important executive agreements. The Senate has spoken on this issue and the Iran agreement will stand.

Mrs. FEINSTEIN. Madam President, I concur with the statement of Democratic Leader REID.

The P5+1 agreement is an executive agreement that can remain in effect beyond this administration. In fact, portions of the agreement last 20 and 25 years, and others are forever binding on Iran.

The United States has concluded other international agreements, such as the Helsinki Final Act and the Missile Technology Control Regime, that have endured. The Comprehensive Joint Plan of Action between the P5+1 and Iran is no different.

Mr. DURBIN. Madam President, on July 14, President Obama announced a landmark agreement between key world powers and Iran, the Joint Comprehensive Plan of Action, JCPOA, that removes Iran's path towards a nuclear weapon. This is a truly historic agreement that rolls back Iran's nuclear infrastructure, places severe limits and inspection on any such future work, and commits Iran to never build a nuclear weapon.

And while Iran's behavior in the region remains deeply troubling, particularly in terms of threats to Israel, this agreement ensures that such belligerence will not occur with a nuclear threat.

Per the Iran Nuclear Agreement Review Act, the announcement of the agreement set in motion a congressional review period which ended today.

In the past week, the majority leader has tried three times to pass a resolution of disapproval and three times it failed. During these debates, I have lis-

tened to many of my Republican colleagues make some outlandish claims with regard to the Iran deal. And now, instead of accepting this fact, some in this body have taken their displeasure a step further by claiming that because the JCPOA is not a treaty, it will no longer be in force in a new administration.

Nothing could be further from the truth.

Throughout our history, the United States has entered into executive agreements, like the JCPOA, without congressional approval on a wide range of subjects, including nonproliferation, international security, and bilateral cooperation.

When President Nixon negotiated the Shanghai Communique in 1972 with China, which led to the normalization of relations with a country that was as mistrusted then as Iran is now, did anyone try and claim that it would no longer be valid once Nixon left office?

I also do not recall this argument being made just a couple of years ago when President Obama negotiated the Framework for Elimination of Syrian Chemical Weapons, another example of an executive agreement. And of course there are many other examples, including the Algiers Accords, numerous status of forces agreements, and the establishment of the Organization for Security and Cooperation in Europe.

Claiming now that the JCPOA ends when President Obama leaves office is a terrible break from congressional tradition and threatens to undermine American international credibility. Who would negotiate with the United States if they believed such agreements would be abrogated with a new President?

These statements are truly reckless. Let it be clear once and for all that this agreement can and will extend beyond the current administration.

Mr. LEAHY. Madam President, today is the final day of the 60-day congressional review period that was established in the Iran Nuclear Agreement Review Act of 2015. By supporting that legislation the Senate voted to consider three possible outcomes: no action, a resolution of approval, or a resolution of disapproval. Republicans brought a resolution of disapproval before the Senate and it failed not once, not twice, but three times. The agreement memorializes the commitments of the countries whose governments signed it. It will now go into force, and it is the solemn responsibility of each of the signatories to the agreement to fulfill their commitments.

However, many Republicans, as if singing from the same sheet of music, have suggested that because this nuclear agreement with Iran is not a formal treaty, and because Congress did not expressly approve the agreement as opposed to defeating successive attempts to disapprove it, the deal will not continue into the next presidential administration. That is false.

There is a long history of international agreements signed by Repub-

lican and Democratic presidents that have longevity far beyond a single administration. If that were not the case, if the only way to negotiate commitments between countries was through the formal treaty process, our diplomacy would be in dire straits today. In fact, most international agreements are not treaties, yet they govern international relations on a wide range of critically important issues, from trade to public health to taxation to navigation, the list goes on and on.

If those who are now suggesting otherwise were correct, agreements signed one year, often after protracted negotiations to resolve matters of great complexity, would automatically become null and void soon thereafter. What would be the point? I doubt there is a Republican or Democratic administration in the history of this country that would subscribe to such an unworkable and illogical notion.

We asked the Department of State for examples of recent non-proliferation agreements that have carried on through more than one administration. It did not take long to get an answer. They include: the Helsinki Final Act, the Vienna Document, the Proliferation Security Initiative, and the Missile Technology Control Regime.

There are countless other examples of international agreements negotiated throughout our history, by Presidents of both parties that have never received formal congressional approval. They continue in effect unless explicitly repudiated. To suggest that they automatically expire, or are no longer in effect, after the end of the administration that negotiated the agreement, would cause incalculable disruption to our international relations and global security.

In this case, that would mean that on January 21, 2017, Iran could immediately restart its nuclear weapons program and refuse international inspections. It is absolutely clear that the Iran agreement can and is designed to remain in force beyond the Obama administration. The Senate has also spoken on this issue. For these reasons, and historical precedent, it will continue in effect.

Ms. MIKULSKI. Madam President, Congress has been reviewing the Joint Comprehensive Plan of Action for the last 60 days. This was the process set up by the Iran Nuclear Agreement Review Act of 2015, which the President signed into law and 98 Senators supported. We have now come to the end of that process. A resolution of disapproval, to stop the deal from going forward, failed three times here in the Senate. I know my colleagues and our constituents have very strong feelings on this issue. This was a very tough vote for me and one that I took very, very seriously. But now this issue has been decided.

But that is not enough. Now Republicans are saying that since the Iran agreement isn't technically a treaty, and because the Senate did not explicitly approve it, the deal doesn't carry

forward into the next Administration. If history is any indication, we know international agreements are a critical part of diplomacy and many have lived on well after the President who signed them leaves office. This is how America conducts its foreign policy with its allies—and its adversaries.

Many other agreements have lived on through more than one Administration. These include the Helsinki Final Act, the Vienna Document, the Proliferation Security Initiative, and the Missile Technology Control Regime.

It is clear that the Iran agreement can and should remain in force beyond the Obama administration, just like other important agreements that have come before it. The Senate has spoken on this issue. The Iran deal blocks the paths for Iran to get a nuclear bomb and is the best available option on the table. It can and should remain in force through the next Administration.

Mr. REED. Madam President, I would like to echo the comments of the Democratic leader. As of today, the Joint Comprehensive Plan of Action goes into effect. As the leader said, it is also my assessment that this agreement is an enduring agreement that will extend beyond the end of the Obama administration. The leader cites a number of critical nonproliferation agreements that both Republican and Democratic administrations have agreed to over the decade and they have endured the test of time and change of administrations.

Let's also remember that while this agreement's congressional review period is complete, there is much that needs to be done by Iran before any sanctions relief is provided to them. Iran must, as verified by the IAEA, demonstrate that it has implemented the necessary steps with respect to No. 1, the Arak heavy water research reactor; No. 2, its overall enrichment capacity; No. 3, its centrifuge research and development; No. 4, the Fordow fuel enrichment plant; No. 5, its uranium stocks and fuel; No. 6, its centrifuge manufacturing; No. 7, completing the modalities and facilities-specific arrangements to allow the IAEA to implement all transparency measures and the Additional Protocol and Modified Code 3.1; No. 8, its centrifuge component manufacturing transparency; and No. 9, addressing the past and present issues of concern relating to PMD.

I also want to reiterate one point that I have made previously: while rejecting the resolution of disapproval and other similar efforts was important for the future of this deal, it is effective, unrelenting implementation of the JCPOA that will be the real test, and it is where I hope the critics of this agreement will focus their attention. Holding Iran's feet to the fire under this agreement is the critical piece at this point, and it is critical that both the President and the Congress ensure that efforts to monitor and sustain the provisions of the agreement are

unstinting. This will demand constant attention and ample funding for an extended period. In this vein, I would note that the State Department has appointed Ambassador Stephen Mull as Lead Coordinator for Iran Nuclear Implementation. Ambassador Mull is a professional with a long resume. I look forward to working with him moving forward.

I thank the Democratic leader for his comments and I appreciate working with him and my colleagues as we look toward the implementation phase of this agreement—both in the near term and beyond January 2017.

Mr. BROWN. Madam President, I want to concur with the statement of the distinguished Democratic Leader on the long-term durability of the Iran agreement.

Assuming Iran complies with the agreement and takes the key steps necessary to substantially reduce its stockpiles of enriched uranium, scale back its centrifuges, make changes to the Arak reactor to render it inoperable and unable to produce weapons-grade plutonium, and takes the many other steps necessary to qualify eventually for sanctions relief next year—and then continues thereafter to comply with their obligations—this agreement can and should last for many years.

Today is the last day of the 60-day congressional review period established in the Iran Nuclear Agreement Review Act, which the President signed into law. As the leader noted, by supporting that legislation the Senate voted to consider three possible outcomes: no action at all, a resolution of approval, or a resolution of disapproval. Republicans brought a resolution of disapproval before the Senate and it failed. In fact, it has now failed on three separate occasions.

In recent days, many of my Republican colleagues have claimed on this floor that because this historic international nuclear agreement with Iran is not a treaty and because Congress did not expressly approve the agreement, it will not carry into the next Presidential administration. That is not true. While it is true that the next President could decide—even in the face of continued compliance by Iran and strong objections from our allies in the P5+1—explicitly to withdraw from the agreement, I don't expect that to happen. And unless and until that happens, the terms of the agreement and the obligations of the U.S. Government—and all other governments that are party to the agreement, including Iran's—to comply do not end when this administration ends in January 2017. Leader REID has outlined in his statement numerous similar agreements that have stood the test of time, from administration to administration, over the years. I commend Leader REID for his statement, and agree wholeheartedly with him.

Mrs. FEINSTEIN. Madam President, I rise today to express my dismay over

the votes that took place earlier today on the Senate floor. The resolution of disapproval of the Iran nuclear agreement has now been voted on three times in the Senate, and it has failed to advance three times.

Likewise, the House has failed in its own efforts to move a resolution of disapproval. The fact of the matter is that the nuclear agreement with Iran is a done deal, and the President now has every right to move ahead with its implementation, period.

Yet we were on the Senate floor this morning, voting on a highly charged Iran amendment that the majority leader introduced. Unfortunately, the amendment was yet another political attempt to undermine the agreement. This amendment would prevent the President from providing sanctions relief to Iran—thereby scuttling the entire agreement—unless Iran does two things: recognize the State of Israel and release four Americans wrongfully imprisoned in Iran.

I voted no on cloture on this amendment, and I want to take a moment to explain why. To be clear, my vote does not mean that I endorse Iran's position on Israel nor does it mean that I don't care about the American prisoners in Iran. Just because I support this diplomatic agreement does not mean I support Iran's reprehensible policies.

In fact, I want nothing more than for Iran to recognize Israel as a sovereign state. I have always stood by Israel, and its security and future well-being are foremost in my mind. For those of us who are personally connected to Israel and care for her deeply, this vote is nothing more than an attempt to embarrass us and score political points.

It should be obvious to the American people that, of course, we all stand with Israel—Democrats and Republicans. Since 2008, we have provided more than \$25 billion to support Israel's defense. At \$3.1 billion per year, Israel is the largest annual recipient of U.S. military assistance, which can be used to purchase U.S. defense equipment and services. We've also provided \$3 billion specifically for missile defense systems, such as the Iron Dome, David's Sling, and Arrow. In fiscal year 2015 alone the Congress provided \$351 million for Iron Dome—twice the president's budget request.

We all want Iran to recognize Israel and stop threatening its existence. We all want Iran's support for terrorist proxies on Israel's doorstep to cease. We all are disturbed by the Ayatollah's calls for Israel's destruction. But the way to truly have Israel's back is not through this amendment.

On the prisoners currently held in Iran, it must be said and reiterated: No American, let alone any member of Congress, wants any of our citizens wrongfully imprisoned in Iran. These detainees deserve to be brought home, safe and sound, to their loved ones. But, again, a partisan amendment does not make that happen.

The vote today was nothing more than an attempt to extract a political

price for our previous vote in support of the nuclear agreement. Playing politics with one of the most important national security votes of our time does nothing to actually support Israel, nor does it do anything to free the prisoners. If my counterparts truly wanted to enhance Israel's security and free the Americans, they would stop trying to undermine the nuclear agreement with Iran—which I believe is our best opportunity to begin to turn a new page with Iran.

I stand ready and eager to work with my Republican counterparts to achieve our shared goals of supporting Israel and getting our prisoners out of Iran. But we have a far better chance of achieving that through bipartisan cooperation and working together to make sure the nuclear agreement is fully implemented.

It is time to move past the repeated attempts to overturn the nuclear agreement. It is extremely unfortunate we had to take the vote today, especially given all the other pressing matters before the Senate.

I yield the floor.

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

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

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

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

#### GOLD KING MINE SPILL

Mr. BARRASSO. Madam President, I want to speak today about a tragedy that hit the American people, the American West last month, and it is something that didn't get nearly as much attention as it should have. I am talking about what has been called the Gold King Mine spill. It happened on August 5. That was when the Environmental Protection Agency spilled 3 million gallons of toxic wastewater into a tributary of the Animas River in Colorado—3 million gallons.

This is water that contained toxic substances, such as arsenic and lead. The agency was doing some work on an old mine when water under high pressure started rushing out. This disturbing incident raises serious questions about how the EPA, the so-called Environmental Protection Agency, does business.

First of all, it raises significant questions about this agency's responsiveness. After the EPA had this accident, apparently it never occurred to them to immediately call the towns downstream and to let anyone know this toxic plume was headed their way. The Animas River connects to the San Juan River, which connects to the Colorado River and to Lake Powell. These are some of the most beautiful natural resources in all of America. It is the source of water for communities all along the way. They provide recreation, water for irrigation for crops and for homes.

This water that was polluted by the Environmental Protection Agency flows from Colorado to New Mexico and into Utah. It flows through the land of the Navajo Nation and the Southern Ute Indian Tribe. These waterways are a sacred part of the culture for Native Americans who live near them. So why didn't the EPA get on the phone? The Navajo Nation was not informed until a full day after the spill. It got the news from the State of New Mexico, not from the agency that caused the disaster—the EPA.

At first, EPA didn't even want to admit how bad the spill was. They said: Oh, it was a million gallons of wastewater. Days later they admitted they had actually spilled three times the amount they said at first. Four days after the spill, the EPA still hadn't reported to Navajo leaders the presence of arsenic in the water—arsenic. It still hasn't reported it. It took 5 days for the agency to set up a unified command center in Durango, CO.

Yesterday, I chaired a hearing of the Indian Affairs Committee that looked at how this disaster affected tribes along the route. The agency's explanation was disappointing—very disappointing. The disaster happened over 6 weeks ago. The EPA is still not giving out detailed answers about what went wrong.

This tragedy also raises questions about the EPA's basic competence. According to a preliminary review by the agency, the EPA failed to take basic precautions—failed to take basic precautions. The agency never even checked how high the water pressure was in the mine, but the report did say the EPA knew about this risk—the risk of a blowout—14 months earlier, before it actually happened. They knew about it. They knew the risk and never bothered to figure out what the worst-case scenario would be and what they would do if water actually started rushing out. But that is what happened, and they knew it could.

The people who live along these rivers are frustrated by this agency's incompetence, but they are also frightened. People are afraid of what the long-term health effects might be for them and for their children. Farmers and ranchers are being devastated by the disaster. They are uncertain about whether the agency will be compensating them for their losses—losses that are the result of the EPA's own incompetence.

At our hearing yesterday we heard from Gilbert Harrison. He is a Marine Corps veteran, and he has a 20-acre farm on the Navajo reservation. He grows corn, alfalfa, watermelons, and other crops. He estimates he is going to lose 40 to 50 percent of some of his crops because he couldn't use the water to irrigate. The farmer told our committee yesterday:

This spill caused by the U.S. EPA created a lot of chaos, confrontation, confusion, and losses among the farming community.

This was a man-made disaster, and the Obama administration's EPA in-

flicted it upon Americans in these communities. I have spoken with tribal leaders who say the EPA has mishandled the spill, and the EPA's mishandling of the spill has seriously damaged their trust—the tribe's trust—of this agency. And I don't blame them.

Finally, the EPA's failure in this incident raises lots of questions about the agency's priorities. After all, the Obama Environmental Protection Agency has expanded its authority—expanded and seized control over one area after another. Look at its destructive new rules on waters of the United States. This agency has declared that only Washington can be trusted to protect America's rivers and streams.

That is what the Environmental Protection Agency says: Only they can be trusted to protect America's rivers and streams. How then do they justify grabbing all of this new power when they can't even protect rivers from themselves? They caused this problem. Look at this photo I have in the Chamber. Does this look like the work of a bureaucracy that should be in charge of protecting America's precious waterways? Look at that before-and-after: beautiful blue water running through, then this—sludge, dirty, polluted, and toxic. The EPA caused this. Does this look like the work of a bureaucracy that should be in charge of protecting our national precious water?

The Obama administration has focused on its radical climate change agenda and has neglected its most basic responsibilities. This photo should not give anyone confidence that the Obama administration is up to the job. They are not.

Do we really think that Washington should have more control over rivers like this when they caused something like this? Does anybody in America believe that? Washington did this. The EPA did this. Washington poisoned this river this way. The Environmental Protection Agency—the so-called Environmental Protection Agency—must be held accountable.

When any private company is accused of violating the Clean Water Act, the EPA aggressively pursues civil fines against that company and any of the individuals involved as well. Even criminal prosecution occurs. If this were a 3-million-gallon toxic spill caused by private citizens, the EPA would act aggressively against those people. The EPA would never accept the kind of feeble, half apologies and explanations we have heard so far from this administration and from the Director of the EPA who testified yesterday. There is clearly a double standard between the way the EPA treats itself and the way it treats everyone else.

The EPA failed—it failed—to do the proper planning before it caused this disaster. I believe it has also failed to do the proper work before writing regulations, such as its waters of the United States rule and its so-called Clean Power Plan.

With this spill, the agency's careless approach has done terrible damage to

Americans living along the Animas River and other waterways. Its reckless and irresponsible regulations will have a devastating effect on the jobs and the lives of millions of Americans all across the country.

At our hearing yesterday the EPA administrator continued to try to downplay the impact of its actions—downplay the impact of its actions. The agency needs to step back and rethink its priorities. This disaster happened because the EPA is inept at its job. There should be no more trying to deflect attention from the failure of the EPA—no more trying to grab additional power that it can use to do more damage.

The Environmental Protection Agency has been out of control for far too long. It is time for Congress and President Obama to hold the EPA accountable for its failures, and it is time to rein in this runaway bureaucracy before it does more damage to our communities, to our economy, and to our country.

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.

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

The PRESIDING OFFICER (Mrs. ERNST). Without objection, it is so ordered.

#### STRATEGY AGAINST ISIL

Mrs. FISCHER. Madam President, I rise today to discuss our strategy against ISIL.

Yesterday at our Armed Services Committee, we held a hearing on this topic. Instead of reassuring me that our mission was on the right path, the testimony provided further evidence that the administration must change their approach. I agree with the President's stated goal of degrading and destroying ISIL, but the steps we have taken thus far will not achieve ISIL's defeat. Indeed, the root of the problem seems to be that our strategy does not connect with events on the ground. There is no better example of this than our plan to train and equip the so-called moderate Syrian troops.

At the end of last year, Congress approved the President's request of \$500 million for the purpose of building a force of moderate Syrian fighters. Testifying in September of last year, then-Secretary of Defense Hagel laid out the administration's plan to build a force of about 5,000 fighters in 1 year. General Dempsey, the Chairman of the Joint Chiefs of Staff, added his assessment that about 12,000 fighters would need to be trained for the force to have an effect on the battlefield.

Initial results were expected within 8 to 12 months. At that time, many Members, including myself, questioned whether those goals were attainable and whether this assumption—that we could fight a war without taking on

significant risk because local partners would provide ground forces—was even realistic.

Let's consider where we are today, about 10 months later. According to public reports, the program produced about 60 fighters, and, upon their return to Syria, they were attacked by Al Qaeda-affiliated forces.

General Austin testified yesterday before our committee. In response to my questioning, he said that only four or five of those fighters remain. Again, we expected 5,000, and 4 or 5 remain. I wish I could say the complete failure of this strategy comes as a surprise. Unfortunately, I cannot. While ISIL has lost some territory in northeastern Syria, it has expanded its control in the western half of that country.

Iraq is a similar story. Recruits for U.S. training programs remain below expectations, with U.S. forces training just over half the number of Iraqis expected, and progress on the battlefield is uneven. It is plain to see why General Dempsey, our most senior uniformed military officer, has recently characterized the fight as "tactically stalemated."

The question is, What are we going to do? How will our approach change? What can we do to break that stalemate? What can we do to begin rolling back this tremendous threat?

I attended yesterday's hearing with those questions in mind, and I was extremely disappointed to hear that no real change was in order. To be fair, press reports indicate that changes are being considered, such as deploying graduates of our training program in groups larger than 50 or in safer areas of the country.

But even if such minor adjustments are made, they will not alter the basic fact that the idea of a new Syrian force is a complete fantasy under our current approach.

Perhaps in recognition of this, another report has surfaced that suggests the administration is no longer attempting to build a moderate ground force in Syria. Instead, they will simply train Syrians to direct U.S. air strikes and then embed them within existing rebel brigades.

If our experience thus far indicates that very few moderate groups remain on the battlefield, we will either be providing air support to a contingent too small to make a difference or we will be providing it to groups that are too extreme to currently warrant any support from us.

Again, I support the President's goal to destroy ISIL, but I don't see how anyone can believe this program is going to accomplish it. Instead of providing a new direction, the message this administration is sending is that they will stay the course. I admit I share the complete confusion expressed by some of my colleagues yesterday when we learned of this situation.

This White House acknowledges that the training programs in Syria and Iraq—the linchpins of our strategy—

have vastly underperformed. They express moral outrage at ISIL's barbarity, as well as grave concern for the plight of the 4 million refugees that have fled the country and sorrow for the 250,000 that have lost their lives. Our military characterizes the conflict as a stalemate. But, apparently, the administration feels no change is necessary. We are told the long-term trajectory is favorable, and ISIL's future, as General Dempsey put it, is "increasingly dim." I appreciate the fact that patience is required when it comes to military operations, but at the same time, patience doesn't fill the fundamental gaps in this administration's strategy. And the idea that we can wait ISIL out seems to overlook the death, destruction, and collateral damage its continued presence inflicts on the neighboring countries or to at least suggest that it is tolerable.

I have visited the region several times. Our allies there cannot sustain the strain of this conflict for years on end. I have visited a Syrian refugee camp in Turkey. Those people cannot wait there forever. Lest we forget, colleagues, this conflict has been raging for 4 years. Sadly, the flood of refugees reaching Europe was entirely predictable.

And how long before a divided Iraq becomes irreparable? As long as ISIL exists and continues to exercise initiative on the battlefield, it will draw recruits, expand its global network, and inspire those "lone wolf" attacks. Its ability to execute attacks against Europe and the United States will improve as more foreign fighters pass through its ranks and then return to their home countries. These are the very reasons Congress supported taking military action against ISIL in the first place, but I certainly did not support the deployment of forces to establish a stalemate.

When our soldiers are put in harm's way, we shouldn't be content to just "patiently" leave them there, with no strategy to achieve our goals. As my colleague Senator MCCAIN—who has been a tireless advocate on this issue—has pointed out, there are a variety of options available to the President between the current approach and deploying large amounts of troops on the ground. With only a stalemate to show for the thousands of soldiers we have deployed, the 5,000 air strikes that we have conducted, and the past year we have spent training Syrians and Iraqis, I think these options deserve reconsideration.

The President has stated that "all wars must end" and that our country "must move off a permanent war footing." I believe the best way to do so is by crafting a strategy that plans for victory.

Before I yield the floor, I want to note my appreciation of Secretary Carter and General Austin for their frank testimony before the Senate Armed Services Committee. Both men have come before our panel and they have

provided honest assessments and also specific figures about the results of the Syria training program, for which they have received significant media scrutiny.

The point of a public hearing is to provide the American people and their representatives in Congress with the information they need to know so we can make informed policy decisions. I sincerely hope more witnesses follow their example and justly uphold the valuable tradition of congressional oversight by not shying away from discussing these very difficult topics.

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. BROWN. 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. BROWN. Madam President, I ask unanimous consent to speak for up to 20 minutes as in morning business and to share the time with the Senator from Ohio, Mr. PORTMAN.

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

REMEMBERING CONGRESSMAN LOUIS STOKES

Mr. BROWN. Madam President, I am joined by my colleague on the floor today, both of us longtime friends of the now late Congressman Louis Stokes. Senator PORTMAN and I sat together at Congressman Stokes' funeral at Olivette Church in Cleveland just a couple of weeks ago. We both called Lou a friend. I wish to speak about him, and then I know Senator PORTMAN would like to speak about his friendship and his alliances and allegiances and work with Congressman Stokes.

He grew up in a Federal housing project in Cleveland. His father worked in a laundromat. His father passed away when Lou was 3, leaving his mother with two young sons to raise. A former sharecropper and descendant of slaves, she cleaned houses to support her sons and encouraged them to get an education.

Lou shined shoes to earn money for the family. He served in the Army during World War II—probably a pretty segregated Army. He served and went to college at Case Western at night on the GI bill.

From public housing, to public education, to public investment in our servicemembers, Congressman Stokes' life accomplishments show how government makes a difference in people's lives—something he passionately believed in—the partnership between government and communities, between the Federal Government and what we can do together as a country. In the 20th century, our country made great strides in that public investment and in expanding opportunity, paving the way for people like Congressman Stokes to become national and community leaders. What this country gave to

Lou Stokes he gave back many times over.

The seeds for his career of service were sowed in many places, in many fields, but particularly, he used to say, in the Army when he was stationed in the Deep South during the days of segregation. He was appalled by the inequalities he witnessed, even for those wearing the uniform and serving our country. He said once:

I remember being moved from Jefferson Barracks in St. Louis to Camp Stewart, Georgia, through Memphis. They stopped the train there to eat lunch. The first dining room was all white soldiers; the next dining room was German POWs. A black curtain separated the black soldiers from the German POWs. It was one of the first times it really hit me.

He would go on to dedicate his life to fighting those inequalities.

He and his brother Carl opened a law firm in Cleveland. The first cases were civil rights cases. Congressman Stokes took on cases both big and small, including the landmark stop-and-frisk Supreme Court case *Terry v. Ohio*. Again and again throughout his legal career, he fought for the interests of the powerless against the powerful—the same as he did in Congress.

In 1965 Louis and Carl Stokes represented the local NAACP in challenging Ohio's congressional map.

Around that time, Congressman Stokes' brother Carl was elected mayor of the city of Cleveland in a second attempt, and Cleveland then became the largest city in America which had elected a Black mayor.

The new district map created from the lawsuit I mentioned brought Ohio's first African-American majority district in 1968. Lou Stokes won that seat and became the first African American to represent Ohio in Congress. In only his second term in the House, he became the first African American in the Nation's history to serve on the House Appropriations Committee. He didn't use his success to seek glory for himself; he used his commanding position to expand opportunities not just in his own district in Cleveland—so important to those of us who live in Cleveland and those of us who represent Ohio—but he used his position to help African-American communities all over the country. He was immediately—and he earned it—more and more beloved in the Black communities in every city in Ohio, including from Mansfield, where I grew up, to Akron, to Columbus and Cincinnati, to Dayton and Toledo and the smaller cities.

He gave those who were too often ignored a voice in Washington, where it could make the most difference. He secured money for housing, urban development, health care, jobs programs, education, and for colleges primarily serving people of color.

He was a strong advocate for unions. He cared greatly about the trade union movement. He knew the trade union movement gave great opportunity to African Americans, especially in cities

like Cleveland. He stood up for collective bargaining. He stood up for the rights of workers everywhere. And to give a permanent and powerful voice to people of color, he helped to form the Congressional Black Caucus.

Congressman Stokes' accomplishments are many. We honor him today with our words and with this resolution Senator PORTMAN and I are introducing. We should strive to honor and continue to honor him each day.

Here is how we do it, and I will close with this. On a Sunday night, 2 days before the 2008 elections, Senator Obama—a colleague of mine at the time in the Senate—was campaigning in Cleveland for President. It was two nights before the election.

As Senator PORTMAN and I remind our colleagues, Ohio is perhaps the Nation's No. 1 swing State. I know the Presiding Officer thinks they elect Presidents in her State, but we really do elect Presidents in the State of Ohio.

So then—Senator Obama came to Ohio the Sunday night before the election to a rally estimated at between 70,000 and 80,000 people. As Presidential candidates almost inevitably and invariably are at the end of campaigns, he was about an hour late. Bruce Springsteen took the stage. A number of us spoke at the rally.

Before Senator Obama arrived, I had the honor—and it became one of my greatest memories ever of public service—I stood beside and behind the grandstand and had a conversation of about 45 minutes to an hour with Congressman Stokes, who was retired at that point; Rev. Otis Moss, who delivered his eulogy a couple of weeks ago; and Mrs. Edwina Moss. I just listened to them for 45 minutes talk about what it meant to them that we were this close to electing an African-American President. They, frankly, didn't think it would happen in their lifetimes. They weren't even sure, the polls notwithstanding, that it was going to happen in 2008. The excitement and the sense of history and the awe and the depth of feeling Congressman Stokes and Edwina Moss and Reverend Moss exhibited during that 45 minutes—talking, reminiscing about memories, thinking of the future—to my wife Connie and me was something I will never forget.

Since then, Citizen Stokes—former Congressman—who cared so deeply about this, was so happy we passed the Affordable Care Act. He was so happy we did things such as the auto rescue to get our State's economy back and going again. He cared so much about voting rights. He was so troubled by the Supreme Court decisions. He was so hopeful that our country could get back on track in a bipartisan way to build this economy, to pass voting rights, to do all of the things he devoted his life to first as a young lawyer, then as a Congressman, and then as one of Ohio's most prominent citizens, to continue to speak out on these issues that matter to all of us.

We should honor his life and legacy by continuing Congressman Stokes' work for equality and justice in the lives of others. We honor him. We considered him a friend, and I know Senator PORTMAN did too.

I am thrilled to be able to stand on the floor and speak for a few moments about my friend, the late Congressman Stokes.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. PORTMAN. Madam President, I thank my colleague from Ohio for his remarks and for joining me here on the floor to talk about our former colleague and friend, Congressman Louis Stokes. He was an amazing guy. He was a true American success story and a true son of Ohio who dedicated his entire life to public service, whether he was in elected office or not.

I think my colleague Senator BROWN has done a really nice job speaking about his humble beginnings.

Lou Stokes grew up without the benefit of having a dad around. He grew up in a poor household but with a lot of pride. His mom pushed him to get an education and to be the best he could, as clearly she did with her other son, Louis's brother Carl.

After growing up in Cleveland, he spent a few years in the Army, which had a big impression on him. He then went to Cleveland-Marshall College of Law. He was a successful attorney and actually argued three cases before the U.S. Supreme Court. So he had a career in law that was distinguished even before getting into politics.

Senator BROWN talked about his brother Carl and the fact that when he was elected the mayor of Cleveland, it then became the largest city in America which had elected a Black mayor. Louis Stokes told me he saw that and that is what inspired him to think maybe he should get involved in public service in that way as well. So he ran for office. He got elected to the House of Representatives. He was the first African-American Congressperson from Ohio; that was in 1968. He would later become the first African American to sit on the Appropriations Committee. So a lot of firsts.

As Congressman, he served for 30 years. He became a very influential Member. Senator BROWN and I had a chance to serve with him there. He represented his district faithfully, but he also played a pivotal role in broader issues well beyond his district. His involvement in civil rights was mentioned, as well as certainly education and justice issues.

