



United States  
of America

# Congressional Record

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

Vol. 161

WASHINGTON, WEDNESDAY, OCTOBER 28, 2015

No. 159

## Senate

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

### PRAYER

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

Let us pray.

Eternal God, who remembers the weary, lift Your hand and we shall live. You are King forever, hearing the desires of the discouraged and encouraging them.

Today, lead our Senators, and may their labors honor You. Use their talents to bring concord to Capitol Hill. Lord, make our lawmakers instruments of Your prevailing providence. Give them a spirit of peace, even in the midst of life's storms. May they follow Your example of sacrificial service, striving to commit themselves to justice and truth. Place Your truth in their minds, Your love in their hearts, and Your compassion on their lips.

Lord, make us all instruments of Your will on Earth, upholding us with Your righteous right hand.

We pray in 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.

### RECOGNITION OF THE MAJORITY LEADER

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

### CYBERSECURITY INFORMATION SHARING BILL AND FISCAL AGREEMENT

Mr. McCONNELL. Mr. President, yesterday the Senate voted overwhelming

to pass another piece of important legislation for our country. By a vote of 74 to 21, the Senate said yes to protecting the private information of every American. The significant bill we passed would do so through the sharing of threat information from cyber attacks.

It couldn't have passed without the hard work of Senators from both sides of the aisle. I particularly thank Senator McCAIN, Senator RON JOHNSON, and Senator TOM CARPER, who worked hard to move this bill forward. I appreciate in particular the outstanding work of our chairman, Senator BURR from North Carolina, and our vice chair, Senator FEINSTEIN from California. They worked together seamlessly to move this challenging bill forward.

It is worth noting something the vice chair recently said. She said: "One of the things I've learned from two prior bills of this type is that if you really want to get a bill done, it's got to be bipartisan—particularly a bill that's technical and difficult and hard to put together."

After watching the Senate fail to act on cyber threat information sharing for years, the new Senate majority resolved to move forward instead. As our Democratic colleague from California put it, "We stood shoulder to shoulder and the right things happened."

Yesterday's bipartisan vote was an important step forward for our country. It represents the new Senate's latest notable accomplishment on behalf of the American people. We remain determined to keep pushing ahead as Congress continues its work to send a strong cyber security bill to the President's desk.

On another matter, the House will soon consider the fiscal agreement. After the House acts, the Senate will take up the measure. Republicans approached the recent fiscal negotiations with several goals: No. 1, reject the tax increases proposed by Democrats; No. 2, secure long-term savings via struc-

tural entitlement reforms; and No. 3, protect our troops and strengthen national security. The agreement pending before the House meets those goals. It is not perfect—far from it—but here is what we know: It is offset with other cuts and savings. It would enact the most significant reform to Social Security since 1983, resulting in \$168 billion in long-term savings. It would repeal more of ObamaCare. It would provide greater certainty to our military planners to help ensure readiness and preparedness for our troops.

At a time of diverse and challenging global threats, when we see ISIL consolidating gains in Iraq and Syria and Russian aircraft flying over Syria as the forces of Assad march alongside Iranian soldiers and Hezbollah militias, the importance of this cannot be overstated.

Our All-Volunteer Force loyally goes into harm's way, and our commanders tell us that additional resources are required to ensure their safety and preparedness.

I urge my colleagues to consider these important issues as they continue to examine the agreement. We plan to consider it after the House acts.

### RECOGNITION OF THE MINORITY LEADER

The PRESIDING OFFICER. The Democratic leader is recognized.

### BUDGET AGREEMENT

Mr. REID. Mr. President, our goals regarding the budget agreement were to make sure that we got rid of sequestration—we did that for 2 years—and that we had a treatment in this legislation where defense, which is so important to our country, is treated no better or no worse than nondefense. We accomplished that.

We are months behind in the appropriations process because the Republican leader decided he was going to

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



Printed on recycled paper.

S7551

push forward and not take care of the middle class. I was stunned—I shouldn't say that. That is not appropriate. I was not surprised when the Republican leader laid out his goals for his budget agreement—not a single word about the middle class.

I compliment the negotiators for coming up with something that is really good. It is a 2-year deal that allows more money to be spent for defense and nondefense, and it doesn't affect the deficit in any way. It is a good agreement.

Before we start the backslapping and congratulations, let's make sure that we, first of all, pass the budget agreement. I think we will. I was happy to see the new Speaker-to-be come out for the budget agreement today. He complained about it yesterday, and when he was reminded that it was the same pattern he and Senator MURRAY came up with 2 years ago, I guess he changed his mind. He said now he is in favor of this. I think that is good, that Congressman RYAN said that.

After we pass the budget framework by December 11, we have to make sure the appropriators are able to move forward on legislation that takes into consideration the budget agreement we have. I am certain that can be done, but it is not a given based on all of the finger-pointing by the Republicans.

This is a significant agreement. I repeat: We have relief from the vexatious sequestration. We have dollar-for-dollar help for the middle class as well as defense. There are no destructive riders in this.

When we work together, as we are supposed to do—as the Republican leader just mentioned—on legislation, it works out well.

I would suggest this. We had the House of Representatives yesterday, after years of refusing to move forward on an important piece of legislation—that is, to reestablish the Import-Export Bank. It only came about as a result of courageous Republicans saying: We have had enough of this.

This is one of the most important business-directed initiatives we have here, and it has been held up for years in the House of Representatives. It was because of these courageous Republicans who said: We have had enough of this. And they joined with Democrats to do what is rarely done in the House of Representatives. They signed a discharge petition—getting more than 218 votes—to say: We have had enough of this stalling; we want to move forward. And they did. Yesterday, that passed by a vote of 313 votes. That is a tremendous push.

I hope that over here the Republican leader will move forward on this now. There are stories coming out every day about American companies that are moving their businesses overseas because the Export-Import Bank is gone. It creates 160,000 jobs for people to work in this industry. It is important to our country. Right now, businesses are moving out of the United States be-

cause this legislation never came forward. The Bank had to close. It is basically closed right now.

I hope that we are not going to wait for some package deal with the highway bill. The highway bill should stand or fall on its own merits.

We are pleading with the Republicans to allow us to have a vote on this. We have Republicans who will vote with us. Virtually every Democrat will vote for it. We should get it done this week. Every day it is held up is a bad day for the American business community.

I ask the Chair to announce the business for today.

---

#### RESERVATION OF LEADER TIME

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

---

#### MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, the Senate will be in a period of morning business until 12 noon, with Senators permitted to speak therein for up to 10 minutes each.

The assistant Democratic leader.

---

#### THE BUDGET

Mr. DURBIN. Mr. President, it is possible this week that we will pass a budget agreement for the fiscal year we are currently in. That year started October 1 and runs, of course, until the end of December in the next calendar year. If we do reach that agreement—and I hope we do—it is going to give us some opportunities. One opportunity it will give us is to spare ourselves the possibility of this Congress failing to enact a new budget ceiling to basically guarantee the full faith and credit of the United States of America. We won't face that showdown. Also, the possibility of a government shutdown will be relieved by the passage of this budget agreement.

Those are good, positive things for this institution and for the economy of America, but there are specifics that also need to be noted because this budget agreement gives us a chance to invest in areas of our budget that sadly would have been overlooked if we hadn't reached this agreement.

This morning we had an extraordinary presentation by the National Institutes of Health. Twenty Senators came to hear the presentation about research at the National Institutes of Health and what it means to us. Dr. Francis Collins is the Director and is an extraordinary man. He is a medical doctor who was given the task of mapping the human genome and did it. He did it in an extraordinary way, creating new information and new opportunities.

A doctor from the Mayo Clinic explained what that meant. It meant that we have now reached a point

where we can map the genome of individuals, their DNA, and we can then make decisions on the appropriate prescriptions for illnesses and diseases they face and in doing that, be more effective, save lives. That is what medical research can mean. Each of us will not only have a basic biography in our medical record—when we were born and some of the basic illnesses we have faced—but also our individual map of our DNA, which will instruct doctors when it comes to treatment of cancer, if it should strike us, or some other disease.

It is an amazing leap forward. It is a leap forward that would not be possible without medical research. Yet, in the past 12 years, we have seen a downturn in investment in medical research of more than 20 percent—more than 20 percent. It has meant that a lot of researchers have been discouraged and walked away and said there is no future in medical research. What a loss. They don't make a lot of money—many of them don't. If they don't think we are going to support them with our investment in NIH and medical research, they look in other places.

This morning we considered where we are. At this moment in time, the Senate, under the leadership of Senator BLUNT of Missouri and the Appropriations subcommittee on health and human services, has provided basically a 7-percent increase in the funding for the National Institutes of Health next year. That is a good thing.

I will say quickly that Senator BLUNT cut a lot of other areas in his bill that I think need to have help, but I hope that he will stand tall and tough when it comes to that 7-percent increase as we approach this budget negotiation. The House, conversely, did not give such an increase to NIH, but they increased the Centers for Disease Control and Prevention, which is a companion sister agency that is important for medical research.

We have a chance to come together on a bipartisan basis and come up with a number that gives 5-percent real growth in spending at both the National Institutes of Health and Centers for Disease Control and Prevention. It will pay us back many times over.

Most Americans say: What are we going to do about the cost of Medicare? Medicare is an important program to over 40 million Americans, and the costs keep going up. There are two facts that we learned about this morning and people should be aware of them: \$1 out of every \$5 spent under our Medicare system is spent on Alzheimer's and dementia. If we could have a means of early detection, prevention, treatment or cure for these horrible diseases, that would dramatically change the lives of millions of Americans and millions of families, and it would dramatically reduce the cost to Medicare and Medicaid.

Medicare spends \$1 out of \$3 for the treatment of people with diabetes. If we put the research into finding a cure

for diabetes and can alleviate the suffering associated with that disease, it not only will help lives across America, but it will save us money in our important health care programs. Investment in medical research by the United States of America has been the pillar for the world when it comes to looking to a better day for the people who live in each country.

This brain initiative, which was described to us this morning by the National Institutes of Health, needs to be funded. It is not adequately funded now. We dedicated some \$350 million to Alzheimer's and brain research. It sounds like a lot of money. It is about one-third of what the researchers need. They have that many opportunities waiting to be funded. Will they all succeed? No, but that is the nature of research, and each one of them will be a good investment which will lead us to the day of prevention, treatment, and a cure when it comes to Alzheimer's.

I hope that we come together on a bipartisan basis when it comes to this budget. In this area of medical research, there is plenty of room for us to work together, and there has already been leadership shown on the other side of the aisle. We are going to help to try to move that forward, both in the Senate and in the House, on a bipartisan basis.

When I meet with people across my State—and I guess many other States—and talk about political issues, there are a lot of folks with some very strongly held opinions on one side or the other, but when it comes to funding medical research, I have found that this is the kind of issue that opens the doors. People of all political stripes agree this is a good investment for the future of America.

#### UNIVERSITY OF PHOENIX

Mr. DURBIN. Mr. President, it hasn't been a very good week or two for the University of Phoenix. The University of Phoenix is the largest for-profit university in the United States. University of Phoenix students cumulatively owe more in student debt than any other institution of higher education in America. The students enroll at this university, which is largely online but has some classroom experience, they sign up for a higher tuition than they would at community colleges or most universities, and when they can't finish and drop out, they still have debt, or when they finish, they may have a diploma that can't find a job.

The University of Phoenix—this private, for-profit company—receives nearly \$3 billion a year in Federal Student Aid funding, but the quality of education from this for-profit school is suspect. The for-profit college and university industry is the most heavily subsidized for-profit business in America. We have seen a lot of warning signs about the University of Phoenix. We've seen how they target the military and veterans.

Paul Rieckhoff of the Iraq and Afghanistan Veterans of America said that the University of Phoenix "is constantly reported as the single worst by far" when it comes to for-profit colleges taking advantage of veterans.

Well, it has caught up with them. A few weeks ago the University of Phoenix was placed on probation by the Department of Defense, restricting the company from enrolling new servicemembers who used the Department's tuition assistance or spousal MyCAA programs. The Department found violations by the company, the University of Phoenix, after completing a review prompted by an investigative report from the Center for Investigative Reporting.

The article that started this investigation exposed the University of Phoenix's strategy to flout Department of Defense rules, including an Executive order meant to protect our servicemembers—men and women in uniform and their spouses—from aggressive and unfair recruiting by for-profit colleges. You see, if these for-profit colleges can sign up a member of the military or their spouse, they can bring in the money that is set aside in the Tuition Assistance program for education and training, and so they want to sign up as many members of the military and their families as they can.

The University of Phoenix avoided the rules set down by the Department of Defense by sponsoring events at military bases—not just a few but a lot. In one instance they paid \$25,000 to sponsor a concert for military members and their families. They spent \$25,000 for a concert? The company gave away computers and wrapped the stage in a giant University of Phoenix banner. They used official Department of Defense seals and logos on challenge coins and gave them out to servicemembers in order to show that they had some kind of close relationship with the military.

In other instances found by the Center for Investigative Reporting, the University of Phoenix sponsored resume workshops, which essentially amounted to recruiting members of the military and their family to sign up for this for-profit college. According to the article, the company sponsored hundreds of events, such as rock concerts, Super Bowl parties, father-daughter dances, Easter egg hunts, chocolate festivals, fashion shows, and even brunch with Santa, on military bases.

The University of Phoenix spent \$250,000 to sponsor events over the last 3 years at one place—Fort Campbell, KY. Let's face it, these were recruitment events for the University of Phoenix, and they were paid for, by and large, with taxpayers' dollars. In the name of corporate sponsorship, the University of Phoenix could gain direct access to military bases with a nod and a wink from servicemembers. They told them they cared about the military. They also cared about the fact

that they had potential students who would sign up and spend their TA benefits at the University of Phoenix. It paid off for them. The University of Phoenix is the fourth largest recipient of Department of Defense tuition assistance funds. In fiscal year 2014 the University of Phoenix received more than \$20 million from these benefits. It is not surprising then that the company would be so concerned about the decision by the Department of Defense to put them on probation. It means they will lose access to millions of dollars from these military families, and it was reflected when their stock went down in value.

Since the Department of Defense took action against the company, the University of Phoenix stock value has plummeted nearly 50 percent. In its decision, the Department of Defense also cited concerns related to ongoing investigations of this same University of Phoenix by the Federal Trade Commission and the attorney general of the State of California. In fact, there are two ongoing investigations of the University of Phoenix by the Federal Trade Commission, one is related to deceptive marketing and advertising, and a second is related to safeguarding student and staff personal information.

In addition to the attorney general in California, at least two other States are also investigating the company. The U.S. Securities and Exchange Commission and the Department of Education inspector general also have ongoing investigations at the University of Phoenix.

The Department of Defense is not alone. Many agencies, Federal and State, are investigating this major for-profit university. They do have some friends though, and one of them is the Wall Street Journal.

Last week, on the same day an editorial of a similar tone appeared in the Wall Street Journal, a few of my colleagues in the Senate sent a letter to the Secretary of Defense, Ash Carter, telling him to lay off the University of Phoenix despite the fact that the Department noted the violations were of such frequency and such scope that they were "disconcerting." My colleagues in the Senate think the Department of Defense's decision to protect servicemembers and to put this university under probation was "unfair."

There is no question that the Department of Defense has a duty and a responsibility to protect members of the military and their families from exploitation. They have established rules under the Voluntary Military Education Program, and now my colleagues in the Senate are writing letters to the Department of Defense saying: Look the other way. The letter they sent criticized the Department for its concern over the University of Phoenix's continued participation in Voluntary Military Education Program in light of the multiple ongoing investigations. I think it would be grossly

irresponsible for the Department of Defense to back off of this protection of our military because of a letter from Members of the Senate.

The broad and ongoing regulatory scrutiny of the University of Phoenix gives the Department of Defense legitimate cause for concern when it comes to the company's future participation in the Voluntary Military Education Program.

My colleagues in their letter said: "The TA program is critical to our nation's servicemembers' educational and career opportunities." I couldn't agree more. That is exactly why the Department of Defense should ignore the demand of my Senate colleagues and exactly why they should not turn a blind eye to the University of Phoenix's violations.

In order to provide quality educational options for servicemembers and to ensure that taxpayer dollars are not being wasted, we must promote integrity in the program, and the highest priority should not be the profitability of a for-profit university, such as the University of Phoenix. The highest priority is quality education and training for the members of the military. I thank the Department of Defense for taking this bold action and encourage them to remain steadfast in protecting students, military members, their families, and taxpayers when it comes to future decisions related to the University of Phoenix's participation in the Voluntary Military Education Program.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

#### EXPORT-IMPORT BANK

Ms. HEITKAMP. Mr. President, we are on the floor in celebration of the American democracy, that occasionally things can work, and that we can overcome extremes in our country and actually pull together to do something for American manufacturers, to do something for American businesses, and to do what is right.

I know my colleague, the senior Senator from the great State of Washington, is on a short timeframe, so before I proceed with my remarks I would like to yield the floor to Senator MURRAY.

The PRESIDING OFFICER. The Senator from Washington.

Mrs. MURRAY. Mr. President, I am delighted to be here with my colleague, and I thank the Senator from North Dakota for her exhilaration we all share because of the vote last night in the House overwhelmingly in support of Ex-Im.

I am here to reiterate my strong support for reauthorization of the Export-Import Bank, and I applaud the Members of the House who easily passed the reauthorization bill last night. It is actually easy to see why the bill got so much support. It is good for American jobs, it is good for small businesses, and it reduces our national debt. The fact that Republican leadership has let this program go dark for so long, held hostage by political pandering, is outrageous.

The longer Ex-Im is shuttered, the more it hurts American competitiveness. In my home State of Washington, nearly 100 businesses—the majority of them medium or small businesses—used the Bank services last year to help sell their products overseas. We are talking about everything from Apple and airplane parts to beer and wine, to software and medical training supplies. In fact, I actually recently visited one of these small businesses—a brewery in Seattle.

In 2011, Hilliard's Brewery started with three employees dedicated to making good beer. Thanks to a loan from the Ex-Im Bank, Hilliard's tapped into foreign markets and developed a following. Fast forward to 2015. They have dramatically increased their production, they continue to grow, and they built a business that thrives today.

The reality is that people in other countries want American-made products. That is great because these businesses support tens of thousands of jobs around the country and they keep our economy moving. The Export-Import Bank is the right investment because it expands American businesses' access to emerging foreign markets, creating jobs right here at home. Do you know what it costs taxpayers? Not a single penny. In fact, the Export-Import Bank puts money back into our country.

Here is the bottom line: Republican leaders allowed partisan pandering to put the brakes on a program that creates jobs, strengthens our small businesses, and helps our economy grow. I believe—and I am joining my colleagues today—it is time to put this ideology aside. Let's restart this proven program. It is critical the Ex-Im Bank continues to receive the strong bipartisan support we have seen in the past as we work to reauthorize this bill that is a success. I am proud to join my colleagues to say let's get this done.

Thank you, Mr. President, and I yield the floor.

The PRESIDING OFFICER. The Senator from North Dakota.

Ms. HEITKAMP. Mr. President, yesterday was a great day, and it was a great day not just because something we have worked so long and hard on actually was advanced, and that we care about, reopening the Ex-Im Bank, but it was when a majority of people in the U.S. Congress stood up, led by a Republican from Tennessee, Representative FINCHER, and actually said: We are not

going to let hard rightwing politics get in the way of American jobs, American manufacturing opportunities, and get in the way of moving our country forward. I think that speaks volumes, and I hope it becomes an opportunity to move other broad bipartisan pieces of legislation forward.

The frustration the American people have with the U.S. Congress is that things that seem to be no-brainers—legislation that seems to be so obvious in terms of the right kind of policy—do not get done in the U.S. Congress. So I am elated with what happened over in the House.

Now the ball is back in our court. We have been waiting for a number of months to see House movement on this. Because of the discharge petition, because of this big vote, we now see House movement. The House has done their job. It is now time for us to do our job.

I want to point out a couple of things about that vote. It ended up being over 70 percent of the House of Representatives. Think about that. In this time of hard partisan fighting, we have 70 percent of a body agreeing to an important public policy. What also is significant about that vote is 127 Republicans—in fact, a majority of Republicans in the House—voted to support the Ex-Im Bank, reauthorize it, open it up, and open up this opportunity for American manufacturers.

There can be no debate. Along with my colleague from Washington, we have been saying all along that we believed there was broad support in the House of Representatives to do this. I think they hadn't had a test vote in the past. Now we know, and we can say it with great certainty, not only is there majority support, there is supermajority support for the Ex-Im Bank.

Now it is our turn. Now it is our job once again. A few short months ago I stood in this body, working with my two great colleagues who have joined me on the floor, to push back and say: Look, if we believe in a trade agenda, we believe as the three of us have voted, to support TPA. We are now evaluating and analyzing TPP. What sense does it make to take one of the most significant and important trade tools such as the Ex-Im Bank—something that levels the playing field and creates huge opportunities for us to be competitive against a world where these kind of private agencies are supported by every major economy and every major government, including some of the developing nations right now—what sense does it make to shut down or restrict that tool? In what world does that make sense? We have been making this commonsense argument and fighting against things that make absolutely no sense and, quite honestly, in many ways seems almost idiotic.

Unfortunately, there are casualties to this failure in America today. American jobs have been lost, American economic opportunity has been lost, and

America's position as a leading manufacturer and exporter of quality goods has been challenged because we have sent a message that we are not open for business. We have sent the message that we no longer are going to engage with the rest of the world in terms of developing and supporting exports. That is the wrong message.

I think the House yesterday sent a huge message to those foreign nationals in those countries who think we were willing to basically abrogate the ground—give the ground away to other companies from other countries. We sent a loud-and-clear message that is not going to happen on our watch.

I rise to make one final point before I ask my colleagues to join me. I will make one final point, which is this bill is going to come over from the House of Representatives. We have been having this discussion about what can we attach it to. We need to attach it to something because the House will not take it independently. Isn't that what we have been hearing; that the House couldn't possibly move this without being on a so called must-have piece of legislation. That argument is way gone. It has been blown up by the vote yesterday in the House of Representatives.

Now that we no longer have that argument and we know we have a supermajority here—at least 64 votes and probably likely 67 votes for the Kirk-Heitkamp bill—we need to move this bill now. Let's open the Ex-Im Bank. Let's tell American small businesses that we are on their side. Let's tell American manufacturers that we hear you. We hear that we can't put you in a challenging and competitive global economy and then weigh you down with 100 pounds of inactivity on the Ex-Im Bank.

We are going to be talking a lot about this in the next 2 or 3 weeks because it is not enough to wait for the next must-pass vehicle to pass through. I jokingly tell my staff I am going to introduce a bill called the vehicle and say: Here it is. The bill is ready to go right now. We are ready to make this happen. I am very excited for the Ex-Im Bank but more excited for so many of our workers, so many of our small businesses that have struggled and that have wondered why Washington cannot listen to their concerns. I think that question was answered yesterday, so I am very excited to call on my colleague from the great State of New Hampshire to also talk about the importance of the Ex-Im Bank at this point.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mrs. SHAHEEN. Mr. President, I am delighted to join my colleagues on the floor, Senator HEITKAMP, Senator MURRAY, and Senator CANTWELL. I thank them for their leadership in keeping the issue of reauthorizing the Export-Import Bank front and center in this Congress. We are here to celebrate what the House did yesterday in voting

overwhelmingly with a bipartisan majority to reauthorize the Ex-Im Bank. The House did what many people have been predicting for months they would do if they could actually get this bill to the floor; that is, pass it with an overwhelmingly bipartisan majority, including a majority of House Republicans.

Why are we so concerned about reauthorizing the Ex-Im Bank? It is because—as Senator HEITKAMP said so well—exporting has become increasingly important throughout the country, especially in my home State of New Hampshire and for so many of our small businesses that are looking to stay competitive in this global economy. Ex-Im levels the playing field, and when American companies have a level playing field they can compete and win.

Unfortunately, it has been a small ideological minority of Members of Congress in both the Senate and the House who have kept this legislation from coming to the floor and have kept the Ex-Im Bank shut down. The vote yesterday shows it is time to change that.

Ex-Im provides billions of dollars of money to help American manufacturers reach foreign markets. It has been 4 months now since the Bank's charter expired and we are already starting to see the consequences. Some companies have discussed moving manufacturing from the United States, which means we will lose manufacturing jobs. We are going to start seeing consequences for small businesses as they start losing out on new sales because they are operating at a disadvantage.

Businesses such as Boyle Energy in New Hampshire have gotten support from the Ex-Im Bank. The Bank has supported \$314 million in export sales from New Hampshire businesses since 2009. It is time for the Senate to take up this legislation, to pass it, to come together and get this done for our small businesses, for our economy, and for our jobs.

I thank my colleagues, and I yield the floor.

The PRESIDING OFFICER. The Senator from North Dakota.

Ms. HEITKAMP. Mr. President, I thank my great colleague from New Hampshire, who has done so much in her State to raise awareness about the importance of the Ex-Im Bank and who has also stood firm with the two great Senators from Washington, the Senator from Missouri, and the Senator from Delaware to basically say: You cannot just look at trade agreements and think you got every piece of important trade legislation passed.

So she has been a champion. But we all have to admit that none of us have been as diligent, none of us have been as eloquent, and none of us have been as tenacious as the great Senator from the great State of Washington, who understands this issue so well and has been fighting for this issue for a number of years. So I yield the floor to the Senator from Washington.

The PRESIDING OFFICER. The Senator from Washington.

Ms. CANTWELL. Mr. President, I would like to thank my colleagues for coming to the Senate floor this morning to give an important message to our colleagues—that it is now time to take up the Export-Import Bank issue and pass that legislation today.

I thank my colleague from North Dakota, who has had this legislation in the Senate and has worked hard on the banking committee to make sure this legislation is moving forward and has been there at every step in the process. Being from a State that knows exports matter, she knows that having a finance regime that allows banks to take advantage of the fact that they need credit insurance has been a good thing for the American economy. It has helped us grow jobs in the United States, as we are selling exports to overseas markets. So she has been a stalwart.

My colleague from New Hampshire who just left the floor, Senator SHAHEEN—I have visited her State and facilities and manufacturers involved in aerospace and other types of manufacturing that are trying to win in the international marketplace with their products by selling them overseas.

When we cancel a program that actually helps us pay down the deficit—those individuals who get financing through a bank and a credit agency like the Export-Import Bank actually have to pay a fee. That has actually helped us reduce the deficit. It is money paid every year, and it helps us reduce the deficit. My colleague Senator SHAHEEN has been a great advocate for reauthorization of the Export-Import Bank.

As my colleagues have talked about, the dirty little secret is out in Washington; that is, you cannot pass the Ex-Im Bank reauthorization because there is not enough support in the Congress to do so. Well, the answer is, that was a bunch of hokey promulgated by some very conservative think tanks that wanted to hold conservative Republicans hostage, and then they tried to hold all of us hostage. That is right—they tried to hold all of us hostage, saying that we cannot pass this.

We know the House of Representatives, with 313 votes—a majority of the Republicans in the House—voted for the reauthorization of the Export-Import Bank. They now join 67 people here who want to go to and move that legislation in the Senate. So the majority of people in both the House and Senate have supported the reauthorization of the Export-Import Bank and have done so for more than a year, but we let it expire. What happened? We let down the American economy because the end result has been a loss of jobs.

I will give one example of 850 jobs that went from U.S. companies over to these countries instead because without the Export-Import Bank, they lost deals that went to other places because other countries also have credit agencies that help small and regional banks

finance the sale of U.S.-made products. As they are being sold to say South Africa or an Asian country or someplace else, the companies cannot find the financing—a lot of agricultural products—and so they come to a bank in their community and say: Help finance my sales overseas.

In fact, Senator MURRAY and I met with a great—my colleague from North Dakota will like this—microbrew manufacturer in Ballard, WA, and they said: You know, we are trying to sell into the Scandinavian market. They like our products, but we are not big enough as a distributor to finance the sale of our products into those markets. So we either have to take that on our books ourselves or find a way to take our company and leverage it with some capital to increase our market exports.

So what did they do? They tried to minimize that. Otherwise, do you know what that company would have to do? They would have to take all their capital and put it aside to leverage that money to expand the market. Instead, they said: Well, let's go to a bank and get them to loan us the money so we can expand our products into Scandinavia, where people love drinking this Ballard beer.

The bank says: Well, we like that idea. We like you. You are doing well. But we are a little afraid of your selling into that distribution market in Scandinavia. We want you to have some credit insurance.

That is what the Export-Import Bank does. It says to that banker in Ballard: We will provide you a little credit insurance.

Do you have to pay a fee for that? Yes, you have to pay a fee for that. What does that fee do? It helps the Federal Government pay down the deficit. Who wins? We all win because that Ballard company now gets to grow. I would say that over in Scandinavia, they get to drink great beer that is made in Washington State. As one of the largest hops producers in the United States, my colleague from an agricultural State understands this. So everybody wins. Then the Ballard company gets to expand jobs. So that is what this is all about.

In this instance, we lost 850 jobs.

Ms. HEITKAMP. Will the Senator from Washington yield?

Ms. CANTWELL. Yes.

Ms. HEITKAMP. One of the issues we heard so often during this debate has been that the private sector will step in, that the private sector will take on this responsibility, that we don't need to have the Export-Import Bank, that the private sector will fill the gap. Were there any cases where the private sector stepped up and filled the gap of the Ex-Im Bank?

Ms. CANTWELL. I thank the Senator from North Dakota for that question because that is the issue. What people don't understand is that there are so many of these deals that—basically there was a U.S. company that wanted

to sell its ability to build bridges to an African country. Yet, because the Export-Import Bank expired, that African country ended up basically going with a competitor, an Asian competitor. Same thing here. When we don't finance these deals—I know of a deal that GE lost to Rolls-Royce. Why? Because the credit agency in Europe could finance the deal, so they just bought a different product.

The issue is not that somehow the private sector is going to step in here and basically help in a capital market. It is the same way the Small Business Administration works. The Small Business Administration has 7(a) loans to help finance the sales that basically go through Main Street banking, but the Small Business Administration provides a little certainty and predictability to the process so that we are not seeing huge losses. Basically, the Small Business Administration has not seen large defaults, and neither has the Export-Import Bank.

So these are tools that basically people try to say to us will be picked up somehow, that the private sector will respond to this. Well, in developing markets around the world, when U.S. manufacturers are trying to compete and build a great product, all you are doing by killing the Export-Import Bank is enabling some other manufacturer in Europe or Asia or South America to compete with our manufacturers on an uneven playing field. You are giving them an advantage our manufacturers don't have.

So, literally, people on the other side of the aisle have shipped jobs overseas by saying they don't want to support the Export-Import Bank, and they have held it up for so many months now that we have lost jobs. This is only one example.

There have been tens of thousands of jobs lost since the Export-Import-Bank failed to get reauthorized. Now the question is, Why are we going to wait 1 more day? Now that the House has passed the bill, with a majority of Republicans supporting it, why would we wait 1 more day to pass a key tool that is instrumental in supporting jobs in the United States of America?

I hope my colleagues—I appreciate so much my colleague from North Dakota talking about this because, you know, being—I don't if it is that we are ag States, that we see how much the global economy means to our States, but we know this: that 95 percent of consumers are outside of our borders and that if we want to increase our economic activity in the United States and grow jobs, we better be selling to those 95 percent of consumers outside of the United States.

If you want to sell to those 95 percent of consumers outside of the United States, first you have to build a great product or develop a great agricultural product, but then you have to be able to have the competitive tools to reach them from a financing and banking system.

So the funny thing is that all of those people on the other side who basically act as though they are against the Export-Import Bank because they think it is some sort of mysterious organization, those are the people who basically wanted to bail out Wall Street. They are the ones who are behind the big banks. They are the ones who are trying to basically disassemble all of the banking reforms we passed to protect the American consumers. So they are not for some sort of great, good government; they basically are just looking for a trophy to put on their mantle to say that, oh, we killed this government program, which, as I have said, is wrong because it actually helps us create jobs in the United States of America, it helps U.S. manufacturers win in the United States of America, it helps us get our products to places they would not already go, and it helps pay down the Federal deficit. So it is a win-win situation for all of us.

What we have to do now is to get this reauthorized. We should not wait another minute. The notion that all of my colleagues should take away from this is that a minority of people holding up voting on this has also been wrongheaded. To allow a minority to thwart what is such an essential tool has been a mistake. What we need to do is right that mistake immediately by passing this legislation here in the Senate, get the Bank back operating, let our U.S. manufacturers and agricultural producers win again in the international marketplace, and help our economy grow with these important jobs that are related to exports.

I again thank my colleague for being down here on the Senate floor. We are not going to give up. We are going to be down here. That is because, as you know, we are having all of these budget discussions, and people should remember that over the last 20 years, the Export-Import Bank has generated \$7 billion to the Treasury—\$7 billion over 20 years. So not only does it help us grow jobs, it actually has helped us pay down the deficit.

I hear a lot of discussion about budget deals and transportation packages and things of that nature. So, to me, if you want to put more revenue back into our coffers, then support the Export-Import Bank immediately and you will be recognizing immediate revenue for any of these budget discussions that we are having and that we need to move forward on.

I am not under the impression that somehow all of the people in the Senate are now going to support this legislation and that it is going to move quickly, because there will still be some on the other side of the aisle who don't support moving forward. But I would say that number—\$7 billion over 20 years—I think it is worth a few procedural 60-vote thresholds to get that money and to give Americans the certainty that this particular program will be reinstated and that we will be

back to letting hard-working Americans who build a great product get the credit assurances they need to sell their products on a global basis and to win in the international marketplace. That is what America is all about. Don't hold these people down. They are the people who created, with great ingenuity and great sweat, the great products that have made our country great. So let them export their products. Don't make it harder for them just because you want to win a trophy from the Heritage Foundation.

Let's get back to making sure we are making this place operate. We know the majority both in the House and Senate supports the Export-Import Bank and the jobs it creates. Let's get this bill reauthorized today.

The PRESIDING OFFICER (Mr. SULLIVAN). The Senator from North Dakota.

Ms. HEITKAMP. Mr. President, we have been promised repeatedly since the end of June that we would be given an opportunity to reopen the Ex-Im Bank, that we would be given the tools to get the Ex-Im Bank operating and providing credit to American manufacturers.

If you had told me that the end of July would come and go without putting the Bank back in business, I would have said: That won't happen.

If you had told me that we would go through all of August and all of September without putting the Bank back in business, I would not have thought that could happen.

We are now at the end of October and, quite frankly, we are at the end of our patience—and so are American manufacturers and so are American workers. The time to deal with reopening the Bank, the time to move this legislation is right now.

The patience has run thin. The promises have never materialized in terms of moving this forward.

We were told in the very early stages, back when we began to move this issue, that the only way we could possibly get it through the House of Representatives was if it were put on a must-pass piece of legislation, something such as the reauthorization of the surface transportation bill—whether we are going to have highway bills or whether we are going to put it on the debt limit or whatever it is—because the House couldn't possibly move this legislation forward without any opportunity to put it on something else.