I was a proud cosponsor of a number of bills with him. We collaborated on one project in particular called the National Underground Railroad Freedom Center in Cincinnati, where he helped me tremendously. This was in my hometown, not in his town. As a member of the Appropriations Committee, he was critical to getting that freedom center up and going, which is a national center that resides today on the banks of the Ohio River.

We also wrote legislation to connect all the Underground Railroad sites around the country, many of which were in disrepair and in danger of being lost, and that is the Network to Freedom Act that continues today to get the Park Service involved in protecting these sites.

It was always a pleasure to work with him, and he was a loyal and trusted legislative partner.

He then went to the Squire Sanders law firm, and I was honored again to call him a colleague when I worked there after leaving government and before running for the Senate. So we had a chance to get to know each other better outside of the legislative branch. He had a great career, as Senator BROWN just said.

What I admired about him most was his interest and ability in getting to a result. He was not about giving fancy speeches or rhetoric. He was about coming up with solutions to help the people he represented in Cleveland, and I think in his heart well beyond Cleveland, and that is why he was so effective.

He didn't get sidetracked by the partisanship and political attacks. He kept focused, and he made a big difference. He had a meaningful impact on lives in his district and well beyond.

All you have to do is go through Cleveland to see his impact. It is hard not to see a landmark named after him or his brother Carl. Among those is the Louis Stokes Public Annex to the Cleveland Public Library, as well as the Louis Stokes Health Sciences Center at Case Western Reserve University.

I remember going to his retirement party from the Squires Sanders law firm. I had rushed there from another meeting and had gone through town, and as I arrived I said: Let's just name the town after Lou Stokes, because I was on Stokes Street and went by the Stokes library and the Stokes Health Center. So those were all assessments of the impact he had on his community.

He was a very strong family man, a loving husband to his beautiful wife Jay of more than 50 years, and he was very proud of his kids. Each of them in their own right has gone on to distinguished careers. His grandchildren spoke at the funeral where Senator BROWN and I were, and, boy, were they articulate. They were just really impressive. He had so much to be proud of.

I had the opportunity to visit him just before he passed, and the last thing he said to me is: I am so lucky, ROB. I am so lucky to have had a great family. That is what he talked about to me in our final moments together.

He was determined and he was successful, no question about it, but he did it in a gentlemanly way. He had a great smile, a good sense of humor. His laughter could light up a room, and it did. I was just very grateful to call him a friend and to have him as a respected

colleague, to watch him as an effective leader. He has made an impression on me, and he has made an indelible impact on the State of Ohio. He will be missed as an effective leader, a great leader for Ohio, and a loyal friend.

I yield back my time.

The PRESIDING OFFICER (Mr. HOEVEN). The Senator from Washington.

#### BUDGET DEADLINE

Mrs. MURRAY. Thank you, Mr. President.

Mr. President, right now we are on a course for yet another Republican government shutdown in just 13 days. We know what this looks like and how damaging it is because we saw it 2 years ago when tea party Republicans dug in their heels and tried to use shutdown threats to repeal the Affordable Care Act.

We know that during the 16-day shutdown that followed the tea party tantrum, workers across our country didn't know when they would get their next paycheck, businesses felt the sting of fewer customers, and families across our country lost even more trust that elected officials in our country could even get anything done. After all that—after all the damage families and communities felt—we also know that the 2013 government shutdown actually did nothing to stop the Affordable Care Act.

Once that shutdown ended, I was proud to work with the Republican Budget chairman, PAUL RYAN, to do what we shouldn't have needed a shutdown to get done, and that was negotiate a 2-year bipartisan budget deal that prevented another government shutdown. It restored critical investments in priorities like education, research, and defense jobs, and it showed families their government can get something done when both sides are willing to come to the table and compromise.

I was hopeful that after the economy-rattling exercise in futility and the bipartisan deal that came out of it, Republican leaders would have learned a few lessons. Well, 2 years later, as our bipartisan deal is set to expire, here we are with another Republican government shutdown around the corner.

What are the leaders doing about this? What is their plan to avoid a repeat of 2013? Are they working with Democrats to keep government open and negotiate a budget deal as we have been pushing them to do for months? Unfortunately, the answer is no. Instead, just days away from a looming fiscal deadline, Republicans are back as far into their partisan corner as they can get and are focused on their political pastime—attacking women's health.

Instead of spending the coming weeks working to avoid a budget crisis, which is what we should be doing, Republicans are unbelievably planning to vote on yet another restriction on women's health and rights. This is transparent pandering that is bad for

women, bad for our economy, and bad for our country.

People across the country are watching this, and they are appalled. This particular bill that is coming to the floor next week is an extreme, unconstitutional abortion ban, which would restrict a woman's constitutionally protected right to make her own choices about her own health and her own body. That bill would mean that if a young woman endures rape or incest, she would have to go to the police before getting the care she needs, and it would take away the right to choose from adult victims of incest entirely. Finally, that bill would allow politicians in Washington, DC, to get between a woman and her doctor by making it a crime for doctors to provide health care their patients need.

This kind of dangerous, extreme legislation might appeal to the tea party, but it is going nowhere. Voting on it certainly will not keep the government open and, just like the Republican attacks on the Affordable Care Act 2 years ago, this latest GOP effort to turn back the clock on women's health is a dead end.

A new report from the CBO shows that if Republicans get their way and Planned Parenthood loses funding, as many as 630,000 women will not be able to get birth control. Hundreds of thousands of women, many of whom do not have convenient access to health care clinics or providers besides Planned Parenthood, would experience reduced access to their health care.

It is appalling that in the 21st century, my colleagues on the other side of the aisle are pushing to take health care away from women who need it.

Let me be very clear. Democrats are not going to allow Republican political pandering come before women's health and rights—not on our watch.

I want to be sure that families and communities across the country heard something that the majority leader did say yesterday. He said that “inevitably” Democrats and Republicans will have to work together to reach a bipartisan budget agreement.

Well, I think the workers and businesses who struggled through the last government shutdown are wondering what the holdup is. Why do we need another round of drama and brinksmanship before we can work together? Why do we need to see countdown clocks—once again—counting down the days until another shutdown? And why, once again, do women and their health care have to come under attack before Republicans can do the right thing?

I am certainly wondering, and I know my Democratic colleagues are too. I think it is clear that Republican leaders have a choice. As their leader said, they inevitably will have to work with Democrats, now or later. The only question is how much pain they are willing to put workers and businesses through before they drop the politics, stop pandering, and come to the table.

Democrats are ready to get to work, and I hope that, finally, Republican leaders are as well.

Thank you, Mr. President.

I yield the floor.

The PRESIDING OFFICER. The Senator from Maryland.

Mr. CARDIN. Mr. President, I would like to discuss my bill, S. 2035, the Federal Employee Fair Treatment Act.

I ask unanimous consent to speak as in morning business.

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

#### FEDERAL EMPLOYEE FAIR TREATMENT ACT

Mr. CARDIN. The legislation I have filed, S. 2035, the Federal Employee Fair Treatment Act, will help alleviate some of the fears of Federal workers when the Federal Government shuts down. I am pleased to have Senators REID, BALDWIN, CARPER, GILLIBRAND, HIRONO, Kaine, Leahy, Mikulski, Shaheen, and Warner as original cosponsors.

The bill is simple and straightforward. It requires that all Federal workers furloughed as a result of any lapse in appropriations that may begin as soon as October 1 will receive their pay retroactively as soon as it is practicable. It is the right thing to do. It is the fair thing to do. Federal workers don't want government shutdowns. They don't cause government shutdowns. They are dedicated public servants who simply want to do their jobs on behalf of the American people. They shouldn't suffer because some Republicans want to shut down the Federal Government in the misguided notion that it will somehow prevent Planned Parenthood from providing health care services to low-income women and their families. Two years ago, these same individuals thought that shutting down the government would prevent the Affordable Care Act from being implemented. They were wrong then, and they are wrong now.

As the Congressional Research Service has reported, in “historical practice,” Federal workers who have been furloughed as a result of a shutdown have received their pay retroactively “as a result of legislation to that effect.”

The language in the Federal Employee Fair Treatment Act is similar to the language used to provide pay retroactively to workers furloughed in previous shutdowns.

I am pleased that it is supported by the American Federation of Government Employees, the National Treasury Employees Union, and the National Active and Retired Federal Employees Association.

The Federal Employee Fair Treatment Act includes a new provision that allows exempted employees, those who are required to work during a shutdown, to take authorized leave. They, too, would be paid retroactively as soon as possible after the lapse in appropriations ends. During previous shutdowns, exempted employees have been prohibited from taking leave for

any reason, including planned surgery or major family events, such as a wedding, that may have been scheduled weeks or even months in advance, causing many of them to lose money on nonrefundable plane tickets, hotel deposits, et cetera.

I am using the process permissible under rule XIV of the Standing Rules of the Senate to place S. 2035 directly on the legislative calendar. I am doing that to expedite consideration of the bill so that the hardworking middle-class Federal employees know they will be treated fairly if there is another shutdown. They shouldn't have to worry about whether they will be paid when a partisan gridlock prevents them from doing their jobs.

Since 2011, Federal workers have contributed \$159 billion to deficit reduction. They have endured a 3-year pay freeze and two substandard pay increases since then, for a total of \$137 billion. They lost another billion dollars in pay because of sequestration-related furloughs. Federal employees hired in 2013 and since 2014 are paying an extra \$21 billion for their pensions. And each and every Federal worker is being asked to do more with less as agency budgets are frozen or cut. This is happening to hardworking, patriotic public servants, mostly middle class and struggling to get by like so many other Americans. Enough is enough.

Since the 1950s and 1960s, the U.S. population has increased by 76 percent and the private sector workforce has surged to 133 percent, but the size of the Federal workforce has risen just 11 percent. Relative to the private sector, the Federal workforce is less than one-half the size that it was in the 1950s and 1960s. The picture that emerges is one of a Federal civilian workforce, the size of which has significantly shrunk compared to the size of the U.S. population it serves, the private sector workforce, and the magnitude of Federal spending.

I would make the additional point that shutting down the government hurts veterans. Over 30 percent of the civilian Federal employees are veterans, as opposed to just 7.8 percent of the non-Federal workforce. In Texas, veterans comprise, for example, 37.5 percent of the civilian Federal workforce. In Kentucky it is 33.9 percent; in Florida it is 38.9 percent; in South Carolina it is 41.7 percent. Is this how we are going to honor the men and women who have stood in harm's way to defend our Nation, by telling them to stay home involuntarily and having them worry about whether they will be paid?

Preventing Federal workers from doing their jobs doesn't just harm them; it harms all Americans because Federal workers patrol our borders and make sure our air and water are clean and our food and drugs are safe. They support our men and women in uniform and care for our wounded warriors, they help our manufacturers compete abroad, they discover cures for life-

threatening diseases, they prosecute criminals and terrorists, they maintain and protect critical infrastructure, they explore the universe, they process passport applications, they make sure Social Security, Medicare, and other social safety net programs are functioning properly.

When Federal workers do their job, they are helping each and every American live a safer and more prosperous life. Our tasks here in Congress are simple: We need to keep the government open for business and keep Federal workers on the job. Later this year, we will need to raise the debt ceiling so we can continue to pay our bills and maintain the full faith and credit of the United States Government.

We need to return to regular order around here and negotiate a comprehensive budget deal to replace the sequestration, a budget that maintains critical Federal investments while spreading the burden of deficit reduction in a fair way and holding Federal workers and their families harmless after subjecting them to so much hardship over the past several months and years.

One of the great attributes of the American character is pragmatism. Unlike what some other Federal workers actually do, here in Congress balancing the budget is not rocket science. We know the various options. Former President Lyndon Johnson was fond of quoting the Prophet Isaiah: "Come let us reason together." That is what we need to do. We can acknowledge and respect our differences, but at the end of the day the American people have entrusted us with governing, with being pragmatic. Let's do our job so Federal workers can continue to do their job on behalf of all Americans.

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

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

228TH ANNIVERSARY OF THE SIGNING OF THE CONSTITUTION

Mr. HATCH. Mr. President, today marks the 228th anniversary of the signing of the Constitution. Two hundred twenty-eight years ago, 39 brave and wise men set their names to the document that has guided our government and our politics ever since. With each passing year, I am increasingly astounded by the genius of those who framed our Constitution.

The world was a very different place back in 1787. There was no electricity, no railroads, no air conditioning. Crossing the Atlantic Ocean took months, and news traveled slowly on horseback. Our Nation, which today covers the continent, comprised only 13 States with a combined population of 4 million people. That is roughly the current population of Oklahoma today.

Despite these vastly different circumstances, the Framers created a system that has endured for over 200 years and has become an example to the world of stability and strength. They did so by enshrining in the Constitution certain fundamental principles about government and the source of rights, coupled with an objective, honest view of the failings of human nature.

The Framers recognized that our rights come from God, not government, and that it is the role of government to secure, not create, rights. They recognized that government unrestrained is a threat to liberty and that in order to protect citizens from government's constant tendency to expand its sphere, ambition must be made to counteract ambition. Parchment barriers, as Madison famously intoned, will never suffice.

Thus, the Framers created the separation of powers: federalism, checks and balances; an independent judiciary; a bicameral legislature; and an executive that, while unified, lacked the power of the purse. Each branch of government would have to share power with the others, just as States and the Federal Government would have to share power as well. By preventing any one branch or any one level of government from being able to act unilaterally in its affairs, the Constitution ensured that no one individual or group would be able to run roughshod over any other. And just as important, the Constitution ensured that no major policy change could occur without substantial support from large numbers of Americans at all levels of government and society.

The genius of the Constitution lies in its insight that prosperity requires stability. Temporary majorities come and go. Their favored policies may or may not be wise. Some years ago there was a great concern that the Earth was cooling. Now there is worry in the same quarters that it is warming. Policies that may have seemed wise at one point in time later reveal themselves to be foolish, even dangerous. By dividing power among branches, States, and Washington, our Constitution helps avert sudden, large mistakes even as it enables more modest improvements supported by broad coalitions.

The Constitution's division of powers also protects against the natural inclination toward self-aggrandizement. This inclination occurs both at the governmentwide level and at the individual level. An unchecked Federal Government bent upon remedying all of society's ills will tend naturally to swallow the States, each of which has far fewer resources than the Federal Leviathan. At the individual level, officeholders competing for power and prestige battle against each other as they try to enact their visions into law. Our constitutional system ensures that the Federal Government does not altogether consume the States by limiting and enumerating the Federal Govern-

ment's powers and by promising that all powers not delegated to the Federal Government are reserved to the States. The Constitution also forces rival officeholders to work together in its design to prevent any one person from unilaterally making, changing or eliminating laws.

Madison famously said that "if men were angels, no further government would be necessary." He further posited that "if angels were to govern men, neither external nor internal controls on government would be necessary."

Well, as everybody knows, we are not angels, and we need controls on government to keep it in its proper sphere. The Constitution provides these controls by dividing and diffusing power and by forcing those who seek change to work with others who may not share their views.

Unfortunately, there are some who view the Constitution as an obstacle to overcome, a barrier to supposed progress. These individuals find fault with the fact that the Constitution makes change difficult and requires broad, long-lasting consensus in order to enact major reform. Surely the exigencies of the day, they argue, weren't by passing or even ignoring the separation of powers, federalism, and other elements of our constitutional structure. Although some of these individuals may be well-intentioned, they are fundamentally disguised.

The fact is that the Constitution is not an obstacle. It is a guide—a guide for how we should approach our contemporary problems, for how we should think about our roles as citizens and legislators, for how we should conduct ourselves as we debate the problems of the day.

The Constitution limits government in order to preserve freedom. It makes each branch the equal of the others and the States the equal of Washington, DC. It provides a check on all government action. It divides power among multiple sources because no one individual or office can be trusted with all authority, and it requires cooperation at all levels and all stages to ensure that changes in law are thoroughly vetted rather than rammed through by temporary majorities. These are the principles that should guide us as we seek solutions to our Nation's challenges.

These principles apply in any number of situations. A law that coerces States into coordinating or expanding programs against their will by threatening to cut off all funding for noncompliance makes States the subordinates, not equals, of the Federal Government. Executive action that purports to suspend vast swathes of our Nation's immigration laws does not honor Congress as a coequal branch, nor do statements threatening that if Congress does not act, the President will. The Constitution does not give the President a blank check. It requires him to work with Congress—a coequal

branch—to move the ball forward. Executive hubris is the antithesis of fidelity to the Constitution. More in line with what the Constitution teaches is a willingness to reach out to include fellow officeholders. A President who works all levers of government to find broad agreement understands the lessons of the Constitution. President Reagan did this with tax reform and entitlement reform. President Bush did it with education reform and financial sector reform.

Legislation that preserves the separation of powers, rather than delegating vast lawmaking authority to an unelected bureaucracy, also honors the Constitution's teachings, and so do regulations that stay within the bounds of agency authority. When agencies exceed their statutory mandate, they actually do violence to the Constitution's careful system of checks and balances. They assume power that is not theirs to take and remove decisions from the give-and-take of the democratic process. This is particularly problematic when the obvious purpose of the agency action is to bypass Congress.

EPA's recent carbon rules are but one example. When the administration found itself unable to pass cap and trade, even through a Democratic Congress, it turned to administrative fiat. It mattered not that the Clean Air Act provides no authority for the administration's exceptional harsh rules—rules that will depress economic growth and cause energy costs to soar, I might add. What mattered was the goal of reducing carbon emissions.

But the Constitution does not give the President power to right all wrongs, it requires him to work with Congress so the two bodies together can address our Nation's problems. Cooperation, the Constitution teaches, yields better results than imprudent unilateral action.

More generally, all laws that expand the government risk ignore the lesson of the Constitution. When we vote to expand government, we set ourselves against the very purpose of the Constitution to restrain the powers of the Federal Government. True, the Constitution created a more robust government to remedy the defects in the Articles of Confederation, but in creating a more robust government it placed check upon check upon check on that government. A government that can compel citizens to purchase products they do not want or to provide products repugnant to their most deeply held religious beliefs is a danger to liberty. Whenever we carve out new space for the Federal Government, we must be exceedingly careful not to upset the careful balance of the Constitution.

The Constitution also provides more subtle lessons on how we should conduct ourselves as Senators and elected officials. The overarching genius of the Constitution, as I have said, is its recognition that flourishing requires stability. Unchecked majorities are dangerous, not only because they tend to

invade minority rights but also because in their enthusiasm for change, they may enact policies that cooler reflection would reveal to be unwise.

The ongoing debacle of ObamaCare is an example of this inaction. Flush with the Presidency, a majority in the House and their first filibuster-proof majority in the Senate in over 30 years, Democrats enacted fundamental changes to American health care that have forced millions of Americans off their own plans, caused premiums to skyrocket, and further insinuated government into decisions that should be made between doctors and patients.

Had my colleagues on the other side of the aisle paid greater heed to what the Constitution has to teach, they might not have rushed so headlong into these problems. The Constitution teaches the virtue of prudence and incremental reform. Rather than seeking fundamental changes, as President Obama promised during the 2008 campaign, Democrats should have focused on retaining those aspects of American health care that work well, including doctor choice, innovation, and quicker access for treatment, even while attempting to correct deficiencies.

A more modest package that sought to preserve what worked, rather than an anonymous bill so large no one had any time to actually read it, could have avoided many of the problems ObamaCare is now causing. It might even have retracted some Republican votes. Instead, my colleagues on the other side of the aisle chose a party-line vote using an obscure legislative procedure that became necessary only after the people of Massachusetts—Massachusetts—elected Scott Brown, to block the bill. They did so in such a rush, as Speaker PELOSI so memorably revealed, that they didn't know what was in their bill. My colleagues across the aisle, along with the rest of America, are now paying the price for their improvements.

My remarks on this Constitution Day have focused on the lessons the Constitution has to teach, as well as the dangers we risk when we ignore its wisdom. I wish to close by calling upon my colleagues to pay greater heed to the lessons of the Constitution when writing and voting on legislation. There is an unfortunate tendency, in my view, to think of the Constitution as the courts' domain, to leave it entirely up to the courts to decide whether a law is constitutional. We in Congress just write laws; it is up to the courts to do the constitutional stuff.

This tendency to leave things to the courts diminishes our role in the constitutional system and misses the many lessons the Constitution has to teach. The judiciary's role in assessing constitutionality is a narrow one. Courts have not asked whether any law is consistent with the Constitution's overall spirit or the principles that animate it. Rather, they ask whether it satisfies some legal role announced in a previous case. Is the regulated activ-

ity commerce? Is the punishment for noncompliance a tax or a penalty?

But fidelity to the Constitution is about much more than narrow, legal reasoning. Honoring the Constitution involves looking to the principles that undergird it—values such as individual liberty, separation of powers, federalism, respect for civil society, and democratic accountability. In determining whether a given course of action is wise, all of these things are important.

ObamaCare again provides an example. ObamaCare, in my view, is unconstitutional, not only because it exceeds Congress's power under the Constitution but also because it violates many of the enduring principles made manifest in the Constitution. It invades liberty by compelling individuals to purchase insurance against their will and undermines federalism by coercing State governments to expand Medicaid. It dilutes the separation of powers by transferring vast legislative authority to the Executive—and on and on.

The same is true of the President's order suspending immigration laws for up to 5 million illegal immigrants. It attempts to transmute legislative authority to determine who may lawfully enter our country into an unbounded Executive prerogative not to enforce the law, it end runs democratic accountability by ignoring the wishes of the people's duly elected representatives, and it undermines the respect for civil society by sanctioning conduct contrary to our laws.

Whether a law meets whatever legal test the Supreme Court has set forth does not end the inquiry for those of us who seek the Constitution as our guide. We would do well to revive what James Ceaser and others call political constitutionalism: the notion that it falls mostly to political actors such as ourselves making political decisions to protect and promote constitutional goals.

For some programs, such as ObamaCare, it means repealing the program root and branch and replacing it with one that is both more effective and more in line with our constitutional values. For other programs that have become more embedded in the fabric of American society, advancing the cause of constitutionalism will involve more incremental reform. All of our entitlement programs need improvement. We must think hard about how we can reform these programs to better serve those for whom they were intended.

James Madison called the Constitution a miracle. I think he was right on point. The Constitution is a miracle because it has endured for over 200 years. It is a miracle because of what it teaches about prudent government and the need to guard against human failings. It is a miracle because the lessons it provides are just as relevant today as they were 228 years ago. I have to say it is a miracle because well over 160 nations in this world have

tried to copy it and under none of those nations does it work as well as this country.

In some ways we are starting to lose the Constitution because of some of the actions and activities of those who want to win at any cost. May we ever look to the Constitution for guidance and pay it increased fidelity as we discharge our duties here in Washington and across this great land.

I thank the Chair.

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

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

The Senator from Indiana.

Mr. COATS. Mr. President, there has been a lot of talk around here about the Iran deal: It is over. We made our best effort. We have fully exposed exactly what is in this agreement. We had hours and hours, days and days, and weeks and weeks of debates over this. It has been on our plate ever since the beginning of the negotiations.

Some of us started to express alarm and concern about the direction of those negotiations and what was potentially being given away, but we weren't sure until, fortunately, thanks to the Corker bill, Congress had a chance to weigh in and the administration was required to give us the ability to look at every word of this agreement, the annexes and everything attached to it.

Sometime later on, we found out there were two secret side agreements which we weren't able to see, and that alone, in my opinion, should have been enough to vote against this agreement. How can one enter into any kind of a contractual relationship with a nation or a car dealer if the person you are negotiating with says: Well, there are a couple of secret matters over here that you can't have access to, but don't worry—it really won't mess things up. No one is going to sign an agreement like that except the President of the United States and apparently the Secretary of State.

We made a valiant effort to defeat this. Many of us poured our heart and soul into this not just for days, not just for weeks, not just for months, but for years. And, yes, the American people have learned a lot more about this, a lot more than what has been marketed by the White House in terms of how good this is for the future of America, our national security, and the future of the world.

In many ways, I think we have exposed—and I have listed at least 10—major issues that we conceded. There were goals that we wanted to achieve going into the negotiations, and we conceded on every single point.

In the interest of time, I will not go back over that. All I am here to do is

to say that I guess I am not ready to give up. Earlier on the floor, I quoted Yogi Berra: "It ain't over till it's over." Everybody said it is over, but the consequences of this are not over and the results of this are not over. We will be living this out for the duration of this agreement, and at the end of this agreement, Iran will have completed exactly the goal that it is trying to reach—in fact, they may complete it much earlier than that—and that is the legitimatization of their possession of nuclear weapons and nuclear weapon capability.

This is a country that says: We only need to develop this for medical isotopes; to fuel a reactor that is going to produce electricity for our people—despite all the Sun, wind, and the unlimited amount of oil and gas underneath their soil which could provide that much cheaper than any other form. So there is no justification for their going forward except to achieve that one goal which we know they have worked on for years. We know they have lied in terms of organizations that have been sanctioning this. And now we have simply given them a pathway to achieving this and a legitimatization of their achievement of this. Some say that all the consequences will be good because Iran will abide by every part of this agreement and throughout this process there is going to be a major change in Iran—the theocracy will be overthrown, and they will become a responsible neighbor and nation—and this is the pathway to achieving that—that is the vision of the President. That is the dream.

Frankly, I hope my assessment of this is wrong. For the sake of the future of the United States, for the sake of the future of Israel, and for the sake of the future of the world, I hope I am wrong. But there is nothing in this agreement and there is nothing that has been said or done by the Iranian regime that would give us any indication—any hint at all—of any kind of change in their behavior. In fact, as they deride our agreement, our negotiators, and embarrass our President day after day after day with "Death to America" and "Extinction of Israel." What will be the consequences? As I said, I discussed at length what I think is wrong with this bill. I won't go over that again today. It is already in the RECORD. But there will be consequences that I don't think we have fully discussed, and I wish to lay out some of those.

For Iran, they will have liberation from all sanctions and will be back in business. They will become rich. They will become rich with the release of hundreds of billions of dollars, and they will be using that for any number of purposes.

Their oil industry is dominated by the Republican Guards. This is not Exxon Mobil, not Occidental Petroleum, it is not any of our international oil companies; this is the Republican Guards. A military organization that

dominates that oil industry. They will be free to exploit one of the largest oil reserves in the world. Their national income will spike. State coffers will fill. And Iran's terrorist adventures and proxy wars will be well funded.

We all know about Iran's ambitions for dominance throughout the Middle East and to be recognized as a world nuclear power. They will have all the more money now to be able to feed their proxies fighting for them in Syria, in Yemen, in Lebanon, in Iraq, in a number of places throughout the Middle East, and their terrorist threats resonate across the globe.

After nearly a decade of international efforts to force Iran to give up on this dangerous and illegal nuclear activity, Iran now has a green light—a pathway built for them by U.S. concessions in this agreement—to reach nuclear weapons capability. We have entirely conceded to Iran the right to create fissile material that can only have one use: nuclear weapons.

Now let's look at the larger question: the region, and the strategic impact of this on the region. We haven't really had a great deal of discussion on the strategic consequences. I discussed it briefly during some of my time earlier this week and last week, but the Iranian continuing revolution and regional misbehavior will affect the Middle East and will affect the world. It is dangerous and it is irresponsible.

Former Secretaries of State Kissinger and Schultz—well regarded for their experience and well recognized as global experts, international experts—discussed this broader strategic point in an important joint article that was released last April. Former Secretaries Kissinger and Schultz explained that the then-outlined deal was so weak that Iran would inevitably expand its power, Sunni States will inevitably proliferate in their response, and the United States will get dragged into Middle East wars—except, this time, the wars may be nuclear.

Let me quote from their statement. The Secretaries explained:

Previous thinking on nuclear strategy assumed the existence of stable state actors.

Iran is anything but stable.

These are wise words from wise people who have had a lifetime of experience.

Unfortunately, their views seem to have been largely ignored, if not completely ignored, by this administration, because it didn't fit their purpose to complete a deal, no matter what. No matter what we had to give up, they wanted to complete this deal. In fact, the State Department's spokesman was quoted as disparaging the two Secretaries of State, Kissinger and Schultz, stating that their words were just "big words and big thoughts" and that the two were "not living in the real world." Not living in the real world. I think that statement applies much more to the President and the Secretary of State than it does to former

Secretaries of State Kissinger and Schultz.

Let's look at proliferation. Some of us have discussed the obvious proliferation dangers flowing from an agreement that puts Iran on the path of nuclear weapons. Despite the reluctant words of acquiescence that have been wrung out of others in the region, who can possibly argue that Iran now will never be permitted to develop these nuclear weapons technologies without a response from others.

If I were the King of Saudi Arabia, if I were the Prime Minister or the President of any major country in the Middle East, I am not going to stand by and watch Iran achieve nuclear dominance. They are going to take their own action.

We have now basically shredded the nuclear nonproliferation treaty.

Let's look at Syria and the impact on Syria. America's appalling lack of effective response to the open wound that is Syria is one example of the paralysis born out of the single-minded obsession accommodating the Iranian regime. Iran is the principal prop for the brutal Syrian regime. Assad could not have remained in power these past 4 years of catastrophic disintegration of his country without Iran's support. I fear our negotiations with Iran have taken on such an overwhelming priority with an administration obsessed with legacy that it helped freeze us into inaction on Syria. The administration claims the nuclear negotiations were about Iran's nuclear misbehavior only and were never intended to address the rest of its regional brutality. That is true in some cases, but careful reading of the annexes and careful reading of the agreement—by doing so, we now know the administration went well beyond just discussing the nuclear capability issue. It did not address the hostages that were being held by the Iranian regime—the Americans. It did not address the ballistic missile development and proliferation. Those are two issues which had nothing to do with the agreement itself, according to the administration.

Negotiations between the Ayatollahs and the Great Satan—that is us, according to the Ayatollah—could not happen in a vacuum. Subjects not addressed by the negotiations nevertheless are affected by them, and our stupefying passivity on Syria proves the case.

Let's look at Russia. Our problems with Russia have only grown and multiplied as we tried to ignore Russian misbehavior during our joint negotiations with Iran. But worse, our obsession with getting a deal has unleashed a Russia-Iran axis. Their new cooperation creates yet another threat to American interests.

Just days after concluding this deal, the commander of Iran's elite Quds Force, General Suleimani, flew to Moscow—which he was sanctioned by the U.N. not to do, but he did anyway—reportedly to convince the Russians to

step in to help shore up the crumbling Assad regime in Syria. It worked. The Russians are now in Syria in force, building barracks and bringing in trainers, tanks, and other heavy weapons. Iran and Russia together are Assad's best friends—maybe his savior.

By ignoring Syria, empowering and enriching Iran, and making Putin's Russia an actual negotiating partner, we have created the perfect storm. This is the price of dealing with the devil.

Lastly, let me speak about Israel because any discussion of consequences must return to what should be the core issue: the consequences for our only and best friend in the Middle East, Israel—the only democratic ally in the region. We cannot ignore the major risks that will follow through with the often-repeated threats of obliterating the State of Israel—a threat repeated by the Supreme Leader in no uncertain terms just this week. Is this hyperbole or posturing as the administration claims? The Israelis don't think so, and I don't think so.

We have to assume that an extremist, violent state such as Iran, after decades of creating, arming, and guiding terrorist organizations devoted to Israel's destruction, will continue their assault one day, now we know, with nuclear weapons. One day, others may look back through the smoke and ashes created by this Iran deal and wonder how we could ever have been so blind. How could we ever have conceded to an agreement that violated every goal that the previous three Presidents and current President said we must not concede on—that is, it is totally unacceptable for Iran to have possession of nuclear weapons capability.