That myth has disappeared. That theory is no longer available. That argument is no longer available to anyone in this Chamber. So the question becomes this: Now that we know the will of the Congress, reflecting the needs of the American people, the needs of the manufacturers in this country, and now that we know what the vote count is, why can't we get this done? Why would we tell the American public that in the face of an overwhelming majority in support of a critical piece of trade infrastructure and

legislation that we can't get it done, that we have to wait even more months to see the Ex-Im Bank back in business?

We will be back. We will continue to talk about this issue. We will continue to raise the concerns that we have about further delay and what that further delay is costing. But we also are extremely grateful for the work that was done in the House of Representatives against great odds to move this forward, to send a message to American manufacturers: Yes, this place can function, and we will listen to you, and we are moving forward on getting you this critical tool to keep people once again employed in your shops, to keep people once again working to export the great American products to the global economy.

I yield the floor.

The PRESIDING OFFICER. The majority whip is recognized.

#### LEGISLATION IN CONGRESS

Mr. CORNYN. Mr. President, after years of hard work the Senate yesterday passed legislation that will help keep the personal information of people safer, whether that personal information is in the hands of your bank or your credit card holder or whomever.

As we know, the threat of cyber attacks is all too real. Twenty-one million Americans lost their personal information and sensitive background information at the Office of Personnel Management just this last summer—21 million. As a matter of fact, the suggestion has been made that many of those people were individuals who filed extensive questionnaires—or responses to extensive questionnaires—in order to obtain a security clearance. So you can imagine the sensitivity of that information. That followed on a breach at the Internal Revenue Service in which the data of more than 100,000 taxpayers was stolen.

It is a felony to divulge Federal income tax information of a taxpayer. It is a felony. Yet somehow, some way, this cyber attack at the IRS was able to get data on more than 100,000 taxpayers.

The Cybersecurity Information Sharing Act is legislation that has been long overdue, and we are, frankly, behind the curve here. But this bill garnered wide bipartisan support in the Senate. Now we have the opportunity to work with our House colleagues, who have, I believe, a couple of cybersecurity bills, and to try to reconcile those differences in a conference committee, which is typically the way we reconcile those differences and competing ideas.

But suffice it to say that this legislation, once enacted into law and signed by the President, will help deter future cyber attacks and equip the public and private sector with the tools they need to be more nimble. Specifically, what it will do is allow companies and individuals to share information with the

government without concern about losing a competitive advantage. Right now, when you are attacked in your company, obviously it is not something you particularly want to brag about, but you do need to let the people whose information has been stolen know so they can protect themselves. But what there will be is more information sharing, along with some legal protections for people who cooperate on a voluntary basis.

As Senator BURR, the chairman of the Intelligence Committee said time and again, there is nothing compulsory about this system. Nobody is forced to participate. But I think, over the long run, businesses and individuals will find it in their best interest to share this information and to receive information in a way that will help protect our personal data.

The passage of the Cybersecurity Information Sharing Act was, rightly, a major priority for the Senate. As I said, I am hopeful—along with our House colleagues—that we can get a bill to the President's desk for signature soon.

But this is just one more example—the latest example, really—of the productivity of this new majority in Congress that was elected just last November. We have worked hard. Without sacrificing our principles, we have worked hard to find common ground, working on a bipartisan basis to move legislation across the floor and to get it enacted into law that serves the best interests of the American people, such as the passage of the bill to help victims of human trafficking, which passed 99 to 0 in the Senate and now is the law of the land. It was the first major effort to help the victims of human trafficking we have undertaken here in 25 years.

We have also passed out of the Senate—and we are working on differences with the House—the Every Child Achieves Act. As Chairman ALEXANDER of the Health, Education, Labor, and Pensions Committee points out, this is a fix to No Child Left Behind. This legislation will devolve power from Washington, DC, back to parents and local communities so they can have a greater say in their children's education.

Once again we have learned the lesson, perhaps painfully, that a one-size-fits-all solution does not work for everyone. We are a big, diverse country. A lot of communities are better equipped—certainly they are more nimble, more flexible, and more adaptive—to change circumstances than the Federal Government. Even though we had the best of intentions with No Child Left Behind, we needed to make this necessary fix and again devolve power back from the Federal Government down to parents and local communities for their children's education while maintaining high standards at the same time.

We have also passed a multiyear highway bill. I think there were more than 30 different temporary patches of



our highway bill because of the inadequacy of the highway trust fund. When you buy a gallon of gasoline, I think about 18 cents goes into the highway trust fund out of that gallon of gasoline. Unfortunately, though, our demands have exceeded the amount of money in that fund.

For States such as mine, we are a donor State. So we send a buck to Washington, DC, and we get 92 cents back. A friend of mine in the Texas Legislature called that Federal money laundering, and I think he is right.

But we have stepped up—the voters in Texas last year, actually—by passing a supplemental appropriations for highway and infrastructure out of our rainy-day fund. Actually, on November 7, we will have another referendum in Texas to try to fill that gap between what the Federal Government is doing and what the State government can and must do in order to meet our transportation needs.

By passing a multiyear highway bill, the Senate has now prompted our House colleagues to, in turn, pass their own multiyear highway bill, and now, perhaps later today, we will pass another short extension to November 20 and then work to reconcile those two differences and then get that to the President's desk.

That is not particularly sexy work, but it is very important. It is sort of what we are supposed to do in the Congress, which is to perform the task of governing and helping to address the issues that confront everyday working American families.

Then just last week the Senate Judiciary Committee voted 15 to 5 to pass, on a broad bipartisan basis, the first criminal justice reform that we have done since the 1990s. I have cosponsored that legislation and was proud to do so. A lot of what this bill contains—particularly something called the CORRECTIONS Act—was based on a successful experiment in Texas and other States where they realized that you could lock people up for committing crimes but someday they are going to get out. When they do, we have an interest in making sure, for those who are willing, that they are prepared for life on the outside or otherwise they end up becoming what a young man in Houston just last week or so told me. He called himself a “frequent flier” in the criminal justice system. We know what that means. That means the turnstile just kept turning. He would get out and go right back in because he was woefully unprepared for life outside. So whether it is education, whether it is mental illness issues, drug and alcohol issues or just employable skills, it is in our interest to provide incentives to people in prison so they are better prepared when they get out.

I am not suggesting that this is some sort of panacea and that all of a sudden our prisons will be emptied and people won't commit crimes anymore. That is not true. But for those who can be saved, for people who want a helping

hand and are willing to take responsibility for their own rehabilitation, I think this legislation is very important.

So while we still have a lot to do, I think we can take some satisfaction in the productivity that we have had—withstanding the very challenging political environment and the polarization of our politics in America today.

This week Members from both parties, as well as the White House, have been talking about legislation to deal with our budget and ensure our country meets its financial responsibilities. Indeed, there has been an announced deal, negotiated by the leadership in the House, the Senate, and the White House, which the House of Representatives will be voting on at about 5 p.m. today.

I think it is worth reminding everybody how we got to this point. Starting in June, our colleagues from across the aisle started what they advertised as a filibuster summer—in other words, a strategy to block any and all of the appropriations bills that come across the Senate floor. There are 12 of those appropriations bills. If we were doing things the way we should be, we would take them up individually. The American people could read them, understand them, and we could debate them, hopefully improve them, and then pass them into law to fund some of the basic functions of our government, such as the Defense Department, for example. It is ironic that many of these appropriations bills sailed through the Appropriations Committee on a bipartisan basis.

Well, for the first time in 6 years, the Committee on Appropriations had voted out all 12 of those bills. The reason they were able to do so is because under this new majority, we were able to actually pass a new budget, which gave the top capped spending lines to the Appropriations Committee so they could do their job to consider those spending bills, to rearrange priorities, and hopefully gain greater efficiency and economize on the spending.

So even though many of our Democratic friends voted for those bills in the Appropriations Committee, they came to the floor and voted against them to create this huge cliff that we knew was coming on November 3 and, indeed, on December 11.

Senate Democrats carried this strategy of filibuster summer into the fall and continued to block appropriations bills, turning noncontroversial funding priorities, such as our Nation's military and support for our veterans, into partisan games. That is what created this so-called shutdown narrative and drama.

It wasn't an accident; it was a premeditated plan by our Democratic friends in the minority. So, as a result, Congress was once again staring down several major deadlines with little time to waste.

I have to say that if your attitude in Congress is “I want 100 percent of what

I want or I am not going to settle for anything,” you are not going to get anything. It is just that simple. It is just a simple fact of life that the only kind of negotiated outcomes we have here are imperfect; they are flawed.

While this budget agreement isn't perfect—it is flawed—it does contain several important priorities. First of all, the Budget Act of 2015 doesn't raise taxes. That is important to me and certainly important to my constituents. They think this administration has raised their taxes more than enough already. This agreement lays the foundation to fund the government through 2017 without a tax increase.

Importantly, the legislation repeals a section of ObamaCare. We will have more to say about that in this coming weeks, but it repeals a major section of ObamaCare that required large employers to automatically enroll their employees in the ObamaCare health plans. That is a pretty big deal for a law that has been on the books since 2010. Rolling back ObamaCare, I believe, is essential to helping the American people meet their basic needs—to get the health care they want at a price they can afford, and not based on some sort of mandate from the Federal Government. It is also necessary for the health of our Nation's economy.

Perhaps from my standpoint, and I suspect the Presiding Officer's standpoint, the single most important part of this legislation is it will fund our military and make sure our military has the resources it needs to protect us here at home and our allies around the world.

As part of the artificial drama that was created over this deal, the President of the United States vetoed the National Defense Authorization Act. This is the fundamental law by which Congress says to our men and women in uniform: We are going to make sure you have the resources you need in order to do the job you volunteered to do. And oh, by the way, we are also going to take care of our families because in the military today, with an all-volunteer military, our military families are vitally important too. But in an incredibly cynical move, the President vetoed the Defense authorization bill in order to gain leverage in this negotiated budget deal. It truly is shameful. It is inexcusable for the Commander in Chief to hold our men and women in uniform hostage by doing something like that.

We all know we are living in a world marked by insecurity at every corner, from rampant instability in the Middle East to a newly aggressive Russia in Eastern Europe and in the Arctic, and a rising China that continues to—Mr. President, I ask unanimous consent for 2 more minutes.

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

Mr. CORNYN. In addition to instability in the Middle East and an aggressive Russia in Eastern Europe and in the Arctic, a rising China is trying



to expand its own territory at the expense of our allies and friends in the Pacific.

I am glad to see the U.S. Navy challenge the phony claims of China in the South China Sea that jeopardize those important sea lanes that are so critical to our security and to our commerce.

So this deal, as flawed as it is, finally provides the military and our military families with the resources they need in order to do the incredibly important job we ask them to do. If you think about all the areas that the Federal Government is involved in, this is the No. 1 priority. There is no “Yellow Pages” where you can look to outsource national security. It is the Federal Government’s responsibility, and it is about time we provided our men and women in uniform with the resources they need in order to get the job done.

In conclusion, this bill actually takes significant steps in reforming, in a fiscally responsible manner, our Social Security disability system. It will provide long-term savings from changes to Social Security. In fact, this will represent the first bipartisan reform we have had since the early 1980s.

I look forward to continuing to discuss this legislation with our colleagues and finding a way to move forward as we face the big challenges still ahead of us in the Senate. The only alternative to this negotiated deal would be a clean debt ceiling increase and a continuing resolution at current spending levels, which would have a devastating impact on our military and our national security.

---

#### EXTENSION OF MORNING BUSINESS

Mr. CORNYN. Mr. President, I ask unanimous consent that morning business be extended until 8 p.m., with Senators permitted to speak therein and with the time equally divided in the usual form; further, that all time during quorum calls be charged equally between both sides.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

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

The PRESIDING OFFICER. The Senator from Minnesota.

---

#### EXPORT-IMPORT BANK

Ms. KLOBUCHAR. Mr. President, I rise to speak in support of reauthorizing the Ex-Im Bank. I know some of my colleagues were here earlier, and I wanted to join them, but I was at a hearing over in commerce. I do want to thank Senators CANTWELL and KIRK for their leadership on this issue. I also want to thank my colleagues, Senators HEITKAMP, SHAHEEN, MIKULSKI, and BOXER, who were on the floor today voicing their strong and continued support for the Ex-Im Bank.

Yesterday, the House voted 313 to 118 to reauthorize the Export-Import

Bank. That is a strong bipartisan vote that included a majority of Republicans. It included seven of the eight Members of the congressional delegation from the State of Minnesota, including several Republicans.

The Ex-Im Bank also has bipartisan support here in the Senate, which has voted twice this year to reauthorize the Ex-Im Bank, both times with more than 60 votes. Now it is time for the Senate to take up this bill and vote to reauthorize the Ex-Im Bank with no further delay. This year, the Senate has been in the lead on this. We have shown the kind of bipartisan support that helped the House to get the numbers they needed, and now we must simply pass the bill.

The Ex-Im Bank has been reauthorized 16 times in its 81-year history, every time with a broad bipartisan majority. As yesterday’s House vote and previous votes in the Senate show, the Ex-Im Bank still has the support of a broad bipartisan majority.

Since coming to the Senate, I have been working to boost America’s ability to compete in the global economy. I serve on the President’s Export Council. I believe America needs to be a country that once again thinks, invents things, and exports to the world. We like our financial industry—we have the sixth biggest bank in the country out of Minnesota—but we all know we can’t simply rely on the financial industry to keep the economy going. The economy has to be a bread-and-butter economy, and that means making things, and that means exports.

When 95 percent of the world’s customers live outside of our borders, there is literally a world of opportunity out there for U.S. businesses. U.S. exports have helped expand our economy over the past 4 years, reaching an alltime high of \$2.3 trillion, an increase of 34 percent since 2009 after inflation.

We know there are about 85 credit export agencies in 60 other countries, including every exporting country in the world. Our businesses are competing against these foreign businesses, which are backed by their own countries’ credit export programs and often receive other government subsidies. Why would we want to make it harder for our own companies to compete in a world where all the other exporting nations have an export-type bank financing authority? When our companies are competing against overseas companies for contracts, they need the Ex-Im Bank.

In 2014, the Ex-Im Bank provided support for \$27 billion worth of U.S. exports. This sounds like a lot, but in the same year China financed more than double that amount—\$58 billion compared to \$27 billion—and South Korea and Germany also provided more support for their exports. If we don’t get this done, Mr. President, China will eat our lunch.

If we want a level playing field for our businesses, we need to have the

U.S. Ex-Im Bank open and running. Do you know what our companies find out right now? Well, the charter has lapsed. When these U.S. companies or our foreign competitors go to the Ex-Im Bank Web site, do you know what they see on the Web site? I will tell you. I went to the Web site and saw it myself. It says this: “Due to a lapse in EXIM Bank’s authority, as of July 1, 2015, the Bank is unable to process applications or engage in new business or other prohibited activities.” Every one of our foreign competitors knows this is up on our own U.S. Web site.

To me, this is about jobs. As the ranking member of the Joint Economic Committee, I know that in 2014 the Ex-Im Bank provided \$20.5 billion in financing. That supported 164,000 jobs. I know there are hundreds of companies in Minnesota—I think the exact number is 170—that use financing authority. The vast majority of them are small companies. These small business owners, like many small business owners all across the country, know it is essential for their ability to export. They can’t have a full-time bank person in their small companies. They can’t have a full-time expert on trade with various countries—Kazakhstan, you name it—all around the world. They need the help of the Ex-Im Bank to know how to get this financing.

I visit all 87 counties in my State every year, and a lot of that time is spent visiting these small businesses. Even when I don’t mean to find an Ex-Im-type business, I find one. I heard from Fastenal and Miller Ingenuity, both from Winona. I have heard from EJ Ajax Metalforming, a leader in workforce policies. So everywhere from Fastenal to PERMAC, an award-winning women-run manufacturer in Burnsville, I have found that Minnesota businesses get help from Ex-Im Bank.

The time is here. We can’t put it off any longer. Our colleagues in the House, despite the fact that they didn’t even know if they had a Speaker for a number of weeks, were able to pass this bill. Now it is our turn. Let’s get this done.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oklahoma.

---

#### PUBLIC EXPRESSIONS OF FAITH

Mr. LANKFORD. Mr. President, it is just past the middle of football season in America—a sad thing for a lot of us who are football fans. This is the time when some fans are thinking seriously about the playoffs and other fans start thinking seriously about trying to get their coach fired.

In Bremerton, WA, coach Joe Kennedy is in trouble not because the team has a losing record but because he has the audacity to kneel down and pray on the 50-yard line after the football games are over and thank God for the chance to coach there and for the safety of his players.

Gratitude to God is certainly not a crime in America. In fact, that is encouraged every year in the national prayer proclamation given by every President for decades, including this one. Coach Joe Kennedy is the varsity assistant coach and the JV head coach in Bremerton, WA. He enjoys working with the guys and coaching football. He has an excellent employment record at the school and has been a great motivator of the guys on his team.

Since 2008, Coach Kennedy has had the habit of walking out to the 50-yard line after the game is over and kneeling down to pray. After a few weeks of his starting to do this in 2008, a couple of the Christian students on the team also asked if they could come and kneel down next to him, which they have done and he has allowed them to do. They are not required to pray. They are not required to be there at all. But those students have the freedom they have exercised to express their faith, and so does Coach Kennedy.

For some reason, this season has been different. Now the district has asked the coach not to pray after the games. Instead, they want to provide him with a private room where he can go and pray separately so no one will see him. I have a letter from the district where they say they will give him this accommodation: “[A] private location within the school building, athletic facility or press box could be made available to you for brief religious exercise before and after games.” They literally want him to go into another spot so no one will see him pray. That seems to be the accommodation here. They are saying to him that he has the freedom to pray in a location we choose.

The district has the fear that if anyone sees the coach praying, they may think the coach endorses or that the district endorses a particular faith. They wrote in a separate letter to the coach these criteria to say: As we go forward, these are the standards to apply. Quoting from the district:

Students are free to initiate and engage in religious activity, including prayer, so long as it does not interfere with the school or team activities. Student religious activity must be entirely and genuinely student-initiated, and may not be suggested, encouraged (or discouraged), or supervised by District staff.

**Second, and continuing to quote:**

If students engage in religious activity, school staff may not take any action likely to be perceived by a reasonable observer, who is aware of the history and context of such activity at BHS, as endorsement of that activity. Examples identified in the Borden case include kneeling or bowing of the head during the students’ religious activities.

You and all District staff are free to engage in religious activity, including prayer, so long as it does not interfere with job responsibilities. Such activity must be physically separate from any student activity, and students may not be allowed to join such activity. In order to avoid the perception of endorsement discussed above, such activity should either be non-demonstrative—

In other words, you can’t see it outwardly—

(i.e. not outwardly discernible as religious activity) if students are also engaged in religious conduct, or it should occur while students are not engaging in such conduct.

In other words, don’t get near a Christian student when they are praying and bowing their head and also bow your head.

It is an odd thing that the district would worry that their actions would be perceived that they may have an official policy for Christianity, but they don’t seem to have the same worry that their actions to try to eliminate anyone expressing their faith would be an official policy of atheism at the campus, since if they purged all displays of faith from any person, it would appear that no faith is the endorsed faith of the district.

Under this policy, if a teacher who is a Christian sees another Christian student praying, they have to get away from them or at least walk past them as if they are disinterested. I don’t think people understand how offensive that is to our faith. If I see a student praying, I would want to stand by them to hear their prayer, to be encouraged by their prayer.

Under this policy, if a Christian student had been bullied at school and they wanted to sit by a Christian teacher at lunch, when that student at lunch bowed their head to pray over their low-calorie lunch meal, at their school lunch, the Christian teacher would either have to walk away or they would have to ignore their prayer, further ostracizing the student.

Citizens don’t lose their freedom of faith just because they also work for a State or Federal agency. People can display their faith—as this coach did for 7 years, and it had not been a problem for this coach to kneel down and pray at the end of the game. I am confused why suddenly now the district is concerned about this display of faith.

Individuals can display their faith personally. It is their personal faith. It is not some endorsement by the district. A Wiccan teacher can wear a pentagram necklace. A Muslim teacher can wear a head scarf. A Christian can bow their head to pray at lunch, even a faculty member. A Sikh teacher can wear a turban. All of those are outward displays of a certain faith. How can a school district say that if you display your faith in a way that someone else can see it and figure out that you have faith, suddenly that is a violation of the establishment clause of the Constitution?

Courts have ruled that in a school setting, prayer cannot be mandatory in the school, compelled by the school, led by the school. While some have a problem with this interpretation, frankly, I don’t. I, quite frankly, think teachers have multiple different faiths and multiple backgrounds, and I have the responsibility as a parent to train my child how to pray consistent with our faith. That is not the responsibility of that teacher at school to be able to teach them their faith. That is my job.

I do have a problem when an individual teacher is restrained from practicing their own faith or an individual student is restricted from that. It is entirely different when a district states that a coach may not quietly pray or allow students to voluntarily participate with a coach in prayer when they share the same faith. After a game is over and all the players are free to leave, that is their own free time. They can go to the locker room, they can talk to their parents, and they can flirt with the cheerleaders on the sidelines. That is their own time. They can choose to do what they want to do, but they shouldn’t be restricted from praying if they also choose to do that.

The Bremerton School District attorneys have chosen to apply the *Borden v. School District of the Township of East Brunswick* to this particular case. In that case, the coaches couldn’t lead a prayer or participate if all the players were required to be present before the game. This is a required team meeting in the Borden School District of the Township of East Brunswick. This is completely different. This is after the game, when no player is required, no one is expected to be there, and those students and those coaches are on a brief period of respite after the game.

For some reason, in this day and age, some citizens have become terrified of faith in America and prayer in America. They are frightened when people exercise their faith and live according to their sincerely held religious beliefs. So they try to quash it quietly. That is astounding to me—as a nation that was based on this basic principle of people being able to live their faith, not just to have it but to be able to live it.

If a coach went to the 50-yard line after the game, sat down on a lawn chair and drank a Coke, no one would have a problem. If a coach went to the 50-yard line and sang Michael Jackson’s “Thriller” and did the dance moves, he would be a YouTube sensation, but the district would have no problem with it. But if a coach goes to the 50-yard line, kneels down and prays, somehow that is a different type of speech or action. It is not. It is speech. It is the freedom of faith. It is who we are as Americans and our diversity in America. There is nothing different about that speech.

The establishment clause in the Constitution is clear: “Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof. . . .”

This is not the freedom to have a religion. This is the freedom to exercise it. It is very clear in the Constitution.

For some in this generation, they want to talk about freedom of worship. You can worship and you can go to a place of worship, you can worship with anybody, any way you want to, if you go over there and do it, but they don’t want people to actually come out and live their faith publicly.

We don't have freedom of worship in America. China has freedom of worship. We have the free exercise of religion, where we can live our faith outside of our church buildings, in our private lives, even if you are a public individual.

It is reasonable for this Congress to speak out on this issue because it is a First Amendment freedom. Protecting one coach's right to pray protects every person's right to pray in the Nation.

So let me ask a question. Is the district going to engage in stopping coaches from kneeling down on the sideline during the fourth quarter in a last-second field goal attempt and prevent them from praying on the sidelines? That is a rich tradition in football.

How about this moment. Last Saturday at Oklahoma State University, we had an incredible tragedy where a car careened through the homecoming parade, killing many and injuring many more. It was a horrible tragedy. It happened just hours before the game. Players and coaches at Oklahoma State University walked out of the tunnel, and before the game started—when typically they would all gather and cheer together—they instead chose, players and coaches, to kneel down on the sideline and to pray for the families who were affected by this incredible tragedy just hours before. This apparently offends some people, that people in a State setting would express their private faith. Nothing was mandated about this. This was a group of players and coaches, that their heart was grieved for what was happening in their city and among the Oklahoma State family. This shouldn't be prohibited in America. This is who we are.

I don't challenge the people in Bremerton. These are all honorable people who want what is best for Bremerton, WA, families. They all care about their kids there. The superintendent, the principal, the coaches, they all care about the kids there. This is a genuine misunderstanding of what our Nation protects and what our Nation stands for.

Article 6, clause 3 of the Constitution says this: "No religious test shall ever be required as a qualification to any office or public trust under the United States."

In our Constitution, any individual who serves in any public trust in the United States doesn't have to set their faith aside nor have to take on any faith. In America, you can have a faith and live it or you can have no faith at all. That is the United States of America.

Every day in this Chamber, including today, the Chaplain for the U.S. Senate begins our session in prayer. In this Chamber, the words "In God We Trust" are written right above the main doors as we walk in, the same as it is in the House Chamber above the Speaker's chair. We are not a nation that is trying to purge all faith. We are a nation that allows people to live their faith.

I ask individuals in this Chamber right now who choose to, to even pray with me as I close out this statement.

Father, I pray for Coach Kennedy and the leadership of Bremerton, the superintendents, and the principals. They have a difficult job, and I pray that You would bless them today. And I pray that You encourage those students, as they struggle with this basic religious freedom that we have in this Nation, that there would be a unity there and a decision that would be made that would clearly stand on the side of freedom. For the coaches and teachers of all faiths who serve there and serve across our Nation, I pray that You would bless those coaches and teachers today. They do a difficult task. As they walk with students through difficult decisions, I pray that You would encourage them in Your faith.

Thank You, Jesus, for the way that You sustain our Nation and for the freedom that we have. We ask Your help in protecting us.

In Your Name I pray. Amen.

Mr. President, I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

#### UNANIMOUS CONSENT REQUESTS— S. 2165 AND S. 697

Mr. MERKLEY. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 270, S. 2165, a bill to permanently authorize the Land and Water Conservation Fund; that the bill be read a third time and passed and the motion to reconsider be laid upon the table with no intervening action or debate.

The PRESIDING OFFICER. Is there objection?

The Senator from Oklahoma.

Mr. LANKFORD. Mr. President, reserving the right to object, I would like to ask that the consent be modified to pass a short-term extension, S. 2169, with my amendment, which is at the desk.

The PRESIDING OFFICER. Does the Senator so modify his request?

Mr. MERKLEY. Mr. President, reserving the right to object, I will note that we secured this language an hour ago. We have no complete insight on the impact of the language, and this is language more appropriately debated in the committee process. I wish to ask my colleague to consider introducing it for action on the floor at some future point and not use it to obstruct funding or authorization of the Land and Water Conservation Fund. If my colleague is not comfortable with such a suggestion, then I would object.

The PRESIDING OFFICER. The Senator declines to modify his request.

Is there objection to the original request?

Mr. LANKFORD. I object.

The PRESIDING OFFICER. Objection is heard.

The Senator from Oregon.

Mr. MERKLEY. Mr. President, this first request was to get this bill done right now and reauthorized. I am going to turn to a different possibility, which is to secure a debate here on the floor which would afford my colleague from Oklahoma the opportunity to present his thoughts.

I ask unanimous consent that at a time to be determined by the majority leader, after consultation with the Democratic leader, but no later than Thursday, November 12, the Senate proceed to the consideration of Calendar No. 270, S. 2165; that there be 1 hour of debate equally divided between the proponents and opponents; that upon the use or yielding back of time, the bill be read a third time and the Senate proceed to vote on passage of the bill; that the vote on passage be subject to a 60-affirmative-vote threshold; and, finally, that there be no amendments, motions or points of order in order to the bill.

The PRESIDING OFFICER. Is there objection?

Mr. LANKFORD. I object.

The PRESIDING OFFICER. Objection is heard.

The Senator from New Mexico.

Mr. UDALL. Mr. President, we have now seen a demonstration. I want to talk to Senator MERKLEY about this. I ask unanimous consent to engage in a colloquy with him.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. UDALL. The Land and Water Conservation Fund is a piece of legislation that has been in place and in law for 50 years, as Senator MERKLEY knows. It has been in place for 50 years, and it has expired. There is overwhelming support for this. A number of us have signed letters. Senator BURR, who is here, I know has been a leader in terms of working on the Republican side. We have a huge amount of support, but a small little group is objecting to this moving forward.

I say to Senator MERKLEY, this is showing the dysfunction that here we have a bill and the leadership cannot get the bill on to the floor. I wanted to ask the Senator in terms of his State. I know in my State people love their parks. They love the Land and Water Conservation Fund. I think the same is true in Oregon; isn't it? This is something that we shouldn't have let lapse, and we have to put it in place.

Mr. MERKLEY. My colleague from New Mexico is absolutely correct. For these 50 years that he noted, the Land and Water Conservation Fund has protected millions of acres of our land, including playgrounds and parks, our most treasured national landscapes—

all without costing our taxpayers a single dime. It is, without question, our Nation's most important and successful conservation and outdoor recreation program.

Oregon, specifically, has received about \$300 million over the past five decades, safeguarding areas that are now complete treasures for our State, such as the Oregon Dunes and the Hells Canyon Recreation Area. These special places are part of our heritage, and protecting them has been made possible through this fund. It is a commitment to preserving these special places for future generations in Oregon and throughout the Nation, and it also serves to really strengthen the outdoor recreation economy in our State.

What is a win for our heritage is also a win for our rural economy. This effort to torpedo something of great value in terms of protection of special places and our rural economy is a step or a stride in absolutely the wrong direction.

Mr. UDALL. I say to Senator MERKLEY, one of the things we face here is that because the Land and Water Conservation Fund has not been reauthorized, there are Senators who are trying to attach this to other pieces of legislation. You and I have worked very well on the Toxic Substances Control Act, which now has over 60 votes. This has really held down both pieces of legislation. The Land and Water Conservation Fund can't be reauthorized, and we can't pass the Toxic Substances Control Act, which has overwhelming support.

We are in a situation where the leadership needs to step in and say: Both of these have huge support in the Senate—bipartisan support. Let's get a vote on them. Let's not continue to have this gridlock and dysfunction.

Does the Senator see it that way in terms of how this is playing out on the floor right now?

Mr. MERKLEY. I absolutely share the Senator's perspective on this. In terms of the Toxic Substances Control Act, TSCA, or the Lautenberg Act, as we now call it, this is an effort to remove—and you have championed this in a bipartisan way. You have brought this forward. It has been approved through an extensive committee process, and we have a shot, finally, to have a process in which we can take and remove toxic items from everyday products.

A good example is that we are standing here on a carpet, and the carpet is full of flame retardants that don't really retard flames but definitely cause cancer. Having those scientifically analyzed and considered as to whether they should be in our carpets or not makes a lot of sense. You think of little babies crawling during their first months of life on these carpets, and their noses are right down there in the dust. The dust is attached to these toxic chemicals. I believe your bill—this bill—not only is bipartisan, but it has more than 60 or at least 60 cosponsors.

Mr. UDALL. Yes.

Mr. MERKLEY. Here we are with this paralyzed process where a few individuals say: You know, I guess it is not important to get toxic cancer-causing items out of our household products. Also, it is not important that our States get flexible funds to preserve special places.

I suggest that rather than blocking such legislation, folks who have that mind come to the floor and make their case. If they want more cancer for our children, come to make your case. If you don't want to preserve special places in America, come and make your case. But do not obstruct this body from being able to have the conversation.

Mr. LANKFORD. Would the Senator consider consent to join the colloquy?

Mr. UDALL. Please, Senator LANKFORD.

Mr. LANKFORD. Thank you for letting me join the conversation.

The argument here is not against whether I would want or other Members would want cancer-causing items or would want to have the degradation. The problem is the degradation in our public parks and lands.

We have an \$11.5 billion backlog in our national parks right now. Inexplicably, the Land and Water Conservation Fund does not allow for the maintenance of what we have. The U.S. Government currently manages 29 percent of the land mass in the United States. We have a multibillion dollar backlog, including in our national treasure, which is the national parks that are out there.

This amendment that I have, and which others are proposing, is to simply say: Before we keep adding land—at least at the same rate we are adding more land—we should be maintaining that land. It is equivalent to if you are going to buy car, you need to at least set aside some money to pay for gas.

All that we are asking for is something that has been asked for now for a long time through multiple committees and multiple hearings, and that is, that as we engage in purchasing new property, we also make sure we are setting aside dollars from the Land and Water Conservation Fund to actually maintain what we are purchasing.

The dollars that are there already are a \$20 billion amount that is set aside for the Land and Water Conservation Fund. The fund continues to function under the current CR. Appropriations have already been planned and put in place by the committees to be able to put it out there. This doesn't affect the current ongoing functioning. It only affects new dollars coming to the Land and Water Conservation Fund. It is already functioning as it is. In fact, it has a 65-year account set aside for it.

The challenge now is this: Are we going to maintain what we have or are we going to keep purchasing new lands and not maintain what we have? I would say we can protect us from can-

cer-causing agents and we can maintain what we have as well.

Mr. UDALL. Thank you, Senator LANKFORD, for that intervention.

I think the important point here—and I know Senator BURR is here on the floor so I am going to make a unanimous consent request with regard to TSCA. But let me just say that I can't agree with the amendment that Senator LANKFORD has talked about. I know it is very controversial—the idea of taking money out of the Land and Water Conservation Fund, which is going to the States for parks and to the Federal side for parks, and dedicating that to maintenance. That is something we should have done in budgets long ago, and the problem is we haven't had adequate budgets for our parks. So we have a backlog.

Senator MERKLEY mentioned, in terms of TSCA, the health and safety of children. There is one person I want to talk about, a woman by the name of Dominique Browning. She works with an organization called Moms Clean Air Force. She worries about her kids and the toys and the products they use. She herself survived kidney cancer. When she asked her doctor what caused the kidney cancer, he said:

It's one of those environmental ones. Who knows? We're full of chemicals.

This is about people such as Dominique Browning, who want to see a cop on the beat who is going to do something about chemicals. I think this dysfunction, this inability to deal with two very popular bills, is something on which we need the leadership to step in. The leadership has the control of the floor and is able to move forward.

So I rise today in support of the Frank R. Lautenberg Chemical Safety for the 21st Century Act.

Last week, the Senate missed an opportunity to move forward on this bill and to send it to conference with the House. I was disappointed, but, I know that we can still get this done. And for the protection of American families we must get this done.

The Toxic Substances Control Act of 1976 is supposed to protect us. It doesn't.

There are over 84,000 known chemicals and hundreds of new ones every year. Only five have been banned by the EPA. Only five out of 84,000.

TSCA is broken. We all know this. It fails to protect families. It fails to provide confidence in consumer products. We have a chance to change that. And that is what our bill will do. That is why 60 Senators from both sides of the aisle support this critical reform.

For decades now, the risks are there, the dangers are there, but, there is no cop on the beat. American families are waiting for real protection.

Unfortunately, last week, because of Senate dysfunction, we asked them to wait a little longer.

They have waited too long already, because this is about our health and safety. This is about our children and

grandchildren. This is about people like Dominique Browning, who works with Moms Clean Air Force, who worries about her kids, and the toys and products they use every day. She herself survived kidney cancer. When she asked her doctor what caused her kidney cancer, he said: "It's one of those environmental ones. Who knows? We're full of chemicals."

This is about people like Lisa Huguenin. Lisa is a Ph.D. scientist who has done work on chemical exposure at Princeton and Rutgers and at the State and Federal level. But she is a mother first. Her 13-year-old son, Harrison, was born with autism and auto-immune deficiencies. Five years ago, Lisa testified before Senator Lautenberg's subcommittee on the need for reform. She is eager to see TSCA reform pass the Senate and be signed into law.

The time for TSCA reform is now, and it may not come again for many years. It has passed the House. It is ready to move through the Senate.

I ask unanimous consent that at a time to be determined by the majority leader, after consultation with the Democratic leader, the Senate proceed to the consideration of Calendar No. 121, S. 697, a bill to reauthorize and modernize the Toxic Substances Control Act; that the only amendment in order be a substitute amendment to be offered by Senator INHOFE; that there be up to 2 hours of debate equally divided between the two leaders or their designees; that following the use or yielding back of time, the Senate vote on adoption of the Inhofe amendment; that upon disposition of the substitute amendment, the bill be read a third time and the Senate proceed to vote on passage of the bill, as amended, if amended, with no intervening action or debate.

The PRESIDING OFFICER. Is there objection?

The Senator from North Carolina.

Mr. BURR. Mr. President, reserving the right to object, I ask the author of this unanimous consent request to modify the unanimous consent request to allow an amendment to be considered in the TSCA debate, where we would take up the Cantwell-Murkowski bipartisan language on the reauthorization of the Land and Water Conservation Fund.

The PRESIDING OFFICER. Does the Senator so modify his request?

Mr. LANKFORD. I object to the modification.

The PRESIDING OFFICER. The Senator from Oklahoma objects.

Is there objection to the original request?

Mr. BURR. I object to the underlying unanimous consent request.

The PRESIDING OFFICER. Objection is heard.

Mr. UDALL. Mr. President, we have hit a roadblock, not because of the substance, but because of a disagreement over a completely unrelated bill, the re-authorization of the Land and Water Conservation Fund. A bill that I, along

with a majority of Senators, strongly support.

I respect my colleague, Senator BURR. He is a true leader on LWCF. It never should have expired.

The reauthorization has strong, bipartisan support. Fifty-three Senators signed a letter led by Senator BURR recently, and I am confident there are over 60 supporters.

I believe that we will reauthorize and continue to fund LWCF. As the ranking Democrat on the Interior Appropriations Subcommittee, that is an extremely high priority for me and it is extremely important to the people of my State.

I want to work with Senator BURR. But, LWCF is being blocked by a small minority from Senator BURR's own party.

We have to fight that, and we will. But, TSCA reform should not be held up by demands for a vote on unrelated LWCF legislation.

Groups like the National Wildlife Federation and others who support LWCF reauthorization have called to decouple the two. Other members of the LWCF coalition have told me this as well.

The safety of American families should not be held hostage to the LWCF because the result is all too obvious. The safety of our children and grandchildren is put at risk each and every day that we delay TSCA reform. Is it any wonder the American people look at the Senate with dismay and confusion? At times like this I share their frustration.

Again, I respect Senator BURR. He is a cosponsor of our bill. And I know he does not want a dysfunctional Senate. He fought hard to get the Senate to work out its differences on his cyber security legislation. The Senate passed that bill this week.

The Lautenberg Act deserves the same push. We need cooperation, not ultimatums. I will keep doing what I can to continue the conversation and move forward.

We cannot sacrifice the health of infants and pregnant women, of the elderly and our most vulnerable, to Washington gridlock and obstruction.

It has been a long road. This is a balanced bill and a bipartisan bill. One that Republicans, Democrats, industry, and public health groups can all support. This is historic and urgently needed reform.

So, we won't give up. We will keep going. We aren't just Senators. Many of us are also parents and grandparents. We know how important this is.

This is about the health and safety of our families too, and I believe we can do this.

Our former colleague, Senator Lautenberg, who began this effort years ago, believed we could as well. TSCA reform was his last legislative effort, and he believed it would save more lives than anything he had done. We are proud to have the support of his

widow, Bonnie. I want to repeat what Bonnie said so eloquently at the EPW hearing earlier this year.

She said: This cause is urgent, because we are living in a toxic world. Chemicals are rampant in the fabrics we and our children sleep in and wear, the rugs and products in our homes and in the larger environment we live in. How many family members and friends have we lost to cancer? We deserve a system that requires screening of all chemicals to see if they cause cancer or other health problems. How many more people must we lose before we realize that having protections in just a few states isn't good enough? We need a federal program that protects every person in this country.

Bonnie Lautenberg is right. How long must American families wait?

They have waited long enough. They should not keep waiting because of a dysfunctional Senate.

Moms like Dominique and Lisa are watching and waiting and asking. What are we doing to protect their children, and the children of New Mexico, New Jersey, New Hampshire, North Carolina, and every other State.

Reform is 40 years overdue. So, one way or another, we will pass this bill in the Senate. We will resolve our differences with the House, and this critical reform will go to the President's desk.

Senator MERKLEY, we are here at this point where we saw—and we have now been joined by Senator MARKEY also, and if Senator MARKEY wishes to participate in this colloquy, I would ask consent to do that.

We are at a point where we have two very popular pieces of legislation that have enough votes to get them on the floor and to deal with a filibuster, and we don't have the ability to do that. So that is where we are. It is time for this place to abandon dysfunction and abandon the kind of gridlock we see and get these bills on the floor.

As Senator MERKLEY said, if people have an objection or an amendment like the Senator from Oklahoma, they can come down and offer it. I don't know what my friend's thoughts are, but Senator MARKEY is here and I am sure is willing to speak on this issue also.

Mr. MERKLEY. I think what is extraordinary about this situation is that both of these bills have at least 60 cosponsors, which as Senator UDALL pointed out is enough to close debate and get to a final vote. There was a time not very long ago when even controversial bills were voted on by a single majority. Unfortunately, we are now at the point where virtually every bill has to get cloture because some individual objects to having a debate, even if they are not willing to stand on the floor and debate it, and that is another topic. The Senator from New Mexico and I have suggested that we need to change that, so if someone objects to certain legislation, that Member should be on the floor speaking

about their objection so it is transparent to the American public.

Nonetheless, in this situation, we already have 60 supporters for both of these bills. We have 60 supporters and cosponsors for the Land and Water Conservation Fund and 60 supporters for TSCA—the Lautenberg act, which is now my colleague's act—and they are both very important to our country. So for us to fail to get these bills on the floor and act is a dramatic example of the failure of this institution to be able to operate as a legislature.

This can be cured. The majority leader could arrange to bring these bills to the floor. With his support and the support of the cosponsors, we could get cloture to bring those bills to the floor, and that would not only be a tribute to how the U.S. Senate functions, it would also do important work for the people of America by reauthorizing the funds to protect our special places and creating a system that will operate effectively to get toxic chemicals out of our everyday products.

I think it comes as a shock to people across America that we have not regulated a single chemical that goes into toxic products since 1991, and it is absolutely unacceptable. They believe and expect that the items they handle every day have gone through the process of being safe and that we are not poisoning ourselves, and it is very shocking to discover that is not the case.

These are two very important bills to our country. Both of these bills have 60 supporters. Let's get them to the floor and show that the Senate can actually be a deliberative body and that we can do good work for the future of America.

Mr. UDALL. I thank my friend.

The PRESIDING OFFICER (Mr. LANKFORD). The Senator from Massachusetts.

Mr. MARKEY. Mr. President, I thank the Senators from New Mexico and Oregon for their leadership on this issue.

It was the best of times, it was the worst of times, it was the age of wisdom, it was the age of foolishness, it was the epoch of belief, it was the epoch of incredulity. . . .

There is a certain Dickensian quality to the Senate floor today. We rarely have debate on environmental bills that enjoy not only token bipartisan support but overwhelming bipartisan support. Today is the best of times, the age of wisdom, and the epoch of belief because we can debate not just one environmental bill that has overwhelming bipartisan support but two bills that have overwhelming bipartisan support. Yet today is also the worst of times, the age of foolishness and the epoch of incredulity because a handful of Senate Republicans have just prevented both of these bills from even getting a vote.

First, we had a request to reauthorize the Land and Water Conservation Fund, a program conceived of by John F. Kennedy, who presented Congress with draft legislation for it in 1963. I

am proud to be counted among the more than 60 Senate supporters of the Land and Water Conservation Fund.

Next, we had a request to consider reform of the Toxic Substances Control Act that helps to protect the American people against these dangerous toxic chemicals. I am proud to be a supporter of the language the Senate is expected to vote on, and some have predicted upward of 85 Senate votes in favor of that environmental bill.

First, a handful of Senate Republicans will not allow a vote on the Land and Water Conservation Fund because they don't like the program, and then other Senate Republicans who do like the Land and Water Conservation Fund will not allow a vote on TSCA because we couldn't act on the Land and Water Conservation Fund.

This is nothing short of absurd. It is hard enough to reach a consensus in the U.S. Senate on any issues, much less environmental issues, but some of our colleagues seem determined to snatch defeat from the jaws of victory.

Shouldn't we be able to make this the best of times on both of these bills while we have the chance to do so instead of perpetuating the worst of times view that Americans increasingly have of the ability of Congress to get its job done?

I hope all of my colleagues can come together so we can agree that here, where there are far more than 60 votes on the Senate floor for two historic environmental bills—that we do not allow for a small handful of Members to be able to stop both bills from being able to even be considered on the Senate floor.

Yesterday's agreement on the debt ceiling and on having the budget go forward is how Congress should be operating. We should take the big issues, try to work together, and understand that there are going to be differences of opinion, but when there is overwhelming support for legislation, we should be able to move forward.

I thank the Senator from New Mexico. I thank all who have worked on this issue on a bipartisan basis. This bill has vastly improved the TSCA bill from where it was months ago, and I highly recommend it to my colleagues on the Senate floor. The Land and Water Conservation Fund is something that goes back so many decades, and it is central to a continuation of the commitment that each and every State in our country is able to make on two environmental programs.

I hope we can find a way of resolving this issue because it is time for us to take action on the Senate floor on these two critical environmental issues.

I yield back to the Senator from New Mexico.

Mr. UDALL. I thank the Senator from Massachusetts.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BURR. 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. BURR. I thank the Presiding Officer.

Let me stand and take all the blame. I am the guy holding up the chemical bill, TSCA.

This is the greatest deliberative body in the world. This is an institution that has never shied away from any debate or any vote, and we proved it last night as we passed a very technical, difficult cyber security vote. We can take on tough issues and we can weed through them, but what we are doing today is a charade. We said that at 12 we would come down here and that there would be competitive unanimous consent requests. It is a joke. It is an absolute joke. We forced the Presiding Officer to be here to object, knowing he strongly objects to the legislation.

There is one guy who has been trying to facilitate this, and that is Senator INHOFE. Throughout the whole process he has tried to work it out, but the fact is maybe we are at a stalemate. To suggest that I shouldn't have the opportunity to amend any piece of legislation is to take every right I have as a U.S. Senator. To come to the floor and chastise any Member because they would like to amend legislation—that is why we were sent here by our constituents from our States.

If we look back at over 200 years of history, we know this body doesn't allow the biggest State to win. It allows every State to have their voice heard and every Member has the right to provide input on behalf of their constituents.

Let me say to the authors on both sides that I am going to hold up the chemical bill until there is an opportunity for me to either amend it or to offer the Land and Water Conservation Fund and permanently extend it on another piece of legislation. It is plain and simple.

We can come and do these unanimous consent requests, we can feel good and go home and look and say: Here is what I did. I am on both sides of an issue. If that works, then do it.

I will be brave enough to tell everyone I am the guy holding it up. I am holding it up because I am an equal Member of the U.S. Senate. I am not scared to debate TSCA, and I am not scared to debate the Land and Water Conservation Fund because that is what this institution was created to do.

I sort of get the impression that we set this up to determine who is more committed to something. That is what the vote is for. It is not about the talk or the debate, it is the vote. If we can't get to the vote, it is difficult to determine who is for something and who is against it.

Let me say to my colleagues that the Land and Water Conservation Fund was set up over 50 years and receives



its funding off the royalties of the exploration on offshore oil and gas; 87.5 percent of it goes to the general revenue fund of the Federal Government and 12.5 percent goes to the Land and Water Conservation Fund.

The Land and Water Conservation Fund was never set up to handle maintenance at any State or Federal facilities. It was set up to allow individual treasures to be preserved by leveraging Federal dollars against private and State dollars to take in parcels, such as the Appalachian Trail, to take buffer pieces against things like the Blue Ridge Parkway, to protect a certain treasure in a State where the Land and Water Conservation Fund went in and matched with private dollars and then turned around and turned it over to the State for a State park. The benefit is if it is private land, there is no access, but when it is public land held by the State, fishermen and hunters can access it for recreational use and can now use that State park.

I am exactly where the Presiding Officer is. I don't want to increase the Federal footprint of what we own, whether it is land or buildings. I want to get out of the business of ownership. I only want to preserve those things that up to this point we have determined are valuable to future generations, and that is not by increasing the size of those Federal holdings, it is just about protecting those Federal holdings. And when we talk about protecting and providing for maintenance, let me suggest that it is a conversation we need to have with appropriators because they are getting 87.5 percent of the royalty split.

The Land and Water Conservation Fund, when we originally conceived it—I admit I was not here 50 years ago; I think JOHN McCAIN was the only person who might have been around—it was envisioned when that fund was created that when we take something from the land, we put something back. So when we take resources, we are going to protect something over here. It was also the direction of the legislation that \$900 million a year go into this Land and Water Conservation Fund. We have averaged over those 50 years somewhere in the neighborhood of about \$385 million a year.

The Presiding Officer stopped me one day and he said: What about the \$20 billion in the fund? There isn't any \$20 billion in the fund. Appropriators spent that every year. They get the royalty split 100 percent, 20 percent goes over into this fund, they appropriate X, and what is left over they spend, along with the other 87.5 percent.

Do we want to do maintenance in national parks? Appropriate it. The money is there, and it is not taxpayer money. We are collecting it off of royalties on expirations. And it is very important that we do that maintenance. It is also important that the National Park Service prioritize maintenance over every other thing that is funded when maintenance is eliminated. But I

think we have to understand it is not an either/or. We can be good stewards and invest in how we leverage Federal dollars with private dollars and also invest in the maintenance of existing facilities. If that wasn't the case, States would be up here crying for more money, more money, more money to maintain their parks. But they understand that is their responsibility and they budget for it.

As I sat here a little while ago, I thought this was more reminiscent of an episode of "Star Trek." I was waiting for somebody to say, "Beam me up, Scotty." This is crazy. I will agree with my good friend from New Mexico—maybe it does take leadership making a decision that we are going to do both of these, but the leader doesn't control things when we get the debt ceiling from the House. He doesn't control what legislation we have to do. Let's face it—we don't have to do either one of these. If we did, the Land and Water Conservation Fund after 50 years would not have expired.

I might say I came to the floor and I begged at the time that I would be satisfied if we just extended for 60 days the Land and Water Conservation Fund in TSCA. We could have debated it and voted on it with just one amendment. But some said: No, not a 60-day extension; we want it to expire. Well, it has expired, and the price to bring it back is permanent reauthorization. It is no longer 60 days or 90 days, it is permanent reauthorization. Why? Because this may be the best Federal program we have ever run. It is not funded with taxpayer money. It takes those royalty moneys and it leverages against State and private dollars to maximize the preservation for the next generation. Name another program that does that. Name another program that doesn't stick their hand in the taxpayers' pocket, that leverages it with private dollars to maximize the impact of it. This program does it day in and day out in all of the States in the United States.

I could argue today that I would love to see as part of the amendment that North Carolina gets a bigger share of that. But, as the Presiding Officer knows, with me, that is sort of left up to appropriators because they are the ones who decide where the money goes. I am not here to prosecute them, but I am here to say to my colleagues: Let's quit being foolish. Let's have an honest debate on two different bills or put them together. I have heard that we can't amend TSCA and put permanent reauthorization in because then it stands a chance of not passing in the House. Bull. I just say bull to that. Give the House a chance. There are just as many people over there who support the permanent reauthorization of the Land and Water Conservation Fund. They are not all captured in the U.S. Senate. Why? Because a majority of America is for permanent reauthorization of the Land and Water Conservation Fund. Why wouldn't they be?

It is their future. It is about their children and their grandchildren.

I will end with this. To all of my colleagues, this is not about us. No piece of legislation that we bring on this floor, we debate, and we vote on is about us. If it is, we are nothing better than a crisis management institution. This is about generations to come. This is about our children and our grandchildren. And when we look through that window at the issue, we understand the stewardship we assume. We assume stewardship in the way we spend taxpayers' money, we assume stewardship in the direction of this country, we assume stewardship in the impact we have globally around the world, and we assume stewardship when we talk about taking care of this footprint God gave us.

I remember the debate as we got ready to build a visitors' center outside. I remember the history lessons that the more senior Members gave me at the time when I said: It will cost a lot of money. We can build it on top of the ground for about half the cost as we can build it underneath the ground.

I was given the history of this building being the byproduct of a bill through Congress called the Residence Act in 1790. Congress appropriated 500,000 taxpayer dollars to build it. When the British came, the building wasn't finished, but they were nice enough to burn what we had built. Most of the exterior was saved. The interior needed to be totally redone. Congress ended up appropriating another chunk of change, and the original Capitol design was not completed until 1823. And by 1823, the footprint needed to increase because the size of the Senate and the House had grown; therefore, we needed more space.

I remind my colleagues that at the original time, we had housed in this building the House, the Senate, the Library of Congress, and the Supreme Court. And we started this wing—what we are in—in the Senate and the wing in the House. Outside they look identical; inside they are very different. But when they did that, they doubled the length of the Capitol, and they actually had to then take off the Bulfinch dome of wood and copper sitting on a sandstone base, and they built the dome we know today—cast iron, 9 million pounds, still suspended on that original sandstone and limestone base.

Since 1863, when the Statue of Freedom was lowered on top of this Capitol, it has looked exactly the same. I have said for 21 years that my responsibility is to make sure that 100 years from now and 200 years from now, it looks exactly like this on the outside. That was the compelling reason for spending twice as much money to put the Capitol Visitor Center underground where it didn't obstruct what is a historical footprint of America's history.

This building—walk around it. It is a museum of American history—to think that an Italian artist could depict

scenes in American history probably better than Americans, but he understood why this country was created, and that influenced his artwork throughout the Capitol.

Let me just suggest to my colleagues that maybe it is time for us to go back on a tour of the Capitol, to realize that our Founders came here not to accomplish anything for themselves but to make sure their children and their grandchildren had something better. And when we start looking at our jobs the same way they looked at creating this country and the same way they looked at preserving this building, then I will assure my colleagues we will settle issues like this in the way that the Senate functions and functions well, and that is in debate and in votes.

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. UDALL. 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. UDALL. Mr. President, what just happened here, just so we can allow the American people to understand, was the really honest, sincere effort on two bills that have overwhelming support—the Land and Water Conservation Fund and the Frank Lautenberg 21st Century Chemical Safety Act—we wanted to get these on the floor so that we can have debate and have amendments. It is exactly what just happened in the last week and part of this week on the cyber security bill. We got a bill on the floor, there were amendments, we invoked cloture, and then we passed the bill at the end of the day. That is what we are trying to do.

Individual Senators don't have control of the floor. They do have the ability to come to the floor and ask to put bills on the floor, and that is what happened here. Senator MERKLEY showed up and asked to put the Land and Water Conservation Fund bill on the floor, with specific outlines, and it was objected to. I asked to put the Frank Lautenberg 21st Century Chemical Safety Act on the floor, and it was objected to. That is the only power we have. The leadership has the ability to control the floor, and that is why we are on the floor speaking about this.

So this was in no way a charade; this was an honest, sincere effort to try to do everything we can to make sure that everything is transparent here in terms of who is objecting, who doesn't want things to move forward, and who is for moving forward on two very popular bills.

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

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

Mr. LEAHY. Mr. President, what is the parliamentary situation?

The PRESIDING OFFICER. The Senate is in a period of morning business.

Mr. LEAHY. Mr. President, I know there is a 10-minute limit; however, I do not see anyone else seeking the floor, so I ask unanimous consent to continue for 15 minutes.

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

#### SENATE CAREER

Mr. LEAHY. Mr. President, this is really a personal speech. I was very grateful for the indulgences of my fellow Senators who allowed me yesterday to make a few observations after I cast my 15,000th vote. I would like to elaborate a bit more.

I have never lost sight of what a great opportunity and responsibility the Senate affords this Senator from Vermont, day after day, to make things better for Vermonters and for all Americans, to strengthen our country and ensure its vitality on into the future, to forge solutions in the unending quest begun by the founders of this country to form a more perfect union.

Over the last 40 years, I have been blessed to be able to serve with some of the giants of the Senate: Mike Mansfield, Howard Baker, Robert Byrd, Walter Mondale, Hubert Humphrey, Bob Dole, George Mitchell, and my mentor when I came here, then-senior Senator from Vermont, Senator Bob Stafford. I would note that I became the only Democrat ever elected from my State. Senator Stafford was really "Mr. Republican" in Vermont. And I wondered what the relationship would be. He immediately took me under his arm and guided me and worked with me, and there wasn't a day that went by that we didn't consult and I didn't gain from his wisdom and experience.

There are so many others. Marcelle and I have made close friendships on both sides of the aisle, like Senator John Glenn and his wife Annie, who were Democrats, and Senator COCHRAN and Senator Lugar, Republicans. I had the privilege and have had the privilege to serve with more than 370 Senators in all from different walks of life and every corner of this Nation, these different backgrounds, different stories, and different life experiences, both parties. And this has made this institution the greatest deliberative body in the world.

I cast my first vote in this Chamber in 1975. It was a resolution to establish the Church Committee. The critical issues of the post-Watergate era parallel issues we face today.

I also had a front-row seat, a bit part in an historic effort, initiated by a Democrat—Senator Mondale of Minnesota—and a Republican—Senator Pearson of Kansas—to change the Sen-

ate's earlier cloture rule, which had been abused for decades in thwarting the will of clear majorities of the American people on such crucial issues as civil rights reforms.

That project might not sound difficult, but changing the way the Senate operates is something akin to trying to change the weather.

Late—actually very late one night—in a lengthy, difficult debate—and we sometimes went around the clock—Senator Mondale and Majority Leader Mansfield enlisted me, the most junior Senator, to play a role. They asked me to stay on the floor one night around 2 in the morning to take the gavel as the Presiding Officer. They expected that a lot of tight rulings were coming up. I felt so honored, but I did feel the honor drain away as Senator Mansfield explained, no, no, they just needed somebody big, 6-foot-3, 200 pounds, and who was still awake, to be the Chair for those rulings, in case tempers flared. Sometimes a Senator is no more than a conscious body in the right place at the right time.

But among those 15,000 votes I have been proud to cast on behalf of Vermonters, some were Vermont-oriented, some national, some global: the organic farm bill, the charter for what has become a thriving \$30 billion industry—I fought for years for that and got it through with bipartisan support; stronger regulations on mercury pollution and combating the effects of global warming; emergency relief for the devastation caused by Tropical Storm Irene. In that case, Senator GRASSLEY, who spoke on the floor yesterday—I recall the morning after that storm, flying around the devastated State of Vermont. The first call I got was from Senator GRASSLEY saying, "You Vermonters stood with us. We will stand with you." How much that meant, based on relationships that were built over the years.

We adopted price support programs for small dairy farmers. We fought for the privacy and civil liberties of all Americans. I remember supporting the Reagan-O'Neill deal to save Social Security—President Ronald Reagan and Democratic Speaker Tip O'Neill. We fought for nutrition bills to help Americans below the poverty line, joined by people like Bob Dole and George McGovern. Bipartisan—strongly bipartisan—campaign reform in McCain-Feingold. The bipartisan Leahy-Smith Act on patent reform was the first reform in 50 years. I worked with MIKE CRAPO from Idaho to reauthorize and greatly expand and strengthen the Violence Against Women Act.

I was proud to oppose the war in Iraq, a venture that cost so many lives and trillions of taxpayer dollars. Serving on the Armed Services Committee in April of 1975, I became the first and only Vermonter to cast a vote to end the war in Vietnam, and by a one-vote margin, we cut off authorization for the war.

Every significant legislative success I have had has been achieved through

the often slow process of methodically building bipartisan coalitions. A breakthrough in the Senate Judiciary Committee last week in beginning to come to grips with criminal justice reform is a fresh example of this and so was enacted this summer of the electronic surveillance reforms in our USA FREEDOM Act.

I would remind everybody, we are not alone in this body. Legislative work in a democracy in large part is the art of compromise. Compromise is essential in assimilating and digesting competing points of view and competing interests, which are all the more diverse in a large and heterogeneous nation like ours. We are not just some small nation made up of just one particular class of people. The remarkable strength of the United States is that we have people who came here from all over the world and made us a strong nation. And I think we Senators keep faith with our core values as we listen to the perspectives of others. Insisting on our way or no way at all is a sure-fire recipe for stalemate, to the great detriment of the entire Nation and the people we represent. As Winston Churchill once said: "The maxim, 'nothing avails but perfection,' may be spelled shorter: PARALYSIS."

Some measure of self-restraint is essential for a legislative body in a democratic republic like ours to function. Louis Brandeis once said, "Democracy substitutes self-restraint for external restraint. It is more difficult to maintain than to achieve." He was right. Self-restraint in a democracy is not an easy virtue.

In the previous Congress, as President pro tempore, I had the pleasure of accompanying Chaplain Barry Black to the podium as he offered the morning invocation. I like to think—maybe it is more that I like to hope—that some of his inspiration rubs off on us, at least a little, each day. One morning years ago, for instance, he said: "Give them (the Senators) the stature to see above the wall of prideful opinion." We can each point to each other, the other 99, and say: See, that is for you. We have to remember it is for us, too, each one of us.

I was talking, my wife Marcelle and I, last night about 15,000 votes. It didn't seem possible when I came here as a junior Member of the Senate. I also know there is a lot more work to do. I hope we can restore the bipartisan campaign finance reform that so many in this body—Republicans and Democrats—supported. I hope we can restore the historic and foundational Voting Rights Act. I hope we continue to fight to support our farmers, who give us food security and are the very fabric of this country. We are a nation that can feed ourselves. I think we should fight against government overreach in the wake of national security threats. Sometimes going into all our private matters is itself a national security threat. We should do more to support our veterans and their families. When

they come back from war, we should continue that support. We should expand education opportunity for all. My family came to Vermont in the 1850s. I became the first Leahy to get a college degree and my sister, the second one. We hope our children and grandchildren will have the same educational opportunities. We should rebuild the American middle class and offer helping hands to lift all Americans out of poverty. We should fund our roads and bridges. We build roads and bridges in other countries in wars where they sometimes get blown up. Let's build some in our own country where we need them. We should pass appropriations bills, not continuing resolutions. Pass them every year, each year. It is a lot of work, but not an insurmountable goal. It will take good will and bipartisan cooperation to achieve them.

We 100 Senators should never forget that we are but the public face of an institution that is supported by thousands of hard-working staff, our office aides and policy experts—my own, of course, among the best in the Senate—the Capitol Police, the folks who keep order and help to showcase this great building to millions of tourists, and those bright and dutiful Senate pages in the well of this Chamber, all of them are part of the Senate family.

The Senate at its best can be the conscience of the Nation. And I have seen that happen over the years when we've risen up together and expressed the conscience of the Nation. And I marvel in the fundamental soundness and wisdom of our system every time it does. We can't afford to put any part of the mechanism on automatic pilot. It takes constant work and vigilance to keep our society working.

It is easy for politicians to appeal to our worst instincts and to our selfishness. Political leaders serve best when they appeal to the best in us, to lift our sights, summon our will, and raise us to a higher level. I still get a thrill every time I walk in this building and walk out on this floor, knowing the history of this place, just knowing I am going to be a part of that history. Senators have come and gone, but I have had one partner through these 15,000 votes: my wife, Marcelle. We came here in 1975 with three wonderful children: Kevin, Alicia, and Mark. Alicia was here in the Chamber yesterday representing her husband, Lawrence, and their children. And I remember my parents and Marcelle's parents visiting often. I remember how much they enjoyed visiting here, seeing what we are doing. But I think they especially wanted to visit their three grandchildren. Well, now I look at our grandchildren—Roan, Francesca, Sophia, Patrick, and Fiona—and I understand how my parents felt.

I am so grateful to my fellow Vermonters for the confidence they have shown in me. It is a measure of trust that urges me on and which I will never betray or take for granted.

As I have reflected on these 15,000 votes, it reminds me of the significance every time we vote, why I feel energized about what votes lie ahead, and how we can keep making a difference.

I thank the distinguished Presiding Officer for his forbearance.

I yield the floor.

The PRESIDING OFFICER. The Senator from Florida.

#### COMMENDING SENATOR LEAHY

Mr. NELSON. Mr. President, I want to reflect on the comments the senior Senator from Vermont has shared. I want to say to Senator LEAHY that what he has reflected in the course of his career of casting 15,000 votes, spanned over four decades in the Senate—some would say the courtliness, the gentlemanliness, the bipartisanship, the deference, the respect, the honor—some would say these are old-fashioned ideas.

This Senator happens to feel they are American values, and how often have we seen those characteristics not on display? Tonight the House of Representatives is going to pass not only raising the debt ceiling so we can pay our bills but also a budget template—a blueprint—under which we can then appropriate the specifics.

Mr. LEAHY. Mr. President, will the Senator yield for one moment?

Mr. NELSON. Absolutely.

Mr. LEAHY. Mr. President, the Senator from Florida and I have been friends for decades. To get this praise from a man who served with distinction as a Congressman, a Senator, and an astronaut means a great deal to me. I thank him.

Mr. NELSON. The Senator is very gracious, but I stood to comment upon the characteristics he has exemplified in his public life that is a role model for all of us. I was about to say, here we are seeing tonight that the U.S. Congress is going to be able to move ahead without falling off the fiscal cliff because there is going to be a bipartisan vote in the House of Representatives. My goodness gracious, isn't this what it is supposed to be all about?

The Senator from Vermont can remember well over 30 years ago when this Senator was a young Congressman, and the role models in the House of Representatives at the time were Tip O'Neill and Bob Michel—the Democratic speaker and the leader of the Republicans. They had their fights, and at the end of the day they were personal friends. They had a personal relationship. They then could work out all the thorny problems and build consensus in order to govern.

I thank the Senator from Vermont.

#### TRANSPORTATION BILL

Mr. NELSON. Mr. President, I came to talk about the Transportation bill. We have it in front of us. Transportation has laid the foundation of our country's success, whether it was

Henry Ford, who showed us how to do mass automotive manufacturing, revolutionized the manufacturing of cars, whether it was Henry Flagler, who built a railroad on an unsettled land along the East Coast of Florida, brought in the development of my State, whether it was the Wright brothers—these guys were much more than bicycle shop owners. These guys were geniuses who studied the movement of birds. They were the first ones to be able to figure out how—what they called it in the day—a heavier-than-air flying machine could do that. These ideas, and over the years the investments, helped make this country become a global leader in almost everything.

With regard to transportation, we have gotten off course. Rather than making big investments, we keep kicking the can down the road. Today's extension—short-term extension, I might say—of the highway trust fund is one more example of this because it is just putting off what we have to do, which is improve our roads, our rails, and our port infrastructure. That means we have to increase the investments in our infrastructure and focus on the area that will not only create jobs and support our economy but will rehabilitate this infrastructure. Our roads are crumbling. Our bridges are crumbling. Remember a few years ago when the bridge collapsed on the main interstate highway in Minnesota—killing a number of people, injuring others. Our infrastructure is crumbling. We need to do these investments in our transportation infrastructure to make sure it is safe.

In July the Senate stood tall. We had a Republican chairman and a Democratic ranking member, Senator INHOFE and Senator BOXER, and they came together just like that—like it is supposed to be around here—and they passed the highway bill. We call it the highway bill, but it includes a lot more: ports, rail, highway safety, all the things that go on with building a new road, such as sidewalks. We passed that. It passed overwhelmingly. It passed overwhelmingly bipartisan—but then you get to the point of how in the world are we going to pay for it.

That bill included many important provisions that will keep workers on the job. For the first time, the bill included a freight rail program that aims to improve freight across all types of transportation—not just freight but trucks, ports. Of course, what this is going to do is it is going to help us move goods more efficiently, whether they are traveling through a port or on rail or on the highways.

For the first time, this highway reauthorization was a bipartisan reauthorization of Amtrak. Amtrak was last reauthorized 2 years ago—way back in 2013. With a strong commitment from the commerce committee chairman, Senator THUNE, all of us on the committee were able to include provisions that will improve our passenger rail

systems. In the commerce committee, we fought to improve safety and increase investments in our infrastructure. There were many provisions—especially on trucking and vehicle safety issues—that needed to be improved. What we put in the bill was to prevent rolling back safety improvements in transportation.

Here we are. Today we need to pass this bill so we can quickly get to work on the final bill. This is a stopgap temporary message. I urge the House to work toward a bipartisan compromise like the Senate bill rather than weigh the bill down with a whole bunch of ideological things, safety rollbacks and giveaways to industries. This highway bill is too important to get mired in partisan politics. For us to maintain the safety, efficiency, and growth of our transportation system, Congress must put an end to the instability caused by what we are going to have to do today, which is a short-term extension. We can only do this by working together to find commonsense and bipartisan solutions.

I yield the floor.

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

The PRESIDING OFFICER (Mr. SCOTT). The clerk will call the roll.

The 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.

#### OBAMACARE

Mr. HATCH. Mr. President, it has been a while since I have come to the Senate floor to talk about the shortcomings of the so-called Affordable Care Act—a few months at least. The last time I spoke about ObamaCare on the floor, I spoke at some length about the ever-increasing insurance premiums that had resulted from the law's draconian mandates and regulations.

Sadly, as I rise to revisit this subject, things haven't gotten better for ObamaCare. In fact, if the Obama administration's own estimates are to be believed, things are actually getting much worse. As we all know, this Sunday, November 1, marks the beginning of the 2016 open enrollment period for the ObamaCare health insurance exchanges. This is an important milestone for the health care law in large part because President Obama and his supporters have, since the day the law was passed, repeatedly promised that as Americans become more familiar with how the law works, the more they will grow to love it.

ObamaCare proponents wrote off problems in the first year of enrollment as glitches that were to be expected as the country transitioned to a new health care system. Problems in the second year were similarly dismissed as necessary growing pains as everyone learned from the mistakes

that were made the previous year. Now, as we approach the third year of enrollment, supporters of the President's health care law are running out of excuses. At this point, most reasonable Americans—including many who may have initially been huge supporters of this endeavor—expect the system created under the law to work the way it was designed to work.

You know what? The law is working the way it was designed to work. The problem is, it is not working the way the designer said it would work. At the time the law was drafted, the architects of ObamaCare said they can impose all new mandates and regulations on the insurance market, requiring massively expanded coverage above and beyond consumer demand, claiming that any increased costs that resulted from these requirements would be offset when more young and relatively healthy consumers were forced to buy insurance or pay a fine. Of course, they only called it a fine when they were drafting the law and initially selling it to the American people. Now a few years and a Supreme Court decision later, we were all supposed to call that fine a tax, but I digress.