Two Democratic Presidents, two Republican Presidents, over three decades of time, have made that statement. It was the goal of the United States to do everything in its capability to prevent Iran from having a nuclear weapon, and we just signed an agreement that gave them the pathway to that nuclear weapon. Does it possibly delay their achievement of that? Yes. But does it reach the goal of preventing them from having it? No.

So after all the shouting and all the efforts and all the debate and all the examination of the agreements, we are told to give up. It is a done deal. The President used his "Executive authority" to deem this an agreement and not a treaty, which is a fallacy in itself. But now we are told we have to give it up. We have to move on. We have other things to do. You made your best effort. We won, you lost.

No, America lost. America lost, and we will be paying a price year after year after year as we watch the flow of money into Iran, the flow of oil out of Iran and money in return, supporting proxy wars throughout the Middle East, igniting a nuclear arms race in that tinder box of the region. We will regret the day—we will regret the day—the announcement was made that we have signed a deal with Iran.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from New York.

#### UNANIMOUS CONSENT REQUEST— EXECUTIVE CALENDAR

Mr. SCHUMER. Mr. President, I have come to make a unanimous consent request. I was going to tell the body why I was doing that and then make a unanimous consent request. But my colleague and friend from Texas, who is going to object to it, has a plane to catch, so I am going to make the unanimous consent request, let him object, let him explain why he objects, and then I will explain why I was for it. It won't change the thrust of this.

I ask unanimous consent that the Senate proceed to executive session to consider the following nominations: Calendar Nos. 139, 140, and 141; that the Senate proceed to vote without intervening action or debate on the nominations in the order listed; that the motions to reconsider be considered made and laid upon the table with no intervening action or debate; that no further motions be in order to the nominations; that any related statements 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. Is there objection?

Mr. CORNYN. Mr. President, reserving the right to object, and on behalf of Senator GRASSLEY, the chairman of the Judiciary Committee, I would just briefly point out that during President Obama's term of office, the Senate has confirmed more judicial nominees than it had at this point in 2007. Our pace simply follows the standard set by our colleagues on the other side of the aisle established that year. In the Judiciary Committee, we have had more hearings and moved more nominees than we did last year.

In terms of the Executive Calendar, everyone knows that at the end of last year, during the lameduck session, our Democratic friends rammed through 11 Federal judges. Under regular order, these judges should have been considered at the beginning of this Congress. That is what happened in 2006 when 13 nominations were returned to the President. Had we not confirmed in the lameduck 11 judicial nominees during last year, we would roughly be on pace for judicial nominations this year compared to 2007.

So we are working at the usual pace, and on behalf of Chairman GRASSLEY, I object.

The PRESIDING OFFICER. Objection is heard.

Mr. SCHUMER. Mr. President, I regret my colleague's objection. I hope they will change their minds. But once again I must rise to address the growing crisis of judicial vacancies in our Federal and district courts.

We all know it is the job of the Senate to responsibly keep up with the

need for confirmed judges. Unfortunately, my friends on the other side of the aisle slowed the judicial confirmation process to a crawl. They did their best to slow the pace of confirmation when the Senate was under Democratic leadership and now are sluggishly moving on nominations even more so in the Senate they control. It has resulted in a nearly 10 percent vacancy in judicial positions throughout the United States. There are 31 districts that are considered judicial emergencies, meaning they don't have enough judges to hear the caseload. The longer we wait to move judges through committee and to the floor, the worse the numbers will get.

Let me take the Western District of New York as an example to talk a bit about these vacancies and what they mean in practice. Western New York has the cities of Buffalo and Rochester and the surrounding areas. There is not a single active Federal district judge in the Western Federal District—not one. The district has one of the busiest caseloads in the country. It handles more criminal cases than Washington, DC, or Boston. It is on the Canadian border, making it particularly busy, and yet they don't have a single active Federal judge. The delays for civil trials are by far the worst in the country. It takes 5 years for a median case to go to trial. That is denial of justice, just about. It is un-American. If not for the efforts of two judges on senior status who are volunteering to hear cases in their retirement, the Western District of New York would be at a full standstill.

The lack of judges has real legal consequences. In the Western District of New York, Judge Skretny—on senior status—has admitted that he is encouraging all cases to settle in pretrial mediation in order to lower caseloads. Criminal trials are prioritized while civil trials languish in delay. The two retired judges, who are the only ones reading cases at the moment, are spending far less time on each individual case than they would under normal circumstances. And defendants may be inclined to settle, admit guilt, and take plea deals rather than wait out a lengthy trial process.

As many of my colleagues have said so eloquently, the harsh truth is that for these petitioners, companies, and communities, justice is being delayed and thus denied. And the same story line is playing out in courtrooms throughout the country. This is not how our judicial system is supposed to work, and it should be an easy problem to rectify.

Right now, there are 13 non-controversial judges on the Executive Calendar, and 3 more were reported out of committee today. Of those, three are highly qualified judges from New York, including one from the Western District. I know these nominees. They are brilliant people, experienced jurists, and above all they are moderate. This Senator believes in moderation in the

choosing of judges. Larry Vilardo and Ann Donnelly are two whom I have recommended, and LaShann DeArcy Hall was recommended by a good friend, the junior Senator from New York, Senator GILLIBRAND. They should all be confirmed, but we don't know when they will come up for a vote. All of these nominees exceed my standards for judicial nominees. In his or her own way, each brings excellence, moderation, and diversity to the Federal bench.

They are not the only outstanding nominees we have. We have judges pending from Missouri, California, and several other States—represented by Republican Senators as much as Democrats—which are experiencing the same judicial emergencies and heavy caseloads. These are nominees who have already moved out of committee, all with bipartisan support. I am not offending the traditional committee process by asking simply to move them off the floor and onto the bench where they belong.

I came to the floor last July to request that we move to confirm these nominees. Unfortunately, my request was blocked by my good friend the Senator from Iowa. In response to my request, I was basically told: The nominees are moving along just fine. Be patient.

Well, we are several months later and still we have no indication that these judicial nominees will ever be moved off the Executive Calendar for a vote.

I was told—and I am paraphrasing—that if one would only count all the judges Democrats confirmed at the end of the last Congress, the Republican record on judges wouldn't look so bad. With all due respect to my friend from Iowa, I don't believe he can take credit for our work like that. One cannot slice and dice the numbers to make the Republican record on judicial confirmations any better. Listen to this. The fact is that the Republican leadership has scheduled votes on only six Federal judges this whole Congress—six—less than one a month. There is no reason for that.

Even if we did give Republicans credit for the judges the Democrats approved at the end of last Congress, we would still be far behind the pace of confirmations in the past because by comparison, through the seventh year of President Bush's Presidency where there was a Republican President but Democrats controlled the Senate, 29 judges had been approved—6 compared to 29. How is that parity?

When Democrats controlled the Senate during the final 2 years of George W. Bush's Presidency, we confirmed 68 judges. When Republicans controlled the Senate during the 2 final years of President Clinton's Presidency, we confirmed 73 judges. How many confirmations have there been in these last 2 years when Republicans have controlled the Senate, having a Democratic President? Six. The comparison numbers are 73, 68, 6. Is that equal? Is

that the same as they are always doing, as they say? Of course not.

The Republican majority is confirming judges at the slowest rate in more than 60 years, and as a result, the number of current vacancies has shot up nearly 50 percent and the number of judicial emergencies has increased 158 percent. In no world is that a reasonable pace, as I have been assured by my colleagues.

There are no values more American than the speedy application of justice and the right to petition the government for a redress of grievances. Frankly, neither of these can be achieved without judges on the bench. The equal and fair application of justice is necessarily tarnished by a courtroom without a judge. It is as simple as that.

So today I moved that we move to New York's pending judicial nominations, but the request was rejected. I hope my colleagues will think this through. It is a blemish on this Congress. It is a blemish on the idea that we are getting things done. It is a blemish when our Republican leader says this Congress is doing things at a better pace than in previous years.

Mr. President, I yield the floor.

I suggest the absence of a quorum.

THE PRESIDING OFFICER. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

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

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

#### TRIBUTE TO FEDERAL EMPLOYEES

DR. MICHELLE COLBY AND JONATHAN MCENTEE

Mr. CARPER. Mr. President, literally every month of this year, I have come to the Senate floor to do something that one of our former colleagues, Ted Kaufman, who served as our Senator for 2 years after JOE BIDEN became Vice President—Ted used to come to the floor not on a monthly basis but even more frequently than that to talk about what was being done by any number of Federal employees across our country, to draw attention to the fact that these are not nameless, faceless bureaucrats, these are people who do important work for each of us in a variety of ways.

What I have tried to do in the last several months—I think most of this year—is to come to the floor to recognize the work not of the Federal employees at large but the work of a few of the many exemplary Department of Homeland Security employees and to thank them for their dedication to their mission and their service to our Nation, which is an important one. And the reason I have particular interest in this is that I have been the senior Democrat on homeland security the last couple of years, and I worked with Tom Coburn of Oklahoma. The two of us were privileged to lead the committee.

In June I spoke about several outstanding officers in the U.S. Coast

Guard, one of them a petty officer, a woman named Joscelyn Greenwell, who is stationed at Coast Guard Station Indian River Inlet in southern Delaware, which is just a little bit north of Bethany Beach and just south of Rehoboth. In July I had the opportunity to actually visit Petty Officer Greenwell and 30 of her colleagues to learn more about how she and her unit serve and how they protect the rest of us. It is not just Delawareans who seek recreation—fish, boat, and swim—in the inland bays in Delaware or in the Atlantic ocean; people from all over the country and actually all over the world do that, and we are grateful.

But the devotion of Petty Officer Greenwell and her colleagues to their mission is shared by thousands of men and women serving with the U.S. Coast Guard and throughout the Department of Homeland Security. The Coast Guard used to be part of Treasury, as I recall, but today it is, since the creation of the Department of Homeland Security, part of DHS.

Well, today I want to just take just a few minutes to recognize the service of and say thanks to two other exemplary public servants who work at the Department of Homeland Security, not in the Coast Guard, but in this case, in the Science and Technology Directorate. While many at the Department of Homeland Security put their lives on the line along our borders, at our ports of entry, and our airports or in response to disasters, some are working behind the scenes to secure our homeland against new threats or better respond to those we face today.

This is what happens every day at the Science and Technology Directorate. They give their all to provide frontline personnel the best tools and tactics that are available. Essentially, the role of the Department's Science and Technology employees is to keep our homeland security efforts a step ahead of the ever-evolving threats we face as a nation. They do this through state-of-the-art research and development issues performed by some of our Nation's top engineers, top scientists, top researchers.

The product of their work is deployed across the Department. From cyber security, to biological defense, to border security, Science and Technology's research, development, and science work is truly vital to all of us. Science and Technology employees work closely with the trade and travel industry and with many academic groups as well. They also work closely with other research and scientific agencies across all levels of government to meet the needs of first responders, to enhance strategy and analysis, and to bolster operations and capability.

Among the threats that science and technology seeks to address are the threats to our agricultural system. Agriculture is, of course, vital to our Nation's economic stability and our security. In Delaware, agriculture remains one of the key industries at the heart

of the State's economic activity. I think of Delaware as a three- or four-legged stool—at least our economy sits on a three- or four-legged stool.

One of the strong legs, in Southern Delaware especially, is agriculture. In Sussex County Delaware, we produce more chickens than any county in America. In Sussex County, Delaware—we only have three counties. The biggest—Sussex County is the third largest county in Delaware, but they produce more chickens in Sussex County than any county in America. We raise more soybeans in Sussex County, Delaware, and we feed it to the chickens, along with corn and other things. But biological and manmade threats to our food, whether it is poultry, avian influenza, and so forth, whether manmade threats to our food or animal agriculture system could have devastating impacts to our economy and to our day-to-day lives. It certainly poses a great threat to the Delmarva Peninsula and other places where we raise poultry—and turkeys for that matter. That is why the Department of Homeland Security has a number of employees at Science and Technology whose mission is to prevent and protect against threats to our agricultural infrastructure. In July, I held a hearing, alongside my colleague, Homeland Security and Government Affairs Committee Chairman RON JOHNSON of Wisconsin. We held the hearing to examine the threat that avian influenza poses to public health and also to our poultry industry.

In recent months, parts of the poultry industry across our country have been grappling with the devastating outbreak of avian influenza. Although the spread of this disease has slowed, and most of the areas that were affected were in the central part of our country, including Wisconsin, including Iowa, many States have lost millions of chickens and turkeys to this disease. As a result, the economic losses our farmers and businesses are dealing with in those parts of the country are staggering.

The Presiding Officer probably does not know this—maybe he does—but there are roughly 300 chickens for every person in Delaware, as I said. I mentioned we raise more chickens in Sussex County than any county in America, but our poultry farmers create—ready for this—more than \$2.7 billion in State economic activity each year and account for about 70 percent of our State's agricultural exports. We have cows we milk, dairy cattle, we have pigs, we raise a lot of lima beans and that kind of thing, but poultry is the 800-pound gorilla in the room in our economy.

Luckily for our poultry farmers in the Delmarva Peninsula and across the country, public servants like Dr. Michelle Colby are working at the Department of Homeland Security on cutting-edge research to protect against potential disease outbreaks like the avian influenza, the avian flu.

Here she is right now, Dr. Michelle Colby. I will talk a little bit about Michelle, if I may. She is the Branch Chief of Agriculture Defense at the Science and Technology Directorate. Her mission is to develop tools, including vaccines and diagnostics, to prevent livestock from natural and manmade disease threats. Michelle works closely with the Department of Agriculture to help develop and support research projects, track their progress, and stay ahead of existing and emerging threats.

She has also the critically important responsibility of making sure research and development programs across our Federal Government are well coordinated, not duplicated, and always ready to respond to disease outbreaks. A primary part of this woman's job is to make sure Science and Technology, where she works within DHS, uses the lessons learned from previous disease outbreaks to inform research and prevent or better control future outbreaks.

In fact, information gathered during the last few years as part of another project at Science and Technology is currently being used by Michelle's team to help the Department of Agriculture in its response to the avian influenza outbreak I just mentioned. Michelle and her team were also instrumental in helping combat another recent threat to our Nation's agricultural industry and to us, foot-and-mouth disease.

In May of 2012, they secured a conditional license to a Department of Homeland Security foot-and-mouth disease vaccine for use in cattle. This was the first foot-and-mouth disease vaccine ever licensed in the United States—ever licensed in the United States. The conditional license was renewed in May of last year and is now valid through I think May of next year. Michelle and her team's important work did not go unnoticed. They were finalists for the Partnership for Public Service to America Medal for their efforts.

According to her colleagues, Michelle is “one of the most respected scientists in the area of Veterinary Science.” Her colleagues tell me she never loses sight of her critical mission and that she is a dedicated public servant of the highest integrity. Michelle earned her bachelor of science degree in animal science from the University of Maryland Eastern Shore. That is on the Delmarva Peninsula. She is our neighbor just to the south of us. She has also a doctor of veterinary medicine degree from Virginia-Maryland Regional College of Veterinary Medicine. She also has a master of science in epidemiology from the University of Maryland College Park.

Interestingly enough, her graduate work focused on the Delmarva poultry industry. While some of the important work at—let me just say: Michelle, thank you for what you do, not just for Delmarva, not just for those who are

involved in the poultry industry but thank you for what you do for our country and all of us who, frankly, enjoy eating poultry and for all of us who are involved in exporting and selling poultry around the world.

It used to be that 1 out of every 100 chickens we raised in America we exported, then it was 5 out of 100, 10 out of 100, and now it is 20 out of 100. We are negotiating a new transpacific trade partnership with 11 other countries that will encompass about 40 percent of the world's markets. We want to make sure on Delmarva, and frankly in a lot of other places around this country, that we can use this trade agreement to sell that which we are really good at; that is, raising chickens.

While some of the important work at Science and Technology happens in the lab, some scientists and engineers there team up with other agencies within the Department of Homeland Security to get a firsthand look at how to enhance capabilities and operations on the frontlines. For Jonathan McEntee—known as Jon—Jon's Science and Technology work has taken him into the field of joint missions with the Coast Guard, with Customs and Border Protection, and with Immigration and Customs Enforcement.

Public service is nothing new to Jon. In fact, it runs in his family. Jon was born on a U.S. Air Force base, not in Dover, DE, but in the United Kingdom of all places, in a place called Lakenheath, United Kingdom. He is the proud son of a retired linguist and the grandson of a 50-year GE chemical engineer and World War II veteran. He continues his family's history of service to our country today through his work ensuring the security and economic prosperity of the United States in his role at Science and Technology.

Since 2007, the last several years, Jon has worked at the Borders and Maritime Security Division at Science and Technology within the Department of Homeland Security. It is called Security Advanced Research Projects Agency. This component is responsible for the research, for the development, for the testing and evaluation needs for the Department's land borders, ports of entry, and maritime mission environments.

Since becoming the division's Deputy Director in 2011, Jon has managed several projects, developing maritime, border, and cargo security initiatives. He is responsible for managing the congressional, financial, and technical oversight of operations, along with its 30 employees. On any given day, Jon is juggling 40 projects on a wide range of activities all across the Department.

According to his colleagues, Jon believes technology is the key to remaining competitive and relevant in an ever-changing global environment. So it is no surprise that he helped establish the technology innovation center within the Coast Guard, to help deliver

technical capabilities for the Department's operators in a faster and more efficient process. Jon also helps in the efforts to build a more cohesive and unified Department of Homeland Security. They have a saying over there, "One DHS." He is part of that.

He regularly represents Science and Technology on Department-level projects to help improve coordination and make the best use of science resources. Efforts like Jon's are supporting Secretary Jeh Johnson's Unity of Effort Initiative, an effort to help the Department operate more efficiently and effectively. That is something I think we can all get behind.

Colleagues say that Jon looks at solutions to problems not only from a security aspect but also while thinking about how they impact the overall economic interest of our country. He believes all solutions must have a positive return on investment over existing methods and practices. Jon is well known for his let's-find-a-way attitude and always encourages his colleagues to be a part of the solution rather than add to the problem. I like to say: "No" means find another way.

The work ethic he embodies and his leadership can be credited for his work building partnerships to promote our Nation's economic growth. Specifically, he helped facilitate a partnership that included Customs and Border Protection, Mexican and Canadian Customs, General Motors, the Ford Motor Company, Honda Manufacturing, Pacific Union, and Ferromex Rail to successfully conduct a cargo security technology demonstration that operates four U.S.-bound supply chain routes originating from Mexico and originating from Canada.

That achievement earned him wide praise, including the Department of Homeland Security and Technology Under Secretary's Award in 2014. Jon earned his master's in business administration from Salisbury University and a bachelor of science degree in finance from Frostburg State University. He and his wife Heather, an Air Force veteran, have three children: Sage, Myra, and Jack.

I just want to say to Sage, Myra and Jack: Thank you for sharing not just your mom but your dad as well with the people of our country. Thank you.

The efforts of Michelle and Jon provide just a glimpse into the important work being done by hundreds of thousands of individuals across the Department of Homeland Security every single day. These men and women are dedicated. They are exemplary public servants. They are unsung heroes who walk among us every day. More often than not, their good work goes unnoticed—not today. These are not nameless, faceless bureaucrats. These are people with great educations, a great desire to serve our country, and who every day make a difference for us in this country with the work they do.

Michelle and Jon, right here—Jon, thank you. For Michelle, whose picture

was up here just a moment ago, we want to thank you for what you do. We want to thank as well the 200,000 men and women you work with at the Department of Homeland Security. We are a safer country because of your service and I think we are a better country too. As we say in the Navy when people do especially good work, we say two words: One of them is "Bravo" and the other is "Zulu." So, Michelle and Jon, Bravo Zulu. God bless you.

#### JOB CREATION

Mr. President, if you will bear with me, I wish to talk for a little bit about another important issue, if I could, and I don't see anybody else on the floor, so I will forge ahead.

I actually said this earlier today when we were having a discussion on the Iran agreement, but it bears repeating. When I go back to the elections of last November, I have three messages that are takeaways that I continue to come back to.

The first takeaway for me last November was this: The American people are sending us a message. They said they want us to work together. The second message is they want us to get stuff done, things that we need to get done for the good of our country, and they especially want us to get things done that will help strengthen our economic recovery.

On the good-news side, the Department of Labor reported today that the number of people who filed for unemployment insurance this past week—this number comes out of the Department of Labor every Thursday that is not a Federal holiday, and they have been doing this for years. The week Barack Obama and JOE BIDEN were inaugurated as President and Vice President—that week in January of 2009—628,000 people filed for unemployment insurance. Anytime that number is over 400,000 people filing for unemployment insurance in a week, we are losing jobs.

At the beginning of 2009, we were losing a lot of jobs. We lost 2.5 million jobs in this country in the last 6 months of 2008. We lost 2.5 million more jobs in this country in the first 6 months of 2009. And as we went through 2009, that number—628,000 people filing for unemployment insurance every week—frankly didn't come down a lot. After a year or so, it began to trend down. Finally, it went down to 600,000, eventually to 500,000, and finally it dipped below 500,000 after a couple of years. Several years ago, that number came down to 400,000.

The reason 400,000 is an important number in terms of people filing for unemployment insurance is when that number drops on a weekly basis below 400,000, we are starting to add jobs back—or at least our economy is. For the last 28 straight weeks, the number of folks filing for unemployment insurance in this country has been under 300,000. One of the reasons we are adding, in most months, 200,000 to 250,000 is

because not nearly as many people are losing their jobs, and that is a very good thing.

Even though the economy is arguably better than it was—I think the unemployment rate in this country in January of 2009 was heading toward 10 percent. The unemployment rate today is closer to 5 percent. Is that too high? Sure it is. Can we do better than that? We have to do better than that.

So one of the things I always focus on is trying to figure out how we—when I was Governor of Delaware and chairman of the National Governors Association, I always was interested in how we could create a more nurturing environment for job creation and job preservation. In the 8 years I was privileged to be Governor of Delaware, I am told that more jobs were created in those 8 years than any year maybe in Delaware history—any 8-year period in Delaware history. I didn't create a one of them. Governors don't create jobs. Mayors don't create jobs. Senators—however good we are—don't create jobs. Presidents don't create job. What we do is help create a nurturing environment for job creation.

What does that include? Access to capital. People starting businesses usually have to raise money. A world-class workforce with the kinds of skills that will help businesses be successful. Transportation to move people and business services where they need to go and when they need to go. Public safety. Reasonably priced energy. Reasonably priced health care. You name it. A lot of things go into creating a nurturing environment for job creation and job preservation.

(The remarks of Mr. CARPER pertaining to the introduction of S. 2051 are printed in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Still seeing no one else on 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. MARKEY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

POPE FRANCIS'S ADDRESS TO CONGRESS AND CLIMATE CHANGE

Mr. MARKEY. Mr. President, last year I had the opportunity to travel to the Vatican. During my visit, I had the chance to overlook St. Peter's Square from a Vatican balcony. As I took in the view of that historic square, the Sun glinted off the future. Across the square, I saw the rooftop of Pope Paul VI Audience Hall on the Vatican grounds covered with solar panels. It was clear from that view that the Vatican takes climate change very seriously and had long been preparing to have a profound impact on this generational issue that touches every living creature on the planet.

I was at the Vatican as the only U.S. representative in a group of high-level

legislators from around the world who are all working to address climate change in their own countries. We met with Cardinal Pietro Parolin and Cardinal Peter Turkson, the Vatican leaders responsible for writing the initial draft of Pope Francis's historical environmental encyclical, and shared the impact of climate change in our own home countries with the two cardinals who were going to be writing that encyclical.

The conversation then turned to what was happening in the countries of the legislators who were visiting. The lawmaker from the Philippines discussed the destruction that Typhoon Haiyan brought to parts of her country. Legislators from South Africa and Mexico shared the challenges their countries and regions face from drought. The representatives from Europe pointed to the damage from extreme heat waves and rainfall. I relayed my concern with the rising levels, temperature, and acidity of the ocean and the impacts on coastal communities. Rising sea levels are eroding our shores in Massachusetts and New England and across our country, increasing the damage in New England of nor'easters. In recent years, ocean temperatures in our part of the Atlantic ocean have been the hottest ever recorded. In one case, off of Cape Cod, it was 21 degrees warmer than normal this January, in Massachusetts, off of our coastline.

But all of us who had gathered at the Vatican were in agreement that the world's poorest people are suffering the worst consequences of climate change—extreme poverty, famine, disease, and displacement—which is why it should be no surprise that Pope Francis, a Jesuit trained in chemistry who is devoted to the poor and ensuring a just and better future for all mankind, would be the only Pope to devote an entire encyclical to humanity's relationship with the environment. In releasing his encyclical and giving us his message to protect what he calls "our common home," Pope Francis has also given us a common goal: We must act now to stop climate change. But make no mistake—this Pope is looking for leadership. Pope Francis is looking for results. He is looking for all of us to lead to solve this problem.

Next week, we will have the honor of hosting Pope Francis here in Washington, DC, and hearing him address a joint meeting of the United States House of Representatives and the Senate—unprecedented—and the entire Nation will be watching the Pope as he speaks because we all need to hear Pope Francis's message of love, of compassion, of justice and action. And we need to join in the conversation he is calling the world to engage in about protecting people and our planet.

The science of climate change has been clear for decades. Global temperatures are warming, glaciers are melting, and sea levels are rising. Extreme downpours and weather events are in-

creasing. The ocean is becoming more dangerously acidic. Last year was the warmest year ever recorded. Today, NOAA announced that this summer was the hottest summer since 1880. Increasing temperatures increase the risk for bad air days, in turn increasing the risk of asthma attacks and worse for people who actually have lung disease. Global warming is also a public health crisis.

The economic and security costs are now dangerously evident. Climate change is aggravating tensions around the world, especially where food and water security are at the heart of the conflicts. It is spawning new crises that are displacing millions of people and creating an era of refugees. This will require action by our diplomats and aid organizations, but every nation must do its fair share.

Pope Francis's address to Congress next week will offer us the opportunity to examine our own policies, their impact on not only the people of our Nation but on the entire planet, and our duty as leaders and as human beings to take action.

Pope Francis has brought this moral imperative to act on climate change just as the nations of the world are working to forge an international agreement in Paris this December as the world gathers to deal with this issue. The United States must lead this effort. The United States must heed the message of Pope Francis. The United States must be the nation in Paris in December saying to the rest of the world that we can and must do something to solve this problem.

We know that clean energy will be at the heart of meeting any of the goals which we have to establish here and across the planet in order to cut pollution. We must continue to improve the fuel efficiency of the automobiles and trucks we drive here in the United States. We must deploy more wind and solar energy and renew tax breaks for those projects.

By making a commitment to reduce the pollution imperiling our planet, we can engage in job creation that is good for all of creation. The United States can be the leader in the technological revolution to reduce the pollution imperiling our planet, and then we can partner with other nations to share this technology and protect the most vulnerable around the world.

Pope Francis said in his encyclical, "Today, in the view of the common good, there is an urgent need for politics and economics to enter into a frank dialogue in the service of life, especially life." We know that to agree on a course of action is no easy task in this Chamber, but if we harness the ambition of the Moon landing, the technological power of our workers, and the moral imperative of Pope Francis's message, we can leave the world a better place than we found it. We have done it before. We have the tools to do it again. Now we need to forge the political will in order to accomplish those goals.

We need more solar, we need more wind, and we need the batteries for the vehicles we drive in order to reduce the amount of polluting fossil fuels we send up into the atmosphere. We need to invest. We need to be the technological giants. We need to unleash the same kind of revolution in the energy sector as we did in the telecommunications sector in the 1990s. No one on the planet except the United States had a device like this on their person just 15 years ago. We invented telecommunications. We invented the way in which people not just here in America but all across the planet—Africa, Asia, South America—communicate with these wireless devices. We can do the same thing on energy. We can do the same thing with wind and solar. We can reinvent the kinds of vehicles we drive—cars, trucks, buses. We can do it. We have to have the will. We have to listen to the Pope. We have to play the role that the United States is expected to lead by the rest of the world in order to meet this moral imperative. And we can do it by creating millions of new jobs here in the United States. So that is our challenge.

The Pope is arriving next week. For me, as a boy who grew up going to the Immaculate Conception Grammar School, Malden Catholic, Boston College, and Boston College Law School—Catholic school every day for 19 years—this is just an incredible thrill, knowing that, in a way, when he is standing up on that podium, it is going to be a latter-day “Sermon on the Mount” that he delivers to us telling us what our job is today: to save this beautiful planet God has created while also avoiding the worst consequences for the poorest people on the planet if we do not solve the problem.

Let's work together in a bipartisan fashion in order to heed the message of Pope Francis.

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

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

#### PAIN-CAPABLE UNBORN CHILD PROTECTION ACT—MOTION TO PROCEED

Mr. MCCONNELL. Mr. President, I move to proceed to Calendar No. 230, H.R. 36.

The PRESIDING OFFICER. The clerk will report the motion.

The legislative clerk read as follows:

Motion to proceed to Calendar No. 230, H.R. 36, a bill to amend title 18, United States Code, to protect pain-capable unborn children, and for other purposes.

#### CLOTURE MOTION

Mr. MCCONNELL. I send a cloture motion to the desk.

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

The legislative clerk read as follows:

#### CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the motion to proceed to Calendar No. 230, H.R. 36, to amend title 18, United States Code, to protect pain-capable unborn children, and for other purposes.

Mitch McConnell, Joni Ernst, Mike Lee, Mike Rounds, Chuck Grassley, Tim Scott, Patrick J. Toomey, John Boozman, David Perdue, Johnny Isakson, James M. Inhofe, James E. Risch, Steve Daines, Roy Blunt, Roger F. Wicker, John Thune, James Lankford.

#### EXECUTIVE SESSION

#### NOMINATION OF MICHAEL C. MCGOWAN TO BE UNITED STATES MARSHAL FOR THE DISTRICT OF DELAWARE

#### NOMINATION OF SIM FARAR TO BE A MEMBER OF THE UNITED STATES ADVISORY COMMISSION ON PUBLIC DIPLOMACY

#### NOMINATION OF SIM FARAR TO BE A MEMBER OF THE UNITED STATES ADVISORY COMMISSION ON PUBLIC DIPLOMACY

#### NOMINATION OF WILLIAM JOSEPH HYBL TO BE A MEMBER OF THE UNITED STATES ADVISORY COMMISSION ON PUBLIC DIPLOMACY

#### NOMINATION OF WILLIAM JOSEPH HYBL TO BE A MEMBER OF THE UNITED STATES ADVISORY COMMISSION ON PUBLIC DIPLOMACY

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Senate proceed to executive session to consider the following nominations: Calendar Nos. 248, 301, 302, 303, and 304; that the Senate vote on the nominations en bloc without intervening action or debate; that following disposition of the nominations, the motions to reconsider be considered made and laid upon the table with no intervening action or debate; that no further motions be in order to the nominations; that any statements related to the nominations 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. Without objection, it is so ordered.

Thereupon, the Senate proceeded to consider the nominations.

The PRESIDING OFFICER. The question is, Will the Senate advise and consent to the nominations of Michael

C. McGowan, of Delaware, to be United States Marshal for the District of Delaware, for the term of four years; Sim Farar, of California, to be a Member of the United States Advisory Commission on Public Diplomacy for a term expiring July 1, 2015; Sim Farar, of California, to be a Member of the United States Advisory Commission on Public Diplomacy for a term expiring July 1, 2018; William Joseph Hybl, of Colorado, to be a Member of the United States Advisory Commission on Public Diplomacy for a term expiring July 1, 2015; and William Joseph Hybl, of Colorado, to be a Member of the United States Advisory Commission on Public Diplomacy for a term expiring July 1, 2018?

The nominations were confirmed en bloc.

#### LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will now resume legislative session.

#### MORNING BUSINESS

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

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

#### RECOGNIZING THE 25TH ANNIVERSARY OF PASTOR CLINTON HOUSE AND DR. MARY L. HOUSE'S PASTORAL SERVICE WITH MOUNTAINTOP FAITH MINISTRIES

Mr. REID. Mr. President, I rise today to recognize Pastor Clinton House and Dr. Mary L. House and their 25 years of pastoral service with Mountaintop Faith Ministries.

Pastor Clinton House and Dr. Mary House began their ministry work at a small church in North Las Vegas with 13 members. Over the years, Mountaintop Faith Ministries outgrew its humble beginnings. In 1993, the church's congregation grew so much they had to open the doors of the church and put chairs in the lobby and out to the street. The church continued to grow, and eventually, they began holding services in the auditorium of Durango High School to accommodate churchgoers. Today, Mountaintop Faith Ministries has a church complex and upwards of 3,500 members.

Mountaintop Faith Ministries has continuously given back to the Las Vegas community. The Sunday services have provided spiritual guidance for thousands, and the church also offers midweek Bible classes and business fairs, where owners can share their businesses with church members following services. One Resurrection Sunday, they held a “dress down” Sunday on the football field at Durango High School. This community event brought buses of homeless to worship

with them. After the service, church members provided food for the homeless, as well.

For the past 25 years, Pastor Clinton House and Dr. Mary House have touched the Las Vegas community through their dedicated work. I congratulate them on their many successes and wish them the best in their future endeavors.

#### 228TH ANNIVERSARY OF THE CONSTITUTION

Mr. LEAHY. Mr. President, today, we celebrate the 228th anniversary of the signing of the Constitution of the United States. Some elected officials talk about their love of “the Constitution and the Bill of Rights”. That specific phrasing is interesting in that it somehow implies that the Constitution does not itself include the Bill of Rights, which of course it does. But it contains much more than those original 10 amendments. Each year, I remind Americans that we must celebrate not just the original Constitution of Washington, Hamilton, Madison, and the Founding generation but the whole Constitution, including its 27 amendments. This includes the 13th, 14th, and 15th Amendments, which many scholars have rightly described as our Nation’s Second Founding.

The Senate commemorated the Sesquicentennial or the 150th anniversary of the Second Founding earlier this year when the Senate passed a resolution raising awareness about this series of amendments, which provided the country with a new birth of freedom. Ratified by President Lincoln and his generation after the Civil War, these Second Founding amendments transformed our original charter—most fundamentally—by elevating the principle of equality to a central place in our constitutional order.

This year, the Supreme Court once again upheld the Constitution’s promise of equality when it ruled that the 14th Amendment of the Constitution protects the right of each American to marry the person they love, regardless of their sexual orientation or gender identity. Because of that ruling, LGBT children all across America will grow up knowing that they can love without fear, and that they are equal citizens of this great Nation.

Although the Constitution provides us with the promise of equality, we must never forget that it is up to all of us to advance and protect that intrinsic American value of equality. Each generation must do its part. This is true whether it is racial equality, gender equality, or equality based on a person’s sexual orientation or gender identity. We have come a long way in each of those areas, but we continue to have work to do.

On racial equality, too many of our citizens continue to face racial discrimination in voting. As a result of the Supreme Court’s dreadful ruling in *Shelby County v. Holder*, Americans

across the country are now vulnerable to racially discriminatory voting laws that restrict the franchise without the full protections of the Voting Rights Act. On this 50th anniversary year of the March in Selma and of the Voting Rights Act, we must do all we can to restore and enhance the protections of that landmark legislation.

On gender equality, we continue to see women being paid less than men for doing the same job. We also continue to see partisan attacks on women’s health care choices. From legislation blocking these choices to efforts defunding critical health services for women, we clearly have a long way to go to ensure gender equality.

And while LGBT Americans are now able to marry the person they love, they continue to experience discrimination in other aspects of their lives. Achieving full equality means that LGBT individuals should be able to provide for their families without fear that they will be fired from their jobs or denied housing. It means that a restaurant should not be able to refuse to serve an LGBT couple because the owner disapproves of that couple’s relationship. New civil rights laws are needed to protect LGBT Americans so they can live their lives free from discrimination.

We must uphold this promise of equality for the vulnerable and the voiceless as well. We are a nation of immigrants with a long, proud history of opening our doors and welcoming people from around the world. After all, the Statue of Liberty has long proclaimed America’s welcome: “Give us your tired, your poor, your huddled masses yearning to breathe free. . . . Send these, the homeless, tempest-tost to me, I lift my lamp beside the golden door.” That is what America has long stood for and what we should continue to represent. Instead, I have seen ugly partisan rhetoric about changing the 14th Amendment of our Constitution to remove birthright citizenship specifically to target immigrants. We should be a nation that embraces and lifts our most vulnerable, not a nation that acts out of spite or malice.

We must also fight for the voices of all Americans and not just corporations or the wealthy few. Our country has flourished because we have worked hard to ensure that more, not fewer, Americans can take part in the democratic process. Instead, our campaign finance laws have been eviscerated by a Supreme Court that views money as speech and refuses to place any limits on the ability of the wealthy and special interests to drown out hard-working Americans. The Court has also irrationally limited the definition of “corruption” in our campaign finance laws to just bribery. But unlike a narrow majority of the Court, the public understands that corruption is not just bribery; rather, corruption is the idea that money buys access and influences our democracy for a wealthy few. This cannot be allowed in our democracy.

The size of your bank account cannot and should not determine whether and how the government responds to your needs. We must act to restore the First Amendment and to preserve those protections to ensure that all voices can be heard in the democratic process.

Constitution Day is an occasion to celebrate our founding charter and the historic democracy it has caused and fostered. It is also a time to reflect on what we are doing as citizens to uphold the promises that the Constitution has provided. I encourage all Americans to mark this day by reading the whole Constitution and celebrating how it reflects the great progress we have made to become a more inclusive and strong democracy.

#### REMEMBERING EDWARD W. BROOKE III

Mr. MARKEY. Mr. President, on March 11, 2015, at Washington National Cathedral, a memorial service was held for former Massachusetts Senator Edward W. Brooke III. Ed was one of the first African Americans to serve in combat during World War II. He was the first African American to be elected a State attorney general, and the first elected to the U.S. Senate by popular vote. In 2004, he was awarded the Presidential Medal of Freedom by President George W. Bush. In honor of his extraordinary life and service to our Nation, I ask unanimous consent to have printed in the RECORD the remarks made at Senator Edward W. Brooke III’s memorial service by Secretary of State John F. Kerry; Congresswoman ELEANOR HOLMES NORTON; Milton C. Davis and Edward W. Brooke IV.

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

#### REMARKS OF SECRETARY OF STATE JOHN F. KERRY

Good morning. It’s a privilege to share some thoughts about Ed Brooke.

I want you to think back half a century. Imagine a room in the 1960s where all the leading Massachusetts politicians are gathered—Kennedy, McCormack, O’Neill, Volpe, Brooke. Among them, one figure stands out as the courageous representative of an embattled minority; Ed Brooke; alone; undaunted; the only Episcopalian.

Imagine another room, the chamber of the U.S. Senate. Shortly after noon on January 10, 1967, a man of consummate dignity strides down the center aisle; Legislators rise and applaud; the gallery cheers. The first African-American popularly-elected to the Senate takes his seat. In that moment, Ed Brooke was not just a pioneer; he was an advance scout probing the soul of our country. Twenty-six years would pass before a second African-American would be elected.

Imagine a young man raised in Washington, joining the army immediately after Pearl Harbor, later deploying to Italy as part of a segregated infantry battalion. There, Lieutenant Brooke watched in anguish as his buddies were sent each morning to attack a heavily-fortified German position in the Apennines.

The young soldier soon became convinced that his men were being used as cannon fodder by racist commanders. He proposed a

shift in tactics, an operation staged later in the day, when the enemy would be sleeping. The answer came back: "The colonel would never send a boy to do a man's job." Brooke persisted and the operation he organized went ahead, catching the enemy by surprise and driving them from the mountain. His battalion suffered 1300 casualties and won 27 medals; its reward was to be dismantled and its personnel scattered to places where many could neither sit at a lunch counter nor vote. We must never forget that—as much as Ike, Patton and Marshall—Ed Brooke and the African-Americans who joined him in fighting Fascism were part of the greatest generation and we owe them an incalculable debt.

But this was just the beginning of Ed Brooke's journey.

As a legislator, Senator Brooke was always on the cutting edge—championing a woman's right to choose; taking on the tobacco industry when smoking was still considered cool; initiating a program to help minority businesspeople create jobs; guaranteeing women equal access to credit; and authoring an amendment that, to this day, enables tens of thousands of people each year to qualify for public housing and thereby escape shelters or the streets.

When President Nixon asked the Senate to confirm a Supreme Court nominee whose supporters argued—and I'm not making this up—that mediocrity deserved representation—Ed Brooke looked his party's leadership in the eye and said no—and did the same on two other Nixon nominees.

He also differed from the President by being right about the Vietnam War and voting to end it—a position that mattered a lot to many of his constituents, including me.

And when ideologues tried to gut the Civil Rights and Voting Rights laws: Ed Brooke used every instrument in the legislative tool box to stop them—declaring that liberties that took a century or more to secure must never again be denied. A vow that, as President Obama reminded us in Selma on Saturday, remains as timely now as ever.

For all of his career, Ed Brooke was his own man. As Attorney General, he was relentless in cracking down on corruption—which in Massachusetts in the early 1960s provided what we might call "a target-rich environment." His electoral triumphs were astonishing in a state that was only 2 percent black, where school desegregation was an explosive issue, and where the face of prejudice might appear either ugly with anger or thinly masked by code words. In one early race he narrowly lost, his opponent, Kevin White, claimed to see no hidden message in campaign bumper stickers that read simply: "Vote White."

Repeatedly, Brooke was urged by the political establishment not to run for higher office—to instead bide his time until Massachusetts was [quote-unquote] "ready." Indeed, in 1962, when he ran for Attorney General, his opponent was the formidable Elliott Richardson, a man with deep connections to what were—socially and financially—the upper echelons of the Commonwealth. But Ed Brooke didn't back down, and because he didn't, a straight line can be drawn between his electoral victories and that of another African-American—this time in the national arena—some four decades later.

I was in high school when Ed Brooke first ran for statewide office, attracting so many Democratic voters to the Republican primary that our party had to work for months afterward reregistering them.

I had met Ed but didn't really know him until after I arrived in Washington. In my early years in the Senate, he would come by occasionally and talk about the job or the events of the day. Whenever I saw him, I was struck by his warmth and kindness and his

interest in what I was doing. He was a charismatic man with a genuine laugh and a resonant voice and a ready willingness to answer my questions. One topic we discussed was the parallels. After all, we had both gone from college to war to law school to a prosecutor's office to spend many years as the "junior" Senator from Massachusetts. We had each won and lost elections and guess what—we both agreed that winning was better.

Believe me, few public statements are harder to deliver than a concession speech after a closely-contested—even bitter—race. In 1978, I was indelibly struck by how Ed's remarks set a new standard for grace amid pain. He congratulated his opponent and paid tribute to allies who would, he said, carry on his work. He was flanked by one source of strength, his mother—and alluded to a second in saying: "When I was down in the valley, I didn't cry—I cried out—and you gave me the strength to move on."

Early on, this proud son introduced me to Helen Brooke who, during my years in the Senate, embraced me as much as anyone in the city. Mother Brooke loved her family and her church; she loved to have a good time and she taught her son how to be a successful politician. "Always thank people," she said, "and make them feel special." That advice stuck. As one colleague observed, "When Ed Brooke looked at you, you felt he was not only thinking about you and only you, but that he probably hadn't thought about anyone else in weeks."

Fifteen years ago, the state courthouse—just across from my own district office in Boston—was named after Ed Brooke—a tribute to the man and a regular reminder to all of his love for the practice of law. In Massachusetts, three charter schools are dedicated to his memory; and many of their students made the journey from the land of the seven-foot snowdrifts to be here with us today; there are also many students from Dunbar—his high school alma mater.

Senator Brooke shunned the title of trailblazer, but that's exactly what he was. He inspired thousands of young people—of every race—to enter public service. Some criticized him for not being more outspoken or for not being enough this or enough that—trying to mold him to their expectations—but he was always true to himself. He fought ceaselessly and with determination for the poor, for minorities, for women, and for what he felt was right. He was the embodiment of a style of legislating that valued substance over rhetoric and public needs over political agendas. Bipartisanship, to him, was never a four letter word.

So we are privileged to be here—family, friends, admirers—in celebration and thanksgiving, for this remarkable man. In recent years, as Ed Brooke received the highest civilian honors our nation can bestow—the Congressional Gold Medal and the Presidential Medal of Freedom—he reminded us that the work to which he had dedicated his own best efforts—remains unfinished.

Ed Brooke understood the ebb and flow of life. He endured great loss and enjoyed exuberant triumphs, saw the valleys and the mountain tops, and would be the first to tell us that he lived a full and blessed life. For him and for that—we will always be grateful.

REMARKS OF CONGRESSWOMAN ELEANOR HOLMES NORTON

Anne, family, colleagues, public officials, friends all of Senator Edward William Brooke. You do not grow up desiring to be a United States Senator if you were born in the District of Columbia in 1919; not if you lived in one of the District's African American communities, LeDroit Park; not if you went to our segregated public schools and

graduated from Dunbar High School, and the Senator's class of 1936 is in the church today, and from Howard University; not even if you became a World War II hero and won the Bronze Star, leading your segregated unit in a broad daylight attack on an enemy bunker; and certainly not if your hometown had no elected self-government, much less senators.

Edward William Brooke was nurtured in a loving, closely knit, aspiring African American community in the District of Columbia. But it did not groom him to think of himself as a public official.

Senator Brooke owed much to a childhood spent in our city where children were raised to believe segregation did not for a moment mean you were inferior. But the man that became a natural politician, charismatic, charming, brilliant, and utterly approachable, invented himself and went on to become not only a public official, but a historic figure.

The Senate has always had its share of self-made men and women. Edward Brooke was a self-made senator. Many had thought of Barack Obama as a man ahead of his time, until the President came to the Capitol in 2009 to present the Congressional Gold Medal to Senator Brooke. After receiving the medal, Senator Brooke regaled us with remarks that must have been written in his head and his heart, because without so much as a note, he accepted the medal in a voice that resonated as it must have when he spoke in the Senate about the Brooke Amendment to the Fair Housing Act, which limited to 25% the portion of income a family must pay in rent for public housing.

Don't ask me how a black man without guide posts became one of the most popular politicians ever in Massachusetts, a state where only 2% of the population was black. I cannot explain the conundrum that was Edward Brooke. But I experienced the warmth and the talent that made him successful as a public man and dear as a friend. And I can tell you this: Edward Brooke never forgot where he came from, the city that nurtured his uniqueness. Without hesitation, he volunteered to talk with senators in his Republican Party when the Senate and the House both passed the D.C. House Voting Rights Act. He succeeded. The vote for the District was lost to an amendment that would have wiped out all of the District's gun laws in return for a vote in the People's House.

Senator Brooke's place in American history was sealed and delivered long before he died in January. His place as the first African American elected to the Senate with the popular vote and his extraordinary record as a senator are even more remarkable when you consider his origins here in the District of Columbia, which had no local government at all. The residents of his hometown continue to struggle for equal rights as American citizens and for statehood. But nothing could inspire our citizens more than a native son, born in a city without a vote or a local public official, who rose to cast votes in the Senate of the United States.

Thank you.

REMARKS OF MILTON C. DAVIS, THE 29TH GENERAL PRESIDENT OF THE ALPHA PHI ALPHA FRATERNITY

"God of justice, save the people from the clash of race and creed. From the strife of class and faction, make our nation free indeed; Keep her faith in simple manhood strong as when her life began. Till it find its full fruition in the brotherhood of man!"

This is a stanza from a favorite hymn of Edward Brooke which he often quoted in the speeches he delivered across the country and the world. This stanza summarized his theme of life; his mission in life. Long before I ever met him in person, I came to know him

through the pages of the history of Alpha Phi Alpha Fraternity, the world's first African American collegiate fraternity founded in 1906. This Alpha history book depicted a plethora of role models and heroes, the likes of W. E. B. Dubois, Thurgood Marshall, Martin Luther King, Jr., Jesse Owens and scores more, whose life and work inspires and advances a race of people and a nation. None stood out more dramatically than the life and achievements of Edward William Brooke. He was my hero; dignified, a scholar, charismatic, accomplished and fearless. Regular history books have yet to give him the credit he has earned.

Alpha Phi Alpha Fraternity is in its 109th year of existence and for 77 of those 109 years, Edward William Brooke stood in the circle of our brotherhood. When Alpha Phi Alpha Fraternity undertook the awesome twenty-seven year task of building the Martin Luther King, Jr. Memorial on the National Mall here in Washington DC., Edward William Brooke was first to come forward with significant resources and the use of his influence to help guide that process.

He was an active, contributing and esteemed member until his death.

The law served as his instrument, tool and weapon with which he sought to advance the cause of justice in the face of prejudice, discrimination and segregation which surrounded him as he grew up in the nation's capital not far from this place.

He fought against the tyranny of the Axis powers as a commissioned officer in the U.S. Army during World War II assigned to the segregated 366th all black infantry regiment where he earned a Bronze Star for valor on the battle field.

Edward Brooke also served as an advocate for black soldiers who were charged with offenses in his regiment even though he was not then a trained, licensed attorney.

Alpha Phi Alpha Fraternity, using its members who were lawyers in the 1940s and 1950s filed several major lawsuits seeking to dismantle segregation and battle racism in America. Among those cases filed and financed by the national fraternity was the case of Elmer Henderson vs. The United States; the Interstate Commerce Commission and the Southern Railway. The case challenged the Commerce Commission regulation which allowed segregation and discrimination in railroad dining cars in interstate commerce. In the dining car, black passengers were only allowed to occupy two tables nearest the kitchen and when occupied by black travelers a curtain had to be drawn to hide their presence from white passengers. If white passengers needed the two tables assigned to black passengers, the black passengers had to wait until the white passengers vacated the tables assigned to blacks.

Edward Brooke was recruited to join the Alpha legal team headed by then General President of Alpha Belford Lawson in filing briefs before the U.S. Supreme Court attacking these racial barriers and on June 5, 1950, four years before *Brown v. the Board of Education* major decision, after an eight year battle through the lower courts, the U.S. Supreme Court struck down the regulation which allowed segregation and discrimination in railroad dining cars due in part to the heroic efforts of Edward Brooke. Edward Brooke was a champion for equality and fairness, his standard and measure of a person was the world's standard of excellence. He wanted only to be judged by the content of his character and his abilities rather than his racial background.

Dr. Martin Luther King, Jr., who was initiated into Alpha Phi Alpha Fraternity by Edward Brooke while King was a graduate student at Boston University stated the propo-

sition that—Life's most persistent and urgent question is "What are you doing for others?"

Edward W. Brooke became an acknowledged national treasure by using his time, talent, influence, power and intellect demonstrating his commitment to uplifting others and assuring that in matters of fair housing, voting rights, education and justice that the promise of America to equality under law became more of a practical reality rather than just a lofty ideal.

In one of his campaigns, a Boston political writer wrote "Brooke was a carpetbagger from the South, a Republican in a Democratic State, a black in a white state, a Protestant in a Catholic state and he is poor. Edward Brooke replied: I pleaded guilty to all indictments and I continued to persevere in my campaign. Brooke won; America won. That's what heroes do: They look reality in the face and persevere!

The Poet Robert Louis Stevenson aptly sums up my journey of friendship and brotherhood with Senator Edward W. Brooke with these words:

He has achieved success;  
Who has lived well, laughed often, and loved much;  
Who has enjoyed the trust and respect of intelligent men and women and the love of little children;  
Who has filled his niche and accomplished his task;  
Who has left the world better than he found it;  
Who has always looked for the best in others;  
And given them the best he had;  
Whose life was an inspiration;  
Whose memory a benediction.

#### REMARKS BY EDWARD W. BROOKE IV

On behalf of my family I would like to thank the distinguished speakers who preceded me for their thoughtful and deeply moving tributes. As they have so eloquently stated, and as most of you well know: my father lived one of The Great American Lives. It was my privilege to know him and to be a part of his life. It is my honor to be his son, and to be here with all of you today, in appreciation of a man whom I love so dearly.

The moments of the past are not gone from us, nor we from them. The light of each moment shines on through eternity as the light of distant stars travels through space and time to reach our eyes and touch our minds. And so the brilliant light of his great life shines on for us, that we may better find our way in the dark unknown.

When I was but a child, not so long ago, my father would always say, "Waste not; want not." Usually he would do this as he walked around turning off the lights in vacant rooms or pointing out the unused excess ketchup on my dinner-plate. I thought I understood what he meant. Though when I now consider the familiar saying in the full context of his life, it reveals a far more powerful truth: That if we never waste the opportunity to help each other live better lives, none among us would ever have to want for a life that could not be attained.

In this generous spirit, and leading by example, my father constantly strived toward the realization of a better world—a world in which the apparent differences between individuals would never again be mistaken as cause to deny justice, humanity, or dignity, nor to justify violence, exploitation, or disrespect. We must continue to work as he did, with faith in the possibility of the best imaginable outcome, and the assurance that fearfulness and cynicism cannot withstand the immeasurable kindness of which we are capable.

My father was a truly tender, sweet, and lovely man. He forgave my many errors and

patiently helped me to learn from them. He taught me to read, to speak, and to think, to love and be loved. For all of this and so much more, I am forever grateful—grateful to him, and to his mother Helen and father Edward for raising up a man so entirely and strikingly unafraid to be the best possible version of himself; grateful to the ancestors who, surviving hardship and desolation, held intact the sacred vitality of which my father's life is a profound expression; and grateful to my mother, whose inspiring and unconditional love made our lives together so beautiful.

We know that he will always be with us, and pray for him eternal peace.

#### TRIBUTE TO JOHN F. LEHMAN

Mr. McCAIN. Mr. President, I rise today to recognize a true American patriot, a fellow naval aviator, and a close personal friend, former Secretary of Navy, the Honorable John F. Lehman.

Secretary Lehman served his country for over 30 years both in uniform in the United States Navy and as Secretary of the Navy during the Reagan Administration, from 1981–1987. His leadership and dedication to our country and to the Navy set a high mark unsurpassed to this day. It was Secretary Lehman who championed a "600-ship" Navy after the devastating post-Vietnam war cutbacks. He knew how important this naval investment was to rebuilding our global military and strategic power. Together with President Reagan, he offered the vision of strength that would ultimately bring an end to the Soviet Union. His tenure stands as a lesson of history that peace comes through strength and commitment, not weakness and retreat.

Secretary Lehman's impact on the country and our national security has not ended with the conclusion of his tour in the Pentagon. He continues to offer essential and trusted advice to decision makers throughout our national leadership. I am proud to call Secretary Lehman my friend, and I am honored to recognize him today. For these and many other reasons, I ask unanimous consent to have printed in the RECORD the citation in honor of Secretary Lehman's recently awarded National Defense Industrial Association Gold Medal.

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

GOLD MEDAL FOR DISTINGUISHED SERVICE IS PRESENTED TO THE HONORABLE JOHN F. LEHMAN

For a lifetime of extraordinary leadership and dedication to a strong national security of the United States of America, the Honorable John F. Lehman is hereby recognized for his superb service to our country, both in and out of uniform, and in both the United States Air Force and the United States Navy, serving with great distinction for over three decades in a succession of demanding leadership positions of ever-increasing authority and responsibility, including serving as the 65th Secretary of the Navy for six years, beginning at the age of 38. Never one to hold himself apart from those he leads, Secretary Lehman continued to concurrently serve as a Naval Aviator while serving

as Secretary of the Navy. Throughout his illustrious career, Secretary Lehman has excelled in numerous top level positions supporting both the national security and foreign policy of the United States, including as a staff member to Dr. Henry Kissinger on the National Security Council, as a delegate to the Force Reductions Negotiations in Vienna, as Deputy Director of the U.S. Arms Control and Disarmament Agency, and as a member of the 9/11 Commission. A lasting hallmark of Secretary Lehman's commitment to national security was his out-front leadership for the "600-ship Navy." This plan was integral to President Reagan's goal of winning the Cold War against the Soviet Union and to rebuilding the Navy's fleet of ships following post-Vietnam War cutbacks. Secretary Lehman also developed a critical strategic concept known as the "Lehman Doctrine." His plan, which called for a military response to any Russian invasion in Europe by invading the Soviet Far East, was an innovative strategic concept essential to our conventional deterrence of the Soviet Union. Even after so many accomplishments in public service, Secretary Lehman has continued to offer his advice and support to national security leaders to this day. In addition to his national security credentials, Secretary Lehman holds a B.S. degree from St. Joseph's University, B.A. and M.A. degrees from Cambridge University, and a Ph.D. from the University of Pennsylvania. He has enjoyed great success in business as a founding partner and Chairman of J.F. Lehman & Company, as the president of an aerospace consulting firm, and he is currently a director on a variety of corporate boards. He has authored numerous books, including 'On Seas of Glory', 'Command of the Seas', and 'Making War', and continues to write for the National Review on American Seapower for the 21st Century. Secretary Lehman serves as a member of a number of influential American think tanks to include serving as the Chair of Foreign Policy Research Institute's National Security Program. His visionary leadership, wise counsel and unparalleled service over the last 40 years in government and business have contributed immeasurably to sustaining a strong and successful U.S. national security posture. Secretary Lehman's extraordinary devotion to duty, clarity of purpose, and record of remarkable achievements are in keeping with the highest traditions of public and private service and reflect great credit upon him, the men and women in uniform, and the United States of America.

Given this day September 18, 2015 by:

ARNOLD L. PUNARO,  
Major General, USMC  
(RET), Chairman of  
the Board.  
CRAIG R. MCKINLEY,  
General, USAF (RET),  
President & CEO.

#### CONSTITUTION DAY

Mr. ISAKSON. Mr. President, I wish to commemorate in the RECORD the anniversary of the signing of the U.S. Constitution.

On this day in 1787, the delegates to the Constitutional Convention met for the last time to sign the U.S. Constitution. In the pursuit to form a more perfect union, the Framers of the Constitution created a document that not only solidified our fledgling Nation but inspired others across the globe to strive for liberty, too. Organizations such as Lions Clubs International, the

Daughters of the American Revolution, the Georgia Federation of Republican Women, and others deserve a great deal of gratitude for their efforts to bring attention to this important day. In recognition of this momentous occasion in American history and in honor of Constitution Day, I encourage all Georgians and all Americans to read, study, and learn the contents of the U.S. Constitution.

I appreciate the efforts of our educators, elected officials, community leaders, and parents who teach our youth about the foundations of justice, strength and equality upon which our great Nation was built. I never cease to be amazed at how the principles of the Constitution play out in our daily lives as Americans.

Today is an appropriate occasion for we the people of the United States, as well as the people's elected representatives in Congress, to renew our commitment to the principles of the U.S. Constitution. The Constitution's values—liberty, separation of powers, consent of the governed, and the principle that no one is above the law—are just as true and just as relevant today as they were when they were set to parchment more than two centuries ago.

#### HISPANIC HERITAGE MONTH AND HISPANIC-SERVING INSTITUTIONS WEEK

Mr. MENENDEZ. Mr. President, earlier this week I introduced two bipartisan resolutions that were adopted by unanimous consent: S. Res. 254, recognizing September 15 to October 15 as Hispanic Heritage Month, and S. Res. 255, designating the week of September 14, 2015 as National Hispanic-Serving Institutions Week.

These resolutions celebrate the immense contributions of Hispanic Americans to our great Nation and honor the critical work of more than 400 non-profit Hispanic-Serving Institutions for their important role in educating and empowering Hispanic youth.

Latinos have a long and decorated history in the United States, full of extraordinary contributions to America's past, present, and future. Latinos have proudly served, helped build, and defended our country for hundreds of years, honorably serving in every action since before the founding of the Nation.

Hispanics fought alongside patriots in the American Revolution and rallied in the Civil War, serving bravely in both the Union and Confederate armies. Latinos rode in Teddy Roosevelt's Rough Riders during the Spanish-American War, received Congressional Medals of Honor in both World Wars, and made the ultimate sacrifice for our country in Korea and Vietnam. As of July 31, 2015, more than 164,000 Hispanic Americans are actively serving with distinction in the United States Armed Forces.

Just as Latinos have defended our Nation, we have also helped shape and

build it. That is why I also wish to recognize the exemplary institutions that are making vital investments in the next generation of Latino leaders.

Hispanic-Serving Institutions are colleges or universities where total Hispanic enrollment constitutes a minimum of 25 percent of the student body, and they serve more than half of all Latino students in the United States. As a product of a Hispanic-Serving Institution in my home State of New Jersey, my experience is a living testimony of the important role that HSIs play in expanding opportunities for Latino students in 21 States across the U.S. and in Puerto Rico.

With these resolutions, we celebrate the contributions of all Latinos and the institutions that serve and enrich the Latino community in the United States. I look forward to celebrating the heritage and culture of Hispanic Americans who have and will continue to positively influence and enrich our Nation—not only during this special month and week, but throughout the year.

#### RECOGNIZING GROWTH DISORDER AWARENESS WEEK

Mr. MENENDEZ. Mr. President, on behalf of every child currently living with a growth disorder I wish to recognize this week—September 13-19, 2015—as Growth Disorder Awareness Week.

A child's growth is a strong indicator of that child's overall health status. According to the Pictures of Standard Syndromes and Undiagnosed Malformations, POSSUM, database, more than 600 serious diseases and health conditions can cause growth failure. These diseases range from nutritional disturbances and hormone imbalances to far more serious conditions that affect the kidneys or even lead to brain tumors. While these conditions affect a child's growth progress, a stunning 48 percent of children with the most common growth disorders go undiagnosed. To make matters worse, the longer a child with growth failure goes undiagnosed, the greater the potential for long-term health issues and higher costs of treatment. Early detection and diagnosis are, therefore, critical to ensuring a healthy future for these children.

This week, as we recognize Growth Awareness Week, I applaud the MAGIC Foundation for the tremendous work they do to further public awareness of growth failure and to improve the lives and health of the children whom they affect.

#### RECOGNIZING NATIONAL LOBSTER DAY

Ms. COLLINS. Mr. President, this August the Senate unanimously passed a resolution designating September 25, 2015, as National Lobster Day. I was proud to cosponsor that resolution with my fellow Mainer, Senator ANGUS KING, and to be joined by our New England colleagues, Senators SHAHEEN and

AYOTTE of New Hampshire, REED and WHITEHOUSE of Rhode Island, and MURPHY and BLUMENTHAL of Connecticut.

That day has arrived and will be celebrated with a special event at the Maine Maritime Museum in the City of Bath. For more than a half-century, this outstanding museum has honored our State's seafaring heritage and the important role Maine plays today in global maritime activities.

Lobster fishing is central to that heritage. Since colonial times, it has served as an economic engine and a family tradition in New England, helping to support the livelihoods of thousands of families. Throughout the region, more than 120 million pounds of lobster are caught each year, making it one of our most valuable commodities.

More than 70 percent of this harvest is hauled in by Maine's 6,000 commercial license holders. Lobster is the backbone of Maine's prolific fishing industry, which produces more than \$1 billion in economic activity and supports 26,000 year-round jobs in such affiliated enterprises as boatbuilding and maintenance, trap-making, bait, fuel and other supplies. The Maine lobster industry is built upon thousands of owner-operated family businesses, where the generations work together, supporting themselves and sustaining their communities.