My point is that those who drafted the President's health law and then subsequently forced it through Congress on a strictly partisan basis said their new system would expand health coverage for everyone without increasing costs. In fact, they went further. They claimed that it would actually bring costs down. However, due to the way the law was actually designed, it was never going to work that way.

No matter how many ad campaigns the government charged to the taxpayers and no matter how many talk shows the President went on to encourage hip, young audiences to enroll in the exchanges, the numbers were never going to add up. This is true for one simple reason: For all the attention the drafters of ObamaCare paid to expanding coverage and remaking the health insurance industry, they did not do anything to reduce the actual costs of health care in America.

The problems with ObamaCare are not due to bad marketing, they are the result of fundamental design flaws. Health care costs are the biggest barrier keeping participants out of the insurance market. Health care costs are among the main factors contributing to wage stagnation for American workers. And health care costs continue to be the single largest problem plaguing our Nation's health care system. Yet despite the obvious problems, health care costs were all but ignored when the so-called Affordable Care Act was being drafted, and the few provisions in the law that were aimed at bringing down costs were either poorly conceived, terribly implemented or both.

For example, we had the Consumer Operated and Oriented Plan Program, or CO-OP Program, which was created

to encourage the development of a non-profit health insurance sector. Specifically, under the CO-OP Program, HHS dealt out \$2.4 billion in loans to 23 non-profit startup plans. Many of which were headed not by insurance or health care experts but by political activists with no actual business experience.

Almost immediately we began to hear reports of mismanagement in the program and poor decisionmaking at the CO-OPs themselves. Earlier this year, the HHS Office of Inspector General reported that 21 of the 23 CO-OPs that received loans under the program—loans that were supposed to last for 15 years, by the way—had suffered staggering losses. This, of course, was not surprising given the inexperience of many of the founders of the CO-OPs and the lack of oversight and accountability at HHS with regard to the program.

While a nonprofit insurer may not be focused on avoiding losses, one would assume that, at the very least, staying in business would be a priority. Yet, over the last several months, 10 of the 23 CO-OPs have had to close their doors, with more failures expected in the near future. The latest CO-OP failure was announced just yesterday and took place in my own home State of Utah, hitting pretty close to home for a number of people in my State who are just trying to find affordable health insurance.

Every time one of these CO-OPs fails, they leave patients and customers in the lurch. A failed CO-OP in New York that was called Health Republic and was considered by many to be a flagship for the loan program will leave more than 150,000 customers looking for new insurance when its doors close at the end of the year. And, of course, \$2.4 billion is hardly chump change. Yet that is how much the American taxpayers have shelled out to these CO-OPs, and as of right now, it is unlikely that any of that money is ever coming back.

Despite these obvious problems with ObamaCare, we hear a constant drumbeat from my friends on the other side of the aisle that the law is a smashing success. My friends and colleagues have gotten very good at cherry picking favorable data points to make these types of claims. They will cite an enrollment number out of context or a premium projection that is slightly smaller than one that came before it as evidence that ObamaCare is working and that the only problems with the health care system they so graciously gifted to the American people are the terrible Republicans who have dared to raise objections.

I expect that as time wears on and the number of isolated-yet-favorable data points continues to get smaller and smaller, more people will see this ruse for what it is. Case in point, earlier this month the Department of Health and Human Services released its latest projections for enrollment in the ObamaCare exchanges. For anyone

who has an interest—political, financial or otherwise—in defending the Affordable Care Act, the numbers are not good, and I am being kind when I say that.

The Obama administration projects that in 2016, roughly 1.3 million people will newly enroll in the exchanges. Now, 1.3 million may sound like a big number, however, as always, context is important here. When the law was originally passed in 2010, the Congressional Budget Office projected that we would see an increase of about 8 million enrollees on the exchanges in 2016 compared to 2015. Now HHS is predicting that enrollment will be less than a quarter of that projection.

It gets worse.

In 2010 CBO also projected that by the end of 2016, roughly 21 million patients would be enrolled in plans purchased on the exchanges. Now, HHS projects that the number will likely be less than half of that, probably a little more than 10 million people. In other words, all the rosy claims and predictions we heard at the time the law was passed about the impact these new exchanges would have on insurance markets and premiums were based in large part on the assumption that twice as many people would enroll. Now, by its own terms, ObamaCare is becoming a bigger failure by the day.

Unfortunately, I am not done.

HHS also estimates that there are 19 million Americans who earn too much income to qualify for Medicaid but still qualify for ObamaCare exchange subsidies who still have not enrolled. According to their numbers, a little less than half of these people buy insurance off the exchange without getting subsidies, leaving more than 10 million people eligible for subsidies on the exchanges but still uninsured. The administration also says about half of that eligible-but-uninsured population is between the ages of 18 and 34 and that nearly two-thirds of them are in excellent or very good health.

In other words, a huge portion of those refusing to purchase health insurance on the exchanges, even though they are eligible for ObamaCare subsidies, are the same young and healthy consumers that the Affordable Care Act was designed to coerce into the health insurance market in order to subsidize all of the new mandates and regulations imposed under this law.

The exchanges are failing to attract the very customers they need in order to stay afloat. If they cannot attract more of this prized Democratic base, the ObamaCare exchanges—and with them the entire ObamaCare system itself—will collapse under their own weight.

The question now becomes this: What is keeping these young and healthy consumers from enrolling on the exchanges? Why are millions of people opting to pay a fine and forego coverage rather than purchasing health insurance with the aid of a government subsidy? The answer, for anyone who

wasn't listening earlier, is costs. According to a recent survey by the non-partisan Robert Wood Johnson Foundation, the vast majority—nearly 80 percent—of uninsured Americans who have looked for insurance said that after weighing everything, they could not afford the purchase.

Sadly, the cost problem is only getting worse. As we learned earlier this year, insurance plans in markets across the country have been requesting dramatic increases in their premiums, and those increases have been confirmed as the enrollment date has drawn closer.

Just yesterday I had a number of representatives from hospitals in New York and around New York City say they cannot continue to handle all of the nonpaying emergency room customers. They don't know what to do, and they are in danger of losing the health care systems they have established.

In Minnesota, for example, there are five insurance carriers on the exchange. In 2016, all five will be offering insurance policies with rate hikes in the double digits between 14 and 49 percent.

In Oregon, premiums for the second lowest cost silver plan on the exchange, the benchmark plan, will go up by about 23 percent. In Alaska, that hike will be more than 31 percent. In Oklahoma, consumers on this benchmark plan will see an increase of more than 35 percent in their monthly premiums.

My own State of Utah will not be immune to this trend, unfortunately. Last week, the Deseret News reported that on average insurance rates for plans on Utah's federally run exchange will be 22 percent higher next year.

Keep in mind that these numbers only reflect premiums and do not take into account potential increases in total out-of-pocket costs, which can include things such as copayments or deductibles.

In a sense, all of this creates a vicious, self-perpetuating cycle. The plans on the exchanges, even with the ObamaCare tax subsidies, are too expensive for millions of the young, healthy consumers whom the exchanges need in order to keep the costs down. As a result, not enough members of this valuable demographic segment purchase insurance, causing plans to become more expensive and leading more insurers to drop out of the marketplace.

None of this should be surprising. From the outset, opponents of ObamaCare, including myself and many of my Republican colleagues, predicted this exact outcome. The cycle moves in only one direction: higher costs, fewer choices, and a health care system that offers poorer and poorer care to the American people. Absent some sort of independent and intervening action to bring costs down, there is no scenario in which this gets better. It will only get worse.

I know that some of my colleagues have some specific intervening actions in mind. For example, they would like to see the Federal Government not only regulate the products offered on the insurance market, but the prices as well. And when the inevitable happens—when no private insurance provider can remain profitable in an environment where both product and price are set by the government—these same colleagues will, of course, want the government to step in and provide a plan of its own. In fact, that was what was in many of their minds at the beginning—socialized medicine. They figured this would push us towards it, and it certainly will if we don't change course. Soon enough, because only the government will be able to provide health insurance without the pesky need to turn a profit, the government's health insurance will be the only available option.

I don't want to imply base or bad motives on the part of those who supported health care—by the way, it was a totally partisan vote—but let's be honest about what is going to happen here. A vast group of people on the left are really hoping that the government can do it all, and the government will pay for everything. Somebody has to feed the government too.

Well, in the eyes of many—including, I believe, a number of my colleagues here in Congress—the only way to end the downward spiral we are currently facing under ObamaCare is, as I have said, to create a single-payer health care system. In other words, socialized medicine—where the government provides health care for everybody. We can imagine how the costs are going to go up when that happens.

I made this very claim back in 2010 when the Affordable Care Act was passed, and left-leaning politicians and pundits said it was a paranoid scare tactic. But now, as ObamaCare's downward spiral is becoming more obvious, I suspect that my argument is seeming less farfetched by the day.

Fortunately, the march toward a single-payer system is not our only option. We can take action right now to right this ship. We can control costs. We can take government out of the equation and give patients and consumers more choices.

There are a number of ideas out there that would accomplish these goals. One of them, of course, is the plan Senator BURR and I have offered, along with Representative FRED UPON in the House. Our plan is called the Patient CARE Act. I have spoken about it at length a number of times here on the floor and elsewhere. While ours is not the only good plan out there, a number of respected health care experts have analyzed the Patient CARE Act and concluded that it would, in fact, bend the cost curve and make health care more affordable for everybody.

Once again, the failure to bring down costs is easily the biggest of ObamaCare's many failures. Our plan

would ensure that Congress does not repeat that failure.

I am well aware that health care policy is a contentious topic around here. I know there are a myriad of views and no shortage of fierce disagreements on virtually all aspects of our failing health care system, but right now, it should be clear to everyone that the so-called Affordable Care Act was grossly misnamed. The law has failed to make health care more affordable, and it has failed to correct far too many of the problems that have long plagued our Nation's health care system. The sooner more of our colleagues—particularly those on the other side of the aisle—recognize and admit this failure, the sooner we can begin to work together on a plan that will deliver real results for the American people and not continue on this spiraling downward path of moving toward socialized medicine where we have one-size-fits-all medicine for the people in this country and, frankly, government running it. That has never worked, and it is not going to work in this country.

We need to revamp this program, and we have needed from the beginning to do so. I hope people will listen. I hope the citizens out there will start to pour it on and let everybody know that this is a disaster and that there are ways we might be able not only to stop the disaster, but also to increase good health care, excellent health care for the benefit of our people.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Kansas.

#### TRANSPORTATION BILL AND POSITIVE TRAIN CONTROL

Mr. MORAN. Mr. President, I wish to speak about a piece of legislation that is pending before the Senate and is expected, as I understand it, to be considered tomorrow, and that would be a short-term extension of the Transportation bill.

While I am tired of short-term extensions of transportation bills, it is my understanding that in this particular case a short-term extension will lead us to a long-term transportation bill. I certainly welcome the opportunity to consider something that would meet the needs of our country—its infrastructure needs, our highways, roads, bridges—for a number of years to come. We have to get to the point at which we are dealing with issues over a longer period of time than we do when we do a short-term extension.

It is also important for us to make certain there is certainty so that the Kansas Department of Transportation and other departments across the country, as well as highway contractors and those who use our highways, can have certainty in what the transportation system—the roads, bridges and highways—is going to be.

There is another issue of uncertainty that is out there, and it has to do with positive train control. Included in the

legislation, extending the time for us to consider a transportation bill, is a provision that extends the deadline for the final implementation of positive train control, a safety issue that has long had consideration here in Congress, and we are well on our way to having positive train control in our rail transportation system, both passenger and freight. But we need to have an opportunity for that implementation to occur over a slightly longer period of time than what was originally planned when positive train control became a mandate, a requirement upon our railroads.

I am pleased that we are going to consider an extension of the Transportation bill that puts us in a position to deal with a long-term transportation bill. I am also pleased—and I wish to spend just a minute or two speaking—about a provision that is included in that extension, and that deals with extending the positive train control implementation.

I wish to thank my colleague from South Dakota, Senator THUNE. He is the chairman of the committee that I am on, the commerce committee. I thank him for his leadership in advancing this effort and allowing us the opportunity to deliver the certainty that we need on this important issue.

There is no allegation that those who are implementing positive train control are inattentive or that they lack desire; there is no suggestion that it is an undue delay, that they are not doing what needs to be done. Every indication we have from all experts is it has nothing to do with a lack of commitment of the railroads; it has to do with the fact that we can't get there in the time that we had hoped for originally when we set forth this requirement.

We know there is a pending implementation date, a deadline of December 31. We know it is unattainable. It is unattainable despite the fact that billions of dollars have already been spent to get PTC installed as quickly and as safely as possible. However, the reality is that without an extension of that deadline beyond December 31, railroads and shippers—that deadline to take the necessary precautions to alter their service standards is imminent. In other words, if they have to comply, they are going to change their schedules, and that has tremendous economic consequences to businesses that depend upon rail transportation. It creates a significant problem in contingency planning required by a shutdown of the supply chain that uses rail transportation. Congress needs to act now.

There are suggestions that I understand from a number of my colleagues that the extension we are going to presumably be voting on in the next day—that the vote be delayed or that the extension be shortened. I want to express my conviction that it is necessary for Congress to act now, not later. Our Nation's economy cannot afford—those who work in Kansas in agriculture, including our farmers and ranchers, and



those who work in manufacturing, as well as our laborers in the aircraft industry—cannot afford a rail disruption that would occur if we don't do this extension immediately. We need to extend the deadline. As I say, it could have a devastating impact upon thousands of manufacturers, farmers, ranchers, and certainly the passengers who utilize rail transportation—who use Amtrak and other passenger services across the country.

I would indicate to my colleagues that just a few weeks ago my colleague from Montana, Senator TESTER, and I joined in a bipartisan effort to ask our colleagues to express the need for this extension, and we were successful in getting 43 Senators, 12 of whom were Democratic Senators, to sign a letter encouraging our leadership to bring forth this issue. So in a very bipartisan way, with broad agreement, this extension needs to occur.

Incidentally, the House passed this extension by unanimous agreement. Again, apparently there was little controversy or no controversy; it passed by voice vote. So we have significant bipartisan support, bicameral support. The House has already acted, and it is time for us to do so.

I wanted my colleagues to know that many in this Chamber have encouraged this to occur. We are on the precipice of it happening, and we ought not allow it to be delayed or shortened. The extension needs to occur this week. The vote needs to occur this week. The extension needs to be for a sufficient period of time to send that message of certainty and give the rail industry the opportunity to come into compliance in a timeframe that is reasonable and manageable.

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

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

#### UNIVERSITY OF PHOENIX

Mr. McCAIN. Mr. President, I come to the floor for a very unusual reason this afternoon. It has to do with an attack on for-profit colleges by a long-standing campaign by certain groups and individuals who have been opposed to for-profit colleges. They were able to destroy one out in California, and they are continuing to attempt to make those attacks work on other for-profit colleges.

This is a very unusual situation because what we are seeing take place are conclusions being drawn and action being taken—in this case by the Department of Defense—without due process, as a result of pressure exerted by a Member and Members of the Sen-

ate, which then has resulted in action without due process.

Last week there was a very interesting editorial in the Wall Street Journal entitled “Obama’s For-Profit Stealth Attack. The Pentagon punishes Phoenix on orders from Senate headquarters.”

Earlier this month the Defense Department cut off military tuition assistance to new students at the for-profit University of Phoenix, which enrolls about 9,300 servicemembers at its 105 campuses nationwide.

Defense’s reasons for discharging Phoenix are vague: A review “in response to allegations published by the Center for Investigative Reporting” in a June drive-by on the college found minor breaches in decorum.

Let me emphasize that. I say to my colleagues, there was a story written by an outfit called the Center for Investigative Reporting—I don’t know anything about them, and I am sure the Department of Defense does not. But as a result of an investigation by an outfit that none have ever heard of, then action was taken by the Department of Defense. It was not a Department investigation. There was no scrutiny. This is a remarkable case of the Senate exerting influence in a way which is, I think, almost unprecedented.

To wit, Phoenix had distributed unauthorized “challenge coins,” which commonly denote tokens of recognition, with military insignia. Yet many non-military outfits including the University of Miami, Boeing and Intel—

And I would point out Southern Illinois University—hand out such coins.

It is not an uncommon practice to hand out coins.

Phoenix’s real offense, according to the Center for Investigative Reporting—

Remember, this has nothing to do with the Government of the United States—

is using the coin to “imply military support” for the college.

My friends, at least 100 institutions in America give out challenge coins. I wonder if those institutions have committed grievous crime in the view of the CIR.

Defense also censured Phoenix for failing to obtain approvals from the “responsible education advisor” to sponsor events on military bases.

First, it is good to sponsor military events on military bases. Lots of organizations, lots of companies, lots of corporations sponsor events on military bases. In this case, although the responsible education advisor was not consulted, the commanding officer of the base was consulted and gave his approval.

Yet as the CIR article showed, military officials have welcomed the university onto their bases.

They welcomed them because they were honoring those who serve—remarkable.

Phoenix didn’t navigate all the correct bureaucratic channels.

In any case, as Defense acknowledges, “the University of Phoenix has responded to these

infractions with appropriate corrective action at this time.”

So as minor as these offenses may have been and technical in nature, they have taken the corrective action, but still a Senator wants them punished.

But political general Dick Durbin, the Illinois Democrat who is leading the charge against for-profits in the Senate, nonetheless commanded the Pentagon to “bar the company from further access to servicemembers.”

So the department is putting Phoenix on “probation” because it finds the “scope of these previous violations” to be “disconcerting.” What’s really disconcerting—

According to the Wall Street Journal.

—is the Obama Administration’s politicization of military policy. Defense also cites “inquiries” by the Federal Trade Commission and California Attorney General Kamala Harris.

To be clear, Phoenix hasn’t been charged with wrongdoing. According to the Defense Department, 96% of the university’s servicemembers successfully completed courses, a higher rate than the public Central Texas College . . . and nonprofit Liberty University. . . . In essence, the Obama Administration’s military tribunal is punishing Phoenix for being a target of the political left.

Yet this is the White House standard of due process, so Phoenix should be nervous.

I say to my friends and colleagues, they are nervous.

Last year the Education Department, Consumer Financial Protection Bureau and Ms. Harris mounted a coordinated campaign that drove for-profit Corinthian College out of business without ever proving misconduct.

This is why I say to my colleagues that I am on the floor because clearly, without any proof of misconduct, with the power of the U.S. Senate, the Department of Education, the Consumer Financial Protection Bureau, and Ms. Harris, they were able to drive a college out of business. And it is obvious what this is really all about. This is all about the constant attacks on for-profit colleges, which is an anathema to some.

Continuing:

Over the last five years, Phoenix enrollment has dropped by half to 220,000 students due largely to the left’s assault on for-profit education, which has knee-capped recruiting. . . . Military tuition assistance makes up less than 1% of Phoenix’s revenues. However, many servicemembers who are seeking vocational skills later pursue bachelor’s and masters degrees at the university under the GI Bill. Veterans make up 20% of the university’s enrollment, and many need the flexibility of Phoenix’s online courses as they earn a living while going to school.

Most of our veterans, because of their age, have to earn a living while going to school.

The article continues:

The Administration’s ostensible goal is to discredit Phoenix and choke off veteran recruitment. But the casualties of its attack will be servicemembers who will now have fewer educational options and opportunities.

Meantime, General Durbin has commanded the Education Department and Department of Veterans Affairs to “take appropriate action” against the company. Bombs away.

I wish to point out that recently Senator ALEXANDER, the chairman of the

HELP Committee, Senator FLAKE, and I wrote a letter to Secretary Carter. I will quote from it:

We strongly believe that these earned benefits and educational opportunities for our servicemembers should not be jeopardized because of political or ideological opinions of some Members of Congress regarding the types of institutions that provide postsecondary education to our troops. . . . However, it is our understanding that Ms. Bilodeau's decision—

She is the person who is the DOD's voluntary education partnership head—

and threats of termination of participation in the TA program rely on overly technical violations of the MOU.

What we are saying is we want due process, and these questions that have been asked—we hope we can get an answer sooner rather than later.

Because Senator DURBIN wrote also to other agencies of government, we are also writing to them.

Mr. President, I ask unanimous consent to have printed in the RECORD the letter to the Secretary of Defense from Senator ALEXANDER, Senator FLAKE, and me.

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

U.S. SENATE,

Washington, DC, October 22, 2015.

Hon. ASHTON CARTER,  
Secretary, Department of Defense,  
Defense Pentagon, Washington, DC.

DEAR SECRETARY CARTER: We write to ask that you review an October 7, 2015, decision by Ms. Dawn Bilodeau, Chief of Voluntary Education for the Department of Defense ("DoD"), to place the University of Phoenix ("the University") on probationary and potential termination status with respect to its participation in the DoD Tuition Assistance (TA) Program for active duty military personnel. We strongly support efforts to monitor the integrity of colleges and universities serving our nation's servicemembers. However, based on our review of the relevant documents associated with this decision, we are concerned that the DoD's decision is unfair, requires additional review, and may warrant reconsideration.

The TA program is an important benefit that enables active duty military personnel to choose a postsecondary education program that best fits their needs to enhance both career and personal goals. The program also serves as an important tool for the DoD to further the recruitment and retention efforts of our nation's volunteer armed forces. We strongly believe that these earned benefits and educational opportunities for our servicemembers should not be jeopardized because of political or ideological opinions of some Members of Congress regarding the types of institutions that provide postsecondary education to our troops.

As you know, the University of Phoenix participates in the TA program through the DoD's Voluntary Education Partnership Memorandum of Understanding (MOU), which conveys the commitments and agreements between colleges and universities and DoD and ensures that the TA funds are spent wisely to support servicemembers attending quality educational programs. However, it is our understanding that Ms. Bilodeau's decision and threats of termination of participation in the TA program rely on overly technical violations of the MOU, fail to acknowledge any of the University's corrective ac-

tion or pledged cooperation and are based, in part, on unsubstantiated allegations associated with inquiries not initiated by the DoD.

With respect to the University's violation of DoD policies on the use of official seals or other trademark insignia with "challenge coins," Ms. Bilodeau's letter concedes that "the University of Phoenix has responded to infractions with appropriate corrective action at this time." While the University has remedied this infraction, we are concerned that traditional public or private, non-profit universities, including Southern Illinois University, utilize similar challenge coins with impunity. (See attached photographs.) We remain skeptical that the DoD is evenly and uniformly enforcing its policies on all institutions of higher education and appears to be unfairly singling out certain institutions of higher education based on a letter from the Vice Chairman of the Defense Subcommittee of the Senate Appropriations Subcommittee. (See Letter to Secretary of Defense, June 30, 2015, attached.) It has also come to our attention that on the evening of October 20th, DoD issued additional new guidance on the use of these coins clearly indicating that the regulatory field remained vague and was not settled.

With respect to the University's apparent failure to obtain specific approval for conducting partnership activities at several military installations, it is our understanding that the University obtained approval from the respective base leadership to sponsor, sometimes at their request, partnership events. While the University may have technically violated the MOU's requirement that the University coordinate with the Education Services Officer, those who have served in the military readily understand and respect the chain of command. Approval from the base leadership should be sufficient to meet the requirements of the MOU regardless of the Education Services Officer's involvement and, should not be cited as a basis for probation and possible termination.

More concerning, however, is Ms. Bilodeau's rationale to suspend participation in the TA program based on requests for University documents by two government agencies that are not in fact the DoD. It is worth noting that a request of documents does not indicate a violation or admittance of guilt. In fact, Ms. Bilodeau appears to agree, indicating that the allegations by other entities have not yet been substantiated. However, without fair warning or a sufficient opportunity to be heard, the DoD informed the University of Phoenix that, among other things, "no new or transfer students at your institution will be permitted to receive DoD [tuition assistance]" and it is actively considering terminating its MOU with the University. Ms. Bilodeau's decision to give the University fourteen (14) days to respond to the probation decision effectively puts the University in the position of having to respond to reviews undertaken by agencies other than the DoD. These actions seemingly assume the guilt of the University before they are proven and ignore the remedied infractions identified by and directly within the jurisdiction of the DoD.

The University of Phoenix has a long history of serving working adults and others for whom traditional university schooling is unavailable, including more than 200,000 enrolled civilian and military students spread out across more than 100 locations in 17 states. With almost 20,000 faculty and 8,800 staff in every state and the territories as well as just over 1,400 faculty and 6,300 staff in Arizona alone, the University of Phoenix is a significant member of the Arizona and broader higher education community. Like any organization that chooses to partner with the DoD to serve our servicemembers,

the University has a legitimate expectation to be dealt with fairly and reasonably. Given our aforementioned concerns, we believe that the DoD's decision should be evaluated for considerations of fairness and cooperation and ask that you independently and carefully review this bold decision.

To help us obtain a better understanding of the DoD's actions in this matter, and to help ensure that all institutions of higher education—for-profit, public and private, non-profit colleges and universities—are held to the same standard of conduct relative to DoD rules and regulations, we ask that you provide us with the following information by October 30th before you take any additional action on this matter:

1) What are the specific, factual, and evidentiary bases for the DoD's recent decision to place the University of Phoenix on probationary status?

2) Did anyone besides Ms. Bilodeau review this decision? Please provide any internal decision memorandum that reflects that decision when it was originally made.

3) Please describe why the DoD official who reviewed the decision believes he/she can place the University on probation when, as Ms. Bilodeau stipulates in her October 7th letter, the University has already remedied identified infractions of the MOU?

4) Please provide all documents, including communications from Members of Congress, or their staff, and any outside party regarding the University of Phoenix and this matter. Also, provide the guidelines relating to the establishment of a probation sanction or imposition of probationary status against the University of Phoenix.

5) Please provide a list of all institutions of higher education participating in the DoD's Voluntary Education Partnership and/or Tuition Assistance programs that have been placed on probationary status in connection with a violation of their MOU; the reasons each of those schools were placed on probationary status; and whether each such school was given opportunity to make corrective actions before being placed on probationary status.

6) Please provide a list of those schools where the DoD MOU was terminated and the reasons for such termination.

7) Is it the DoD's practice to place both for-profit and not-for profit universities on probation when another federal or state agency makes a civil investigative demand for documents? If so, please identify other instances where this has taken place and the reasons for taking such action.

8) Please list those schools that currently use or previously used challenge coins with DoD official seals or other trademark insignia; indicate whether such schools obtained prior DoD authorization for such use; describe any sanctions imposed for such use; and provide any documents or correspondence relating to such use or sanction determination.

9) Please describe the military chain of command as it relates to the MOU and a decision by the base leadership to permit an institution to sponsor an event on base.

10) If this probationary period is extended or the MOU with the University of Phoenix is terminated, how many active duty military personnel do you estimate will be impacted by this decision?

The TA program is critical to our nation's servicemembers' educational and career opportunities, primarily to prepare them to serve in positions of increased responsibility within the military, but also to prepare them to transition to productive civilian careers. While we support efforts to root out waste, fraud, and abuse, we hope that you will review this situation with great caution and care. The Senate Committee on Health,

Education, Labor and Pensions is additionally in the process of reauthorizing the Higher Education Act and exploring ways to ensure quality at all of our colleges and universities is of utmost importance and concern.

We look forward to your timely response and should you have additional questions, please feel free to ask your staff to contact our Chiefs of Staff Pablo E. Carrillo (Senator McCain), at (202) 224-7123; Chandler Morse (Senator Flake), at (202) 224-4521; and David Cleary (Senator Alexander) at (202) 224-8798.

Sincerely,

JOHN MCCAIN,  
U.S. Senator.  
JEFF FLAKE,  
U.S. Senator.  
LAMAR ALEXANDER,  
U.S. Senator.

Mr. MCCAIN. We sent these letters to the Veterans' Administration and to the Department of Education requesting that they notify us if further action is taken against the university. We sent these letters because we feel that the Department of Defense's decision and threats of termination of participation by the University of Phoenix in this program were done simply because the Senator from Illinois sent a letter to the Department of Defense highlighting an outside investigative report—an outside investigative report—suggesting wrongdoing on the part of the University of Phoenix.

Let's be clear again. There was no due process here. That is what I want—due process. If the University of Phoenix is guilty of some wrongdoing, I want to be one of the first to make sure the proper penalties are enacted. I do not—I repeat—I do not believe that on the basis of a single investigative report, that action should be taken.

With this in mind, I was stunned to hear once again that the Senator from Illinois is insisting that the DOD not reverse its decision. Given his own involvement in the matter, his suggestion that the DOD not reverse its decision just because Members of this body conveyed concern about the merits of its probationary decision and the fundamentally unfair way that the DOD made it is, in fact, ridiculous.

The whole matter arose from the Senator from Illinois pressuring the DOD to take adverse action against the university. His case was based not on an affirmative finding by the Department that the university engaged in any newly identified acts of substantial misconduct but a report by an outside investigative group. He then sent letters to the Department of Education and Department of Veterans Affairs asking for similar action.

After further review of the DOD's decision, it is my opinion that, No. 1, it relies on overly technical violations of a memorandum of understanding that the university signed with the Department of Defense regarding its participation in the Tuition Assistance Program; No. 2, it fails to reflect the actions the university has taken to correct and identify violations; and No. 3, it is based in part on unsubstantiated allegations associated with inquiries for information by other agencies, not findings of new violations.

In other words, with our letter, we asked Secretary Carter to review a lower level decision to put the university on probation where even the DOD conceded, in its very letter to the university announcing its decision, that “the University of Phoenix has responded to infractions with appropriate corrective action at this time.”

With respect to the university's proposed violations of DOD policies on the use of official seals or other trademark insignia with “challenge coins,” we understand the university has remedied this infraction. But it is worth noting that traditional public or nonprofit universities, including Southern Illinois University, utilize similar challenge coins with impunity. I remain skeptical that the DOD is evenly and uniformly enforcing its policies on all institutions of higher education and appears to be unfairly singling out certain institutions of higher education based on a letter from the Senator from Illinois.

With respect to the university's apparent failure to obtain specific approval for conducting partnership activities at several military installations, it is our understanding that the university obtained approval from the respective base leadership to sponsor, sometimes at their request, partnership events. While the university may have technically violated the MOU's requirement that the university coordinate with the education services officer, those who have served in the military readily understand and respect the chain of command. Approval from the base leadership should be sufficient to meet the requirements of the MOU regardless of the education service officer's involvement.

By the way, the education service officer did not turn this down; they just were not consulted.

In the absence of significant, substantiated findings regarding new, uncorrected violations, the Department of Defense decided to suspend the university from participating in the Tuition Assistance Program based on document requests by two government agencies that are not, in fact, the Department of Defense and does not indicate a violation or admittance of guilt.

We call on our service men and women to serve and protect our interests, often at great cost to themselves and their families. Yet the Senator from Illinois suggests that they are not capable of choosing their own path when determining their postsecondary educational needs.

By the way, on a technical violation of the budget agreement, the Senator from Illinois was one of the leaders in voting against the Defense authorization bill, which was the result of many years of work.

In all cases, opinions should absolutely not be used to essentially target a valued member of Arizona's education community. The University of Phoenix has a long history of serving nontraditional students, such as Ac-

tive-Duty military and others who tend to delay enrollment after high school, work full time, have dependents, or are single parents for whom traditional university schooling is unavailable. The University of Phoenix has graduated more than 80,000 military and veteran students with postsecondary degrees.

A recent Wall Street Journal article I quoted—and contrary to the preference of this administration, and for the sake of our servicemembers who earned and rely on this educational benefit, I promise I will not let this issue go.

The State of Arizona is proud to have the University of Phoenix as a member of its higher education community.

As the questions that I posted in this letter show, I will continue to look into this action based on the merits of DOD's decision, not ideological grandstanding.

Recently, as a result of this, I received letters from three students who recently graduated from the University of Phoenix.

Andrew Workman of North Carolina said:

University of Phoenix allowed me to work 50 hours a week and pursue my degree at the same time.

Ryan Zulkoski of Nebraska received his master's in nursing informatics in 2013. He said:

I loved my experience and UOPX has opened so many doors for me.

Jim Wallace of Florida said:

I am a UOPX graduate, MBA 2006 and veteran of the US Navy Reserve. In my opinion UOPX led the way in educating working professionals. At the time I started my program, no other institutions offered the ability for me to successfully complete my studies, care for my family and work a demanding job. The bottom line is that it was challenging and I worked hard to complete my degree.

Mr. President, I ask unanimous consent to have these comments by graduates printed in the RECORD.

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

Andrew Workman (North Carolina) joined the United States Navy in 2006. After serving 4 years on active duty he is transitioned into the United States Navy Reserve in which he continues to serve not only his country but his fellow Sailors through the Hire Heroes USA organization. “University of Phoenix allowed me to work 50 hours a week and pursue my degree at the same time.” Andrew attended a ground campus and found the classes to be diverse and challenging. “The team projects and presentations helped build my confidence and laid a foundation for me to be successful in the workplace. You have to work with people from all walks of life in the real-world and University of Phoenix built that into their curriculum.”

Ryan Zulkoski (Nebraska) received his Master's in Nursing Informatics in 2013. Ryan has been in the Army National Guard for 12 years and served one deployment to Iraq in 2005 and has many other accomplishments and memberships, including a humanitarian deployment to Nicaragua and participation in Army Honor Guard. He used every last benefit to receive his bachelor's in nursing from University of Nebraska and his

master's degree with UOPX. "UOPX has helped me build an educational foundation to work in a field that I am extremely passionate about." Ryan found the quality of the program to be on par with his undergraduate from University of Nebraska. "I graduated from UOPX in 2013 and have doubled my salary as a Nurse in less than 2 years. I also have 4 children and a wife, so attending a traditional onsite program was impossible. I loved my experience and UOPX has opened so many doors for me."

Jim Wallace (Florida)—"I am a UOPX graduate, MBA 2006 and veteran of the US Navy Reserve. In my opinion UOPX led the way in educating working professionals. At the time I started my program, no other institutions offered the ability for me to successfully complete my studies, care for my family and work a demanding job. The bottom line is that it was challenging and I worked hard to complete my degree."

Mr. MCCAIN. Mr. President, again, I can only point out what the Wall Street Journal said. This is Obama's for-profit stealth attack. It is being orchestrated and carried out by the Senator from Illinois, who has a well-known record of not supporting the men and women who are serving in the military by his latest opposing of the Defense authorization bill on the grounds of OCO. So the men and women who are serving in the military and those who have served with honor obviously have a lower priority for him than his vendetta against for-profit universities. I think it is shameful.

I yield the floor.

The PRESIDING OFFICER. The majority leader is recognized.

#### UNANIMOUS CONSENT AGREEMENT—H.R. 3819 AND EXECUTIVE CALENDAR NO. 356

Mr. MCCONNELL. Mr. President, the Senate is about to pass a short-term highway extension. This 3-week extension will allow the House and Senate to go to conference on our bipartisan bill and allow that to be signed into law by November 20.

Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 3819; that the bill be read a third time and the Senate proceed to vote on passage of the bill with no intervening action or debate; that upon disposition of H.R. 3819, the Senate proceed to executive session to consider Calendar No. 356; that the Senate vote on the nomination without intervening action or debate; that following disposition of the nomination, the motion 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 nomination; that any statements related to the nomination be printed in the RECORD; and that the President be immediately notified of the President's action and the Senate then resume legislative session.

The PRESIDING OFFICER. Is there objection?

The Senator from California.

Mrs. BOXER. Mr. President, I reserve the right to object because I want to make a suggestion.

I ask consent that we modify this matter so that we can pass an amendment to extend the PTC deadline—the deadline for positive train control—to make it a 1-year extension to December 31, 2016, and that that be agreed to. Right now, it is 3 years with a 2-year possible extension beyond that. I ask that it be changed to 1 year, and that following the use or yielding back of time, the Senate then proceed to a vote on passage of the bill with my amendment.

The PRESIDING OFFICER. Does the Senator so modify his request?

Mr. THUNE. Mr. President, reserving the right to object, I would state to my colleague from California that this is the practice she and I so often lament when it comes to highway bills, and that is kicking the can down the road. We know full well that a year from now, we will be back here doing this again.

This language, which is agreed upon by both the House and the Senate—Democrats and Republicans of the relevant committees worked very hard to draft consensus language. That is what we have arrived at today. We believe it addresses the situation and provides the correct solution. I think it would be a big mistake to try to modify something that people have worked so hard to get to, knowing full well we will never get what the Senator from California wants to do passed through the House or the Senate.

The House acted yesterday, and acted unanimously. Very rarely do you get a voice vote out of the House of Representatives. Democrats and Republicans in the House came together behind a solution that is incorporated into this base bill.

With that, I object to the request of the Senator from California.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. Mr. President, I just want to say to my friend I am not surprised, but I am still quite disappointed because I think it is horrible precedent to take a provision out of an underlying bill that we have all worked so hard on and attach it—a 3-year provision, a 3-to-5-year provision, a delay in this safety measure—on a 3-week extension.

Why didn't my friend pull out some of the good things in there for safety, such as the House rental bill, which says you can't lease a car that has been under recall? He didn't do that. I am not blaming him at all. I know it was a process. I know that. We didn't pull out the increased fines on NHTSA for car manufacturers who kill people because of their negligence.

I feel it is a terrible precedent, but I will not object, and I am going to explain that later. Having withdrawn my objection, I would ask that I may have the floor for 15 minutes immediately following the vote, if that is possible, and I would give 5 minutes of that timeframe to my colleague.

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

Without objection, it is so ordered.

The PRESIDING OFFICER. Is there objection to the request of the Senator from California?

Without objection, it is so ordered.

#### SURFACE TRANSPORTATION EXTENSION ACT OF 2015

The PRESIDING OFFICER. The clerk will report H.R. 3819 by title.

The legislative clerk read as follows:

A bill (H.R. 3819) to provide an extension of Federal-aid highway, highway safety, motor carrier safety, transit, and other programs funded out of the Highway Trust Fund, and for other purposes.

The bill was ordered to a third reading and was read the third time.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall the bill pass?

The bill (H.R. 3819) was passed.

#### EXECUTIVE SESSION

##### EXECUTIVE CALENDAR

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to executive session to consider the following nomination, which the clerk will report.

The legislative clerk read the nomination of Sarah Elizabeth Feinberg, of West Virginia, to be Administrator of the Federal Railroad Administration.

The PRESIDING OFFICER. The question is, Will the Senate advise and consent to the Feinberg nomination?

The nomination was confirmed.

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

#### LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will resume legislative session.

#### VOTE EXPLANATION

Mr. TOOMEY. Mr. President, I ask the RECORD to reflect that had the Senate's vote on H.R. 3819 been a recorded vote, I would have voted no.

The PRESIDING OFFICER. The Senator from California.

#### ORDER OF BUSINESS

Mrs. BOXER. Mr. President, I know Senator COLLINS would like to speak, so the way I would recommend we go is 5 minutes to Senator MANCHIN, 15 minutes for me, and how many minutes for the Senator from Maine?

Ms. COLLINS. I thank the Senator from California. This is not going to

work for me, so I am going to return to my office. I understand this was unanticipated, and that is the way it goes sometimes.

Mrs. BOXER. I am so sorry. This has been a contentious matter.

So I would say to Senator MANCHIN, if you want to go first, then I will follow, and I am sure Senator THUNE will have comments.

Mr. THUNE. I will request, through the Chair, if the Senator from Maine is not going to speak, that I be allowed to speak at the conclusion of the remarks of the Senator from California and the Senator from West Virginia.

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

The Senator from West Virginia.

Mr. MANCHIN. Mr. President, I thank my colleague from California.

#### FEINBERG CONFIRMATION

Mr. MANCHIN. I come to the floor to speak on behalf of the Acting Administrator of the Federal Railroad Administration, who is no longer acting but now our Administrator and my friend, Sarah Feinberg.

As a native West Virginian, she has the same pragmatic approach to problem solving that we see among our congressional delegation every day. When it comes to politics in West Virginia, it really doesn't matter whether you are a Democrat or a Republican. What matters is if you can get the job done.

During my time in the State legislature, Sarah's father, Lee Feinberg, and I served together. At that time Lee was head of the West Virginia Governmental Ethics Commission, and he instilled in her the same sense of moral responsibility that also led him into public service. Today she sits before the Senate, seeking to continue in public service as the Administrator of the Federal Railroad Administration, and I am so pleased this has happened.

Over the past 9 months, I believe she has proved herself to be an effective and engaged leader with the courage to make tough decisions and the character to accept the criticism they often incite. She was baptized by fire after being appointed to this position on January 9 of this year and leading the agency's response to five major incidents within her first 60 days at the helm.

On February 3, six people were killed when a commuter train hit an SUV at a grade crossing in Valhalla, NY. On February 4, 14 tank cars carrying ethanol derailed just north of Dubuque, IA. Three of them caught fire. On February 16, 27 tank cars derailed outside Mount Carbon, WV, releasing 378,000 gallons of crude oil and igniting a fire that destroyed a nearby house. On February 24, a commuter train in Oxnard, CA, hit a tractor-trailer at a grade crossing and jumped the tracks. On March 6, 21 cars derailed outside of Galena, IL, near the border with Wisconsin, and five of them caught fire.

I am a firm believer that elected officials need to be on the ground in emer-

gency situations, supporting first responders and assisting those in need, and I was impressed by Ms. Feinberg's response to the Mount Carbon derailment in West Virginia, which I witnessed firsthand. Five weeks into her new job, she executed an efficient and effective Federal response that was one of the best I have ever seen in my experience as an elected official and a public servant.

There are a lot of smart policy people here in Washington, DC, but the best policy in the world will not mean a thing if it doesn't translate into anything in the real world. Sarah's response to the Mount Carbon accident showed me that she understood that, and that gave me faith in her ability not just to lead but to listen to the people we are here to serve.

Over the past 10 years, the increase in domestic energy production has been an engine of economic growth. The Energy Information Administration predicts that growth will continue through 2020. From 2009 until 2014, crude oil production in the United States increased by more than 62 percent—up from 5.35 million barrels per day in 2009 to 8.68 million barrels a day in 2014—and the majority of this product is moving by rail.

In 2008, our railroads moved a meager 9,500 tank cars carrying crude oil. Last year, that number grew to 500,000 tank cars—a 5,000-percent increase. That is unbelievable.

Unprecedented new challenges come along with the new economic opportunities presented by the growth in domestic energy production, and Ms. Feinberg's experience makes her uniquely qualified to lead the FRA through this transition. As Chief of Staff to Secretary Foxx, she helped the Department of Transportation develop a holistic strategy to improve the safety and security of crude by rail that required coordination between multiple administrations within the Department.

The tough new tank car safety regulations that were finalized in May were dependent on close collaboration between the FRA and the Pipeline and Hazardous Materials Safety Administration. Sarah's experience in the Secretary's office and her existing relationships throughout the Department allow her to cut through redtape and get the right people in the room to get the job done.

While the new rules do not solve every problem, they represent a major step in the right direction. They satisfy all or part of 10 outstanding National Transportation Safety Board recommendations, including all 4 recommendations that were made in April of this year.

Since taking the helm at the FRA earlier this year, I have been very much impressed with Ms. Feinberg's willingness to tackle difficult issues and engage stakeholders about realistic solutions. In May, she convened a positive train control task force to try

to identify opportunities for the FRA to help railroads meet their 2015 deadline and become a real part in this process. I think her proactive approach to problem-solving will be an asset to the FRA and the entire Department of Transportation.

I thank Chairman THUNE and Ranking Member NELSON for moving her nomination through the committee yesterday on a strong bipartisan vote of 19 to 1. I want to thank all my colleagues for not only nominating Sarah but confirming her today. I think she will be a great asset to our country and do us all proud.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. Mr. President, I will take my time now. I know my friend wanted to have a little time, so I will yield to Senator INHOFE.

The PRESIDING OFFICER. The Senator from Oklahoma.

#### TRANSPORTATION AUTHORIZATION

Mr. INHOFE. Mr. President, first of all, I know the Senator from California was disappointed in a few things that went on procedurally, and I am very much in sympathy. But far more significant than that is the bill we are talking about now. We made a tremendous advance to it just a few minutes ago. We did what the House has already done. We are now extended to the 20th of November.

It is my understanding that the House is going to be taking up—we are talking about the highway bill. A lot of things we talk about around here are not very important. We all have different ideas about what is and is not important, but still we have that Constitution, and the Constitution says what we are supposed to be doing. What we are supposed to be doing here is defending America and roads and bridges. That is what we are supposed to be doing.

Senator BOXER and I—she is a very proud liberal and I am a very proud conservative—have recognized what our duty is when we come here, and the second most important bill every year—not every year, because we have the Defense authorization bill every year, but not the Transportation authorization bill. That is what is important, and that is what we are supposed to be doing here.

What we did a few minutes ago is very significant. We are on the same page as the House, and that is to have a bill done and on the President's desk by the 20th of November, which is going to be right before we have a break for Thanksgiving. It now looks like we are assured of doing that.

I have to say that in working over the years with Senator BOXER, we have worked in a capacity in which she was the chairman of that committee and I was the ranking member; then I was the chairman of the committee and she

was the ranking member. We never changed what we stood for or what we saw as significant in the second most important bill we deal with every year.

I am anticipating we are going to be able to have this 6-year authorization bill on the floor next week. We are going to be dealing with it, and we are going to be passing it. We already know the number of people who have voted for it in the past, so we know where we are. On the other hand, I think this is going to have a privileged motion and go straight in for a conference. I look forward to that, and that makes it all possible.

You have to keep in mind the Senate isn't doing this. The House is going on a Veterans Day recess, so we have to work on getting their job done before the recess so we can do ours while they are on recess, and then we will have a happy ending.

While I do regret there are some disappointments, I have to say this. When we are talking about a bill like this, it means that the left and the right have to get together, and we did. I want to applaud my ranking member, Senator BOXER, for helping us in some of the areas where we are able to shortcut some of the NEPA requirements and expedite some things that couldn't be done otherwise.

Let's keep in mind that if we went ahead and did what we have been doing since 2009, we wouldn't be doing this. We wouldn't be doing any major bills—no bridges, no major bills. This is a great day to see the assurance that this is going to take place, and I applaud Senator BOXER in the joint effort we had on the left and the right in this body. We don't see that very often.

Mrs. BOXER. No, we don't.

Mr. President, I just want to thank my friend. It is such a privilege to work with him on these infrastructure issues. I often say we don't work too well together on environmental issues—maybe in another life we might—but right now, in this life, we work really well on infrastructure. So does our staff. I am proud of them.

I came down here to try and change a part of this extension—and I will explain it later—that had to do with delaying a safety requirement on the railroad. I feel strongly in my heart about it. By the same token, I agree with my friend that we have to get this bill done.

This will be a 6-year authorization, as my friend knows. He insisted on it. We have 3 years of pay-for. We never give up. Maybe somehow a miracle will happen and we will find more. But right now, Senator MCCONNELL protected our pay-fors.

For me, it is a strange day. I am very disappointed in this. I call it a rider that was put on this bill. But I am very pleased that the House is moving forward. My friend cited things that he likes—certainly, expediting some of the rules so we don't get these projects dragged out. My sense of it was that I like the fact that we kept the equitable

share. We didn't change the share between transit and roads. We certainly added, with my friend's help, a freight title. So there are many good things. It is a mixed bag for me today. I agree with my friend that we need to move fast on the underlying bill, and I look forward to going to conference.

Mr. INHOFE. Will the Senator yield for one observation?

Mrs. BOXER. Of course.

Mr. INHOFE. The Senator mentioned the fact that we have a 6-year bill and 3 years to pay for it. That doesn't really concern me for a couple of reasons.

One is that once we start projects, I can assure you that there will be a reshuffling of priorities in this Chamber here, where people will realize the one thing we don't want to do is to start construction on something and then stop. This, I have no question in my mind, is going to take place.

Secondly, we have the same provision in the House as we do in this body, and that is that if for some reason money is not available, nothing else can be done after that 3-year period. We are not going to let that happen. So I think we are going to be in good shape. Job well done.

Mrs. BOXER. I thank the Senator.

How much time remains of my 15 minutes?

The PRESIDING OFFICER. Ten minutes.

Mrs. BOXER. Since I did yield about 5 minutes to my friend, I ask unanimous consent for another 5 minutes.

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

Mrs. BOXER. Then, of course, Senator THUNE will have all the time that he wants to disagree with most of what I am going to say about positive train control. That is part of the debate that goes on here.

#### POSITIVE TRAIN CONTROL

Mrs. BOXER. Mr. President, I do want to thank Senator THUNE, Senator NELSON, Senator INHOFE, and others who did something good today, which is to allow us to vote to make sure that we have the head of the Federal Railroad Administration. Finally, after 8 months, Sarah Feinberg got a vote. It is very important. I am glad all this wrangling that we had back and forth led to that happy situation because we need her in place. Frankly, we need her in place to oversee this positive train control.

I want to quote what she stated. She stated that worries of a train exploding in the middle of a city have caused her sleepless nights. This is an Administrator who cares deeply about her role in safety.

There was an article written by someone today that said I stood alone in my opposition to moving forward with a 3- to 5-year extension and taking that extension out of the underlying bill and tacking it on to a 3-week highway bill extension. I want to point out that I did not stand alone and I do

not stand alone. Senator BLUMENTHAL is hoping to come here later and make his remarks about the fact that he opposed this. I speak here for Senator FEINSTEIN, my great colleague—my senior colleague—who actually wrote the original legislation because these crashes were occurring. And I want to read a little bit from Senator GILLIBRAND, who is on a train headed to a funeral for a firefighter in New York. This is her statement:

After so many preventable railway tragedies that have led to loss of life, it is an insult to the families who have lost loved ones to let the rail lobby slip a multi-year Positive Train Control delay into a three-week extension. The rail industry has purposefully dragged its feet in meeting its safety requirements, and now Congress is quietly aiding them further. It is without debate that Positive Train Control saves lives. The railroads must work as quickly as possible to implement this life-saving technology, so that the millions of Americans who commute by rail every day can do so safely—and Congress needs to do its job and hold the rail industry accountable.

As I said when Senator MCCONNELL offered the unanimous consent request, I think it is a terrible precedent to place a major safety rollback—I would not call it a repeal; I would say rollback—on a 3-week extension of the highway trust fund. It just isn't right. I am very grateful to the Washington Post for writing a very strong statement—I would say article—about what happens when you don't have positive train control on a train. Positive train control is technology that allows the train to slowly come to a stop if there is a real problem, such as another train crossing or a car.

It was in 2008 when we really moved on positive train control. A horrific accident occurred in Chatsworth, CA, where a Metrolink passenger train and a Union Pacific freight train collided. It was due to a distracted engineer. This preventable accident resulted in the deaths of 25 people and injury to 135 others.

Friends, we are not talking about some scientific experiment here. We are talking about real life, where trains collide, where real people die and get hurt. I have met some of the families.

Afterwards, Senator FEINSTEIN and I got together. She was great, and it was great to work with her. We passed the Rail Safety Improvement Act of 2008, mandating the installation of positive train control on major passenger commuter and freight rail lines by the end of this year, 2015.

Again, I speak for her in my remarks. She is distressed that the 2015 deadline would be extended as much as it was without a chance to really look at the details in the conference, which we hope to have soon.

For more than 45 years—45 years—the National Transportation Safety Board, or NTSB, has advocated PTC technology. This isn't something new. But it wasn't until 2008 that Senator FEINSTEIN and I got the legislation done.



Let me say this. NTSB is amazing. They are the ones who show up after horrible crashes of rail, of plane, and they are the ones who make really important safety recommendations. Well, actually, they work with the FAA. So they are the ones who come forward after an accident. They do the investigation, and they make the recommendations.

Now, this is what they said: If we had put PTC in all those years ago, 146 accidents or derailments could have been avoided with implementation of the PTC, and at least 300 fatalities and 700 injuries could have been prevented. Since the California accident, 14 PTC-preventable accidents or derailments have occurred.

So let's be clear. People are dying and they are being injured because we don't have positive train control.

Now, the good news—the great news for my State—is that Metrolink and Caltrain already have put PTC on. Amtrak has put it on certain of their runs. So it is happening. But some of the railroads are dragging their feet. They have every excuse in the book. Some of the reasons, I think, do need our attention.

For example, there are problems with spectrum, and there are problems with rights-of-way. We can work on that. But as Senator BLUMENTHAL said, instead of giving these 3-year delays, there need to be what he calls metrics so we can ascertain, before they get all this time, what they are doing. Are we going to be faced here in this body in years to come with more requests for delay? Well, if we are not really looking over the shoulder of the railroads, the answer is, clearly, yes. They don't want to save the money. And, by the way, the cost-benefit ratio on this is overwhelming. It is overwhelming.

I said before, rhetorically, that it is very interesting that the only piece of freestanding legislation that was pulled out of the bill and placed on this 3-week extension was this delay in positive train control safety—nothing else, nothing else. This was cherry-picked—nothing else.

I have worked with several Senators because one of my constituents, Cally Houck, lost two daughters who rented a car to go on vacation. They were in their twenties. The car was under recall, but the agency rented it to them anyway. It exploded. They died. Mrs. Houck couldn't believe we didn't have a law that said you can't rent a car that is under recall. I bet, if I asked anybody—any stranger to me—if they think they are allowed to rent a car that is under recall, they would say: Of course not. Well, you can. I have fought for years, and I have gotten help from Senator SCHUMER, and Senator MCCASKILL actually got the bill passed. I am very grateful to her. That is in the underlying bill. Why didn't we take that out and put it on immediately so this can go into effect immediately?

I think the Washington Post gave us what they think. They wrote a story—

a very important story—in the front page yesterday or the day before, Monday. I want to just say we all know that there are special interests here. By the way, I like to work with the railroads because they do a lot of good things. They are very powerful, they are very strong, and they have a very powerful lobby. It is not a Republican lobby or a Democratic lobby. It is a lobby that covers everybody.

Let me quote what the Washington Post article notes:

Rail safety has never been a more pressing issue than it is today. So far, the people who have died in U.S. accidents that PTC could have prevented have generally been crew members or passengers. That could change in dramatic, catastrophic fashion.

The number of rail tank cars carrying flammable material in the United States has grown from 9,500 seven years ago to 493,126 last year.

Let me say that again:

The number of rail tank cars carrying flammable material in the United States has grown from 9,500 seven years ago to 493,126 last year.

Now, just imagine what happens when this flammable material is involved in a collision. We know. We have seen the balls of toxic fire. Seven trains have derailed this year alone, and their contents exploded.

Now, I understand the pleas for delay. That is why I offered a 1-year delay to my friend, the chairman of the commerce committee. I offered him a 1-year delay. Nobody can tell me that a 1-year delay wouldn't work for now. We can look at it in the conference. If we need to extend it, that is fine. No, we weren't able to get it. To me, the only answer that keeps coming back is special interests earmark provision—special interests earmark provision—because it is the only provision that benefits one special interest that was put on this 3-week extension.

Some people say: Why do you care so much? The House voted by voice vote. Do you know what? They were wrong. They shouldn't have. They shouldn't have put it on this bill. This was put on by the House, and it was wrong, wrong, wrong.

Now, when I spoke with my chairman—my really good friend, Senator INHOFE—on the floor, I did say I am so pleased at the way we are moving in terms of the underlying bill. I believe we will have that bill, and I believe we will have that bill next week. Then why on earth did we have to take this out? If we are moving this bill forward, we didn't have to pluck out one of the provisions. I just don't understand it, other than what the Washington Post wrote in their story.

I have to say that there are 60,000-plus bridges that are deficient—structurally deficient. They are in the Presiding Officer's State, and they are in my State. Why didn't they pull out a couple of worst bridges and say "fix those bridges"? All they did was pull out a provision that the railroads wanted—not a provision that commuters want, not a safety provision

that will save lives. It is very discouraging.

We all know about the Amtrak crash. I am going to show you a picture of that. It was splayed all across the paper. This is a photo of a destroyed Amtrak train in Philadelphia. We all know the disaster that occurred there. This could have been prevented. As a matter of fact, if I remember right, they were about to put positive train control on this stretch. They were getting ready to do it. Look at this—the suffering and the deaths, needless. If there was positive train control and if another train was coming, simply slow down that train and automatically avoid such a disaster as this.

I am passionate about transportation. I am passionate about safety. I know my colleagues are, but we had a very different view about this. I can only say if anything good came out of this, it was the fact that we now have an Administrator of the Federal Railroad Administration. I think that was good because I feel better now knowing that someone who really cares about this now has officially been given the power to assert her authority.

I look forward to working with Senator THUNE as we move the underlying bill through. He knows how I feel. I want to thank him because he waited around until we had reached an agreement. I appreciate that because otherwise we could have had a complete shutdown of the entire highway program. We averted that because, with respect for our differences, we worked together all day and have the Administrator in place.

I thank Senator NELSON and his staff as well as Senator THUNE's staff. For me, having that done is something that means a lot and means a lot for safety across the board. I hope we will not be doing this in the future. I hope regular order will prevail. I hope we will not be pulling out important pieces of other bills and passing them as stand-alone bills when we are up against a deadline. I don't think it is the right way to govern. I don't think it is good governance. I think a lot of my colleagues feel the same way.

This is behind us. Now we are going to work together. We are never going to take our eyes off this positive train control. We are going to make sure the railroads are stepping up, doing the right thing—and, by the way, some of them have. I told you two of my railroads have been fantastic. They put it all in place. They met the deadline. There are many others that are close to meeting the deadline, but there are too many that are hiding behind excuses and some that have real reasons why they haven't moved forward. I hope they are watching this today because I am not going away. None of us are going away. We are going to be watching this carefully and making sure this deadline is really a deadline, not some kind of political cover so the railroads can get out of doing what they have to do to save lives. When we

take these jobs, that is our overwhelming responsibility—to protect and defend our people, whether it is abroad or at home.

I again thank my staff, Senator THUNE's staff, Senator NELSON's staff, Senator BLUMENTHAL's staff, Senator FEINSTEIN's staff—I hope I am not leaving anybody out—Senator GILLIBRAND's staff, and Senator MURPHY's staff for getting us to a place where we are accepting this with a heavy heart. We are moving on. We are thankful we now do have in place an Administrator—a wonderful, wonderful Administrator of the Federal Railroad Administration.

Mr. President, I yield the floor.

The PRESIDING OFFICER (Mr. CASSIDY). The Senator from South Dakota.

Mr. THUNE. Mr. President, the one thing the Senator from California and I share is a commitment, a longstanding commitment to getting a multiyear highway bill through here. I hope that is going to happen in the next few weeks.

We did need to move on a positive train control extension, and I am going to get into the reasons for that in just a minute. I think probably the most important fact is, as we look at this particular issue, that nearly every railroad in the country—including every major freight railroad—will not meet what is an unrealistic December 31, 2015, deadline for positive train control.

Positive train control—or PTC—when working as intended, is a critical safety technology that will prevent certain types of rail accidents and save lives. We have the ability to make rail transportation even safer by ensuring full implementation of positive train control.

As the chairman of the Commerce, Science, and Transportation Committee, I can assure my colleagues that these disruptions would have caused cascading and devastating effects for nearly every sector of the economy and every region of the country. Railroads have already started notifying customers that they will stop accepting certain chemical shipments in late November and early December to ensure that such cargoes are off their system when the existing deadline hits at the end of the year.

As rail-dependent businesses and their customers prepare for the shutdown, they have already started to feel the negative supply chain effects on logistics and inventory management. The House-passed short-term highway extension provided an option to avert this completely avoidable and unnecessary harm.

This is not just about the railroads—contrary to what has been said on the floor that somehow this is a special benefit that only helps railroads. It is about the farmers—many of whom I represent in South Dakota—who depend upon the railroad for fertilizer. It is about the manufacturers and other businesses that depend upon rail for critical inputs, and it is about water

treatment facilities that depend on rail for chemicals to purify drinking water. It is about all the workers and the households that benefit from this safe mode of transportation.

Rail-dependent commuters and customers cannot afford a congressionally caused railroad shutdown. That is exactly what would happen if we failed to act. Each day well over 1 million riders in the United States board commuter railroads to get to and from their places of work. Over 2 million people work in industries that use hazardous chemicals hauled by rail, and the gross economic output of these industries alone is over \$2 trillion. In fact, the effects of a looming railroad shutdown would have occurred well in advance of the year-end deadline, which is where we are today. Over 130 farmers, manufacturers, and retailers wrote to Congress last week, stating that “rail customers are already starting to feel the impact . . . [w]ith a shutdown just around the corner rail customers must start putting contingency plans into motion, including adjusting production schedules and workforce loads.”

This isn't just an economic issue. It has major implications for public health and safety. I mentioned earlier water treatment facilities across this country have urged a deadline extension and wrote a joint letter to me reiterating that point. I will quote from the letter, which is what they said: “Even a temporary interruption of water disinfection chemical deliveries could risk a public health disaster for communities across this country.”

The U.S. Conference of Mayors also urged a deadline extension and wrote that switching from rail to other modes of transportation would lead to additional accidents in our Nation's communities and greater exposure to the risks of hazardous materials.

The Federal Railroad Administration's Acting Administrator, whom we just made permanent Railroad Administration Administrator, has the responsibility for conducting oversight of our Nation's rail network, and she expressed concern at a September commerce committee hearing. She said a rail shutdown would “lead to significant congestion and it does lead to safety impacts.”

Keep in mind, total train accidents per year have decreased by nearly 50 percent since 2005. Rail is often the safest available way to haul many types of products, especially hazardous chemicals. It would take more than 600,000 trucks on our Nation's roads to replace freight rail, let alone the additional cars and buses needed to replace commuter rail.

When Congress passed legislation in 2008 mandating the implementation of positive train control, it never intended to punish rail customers or to harm the economy, but this law failed to properly consider the complexity and time involved in developing, mass producing, installing, and testing a new technology involving a complex

network of new computers and communications equipment deployed on more than 20,000 locomotives and 60,000 miles of railroad track.

There is plenty of finger-pointing to go around as to why it didn't get done. The bottom line is this: After 7 years of work, over \$6 billion of mostly private funds spent, and with about 2 months to go before the legal deadline, not one single railroad in this country—commuter or freight—has fully implemented positive train control.

For years, study after study, including those from the nonpartisan Government Accountability Office, found that the 2015 deadline for full implementation of PTC was unrealistic. The independent experts at the GAO concluded that the vast majority of railroads, including all freight railroads, would not meet the deadline by the end of the year.

I am pleased the Senate came together and acted on a solution. The bipartisan, bicameral proposal I helped craft does not just extend the deadline for implementing positive train control, it significantly increases accountability and transparency. Our proposal gives the Secretary of Transportation the authority to fine railroads if they fall behind metrics and milestones on their way to completing installation and full implementation. It requires detailed and publicly available reporting to ensure progress each step of the way.

Under our bipartisan proposal, railroads must implement positive train control by December 31, 2018. To ensure that PTC works as intended, the Secretary has very limited case-by-case discretion to allow railroads additional time for testing and certification but only if railroads complete all installation, spectrum acquisition, and employee training. To qualify for this additional time, freight railroads must have started using PTC on the majority of their territories or track. These accountability-focused changes, with objective criteria and rigorous oversight, are designed to ensure that we never need another extension.

I wish to extend my thanks to our colleagues on the House side—Representatives SCHUSTER, DEFAZIO, DENHAM, and CAPUANO—for their strong bipartisan leadership and collaboration to address this major transportation issue. This issue has been extensively debated in the Senate. This proposal incorporates principles and text that have twice been reported out of the commerce committee and have passed the full Senate in July by a vote of 65 to 34. Let me repeat that. Everything we are talking about today—and it was modified a little bit when we negotiated this with the House—but the basic text, basic framework, basic outline of what we just passed had already passed the Senate as part of the Transportation bill with 65 votes earlier this year. The idea that this is somehow something that is being sprung on Members in the Senate is not consistent with the facts.

I am grateful to Senator BLUNT and Senator MCCASKILL for their partnership and leadership to bring Congress together to ensure that PTC is made safely available as soon as possible. Some have suggested different ways to approaching this issue. At a time when we are making progress to finally end the kick-the-can mentality through the enactment of a multiyear transportation reauthorization bill, this proposal will ensure that we are not injecting that same type of uncertainty into another transportation mode, which is our Nation's rail system.

Attaching the bipartisan agreement on extending the PTC deadline as part of the short-term highway extension solves this problem while keeping pressure on the House of Representatives to pass a multiyear transportation bill that we can then reconcile with the Senate-passed DRIVE Act, the multiyear transportation bill that passed in this Chamber earlier this year.

I wish to applaud Leader MCCONNELL, Chairman INHOFE, Ranking Member BOXER, and Ranking Member NELSON for their continued efforts to push for the completion of a multiyear transportation reauthorization bill. Due to constant pressure from the Senate, as was noticed with last week's markup by the House Transportation and Infrastructure Committee, we can actually see the path to getting a bill done with our House colleagues.

The fact that the short-term extension before the Senate sets a November 20 deadline, along with the House planning to take up a multiyear transportation bill next week, indicates that it is, in fact, possible to soon get a multiyear transportation bill across the finish line.

Nobody should misinterpret my work and my efforts with my colleagues here in the Senate in addressing the harms associated with failing to fix the looming positive train control deadline. As a major part of the overall DRIVE Act, the transportation bill that passed Senate, the legislative text originated from the Senate commerce committee, and I will not be backing down in my efforts to see a host of transportation, safety freight, and rail provisions signed into law in the coming weeks.

Together we have averted the potential harm that would come with a congressionally caused rail shutdown. We have set a realistic positive train control deadline. We have held the railroads accountable and ensured the job is done swiftly and safely. It was important that be done in a swift and safe way.

Earlier my colleague from California quoted a story from the Washington Post that ran earlier this week. The Washington Post editorial board, the very same paper that my colleague from California cited, opined: "Congress should revise the 2008 legislation to give railroads more time to come into compliance, with consequences for those who fail to produce concrete

plans for immediate improvement and meet milestones along the way."

But the very newspaper that the Senator from California was quoting actually editorialized on their editorial page that Congress needed to fix and to put in place an extension that would allow the railroads to come into compliance. That was echoed by a lot of the large newspapers across the country.

The Chicago Tribune's editorial board wrote:

PTC is coming. It's just not coming fast enough to meet what was always an unrealistic deadline. So if your commute is a mess come January, don't blame Metra. Blame Congress.

The Chicago Sun-Times editorial board opined: "Congress should extend the deadline to give Metra and railroads a chance to get the job done."

The Los Angeles Times editorial board wrote: "Rather than risk a shutdown of crucial transportation services, Congress ought to fast-track a solution."

The problem we had here is that we didn't have the luxury of time, and so the vehicle that came over from the House of Representatives, which is a short-term extension of the highway bill, presented a chance for us to address this issue knowing full well that it had to be addressed and that it had to be addressed in a timely way. We have railroads and shippers in this country, that, as I mentioned earlier, have already indicated they are modifying and adjusting their operations and plans right now and notifying customers of the impacts and effects of Congress failing to act in a timely way.

The reason that this needed to be fixed now is that if we hadn't fixed it, we would have started to see the disruptions in our economy that would have come with a shutdown because, as I said, no railroad, to date, has been able to meet the positive train control deadline. We approached this in a way that we felt was reasonable, rational, logical, and kept the pressure on the railroads and required the accountability that is necessary to see this done in a realistic way. I think the end result that just passed the Senate is a good outcome and a good solution, not just for the railroads in this country but for the shippers, farmers, and States such as South Dakota that depend upon those railroads, for the commuters around this country who rely on that form of transportation every day to get to work, and for the thousands and thousands of thousands of people who work in those railroad-related industries across this country. This is one example where Congress demonstrated that it actually could, in a timely way, act responsibly to bring about a solution that will avoid what surely would have been not only an economic disaster but a public safety disaster as well.

I am pleased that our colleagues here in the Senate found a way to approve this today, and I hope, as I said before,

that we will continue to keep the heat on to get a multiyear transportation bill through the House and the Senate with this short-term extension through November 20. It gives us a few weeks to complete action on that piece of legislation. But we didn't have the luxury of time nor could we afford to wait to act and to make sure that this positive train control extension was put in place in a timely way.

I thank the Presiding Officer, and 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. BLUMENTHAL. 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. BLUMENTHAL. Mr. President, by voice vote, this body has extended the highway funding program, which is a good thing. It has also included in that extension a delay in the deadline for positive train control, which was inevitable. None of us opposed a delay in positive train control; what we opposed was an extension of that delay with inadequate accountability and excessive time.

Let's be absolutely clear. This delay in positive train control is really a delay until 2020, not 2018, because when railroads hit 2018, they can apply for 2 more years, and that second extension is dependent only on having completed work on half the system. Much of that determination is within the control of the railroad itself. That will be the 50 anniversary of the NTSB calling for positive train control.

We are not talking about a novel, untested technology. In fact, five railroads will meet the deadline to implement this technology at the end of this year. Clearly, all could have at least sought plausibly to meet that deadline. If they had a reason for failing to do so, they should be required to present it case by case, year by year, with a firm deadline of 2018. That is the system I proposed in the legislation I offered 6 months ago—well before this deadline became an imminent necessity.

Forty-six years ago, two passenger trains collided in Darien, CT, killing four people. There have been similar crashes and catastrophes since that time, resulting in nearly 300 deaths, 6,700 injuries, and incalculable economic loss. The worst of those cases was a crash in Southern California in 2008, killing 25 people. Another took place in the Bronx in 2013. Many of us visited the site in the Bronx and observed the remnants of this derailment and so are closely familiar with it. My colleagues in California and in New York have been ardent advocates of positive train control, and I thank them for their support.

These are examples of only a few of the many instances of death and destruction over decades that could have

been prevented by positive train control. Positive train control could have prevented Spuyten Duyvil. It could have prevented other repeated instances of death and destruction that resulted from trains speeding excessively and thereby derailing. It could have prevented trains from colliding. It could have prevented drivers from ignoring signals. It could have prevented death and injury around the country with economic losses far exceeding the cost of installing positive train control.