The hard-working men and women of the Maine lobster industry are the original conservationists. For more than 150 years, they have led the way in managing this precious resource through size restrictions and trap limits, and they are at the forefront of efforts to protect whales and other marine mammals. The economic activity they generate helps to preserve the working waterfronts that are essential to coastal communities.

The lobster industry represents the very essence of Maine—a deep respect for the environment and a dedication to hard work. I congratulate the men and women of the Maine lobster industry for upholding this centuries-old heritage and thank the Maine Maritime Museum for celebrating it.

#### REMEMBERING CHIEF JUSTICE WILLIAM HUBBS REHNQUIST

Mr. CRUZ. Mr. President, Thursday, September 3, was the 10th anniversary of the death of William Hubbs Rehnquist, the former Chief Justice of the United States Supreme Court. Rehnquist was an absolutely outstanding chief, one of the most influential Justices in the 225-year history of the Court. And the 10 years since his unfortunate passing have only served to increase the level of respect and admiration many have for him. This reverence is richly deserved, as Rehnquist spent over three decades—nearly two decades as Chief Justice—valiantly attempting to return the Court to this country's first principles, federalism being a primary one, in order to salvage our fundamental liberties. This is

a goal the current Court would do well to remember and embrace.

Of course, I am slightly biased in this matter. I clerked for Rehnquist, after all, and therefore spent an entire year learning at his side, while simultaneously embarrassing myself in his doubles tennis matches. But what is amazing about Rehnquist is how much esteem he was held in by those who often disagreed with him. Indeed, the respect he enjoyed from his colleagues was unparalleled. To give just one of many examples, Walter Dellinger, a former Solicitor General in the Clinton administration, wrote that "Rehnquist was a great leader and effective administrator of the Supreme Court and the national judiciary. He ran a tight ship. . . . Every justice with whom I have spoken in recent years has noted that the court was functioning well under his leadership." Rehnquist didn't just treat his fellow lawyers well, either. He knew everyone's name who worked in the Court—from Justices, to police officers, to janitors—and he treated them all fairly and with dignity. Outside the Court, where he regularly strolled with his clerks, he would often graciously take pictures of tourists, who had no idea they had just asked our country's top judicial officer to assist with their family snapshot. These days, in the era of selfies, the tourists probably would not notice him at all. And Rehnquist would be fine with that. Humility was one of his defining characteristics.

In remembrance of Chief Justice Rehnquist's passing, I ask unanimous consent to have printed in the RECORD a memorial article I wrote for the Harvard Law Review 10 years ago. This is not nearly as much as Rehnquist deserves, but it is more than a man like Rehnquist would ever request for himself. We miss you, Chief.

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

[From the Harvard Law Review, Nov., 2005]

IN MEMORIAM: WILLIAM H. REHNQUIST

(By R. Ted Cruz)

THE EDITORS OF THE HARVARD LAW REVIEW RESPECTFULLY DEDICATE THIS ISSUE TO CHIEF JUSTICE WILLIAM H. REHNQUIST

A doll, a headdress, and a ship captain's wheel. All three enjoyed prominent placement in the Chief Justice's private chambers. Each was a gift from his law clerks, and each symbolized a different aspect of William Hubbs Rehnquist's tenure as Chief Justice of the United States.

Appointed to the Court in 1971, then-Justice Rehnquist found himself on a Court very much out of step with the rest of the nation. Five months after he arrived, in June of 1972, the Court issued *Furman v. Georgia*, striking down the death penalty across the country. Despite the fact that capital punishment is referenced explicitly in the text of Constitution, the Court concluded that it was nonetheless unconstitutional and with the stroke of a pen threw out the laws of virtually every state. Predicated upon what were termed "evolving standards of decency," Furman asserted that five Justices were better arbiters of what was "decent" than the hundreds of millions of voters who had elected the legislatures that had widely adopted the death penalty.

Justice Rehnquist, of course, dissented. And four years later, the Court retreated from its decree that no state could "decently" choose to impose the death penalty. But *Furman* was emblematic. In the 1960s and 1970s, the Court consistently elevated the rights of criminal defendants, and, repeatedly, Justice Rehnquist dissented, often alone.

As in criminal law, so too across the gamut, especially concerning federalism and the Religion Clauses. For his first decade and beyond, Justice Rehnquist earned his "Lone Ranger" nickname. Thus, the first gift from the clerks—a twelve-inch adjustable Lone Ranger doll, which sat for some three decades on the bookshelf in his back office.

But the fiery dissents of the 1970s were not to be Justice Rehnquist's entire legacy. In 1986, President Reagan made him Chief. Thus, the second gift—an elaborate Indian feather headdress, which sat next to the Lone Ranger doll on the bookshelf.

Beside both the doll and the headdress lay one of the most startling graphical representations of the different role Chief Justice Rehnquist was to play. Starting at the ceiling, his bound opinions from each Term stretched across the shelves. For the first fifteen years, each Term's bound volume is consistently three to four inches wide. Then, in 1986, there is a sharp divide: from that point forward, each Term's volume of collected opinions falls to one to two inches in width. That visual break was not the result of a sudden lack of verbosity. Rather, it was a physical manifestation of Chief Justice Rehnquist's understanding of the very different task assigned a Chief Justice. No longer was his principal role to expound impassioned individual views; instead, it was to lead.

Thus, in 1996—his twenty-fifth anniversary as a Justice and his tenth as Chief—his third and most emblematic gift came from the clerks: a large ship's captain's wheel, which was mounted on the wall to commemorate his careful guidance of the Court over the decades.

The Chief steered the Court, carefully, steadily, over nineteen years at the helm. One result of that guidance, widely appreciated by lawyers, scholars, and public commentators, is that many of those 1970s-era Rehnquist dissents are now the law of the land. Indeed, there are few clearer legal arcs than the path from Rehnquist dissent to Court majority over these three decades.

Hence, the so-called federalist revolution, revitalizing an important structural safeguard to human liberty through the preservation of the real authority of sovereign states. "We start with first principles," the Chief began in *United States v. Lopez*. "The Constitution creates a Federal Government of enumerated powers," "few and defined," in James Madison's words, which "ensure[s] [the] protection of our fundamental liberties."

Hence, the return to balance in the Court's Establishment Clause jurisprudence, repudiating the hostility toward religion manifested by earlier decisions. Thus, in 2002, the Chief wrote *Zelman v. Simmons-Harris*, upholding the Cleveland school-choice program and making clear that the Constitution does not require the exclusion of religious schools from the options presented to children in need.

Fittingly, the Chiefs last opinion, handed down as the last opinion on the last day of the Term, was *Van Orden v. Perry*. Texas defended the Ten Commandments monument outside our State Capitol, and we won, 5-4. In his plurality opinion, the Chief made clear that nothing in the First Amendment requires chisels and bulldozers to erase any and all public references to the Almighty.

Rather, the Constitution embraces tolerance, not hostility, toward religion.

And hence the well chronicled retreat from the 1960s- and 70s-era overbroad protections for criminal defendants, restoring a jurisprudential approach that preserves constitutional liberties without unnecessarily frustrating good-faith law enforcement efforts.

That legacy of legal transformation has earned Chief Justice Rehnquist, in the judgment of President Clinton's acting Solicitor General Walter Dellinger, a place—along with John Marshall and Earl Warren—among the three most influential Chief Justices in history.

Yet even so, the Chief's skill in steering the Court, the care and diligence with which he achieved that legacy, is not widely understood. Indeed, many scholars, lawyers, and law students have misperceived the Chief's jurisprudence—incorrectly deeming him, for example, significantly less conservative than Justices Scalia and Thomas—because they have failed to appreciate the distinct role of the Chief Justice, guiding the Court.

Take, for example, *Dickerson v. United States*, reaffirming *Miranda v. Arizona* as the law of the land. At the time of his death, eulogists pointed to *Dickerson* as an example of how the Chief had moderated his views, growing over time away from his Lone Ranger passion and toward an appreciation for elements of the status quo.

In my judgment, that view seriously misapprehends Chief Justice Rehnquist. Indeed, a careful examination of *Dickerson* can illuminate much of how he served as Chief. At the outset, *Dickerson* cannot be understood in isolation; instead, one must consider the entire course of the Chiefs criminal-law jurisprudence.

For decades before *Dickerson*, the Chief had been a vocal critic of *Miranda*. Beginning with *Michigan v. Tucker* in 1974, the Chief authored or joined dozens of opinions limiting *Miranda*'s reach. Viewed by many as one of the worst Warren Court excesses, *Miranda* combined an activist approach—mandating specific police warnings found nowhere in the Constitution—with unsettling outcomes—ensuring, in conjunction with a robust exclusionary rule, that demonstrably guilty criminals could go free on the barest of technicalities.

The predicate for all of the Chief's efforts to cabin in *Miranda* was the notion that the specified warnings were not constitutionally required; rather, they were merely a "prophylactic" measure in aid of the broader constitutional value. Because *Miranda* was prophylactic—because the Constitution did not require its application in every respect—the Chief was able gradually to do much to mitigate its harmful effects.

Enter 18 U.S.C. §3501. Passed in the wake of *Miranda* and signed into law by President Lyndon B. Johnson, §3501, in effect, purported to overrule *Miranda* and return to the underlying constitutional standard of voluntariness for the admission of confessions. Yet, for three decades, §3501 lay dormant on the statute books, all but ignored.

In *Dickerson*, however, a federal court of appeals for the first time gave force to the words of the statute, admitting into evidence a voluntary confession notwithstanding the lack of properly administered *Miranda* warnings. Thus, the validity of §3501 was squarely presented.

If there was one thing the Chief knew, it was the minds of his colleagues; he had a remarkable sense for what his Brethren were and were not willing to do. As a practical matter, there was no way that Justice O'Connor or Justice Kennedy would possibly be willing to overrule *Miranda*. It was too established, too much a part of the legal firmament, for either of them to hazard extinguishing it.

If there had been four votes to overrule *Miranda*, it is difficult to imagine that, given his decades of principled opposition, the Chief would not have readily provided the fifth. But the votes were not there.

In their place was genuine peril. Section 3501 was a statute passed by Congress and signed into law by the President; the only way it could be invalidated was for it to be declared unconstitutional. And, if it were unconstitutional, that would presumably be because *Miranda* was not mere prophylaxis, but itself required by the Constitution.

Had the Chief voted with the dissenters, the majority opinion would have been assigned by the senior Justice in the majority, in this case Justice Stevens. And Justice Stevens, of course, had a very different view of *Miranda* than did the Chief.

It is not difficult to imagine a Justice Stevens *Dickerson* majority, recounting the history of *Miranda* and §3501 and then observing something like, "Although we have often used the term 'prophylactic' to describe *Miranda*, over time it has become interwoven into the basic fabric of our criminal law; thus, today, we make explicit what had been implicit in our prior decisions: *Miranda* is required by the U.S. Constitution. Accordingly, §3501 is unconstitutional."

That holding, in turn, would have undermined the foundation for most if not all of the previous decisions limiting *Miranda*, quietly threatening three decades of the Chief's careful efforts to cabin in that decision appropriately. Therefore, in my judgment, the Chief acted decisively to avoid that consequence. He voted with the majority and assigned the opinion to himself.

With that backdrop, the majority opinion in *Dickerson* is, in many respects, amusing to read. Its holding can be characterized as threefold: First, *Miranda* is NOT required by the Constitution; it is merely prophylactic, and its exceptions remain good law. Second, 18 U.S.C. §3501 is not good law. Third, do not ask why, and please, never, ever, ever cite this opinion for any reason.

Although not what one would describe as the tightest of logical syllogisms, it was the best that could be gotten from the current members of the Court. A majority of Justices agreed with each of the first two propositions, and so therefore—even though the propositions are in significant tension with each other—pursuant to Justice Brennan's famed "rule of five," the Court declared both, and nothing more.

That leadership, I would suggest, is a hallmark of a great Chief Justice. The role of the Chief is unique, and Chief Justice Rehnquist understood his colleagues well. Consistently, he achieved the best legal outcome that could be reached in a given case, in aid of moving inexorably in the long term toward sound and principled jurisprudential doctrine.

For those of us who had the privilege of clerking for the Chief, we came to know a man of enormous intellect, principle, humor, and modesty.

Blessed with an eidetic memory, he seemed to know all the law that ever was. He would routinely amaze his clerks by quizzing them on the exact citation to some case or other; the clerks would, of course, never know the cite, and—off the top of his head—the Chief always would. As his son James observed at the Chief's funeral, he would have said that his dad had forgotten more history than most of us will ever know, but he didn't think his dad had ever forgotten anything.

A Midwesterner, born of modest means, the Chief enlisted in the Army in 1943 at age eighteen. Law has too long been a profession of the privileged few, and it is fitting, and worth noting, that the Chief Justice was an enlisted man, serving as weather observer in North Africa.

Once a week, the Chief played tennis with his clerks. We would play on a public court, and no one ever recognized the older gentlemen playing doubles with three young lawyers. He would also have us over to his house to play charades. One of my favorite memories is his lying on his stomach on the floor, pantomiming firing a rifle and mouthing "pow, pow," as he acted out *All Quiet on the Western Front*.

He enjoyed simple tastes—his favorite lunch was a cheeseburger, a "Miller's Lite," and a single cigarette—and he had little patience for putting on airs. Once, when a law clerk asked him how he went about choosing law clerks, the Chief replied, "Well, I obviously wasn't looking for the best and the brightest, or I wouldn't have chosen you guys." Himself a former law clerk, he had no grand illusions about the job.

He was a kind and decent man. He knew everybody's name in the Court, every police officer and every janitor, and he treated them all with fairness and dignity. For that reason, the respect he enjoyed from his colleagues was unparalleled.

The Chief was beloved by his family, by his colleagues, by the thirty-four years' worth of law clerks whom he befriended, taught, and mentored. His views did not always prevail, but his steady hand at the helm—his vision, leadership, and unwavering principles—made this in every respect the Rehnquist Court.

#### ADDITIONAL STATEMENTS

##### RECOGNIZING SUSTAINABLE LUMBER CO.

● Mr. DAINES. Mr. President, I rise in recognition of the achievement of Sustainable Lumber Co., located in Missoula, MT. JPMorgan Chase recently announced that Sustainable Lumber Co. has been awarded a \$100,000 grant and business trip to LinkedIn's California headquarters for an opportunity of learning and networking. This award further emphasizes Sustainable Lumber Co. as a fine tribute to the State of Montana, and their both transformative and responsible approach to operating their business has earned them the success they rightfully have achieved.

I also would like to applaud JPMorgan Chase for investing in small businesses, like Sustainable Lumber Co., through its Mission Main Street initiative. These investments in small businesses strengthen our local communities and work as a catalyst towards revitalizing the American Dream.●

##### TRIBUTE TO JACOB FRANCOM

● Mr. DAINES. Mr. President, I rise today in recognition of Jacob Francom, a top-tier educator from Troy, MT. Dr. Francom was recently honored as the 2015 Montana Principal of the Year and is an excellent example of the importance of education to the State of Montana.

Dr. Francom has not only succeeded in enhancing and tailoring the professional skills of his staff, but has made great advancements to the technological arenas at his school. He has

also developed and improved the systems of instruction used with the students of Troy Junior and Senior High Schools.

What sets Dr. Francom apart is not only his leadership and pioneering at his own school, but his initiative in helping the schools in other parts of Lincoln County. His efforts are focused on aiding Troy, Libby, and Eureka with hopes to share in the milestones they reach.

At only 36 years old, he has earned a bachelor's degree from Utah State University, a master's degree from University of Arizona, and his doctorate, along with a second master's from The University of Montana. He started his career working at a boarding school in the Yaak, but in 5 short years became a rising star at Troy Junior and Senior High School. Three years later, he was serving as superintendent.

The characteristics that have made Dr. Francom a prime candidate for this award are not limited to his work in the education field. His humility and perseverance have made him a positive and inspiring example for our State. It is with great appreciation that I thank Principal Francom for his work in Troy and across our State.●

#### CONGRATULATING KATHERINE KELLEY

● Mr. HELLER. Mr. President, today I wish to congratulate a true role model in the Nevada community, Ms. Katherine Kelley. Ms. Kelley was crowned both Miss Summerlin and Miss Nevada and recently competed in the Miss America competition. I am truly honored to congratulate her on these great achievements.

The Miss America pageant began in 1921 and is one of the world's largest scholarship providers to young women. The initiative focuses on creating change in the lives of others and contributes a great amount of charity work in communities across the country. This characteristic of giving exemplifies Ms. Kelley's everyday life as a teacher in the Las Vegas community, working to help children excel academically.

Ms. Kelley, a Madisonville, KY, native, moved to Las Vegas in May of 2014 and began working with Teach for America in hopes of helping with the local teacher shortage. She is currently pursuing her master's degree at the University of Nevada, Las Vegas, in the College of Education, studying secondary math education. Along with pursuing her master's degree, she is also a geometry instructor at Mojave High School. Her initial passion for teaching began when she spent time volunteering in the Alabama public school system. Her experience there drove her in her aspirations to create positive change. Through Miss America, Ms. Kelley has had the opportunity to bring light to the importance of school attendance in low-income communities, as well as encourage students

of both genders in their science, technology, engineering, and math studies. The scholarships that Ms. Kelley has earned through Miss America will allow her to finish her master's degree debt free.

I know the citizens of the Silver State are proud to see a fellow Nevadan succeed in pursuing her dreams. Today, I ask my colleagues to join me in congratulating Katherine Kelley on this incredible honor. I wish her the best of luck as she serves as an ambassador for our great State and thank her for her work in helping Nevada's students.●

#### RECOGNIZING HOWARD R. HUGHES COLLEGE OF ENGINEERING

● Mr. HELLER. Mr. President, today I wish to recognize the University of Nevada, Las Vegas, UNLV, Hughes College of Engineering for its incredible work in creating the Flexy-Hand 2 for 5-year-old Hailey Dawson. Hailey was born with Poland syndrome, making it extremely difficult to grip smaller items. The Flexy-Hand 2, a 3D-printed prosthetic device created by the UNLV engineering department, provides Hailey with new technology that addresses this difficulty, giving her the ability to participate in her favorite sport—baseball.

Hailey's mom, Yong Dawson, approached Brendan O'Toole, UNLV's chair of medical engineering, to ask if the department would be willing to create a prosthetic hand for her daughter. O'Toole was eager to take on the project, gathering students from UNLV and local high schools to help. The team has spent nearly 2 years working on the project and continues perfecting the device, including the addition of individual finger movement. Hailey's current Flexy-Hand 2 is the fourth version from the university. The technology fits her palm, connecting the fingers to her wrist, ultimately giving her control of her hand's grasping motion.

Hailey has now had two unique opportunities to show off her prosthetic hand, both throwing out the first pitch at a UNLV baseball game in March and at a Baltimore Orioles game in August. Hailey's mother contacted the Orioles in pursuit of making her child's dreams a reality, asking them for a meet-up. In response, the team invited Hailey and her family to a game and allowed Hailey to throw the opening pitch. Before hitting the field, Hailey had the opportunity to meet Manny Machado and have her hand autographed.

I would like to congratulate Hailey on her participation in these unforgettable experiences and on an excellent first pitch. She is truly a shining example of positivity within the Las Vegas community.

I would also like to recognize UNLV's Howard R. Hughes College of Engineering and Brendan O'Toole for their hard work and dedication to improving the lives of others. This is an inspiring story and should stand as an example

to the Nevada family. The team continues its work not only by fine tuning the Flexy-Hand 2 but also by connecting with other universities to raise awareness about the technology. I ask my colleagues to join me and all Nevadans in congratulating this incredible engineering department for its selfless work in helping a fellow Nevadan. I wish both the university and Hailey luck in all of their future endeavors.●

#### RECOGNIZING DR. YUICHI SHODA, DR. WALTER MISCHEL, AND DR. PHILIP PEAKE

● Mrs. MURRAY. Mr. President, I rise today in support of the Golden Goose Award, which recognizes researchers whose seemingly obscure, federally funded research has returned significant benefits to society.

In particular, I rise to celebrate 2015 Golden Goose Awardees Drs. Walter Mischel, Philip Peake, and Yuichi Shoda for the impact of their Marshmallow Test research. Their work—funded by the National Institutes of Health and the National Science Foundation—has had a significant impact on how we understand human behavior, how we educate our children, and even how we save for retirement.

These researchers used a simple test to measure pre-schoolers' self-control, offering children one marshmallow now or two if they could wait just 15 minutes alone with their prospective treat. They never expected to find that how children performed on this simple, silly-sounding test would be related to the children's future SAT scores, their propensity for obesity or drug addiction, and even the very chemistry of their brains.

In their followup study, Dr. Yuichi Shoda, now a professor at the University of Washington, found, based on reporting by parents and teachers, that children who had been able to wait longer for their extra treat at age 4 tended to show better adjustment in adolescence. They had more social and academic competence, were more able to handle stress adeptly, and persisted better in goal pursuit in the face of frustration. The researchers, joined by many collaborators across an array of disciplines, have followed these children now for more than 30 years. They have documented correlations between the ability to delay and life outcomes as diverse as SAT scores, body-mass index, the frequency of drug abuse, and measurable differences in brain functioning, which are visible thanks to modern functional MRI techniques.

Today, Dr. Shoda is looking at how people can benefit from an awareness of the kinds of situations in which they excel at self-control and those in which they are most vulnerable to self-control failure.

Far from a story about fixed fates, their discoveries about the importance of self-control and how it can be cultivated today informs how we teach

our children and helps us recognize the potential that lies in all of us. They have helped usher in a new age of understanding of human development and behavior. Our lives are the better for it. I am proud to stand in recognition of their work.●

#### RECOGNIZING MELANIE MASSEY PHYSICAL THERAPY

● Mr. VITTER. Mr. President, the folks who commit their lives to nursing people back to health provide tremendous benefit to their communities. Whether it is physical or speech therapy, providing community members with hope during a difficult time is a noble act, and one that is greatly appreciated, especially when those community members are children. This week's Small Business of the Week employs folks who provide therapy sessions to adults and children alike. I would like to recognize Melanie Massey Physical Therapy as Small Business of the Week for their commitment to providing exceptional health and therapy services to children in Monroe, West Monroe, Ruston, and Shreveport, LA.

Louisiana native Melanie Massey began her career as a physical therapist upon graduating from Louisiana State University School of Allied Health Sciences in 1993. Shortly after graduation, Melanie began working at LSU Medical Center in 1994, spending the majority of her time tending to wound and burn victims. However, she soon realized pediatric care was her passion. In 1995 with only 2 years of physical therapy experience, Melanie opened her own practice. Under the motto "Joyfully use your gifts to brighten the lives of others," Melanie began spending one-on-one time with her young patients, developing unique relationships with her clients and building a strong reputation attractive to patients and parents seeking top-notch therapy centers for their children. As her clientele grew, so did her staff. Melanie has hired over 20 therapists and opened three more centers across north Louisiana within a few years of opening her business. Pediatric patients enjoy a multitude of events hosted by Melanie's clinics, such as boy's and girl's movie night and a summer camp that specializes in teaching handwriting, friendship building, and sensory integration. Today, the Melanie Massey Therapy team consists of full-time physical therapists, occupational therapists, and speech therapists, as well as a full billing department that allows patients to receive the necessary care upon arrival worry free.

Melanie Massey Physical Therapy maintains a hopeful spirit and high-energy staff that continuously motivates their patients in reaching their recovery goals. Furthermore, Melanie encourages her staff to continue their education while employed in her physical therapy centers, ensuring her staff can be among the most highly trained therapists in north Louisiana.

The ability to help her patients overcome some of the most challenging hurdles in their young lives serves as an inspiration to all entrepreneurs who devote themselves to the well-being of their customers. Congratulations to Melanie Massey Physical Therapy and her team for being recognized as this week's Small Business of the Week.●

#### CONGRATULATING DENNIS AND RUTH DITCH

● Mr. ENZI. Mr. President, I wish to offer my congratulations to Dennis and Ruth Ditch as they celebrate their 50th wedding anniversary on September 25. Dennis and Ruth are the parents of David Ditch, one of my staffers on the Budget Committee. They are also the parents of three daughters, Lori, Lynn, and Barbara, and have two grandchildren, Lana and Ginger.

Dennis and Ruth Ditch both grew up in western New York, and their five decades together demonstrate the best qualities of a married couple. They have supported one another in raising four children, moved cross country twice for work opportunities prior to settling in Bloomfield, NY, and spent 25 years operating a small business they started together. Their commitment to one another never wavered even during the trying period when Ruth underwent chemotherapy to overcome an aggressive form of lymphoma. In recent years, they have become leaders for Gideons International in their area.

As successful parents, entrepreneurs, and active members of their community, Dennis and Ruth Ditch exemplify the values that make America great, whether in my home State of Wyoming or in New York. I give them my best wishes for the future.●

#### REMEMBERING HARRY MCGRATH

● Mr. CASEY. Mr. President, I wish to pay tribute to Mr. Harry P. McGrath, Sr., a Pennsylvanian and a close friend. Harry passed away unexpectedly on September 7, 2015.

Harry devoted his life to his family and to public service and advocacy. Following his graduation from Dunmore High School, where he was an outstanding student and athlete, and Kutztown University, he worked as a Special Agent in the U.S. Secret Service. During the 1980s he protected President Ronald Reagan and Vice President George H.W. Bush, earning commendations for his work in Grenada and the Khyber Pass. By the time he left the Secret Service to attend law school, he had earned special achievement and performance awards for his significant contributions to the agency's efficient operation.

After graduating cum laude from the Widener University School of Law, where he was a member of the Law Review, Harry continued his work in public service as a law clerk for Judge William J. Nealon in the U.S. District

Court for the Middle District of Pennsylvania. He went on to become a distinguished lawyer in Northeastern Pennsylvania, admitted to practice law by the Pennsylvania Supreme Court, the Third Circuit Court of Appeals, and the U.S. District Court for the Middle District of Pennsylvania. He was a partner in the law firm of O'Malley, Harris, Durkin, and Perry PC and the founder of the McGrath Law Offices in Scranton. With his legal expertise, significant experience and sound judgment, Harry was an ideal person to serve as the chairman of my Judicial Selection for the Middle District of Pennsylvania.

In addition to his work as a lawyer, Harry was also a strong advocate for Pennsylvania's children, as the solicitor for more than 30 years for the Scranton School District, representing students, parents, teachers, and administrators in matters of education and employment. He was passionate about his work on behalf of children with learning disabilities and other school-aged children in need. He was an early and strong supporter of the new Scranton High School Project and a past member of the Board of Directors of the Friendship House, an organization that provides quality programs and services designated to enhance the well-being of children and families in his community.

As much as public service and advocacy defined his career, politics was in Harry's blood. Named after his grandfather, the late Harry P. O'Neill, a U.S. Representative in the 1950s, Harry McGrath worked hard to elect candidates to public office, candidates in whom he believed. He served as Lackawanna County Democratic Party chairman and volunteered his time, talent, and energy to countless campaigns throughout his life.

Despite his numerous accomplishment, the most important legacy Harry leaves behind is his family. My thoughts and prayers are with his wife of 33 years, Joell; their four children, Harry, Bob, Betsey, and Joe; his brothers and sisters; all of his nieces and nephews; and his many friends. I pray that God will give them strength and that Harry's life of family, faith, and service will continue to inspire them in the years ahead.●

#### MESSAGE FROM THE HOUSE

At 12:32 p.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the House agrees to the amendment of the Senate to the bill (H.R. 23) to reauthorize the National Windstorm Impact Reduction Program, and for other purposes.

The message also announced that the House has passed the following bills, without amendment:

S. 230. An act to provide for the conveyance of certain property to the Yukon Kuskokwim Health Corporation located in Bethel, Alaska.

S. 501. An act to make technical corrections to the Navajo water rights settlement in the State of New Mexico, and for other purposes.

The message further announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 487. An act to allow the Miami Tribe of Oklahoma to lease or transfer certain lands.

H.R. 959. An act to authorize the Secretary of the Interior to conduct a special resource study of the Medgar Evers House, located in Jackson, Mississippi, and for other purposes.

H.R. 1214. An act to amend the Small Tracts Act to expand the authority of the Secretary of Agriculture to sell or exchange small parcels of National Forest System land to enhance the management of the National Forest System, to resolve minor encroachments, and for other purposes.

H.R. 1289. An act to authorize the Secretary of the Interior to acquire approximately 44 acres of land in Martinez, California, and for other purposes.

H.R. 1554. An act to require a land conveyance involving the Elkhorn Ranch and the White River National Forest in the State of Colorado, and for other purposes.

H.R. 1949. An act to provide for the consideration and submission of site and design proposals for the National Liberty Memorial approved for establishment in the District of Columbia.

H.R. 2223. An act to authorize, direct, expedite, and facilitate a land exchange in El Paso and Teller Counties, Colorado, and for other purposes.

H.R. 2791. An act to require that certain Federal lands be held in trust by the United States for the benefit of certain Indian tribes in Oregon, and for other purposes.

#### ENROLLED BILL SIGNED

The President pro tempore (Mr. HATCH) announced that on today, September 17, 2015, he had signed the following enrolled bill, previously signed by the Speaker of the House:

H.R. 720. An act to improve intergovernmental planning for and communication during security incidents at domestic airports, and for other purposes.

#### MEASURES REFERRED

The following bills were read the first and the second times by unanimous consent, and referred as indicated:

H.R. 487. An act to allow the Miami Tribe of Oklahoma to lease or transfer certain lands; to the Committee on Indian Affairs.

H.R. 959. An act to authorize the Secretary of the Interior to conduct a special resource study of the Medgar Evers House, located in Jackson, Mississippi, and for other purposes; to the Committee on Energy and Natural Resources.

H.R. 1214. An act to amend the Small Tracts Act to expand the authority of the Secretary of Agriculture to sell or exchange small parcels of National Forest System land to enhance the management of the National Forest System, to resolve minor encroachments, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

H.R. 1289. An act to authorize the Secretary of the Interior to acquire approximately 44 acres of land in Martinez, California, and for other purposes; to the Committee on Energy and Natural Resources.

H.R. 1554. An act to require a land conveyance involving the Elkhorn Ranch and the

White River National Forest in the State of Colorado, and for other purposes; to the Committee on Energy and Natural Resources.

H.R. 1949. An act to provide for the consideration and submission of site and design proposals for the National Liberty Memorial approved for establishment in the District of Columbia; to the Committee on Energy and Natural Resources.

H.R. 2223. An act to authorize, direct, expedite, and facilitate a land exchange in El Paso and Teller Counties, Colorado, and for other purposes; to the Committee on Energy and Natural Resources.

#### EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC-2915. A communication from the Assistant Secretary of Defense (Manpower and Reserve Affairs), transmitting, pursuant to law, notification of the Department's intent to close the Defense commissary store at Sugar Grove, West Virginia; to the Committee on Armed Services.

EC-2916. A communication from the Assistant Director, Senior Executive Management Office, Department of Defense, transmitting, pursuant to law, a report relative to a vacancy in the position of Assistant Secretary of Defense (International Security Affairs), Department of Defense, received in the Office of the President of the Senate on September 10, 2015; to the Committee on Armed Services.

EC-2917. A communication from the Acting Under Secretary of Defense (Personnel and Readiness), transmitting the report of two (2) officers authorized to wear the insignia of the grade of rear admiral (lower half) in accordance with title 10, United States Code, section 777; to the Committee on Armed Services.

EC-2918. A communication from the Acting Under Secretary of Defense (Personnel and Readiness), transmitting the report of ten (10) officers authorized to wear the insignia of the grade of brigadier general in accordance with title 10, United States Code, section 777; to the Committee on Armed Services.

EC-2919. A communication from the Under Secretary of Defense (Acquisition, Technology and Logistics), transmitting, pursuant to law, the quarterly exception Selected Acquisition Reports (SARs) as of June 30, 2015 (OSS-2015-1410); to the Committee on Armed Services.

EC-2920. A communication from the Secretary of the Treasury, transmitting, pursuant to law, a six-month periodic report on the national emergency with respect to Venezuela that was originally declared in Executive Order 13692 of March 8, 2015; to the Committee on Banking, Housing, and Urban Affairs.

EC-2921. A copy of a complaint as required by section 403(a)(2) of the Bipartisan Campaign Reform Act of 2002 relative to the case of Republican Party of Louisiana, Jefferson Parish Republican Parish Executive Committee, and Orleans Parish Republican Executive Committee v. FEC; to the Committee on Rules and Administration.

EC-2922. A communication from the Deputy Assistant Secretary for Fish and Wildlife and Parks, National Park Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Special Regulations, Areas of the National Park System, Lake Meredith National Recreation

Area, Off-Road Motor Vehicles" (RIN1024-AD86) received in the Office of the President of the Senate on September 9, 2015; to the Committee on Energy and Natural Resources.

EC-2923. A communication from the Deputy Director, Office of Surface Mining Reclamation and Enforcement, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Pennsylvania Regulatory Program" ((SATS No. PA-159-FOR) (Docket No. OSM-2010-0017)) received in the Office of the President of the Senate on September 10, 2015; to the Committee on Energy and Natural Resources.

EC-2924. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; State of Kansas Regional Haze State Implementation Plan Revision and 2014 Five-Year Progress Report" (FRL No. 9933-84-Region 7) received in the Office of the President of the Senate on September 10, 2015; to the Committee on Environment and Public Works.

EC-2925. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; State of Missouri; Control of NO<sub>x</sub> Emissions From Large Stationary Internal Combustion Engines" (FRL No. 9934-00-Region 7) received in the Office of the President of the Senate on September 10, 2015; to the Committee on Environment and Public Works.

EC-2926. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Louisiana: Final Authorization of State Hazardous Waste Management Program Revision" (FRL No. 9933-79-Region 6) received in the Office of the President of the Senate on September 10, 2015; to the Committee on Environment and Public Works.

EC-2927. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "National Emission Standards for Hazardous Air Pollutants for the Portland Cement Manufacturing Industry and Standards of Performance for Portland Cement Plants; Correction" ((RIN2060-AQ93) (FRL No. 9933-76-OAR)) received during adjournment of the Senate in the Office of the President of the Senate on September 11, 2015; to the Committee on Environment and Public Works.

EC-2928. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; New Hampshire; Nonattainment New Source Review and Prevention of Significant Deterioration Program" (FRL No. 9933-92-Region 1) received during adjournment of the Senate in the Office of the President of the Senate on September 11, 2015; to the Committee on Environment and Public Works.

EC-2929. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Carbon Pollution Emission Guidelines for Existing Stationary Sources: Electric Utility Generating Units" ((RIN2060-AR33) (FRL No. 9930-65-OAR)) received during adjournment of the Senate in the Office of the President of the Senate on September 11, 2015; to the Committee on Environment and Public Works.

EC-2930. A communication from the Director of the Regulatory Management Division,

Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled “Standards of Performance for Greenhouse Gas Emissions from New, Modified, and Reconstructed Stationary Sources: Electric Generating Units” ((RIN2060-AQ91) (FRL No. 9930-66-OAR)) received during adjournment of the Senate in the Office of the President of the Senate on September 11, 2015; to the Committee on Environment and Public Works.

EC-2931. A communication from the Certifying Officer, Bureau of the Fiscal Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled “Offset of Tax Refund Payments to Collect Certain Debts Owed to States” ((RIN1530-AA02) (31 CFR Part 285.8)) received in the Office of the President of the Senate on September 15, 2015; to the Committee on Finance.

EC-2932. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled “Procedures for Requesting a Waiver of the Electronic Filing Requirements for Form 8955-SSA and Form 5500-EZ” (Rev. Proc. 2015-47) received in the Office of the President of the Senate on September 15, 2015; to the Committee on Finance.

EC-2933. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled “Clarification of the Coordination of the Transfer Pricing Rules with Other Code Provisions” ((RIN1545-BM72) (TD 9738)) received in the Office of the President of the Senate on September 15, 2015; to the Committee on Finance.

EC-2934. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled “No-Rule on Certain Section 355 Transaction” (Rev. Proc. 2015-43) received in the Office of the President of the Senate on September 15, 2015; to the Committee on Finance.

EC-2935. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled “Revenue Procedure Applying the Controlled Group Rules to Certain Fund of Funds” (Rev. Proc. 2015-45) received in the Office of the President of the Senate on September 15, 2015; to the Committee on Finance.

EC-2936. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled “Companion Notice to Rev. Proc. 2015-43 Announcing Issues Under Study and Requesting Comments” (Notice 2015-59) received in the Office of the President of the Senate on September 15, 2015; to the Committee on Finance.

EC-2937. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled “Controlled Group Regulation Examples” ((RIN1545-BK96) (TD 9737)) received in the Office of the President of the Senate on September 15, 2015; to the Committee on Finance.

EC-2938. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled “Determination of Minimum Required Pension Contributions” ((RIN1545-BH71) (TD 9732)) received in the Office of the President of the Senate on Sep-

tember 15, 2015; to the Committee on Finance.

EC-2939. A communication from the Acting Assistant Secretary, Bureau of Political-Military Affairs, Department of State, transmitting, pursuant to law, an addendum to a certification of the proposed sale or export of defense articles and/or defense services to a Middle East country (OSS-2015-1478); to the Committee on Foreign Relations.

EC-2940. A communication from the Assistant Secretary, Bureau of Political-Military Affairs, Department of State, transmitting, pursuant to law, an addendum to a certification of the proposed sale or export of defense articles and/or defense services to a Middle East country (OSS-2015-1479); to the Committee on Foreign Relations.

EC-2941. A communication from the Acting Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to revoking the designation of a group designated as a Foreign Terrorist Organization (OSS-2015-1480); to the Committee on Foreign Relations.

EC-2942. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to sections 36(c) and 36(d) of the Arms Export Control Act (DDTC 15-091); to the Committee on Foreign Relations.

EC-2943. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to sections 36(c) and 36(d) of the Arms Export Control Act (DDTC 15-022); to the Committee on Foreign Relations.

EC-2944. A communication from the Board Members, Railroad Retirement Board, transmitting, pursuant to law, a report relative to the Board’s budget request for fiscal year 2017; to the Committee on Health, Education, Labor, and Pensions.

EC-2945. A communication from the Inspector General, Railroad Retirement Board, transmitting, pursuant to law, a report relative to the Office of Inspector General’s budget request for fiscal year 2017; to the Committee on Homeland Security and Governmental Affairs.

EC-2946. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 21-148, “Fiscal Year 2016 Budget Support Act of 2015”; to the Committee on Homeland Security and Governmental Affairs.

EC-2947. A communication from the Railroad Retirement Board, transmitting, pursuant to law, the Board’s 2015 Annual Report for fiscal year 2014; to the Committee on Health, Education, Labor, and Pensions.

EC-2948. A communication from the Chief Impact Analyst, Veterans Health Administration, Department of Veterans Affairs, transmitting, pursuant to law, the report of a rule entitled “Copayments for Medications in 2015” (RIN2900-AP15) received during adjournment of the Senate in the Office of the President of the Senate on September 14, 2015; to the Committee on Veterans’ Affairs.

EC-2949. A communication from the Attorney-Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled “Safety Zones; Cleveland Dragon Boat Festival and Head of the Cuyahoga, Cuyahoga River, Cleveland, OH” ((RIN1625-AA00) (Docket No. USCG-2014-0082)) received in the Office of the President of the Senate on September 10, 2015; to the Committee on Commerce, Science, and Transportation.

EC-2950. A communication from the Acting Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled

“Fisheries Off West Coast States; Modifications of the West Coast Commercial Salmon Fisheries; Inseason Actions No. 7 through No. 13” (RIN0648-XE020) received in the Office of the President of the Senate on September 10, 2015; to the Committee on Commerce, Science, and Transportation.

EC-2951. A communication from the Acting Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled “Fisheries Off West Coast States; Modifications of the West Coast Commercial Salmon Fisheries; Inseason Actions No. 14 and No. 15” (RIN0648-XE054) received in the Office of the President of the Senate on September 10, 2015; to the Committee on Commerce, Science, and Transportation.

EC-2952. A communication from the Acting Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled “Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; 2015 Commercial Accountability Measure and Closure for Gulf of Mexico Greater Amberjack” (RIN0648-XE028) received in the Office of the President of the Senate on September 10, 2015; to the Committee on Commerce, Science, and Transportation.

EC-2953. A communication from the Acting Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled “Fisheries of the Northeastern United States; Northeast Multispecies Fishery; Possession Limit Adjustments for the Common Pool Fishery” (RIN0648-XD984) received in the Office of the President of the Senate on September 10, 2015; to the Committee on Commerce, Science, and Transportation.

EC-2954. A communication from the Deputy Assistant Administrator for Regulatory Programs, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled “International Fisheries; Western and Central Pacific Fisheries for Highly Migratory Species; Fishing Effort Limits in Purse Seine Fisheries for 2015” (RIN0648-BF03) received in the Office of the President of the Senate on September 10, 2015; to the Committee on Commerce, Science, and Transportation.

EC-2955. A communication from the Deputy Assistant Administrator for Regulatory Programs, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled “International Fisheries; Western and Central Pacific Fisheries for Highly Migratory Species; Purse Seine Fishing Restrictions During Closure Periods” (RIN0648-BF23) received in the Office of the President of the Senate on September 10, 2015; to the Committee on Commerce, Science, and Transportation.

EC-2956. A communication from the Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled “Atlantic Highly Migratory Species; Large Coastal and Small Coastal Atlantic Shark Management Measures; Final Rule” (RIN0648-BA17) received in the Office of the President of the Senate on September 10, 2015; to the Committee on Commerce, Science, and Transportation.

EC-2957. A communication from the Deputy Assistant Administrator for Regulatory Programs, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled “Magnuson-Stevens Fishery Conservation and Management Act Provisions; Fisheries of the Northeastern United States; Omnibus Amendment to Simplify Vessel Baselines”

(RIN0648-BB40) received in the Office of the President of the Senate on September 10, 2015; to the Committee on Commerce, Science, and Transportation.

EC-2958. A communication from the Deputy Assistant Administrator, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Coral, Coral Reefs, and Live/Hard Bottom Habitats of the South Atlantic Region; Amendment 8; Correction" (RIN0648-BD81) received in the Office of the President of the Senate on September 9, 2015; to the Committee on Commerce, Science, and Transportation.

#### REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. JOHNSON, from the Committee on Homeland Security and Governmental Affairs, without amendment:

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 (Rept. No. 114-144).

By Mr. ROBERTS, from the Committee on Agriculture, Nutrition, and Forestry, with an amendment in the nature of a substitute:

H.R. 2051. A bill to amend the Agricultural Marketing Act of 1946 to extend the livestock mandatory price reporting requirements, and for other purposes.

By Mr. GRASSLEY, from the Committee on the Judiciary, without amendment:

S. 32. A bill to provide the Department of Justice with additional tools to target extraterritorial drug trafficking activity, and for other purposes.

#### EXECUTIVE REPORTS OF COMMITTEE

The following executive reports of nominations were submitted:

By Mr. GRASSLEY for the Committee on the Judiciary.

Wilhelmina Marie Wright, of Minnesota, to be United States District Judge for the District of Minnesota.

John Michael Vazquez, of New Jersey, to be United States District Judge for the District of New Jersey.

Paula Xinis, of Maryland, to be United States District Judge for the District of Maryland.

(Nominations without an asterisk were reported with the recommendation that they be confirmed.)

#### INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. HELLER (for himself, Mr. HEINRICH, Mr. HATCH, Mr. BARRASSO, Mr. BLUNT, Mr. CRAPO, Mr. ROBERTS, Mr. BURR, Mr. SCOTT, Ms. AYOTTE, Ms. MURKOWSKI, Mr. INHOFE, Mr. BOOZMAN, Ms. COLLINS, Mr. LANKFORD, and Mr. SULLIVAN):

S. 2045. A bill to amend the Internal Revenue Code of 1986 to repeal the excise tax on high cost employer-sponsored health coverage; to the Committee on Finance.

By Ms. MURKOWSKI:

S. 2046. A bill to authorize the Federal Energy Regulatory Commission to issue an order continuing a stay of a hydroelectric license for the Mahoney Lake hydroelectric project in the State of Alaska, and for other purposes; to the Committee on Energy and Natural Resources.

By Ms. AYOTTE:

S. 2047. A bill to terminate the independent third-party program for sectors of the Northeast Multispecies Fishery unless the program is fully funded by the National Oceanic and Atmospheric Administration and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Ms. HIRONO (for herself and Mr. BOOZMAN):

S. 2048. A bill to amend title 38, United States Code, to extend authorities relating to homeless veterans, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. BROWN:

S. 2049. A bill to establish in the Department of Veterans Affairs a continuing medical education program for non-Department medical professionals who treat veterans and family members of veterans to increase knowledge and recognition of medical conditions common to veterans and family members of veterans, and for other purposes; to the Committee on Veterans' Affairs.

By Ms. HEITKAMP:

S. 2050. A bill to provide for the establishment of a mechanism to allow borrowers of private education loans to refinance their loans, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. CARPER:

S. 2051. A bill to improve, sustain, and transform the United States Postal Service; to the Committee on Homeland Security and Governmental Affairs.

By Ms. KLOBUCHAR (for herself and Mr. FRANKEN):

S. 2052. A bill to amend title 38, United States Code, to authorize the Secretary of Veterans Affairs to waive the requirement of certain veterans to make copayments for hospital care and medical services in the case of an error by the Department of Veterans Affairs, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. VITTER (for himself, Ms. BALDWIN, and Mr. KAINE):

S. 2053. A bill to require the Secretary of Energy to award grants to expand programs in maritime and energy workforce technical training, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. SANDERS:

S. 2054. A bill to improve Federal sentencing and corrections practices, and for other purposes; to the Committee on the Judiciary.

By Mr. BURR (for himself and Mr. CASEY):

S. 2055. A bill to amend the Public Health Service Act and the Federal Food, Drug, and Cosmetic Act with respect to national health security; to the Committee on Health, Education, Labor, and Pensions.

By Ms. MURKOWSKI (for herself and Ms. CANTWELL):

S. 2056. A bill to provide for the establishment of the National Volcano Early Warning and Monitoring System; to the Committee on Energy and Natural Resources.

By Mr. BOOZMAN (for himself, Mr. LEAHY, and Mr. PERDUE):

S. 2057. A bill providing for additional space for the protection and preservation of national collections held by the Smithsonian Institution; to the Committee on Rules and Administration.

By Mr. BURR (for himself and Mr. TILLIS):

S. 2058. A bill to require the Secretary of Commerce to maintain and operate at least one Doppler weather radar site within 55 miles of each city in the United States that has a population of more than 700,000 individuals, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Ms. COLLINS (for herself and Mr. CARDIN):

S. 2059. A bill to amend the Internal Revenue Code of 1986 to exclude from gross income amounts received on account of claims based on certain unlawful discrimination and to allow income averaging for backpay and frontpay awards received on account of such claims, and for other purposes; to the Committee on Finance.

By Ms. MURKOWSKI:

S. 2060. A bill to amend the Public Health Service Act to reauthorize and extend the Fetal Alcohol Syndrome prevention and services program, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mrs. ERNST (for herself, Mr. ALEXANDER, Mr. BARRASSO, Mr. BLUNT, Mr. BOOZMAN, Mr. BURR, Mrs. CAPITO, Mr. COATS, Mr. COCHRAN, Mr. CORNYN, Mr. COTTON, Mr. CRAPO, Mr. CRUZ, Mr. DAINES, Mr. ENZI, Mrs. FISCHER, Mr. FLAKE, Mr. GARDNER, Mr. GRAHAM, Mr. GRASSLEY, Mr. HATCH, Mr. HELLER, Mr. HOEVEN, Mr. ISAKSON, Mr. JOHNSON, Mr. LANKFORD, Mr. LEE, Mr. MCCAIN, Mr. MORAN, Ms. MURKOWSKI, Mr. PAUL, Mr. PERDUE, Mr. RISK, Mr. ROBERTS, Mr. ROUNDS, Mr. RUBIO, Mr. SASSE, Mr. SCOTT, Mr. SESSIONS, Mr. SHELBY, Mr. THUNE, Mr. TILLIS, Mr. TOOMEY, Mr. VITTER, Mr. WICKER, Mr. SULLIVAN, and Mr. MCCONNELL):

S.J. Res. 22. A joint resolution providing for congressional disapproval under chapter 8 of title 5, United States Code, of the rule submitted by the Corps of Engineers and the Environmental Protection Agency relating to the definition of "waters of the United States" under the Federal Water Pollution Control Act; to the Committee on Environment and Public Works.

#### SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Ms. COLLINS (for herself, Ms. MIKULSKI, Ms. AYOTTE, Ms. BALDWIN, Mrs. BOXER, Mrs. CAPITO, Mrs. ERNST, Mrs. FEINSTEIN, Mrs. FISCHER, Mrs. GILLIBRAND, Ms. HEITKAMP, Ms. HIRONO, Mrs. MCCASKILL, Ms. MURKOWSKI, Mrs. MURRAY, Mrs. SHAHEEN, Ms. STABENOW, Ms. WARREN, Mr. PERDUE, Mr. MURPHY, Mr. KIRK, Mr. TESTER, Mr. FLAKE, Mr. REED, Mr. DONNELLY, Mr. GRASSLEY, Mr. BLUMENTHAL, Mr. ISAKSON, Mr. WARNER, Mr. LEAHY, Mr. FRANKEN, Ms. CANTWELL, Mr. RUBIO, Mr. HEINRICH, Ms. KLOBUCHAR, Mr. COONS, Mr. THUNE, Mr. MERKLEY, and Mr. GARDNER):

S. Res. 257. A resolution congratulating Captain Kristen Griest and First Lieutenant Shaye Haver on their graduation from Ranger School; to the Committee on Armed Services.

By Mrs. MURRAY (for herself, Mr. ALEXANDER, Ms. MIKULSKI, Ms. COLLINS, Mr. REED, Mr. DONNELLY, and Mr. PETERS):

S. Res. 258. A resolution designating the week of September 20 through 26, 2015, as

“National Adult Education and Family Literacy Week”; to the Committee on the Judiciary.

By Mrs. FEINSTEIN (for herself, Mrs. BOXER, Mr. WYDEN, Mr. MERKLEY, Mr. MCCAIN, Mr. GRASSLEY, Mr. MCCONNELL, Mr. REID, Mr. ALEXANDER, Ms. AYOTTE, Ms. BALDWIN, Mr. BARRASSO, Mr. BENNET, Mr. BLUMENTHAL, Mr. BLUNT, Mr. BOOKER, Mr. BOOZMAN, Mr. BROWN, Mr. BURR, Ms. CANTWELL, Mrs. CAPITO, Mr. CARDIN, Mr. CARPER, Mr. CASEY, Mr. CASSIDY, Mr. COATS, Mr. COCHRAN, Ms. COLLINS, Mr. COONS, Mr. CORKER, Mr. CORNYN, Mr. COTTON, Mr. CRAPO, Mr. CRUZ, Mr. DAINES, Mr. DONNELLY, Mr. DURBIN, Mr. ENZI, Mrs. ERNST, Mrs. FISCHER, Mr. FLAKE, Mr. FRANKEN, Mr. GARDNER, Mrs. GILLIBRAND, Mr. GRAHAM, Mr. HATCH, Mr. HEINRICH, Ms. HEITKAMP, Mr. HELLER, Ms. HIRONO, Mr. HOEVEN, Mr. INHOFE, Mr. ISAKSON, Mr. JOHNSON, Mr. KAINE, Mr. KING, Mr. KIRK, Ms. KLOBUCHAR, Mr. LANKFORD, Mr. LEAHY, Mr. LEE, Mr. MANCHIN, Mr. MARKEY, Mrs. MCCASKILL, Mr. MENENDEZ, Ms. MIKULSKI, Mr. MORAN, Ms. MURKOWSKI, Mr. MURPHY, Mrs. MURRAY, Mr. NELSON, Mr. PAUL, Mr. PERDUE, Mr. PETERS, Mr. PORTMAN, Mr. REED, Mr. RISCH, Mr. ROBERTS, Mr. ROUNDS, Mr. RUBIO, Mr. SANDERS, Mr. SASSE, Mr. SCHATZ, Mr. SCHUMER, Mr. SCOTT, Mr. SESSIONS, Mrs. SHAHEEN, Mr. SHELBY, Ms. STABENOW, Mr. SULLIVAN, Mr. TESTER, Mr. THUNE, Mr. TILLIS, Mr. TOOMEY, Mr. UDALL, Mr. VITTER, Mr. WARNER, Ms. WARREN, Mr. WHITEHOUSE, and Mr. WICKER):

S. Res. 259. A resolution honoring the bravery and heroism of those who selflessly prevented a deadly terrorist attack and saved countless lives while aboard a passenger train bound from Amsterdam to Paris on August 21, 2015; considered and agreed to.

#### ADDITIONAL COSPONSORS

S. 32

At the request of Mrs. FEINSTEIN, the name of the Senator from Delaware (Mr. COONS) was added as a cosponsor of S. 32, a bill to provide the Department of Justice with additional tools to target extraterritorial drug trafficking activity, and for other purposes.

S. 258

At the request of Mr. ROBERTS, the name of the Senator from Washington (Mrs. MURRAY) was added as a cosponsor of S. 258, a bill to amend title XVIII of the Social Security Act to remove the 96-hour physician certification requirement for inpatient critical access hospital services.

S. 338

At the request of Mr. BURR, the name of the Senator from Illinois (Mr. KIRK) was added as a cosponsor of S. 338, a bill to permanently reauthorize the Land and Water Conservation Fund.

S. 524

At the request of Mr. WHITEHOUSE, the names of the Senator from New Jersey (Mr. MENENDEZ) and the Senator from New Hampshire (Mrs. SHAHEEN) were added as cosponsors of S. 524, a bill to authorize the Attorney

General to award grants to address the national epidemics of prescription opioid abuse and heroin use.

S. 563

At the request of Mr. MORAN, the name of the Senator from Alaska (Mr. SULLIVAN) was added as a cosponsor of S. 563, a bill to amend title 38, United States Code, to establish the Physician Ambassadors Helping Veterans program to seek to employ physicians at the Department of Veterans Affairs on a without compensation basis in practice areas and specialties with staffing shortages and long appointment waiting times.

S. 571

At the request of Mr. INHOFE, the names of the Senator from Arizona (Mr. MCCAIN), the Senator from Indiana (Mr. DONNELLY) and the Senator from Colorado (Mr. BENNET) were added as cosponsors of S. 571, a bill to amend the Pilot's Bill of Rights to facilitate appeals and to apply to other certificates issued by the Federal Aviation Administration, to require the revision of the third class medical certification regulations issued by the Federal Aviation Administration, and for other purposes.

S. 865

At the request of Mr. TESTER, the name of the Senator from Indiana (Mr. DONNELLY) was added as a cosponsor of S. 865, a bill to amend title 38, United States Code, to improve the disability compensation evaluation procedure of the Secretary of Veterans Affairs for veterans with mental health conditions related to military sexual trauma, and for other purposes.

S. 901

At the request of Mr. MORAN, the name of the Senator from Connecticut (Mr. MURPHY) was added as a cosponsor of S. 901, a bill to establish in the Department of Veterans Affairs a national center for research on the diagnosis and treatment of health conditions of the descendants of veterans exposed to toxic substances during service in the Armed Forces that are related to that exposure, to establish an advisory board on such health conditions, and for other purposes.

S. 928

At the request of Mrs. GILLIBRAND, the names of the Senator from Washington (Mrs. MURRAY), the Senator from California (Mrs. BOXER) and the Senator from Michigan (Mr. PETERS) were added as cosponsors of S. 928, a bill to reauthorize the World Trade Center Health Program and the September 11th Victim Compensation Fund of 2001, and for other purposes.

S. 1056

At the request of Mr. CARDIN, the name of the Senator from Vermont (Mr. SANDERS) was added as a cosponsor of S. 1056, a bill to eliminate racial profiling by law enforcement, and for other purposes.

S. 1099

At the request of Mr. SCOTT, the names of the Senator from Rhode Is-

land (Mr. WHITEHOUSE) and the Senator from Wyoming (Mr. BARRASSO) 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. 1212

At the request of Mr. CARDIN, the name of the Senator from Montana (Mr. DAINES) was added as a cosponsor of S. 1212, a bill to amend the Internal Revenue Code of 1986 and the Small Business Act to expand the availability of employee stock ownership plans in S corporations, and for other purposes.

S. 1239

At the request of Mr. DONNELLY, the name of the Senator from South Dakota (Mr. ROUNDS) 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. 1383

At the request of Mr. PERDUE, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. 1383, a bill to amend the Consumer Financial Protection Act of 2010 to subject the Bureau of Consumer Financial Protection to the regular appropriations process, and for other purposes.

S. 1387

At the request of Mr. BROWN, the name of the Senator from New Mexico (Mr. HEINRICH) was added as a cosponsor of S. 1387, a bill to amend title XVI of the Social Security Act to update eligibility for the supplemental security income program, and for other purposes.

S. 1512

At the request of Mr. CASEY, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. 1512, a bill to eliminate discrimination and promote women's health and economic security by ensuring reasonable workplace accommodations for workers whose ability to perform the functions of a job are limited by pregnancy, childbirth, or a related medical condition.

S. 1559

At the request of Ms. AYOTTE, the names of the Senator from Maryland (Mr. CARDIN), the Senator from Washington (Mrs. MURRAY) and the Senator from Connecticut (Mr. MURPHY) were added as cosponsors of 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.

S. 1598

At the request of Mr. LEE, the name of the Senator from Kansas (Mr. MORAN) was added as a cosponsor of S. 1598, a bill to prevent discriminatory treatment of any person on the basis of views held with respect to marriage.

S. 1631

At the request of Mr. SANDERS, the name of the Senator from Rhode Island (Mr. REED) was added as a cosponsor of S. 1631, a bill to amend the Employee Retirement Income Security Act of 1974 and the Internal Revenue Code of 1986 to modify certain provisions relating to multiemployer pensions, and for other purposes.

S. 1632

At the request of Mr. INHOFE, his name was added as a cosponsor of S. 1632, a bill to require a regional strategy to address the threat posed by Boko Haram.

S. 1867

At the request of Mr. SHELBY, the names of the Senator from Texas (Mr. CORNYN) and the Senator from Arkansas (Mr. BOOZMAN) were added as cosponsors of S. 1867, a bill to protect children from exploitation by providing advance notice of intended travel by registered sex offenders outside the United States to the government of the country of destination, requesting foreign governments to notify the United States when a known sex offender is seeking to enter the United States, and for other purposes.

S. 1890

At the request of Mr. HATCH, the name of the Senator from Connecticut (Mr. BLUMENTHAL) was added as a cosponsor of S. 1890, a bill to amend chapter 90 of title 18, United States Code, to provide Federal jurisdiction for the theft of trade secrets, and for other purposes.

S. 1911

At the request of Mrs. MURRAY, her name was added as a cosponsor of S. 1911, a bill to implement policies to end preventable maternal, newborn, and child deaths globally.

S. 1945

At the request of Mr. CASSIDY, the names of the Senator from Alaska (Ms. MURKOWSKI) and the Senator from Connecticut (Mr. BLUMENTHAL) were added as cosponsors of S. 1945, a bill to make available needed psychiatric, psychological, and supportive services for individuals with mental illness and families in mental health crisis, and for other purposes.

S. 1966

At the request of Mr. BOOZMAN, the names of the Senator from New Jersey (Mr. MENENDEZ), the Senator from Oregon (Mr. MERKLEY), the Senator from Virginia (Mr. KAINE), the Senator from New Jersey (Mr. BOOKER) and the Senator from Maine (Ms. COLLINS) were added as cosponsors of S. 1966, a bill to amend the Richard B. Russell National School Lunch Act to require alternative options for program delivery.

S. 2001

At the request of Ms. AYOTTE, the name of the Senator from Colorado (Mr. BENNET) was added as a cosponsor of S. 2001, a bill to phase out special wage certificates under section 14(c) of the Fair Labor Standards Act of 1938

that allow individuals with disabilities to be paid at subminimum wage rates.

S. 2015

At the request of Mr. ALEXANDER, the names of the Senator from West Virginia (Mrs. CAPITO), the Senator from North Dakota (Mr. HOEVEN) and the Senator from Nevada (Mr. HELLER) were added as cosponsors of S. 2015, a bill to clarify the treatment of two or more employers as joint employers under the National Labor Relations Act.

S. 2032

At the request of Mr. HOEVEN, the name of the Senator from South Dakota (Mr. THUNE) was added as a cosponsor of S. 2032, a bill to adopt the bison as the national mammal of the United States.

S. 2042

At the request of Mrs. MURRAY, the names of the Senator from Ohio (Mr. BROWN), the Senator from Vermont (Mr. SANDERS) and the Senator from Massachusetts (Mr. MARKEY) were added as cosponsors of S. 2042, a bill to amend the National Labor Relations Act to strengthen protections for employees wishing to advocate for improved wages, hours, or other terms or conditions of employment and to provide for stronger remedies for interference with these rights, and for other purposes.

S. RES. 143

At the request of Mr. MENENDEZ, his name was added as a cosponsor of S. Res. 143, a resolution supporting efforts to ensure that students have access to debt-free higher education.

S. RES. 217

At the request of Mr. BLUMENTHAL, the names of the Senator from Connecticut (Mr. MURPHY) and the Senator from New Mexico (Mr. HEINRICH) were added as cosponsors of S. Res. 217, a resolution designating October 8, 2015, as "National Hydrogen and Fuel Cell Day".

AMENDMENT NO. 2656

At the request of Mr. SULLIVAN, his name was added as a cosponsor of amendment No. 2656 proposed to H.J. Res. 61, a joint resolution amending the Internal Revenue Code of 1986 to exempt employees with health coverage under TRICARE or the Veterans Administration from being taken into account for purposes of determining the employers to which the employer mandate applies under the Patient Protection and Affordable Care Act.

At the request of Mr. MCCONNELL, the name of the Senator from Wyoming (Mr. ENZI) was added as a cosponsor of amendment No. 2656 proposed to H.J. Res. 61, supra.

At the request of Ms. MURKOWSKI, her name was added as a cosponsor of amendment No. 2656 proposed to H.J. Res. 61, supra.

#### STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. CARPER:

S. 2051. A bill to improve, sustain, and transform the United States Postal Service; to the Committee on Homeland Security and Governmental Affairs.

Mr. CARPER. Mr. President, one of the factors in creating a favorable environment for job creation and job preservation is, of all things, something that has been around for 200 years to 225 years, and that is the U.S. Postal Service. Not many people think of the Postal Service as part of the engine that helps drive our economy, but it is.

There are 7 to 8 million jobs that flow directly from work directly involved or indirectly involved with the Postal Service—7 to 8 million jobs. For a number of years, the Postal Service has been losing money. There are a lot of questions about whether they will be able to make it, whether they will be able to survive, whether they are going to contribute or simply fold up and go away.