Joe Boardman, head of Amtrak and former FRA Administrator, said: "PTC is the most important rail safety advancement of our time."

Today, the Senate delayed it by 5 years. There are reasons and there is blame enough to go around. The Federal Government—in all frankness, the Federal Communications Commission—perhaps bears part of that blame in the failure to allocate sufficient spending. But let's be honest today in saying that 5 years of delay was unnecessary. The railroads sought it, and they won it with a threat to shut down railroad service everywhere in the country—an unacceptable outcome. The question is, Can we change this deadline in a smart, responsible way?

Unfortunately, the action today rewards the dilatory with unnecessary delay. Congress has sent a message that these deadlines can be avoided without repercussions and responsibility. That is bad policy. It is a bad process. I regret it. There was a better way to act that would have ensured continued funding for our highways and continued accountability for positive train control, which is indeed the most important rail safety advancement of our time. This is not some abstract, novel system. It has been around. It has been used. It has been tested. I regret that today it has been delayed unnecessarily.

Finally, I wish to congratulate and thank Sarah Feinberg, and the good news today is that her nomination has been approved. I look forward to working with her, and I welcome her as a new source of leadership, which she has already demonstrated. I hope she will act aggressively and responsibly to ensure that positive train control and other safety measures become the law and that the law is enforced as effectively and promptly as possible.

Thank you, Mr. President.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oregon.

#### REGULATING TOBACCO

Mr. MERKLEY. Mr. President, I rise today to speak about an issue that affects the health of our children in every single State.

I ask unanimous consent that after I have completed my remarks, Senator BLUMENTHAL, Senator MARKEY, Senator BOXER, and Senator WARREN be afforded the opportunity to continue to address the same topic.

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

Mr. MERKLEY. I also invite my colleagues to jump in at any point to exchange views as well.

This issue is one that we have known about for a very long period of time, which is that tobacco addiction destroys lives. I grew up in a family where my mother didn't smoke and my father didn't smoke, but they both came from large families—many brothers and sisters—and it seemed as though every single year when I was young, one of my aunts or one of my uncles died from smoking. They died from cancer. They died from heart disease. They died from emphysema. This carnage was all too apparent.

Anyone who has taken the slightest look at this issue knows that the statistics are just unbelievable, the number of deaths and illnesses caused, the number of years lost, the degradation of the quality of life of individuals. For this reason, it had long been a topic here in the Senate that nicotine—the primary acting element in tobacco—should be considered a drug. It is a drug. It has all of these impacts. We have a Food and Drug Administration, and the Food and Drug Administration should be able to regulate it for the health and welfare of our Nation.

Back in 2009, we debated just such a law here on the floor of the Senate and across the way in the House, and that law was adopted. So we anticipated that in short order regulations would be issued and they would help address particularly the effort of tobacco companies to produce new products designed to essentially produce nicotine tobacco addicts among our children, to entice our children into smoking or chewing and this whole new variety, this continuum of products.

Here we are years later. It is no longer 2009; it is 2015—6 years later and we have no regulation. During that time, a great deal has happened. Many new products have been introduced in the never-ending quest of the tobacco companies to find what they call replacement smokers; that is, young folks who will continue to buy their products as their current customers die because they use their products.

So 6 years have passed and no action out of the administration. Year after year, we have pushed, we have called as Senators, we have talked about it on the floor, we have held meetings with the key officials, and it has always been: We are almost there. We are working on it. We know how important it is.

But while this process has gone along so slowly, millions more of our children have become addicted to tobacco.

One of the main instruments the tobacco industry is using are flavors designed to target children. We can see here on the chart particularly flavors in the e-cigarette category. We have a whole variety. We have coffee. We have cherry. We have apple. We have cherry bomb flavoring. I was told today on the

phone that there is a Captain Kangaroo flavor and there is a Scooby Doo flavor. There is a gummy bear flavor. These flavors are not designed to entice adults into becoming smokers because the industry knows that very rarely does an individual start to use tobacco products after the age of 21. It is the youth who experiment, and then the nicotine, as an addictive drug, does its work and turns them into lifetime users. That is where, of course, the money is.

I was asked in an interview today how it is that the tobacco companies say these products are not targeted to children. I responded very simply. It is the big lie. No one, no individual can look at the flavors of these products and not know they are targeting our children.

So what has happened in the last few years is the e-cigarette industry is the most successful of the products that tobacco companies have tested. In fact, in just the last year alone, use by our high school students has tripled. That means we now have 2 million high school—the survey was the previous 30 days, and in the previous 30 days, 2 million of our high school students had utilized e-cigarettes. So the tobacco campaign is working, which means they are hard at work compromising the health and welfare of our children and leading them down a path to suffering and death. That is unacceptable.

So we are here today—a number of us—to simply say to our own administration, our executive branch: Get the regulations done. They have now been forwarded from the Food and Drug Administration, from the FDA, to the Office of Management and Budget, which does the final review of those regulations. Get the regulations done, and make sure they are strong regulations. Do not put in a clause that grandfather all the products and exempts them from regulations that have been produced up until now. Such a grandfather clause would tear the heart out, tear the guts out of the entire effort to regulate these killer products. And certainly regulate the flavors. That is the key, core strategy of addicting our children. Do not ignore that key, core strategy.

This is something very real that this body debated and decided to do and turn it over to the executive branch. It is way past time for the executive branch to act. So we are asking for quick and powerful, forceful action to stop the carnage that is ensuing from the failure of these regulations.

Several colleagues are coming to the floor to join this conversation. The Senator from Connecticut, Mr. BLUMENTHAL, is planning to jump in next, followed by Senator MARKEY and then Senator WARREN.

Mr. BLUMENTHAL. Mr. President, I am going to yield to Senator MARKEY, if I may, and then follow him in light of the scheduling needs that he may have, and then I will yield to Senator WARREN. Thank you.

Mr. MARKEY. Thank you, Senator BLUMENTHAL, and Senator MERKLEY, thank you for organizing this. Thank you to Senator WARREN and to everyone who is here.

Mr. President, with Halloween just days away, I would like to share some scary facts about nicotine. Nicotine is the main ingredient in cigarettes and is also found in the new cigarettes, the e-cigarettes.

Four decades of scientific research have proved the following: First, nicotine is addictive; second, nicotine affects brain development; third, nicotine combined with tobacco is responsible for claiming millions of lives.

These facts are true, but for years Big Tobacco willfully, consistently, publicly, and falsely denied them. Those lies were exposed at congressional hearings, and thanks to the tireless efforts of anti-smoking and public health advocates, traditional cigarette smoking has declined from 50 percent of all adults to 18 percent of all adults in the United States. How many millions of lives have been saved because of that?

Big Tobacco and the e-cigarette industry are like the undead. Traditional cigarettes are being supplanted by e-cigarettes. Today e-cigarette sales in the United States alone topped \$1 billion, and e-cigarette use is growing as fast as the students who are smoking them. The use of e-cigarettes among middle and high school students has skyrocketed, tripling from 2013 to 2014, accounting for upwards of 13 percent of all high school students. That is when my father began to smoke two packs of Camels a day. My father died from smoking two packs of Camels a day.

Nearly 2.5 million young Americans currently use e-cigarettes. Why the explosion in youth e-cigarette smoking? It is because Big Tobacco and the e-cigarette industry are marketing their dangerous nicotine delivery product to children and teens.

Big Tobacco would have our young people think that e-cigarettes are a treat, but they are a cruel trick on those children. The younger a person is when he or she starts using products containing nicotine, the more difficult it is to quit.

We know from years of research that flavors attract young people. That is why Congress explicitly banned cigarettes with flavors like cherry and bubble gum, because of their appeal to young people. So it is very disappointing, but not surprising, that new nicotine delivery products are available in a myriad of flavors, from cotton candy to vanilla cupcake to Coca-Cola.

I wonder what this industry is trying to do. Flavors were outlawed from the traditional cigarette industry. You don't have to be a detective to figure it out because over the past decade we have made great strides in educating children and teens about the dangers of smoking, and now we can't allow e-cigarettes to snuff out the progress we

have made in preventing nicotine addiction and its deadly consequences.

We need to ban the marketing of e-cigarettes to kids and teens. We need to ban the use of fruit and candy flavoring clearly meant to attract children. We need to ban the online sales of e-cigarettes to keep them out of the hands of children. The dangers of e-cigarettes are clear. Every day we wait is another day that young Americans can fall prey to harmful products pushed by the tobacco industry.

Last year at a commerce committee hearing, when I asked several e-cigarette company leaders to commit to ceasing the sale of these types of flavored products, a few agreed, but the vast majority have not and will not. Just today the e-cigarette industry trade group, the Tobacco Vapor Electronic Cigarette Association, threatened the FDA after posting on its Web site what the association purports is leaked draft industry guidance under the new deeming rule, tweeting: "The FDA needs to know we mean business." The association got it partially right. The e-cigarette industry should be put out of business.

My father smoked two packs of Camels a day. Back then it was a cool thing to do. For decades Big Tobacco denied that there was any linkage between smoking and cancer. My father died because of that denial of the tobacco industry and the cooperation of the U.S. Congress.

Today electronic cigarettes are no better than the Joe Camels of the past. Through e-cigarettes, children and teens are still getting addicted to nicotine and putting their health and futures at grave risk.

I urge OMB to give America's youth a real Halloween treat by finalizing the deeming rule and stopping the sale of these candy-flavored poisons.

Thank you, and I yield back.

Mr. BLUMENTHAL. Mr. President, I want to thank my colleagues for their very powerful comments, and I have a poster as well. In the spirit of Halloween, mine uses candy. I doubt that children this Halloween are going to receive some of these products—I hope not—when they go door-to-door, but people looking at this poster could easily mistake the candy for the candy-flavored cigarillos or the candy that looks like cigarettes, appears to be tobacco products, or the spit tobacco that is flavored with candy look-alikes.

Today the temptation is to have some fun, use some puns, but I come here in sadness and frankly in anger—sadness that every day thousands of people will become addicted to nicotine and suffer from diseases that tobacco causes, whether it is cancer or smoking-related lung problems, and also tobacco-related problems that can increase the cost as well as the suffering in our Nation.

We are dealing here with indefensible delays in issuing a rule that is necessary to enforce the law. Let me be clear about what is happening. The To-

bacco Control Act was passed 6 years ago. All of us thought the provisions of that Federal law would go into effect to protect Americans against the nicotine addiction that is peddled relentlessly and tirelessly by the tobacco industry. We are 6 years later in an administration that is probably the most pro-public health and anti-tobacco abuse of any in our history, and still, 6 years later that law is unenforced, and the reason is there are no regulations.

We are 18 months after the FDA released the rule called the deeming rule necessary to enforce that law. Eighteen months have passed since the FDA acted, 6 years since the law was passed in this body, and still there is no protection for Americans.

This fight goes back years and years, and I was involved as attorney general for the State of Connecticut in helping bring a landmark lawsuit. I helped to lead that lawsuit as one of the States that sued the tobacco companies for marketing to children.

Back then this poster might have been used in court, and I appeared in court to say that the tobacco companies, despite their denials, were marketing and pitching to children by using Joe Camel. Today the playbook is exactly the same. The tactics have changed, but the strategy is the same: using pitches, wrappings, and flavors to target children—not teenagers or college kids—but younger children who are persuaded by the model of their older siblings and friends to begin a lifetime of addiction and disease.

They may be fooled by the candy flavors and the wrappings and the pitches that are used, but we should not be, the FDA should not be, and the Office of Management and Budget should not be fooled. They should not be waiting to issue this rule. It should be issued now.

We have written to them, asking that the rule be issued. A number of us wrote a letter to Shaun Donovan. I very simply asked the President of the United States for no more delays. Do the rule now. There is no excuse for delay and, by the way, time is not on our side. During every year of delay, thousands more children become addicted, and the President of the United States knows about that addiction because he is a former smoker—hopefully it is former, not present—and he knows the power of nicotine because he has worked hard to overcome it.

Let's prevent young people from becoming addicted in the first place. Let's save money and save lives. Please, Mr. President of the United States, issue this rule.

Thank you, Mr. President.

The PRESIDING OFFICER. The Senator from Massachusetts.

Ms. WARREN. Thank you, Mr. President.

I would like to thank Senator MERKLEY for organizing this event this afternoon and Senators BLUMENTHAL and MARKEY for their work on this.

Smoking produces corporate profits, period. There is the heart of the problem of e-cigarettes. Long after the

science showed that cigarette smoking kills, long after the industry denied and denied, long after millions of people died from smoking-related cancers and heart disease, this country finally got serious about cutting smoking rates.

Much of our attention has been focused on ways to keep the industry from hooking young people, and it is a good approach: If you don't start, you don't have to quit. For decades now public health experts have worked to reduce smoking and to keep kids and teens from becoming addicted to cigarettes. Congress passed the laws and implemented regulations that restricted access for teens. We increased tobacco taxes, and we clamped down on marketing to kids. State and local governments along with the private sector limited smoking in public. Those combined efforts worked. Since the late 1990s, the youth smoking rate has been cut by more than 50 percent.

The most recent effort in Congress to address this issue was the passage of the Family Smoking Prevention and Tobacco Control Act of 2009. The late Senator Ted Kennedy fought for years and years to give the FDA authority to regulate the manufacture, distribution, and marketing of tobacco. I stand at his desk today to continue this fight because the law was passed but our Federal agencies have still not fully implemented it, and the tobacco industry continues to target young people.

The industry profits from getting kids hooked early, so it finds every way it can to undermine all the other work we have done to keep kids from getting hooked on nicotine. Because it is harder now to get kids hooked with cigarettes, the industry has turned to e-cigarettes.

Six years after the Tobacco Control Act was passed, the regulations that deem e-cigarettes as tobacco products and make them subject to all of the rules in that bill have still not been finalized. As a result, e-cigarettes remain virtually unregulated at the Federal level—no age limits, no marketing restrictions, nothing but a patchwork of State and local restrictions. Even though most states ban the sale of e-cigarettes to minors, this is not enough to combat the deliberate and well-financed work of the tobacco industry to hook another generation of kids on their products.

Now, an investigation last year by House and Senate leaders revealed how the tobacco industry is marketing their products to kids. It found that the industry is following the exact same practices of marketing to kids and teens that addicted a generation to cigarettes decades ago. Tobacco companies market e-cigs with cartoons and Santa Claus. They show popular celebrities and beautiful models using e-cigs.

Tobacco companies push e-cigs in flavors designed to appeal to kids—flavors like cherry crush and chocolate treat. Tobacco companies provide free sam-

ples at concerts and other youth-oriented events. Tobacco companies advertise on television shows and radio programs that attract large audiences of teens and preteens. To bring it all into the digital age, tobacco companies use all of these tactics online and on social media.

The tobacco industry has done all of this before. It is having the same result. According to the CDC, e-cigarette use by middle schoolers—that is sixth, seventh, and eighth graders—and high school students tripled in 2014 alone. New data released yesterday shows that 21.6 percent of young adults 18 to 24 have used an e-cigarette.

For teens, e-cig use is now greater than the use of all other tobacco products. Look, the tobacco industry is up to its old tricks, but we are not going to fall for them again. After more than 6 years since the passage of the Tobacco Control Act, the Federal Government is finally on the cusp of regulations to rein in the industry's e-cigarette marketing efforts. Every day that goes by without this regulation, the tobacco industry hooks more kids.

We need a strong rule today, and that is why I join my colleagues to urge the Office of Management and Budget to act without delay and to release this important regulation. It is time—no, it is past time to take action, time to push back against the tobacco industry, time to stand up for our families' health.

I yield the floor.

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

Mr. MERKLEY. Mr. President, I would like very much to thank my colleagues for coming to the floor and speaking to this issue, my colleagues from Connecticut, Senator BLUMENTHAL; from Massachusetts, Senator MARKEY; and Senator WARREN, also from Massachusetts.

I must say that this topic of addiction to tobacco and tobacco products being targeted at our children is not one that is only relevant to one State or this State or that State, it affects children in rural America, in urban America, and in every State and corner of our Nation. So there is basically a universal impact. That is probably part of the reason the Senate came together, during a period in which there has been substantial dysfunction and substantial paralysis, and said, no, it is time to regulate these tobacco products as the drugs that they are, but during the 6 years since the bill was passed, we have had no regulation. So I appreciate my colleagues coming to the floor and trying to amplify the message that this is unacceptable, because children will be addicted, they will develop diseases, they will suffer, and they will die because of the inaction in putting the regulations forward.

This is completely unacceptable. During this time, there have been a lot of experimental products put out by the tobacco industry. They have put

out finely ground tobacco in the form of mints. They put them into hour glass-shaped candy holders so that when students would put them in our pockets, it would look like a cell phone.

That may not make sense in this age of smartphones, but just a few years ago, in 2009, when this was being test-marketed in my State of Oregon and test-marketed in Ohio, the shape of the most popular cellphones kind of had a little bit of an hourglass shape to it. So the idea was it would look like a cellphone and not like tobacco when you were in school.

They came out with a product of toothpicks made out of finely ground tobacco. They came out with a product of breath strips that you put on your tongue. Can you imagine tobacco to freshen your breath? They were experimenting with everything, but the payday was not toothpicks, it was not mints, and it was not breath strips; the payday product is e-cigarettes.

I am going to put the chart back up about the e-cigarettes. There are two fundamental myths propagated by the tobacco industry. The first is that they are not marketing to youth. Well, let's examine the type of flavors in these products. We have apple—these are just the ones on this chart. We have cotton candy. We have gummy bear. We have watermelon. We have candy crave. We have Red Bull. We have peach.

These candy and fruit flavors are designed to appeal to children and to mask some of the nastiness of smoking. Well, so that is big lie No. 1 from the tobacco industry, that they are not targeting our children. It is absolutely clear they are.

Furthermore, they have to because they know that replacement smokers—getting new smokers to replace those who are dying because of their products requires targeting children because very few people start smoking when they are adults or start using tobacco products when they are adults. The mind of the teenager is the perfect moment to gain traction and produce addiction. That is why the tobacco companies are targeting our children.

The second myth they put forward is that e-cigarettes are simply a wonderful health aid designed to get people to quit smoking. Maybe it is healthier than a cigarette with a tobacco leaf ground up inside of it or a clear liquid nicotine rather than a cigarette or a cigar. Do not believe for a moment that tobacco companies are trying to help individuals stop smoking. They did not do billions of dollars in commerce by getting people to stop smoking. Everything about targeting kids is not about getting individuals to stop smoking but to start smoking. That is the goal, to start smoking, to lead them into a life in which they will spend an enormous amount of money buying a product that is destroying their body.

Eventually they will suffer. Eventually they will die. It will be a heart attack. It will be lung cancer. It will be



a whole host of—emphysema. OK. Maybe not every single individual, but a huge number of folks who become addicted in their youth will suffer substantial health consequences. Even those who don't have cancer or full-blown emphysema will experience other health impacts that make them a less healthy individual and compromise their quality of life.

Again, I thank my colleagues so much for coming to the floor to accentuate this message that we have waited far too long for the regulations to get done to take on this industry and that we are demanding that when the regulation is published—and hopefully that will be very soon, as in days or weeks—that will be a regulation that is written in a forceful, comprehensive fashion, that will not have a grandfather clause that excludes existing products from regulation, and it will not fail to address this powerful instrument being used to target our children, which are fruit and candy flavors.

We ask, now that the Food and Drug Administration has forwarded this decision to the Office of Management and Budget for final decisionmaking, that OMB come out quickly, forcefully, and strongly to address this tremendous blight on our society.

I yield the floor.

The PRESIDING OFFICER. The Senator from Maryland.

#### NOMINATIONS

Mr. CARDIN. Mr. President, I take this time as the ranking Democrat on the Senate Foreign Relations Committee to bring to my colleagues' attention a very disturbing trend that is taking place on us carrying out our constitutional responsibilities. It is up to the Senate, and only the Senate, to confirm—advise and consent—appointments by the President of the United States that require the confirmation of the Senate.

I think the Senate Foreign Relations Committee, which I am honored to serve on and act as the ranking Democrat, has acted in a very responsible manner in scheduling hearings and taking action on the nominations that have been submitted by President Obama. I thank Senator CORKER. He has scheduled these hearings in a very timely way and scheduled markups in our committee so we can make our recommendations to the full Senate. That is not true of the Senate as a body. There are currently 16—16—highly qualified nominees who have been recommended for Senate confirmation, none of whom are controversial, who are awaiting action on the floor of the Senate. Some of these nominees have been waiting as long as 10 months, almost a year for action by the Senate. Let me repeat this: Not one of these nominees is being held up because of challenges to his or her qualifications to assume the responsibilities of the position for which that person has been nominated. In each of these cases they

have cleared the committee hurdle by unanimous or near unanimous votes in the Senate Foreign Relations Committee.

So why have we not taken up those nominees for confirmation votes on the floor of the Senate? They are not controversial. They are qualified for the position. The reason is that in each case a Senator has placed a hold on the consideration of that nominee. What does a hold mean? It means a Senator has let their respective caucus know they will not consent to the nomination coming before the Senate either as a unanimous consent request or for a vote on the floor of the Senate. That has been the prerogative of Members of the Senate. They can do that. The way you overcome that is either the Senator eliminates the hold—in these cases each one of the holds have nothing to do with the qualifications of the individual for this position—or the majority leader, Senator MCCONNELL, brings forward the nomination, if necessary uses a cloture motion in order to get this issue resolved. After all, one Senator should not be able to stop a nomination on the floor of the Senate so we cannot carry out our responsibilities of advice and consent.

Senator MCCONNELL has been unwilling to do that. I understand the challenges of floor time. I fully do. Ten months some of these nominees have been waiting. These are critical missions for our Foreign Service. The reasons these individuals are being held—let me just give you an example—is because of a Member being upset with the Obama administration for taking the Iran agreement to the United Nations for a vote before action in the Senate—having nothing to do with the nominee we are talking about—or concerns about Secretary Clinton or concerns about the Secret Service but not related to the person who was nominated for the position we are talking about. That is just wrong. We have the constitutional responsibility to advise and consent on Presidential appointments.

Let me give some examples that fall into this category of the 16 nominees who are currently waiting for Senate confirmation.

We have the Secretary of State for Conflict and Stabilization Operations. The person who has been nominated for that is Ambassador David Robinson, a career diplomat with 30 years of public service. He has been the Principal Deputy High Representative in Bosnia-Herzegovina, one of the most difficult conflict areas in modern times. He has served both Democratic and Republican administrations. He is a career diplomat.

The position we are talking about focuses on prevention and response to mass atrocities and countering violent extremism and election-related violence. I would think that is a high priority for this Senate, to make sure the United States has all hands on deck to deal with these types of international challenges.

Ambassador Robinson has served far and wide under dangerous and demanding circumstances. He was the Assistant Chief of Mission at the U.S. Embassy in Kabul, Afghanistan. He served as the Principal Assistant Deputy Secretary for Population, Refugees, and Migration. He served as U.S. Ambassador to Guyana from 2006 to 2008 and as Deputy Chief of Mission at the U.S. Embassy in Georgetown, Guyana, from 2003 to 2006. He also served as the Deputy Chief of Mission at the U.S. Embassy in Paraguay from 2000 to 2003.

He is a highly qualified individual who has shown a clear dedication and commitment to serving his country. He has been waiting almost 7 months for the Senate to act on his nomination.

I wish to cite another example, the State Department's Legal Adviser, Brian Egan. He has served both Republican and Democratic administrations. This a critical mission, the Legal Adviser. Just today, in a hearing before the Senate Foreign Relations Committee, we had General Allen, and a discussion ensued as to the legal authority we have in regard to some of our activities. It would be good to have a confirmed legal adviser so we can get those types of answers.

Like Ambassador Robinson, Mr. Egan has served in both Democratic and Republican administrations. He began his career as a government lawyer in 2005, as a civil servant in the Office of the Legal Adviser of the State Department, which was headed at the time by Secretary of State Condoleezza Rice. He has worked in the private sector. He served as Assistant General Counsel for Enforcement and Intelligence at the Treasury Department. He served on the National Security Council staff. He is a nonpartisan and fair-minded individual who clearly has the skills and the ability to lead the Office of Legal Adviser at the State Department. He has been waiting 9 months for confirmation—9 months. He is a person who has devoted his career to public service.

That is no way to treat people who want to give their service to this country in an important role. We need to carry out our responsibility.

At the USAID, the Administrator position has not been confirmed. The USAID Assistant Administrator for Europe and Eurasia has not been confirmed. The inspector general of USAID has not been confirmed. These appointments have been in the Senate for some time.

I have listened to my colleagues on both sides of the aisle talk about the refugee crisis. We are approaching the number of people who are dislocated in this world similar to what we had at the end of World War II. The principal agency that deals with this crisis in the United States is the USAID. We know we have conflict areas all over the world, and we have heard over and over again that the way we deal with this—one of our major tools—is through development assistance. We need confirmed, top management at

this agency. The Senate has an obligation to act.

None of these nominees are non-controversial. I want to repeat that. They are not being held by a Senator because of anything to do with their qualifications for the position for which they have been nominated. There have been unrelated issues for a long period of time compromising the critical missions of these agencies.

Just as tragically, there are 20 innocent USAID Foreign Service officers who have been held up. These 20 USAID Foreign Service officers are not nominated for Ambassador positions or Assistant Secretary position; these are folks who were plucked from a list of 181 promotions that must be confirmed by the full Senate for the promotions to take effect. In other words, their promotions have not taken effect because of an individual held by a Senator for reasons unrelated to their performance in office—career diplomats, civil service. These are civil servants who are working hard day in and day out serving their country in both Democratic and Republican administrations. They are not involved in the politics of the Senate, and yet they are the casualties of these politics.

These individuals are called upon to serve in challenging and sometimes very dangerous places. We are talking about a Supervisory Program Officer in Cambodia, the Deputy Director for East Africa Operations in Kenya, the Director of the Democracy and Governance Office in Rwanda, a Senior Advisor for Civilian-Military Cooperation, a Resident Legal Officer for the Resident Mission in Asia, an Education Officer in Honduras, a Regional Legal Advisor in El Salvador, a Deputy Controller for Financial Management in El Salvador, a Regional Food for Peace Officer in Ethiopia, a Regional Legal Advisor in Egypt, a Deputy Education and Youth Office Director in Kenya, the Director of the Food for Peace Program in South Sudan, the Democracy and Governance Director in El Salvador, the Economic Growth Team Leader in Zambia, the Economic Growth Office Director in Ukraine, and a Controller for Financial Management in Rwanda.

I went through that list because I think everyone would acknowledge that these are people who are serving in very dangerous places.

As I mentioned, we had a hearing in the Senate Foreign Relations Committee with General Allen, who is doing incredible public service for our representative in the Middle East. He said he wanted to thank the Senate Foreign Relations Committee for the attention we have given to our diplomats.

Often on the floor of the Senate you hear glowing thanks—and I join in that—to the men and women who have worn the uniform of our Nation to defend our freedom. Well, our thanks go equally to our Foreign Service officers who serve in very dangerous positions in order to advance the U.S. principles

of democracy and human rights. We know about the casualties we have suffered in that regard. These individuals are entitled to their promotions, and it requires our action. To hold up their promotions for reasons unrelated to their job performance is just plain irresponsible, and we need to take up these nominees.

There are ambassadorships that have been open for way too long. I could mention many of the ambassadorships, but I will just mention two—Sweden and Trinidad and Tobago.

Sweden, of course, is a strategic ally and an Arctic Council member. Azita Raji has been nominated. She is a businesswoman who has been the vice president of J.P. Morgan Securities. She brings her unique expertise from the business sector to help one of our critical Ambassador positions. Again, she is a noncontroversial nominee who has been held up 10 months. Sweden is a critical partner for the United States.

In Trinidad and Tobago, John Estrada has been waiting 180 days for his confirmation. Trinidad is a critical place for the United States as far as drug-smuggling activities that bring drugs into the United States. We need a confirmed Ambassador to lead that fight against drug smuggling into the United States. Again, he is being held up for reasons unrelated to his own qualifications.

I could go through all the 16 nominees. I think I have made my point. My point is that I think the public would be surprised to learn that one Senator could block a nomination of a President, and that is used many times unrelated to the qualifications of that individual for the position for which he or she has been nominated. It has happened in the Senate numerous times, as I have just pointed out.

I think it is the responsibility of the Senate to say enough is enough. It is time for us to act on these nominees so they can continue their public service in a confirmed position to help us in our war against drugs, to help us in our international diplomacy, to help us in development assistance in order to resolve conflicts, and to provide the very best legal advice to make sure that what we are doing is consistent with our Constitution.

To do the services of the people for the people of this country, we have to do our service in the Senate, and that is to take up and vote on the President's nominees to these critical foreign policy positions.

I urge my colleagues to allow us to bring these nominees up for a vote so we can carry out our responsibility and so these people can carry out their critically important missions to the security interests of the United States.

With that, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

#### COMMERCIAL SPACE BILL

Mr. NELSON. Mr. President, it looks like there has been a resolution between the House and Senate on a commercial space bill which includes an update. This goes way back 31 years ago. When this Senator was a young Congressman, I actually participated in and sponsored the first Commercial Space Act. Very few people could have envisioned what would happen 30 years later with this legislation, for indeed commercial companies are delivering launch services not only to commercial customers, such as all of our satellites, GPS systems, and some communication satellites, but also government payloads for the U.S. Government, obviously Air Force payloads, and various other intel satellites and satellites for foreign countries.

Our American space launchers are putting these satellites up into space, and of course it has revolutionized our daily life. How many among us are so accustomed to using this device to look up the location of an address? How do you think that is happening? It is happening because we have hundreds of satellites up there in the GPS system—scores of satellites—that give you precise locations of any point on the globe where one might want to visit. These devices have gotten so sophisticated that they talk to you and say: Go 600 feet and turn right on such and such street and then turn left. It is just amazing. This doesn't just happen. It happens because of our space industry and in particular our commercial space industry.

Since this Senator, as a young Congressman, got into this in the beginning, which was about 31 years ago, we have had to update this legislation. A lot of things have happened, and now there are very significant things that are happening. For the past decade, we have had a national laboratory in space, which is one component of what is happening, and it is known as the International Space Station. There are six human beings up there. There is an international crew, which includes American astronauts, and one of them, by the way, has now completed 6 months of a 1-year stay so we can study the effects on the human body after a long duration in space. That will help us so we can be ready to go to Mars with human beings in the decade of the 2030s.

There are other activities on the space station that are commercial activities. There are all kinds of pharmaceutical experiments that are going on. As a matter of fact, there are drug trials right now, and the FDA, having used the properties of zero G on the International Space Station, is developing vaccines for salmonella and

MRSA. If using the properties of zero G may help us to develop vaccines that help us with diseases and bacteria on Earth, then that is a significant accomplishment. Those are some of the commercial activities that are taking place in space.

As we think way into the future, we could be mining other planets, and we could certainly be mining asteroids. Wouldn't it be nice if we found an asteroid that was suddenly full of diamonds. We don't even have to stretch our imagination that far. There are all kinds of elements on these asteroids.

This legislation should be cleared later on tonight and in the morning by both sides. Once it has been cleared, we can take the House bill that is down here, amend it on the Senate bill, and send it back to the House. The House has agreed with the far-reaching thought of mining on asteroids, which will be considered intellectual property so it is preserved for the commercial sector and that would be their property.

This whole commercial space business today, including launching and some of the other activities, unbelievably, is a \$330 billion industry. The commercial launch industry started out on American rockets. Over the course of the last three decades, our launchers were more expensive, and so international competitors came into this—the Russians, in some cases using old Soviet rockets, and the European Space Agency launched the Ariane rocket, which they developed. Other nations also have rockets that offer fierce competition to the American rockets.

The need for this legislation to be passed at this time—by updating the Commercial Space Act—is because we are now seeing commercial enterprises that are set on a road in the NASA authorization bill of 2010 and are becoming so efficient and effective that they are bringing down the cost of launching payloads into orbit. That is also benefitting the U.S. Government, which is buying these launch services in order to get government payloads into orbit. Because of that, we are now seeing some of that international business which went to other countries starting to come back to us. Orbital Sciences has a commercial rocket, and SpaceX has a very successful program. Amazon founder, Jeff Bezos, has a rocket company called Blue Origin and is likewise getting into the commercial space business. There are many others as well.

This is an exciting time for us to be bringing a lot of this activity back to America. Therefore, at the end of the day, what does that mean? More industry, more high-tech, more research and development, more exploration, and more jobs.

So we are seeing increasingly the U.S. Air Force cooperate on their installation, the Cape Canaveral Air Force Station, using government property but leased through State or local

space authorities, which are then, in turn, leasing to these commercial operators. A good example that has been tremendously successful for the past several years is an Elon Musk company called SpaceX. They contracted with Space Florida, which had worked out an arrangement with the Cape Canaveral Air Force Station for launch complex 40, for that to be the SpaceX launchpad. They have been enormously successful. They have not only launched government payloads—the NASA cargo to and from the space station—but they have also launched other commercial payloads, government payloads of foreign countries, as well as government payloads of the U.S. Government.

Eventually, that commercial space company, along with the Boeing Company, will be the ones that, in just 2 years, will launch American astronauts on American rockets for the first time since the shutdown of the space shuttle back in 2011—American astronauts on American rockets to and from our international space station. Those two companies are competing for it, but it doesn't mean that just one of the two necessarily wins the competition. Both could be the providers for NASA of ways for us to get Americans on American rockets to our own international space station instead of having to rely on the Russian—very proven and very dependable—Soyuz rocket, which is the only way to get our astronauts there at the moment, until we start flying these other new rockets.

So I wanted to alert the Senate that this is happening as we speak. I hope we get all of the clearances in the Senate later tonight—if not, early in the morning—so that we can get this amended, onto the House bill. It would basically be this: “Strike all after the enacting clause,” put the Senate bill on, which we have already negotiated with the House, get it to the House, let them pass it, and get it to the President for signature. I wanted to bring the Senate up to date on what is happening.

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

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

#### TRADE ACT OF 2015

Mr. McCONNELL. Mr. President, I ask the Chair to lay before the body the message to accompany H.R. 1314.

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

*Resolved*, That the House agree to the amendment of the Senate to the bill (H.R. 1314) entitled “An Act to amend the Internal Revenue Code of 1986 to provide for a right to

an administrative appeal relating to adverse determinations of tax-exempt status of certain organizations,” with an amendment.

#### MOTION TO CONCUR

Mr. McCONNELL. Mr. President, I move to concur in the House amendment to the Senate amendment to H.R. 1314.

#### CLOTURE MOTION

Mr. McCONNELL. I send a cloture motion to the desk on the motion to concur.

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

The senior assistant 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 concur in the House amendment to the Senate amendment to accompany H.R. 1314, a bill to amend the Internal Revenue Code of 1986 to provide for a right to an administrative appeal relating to adverse determinations of tax-exempt status of certain organizations.

Mitch McConnell, John Cornyn, Lisa Murkowski, John Thune, Lamar Alexander, John Barrasso, Roger F. Wicker, Orrin G. Hatch, John McCain, Thad Cochran, Thom Tillis, Michael B. Enzi, Mike Rounds, Roy Blunt, Susan M. Collins, Shelley Moore Capito.

#### MOTION TO CONCUR WITH AMENDMENT NO. 2750

Mr. McCONNELL. I move to concur in the House amendment to the Senate amendment to H.R. 1314, with a further amendment.

The PRESIDING OFFICER. The clerk will report the motion.

The senior assistant legislative clerk read as follows:

The Senator from Kentucky [Mr. McCONNELL] moves to concur in the House amendment to the Senate amendment to H.R. 1314, with an amendment numbered 2750.

Mr. McCONNELL. I ask unanimous consent that the reading of the amendment be dispensed with.

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

The amendment is as follows:

At the end add the following:

“This Act shall take effect 1 day after the date of enactment.”

Mr. McCONNELL. I ask for the yeas and nays on my motion to concur with amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

#### AMENDMENT NO. 2751 TO AMENDMENT NO. 2750

Mr. McCONNELL. I have a second-degree amendment at the desk.

The PRESIDING OFFICER. The clerk will report.

The senior assistant legislative clerk read as follows:

The Senator from Kentucky [Mr. McCONNELL] proposes an amendment numbered 2751 to amendment No. 2750.

Mr. McCONNELL. I ask unanimous consent that the reading of the amendment be dispensed with.

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

The amendment is as follows:

Strike “1 day” and insert “2 days”.

MOTION TO REFER WITH AMENDMENT NO. 2752

Mr. MCCONNELL. I move to refer the House message on H.R. 1314 to the Committee on Finance with instructions to report back forthwith with an amendment numbered 2752.

The PRESIDING OFFICER. The clerk will report the motion.

The senior assistant legislative clerk read as follows:

The Senator from Kentucky [Mr. MCCONNELL] moves to refer the House amendment to the Senate amendment to H.R. 1314 to the Committee on Finance with instructions to report back forthwith with an amendment numbered 2752.

The amendment is as follows:

At the end add the following:

“This Act shall take effect 3 days after the date of enactment.”

Mr. MCCONNELL. I ask for the yeas and nays on my motion.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

AMENDMENT NO. 2753

Mr. MCCONNELL. I have an amendment to the instructions.

The PRESIDING OFFICER. The clerk will report.

The senior assistant legislative clerk read as follows:

The Senator from Kentucky [Mr. MCCONNELL] proposes an amendment numbered 2753 to the instructions of the motion to refer.

Mr. MCCONNELL. I ask unanimous consent that the reading of the amendment be dispensed with.

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

The amendment is as follows:

Strike “3 days” and insert “4 days”.

Mr. MCCONNELL. I ask for the yeas and nays on my amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

AMENDMENT NO. 2754 TO AMENDMENT NO. 2753

Mr. MCCONNELL. I have a second-degree amendment at the desk.

The PRESIDING OFFICER. The clerk will report.

The senior assistant legislative clerk read as follows:

The Senator from Kentucky [Mr. MCCONNELL] proposes an amendment numbered 2754 to amendment No. 2753.

The amendment is as follows:

Strike “4” and insert “5”.

## MORNING BUSINESS

### POSITIVE TRAIN CONTROL

Mrs. FEINSTEIN. Mr. President, I wish to speak about the unfortunate extension of the deadline for the implementation of positive train control, or PTC.

As one of the authors of the Rail Safety Improvement Act of 2008—which established the PTC mandate—I stand here committed to ensuring that PTC is installed on all our Nation’s railways as soon as possible.

Current law states railroads must fully install PTC by the end of this year. For a variety of reasons, we all know this is not feasible for all railroads. But we can’t let this drag on indefinitely.

It’s a matter of public safety. We must get this done.

The focus of the current debate has been on why an extension of the mandate is necessary, but I would like to take a step back and remind my colleagues why the mandate itself is necessary.

On September 12, 2008, the inattentive conductor of a Metrolink train—a commuter railroad in the Los Angeles area—missed a red light and entered a stretch of single track going the wrong way.

The train collided with a Union Pacific freight train, which completely demolished the first commuter car. The accident killed 25 and injured more than 100.

This was an absolute tragedy for my State and the country.

What is even more tragic: It was 100 percent preventable. Had PTC been installed, we would have avoided this tragedy.

The National Transportation Safety Board has been recommending the installation of PTC since an accident in Connecticut in 1969.

This technology is lifesaving. It prevents train-to-train collisions and overspeed derailments and other rail dangers.

PTC could have saved 25 lives in Chatsworth. In fact, PTC could have saved at least 288 lives and prevented more than 6,500 injuries in accidents across 36 States since 1969.

In 2008, at long last, Congress passed a law requiring PTC implementation by the end of 2015, giving railroads 7 years to comply.

It is extremely disappointing that most railroads will not meet this deadline.

It didn’t have to be this way.

The passenger railroads in California took this legal and moral imperative seriously. They committed resources.

In fact, Metrolink will be the first system in the Nation to fully implement positive train control when the Federal Railroad Administration gives its final certification by the end of this year.

The Bay Area is also well ahead of the curve. Caltrain will begin operating PTC on its line between Gilroy and San Francisco by the end of the year, with final certification expected early next year.

These stories show that it can be done on time.

But the sad fact is few railroads will meet the 2015 deadline as mandated by law.

Yes, there were some unanticipated challenges and procedural hurdles that have contributed to the delay.

But more devastating were legal challenges from the industry and railroads failing to commit the necessary resources.

So here we are today, debating an extension.

Let me be very clear: the PTC extension provision the House sent over is flawed.

In my view, we need to be forcing railroads to implement this as soon as possible, and the House proposal fails to do that.

Instead, it gives all railroads a blanket extension until 2018, even those that would be done well before then.

The Secretary of Transportation can take enforcement actions against railroads that miss certain annual milestones between now and 2018, but the railroads themselves get to establish those milestones in the first place.

After the 3-year blanket extension, railroads can request an additional 2-year extension, so long as a railroad is about halfway complete with implementation.

That means they will have until 2020—12 years after Congress first mandated the technology and 50 years since the National Transportation Safety Board began calling for it.

This is effectively a 5-year extension, precisely what railroads have been lobbying for.

There are better options available.

In fact, we anticipated the need for an extension years ago and worked to find reasonable compromises.

First, in 2012, we tried to modify the mandate.

I supported a provision that passed the Senate in that year’s transportation reauthorization bill.

It would have kept the deadline in 2015, but allowed the administration to grant up to three 1-year extensions to railroads on a case-by-case basis only when necessary and where railroads were working diligently.

But the railroads wanted 5 years, and the provision was dropped from the final bill.

Then earlier this year, debate began anew.

The Commerce Committee approved a bill that would provide railroads with a blanket extension of 5 to 7 years.

I thought that was reckless and unnecessarily long.

Together with several of my colleagues, we reintroduced separate legislation along the lines of the provision that passed the Senate in 2012.

This started negotiations that led to the two different provisions now included in the House and Senate transportation reauthorization bills.

These provisions are each much improved from a blanket 5- to 7-year extension, but both remain flawed.

In my view, it would be fair and reasonable for the remaining policy differences between these two provisions to be resolved during conference.

I hope the conference would lead to a policy that takes the best parts of both approaches and would be packaged as part of a bill that provided sufficient resources for the commuter railroads to comply with the mandate. We should let that process play out.

We should not rush to pass bad policy on this 3-week extension.

I now want to take a moment to describe something that has disturbed me throughout this entire process.

That is the aggressive stance of the railroad industry.

As we have seen in public, railroads have threatened to stop service for rail passengers around Christmas and stop transporting certain chemicals before that.

Union Pacific's demand letter was the most explicit, acknowledging that "this will cause significant economic disruption for our country," but that it "is in the best interest of our employees and shareholders."

The railroads claim that the fines that will be charged next year by the Federal Railroad Administration would be so draconian that they would be unable to continue operating as railroads.

It is very difficult to believe the government would fine railroads to such an extreme. The government's goal is simply to compel the fastest possible implementation of PTC.

The railroads also say that in the event of a PTC-preventable accident, they would be liable for excessive damages. But as we all know, there is a liability cap for passenger accidents.

And for hazardous materials accidents, the railroads have been shipping chlorine and ammonia for decades. It is offensive that only when a railroad could face full liability for an accident that they find operation without PTC to be unacceptably dangerous.

The railroads' overtly political threats of economic calamity are not constructive. They serve only to create a hysterical atmosphere that prevents meaningful negotiations.

It is entirely inappropriate that the railroad industry would make hostages of America's passenger rail services and chemical shippers in order to secure their favored legislative outcome.

What we are discussing today is a bad proposal. We should be prioritizing public safety. But this House-passed provision does not.

The proper place for this debate is in the long-term transportation reauthorization bill.

It is very unfortunate that this has been attached to a must-pass short term extension of the highway trust fund.

Ms. STABENOW. Mr. President, today's extension of the deadline to fully implement positive train control technology is deeply disappointing. Passing this extension means that our rail system failed to make good on its original deadline, despite having nearly 7 years to do so.

There are many reasons for the failure to meet this deadline, and the re-

sponsibility for this failure is widely shared. The critical bottom line, however, is that positive train control saves lives. And we were tragically reminded of that fact again last May, when the derailment of a speeding train near Philadelphia killed eight passengers, including a wonderful Michigan native, Rachel Jacobs, and injured 200 others. Had positive train control been in place on this section of track, it could have prevented this terrible tragedy.

I understand that today's extension includes concrete milestones, new progress reports, and stronger oversight by the Department of Transportation to ensure positive train control is a reality sooner rather than later. This needs to be a top priority for all of those responsible for getting this done. This extension should not be seen as an excuse to slow progress. We cannot allow any further delays on installing this essential, lifesaving technology.

Mr. BOOKER. Mr. President, as the Senate votes today on a short-term extension of the highway trust fund and an extension of the deadline for positive train control, I rise to discuss the importance of transportation safety and the need for vigorous oversight as both passenger and freight railroads strive to implement this life-saving technology.

Congress passed legislation 7 years ago that gave our Nation's rail carriers until December 31 of this year to fully deploy and implement positive train control, or PTC, on all rail lines that carry passengers or toxic substances. Some railroads have made the investments necessary to make significant progress in meeting this deadline, and others have been slower for a number of reasons, ranging from the costs to the complexity of the technology.

The necessity of quickly implementing PTC took on a renewed urgency in May of this year when Amtrak train 188 derailed in Philadelphia, taking the lives of eight passengers and injuring hundreds more. PTC could have prevented this accident, and I am grateful the Federal Railroad Administration took swift action with Amtrak to improve safety in certain high-risk sections of the Northeast corridor. But more must be done across the country and as soon as possible.

In recent months, with a deadline looming, Members on both sides of the aisle have heard from railroads as well as downstream producers, shippers, and manufacturers who rely on transporting goods by rail. All stakeholders seem to recognize the importance of using new technology to make our railroads safer. What has not had equal consensus is how long it should take for this new technology to be installed and utilized. Recent legislative proposals, including in the Senate-passed DRIVE Act, would have created enforcement loopholes that weaken the tools of Federal safety regulators.

The bipartisan PTC language considered today closes these loopholes and

sets a new implementation deadline of December 31, 2018. Railroads will be required to set up implementation plans with clear benchmarks and timelines that will be enforceable by the Department of Transportation.

In what I hope will be very rare cases in which railroads may need an extension beyond that deadline, a limited period, not to exceed 24 months in total, may be applied should the railroad meet strict criteria. These criteria include having PTC already implemented in the majority of its territories, acquisition of all needed spectrum for implementation, installation of all necessary hardware components, completion of employee trainings, and any additional criteria established by the Secretary.

While railroads and commuter authorities face an immense challenge in implementing PTC, now and always, we must place the safety of our citizens above the fear of difficulties incurred by necessary technological change.

As Congress extends the deadline for this lifesaving technology, we must also extend our oversight and commit to meticulous and thorough review of the ongoing implementation process. We should confirm outstanding nominees, including the nominee for FRA Administrator, who has direct oversight responsibilities over PTC. Congress must also invest more in our Nation's infrastructure and enable railroads to access grants and various funding sources to help implement this technology, as well as other critical safety and state-of-good-repair needs. We should remain diligent in ensuring that critical benchmarks and good-faith efforts to install the technology are being made by industry and, if necessary, take actions to ensure compliance.

I urge my colleagues to stand with me in calling for reasonable and commonsense conditions as we work to ensure every train hauling people and toxic materials in this Nation can operate as safely as possible with new technology.

---

#### REGULATING ELECTRONIC CIGARETTES

Mrs. BOXER. Mr. President, it has now been more than 6 years since Congress gave the FDA authority to regulate the tobacco industry, and it is absolutely outrageous that we are still waiting for a final rule that would protect our children from e-cigarettes.

What has happened while we wait? E-cigarette use among middle and high school students tripled last year compared to the year before. That means that as many as 2.5 million children are now experimenting with these dangerous products.

While we are finally making progress in reducing traditional cigarette smoking among young people, the soaring

use of e-cigarettes is putting our children at risk of lifelong addiction to nicotine.

Every day that e-cigarettes continue to go unregulated, more and more children and teens are being exposed to nicotine—which according to the Surgeon General poses health risks for adolescent brain development.

E-cigarettes also contain potentially dangerous chemicals like benzene, cadmium, formaldehyde, propylene glycol, and some of the very same nanoparticles that are in traditional cigarettes according to the California Department of Public Health.

But those chemicals are masked by e-cigarette flavors like bubble gum and gummy bear—which are clearly marketed toward children.

And the industry's dangerous targeting of young people is working. New research published in the *Journal of the American Medical Association* just this week shows that 81 percent of teens who have ever tried an e-cigarette started with a flavored one—81 percent.

Combine those flavors with TV ads airing during the most popular youth TV shows and Big Tobacco is clearly seeking to lure the next generation into a lifetime of addiction to their products. A study published in the journal *"Pediatrics"* last year found that youth exposure to television e-cigarette advertisements increased 256 percent from 2011 to 2013.

This is not an accident. Big Tobacco used the same marketing tactics with traditional cigarettes decades ago—until we stopped them. These companies will not stop until millions more are hooked on nicotine.

So what do we do? We need to protect the health of our children by regulating e-cigarettes just like traditional cigarettes.

The administration needs to issue the final FDA rule to regulate e-cigarettes, which is currently at OMB. It has been more than a year and a half since it was first proposed. While this rule may not go as far as I would like, it is a critical first step, and it must be approved immediately.

First, the regulation should ban the sale of e-cigarettes to minors because it is just common sense. Take these dangerous products out of the hands of our children.

Nearly every State already bans sales to minors—it is beyond time the Federal Government makes this the law of the land.

Second, the FDA should subject products to FDA review before they can be marketed.

Third, the FDA should ensure that e-cigarettes are labeled with health warnings.

Fourth, I want the FDA to go even further and ban flavors and marketing tactics that appeal to children—and ban online sales as well.

Now, we have seen some progress in how e-cigarettes are being handled—like the Department of Transpor-

tation's announcement yesterday that it will ban e-cigarettes from checked bags to reduce the risk of fires in flight. But we are still waiting for the final DOT rule prohibiting the use of e-cigarettes on board airplanes—where passengers are subject to the potentially toxic secondhand exposure.

The cost of doing nothing is putting too many lives at risk. The research is clear, and as time goes by, Americans are worried for their health and safety—and parents are worried about the long-term health consequences for our children.

Just listen to what Sondra, from Corona, CA, told me. She says, "I have worked in our local high schools for almost 15 years. The e-cigarettes definitely need to be regulated for people under 18. I am consistently told by students that 'these are better' than traditional cigarettes. They don't realize the harm and the addictive qualities are still present."

There is no time to lose. We don't need another public health epidemic just as we have finally started to save lives by reducing cigarette smoking.

I join my colleagues and urge the administration to finalize the pending regulation. We cannot wait another day.

#### REMEMBERING DR. JIM SAMPSON

Mr. WYDEN. Mr. President, I wish to honor an illustrious individual in both Oregon and the Nation's HIV/AIDS research and treatment community who passed away on October 4 of this year. Dr. Jim Sampson, while born a Georgia southerner, made Portland, OR, his home for the past 36 years. As a father, husband, brother, uncle, and friend, Jim generated an inclusive atmosphere of passion, love, and laughter wherever he went. As a medical doctor and a fervent leader in the fight against HIV/AIDS through research and treatments, Jim brought hope and compassion to his daily interactions with colleagues and patients alike. For Jim, no person or job was too big or too small to embrace.

In 1979, after Jim graduated from Emory University and the Medical College of Georgia, he moved to Portland to become the medical director of the health services division and the HIV/AIDS program at Multnomah County Health Department. At a time when a lack of public education and stigmatization of HIV/AIDS stymied research in America, Jim fought to build a greater understanding of the disease. Because of Jim's desire to see HIV/AIDS prevention and treatment improve through extensive research and because of the way he showed love and hope in his interactions with his patients, Jim helped push the doors open wide in the fight against HIV/AIDS.

Over the years, Jim expanded his involvement in the community and the field of HIV/AIDS research and treatment. He would go on to become the chairman of the Oregon Board of Med-

ical Examiners; cofound the Oregon AIDS taskforce; cofound Art AIDS; and sit as executive director and principal investigator at the Research and Education Group, where Jim and his colleagues conducted clinical research. Jim even managed to find time to serve on the board of trustees for the Portland Institute for Contemporary Art and the Pacific Northwest College of Art. Also, over the past 35 years, both Jim and his husband, Geof Beasley, created an unbelievable Sherwood, OR, garden, Bella Madrona, a place where Jim's love of community, advocacy, and family still live on. The Bella Madrona garden has been nationally and internationally recognized, not only for its remarkable beauty, but as the site for many benefits through the years, including human and animal rights, environmental causes, and the arts.

Jim was a valued and loved leader, a healer, and a family man worthy of emulation. With a full and loving heart and an ambitious mindset, Jim selflessly served Oregon and the Nation. While Jim will be remembered by those whose lives he touched, he will especially be remembered as a loving husband and partner of 47 years to Geof Beasley; dedicated father to daughter Adele; and caring brother to sisters, Miriam Tillman and Elizabeth Martin, and brother, George. I honor the esteemed life and career of Dr. Jim Sampson and thank him for his enduring legacy.

#### CONGRATULATING THE 40TH ANNIVERSARY OF THE SKANNER NEWS GROUP

Mr. WYDEN. Mr. President, this year marks the 40th anniversary of the Skanner News Group, a renowned print and online news publication that serves African and African-American communities in Portland, OR, and the Northwest.

Since 1975, the Skanner News Group has provided in-depth and essential coverage of its community as it relates to politics, social justice, civil rights, art, and food, all while holding true to its mission statement: "Challenging people to shape a better future now." The Skanner certainly has been a catalyst for change. In the late 1980s, it was the Skanner's coverage of the debate to rename Union Avenue in Northeast Portland for Martin Luther King Jr. Boulevard that played a crucial role in ensuring the community's request was fulfilled. Whether it is honoring minority-owned businesses or running profiles on the Black Lives Matter movement, the Skanner is there to cover and inform all of us in Portland about the most important issues and topics of our time.

The Skanner's long list of awards is a testament not just to the importance of this publication, but also the quality of its reporting. It has received multiple National Newspaper Publishers Association awards and is a three-time



winner of the West Coast Black Publishers Association's "Publisher of the Year" award. As well as the national recognitions are local well-earned accolades that further demonstrate what the Skanner means to readers across the Northwest.

Behind the success of this historic publication is a hard-working team that has been instrumental in building the Skanner these past four decades and positioning it for success for decades to come. I would like to especially acknowledge cofounders Bobbie and Bernie Foster, two people I consider the heart and soul of this operation. Beyond the publication, they created the Skanner Foundation, which runs a scholarship program that awards \$1,000 each to the best and brightest young people to help them accomplish their educational goals. Bobbie and Bernie's passion for giving back is a key component of what makes them and the Skanner so special.

In addition to all this great work, the foundation organizes an annual Dr. Martin Luther King, Jr., breakfast that is renowned in Oregon as being an event that justly honors one of the greatest civil rights leaders of our time. I have been privileged to attend the breakfast and know full well what a huge impact it has.

The Skanner News Group is an institution that serves to better our community, by inspiring, uplifting, and informing. I would like to congratulate the staff on reaching their 40th anniversary and wish them the best in the years to come.

#### ADDITIONAL STATEMENTS

##### CONGRATULATING DICK ANDERSON

• Mr. HELLER. Mr. President, today I wish to congratulate Richard "Dick" Anderson on receiving the United Service Organization, USO, Volunteer of the Year award. USO Las Vegas proudly offers two locations within McCarran International Airport for our Nation's servicemembers and their families to relax and feel at home. Open 24 hours and staffed by volunteers like Mr. Anderson, each location offers these brave men and women a place to enjoy free electronic stations, entertainment, and food service. I am grateful for all USO Las Vegas does for Nevada's servicemembers, and it gives me great pleasure to see a fellow Nevadan, Mr. Anderson, receive this national award in recognition for volunteering to make this operation a reality.

Mr. Anderson has been an incredible contributor to this organization, dedicating countless volunteer hours to help military families. He serves as volunteer outreach team leader and welcome home/deployment assist team leader. Throughout the past year, USO Las Vegas has undergone great change with the installment of an additional location at McCarran International

Airport. During this time, Mr. Anderson offered a great amount of support to the organization and even created the volunteer outreach team to meet the extra need for volunteers at the new location.

Throughout his time volunteering, Mr. Anderson has worked tirelessly to plan numerous events, recruit volunteers, and further expand the organization. His determination has proven to be successful, helping to bring in more than 500 new volunteers since July 2014. From Easter events to fundraising and recruiting, Mr. Anderson has truly put our military community first. Our State is fortunate to have someone like Mr. Anderson—a man of great selflessness and commitment—working to help our Nation's heroes and their families.

There is no way to adequately thank our servicemembers who put their lives on the line in defense of our freedoms. Mr. Anderson is a shining example of the manner in which we should respect our men and women in uniform. He deeply cares for our veterans, working to make each moment he volunteers count. Without a doubt, his work brings greater happiness to Las Vegas' military community.

Today, I ask my colleagues and all Nevadans to join me in recognizing all of Mr. Anderson's hard work and congratulating him on receiving this much deserved award. Nevada is lucky to have this incredible community member working to support our military men and women, and I wish him the best of luck in all of his future endeavors.●

##### RECOGNIZING MARCH FARM

• Mr. MURPHY. Mr. President, I wish to congratulate March Farm, a fourth generation family farm from Connecticut, on its 100-year anniversary. Since 1915, when Thomas and Rose Marchukaitis put down \$2,500 to buy 114 acres of land, the March family has worked hard to produce delicious and healthy fruits and vegetables for the people of Connecticut.

March Farm, like many of Connecticut's nearly 6,000 farms, is small and family owned. Situated in beautiful Bethlehem, CT, they have a growing community supported agriculture business that now has about 90 members receiving regular crates of produce. They have worked hard to implement efficient, modern farming practices, even as they eschew chemical pesticides and use environmentally sensitive pest management practices. These practices and the bucolic setting they are located in are part of the reason they were recently named Connecticut's "best farm/orchard experience" by Connecticut Magazine.

Many of my colleagues may be surprised to think of Connecticut as a farming state, but I am glad to report that farming is alive, well, and growing at home. The movement towards locally produced fruits and vegetables and a growing awareness among con-

sumers about healthy, sustainable food choices has supported a nearly 60 percent increase in the number of farms in Connecticut since the 1980s. And many young people, like Ben March, are leaving desk jobs to rediscover the fulfillment of farming, reinvigorating this vital sector.

These farms are an integral part of the fabric of our communities, but they need our help to continue to thrive. Although small farms like March Farm make up fully 90 percent of all farms in the United States, large operations account for the vast bulk of production and sales of produce nationwide. Small family farms face a number of challenges, not least slimmer profit margins and higher risk. I will continue to fight for small, local farm supports such as beginning farmer and rancher grants and robust farm safety net programs.

March Farm is an example of the best of Connecticut, and I wish them continued success over their next 100 years.●

##### RECOGNIZING ARROWROCK DAM

• Mr. RISCH. Mr. President, I wish to recognize the 100th anniversary of Arrowrock Dam, situated in the great State of Idaho and its own "eighth wonder of the world." This landmark is a testament to the vision and hard work of the U.S. Bureau of Reclamation in both the initial building of the structure and keeping it operational over the past 100 years.

Formerly, the site of a private irrigation venture helmed by Arthur De Wint Foote, the Arrowrock Dam was the grandest project undertaken by the Bureau of Reclamation when it began in 1912. The dam stands at 350 feet high and spans 1,150 feet with a record breaking 527,300 cubic yards of concrete laid on the dam.

The magnificent dam was dedicated 100 years ago on October 4, 1915. It set many records, standing as the tallest dam in the world until a taller one was built in Switzerland in 1924. Arrowrock proved to be a popular tourist attraction in that first year, drawing approximately 12,000 visitors in its first week of operation. The Arrowrock Dam received acclaim from across the country and even the world.

Arrowrock Dam has allowed Idahoans to not only preserve our lands, but also thrive by providing needed irrigation water for agricultural uses. Caring for the land shows a commitment to future generations while using the resources provided for the needs of today. In addition, thousands of people a year enjoy the many recreational activities provided by the dam. We have enjoyed 100 years of protection from Arrowrock, and I look forward to continued improvement of the dam and its service to the people of Boise and other Idahoans.

I congratulate everyone involved in its building, as well as the continued maintenance of this landmark. I wish

them all the best as we all celebrate the past and look ahead to the future of Arrowrock Dam.●

#### MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Williams, one of his secretaries.

#### EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations and a withdrawal which were referred to the appropriate committees.

(The messages received today are printed at the end of the Senate proceedings.)

#### PRESIDENTIAL MESSAGE

#### REPORT RELATIVE TO THE CONTINUATION OF THE NATIONAL EMERGENCY RELATIVE TO THE ACTIONS AND POLICIES OF THE GOVERNMENT OF SUDAN AS DECLARED IN EXECUTIVE ORDER 13067 OF NOVEMBER 3, 1997—PM 30

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Banking, Housing, and Urban Affairs:

*To the Congress of the United States:*

Section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)) provides for the automatic termination of a national emergency unless, within 90 days prior to the anniversary date of its declaration, the President publishes in the *Federal Register* and transmits to the Congress a notice stating that the emergency is to continue in effect beyond the anniversary date. In accordance with this provision, I have sent to the *Federal Register* for publication the enclosed notice stating that the national emergency with respect to Sudan is to continue in effect beyond November 3, 2015.

The crisis constituted by the actions and policies of the Government of Sudan that led to the declaration of a national emergency in Executive Order 13067 of November 3, 1997, and the expansion of that emergency in Executive Order 13400 of April 26, 2006, and with respect to which additional steps were taken in Executive Order 13412 of October 13, 2006, has not been resolved. These actions and policies continue to pose an unusual and extraordinary threat to the national security and foreign policy of the United States. Therefore, I have determined that it is necessary to continue the national emergency declared in Executive Order 13067 with respect to Sudan.

BARACK OBAMA,  
THE WHITE HOUSE, October 28, 2015.

#### MESSAGES FROM THE HOUSE

At 11:32 a.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 597. An act to reauthorize the Export-Import Bank of the United States, and for other purposes.

H.R. 1090. An act to amend the Securities Exchange Act of 1934 to provide protections for retail customers, and for other purposes.

At 5:56 p.m., a message from the House of Representatives, delivered by Mr. Novotny, one of its reading clerks, announced that the House has agreed to the amendment of the Senate to the bill (H.R. 1314) to amend the Internal Revenue Code of 1986 to provide for a right to an administrative appeal relating to adverse determinations of tax-exempt status of certain organizations, with an amendment, in which it requests the concurrence of the Senate.

#### MEASURES REFERRED

The following bill was read the first and the second times by unanimous consent, and referred as indicated:

H.R. 1090. An act to amend the Securities Exchange Act of 1934 to provide protections for retail customers, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

#### MEASURES READ THE FIRST TIME

The following bill was read the first time:

H.R. 597. An act to reauthorize the Export-Import Bank of the United States, and for other purposes.

#### 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-3319. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Importation of Fresh Peppers From Ecuador Into the United States" ((RIN0579-AE07) (Docket No. APHIS-2014-0086)) received in the Office of the President of the Senate on October 26, 2015; to the Committee on Agriculture, Nutrition, and Forestry.

EC-3320. A communication from the Acting Under Secretary of Defense (Personnel and Readiness), transmitting the report of three (3) 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-3321. A communication from the Secretary of Commerce, transmitting, pursuant to law, a report relative to the export to the People's Republic of China of items not detrimental to the U.S. space launch industry; to the Committee on Banking, Housing, and Urban Affairs.

EC-3322. A communication from the Assistant General Counsel for Legislation, Regulation and Energy Efficiency, Department of

Energy, transmitting, pursuant to law, the report of a rule entitled "Acquisition Regulations: Export Control" (RIN1991-AB99) received during adjournment of the Senate in the Office of the President of the Senate on October 23, 2015; to the Committee on Energy and Natural Resources.

EC-3323. A communication from the Principal Deputy Assistant Secretary for Fish and Wildlife and Parks, National Park Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Special Regulations, Areas of the National Park System, Klondike Gold Rush National Historical Park, Horse Management" (RIN1024-AE27) received during adjournment of the Senate in the Office of the President of the Senate on October 23, 2015; to the Committee on Energy and Natural Resources.

EC-3324. A communication from the Director, Office of Regulations and Reports Clearance, Social Security Administration, transmitting, pursuant to law, the report of a rule entitled "Extension of the Expiration Date for State Disability Examiner Authority To Make Fully Favorable Quick Disability Determinations and Compassionate Allowance Determinations" (RIN0960-AH77) received in the Office of the President of the Senate on October 22, 2015; to the Committee on Finance.

EC-3325. 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 "Supplement to Rev. Proc. 2014-64, Implementation of Nonresident Alien Deposit Interest Regulations" (Rev. Proc. 2015-50) received during adjournment of the Senate in the Office of the President of the Senate on October 23, 2015; to the Committee on Finance.

EC-3326. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Applicable Federal Rates—November 2015" (Rev. Rul. 2015-22) received during adjournment of the Senate in the Office of the President of the Senate on October 23, 2015; to the Committee on Finance.

EC-3327. 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 "Update for Weighted Average Interest Rates, Yield Curves, and Segment Rates" (Notice 2015-71) received during adjournment of the Senate in the Office of the President of the Senate on October 23, 2015; to the Committee on Finance.

EC-3328. 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 "Morehouse v. Commissioner, 769 F.3d 616 (8th Cir. 2014), rev'g 140 T.C. 350 (2013)" received during adjournment of the Senate in the Office of the President of the Senate on October 23, 2015; to the Committee on Finance.

EC-3329. 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 "Request for Comments on Definitions of Section 48 Property" (Notice 2015-70) received during adjournment of the Senate in the Office of the President of the Senate on October 23, 2015; to the Committee on Finance.

EC-3330. 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 "2015 National Pool"

(Rev. Proc. 2015-49) received during adjournment of the Senate in the Office of the President of the Senate on October 23, 2015; to the Committee on Finance.

EC-3331. 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 "Listing Notice—Basket Option Contracts" (Notice 2015-73) received during adjournment of the Senate in the Office of the President of the Senate on October 23, 2015; to the Committee on Finance.

EC-3332. 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-2015-1702); to the Committee on Foreign Relations.

EC-3333. 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-2015-1700); to the Committee on Foreign Relations.

EC-3334. 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-2015-1701); to the Committee on Foreign Relations.

EC-3335. 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-2015-1703); to the Committee on Foreign Relations.

EC-3336. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to section 36(c) of the Arms Export Control Act (DDTC 15-068); to the Committee on Foreign Relations.

EC-3337. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to section 36(c) of the Arms Export Control Act (DDTC 15-090); to the Committee on Foreign Relations.

EC-3338. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to section 36(c) of the Arms Export Control Act (DDTC 15-079); to the Committee on Foreign Relations.

EC-3339. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to section 36(c) of the Arms Export Control Act (DDTC 15-078); to the Committee on Foreign Relations.

EC-3340. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to section 36(c) of the Arms Export Control Act (DDTC 15-076); to the Committee on Foreign Relations.

EC-3341. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to section 36(c) of the Arms Export Control Act (DDTC 15-055); to the Committee on Foreign Relations.

EC-3342. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to section 36(c) of the Arms Export Control Act (DDTC 15-067); to the Committee on Foreign Relations.

EC-3343. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to section 36(c) of the Arms Export Control Act (DDTC 15-012); to the Committee on Foreign Relations.

EC-3344. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Air Plan Approval; OR; Portland, Medford, Salem; Clackamas, Multnomah, Washington Counties; Gasoline Dispensing Facilities" (FRL No. 9936-03-Region 10) received in the Office of the President of the Senate on October 22, 2015; to the Committee on Environment and Public Works.

EC-3345. 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 Implementation Plans; Arizona; Phased Discontinuation of Stage II Vapor Recovery Program" (FRL No. 9935-66-Region 9) received in the Office of the President of the Senate on October 22, 2015; to the Committee on Environment and Public Works.

EC-3346. 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 Implementation Plans; Florida; Regional Haze Plan Amendment-Lakeland Electric C.D. McIntosh" (FRL No. 9936-05-Region 4) received in the Office of the President of the Senate on October 22, 2015; to the Committee on Environment and Public Works.

EC-3347. 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 State Implementation Plans for Designated Facilities; New York" (FRL No. 9936-09-Region 2) received in the Office of the President of the Senate on October 22, 2015; to the Committee on Environment and Public Works.

EC-3348. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Outer Continental Shelf Air Regulations Consistency Update for Maryland" (FRL No. 9917-72-Region 3) received in the Office of the President of the Senate on October 22, 2015; to the Committee on Environment and Public Works.

EC-3349. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Partial Approval and Partial Disapproval of Air Quality State Implementation Plans; Nevada; Infrastructure Requirements for Ozone, NO<sub>2</sub> and SO<sub>2</sub>" (FRL No. 9935-82-Region 9) received in the Office of the President of the Senate on October 22, 2015; to the Committee on Environment and Public Works.

EC-3350. A communication from the General Counsel, Pension Benefit Guaranty Corporation, transmitting, pursuant to law, the report of a rule entitled "Benefits Payable in Terminated Single-Employer Plans; Interest Assumptions for Valuing and Paying Benefits" (29 CFR Part 4022) received during adjournment of the Senate in the Office of the President of the Senate on October 23, 2015; to the Committee on Health, Education, Labor, and Pensions.

EC-3351. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 21-165, "Behavioral Health Coordination of Care Amendment Act of 2015"; to the Committee on Homeland Security and Governmental Affairs.

EC-3352. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 21-166, "Unemployment Profile Act of 2015"; to the Committee on Homeland Security and Governmental Affairs.