So I would note that another priority of mine for years has been postal reform. My dance partner on this for a number of years was Senator SUSAN COLLINS, a Republican and a very capable leader, and for the last several years Tom Coburn, a Republican from Oklahoma—Dr. Coburn—who retired at the end of last year. We have worked with a lot of folks—Democrats and Republicans in the House and Senate—in the last couple of years to try to find a way not just to make the Postal Service relevant but to enable them to be successful. And one of our real challenges has been how to take a 200-plus-year-old network—a legacy delivery network that goes to every mailbox in this country, business or residential—and enable them to make money in a digital age in the 21st century.

A lot of us are buying stuff differently than we used to. We are paying our bills differently than we used to. We don't send a whole lot of first-class mail the way we used to.

When I was a naval flight officer in Southeast Asia for three tours, the best day of the week was when the mail came. We would get all kinds of letters from home. We would get all kinds of postcards, birthday cards—you name it—Father's Day cards, and Valentine's Day cards. We would get magazines, and we would get newspapers. It was the best day of the week. Today, our folks in the Armed Forces are deployed to Afghanistan or other places around the world, and they still get mail, but it is not as important for them as it was for us because they have Skype, they have cell phones, and they have the Internet. They have other ways to communicate.

The challenge for the Postal Service has been, in a day and age where we communicate very differently than we did during the last war—than we do, say, in the war we have been involved in in Afghanistan for some time now—how do they make money? How do they remain relevant? They are starting to

get it. The Postal Service today—I think it was at 3 a.m. this morning—the Postal Service, in 33 ZIP Codes in San Francisco, delivered groceries. They use vehicles that otherwise would have been used between 3 a.m. and 7 a.m. The folks who work for the Postal Service have access to apartments and high rises to actually deliver groceries. And I think they are delivering for Amazon in those 33 ZIP codes. I think they have been trying it out for a while, and things are going pretty well. The Postal Service has turned around and has contacted 100 other grocery chains around the country. They said: This is what we are doing for Amazon, and we could probably do this for you and help you and help serve customers in a different kind of way.

This morning, in a place in Delaware, just around Middletown, DE, which is north of Dover, the Postal Service, literally during the middle of the night—or rather Amazon with the Postal Service in the middle of the night combined to take items from that Amazon distribution center in Middletown, DE, and literally drop off, all over the Northeast, the mid-Atlantic—all over the region—drop off items that are going to be delivered today. These are all kinds of products that were ordered through Amazon yesterday on the Internet, by phone, and so forth, and they are being delivered literally today. The Postal Service has a big hand in that.

Also, we have FedEx and UPS. A lot of folks think of FedEx and UPS as competitors of the Postal Service, and in a way they are, but they are also very good partners together. It works this way. FedEx doesn't want to deliver to every mailbox in the country, especially in the more rural areas where there is a lot of separation and, frankly, it is costly to do that. FedEx doesn't want to do it, and UPS doesn't want to do it. But guess who goes every day—6 days a week, sometimes 7—to pretty much every mailbox in the country? It is 6 days a week. Well, it is the Postal Service. So there has been a partnership for a number of years now where the Postal Service delivers for UPS and for FedEx the last mile, the last 2 miles, the last 5 miles, 10 miles, the last 20 miles. The Postal Service makes some money doing that, and it helps FedEx and UPS maybe save some money. And when the Postal Service sends its packages by air mail, it actually will partner with FedEx or UPS in order to be able to move its products around the country in an expeditious way.

So those are some things that are happening around the country that most people aren't thinking about or mindful about, some ways the Postal Service is becoming more involved in the digital age.

Christmas is still 3 months or so away, but as people start thinking about Christmas shopping, holiday shopping, in a lot of cases they are going to get on the phone and get on

the Internet and order. Those packages they are ordering are going to have to be delivered by somebody, and the Postal Service is one of those somebodies.

I think the last time we saw the numbers—while first-class mail continues to trend down by a couple of percent per year, what is going up—I think the last time we saw 12 to 14 percent a year—is delivery packages and parcels. So the Postal Service is finding out how to be relevant even in the digital age in ways they haven't thought about before.

There are other things they could do. Among those things is they could deliver wine and beer. UPS does that, and FedEx does that. The postal service does that in Australia. I think they make maybe \$5 billion a year doing that. I would like to say Australia doesn't have as many people as we do; they just drink more. But there is lots of money to be made by the Postal Service here, and I don't know of any reason why we shouldn't allow them to be involved in that business as well, with appropriate safeguards and as long as States approve of that activity.

Those are some things I would mention about the Postal Service.

The other thing I would say is that over the past couple of years, even though we found it difficult to pass legislation, one of the things the Postal Service has done on their own is they have tried to rightsize the enterprise to reflect the delivery—less—of first-class mail and the delivery of a little bit lower amounts of what we call standard mail, which could be nonprofits using the mail, it could be for-profits, it could be all kinds of stuff, but it is not first-class mail.

But one of the things the Postal Service has sought to do is to look at their workforce and say: In a day and age when we have to deliver a lot less mail, do we still need the same number of full-time employees?

They decided the answer is no, and I think their full-time equivalents are I would say down by a third from where it was about a decade ago.

The number of mail-processing centers across the country is down by about half, from maybe 600 to 300.

The number of post offices really hasn't changed a whole lot. They have over 30,000, maybe closer to 40,000 post offices around the country, some active, large, vibrant, and some small, rural, not a lot of activity, but important to those communities.

What the Postal Service has done with a number of their smaller post offices is basically they have said to the communities: You know, there is not a lot going on in your post offices. Are the amount of stamps and revenues generated by post offices really enough to make it worthwhile to run this post office 6 days a week, 8 to 10 hours a day?

What they have done is they have sort of presented a menu—the Postal Service has presented a menu to com-

munities and said: You can't have a 6-day-a-week, 8- to 10-hour-a-day post office in your community, but you can have a post office if you want, maybe 4 hours a day, 6 hours a day.

The person running it would be maybe a contract employee, maybe not a full-time employee with full benefits but someone maybe making \$15 an hour. For some people, that is pretty good money. And then the communities would still end up with their post offices. Or maybe the post office should be a rural letter carrier driving around on his or her route in the rural part of a county or a State. It would literally be a post office on wheels, a little bit like a bookmobile was when I was a kid growing up. Everybody on that route would know that rural letter carrier was going to be here or there throughout the day and be there to take packages or to provide stamps or to send mail or to provide services that you would normally get in a post office in a more urban, suburban area.

But long story short, the Postal Service has done a fair amount to reduce—I am tempted to call it—the size of their enterprise and the cost of their enterprise. There are fewer full-time-equivalent employees, fewer mail-processing centers. And while they still have a lot of post offices, a number of them—maybe one out of every five or so, one out of every four—is a post office that may be open 2 hours a day, 4 hours a day, 6 hours a day instead of 8 hours a day or 10 hours a day.

Today I am introducing legislation that seeks to enable the Postal Service, which is still—actually, if you didn't consider one factor, which is that the Postal Service is required by law to put money aside to meet a liability that most private companies and almost every State and local government and the Federal Government, too, have not addressed, and that is the health care liability of their pensioners.

Back in the late 1990s when I was Governor of Delaware—we had worked for years—Governor Pete DuPont, Governor Mike Castle, and my administration—to move from the State with the worst credit rating in America to a State with an AAA credit rating. In my next to last year as Governor, 1999, Delaware—in 1977 we had the worst credit rating in the country, and in 1999 we earned AAA credit ratings across the board—Standard & Poor's, Moody's, and Fitch. It was a day of great jubilation. But even after they awarded us our AAA credit ratings, they said to us: You have a problem, Delaware. And as it turned out, so did 49 other States. That is because while we had a fully funded pension fund, we had not set aside any money for a significant cost of the pensioners, and that is their health care costs once they reached the age of 65. And most employers in the country, those employers of any consequence, when their retirees reach the age of 65, and DuPont company is a great example—my

wife had a wonderful 27-year career with them, but when DuPont's retirees reach the age of 65, the DuPont company doesn't say: To heck with you. We are going to forget you.

They still try to meet their moral obligation to provide their employees a pension and access to health care. Part of that is Medicare. DuPont, and frankly almost any company of any consequence, says to their employees reaching the age of 65: Alright, you are 65, you are eligible for Medicare Part A, Medicare Part B, Medicare Part D, and we expect retirees 65 or older to use it—to sign up and use it. It is a requirement. And if that doesn't cover all their medical needs—and it probably will not—a lot of companies will continue to provide a wraparound supplemental program to fill in the holes that are left unfilled by Medicare Part A, Part B, and Part D.

Well, as it turns out, postal retirees, when they reach the age of 65 and are eligible for Medicare, most of them sign up for Medicare Part A, a majority sign up for Medicare Part B—one of those is hospital care and the other inpatient and the other outpatient doctor care—but almost none of them sign up for Medicare Part D, as in “delta.” Part D is a drug program for Medicare that has been around for close to 13, 14 years now. It has been a huge success—a huge success.

But while the postal service pays into Medicare, I think more than maybe any other employer in the country—they pay more money, I think, than any other employer in the country. I think the postal service is their No. 1 or No. 2 business in terms of full-time employees. And while they pay a ton of money into Medicare, they do not get full value. In fact, in effect, the postal service is actually overpaying to bring down the Medicare costs for other employers, including FedEx and UPS and DuPont, for that matter.

So the question is: Is that right? Is that fair? Is that equitable to the postal service? Is it fair to their employees and their pension? I don't think so, and neither did Dr. Coburn in the last Congress when we offered legislation that said this should be fixed. The postal service ought to be treated like other companies. They ought to be able to get full value for the contributions they make into Medicare.

That is something that should be part of postal reform legislation. It is part of the legislation I am introducing today, and it was part of the legislation we introduced a year ago.

Another important part of the legislation we are introducing today deals with the rates the postal service can charge. There was something after the last recession called an exigent rate case. The postal service's businesses were badly damaged. A lot of businesses that used first-class mail fled first-class mail and found a way to use the Internet and to replace the use of first-class mail, which had a severely damaging impact on the postal service.

The postal service asked for an exigent rate case, which gave them an opportunity or a way to raise their rates a bit. The question is, Is that going to be forever or is it going to go away?

We have been negotiating, with the help of a guy named John Kane, a member of our staff on the Committee on Homeland Security and Governmental Affairs, an agreement with the postal service and with some mailers and others that are interested in these issues to enable the exigent rate case to stay in place for a couple more years, and then we will go through a new process or an existing process to establish a new postal rate for the postal service to charge. But this provides some stability over the next couple of years.

I will not go through the whole bill, but let me just say that the idea behind our legislation is to enable the postal service to have reasonable revenues to be successful, to enable them to be treated fairly and I think equitably with respect to their payments into Medicare for their retirees, to also enable them to be more creative, and to find ways to use that 200-plus-year-old distribution network in order to make money—in order to make money.

There are lots of other ideas as well, with the kind of stuff that happened this morning in those 33 zip codes in San Francisco and the kind of work that will happen tonight at the Amazon distribution center in Middletown, DE, and a lot of other places on this side of the United States.

This is legislation I am introducing on my own. We have worked with stakeholders, which includes certainly the postal service, certainly includes a lot of the customers—not every one of their customers—and includes the employee groups—the unions, the groups that represent postmasters—and other people as well—regular customers, residential customers, business customers. So we are introducing legislation, and my hope is that it will serve as a catalyst for a good conversation and a much needed consensus to say this is where we are headed on postal reform in 2015 and beyond.

I have never introduced a perfect bill, and I am not introducing probably a perfect bill now. But I think it is a pretty piece of legislation. We have listened to a lot of folks, and we have listened to a lot of folks who serve here with us in the Senate—Democrats, Republicans, folks on the committee and off the committee—and it is my hope we will have a chance to kick the tires on this new piece of legislation I have introduced and somewhere fairly soon be able to have a hearing so folks can come and say: This is what I like about it or don't like about the legislation, and they will decide ways to make it even better.

I like to say that everything I do I know I can do better. But as it says in the Constitution, “in order to form a more perfect union”—in the preamble of the Constitution, “in order to form a

more perfect union”—our goal will be to form a more perfect postal service and hopefully form a more perfect piece of legislation. The real goal is to enable the postal service to be more successful—to enable them, and not be running them down all the time.

We have great people who work for the postal service. They deliver mail in my neighborhood and probably yours as well. There are folks who are going to work right now in the postal service. They will be up late tonight sorting mail and making sure it will be ready to be delivered tomorrow. We have people who will be working tomorrow and Saturday delivering the mail. We will have folks delivering some mail, priority mail, some of it on Sunday. The postal service is not just a 6-day operation today. They deliver a lot of packages and parcels now on Sunday.

Our legislation is designed to enable those folks to be more innovative, to unleash the innovative spirit within the postal service, and to bring ideas in from a lot of other folks to help the postal service in that regard.

I think that pretty well covers my talking points. Mr. President, I ask that, after you have had a chance to get a good rest this weekend, to maybe take a look. I will come and visit you, maybe tell you what we are doing here, and see if you would like to join us somewhere down the road as a cosponsor or at least be a constructive critic. Either role would be very welcome.

Today I am introducing the Improving Postal Operations, Service and Transparency Act of 2015, known as the iPOST Act. As my colleagues here in the Senate know, the way we communicate as a society has changed dramatically over the past 20 years. Instead of sending a letter to loved ones overseas, we send a Facebook message or Skype. Instead of sending our bills every month, we go online and enter our billing information. Instead of flipping through a catalogue, we visit the retail store's website. But while the way we communicate and conduct business has changed, we still require a vibrant, financially sound, and sustainable postal system. The United States Postal Service continues to be a critical enabler of communications and commerce that maintains a unique delivery network that connects every community, town, and city in this country and with posts around the world.

The Postal Service is a more than 200 year-old institution that today serves as the linchpin of a \$1 trillion dollar mailing industry employing more than 8.4 million people. It is the nexus between consumers and businesses as diverse as Hallmark, Amazon, small town newspapers, and mail-order pharmacies. Over the years, the Postal Service has been a resilient institution that has consistently adjusted with the times and adapting when necessary to remain a vital part of our Nation's economic infrastructure and really our everyday lives. Many would agree that,

though much has changed in our country and our economy since the formation of the Postal Service, the need for an efficient and secure transfer of communications and goods has not. Nevertheless, the growing trend toward digital communication, the Postal Service's significant long-term financial liabilities, and the continued decline of First Class mail volume are threatening the future viability of this federal establishment enshrined in the Constitution. Thus, it is incumbent upon Congress to give the Postal Service the tools necessary to address its growing costs and modernize so it can remain relevant for generations to come.

Two American industries that have also undergone major disruption in the past and survived to live another day offer parallels to the Postal Service's current predicament. The U.S. freight rail industry faced disruption from the trucking industry and had significant overcapacity beginning in the 1950s. Three interrelated components helped the freight rail industry recover: a focus on improving productivity, containing costs, and generating revenue. Likewise, the U.S. auto industry has faced similar challenges: overcapacity, too many suppliers, and a declining market share. The freight rail and auto industries both have come roaring back to life and profitability. But it's important to note that they did so in part thanks to helpful legislative reform.

While containing costs, generating revenue, and improving productivity are certainly part of the postal reform equation and something postal management must continue to focus on, we must do our part to bring badly needed structural reforms to the Postal Service's business model and ensure long-term stability in the years to come.

Originally, the Postal Service was a federal department that required annual appropriations from Congress. In 1971, Congress passed legislation to make the Postal Service an "independent establishment of the executive branch," designed to run as a self-sustaining entity that would cover its operating costs with revenues produced through sales, including postage and related products and services. Hence, the modern version of the Postal Service was born.

As time passed, Postal Service reforms became necessary to create stability in the agency and to ensure that the American taxpayer and the business community would continue to benefit from its products and services. In an effort to address these needs, Congress enacted the Postal Accountability and Enhancement Act of 2006, PAEA. When PAEA was signed into law a decade ago, First-Class Mail volume was peaking at 213 billion pieces, the postal workforce was composed of almost 700,000 career employees and the e-commerce market was in its infancy with a value of just over \$100 billion annually.

Unfortunately, passage of the PAEA came at the cusp of immense change in

the mailing industry, and also our economy as a whole. The significant advancement in digital communication that continued through the recession, the steady decline in First-Class Mail and Standard Mail volume, and the rising costs associated with longstanding healthcare and retirement obligations created a tumultuous relationship between Postal Service revenues and costs.

In the decade since passage of PAEA, total Postal Service mail volume has fallen some 27 percent to 155 billion pieces, the career workforce is 30 percent smaller and the booming domestic e-commerce market is now valued at more than \$300 billion. The effects of the Great Recession in 2008 had a tremendous impact on the mailing industry, and by extension the Postal Service's bottom line. To combat these effects, the Postal Regulatory Commission approved a temporary emergency rate increase, which has been the primary reason for the Postal Service's positive operating income over the past 2 years.

I have worked on postal issues with various colleagues for a large part of my time in the United States Senate. Further, I have been working on postal reform diligently since 2010 when it became apparent that the future of the Postal Service was in jeopardy. Last Congress, former Senator Tom Coburn and I introduced a package that we felt moved the Postal Service forward and solved the long term problems that plague it. Unfortunately, that bill did not pass and in January the Postal Service was forced to change its delivery standards. Since then, service has noticeably declined.

I have worked diligently with my colleagues and a wide range of postal stakeholders including postal consumers, the mailing industry, postal labor unions, and Postal Service leadership for the last eight months on a compromise proposal. The legislation I have introduced is a starting point in making sure the Postal Service remains relevant in the digital age by achieving financial viability and better meeting our communication and commerce needs. I will continue to work with all interested parties, my colleagues in the Senate and the House, including Chairman RON JOHNSON of the Homeland Security and Governmental Affairs Committee, and the Administration to build on, perfect, and revise this legislation going forward. I am confident that the Postal Service can turn this corner and remain relevant in the decades to come, but it is going to take collaboration, communication, and compromise from all stakeholders and Congress to make that happen.

The Improving Postal Operations, Service and Transparency Act, iPOST Act, will set the path to make solvency possible and fix the Postal Service's financial and other challenges for the long-term. In particular iPOST Act would ensure that our federal pension

systems recognize the differences between the postal and non-postal federal workforce to prevent the Postal Service from paying more than it owes into the federal retirement systems, as has happened in the past.

The iPOST Act would restructure the way the Postal Service funds its remaining liability for retiree healthcare by scrapping the existing, unaffordable payment schedule and replacing it with a system with realistic payment goals that would allow the Postal Service to invest over the next 10 years in a more lucrative TSP-like account. Combined, these provisions would help the Postal Service and taxpayers by paying down the Postal Service's long-term retiree health obligations sooner.

The iPOST Act would create a Postal Service Health Benefits Program, PSHBP, within the Federal Employee Health Benefits Plan, FEHBP, and require that all Medicare-eligible postal annuitants and employees enroll in Medicare parts A, B, and D. This would ensure better coordination between PSHBP and Medicare than we see with FEHBP and Medicare today and allow the Postal Service to reap the full benefit of the resources it and its employees pay into Medicare.

The iPOST Act would require an independent analysis of the recent network changes put into place by the Postal Service and how service can be improved, particularly in rural areas. The bill further proposes a pause in the Postal Service's network optimization efforts for 2 years for plants and 5 years for post offices to ensure a stabilization of service for all postal customers.

The iPOST Act would provide customers big and small with better transparency into how the Postal Service performs for them regardless of whether they live in a large city, a suburban development, or a remote rural area.

The iPOST Act would make the current temporary emergency rate increase permanent while freezing any further rate increases until a new rate system can be established by the Postal Regulatory Commission by January 1, 2018.

The iPOST Act would allow the Postal Service, based on meeting certain conditions, to introduce new non-postal products and services, ship beer, wine and distilled spirits, and partner with State and local governments in providing government services.

In introducing this bill, I invite all interested stakeholders from around the country, whether they happen to be residents of rural, urban, or suburban communities, businesses that use the mail broadly or individual customers of the Postal Service, to come to the table and work with Congress on a viable path forward. I encourage the mailing industry, the postal unions, and Postal Service management to continue to discuss reform measures and to view this bill as a possible path forward to consensus. To my colleagues on both sides of the aisle, I look forward to working with you to make

what I think is a good bill even better. Again, introduction is the first step in this process. I am committed to working together to find consensus on this legislation and fix the serious, but solvable challenges facing the Postal Service.

By Ms. COLLINS (for herself and Mr. CARDIN):

S. 2059. A bill to amend the Internal Revenue Code of 1986 to exclude from gross income amounts received on account of claims based on certain unlawful discrimination and to allow income averaging for backpay and frontpay awards received on account of such claims, and for other purposes; to the Committee on Finance.

Ms. COLLINS. Mr. President, I rise to introduce the Civil Justice Tax Fairness Act of 2015. I am very pleased to be joined by my colleague from Maryland, Senator CARDIN, in introducing this bipartisan bill.

This bill would change the taxation of awards received by individuals that result from judgments in or settlements of employment discrimination and civil rights cases, and would apply to victims in cases including racial discrimination, sexual discrimination, and whistleblower discrimination. These changes would correct an inequity in current law and are designed to promote the fair and equitable settlement of such claims.

In 2003, I introduced the Civil Rights Tax Relief Act. In 2004, Congress adopted the most important part of that bill, allowing successful plaintiffs in civil rights actions to deduct the portion of their awards covering attorneys' fees from their annual incomes. This provision eliminated the double-taxation of such fees, which are still taxable income to the attorney. Two important provisions from my 2003 bill, which I will describe in a moment, have yet to be addressed, and the bill we introduce today would enact them.

The primary purpose of the bill we are introducing today is to remedy an unintended consequence of a 1996 law, which made damage awards that are not based on "physical injuries or physical sickness" part of a plaintiff's taxable income. Because most acts of employment discrimination and civil rights violations do not cause physical injuries, this provision has had a direct and negative impact on plaintiffs who successfully prove that they have been subjected to intentional employment discrimination or other intentional violations of their civil rights.

Our bill would remedy the unfair method of taxation of civil rights victims' settlements and court awards with respect to "frontpay" and "backpay," and with respect to the taxation of noneconomic damages. By way of background, I should explain that awards of compensation attributable to the difference between what the employee was paid and the amount he or she should have been paid are known as "backpay." "Frontpay" represents the

future wages and benefits that would have been paid had the former employee not been terminated or had the employee not been forced to resign.

Our bill contains two important reforms: First, award amounts for frontpay or backpay would continue to be included as taxable income, but would be eligible for income averaging according to the time period covered by the award. This correction would allow individuals to pay taxes at the same marginal rates that would have applied to them had they not suffered discrimination. Income averaging more fairly takes into account the person's financial standing apart from the lump sum of the award.

Second, the bill would also allow plaintiffs to exclude non-economic damages, amounts awarded for pain, suffering or other health effects, from their income, to treat employment and civil rights claims the same as claims that involve a physical injury.

The Civil Justice Tax Fairness Act would encourage the fair settlement of employment discrimination claims. Our legislation would allow both plaintiffs and defendants to settle claims based on the damages suffered, not on the excessive taxes that are now levied—taxation that adds insult to a civil rights victim's injury and serves as a barrier to the just settlement of civil rights claims.

I invite my colleagues to join Senator CARDIN and me in support of this bipartisan, common sense legislation.

Mr. President, I ask unanimous consent that a letter of support be printed in the RECORD.

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

NATIONAL EMPLOYMENT LAWYERS  
ASSOCIATION,  
SEPTEMBER 16, 2015.

Re: Introduction of the Civil Justice Tax Fairness Act

Hon. SUSAN M. COLLINS,  
U.S. Senate,  
Washington, DC.

DEAR SENATOR COLLINS: On behalf of the National Employment Lawyers Association (NELA) we commend and thank you for your leadership in introducing the Civil Justice Tax Fairness Act of 2015 (CJTFA). Your interest in this bill demonstrates the kind of vision that is increasingly rare—the vision that it is possible to find solutions to pressing problems that are beneficial to both America's workers and employers.

Founded in 1985, NELA is the largest professional membership organization in the country comprised of lawyers who represent employees in labor, employment, and civil rights disputes. NELA advances employee rights and serves lawyers who advocate for equality and justice in the American workplace. With 69 circuit, state, and local affiliates, NELA has a membership of over 4,000 attorneys working on behalf of those who have faced illegal treatment in the workplace. There has been unanimity among our members for nearly 20 years that passage of the Civil Justice Tax Fairness Act is a top legislative priority.

The CJTFA has significant ramifications for people who have been harmed by illegal treatment in their workplace. No one starts a new job with any thought that they will

find themselves in a subsequent legal dispute with their employer, yet this is unfortunately a reality for America's workers. The CJTFA, which has been known as the Civil Rights Tax Fairness Act and the Civil Rights Tax Relief Act in prior Congresses, is a "win-win" for both employees and business. Previous versions of the CJTFA garnered widespread support by a broad-based coalition of business, civil rights, and legal organizations such as the U.S. Chamber of Commerce (USCC), the Society for Human Resource Management (SHRM), the Leadership Conference on Civil and Human Rights (LCCHR), and the American Bar Association (ABA). At present, we have the support of the ABA and we know that many other organizations will be joining us in the near future.

The CJTFA will correct current inequities in tax treatment of settlements and awards received by individuals in employment and civil rights cases. Under current law, those who suffer noneconomic damages as a result of unfair employment practices pay taxes; those who suffer noneconomic damages as a result of physical injuries (such as from car accidents) do not. The CJTFA will correct this unfairness by excluding from gross income non-economic damages received in civil rights and employment cases.

Similarly, employees who have not lost wages pay taxes at the rates applicable to the actual wages they earned in each year. But if they receive back or front pay in a settlement or award, they must pay taxes on lump sum recoveries that represent multiple years of such pay—a patently unfair practice. The CJTFA will correct this unfairness by taxing lump sum recoveries as if they were received in the year earned and by providing an exemption from the alternative minimum tax (AMT) for any resulting tax benefit.

By making settlements less expensive and easier to achieve, the CJTFA will reduce the number of employment and civil rights cases that go to trial, freeing up valuable court resources for other matters. The CJTFA not only benefits the parties to employment disputes, but also America's taxpayers who must bear the costs associated with a less efficient judicial system.

On behalf of our 69 affiliates, 4,000 members, and the hundreds of thousands of employees they represent, we are extremely pleased that you are championing this important bipartisan, bicameral legislation. We look forward to working closely with you and your staff to gain passage of the CJTFA in the 114th Congress.

Sincerely,

TERISA E. CHAW,  
Executive Director.

#### SUBMITTED RESOLUTIONS

SENATE RESOLUTION 257—CONGRATULATING CAPTAIN KRISTEN GRIEST AND FIRST LIEUTENANT SHAYE HAVER ON THEIR GRADUATION FROM RANGER SCHOOL

Ms. COLLINS (for herself, Ms. MIKULSKI, Ms. AYOTTE, Ms. BALDWIN, Mrs. BOXER, Mrs. CAPITO, Mrs. ERNST, Mrs. FEINSTEIN, Mrs. FISCHER, Mrs. GILLIBRAND, Ms. HEITKAMP, Ms. HIRONO, Mrs. MCCASKILL, Ms. MURKOWSKI, Mrs. MURRAY, Mrs. SHAHEN, Ms. STABENOW, Mr. WARREN, Mr. PERDUE, Mr. MURPHY, Mr. KIRK, Mr. TESTER, Mr. FLAKE, Mr. REED, Mr. DONNELLY, Mr. GRASSLEY, Mr. BLUMENTHAL, Mr. ISAKSON, Mr.

WARNER, Mr. LEAHY, Mr. FRANKEN, Ms. CANTWELL, Mr. RUBIO, Mr. HEINRICH, Ms. KLOBUCHAR, Mr. COONS, Mr. THUNE, Mr. MERKLEY, and Mr. GARDNER) submitted the following resolution; which was referred to the Committee on Armed Services:

S. RES. 257

Whereas United States Army Rangers “Lead the Way!” and have played a decisive role in military engagements since before the Revolutionary War;

Whereas Ranger School prepares members of the Armed Forces to serve as leaders and members of elite combat forces tasked with dismounted infantry, airborne, airmobile, amphibious, and independent squad and platoon-size operations;

Whereas Ranger School is one of the toughest training courses for which a member can volunteer, with three phases testing a member’s ability to patrol, navigate, mountaineer, and execute combat arms functional skills;

Whereas students in Ranger School train to exhaustion, pushing the limits of their minds and bodies;

Whereas although many members apply to Ranger School, fewer than 45 percent, on average, possess the mental and physical toughness required to earn the highly coveted Ranger tab signifying graduation from the School;

Whereas Captain Kristen Griest and First Lieutenant Shaye Haver braved the rigors of Ranger School, becoming the first women to successfully earn the Ranger tab;

Whereas they stood shoulder-to-shoulder with their fellow members, carrying their own weight and, at times, the weight of others;

Whereas their personal courage, sacrifices, and extraordinary leadership skills establish them as role models for women and men alike, proving that skill, not gender, determines military aptitude and success; and

Whereas, as graduates of the United States Military Academy, they exemplify the time-honored creed of “Duty, Honor, Country”, and will continue to shape the future of our military and the Rangers in the years to come: Now, therefore, be it

*Resolved*, That the Senate—

(1) honors and recognizes the patriotism and historic contributions to the United States by Captain Kristen Griest and First Lieutenant Shaye Haver;

(2) commends their character, courage, and tenacity as the first women to earn the Ranger tab signifying graduation from Ranger School;

(3) recognizes that our military and our country are more battle ready as a result of their accomplishments;

(4) celebrates their service as they continue to “Lead the Way!” as our nation’s newest United States Army Rangers; and

(5) congratulates them for their inspiring and groundbreaking accomplishments.

Ms. COLLINS. Mr. President, I wish to honor and congratulate CPT Kristen Griest and 1LT Shaye Haver for their historic accomplishment of being the first two women soldiers to complete U.S. Army Ranger School and earn their highly coveted Ranger tabs.

Earning the right to wear a Ranger tab is not for the faint-hearted. The rigors of the course test even the strongest servicemembers. Many try; few succeed.

Through their grit and determination, Captain Griest and Lieutenant Haver have demonstrated that char-

acter, courage, and tenacity, not gender, are the hallmarks of great servicemembers and leaders.

Just as teamwork and dedication are the benchmarks for military effectiveness, they are also the mandates of the U.S. Army Rangers who are tasked with our Nation’s most challenging and difficult missions. Captain Griest and Lieutenant Haver, along with their fellow Ranger School classmates, braved the challenges and serve as role models for girls and boys—women and men—in the United States and around the world. This integrated class answered our Nation’s call to service. They stood shoulder-to-shoulder, enduring the course’s extreme mental and physical stress, together. Each carried his or her own weight, and at times the weight of others, proving that integration represents not just a lofty goal, but an achievable reality. Their collective and distinguished accomplishments embody the values of our Armed Forces and our Nation.

The journey toward integration, however, has been hard fought. Before them, the first African Americans and women who answered the call to service laid the foundation for making integration possible. These pioneers inherently understood the importance of their contributions to the realization of integration. They also recognized the undeniable truth that an integrated and balanced force is a successful force both on and off the battlefield.

The effectiveness of a military unit is almost always determined by the cohesion of its individual members, their dedication to the team, and their commitment to the mission. No individual servicemember can succeed by his or her efforts alone. Success is forged from equality and integration.

As we celebrate Captain Griest’s and Lieutenant Haver’s historic and inspiring achievements, we express our pride and gratitude for their personal courage and sacrifice. I am confident that the military and our country are more battle ready as a result. I am also confident that Captain Griest and Lieutenant Haver will continue to serve with distinction as they “Lead the Way!” as our Nation’s newest U.S. Army Rangers. As a result of their milestone achievements, they have inspired a nation.

With this in mind, I am pleased to offer this resolution with Senators MIKULSKI, AYOTTE, BALDWIN, BOXER, CANTWELL, CAPITO, ERNST, FEINSTEIN, FISCHER, GILLIBRAND, HEITKAMP, HIRONO, KLOBUCHAR, MCCASKILL, MURKOWSKI, MURRAY, SHAHEEN, STABENOW, WARREN, PERDUE, MURPHY, KIRK, TESTER, FLAKE, REED, DONNELLY, GRASSLEY, BLUMENTHAL, ISAKSON, WARNER, LEAHY, FRANKEN, RUBIO, HEINRICH, COONS, THUNE, and MERKLEY honoring and recognizing the patriotism and historic contributions to the United States by Captain Griest and Lieutenant Haver, and extend my best wishes and heartiest congratulations.

SENATE RESOLUTION 258—DESIGNATING THE WEEK OF SEPTEMBER 20 THROUGH 26, 2015, AS “NATIONAL ADULT EDUCATION AND FAMILY LITERACY WEEK”

Mrs. MURRAY (for herself, Mr. ALEXANDER, Ms. MIKULSKI, Ms. COLLINS, Mr. REED, Mr. DONNELLY, and Mr. PETERS) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 258

Whereas the Organisation for Economic Co-operation and Development reports that approximately 36,000,000 adults in the United States lack the basic literacy and numeracy necessary to succeed at home, in the workplace, and in society;

Whereas the literacy of the people of the United States is essential for the economic and societal well-being of the United States;

Whereas the United States reaps the economic benefits of individuals who improve their literacy, numeracy, and English-language skills;

Whereas literacy and educational skills are necessary for individuals to fully benefit from the range of opportunities available in the United States;

Whereas the economy and position of the United States in the world marketplace depend on having a literate, skilled population;

Whereas the unemployment rate in the United States is highest among those without a high school diploma or an equivalent credential, demonstrating that education is important to economic recovery;

Whereas the educational skills of the parents of a child and the practice of reading to a child have a direct impact on the educational success of the child;

Whereas parental involvement in the education of a child is a key predictor of the success of a child, and the level of parental involvement in the education of a child increases as the educational level of the parent increases;

Whereas parents who participate in family literacy programs become more involved in the education of their children and gain the tools necessary to obtain a job or find better employment;

Whereas, as a result of family literacy programs, the lives of children become more stable, and the success of children in the classroom and in future endeavors becomes more likely;

Whereas adults need to be part of a long-term solution to the educational challenges faced by the people of the United States;

Whereas many older people in the United States lack the reading, math, or English-language skills necessary to read a prescription and follow medical instructions, which endangers the lives of the older people and the lives of their loved ones;

Whereas many individuals who are unemployed, underemployed, or receive public assistance lack the literacy skills necessary to obtain and keep a job, to continue their education, or to participate in job training programs;

Whereas many high school dropouts do not have the literacy skills necessary to complete their education, transition to postsecondary education or career and technical training, or obtain a job;

Whereas a large portion of individuals in prison have low educational skills and prisoners without educational skills are more likely to return to prison once released;

Whereas many immigrants in the United States do not have the literacy skills necessary to succeed in the United States; and

Whereas National Adult Education and Family Literacy Week highlights the need to

ensure that each individual in the United States has the literacy skills necessary to succeed at home, at work, and in society: Now, therefore, be it

*Resolved*, That the Senate—

(1) designates the week of September 20 through 26, 2015, as “National Adult Education and Family Literacy Week” to raise public awareness about the importance of adult education, workforce skills, and family literacy;

(2) encourages people across the United States to support programs to assist individuals in need of adult education, workforce skills, and family literacy programs;

(3) recognizes the importance of adult education, workforce skills, and family literacy programs; and

(4) calls upon public, private, and nonprofit entities to support increased access to adult education and family literacy programs to ensure a literate society.

**SENATE RESOLUTION 259—HONORING THE BRAVERY AND HEROISM OF THOSE WHO SELFLESSLY PREVENTED A DEADLY TERRORIST ATTACK AND SAVED COUNTLESS LIVES WHILE ABOARD A PASSENGER TRAIN BOUND FROM AMSTERDAM TO PARIS ON AUGUST 21, 2015**

Mrs. FEINSTEIN (for herself, Mrs. BOXER, Mr. WYDEN, Mr. MERKLEY, Mr. MCCAIN, Mr. GRASSLEY, Mr. MCCONNELL, Mr. REID, Mr. ALEXANDER, Ms. AYOTTE, Ms. BALDWIN, Mr. BARRASSO, Mr. BENNET, Mr. BLUMENTHAL, Mr. BLUNT, Mr. BOOKER, Mr. BOOZMAN, Mr. BROWN, Mr. BURR, Ms. CANTWELL, Mrs. CAPITO, Mr. CARDIN, Mr. CARPER, Mr. CASEY, Mr. CASSIDY, Mr. COATS, Mr. COCHRAN, Ms. COLLINS, Mr. COONS, Mr. CORKER, Mr. CORNYN, Mr. COTTON, Mr. CRAPO, Mr. CRUZ, Mr. DAINES, Mr. DONNELLY, Mr. DURBIN, Mr. ENZI, Mrs. ERNST, Mrs. FISCHER, Mr. FLAKE, Mr. FRANKEN, Mr. GARDNER, Mrs. GILLIBRAND, Mr. GRAHAM, Mr. HATCH, Mr. HEINRICH, Ms. HEITKAMP, Mr. HELLER, Ms. HIRONO, Mr. HOEVEN, Mr. INHOFE, Mr. ISAKSON, Mr. JOHNSON, Mr. KAINE, Mr. KING, Mr. KIRK, Ms. KLOBUCHAR, Mr. LANKFORD, Mr. LEAHY, Mr. LEE, Mr. MANCHIN, Mr. MARKEY, Mrs. MCCASKILL, Mr. MENENDEZ, Ms. MIKULSKI, Mr. MORAN, Ms. MURKOWSKI, Mr. MURPHY, Mrs. MURRAY, Mr. NELSON, Mr. PAUL, Mr. PERDUE, Mr. PETERS, Mr. PORTMAN, Mr. REED, Mr. RISCH, Mr. ROBERTS, Mr. ROUNDS, Mr. RUBIO, Mr. SANDERS, Mr. SASSE, Mr. SCHATZ, Mr. SCHUMER, Mr. SCOTT, Mr. SESSIONS, Mrs. SHAHEEN, Mr. SHELBY, Ms. STABENOW, Mr. SULLIVAN, Mr. TESTER, Mr. THUNE, Mr. TILLIS, Mr. TOOMEY, Mr. UDALL, Mr. VITTER, Mr. WARNER, Ms. WARREN, Mr. WHITEHOUSE, and Mr. WICKER) submitted the following resolution; which was considered and agreed to:

S. RES. 259

Whereas, on Friday, August 21, 2015, United States Air Force Airman First Class Spencer Stone, Oregon Army National Guard Specialist Aleksander Skarlatos, college student Anthony Sadler, and others selflessly risked their lives and forcibly subdued a gunman on a train carrying more than 500 passengers;

Whereas the gunman was armed with a Kalashnikov assault rifle, a handgun, a box cut-

ter, and 9 magazines carrying hundreds of rounds of ammunition and could have killed and injured dozens of passengers had the gunman not been stopped;

Whereas Mark Moogalian, a 51 year old French-American professor and musician, courageously attempted to subdue the gunman and wrestled the Kalashnikov away from the gunman, but was shot by the gunman;

Whereas United States Air Force Airman First Class Spencer Stone, Oregon Army National Guard Specialist Aleksander Skarlatos, college student Anthony Sadler, and British consultant Chris Norman took courageous action on their own initiative and forcibly subdued the gunman, rendering the gunman unconscious and tying up the gunman on the floor of the train with t-shirts;

Whereas United States Air Force Airman First Class Spencer Stone suffered serious injuries, including a partially severed thumb, from the gunman's box cutter;

Whereas, notwithstanding his own injuries, United States Air Force Airman First Class Spencer Stone treated the wounds and likely saved the life of French-American Mark Moogalian;

Whereas French President François Hollande awarded United States Air Force Airman First Class Spencer Stone, Oregon Army National Guard Specialist Aleksander Skarlatos, college student Anthony Sadler, and British consultant Chris Norman the highest civilian honor in France, the Legion of Honor, and pledged to do the same for French-American Mark Moogalian and Frenchman Damien A., who also helped thwart the attack;

Whereas the United States Air Force has stated that it will nominate United States Air Force Airman First Class Spencer Stone for the Airman's Medal, the highest award of the Air Force for non-combat bravery;

Whereas the United States Army has nominated Oregon Army National Guard Specialist Aleksander Skarlatos for the Soldier's Medal, the highest award of the Army for acts of heroism not involving actual conflict with an enemy;

Whereas the Department of Defense will honor United States Air Force Airman First Class Spencer Stone with the Purple Heart award and Oregon Army National Guard Specialist Aleksander Skarlatos and college student Anthony Sadler each with an award for courage and valor;

Whereas the city of Sacramento recognized the heroism of United States Air Force Airman First Class Spencer Stone, Oregon Army National Guard Specialist Aleksander Skarlatos, and college student Anthony Sadler through a Hometown Heroes Parade on the California Capitol Mall on September 11, 2015;

Whereas United States Air Force Airman First Class Spencer Stone, who is 23 years old and a resident of California, joined the United States Air Force nearly 3 years ago and serves as a medical technician stationed at Lajes Air Base in the Azores;

Whereas Oregon Army National Guard Specialist Aleksander Skarlatos is 22 years old and a resident of Oregon and had recently returned to Oregon after a 9 month deployment in Afghanistan;

Whereas Anthony Sadler is 23 years old, a resident of California, and is a student studying kinesiology at the California State University at Sacramento; and

Whereas United States Air Force Airman First Class Spencer Stone, Oregon Army National Guard Specialist Aleksander Skarlatos, and college student Anthony Sadler were childhood friends raised in the Sacramento area who were on vacation in Europe together at the time they coura-

geously and selflessly thwarted a terrorist attack and saved countless lives: Now, therefore, be it

*Resolved*, That the Senate—

(1) honors and commends the extraordinary bravery, courage, and heroism of United States Air Force Airman First Class Spencer Stone, Oregon Army National Guard Specialist Aleksander Skarlatos, college student Anthony Sadler, French-American Mark Moogalian, British consultant Chris Norman, and Frenchman Damien A., who selflessly risked their own lives to prevent a terrorist attack that could have killed dozens aboard a passenger train bound for Paris; and

(2) extends best wishes for a full recovery to all innocent individuals who were injured during the attack, including United States Air Force Airman First Class Spencer Stone and French-American Mark Moogalian.

**AMENDMENTS SUBMITTED AND PROPOSED**

SA 2666. Mr. MCCONNELL (for Mr. THUNE) proposed an amendment to the bill H.R. 719, to require the Transportation Security Administration to conform to existing Federal law and regulations regarding criminal investigator positions, and for other purposes.

**TEXT OF AMENDMENTS**

SA 2666. Mr. MCCONNELL (for Mr. THUNE) proposed an amendment to the bill H.R. 719, to require the Transportation Security Administration to conform to existing Federal law and regulations regarding criminal investigator positions, and for other purposes; as follows:

On page 12, line 11, insert “and the Committee on the Judiciary” after “Transportation”.

On page 13, line 4, insert “and the Committee on Homeland Security and Governmental Affairs” after “Transportation”.

**AUTHORITY FOR COMMITTEES TO MEET**

**COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY**

Mr. CORNYN. Mr. President, I ask unanimous consent that the Committee on Agriculture, Nutrition, and Forestry be authorized to meet during the session of the Senate on September 17, 2015, at 10 a.m., in room SR-328A of the Russell Senate Office Building, to conduct a hearing entitled “Business Meeting.”

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

**COMMITTEE ON ARMED SERVICES**

Mr. CORNYN. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on September 17, 2015, at 10 a.m.

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

**COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS**

Mr. CORNYN. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on September 17, 2015, at 10 a.m.

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

COMMITTEE ON COMMERCE, SCIENCE, AND  
TRANSPORTATION

Mr. CORNYN. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet during the session of the Senate on September 17, 2015, at 9:45 a.m., in room SR-253 of the Russell Senate Office Building.

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

COMMITTEE ON ENERGY AND NATURAL  
RESOURCES

Mr. CORNYN. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate on September 17, 2015, at 10 a.m., in room SD-366 of the Dirksen Senate Office Building.

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

COMMITTEE ON FOREIGN RELATIONS

Mr. CORNYN. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on September 17, 2015, at 11:30 a.m., to conduct a hearing entitled "State Department Processes in Establishing Tier Rankings for the 2015 Trafficking in Persons Report."

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

COMMITTEE ON HEALTH, EDUCATION, LABOR,  
AND PENSIONS

Mr. CORNYN. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions be authorized to meet during the session of the Senate on September 17, 2015, at 10 a.m., in room SD-430 of the Dirksen Senate Office Building to conduct a hearing entitled "Biosimilar Implementation: A Progress Report from FDA."

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

COMMITTEE ON THE JUDICIARY

Mr. CORNYN. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate on September 17, 2015, at 10:15 a.m., in room SD-226 of the Dirksen Senate Office Building.

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

SELECT COMMITTEE ON INTELLIGENCE

Mr. CORNYN. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on September 17, 2015, at 2:30 p.m.

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

HONORING THE BRAVERY AND  
HEROISM OF THOSE WHO SELF-  
LESSLY PREVENTED A DEADLY  
TERRORIST ATTACK ON AUGUST  
21, 2015

Mr. McCONNELL. Mr. President, I ask unanimous consent that the Sen-

ate proceed to the immediate consideration of S. Res. 259.

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

The legislative clerk read as follows:

A resolution (S. Res. 259) honoring the bravery and heroism of those who selflessly prevented a deadly terrorist attack and saved countless lives while aboard a passenger train bound from Amsterdam to Paris on August 21, 2015.

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

Mrs. FEINSTEIN. Mr. President, I submitted this resolution recognizing and commending those who boldly prevented what could have amounted to an unspeakable tragedy aboard a high-speed train headed toward Paris, France, on August 21, 2015.

Those who took these courageous actions were: U.S. Air Force Airman First Class Spencer Stone, Oregon Army National Guard Specialist Aleksander Skarlatos, California State University Sacramento student Anthony Sadler, French-American Mark Moogalian, Frenchman Damien A., and Chris Norman, a British citizen.

I would particularly like to recognize U.S. Air Force Airman First Class Spencer Stone, Oregon Army National Guard Specialist Aleksander Skarlatos, and California State University Sacramento student Anthony Sadler, three childhood friends who grew up in California, and thank them for their fearlessness, commitment to one another, and swift action that saved countless lives.

That day, aboard the train carrying more than 500 passengers, a gunman armed himself with a Kalashnikov rifle, a pistol, a box cutter, hundreds of rounds of ammunition, and a container of gasoline, seeking to exact serious harm on innocent passengers.

In response to this threat, U.S. Air Force Airman First Class Spencer Stone, Oregon Army National Guard Specialist Aleksander Skarlatos, college student Anthony Sadler, Mark Moogalian, Chris Norman, and Damien A. took action to protect other passengers.

They subdued the gunman, risking their lives for the safety of others and representing the type of courage that should inspire us all.

Initially, Damien A. and Mark Moogalian encountered the gunman and tried to disarm him. In the struggle, Mark Moogalian suffered a gunshot wound. We wish Mark Moogalian a full and speedy recovery from his wounds, and thank him for his courageous action.

Upon noticing the disruption, U.S. Air Force Airman First Class Spencer Stone saw the gunman in the passenger car and immediately tried to subdue him.

He grabbed the gunman around the neck to prevent the gunman from shooting his weapon. U.S. Air Force Airman First Class Spencer Stone suffered multiple box cutter wounds while wrestling the gunman.

Oregon Army National Guard Specialist Aleksander Skarlatos quickly followed, as did Anthony Sadler and Chris Norman.

Ultimately, the gunman was subdued, rendered unconscious, and tied up on the floor of the train.

And, U.S. Air Force Airman First Class Spencer Stone, a medical technician himself injured by the attacker's box cutter, then treated Mark Moogalian's injuries and helped save his life.

The swift, decisive, and courageous actions of these men prevented what could have been the deaths of dozens of passengers.

Their heroism should be recognized as an inspiration by all Americans, including by this body, and I thank all of my Senate colleagues for cosponsoring the resolution to honor their bravery and heroic acts.

Mr. McCONNELL. I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motions to reconsider be considered made and laid upon the table with no intervening action or debate.

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

The resolution (S. Res. 259) was agreed to.

The preamble was agreed to.

(The resolution, with its preamble, is printed in today's RECORD under "Submitted Resolutions.")

WELCOMING KING FELIPE VI AND  
QUEEN LETIZIA OF SPAIN ON  
THEIR OFFICIAL VISIT TO THE  
UNITED STATES

Mr. McCONNELL. Mr. President, I ask unanimous consent that the Foreign Relations Committee be discharged from further consideration of S. Res. 253 and the Senate proceed to its immediate consideration.

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

The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 253) welcoming King Felipe VI and Queen Letizia of Spain on their official visit to the United States, including visits to Miami and St. Augustine, Florida.

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

Mr. McCONNELL. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motions to reconsider be considered made and laid upon the table with no intervening action or debate.

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

The resolution (S. Res. 253) was agreed to.

The preamble was agreed to.

(The resolution, with its preamble, is printed in the RECORD of September 15, 2015, under "Submitted Resolutions.")

EMERGENCY INFORMATION  
IMPROVEMENT ACT OF 2015

Mr. McCONNELL. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 227, S. 1090.

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

The legislative clerk read as follows:

A bill (S. 1090) to amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act to provide eligibility for broadcasting facilities to receive certain disaster assistance, and for other purposes.

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

Mr. McCONNELL. Mr. President, I ask unanimous consent that the bill 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 bill (S. 1090) was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:  
S. 1090

*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 "Emergency Information Improvement Act of 2015".

**SEC. 2. ELIGIBILITY OF BROADCASTING FACILITIES FOR CERTAIN DISASTER ASSISTANCE.**

(a) PRIVATE NONPROFIT FACILITY DEFINED.—Section 102(11)(B) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122(11)(B)) is amended by inserting "broadcasting facilities," after "workshops,".

(b) CRITICAL SERVICES DEFINED.—Section 406(a)(3)(B) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5172(a)(3)(B)) is amended by striking "communications," and inserting "communications (including broadcast and telecommunications),".

COMPETITIVE SERVICE ACT OF  
2015

Mr. McCONNELL. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 228, S. 1580.

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

The legislative clerk read as follows:

A bill (S. 1580) to allow additional appointing authorities to select individuals from competitive service certificates.

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

Mr. McCONNELL. Mr. President, I ask unanimous consent that the bill 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 bill (S. 1580) was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:  
S. 1580

*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 "Competitive Service Act of 2015".

**SEC. 2. ADDITIONAL APPOINTING AUTHORITIES FOR COMPETITIVE SERVICE.**

(a) IN GENERAL.—Section 3318 of title 5, United States Code, is amended—

(1) by redesignating subsections (b) and (c) as subsections (c) and (d), respectively; and  
(2) by inserting after subsection (a) the following:

“(b) OTHER APPOINTING AUTHORITIES.—

“(1) IN GENERAL.—During the 240-day period beginning on the date of issuance of a certificate of eligibles under section 3317(a), an appointing authority other than the appointing authority requesting the certificate (in this subsection referred to as the ‘other appointing authority’) may select an individual from that certificate in accordance with this subsection for an appointment to a position that is—

“(A) in the same occupational series as the position for which the certification of eligibles was issued (in this subsection referred to as the ‘original position’); and

“(B) at a similar grade level as the original position.

“(2) APPLICABILITY.—An appointing authority requesting a certificate of eligibles may share the certificate with another appointing authority only if the announcement of the original position provided notice that the resulting list of eligible candidates may be used by another appointing authority.

“(3) REQUIREMENTS.—The selection of an individual under paragraph (1)—

“(A) shall be made in accordance with subsection (a); and

“(B) subject to paragraph (4), may be made without any additional posting under section 3327.

“(4) INTERNAL NOTICE.—Before selecting an individual under paragraph (1), and subject to the requirements of any collective bargaining obligation of the other appointing authority, the other appointing authority shall—

“(A) provide notice of the available position to employees of the other appointing authority;

“(B) provide up to 10 business days for employees of the other appointing authority to apply for the position; and

“(C) review the qualifications of employees submitting an application.

“(5) COLLECTIVE BARGAINING OBLIGATIONS.—Nothing in this subsection limits any collective bargaining obligation of an agency under chapter 71.”.

(b) ALTERNATIVE RANKING AND SELECTION PROCEDURES.—Section 3319 of title 5, United States Code, is amended by striking subsection (c) and inserting the following:

“(c) SELECTION.—

“(1) IN GENERAL.—An appointing official may select any applicant in the highest quality category or, if fewer than 3 candidates have been assigned to the highest quality category, in a merged category consisting of the highest and the second highest quality categories.

“(2) USE BY OTHER APPOINTING OFFICIALS.—Under regulations prescribed by the Office of Personnel Management, appointing officials other than the appointing official described in paragraph (1) (in this subsection referred to as the ‘other appointing official’) may select an applicant for an appointment to a position that is—

“(A) in the same occupational series as the position for which the certification of eligibles was issued (in this subsection referred to as the ‘original position’); and

“(B) at a similar grade level as the original position.

“(3) APPLICABILITY.—An appointing authority requesting a certificate of eligibles

may share the certificate with another appointing authority only if the announcement of the original position provided notice that the resulting list of eligible candidates may be used by another appointing authority.

“(4) REQUIREMENTS.—The selection of an individual under paragraph (2)—

“(A) shall be made in accordance with this subsection; and

“(B) subject to paragraph (5), may be made without any additional posting under section 3327.

“(5) INTERNAL NOTICE.—Before selecting an individual under paragraph (2), and subject to the requirements of any collective bargaining obligation of the other appointing authority (within the meaning given that term in section 3318(b)(1)), the other appointing official shall—

“(A) provide notice of the available position to employees of the appointing authority employing the other appointing official;

“(B) provide up to 10 business days for employees of the other appointing authority to apply for the position; and

“(C) review the qualifications of employees submitting an application.

“(6) COLLECTIVE BARGAINING OBLIGATIONS.—Nothing in this subsection limits any collective bargaining obligation of an agency under chapter 71.

“(7) PREFERENCE ELIGIBLES.—Notwithstanding paragraphs (1) and (2), an appointing official may not pass over a preference eligible in the same category from which selection is made, unless the requirements of section 3317(b) and 3318(c), as applicable, are satisfied.”.

(c) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) Section 3319(c)(2) of title 5, United States Code, is amended by striking “3318(b)” and inserting “3318(c)”.

(2) Section 9510(b)(5) of title 5, United States Code, is amended by striking “3318(b)” and inserting “3318(c)”.

(d) REGULATIONS.—Not later than 1 year after the date of enactment of this Act, the Director of the Office of Personnel Management shall issue an interim final rule with comment to carry out the amendments made by this section.

TSA OFFICE OF INSPECTION  
ACCOUNTABILITY ACT OF 2015

Mr. McCONNELL. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 191, H.R. 719.

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

The legislative clerk read as follows:

A bill (H.R. 719) to require the Transportation Security Administration to conform to existing Federal law and regulations regarding criminal investigator positions, and for other purposes.

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Commerce, Science, and Transportation, with an amendment to strike all after the enacting clause and insert in lieu thereof the following:

**SECTION 1. SHORT TITLE.**

*This Act may be cited as the “TSA Office of Inspection Accountability Act of 2015”.*

**SEC. 2. FINDINGS.**

*Congress makes the following findings:*

(1) Consistent with Federal law and regulations, for law enforcement officers to qualify for premium pay as criminal investigators, the officers must, in general, spend on average at least

50 percent of their time investigating, apprehending, or detaining individuals suspected or convicted of offenses against the criminal laws of the United States.

(2) According to the Inspector General of the Department of Homeland Security (DHS IG), the Transportation Security Administration (TSA) does not ensure that its cadre of criminal investigators in the Office of Inspection are meeting this requirement, even though they are considered law enforcement officers under TSA policy and receive premium pay.

(3) Instead, TSA criminal investigators in the Office of Inspection primarily monitor the results of criminal investigations conducted by other agencies, investigate administrative cases of TSA employee misconduct, and carry out inspections, covert tests, and internal reviews, which the DHS IG asserts could be performed by employees other than criminal investigators at a lower cost.

(4) The premium pay and other benefits afforded to TSA criminal investigators in the Office of Inspection who are incorrectly classified as such will cost the taxpayer as much as \$17 million over 5 years if TSA fails to make any changes to the number of criminal investigators in the Office of Inspection, according to the DHS IG.

(5) This may be a conservative estimate, as it accounts for the cost of Law Enforcement Availability Pay, but not the costs of law enforcement training, statutory early retirement benefits, police vehicles, and weapons.

### SEC. 3. DEFINITIONS.

In this Act:

(1) **ADMINISTRATION.**—The term “Administration” means the Transportation Security Administration.

(2) **ASSISTANT SECRETARY.**—The term “Assistant Secretary” means the Assistant Secretary of Homeland Security (Transportation Security) of the Department of Homeland Security.

(3) **INSPECTOR GENERAL.**—The term “Inspector General” means the Inspector General of the Department of Homeland Security.

### SEC. 4. INSPECTOR GENERAL AUDIT.

(a) **AUDIT.**—Not later than 60 days after the date of the enactment of this Act, the Inspector General shall analyze the data and methods that the Assistant Secretary uses to identify Office of Inspection employees of the Administration who meet the requirements of sections 8331(20), 8401(17), and 5545a of title 5, United States Code, and provide the relevant findings to the Assistant Secretary, including a finding on whether the data and methods are adequate and valid.

(b) **PROHIBITION ON HIRING.**—If the Inspector General finds that such data and methods are inadequate or invalid, the Administration shall not hire any new employee to work in the Office of Inspection of the Administration until—

(1) the Assistant Secretary makes a certification described in section 5 to the Committee on Homeland Security of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate; and

(2) the Inspector General submits to such Committees a finding, not later than 30 days after the Assistant Secretary makes such certification, that the Assistant Secretary utilized adequate and valid data and methods to make such certification.

### SEC. 5. TSA OFFICE OF INSPECTION WORKFORCE CERTIFICATION.

(a) **CERTIFICATION TO CONGRESS.**—The Assistant Secretary shall, by not later than 90 days after the date the Inspector General provides its findings to the Assistant Secretary under section 4(a), document and certify in writing to the Committee on Homeland Security of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate that only those Office of Inspection employees of the Administration who meet the requirements of sections 8331(20), 8401(17), and 5545a of

title 5, United States Code, are classified as criminal investigators and are receiving premium pay and other benefits associated with such classification.

(b) **EMPLOYEE RECLASSIFICATION.**—The Assistant Secretary shall reclassify criminal investigator positions in the Office of Inspection as noncriminal investigator positions or non-law enforcement positions if the individuals in those positions do not, or are not expected to, spend an average of at least 50 percent of their time performing criminal investigative duties.

(c) **PROJECTED COST SAVINGS.**—

(1) **IN GENERAL.**—The Assistant Secretary shall estimate the total long-term cost savings to the Federal Government resulting from the implementation of subsection (b), and provide such estimate to the Committee on Homeland Security of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate by not later than 180 days after the date of enactment of this Act.

(2) **CONTENTS.**—Such estimate shall identify savings associated with the positions reclassified under subsection (b) and include, among other factors the Assistant Secretary considers appropriate, savings from—

- (A) law enforcement training;
- (B) early retirement benefits;
- (C) law enforcement availability and other premium pay; and
- (D) weapons, vehicles, and communications devices.

### SEC. 6. INVESTIGATION OF FEDERAL AIR MARSHAL SERVICE MISCONDUCT.

Not later than 90 days after the date of the enactment of this Act, or as soon as practicable, the Assistant Secretary shall submit to the Committee on Homeland Security of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate—

(1) materials in the possession or control of the Department of Homeland Security associated with the Office of Inspection’s review of instances in which Federal Air Marshal Service officials obtained discounted or free firearms for personal use; and

(2) information on specific actions that will be taken to prevent Federal Air Marshal Service officials from using their official positions, or exploiting, in any way, the Service’s relationships with private vendors to obtain discounted or free firearms for personal use.

### SEC. 7. STUDY.

Not later than 180 days after the date that the Assistant Secretary submits the certification to Congress under section 5(a), the Inspector General of the Department of Homeland Security shall submit to the Committee on Homeland Security of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a study—

(1) reviewing the employee requirements, responsibilities, and benefits of criminal investigators in the TSA Office of Inspection with criminal investigators employed at agencies adhering to the Office of Personnel Management employee classification system; and

(2) identifying any inconsistencies and costs implications for differences between the varying employee requirements, responsibilities, and benefits.

Mr. McCONNELL. Mr. President, I ask unanimous consent that the Thune amendment to the committee-reported substitute amendment be agreed to, that the substitute amendment, as amended, be agreed to, that the bill, as amended, be read a third time and passed, and that the motion to reconsider be considered made and laid upon the table.

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

The amendment (No. 2666) was agreed to, as follows:

(Purpose: To require the Assistant Secretary to submit certain materials and information to the Committee on the Judiciary of the Senate and the Inspector General of the Department of Homeland Security to submit a study to the Committee on Homeland Security and Governmental Affairs of the Senate)

On page 12, line 11, insert “and the Committee on the Judiciary” after “Transportation”.

On page 13, line 4, insert “and the Committee on Homeland Security and Governmental Affairs” after “Transportation”.

The committee-reported amendment in the nature of a substitute, as amended, 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. 719), as amended, was passed.

### ORDERS FOR MONDAY, SEPTEMBER 21, 2015

Mr. McCONNELL. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 2 p.m., Monday, September 21; 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; finally, that following leader remarks, the Senate resume consideration of the motion to proceed to H.R. 36.

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

### ADJOURNMENT UNTIL MONDAY, SEPTEMBER 21, 2015, AT 2 P.M.

Mr. McCONNELL. 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 6:20 p.m., adjourned until Monday, September 21, 2015, at 2 p.m.

### CONFIRMATIONS

Executive nominations confirmed by the Senate September 17, 2015:

#### DEPARTMENT OF JUSTICE

MICHAEL C. MCGOWAN, OF DELAWARE, TO BE UNITED STATES MARSHAL FOR THE DISTRICT OF DELAWARE, FOR THE TERM OF FOUR YEARS.

#### UNITED STATES ADVISORY COMMISSION ON PUBLIC DIPLOMACY

SIM FARAR, OF CALIFORNIA, TO BE A MEMBER OF THE UNITED STATES ADVISORY COMMISSION ON PUBLIC DIPLOMACY FOR A TERM EXPIRING JULY 1, 2015.

SIM FARAR, OF CALIFORNIA, TO BE A MEMBER OF THE UNITED STATES ADVISORY COMMISSION ON PUBLIC DIPLOMACY FOR A TERM EXPIRING JULY 1, 2018.

WILLIAM JOSEPH HYBL, OF COLORADO, TO BE A MEMBER OF THE UNITED STATES ADVISORY COMMISSION ON PUBLIC DIPLOMACY FOR A TERM EXPIRING JULY 1, 2015.

WILLIAM JOSEPH HYBL, OF COLORADO, TO BE A MEMBER OF THE UNITED STATES ADVISORY COMMISSION ON PUBLIC DIPLOMACY FOR A TERM EXPIRING JULY 1, 2018.