EC-3353. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 21-167, "Injured Worker Fair Pay Amendment Act of 2015"; to the Committee on Homeland Security and Governmental Affairs.

EC-3354. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 21-168, "Grandparent Caregivers Program Subsidy Transfer Amendment Act of 2015"; to the Committee on Homeland Security and Governmental Affairs.

EC-3355. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 21-169, "1351 Nicholson Street, N.W., Old Brightwood School Lease Amendment Act of 2015"; to the Committee on Homeland Security and Governmental Affairs.

EC-3356. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 21-170, "4095 Minnesota Avenue, N.E., Woodson School Lease Amendment Act of 2015"; to the Committee on Homeland Security and Governmental Affairs.

EC-3357. A communication from the Acting Director, Employee Services, Office of Personnel Management, transmitting, pursuant to law, the report of a rule entitled "Prevailing Rate Systems; Special Wage Schedules for U.S. Army Corps of Engineers Flood Control Employees of the Vicksburg District in Mississippi" (RIN3206-AN17) received in the Office of the President of the Senate on October 22, 2015; to the Committee on Homeland Security and Governmental Affairs.

EC-3358. A communication from the Archivist of the United States, National Archives and Records Administration, transmitting, pursuant to law, a report relative to the Administration's Fiscal Year 2015 Commercial Activities Inventory and Inherently Governmental Activities Inventory; to the Committee on Homeland Security and Governmental Affairs.

EC-3359. A communication from the Deputy Director, Indian Health Service, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Change of Address for the Interior Board of Indian Appeals" (42 CFR Part 137) received during adjournment of the Senate in the Office of the President of the Senate on October 23, 2015; to the Committee on Indian Affairs.

EC-3360. A communication from the Federal Liaison Officer, Patent and Trademark Office, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Changes to Facilitate Applicant's Authorization of Access to Unpublished U.S. Patent Applications by Foreign Intellectual Property Offices" (RIN0651-AC95) received in the Office of the President of the Senate on October 26, 2015; to the Committee on the Judiciary.

EC-3361. 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 Exclusive Economic Zone Off Alaska; Reallocation of Atka Mackerel in the Bering Sea and Aleutian Islands Management Area" (RIN0648-XE224) received in the Office of the President of the Senate on October 22, 2015; to the Committee on Commerce, Science, and Transportation.

EC-3362. 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; Reef Fish Fishery of the Gulf of Mexico; 2015 Recreational Accountability Measure and Closure for Red Group-er" (RIN0648-XE217) received in the Office of the President of the Senate on October 22, 2015; to the Committee on Commerce, Science, and Transportation.

EC-3363. 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 Exclusive Economic Zone Off Alaska; 'Other Rockfish' in the Central and Western Regulatory Areas of the Gulf of Alaska" (RIN0648-XE213) received in the Office of the President of the Senate on October 22, 2015; to the Committee on Commerce, Science, and Transportation.

EC-3364. 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 Exclusive Economic Zone Off Alaska; Exchange of Flatfish in the Bering Sea and Aleutian Islands Management Area" (RIN0648-XE224) received in the Office of the President of the Senate on October 22, 2015; to the Committee on Commerce, Science, and Transportation.

EC-3365. A communication from the Senior Assistant Chief Counsel for Hazmat Safety Law, Pipeline and Hazardous Materials Safety Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Hazardous Materials: Special Permit and Approvals Standard Operating Procedures and Evaluation Process" (RIN2137-AE99) received during adjournment of the Senate in the Office of the President of the Senate on October 23, 2015; to the Committee on Commerce, Science, and Transportation.

EC-3366. A communication from the Regulatory Ombudsman, Federal Motor Carrier Safety Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "General Technical, Organizational, Conforming, and Correcting Amendments to the Federal Motor Carrier Safety Regulations" (RIN2126-AB83) received during adjournment of the Senate in the Office of the President of the Senate on October 23, 2015; to the Committee on Commerce, Science, and Transportation.

EC-3367. A communication from the Attorney-Advisor, Federal Highway Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Design Standards for Highways" (RIN2125-AF67) received during adjournment of the Senate in the Office of the President of the Senate on October 23, 2015; to the Committee on Commerce, Science, and Transportation.

EC-3368. A communication from the Chairman, National Transportation Safety Board, transmitting, pursuant to law, the report of a rule entitled "Organization and Functions of the Board and Delegations of Authority" (RIN3147-AA03) received in the Office of the President of the Senate on October 26, 2015; to the Committee on Commerce, Science, and Transportation.

EC-3369. A communication from the Management and Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Pratt and Whitney Canada Corp. Turboprop Engines" (RIN2120-AA64) (Docket No. FAA-2014-1059) received during adjournment of the Senate in the Office of the President of the Senate on October 23,

2015; to the Committee on Commerce, Science, and Transportation.

EC-3370. A communication from the Management and Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Pratt and Whitney Canada Corp. Turboprop Engines" (RIN2120-AA64) (Docket No. FAA-2015-0486) received during adjournment of the Senate in the Office of the President of the Senate on October 23, 2015; to the Committee on Commerce, Science, and Transportation.

EC-3371. A communication from the Management and Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Viking Air Limited (Type Certificate Previously Held by Bombardier, Inc.) Airplanes" (RIN2120-AA64) (Docket No. FAA-2015-0684) received during adjournment of the Senate in the Office of the President of the Senate on October 23, 2015; to the Committee on Commerce, Science, and Transportation.

EC-3372. A communication from the Management and Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Bombardier, Inc. Airplanes" (RIN2120-AA64) (Docket No. FAA-2014-1046) received in the Office of the President of the Senate on October 23, 2015; to the Committee on Commerce, Science, and Transportation.

EC-3373. A communication from the Management and Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; CFM International S.A. Turboprop Engines" (RIN2120-AA64) (Docket No. FAA-2015-0277) received during adjournment of the Senate in the Office of the President of the Senate on October 23, 2015; to the Committee on Commerce, Science, and Transportation.

EC-3374. A communication from the Management and Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Lockheed Martin Corporation/Lockheed Martin Aeronautics Company Airplanes" (RIN2120-AA64) (Docket No. FAA-2015-1419) received during adjournment of the Senate in the Office of the President of the Senate on October 23, 2015; to the Committee on Commerce, Science, and Transportation.

EC-3375. A communication from the Management and Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Lockheed Martin Corporation/Lockheed Martin Aeronautics Company Airplanes" (RIN2120-AA64) (Docket No. FAA-2015-0493) received during adjournment of the Senate in the Office of the President of the Senate on October 23, 2015; to the Committee on Commerce, Science, and Transportation.

EC-3376. A communication from the Management and Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Lycoming Engines Fuel Injected Reciprocating Engines" (RIN2120-AA64) (Docket No. FAA-2007-0218) received during adjournment of the Senate in the Office of the President of the Senate on October 23, 2015; to the Committee on Commerce, Science, and Transportation.

EC-3377. A communication from the Management and Program Analyst, Federal

Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Piper Aircraft, Inc." (RIN2120-AA64) (Docket No. FAA-2015-4085) received during adjournment of the Senate in the Office of the President of the Senate on October 23, 2015; to the Committee on Commerce, Science, and Transportation.

EC-3378. A communication from the Management and Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; General Electric Company Turboprop Engines" (RIN2120-AA64) (Docket No. FAA-2008-0808) received during adjournment of the Senate in the Office of the President of the Senate on October 23, 2015; to the Committee on Commerce, Science, and Transportation.

EC-3379. A communication from the Management and Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Honeywell International Inc. Turboprop Engines (Type Certificate previously held by AlliedSignal Inc., Garrett Engine Division; Garrett Turbine Engine Company; and AiResearch Manufacturing Company of Arizona)" (RIN2120-AA64) (Docket No. FAA-2012-0913) received during adjournment of the Senate in the Office of the President of the Senate on October 23, 2015; to the Committee on Commerce, Science, and Transportation.

EC-3380. A communication from the Management and Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Gulfstream Aerospace Corporation Airplanes" (RIN2120-AA64) (Docket No. FAA-2015-0677) received during adjournment of the Senate in the Office of the President of the Senate on October 23, 2015; to the Committee on Commerce, Science, and Transportation.

EC-3381. A communication from the Management and Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Dassault Aviation Airplanes" (RIN2120-AA64) (Docket No. FAA-2015-0934) received during adjournment of the Senate in the Office of the President of the Senate on October 23, 2015; to the Committee on Commerce, Science, and Transportation.

EC-3382. A communication from the Management and Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Airbus Helicopters" (RIN2120-AA64) (Docket No. FAA-2015-3877) received during adjournment of the Senate in the Office of the President of the Senate on October 23, 2015; to the Committee on Commerce, Science, and Transportation.

EC-3383. A communication from the Management and Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Airbus Airplanes" (RIN2120-AA64) (Docket No. FAA-2014-0656) received during adjournment of the Senate in the Office of the President of the Senate on October 23, 2015; to the Committee on Commerce, Science, and Transportation.

EC-3384. A communication from the Management and Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Airbus Airplanes" (RIN2120-

AA64) (Docket No. FAA-2015-4203)) received during adjournment of the Senate in the Office of the President of the Senate on October 23, 2015; to the Committee on Commerce, Science, and Transportation.

EC-3385. A communication from the Management and Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Airbus Airplanes" ((RIN2120-AA64) (Docket No. FAA-2015-3981)) received during adjournment of the Senate in the Office of the President of the Senate on October 23, 2015; to the Committee on Commerce, Science, and Transportation.

EC-3386. A communication from the Management and Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Schempp-Hirth Flugzeugbau GmbH Sailplanes" ((RIN2120-AA64) (Docket No. FAA-2015-3224)) received during adjournment of the Senate in the Office of the President of the Senate on October 23, 2015; to the Committee on Commerce, Science, and Transportation.

EC-3387. A communication from the Management and Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; The Boeing Company Airplanes" ((RIN2120-AA64) (Docket No. FAA-2012-0108)) received during adjournment of the Senate in the Office of the President of the Senate on October 23, 2015; to the Committee on Commerce, Science, and Transportation.

EC-3388. A communication from the Management and Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Modification of Restricted Areas R-3601A and R-3601B; Brookville, KS" ((RIN2120-AA66) (Docket No. FAA-2015-3780)) received during adjournment of the Senate in the Office of the President of the Senate on October 23, 2015; to the Committee on Commerce, Science, and Transportation.

EC-3389. A communication from the Management and Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Modification of Restricted Areas R-3602A and R-3602B; Manhattan, KS" ((RIN2120-AA66) (Docket No. FAA-2015-3758)) received during adjournment of the Senate in the Office of the President of the Senate on October 23, 2015; to the Committee on Commerce, Science, and Transportation.

EC-3390. A communication from the Management and Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Establishment of Class E Airspace; Springfield, MO" ((RIN2120-AA66) (Docket No. FAA-2014-0559)) received during adjournment of the Senate in the Office of the President of the Senate on October 23, 2015; to the Committee on Commerce, Science, and Transportation.

EC-3391. A communication from the Management and Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Establishment of Class E Airspace; Sheridan, AR" ((RIN2120-AA66) (Docket No. FAA-2015-1338)) received during adjournment of the Senate in the Office of the President of the Senate on October 23, 2015; to the Committee on Commerce, Science, and Transportation.

EC-3392. A communication from the Management and Program Analyst, Federal

Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Establishment of Class E Airspace; Cottonwood, AZ" ((RIN2120-AA66) (Docket No. FAA-2015-2270)) received during adjournment of the Senate in the Office of the President of the Senate on October 23, 2015; to the Committee on Commerce, Science, and Transportation.

EC-3393. A communication from the Management and Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Establishment of Class E Airspace; Marshall, AR" ((RIN2120-AA66) (Docket No. FAA-2015-1833)) received during adjournment of the Senate in the Office of the President of the Senate on October 23, 2015; to the Committee on Commerce, Science, and Transportation.

EC-3394. A communication from the Management and Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Establishment of Class E Airspace; Newport, NH" ((RIN2120-AA66) (Docket No. FAA-2014-0037)) received during adjournment of the Senate in the Office of the President of the Senate on October 23, 2015; to the Committee on Commerce, Science, and Transportation.

EC-3395. A communication from the Management and Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment of Class E Airspace; Ponce, PR" ((RIN2120-AA66) (Docket No. FAA-2014-0967)) received during adjournment of the Senate in the Office of the President of the Senate on October 23, 2015; to the Committee on Commerce, Science, and Transportation.

EC-3396. A communication from the Management and Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment of Class E Airspace for the following Nebraska towns: Albion, NE; Bassett, NE; Lexington, NE" ((RIN2120-AA66) (Docket No. FAA-2015-0841)) received during adjournment of the Senate in the Office of the President of the Senate on October 23, 2015; to the Committee on Commerce, Science, and Transportation.

EC-3397. A communication from the Management and Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Revocation of Class D Airspace; Springfield, OH" ((RIN2120-AA66) (Docket No. FAA-2014-1071)) received during adjournment of the Senate in the Office of the President of the Senate on October 23, 2015; to the Committee on Commerce, Science, and Transportation.

EC-3398. A communication from the Management and Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment of Class E Airspace; Ashland, VA" ((RIN2120-AA66) (Docket No. FAA-2015-0252)) received during adjournment of the Senate in the Office of the President of the Senate on October 23, 2015; to the Committee on Commerce, Science, and Transportation.

EC-3399. A communication from the Management and Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment of Class E Airspace for the following Iowa towns: Audubon, IA; Corning, IA; Cresco, IA; Eagle Grove, IA; Guthrie Center, IA; Hampton, IA; Harlan, IA; Iowa Falls, IA; Knoxville, IA; Oelwein, IA; and Red Oak, IA" ((RIN2120-AA66) (Docket No. FAA-2015-0368))

received during adjournment of the Senate in the Office of the President of the Senate on October 23, 2015; to the Committee on Commerce, Science, and Transportation.

EC-3400. A communication from the Management and Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment of Class D and Class E Airspace; Stockton, CA" ((RIN2120-AA66) (Docket No. FAA-2015-1622)) received during adjournment of the Senate in the Office of the President of the Senate on October 23, 2015; to the Committee on Commerce, Science, and Transportation.

EC-3401. A communication from the Management and Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment of Class D and Class E Airspace, Revocation of Class E Airspace; Mountain Home, ID" ((RIN2120-AA66) (Docket No. FAA-2015-1136)) received during adjournment of the Senate in the Office of the President of the Senate on October 23, 2015; to the Committee on Commerce, Science, and Transportation.

EC-3402. A communication from the Management and Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airspace Designations; Incorporation by Reference Amendments" ((RIN2120-AA66) (Docket No. FAA-2015-3375)) received during adjournment of the Senate in the Office of the President of the Senate on October 23, 2015; to the Committee on Commerce, Science, and Transportation.

#### PETITIONS AND MEMORIALS

The following petition or memorial was laid before the Senate and was referred or ordered to lie on the table as indicated:

POM-101. A resolution adopted by the House of Representatives of the State of Michigan urging the United States Congress and the United States Department of the Army to accelerate federal funding to improve military vehicle safety from rollover accidents; to the Committee on Armed Services.

#### HOUSE RESOLUTION NO. 156

Whereas, The United States Department of Defense is seeking to implement fleet management and modernization solutions to meet light tactical vehicle (LTV) requirements while addressing the challenges associated with improving safety, restoring threshold capabilities, maintaining average fleet age, mitigating major component obsolescence, and reducing sustainment and operating costs; and

Whereas, The Michigan National Guard and Michigan military community have been and will continue to utilize the high mobility multipurpose wheeled vehicle (HMMWV) in their missions to support and protect the United States. Non-armored and up-armored HMMWVs are projected to be in the fleet through 2048; and

Whereas, Preventable deadly rollover accidents continue in the HMMWV fleet. Data from the U.S. Army Combat Readiness Safety Center indicates that a significant number of HMMWV rollover accidents and crashes continue today, resulting in death and injury. Accidents occur outside the United States and also within U.S. borders during peace missions and training exercises, endangering the lives and property of civilians as well; and

Whereas, National Highway Traffic Safety Administration report data indicates that

antilock brake systems (ABS) and electronic stability control (ESC) reduce fatal rollovers by 74 percent and fatal impacts with objects by 45.5 percent. The United States government has mandated ABS and ESC in all road-going passenger vehicles since 2011, and they are now standard equipment on all passenger cars, light trucks, and vans. The technology has been available to the public since 1987; and

Whereas, The HMMWV is not currently equipped with ABS or ESC. The HMMWV threshold operational requirements include ABS and ESC for the entire HMMWV fleet. Therefore, these vehicles need to be brought up to operational requirements; and

Whereas, The Army Product Director Light Tactical Vehicles, the Michigan National Guard, and the industry have successfully developed and tested solutions using commercial off-the-shelf components modified for defense vehicle application. The proven components, obtained from Michigan's high-volume automotive supply base, can be used to retrofit the entire fleet; and

Whereas, Installation of these standard automotive safety enhancement systems will considerably lower the number of HMMWV rollovers and loss-of-control crashes, save lives, and reduce costs; now, therefore, be it Resolved by the House of Representatives, That we urge the United States Congress and the U.S. Department of the Army to accelerate federal funding to improve military vehicle safety from rollover accidents; and be it further

Resolved, That copies of this resolution be transmitted to the President of the United States Senate; the Speaker of the United States House of Representatives; the Chairman of the United States Senate Armed Services Committee; the Chairman of the House Armed Services Committee; the Chairman of the Senate Appropriations Subcommittee for Defense; the Chairman of the House Appropriations Subcommittee for Defense; the Under Secretary of the Army; the Commandant of the Marine Corps; the Chief of the National Guard Bureau; the Assistant Secretary of the Army for Acquisition, Logistics, and Technology; and the members of the Michigan congressional delegation.

#### 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. KING:

S. 2212. A bill to amend the Federal Election Campaign Act of 1971 to require all political committees to notify the Federal Election Commission within 48 hours of receiving cumulative contributions of \$1,000 or more from any contributor during a calendar year, and for other purposes; to the Committee on Rules and Administration.

By Mr. BLUMENTHAL (for himself, Mrs. FEINSTEIN, Mr. MURPHY, Ms. WARREN, Mr. DURBIN, Mrs. GILLIBRAND, Ms. HIRONO, Mrs. BOXER, Mr. WHITEHOUSE, Mr. MENENDEZ, Mr. REED, Mr. KAINE, and Mr. CARDIN):

S. 2213. A bill to prohibit firearms dealers from selling a firearm prior to the completion of a background check; to the Committee on the Judiciary.

By Mrs. GILLIBRAND (for herself, Ms. WARREN, Ms. STABENOW, Mr. BROWN, and Mr. BLUMENTHAL):

S. 2214. A bill to amend the Federal Food, Drug, and Cosmetic Act to require patient medication information to be provided with certain prescription drugs; to the Committee on Health, Education, Labor, and Pensions.

By Mr. BURR (for himself, Mr. MANCHIN, Mr. ENZI, Mr. THUNE, and Mr. ROBERTS):

S. 2215. A bill to prohibit discretionary bonuses for employees of the Internal Revenue Service who have engaged in misconduct or who have delinquent tax liability; to the Committee on Finance.

By Ms. COLLINS (for herself and Mrs. MCCASKILL):

S. 2216. A bill to provide immunity from suit for certain individuals who disclose potential examples of financial exploitation of senior citizens, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

#### SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mrs. FEINSTEIN (for herself, Mrs. BOXER, Mr. CARPER, Mr. LEAHY, Mrs. SHAHEEN, Mr. FRANKEN, Mr. MERKLEY, Mr. MURPHY, and Mr. KAINE):

S. Res. 299. A resolution honoring the life, legacy, and example of former Israeli Prime Minister Yitzhak Rabin on the twentieth anniversary of his death; to the Committee on Foreign Relations.

By Mr. ENZI (for himself, Mr. DONNELLY, Mr. ROBERTS, Mr. BENNET, Mr. HATCH, Mr. UDALL, Mr. CORNYN, Mr. HEINRICH, Mr. WICKER, Mr. WHITEHOUSE, Mr. LEE, Ms. BALDWIN, Mr. MORAN, Mrs. FEINSTEIN, Mr. HOEVEN, Mrs. GILLIBRAND, Mr. THUNE, Mr. SCHUMER, Mr. PORTMAN, Mr. TESTER, Mr. INHOFE, and Mr. MARKEY):

S. Res. 300. A resolution designating November 7, 2015, as National Bison Day; considered and agreed to.

#### ADDITIONAL COSPONSORS

S. 398

At the request of Ms. MURKOWSKI, her name was added as a cosponsor of S. 398, a bill to amend the Department of Veterans Affairs Health Care Programs Enhancement Act of 2001 and title 38, United States Code, to require the provision of chiropractic care and services to veterans at all Department of Veterans Affairs medical centers and to expand access to such care and services, and for other purposes.

S. 451

At the request of Ms. BALDWIN, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of S. 451, a bill to award grants to encourage State educational agencies, local educational agencies, and schools to utilize technology to improve student achievement and college and career readiness, the skills of teachers and school leaders, and the efficiency and productivity of education systems at all levels.

S. 488

At the request of Mr. SCHUMER, the name of the Senator from Illinois (Mr. KIRK) was added as a cosponsor of S. 488, a bill to amend title XVIII of the Social Security Act to allow physician assistants, nurse practitioners, and clinical nurse specialists to supervise

cardiac, intensive cardiac, and pulmonary rehabilitation programs.

S. 569

At the request of Mr. LEAHY, the name of the Senator from Maine (Mr. KING) was added as a cosponsor of S. 569, a bill to reauthorize the farm to school program, and for other purposes.

S. 571

At the request of Mr. INHOFE, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor 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. 928

At the request of Mrs. GILLIBRAND, the names of the Senator from South Dakota (Mr. ROUNDS) and the Senator from Nevada (Mr. REID) 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. 1192

At the request of Mr. BROWN, the name of the Senator from Connecticut (Mr. BLUMENTHAL) was added as a cosponsor of S. 1192, a bill to amend the Public Health Service Act to raise awareness of, and to educate breast cancer patients anticipating surgery, especially patients who are members of racial and ethnic minority groups, regarding the availability and coverage of breast reconstruction, prostheses, and other options.

S. 1212

At the request of Mr. CARDIN, the name of the Senator from Missouri (Mrs. MCCASKILL) 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. 1559

At the request of Ms. AYOTTE, the names of the Senator from New Jersey (Mr. BOOKER) and the Senator from Washington (Ms. CANTWELL) 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. 1617

At the request of Mrs. SHAHEEN, the name of the Senator from Indiana (Mr. DONNELLY) was added as a cosponsor of S. 1617, a bill to prevent Hizballah and associated entities from gaining access to international financial and other institutions, and for other purposes.

At the request of Mr. HELLER, his name was added as a cosponsor of S. 1617, supra.



S. 1726

At the request of Mr. MERKLEY, the name of the Senator from Vermont (Mr. SANDERS) was added as a cosponsor of S. 1726, a bill to create protections for depository institutions that provide financial services to marijuana-related businesses, and for other purposes.

S. 1773

At the request of Mr. BROWN, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 1773, a bill to amend title 11, United States Code, to require creditors to inform consumer reporting agencies that certain debts have been discharged in bankruptcy cases.

S. 1789

At the request of Mr. PETERS, his name was added as a cosponsor of S. 1789, a bill to improve defense cooperation between the United States and the Hashemite Kingdom of Jordan.

S. 1831

At the request of Mr. TOOMEY, the name of the Senator from Washington (Ms. CANTWELL) was added as a cosponsor of S. 1831, a bill to revise section 48 of title 18, United States Code, and for other purposes.

S. 1833

At the request of Mr. CASEY, the name of the Senator from Massachusetts (Ms. WARREN) was added as a cosponsor of S. 1833, a bill to amend the Richard B. Russell National School Lunch Act to improve the child and adult care food program.

S. 1852

At the request of Mr. CASEY, the name of the Senator from Connecticut (Mr. BLUMENTHAL) was added as a cosponsor of S. 1852, a bill to amend title XIX of the Social Security Act to ensure health insurance coverage continuity for former foster youth.

S. 1890

At the request of Mr. HATCH, the name of the Senator from New Hampshire (Ms. AYOTTE) 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. 1915

At the request of Ms. AYOTTE, the name of the Senator from Mississippi (Mr. WICKER) was added as a cosponsor of S. 1915, a bill to direct the Secretary of Homeland Security to make anthrax vaccines and antimicrobials available to emergency response providers, and for other purposes.

S. 1966

At the request of Mr. BOOZMAN, the names of the Senator from Ohio (Mr. PORTMAN) and the Senator from Massachusetts (Mr. MARKEY) 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. 2035

At the request of Mr. CARDIN, the name of the Senator from Ohio (Mr.

BROWN) was added as a cosponsor of S. 2035, a bill to provide for the compensation of Federal employees affected by a lapse in appropriations.

S. 2040

At the request of Mr. CORNYN, the name of the Senator from New York (Mrs. GILLIBRAND) was added as a cosponsor of S. 2040, a bill to deter terrorism, provide justice for victims, and for other purposes.

S. 2042

At the request of Mrs. MURRAY, the names of the Senator from Wisconsin (Ms. BALDWIN) and the Senator from Michigan (Ms. STABENOW) 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. 2067

At the request of Mr. WICKER, the name of the Senator from Oregon (Mr. MERKLEY) was added as a cosponsor of S. 2067, a bill to establish EUREKA Prize Competitions to accelerate discovery and development of disease-modifying, preventive, or curative treatments for Alzheimer's disease and related dementia, to encourage efforts to enhance detection and diagnosis of such diseases, or to enhance the quality and efficiency of care of individuals with such diseases.

S. 2104

At the request of Mr. PORTMAN, the name of the Senator from Georgia (Mr. ISAKSON) was added as a cosponsor of S. 2104, a bill to amend title XVIII of the Social Security Act to provide relief to Medicare Advantage plans with a significant number of dually eligible or low-income subsidy beneficiaries and to prevent the termination of two star plans.

S. 2133

At the request of Mr. CARPER, the name of the Senator from New Hampshire (Ms. AYOTTE) was added as a cosponsor of S. 2133, a bill to improve Federal agency financial and administrative controls and procedures to assess and mitigate fraud risks, and to improve Federal agencies' development and use of data analytics for the purpose of identifying, preventing, and responding to fraud, including improper payments.

S. 2145

At the request of Mr. LEAHY, the name of the Senator from Maine (Mr. KING) was added as a cosponsor of S. 2145, a bill to make supplemental appropriations for fiscal year 2016.

S. 2185

At the request of Ms. HEITKAMP, the names of the Senator from Wisconsin (Ms. BALDWIN), the Senator from Michigan (Ms. STABENOW), the Senator from Maryland (Ms. MIKULSKI), the Senator from Washington (Mrs. MURRAY), the Senator from New Hampshire

(Mrs. SHAHEEN), the Senator from Missouri (Mrs. MCCASKILL), the Senator from California (Mrs. BOXER), and the Senator from Alaska (Ms. MURKOWSKI) were added as cosponsors of S. 2185, a bill to require the Secretary of the Treasury to mint coins in recognition of the fight against breast cancer.

S. 2192

At the request of Mr. SCHUMER, the name of the Senator from New York (Mrs. GILLIBRAND) was added as a cosponsor of S. 2192, a bill to ensure that States submit all records of individuals who should be prohibited from buying a firearm to the national instant criminal background check system.

#### STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Ms. COLLINS (for herself and Mrs. MCCASKILL):

S. 2216. A bill to provide immunity from suit for certain individuals who disclose potential examples of financial exploitation of senior citizens, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

Ms. COLLINS. Mr. President, as Chairman of the Senate Aging Committee, I am delighted to be joined today by my ranking member and good friend, Senator CLAIRE MCCASKILL, in introducing the SeniorSafe Act of 2015, a bill that would put in place a common sense plan to help protect American seniors from financial fraud.

According to the GAO, financial fraud targeting older Americans is a growing epidemic that costs seniors an estimated \$2.9 billion annually.

Protecting seniors from financial exploitation and fraud is one of the top priorities of the Aging Committee. Over the course of the past two and a half years, our Committee has held 15 hearings, six since January, examining how fraudsters find and exploit their victims and what can be done to stop them. The frauds we have highlighted have ranged from the infamous "Jamaican Lottery Scam," that reached its height in 2013, to the notorious IRS phone scam that burst onto the scene this spring, and, more recently, to the shady practices of the pension advance industry. Sadly, not all scammers are strangers to their victims, in too many cases, the senior is exploited by someone he or she knows well.

Although the various scams we have examined differ in scope and structure, one factor is common to all—the fraudsters need to gain the trust and active cooperation of their victims. Without this, their schemes would fail. That is why it is so important that seniors recognize as quickly as possible the red flags that signal potential fraud.

Unfortunately, many seniors do not see these red flags. Sometimes they are too trusting or are suffering from diminished capacity, but, just as often, they miss the flags because the swindlers who prey on them are extremely

crafty and know how to sound convincing. Whatever the reason, a warning sign that can slip by a victim might trigger a second look by financial service representatives trained to spot common scams, who know enough about a senior's habits to question a transaction that doesn't look right. In our work on the Aging Committee, we have heard of many instances where quick action by bank and credit union employees, broker-dealers, and investment advisors has stopped a fraud in progress, saving their customers untold thousands of dollars.

Let me give you an example. Earlier this year, a senior citizen in Vassalboro, ME, was looking to wire funds from his account at Maine Savings Federal Credit Union to an out-of-state location, supposedly to bail out a relative who was in jail. Something about this transaction didn't sound right to the teller supervisor at the credit union. She questioned the customer, who told her he had gotten a call from an "official" at the jail, who had instructed him not to speak to anyone about the transaction. Fortunately for this senior citizen, this supervisor was able to spot this as a scam, and her quick thinking saved him from falling victim to it.

In another case, just two weeks ago, an alert bank employee in Nebraska noticed suspicious withdrawals from the checking account of a senior citizen who was a customer of the bank. Not knowing what to do, and without sharing confidential information, this bank teller called the Senate Aging Committee's fraud hotline for guidance. Our staff advised her to contact the local Area Agency on Aging. With the SeniorSafe program in place, bank tellers all over the country will know how to respond when situations like this arise in the future.

Regrettably, Federal laws with the important intention of protecting consumer privacy can make it difficult for financial institutions to report suspected fraud to the proper authorities.

Our bill would clarify these laws to encourage banks, credit unions, investment advisors, and broker-dealers to report suspected financial fraud targeting senior citizens to regulators, law enforcement, or adult protective services agencies.

A key feature of the bill is the liability protection it provides: financial institutions and their employees are protected from suit so long as employees are trained in how to spot and report suspected financial exploitation; their reports are made in good faith and on a reasonable basis, and they report to the proper authorities.

Our bill is based on Maine's innovative SeniorSafe program, a collaborative effort by Maine's regulators, financial institutions, and legal organizations to educate bank and credit union employees on how to identify and help stop financial exploitation of older Mainers. This program, pioneered by Maine Securities Administrator Ju-

dith Shaw, also serves as the template for model legislation developed for adoption at the state level by the North American Securities Administrators Association, or "NASAA". The SeniorSafe Act and NASAA's model State legislation are complementary efforts, and I am pleased that NASAA has endorsed our bill.

Combating financial abuse of seniors requires regulators, law enforcement, and social service agencies at all levels of government to work collaboratively with the private sector. Financial institutions occupy a critical nexus between fraudsters and their victims, and can play an important role. Their employees, if properly trained, can be a first line of defense protecting our seniors from these fraudsters. The SeniorSafe Act encourages financial institutions to train their employees, and shields them from lawsuits when they make good faith, reasonable reports of potential fraud to the proper authorities.

I urge my colleagues to support it.

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:

NORTH AMERICAN SECURITIES  
ADMINISTRATORS ASSOCIATION, INC.,  
Washington, DC, October 27, 2015.

Re The SeniorSafe Act of 2015.

Senator SUSAN COLLINS,  
*Chairman, Senate Special Committee on Aging,*  
Washington DC.

Senator CLAIRE MCCASKILL,  
*Ranking Member, Senate Special Committee on Aging,*  
Washington DC.

DEAR CHAIRMAN COLLINS AND RANKING MEMBER MCCASKILL: On behalf of the North American Securities Administrators Association ("NASAA"), I'm writing to express strong support for your work to better protect vulnerable adults from financial exploitation through the introduction of the SeniorSafe Act of 2015. Your legislation will better protect seniors by increasing the likelihood that financial exploitation targeting the elderly will be identified by financial services professionals, and by removing barriers that might otherwise frustrate the reporting of such exploitation to state securities regulators and other appropriate governmental authorities.

Senior financial exploitation is a difficult but critical policy challenge. Many in our elderly population are vulnerable due to social isolation and distance from family, caregiver, and other support networks. Indeed, evidence suggests that as many as one out of every five citizens over the age of 65 has been victimized by a financial fraud. To be successful in combating senior financial exploitation, state and federal policymakers must come together to weave a new safety net for our elderly, breaking down barriers to identify those who are best positioned to identify red flags early on and to encourage reporting and referrals to appropriate local, county, state, and federal agencies, including law enforcement.

As you know, state securities regulators, working within the framework of NASAA, are in the late-stages of our own concerted effort to bolster protections for elderly investors at risk of exploitation, including through the development of model legislation to be enacted by states to promote re-

porting of suspected exploitation. While the approaches contemplated by the recently announced NASAA model legislation and the SeniorSafe Act differ in some respects, they are complementary efforts, both undertaken with the shared goal of protecting seniors by increasing the detection and reporting of elderly financial exploitation.

The SeniorSafe Act consists of several essential features. First, to promote and encourage reporting of suspected elderly financial exploitation by financial services professionals, who are positioned to identify and report "red flags" of potential exploitation, the bill would incentivize financial services employees to report any suspected exploitation by making them immune from any civil or administrative liability arising from such a report, provided that they exercised due care, and that they make these reports in good faith. Second, in order to better assure that financial services employees have the knowledge and training they require to identify "red flags" associated with financial exploitation, the bill would require that, as a condition of receiving immunity, financial institutions undertake to train certain personnel regarding the identification and reporting of senior financial exploitation as soon as practicable, or within one year. Under the bill, employees who would be required to receive such training as a condition of immunity include supervisory personnel; employees who come into contact with a senior citizen as a regular part of their duties; and employees who review or approve the financial documents, records, or transactions of senior citizens as a part of their regular duties.

The benefits of the types of reporting that the SeniorSafe Act aims to facilitate and encourage are far-reaching. Elderly Americans stand to benefit directly from such reporting, because early detection and reporting can minimize their financial losses from exploitation, and because improved protection of their finances ultimately helps preserve their financial independence and their personal autonomy. Financial institutions stand to benefit, as well, through preservation of their reputation, increased community recognition, increased employee satisfaction, and decreased uninsured losses.

In conclusion, state securities regulators congratulate you for introducing the SeniorSafe Act of 2015. We share and support the goals of this legislation, and look forward to working closely with you as the legislation is considered by the Senate.

Sincerely,

JUDITH M. SHAW,  
NASAA President  
and Maine Securities Administrator.

#### SUBMITTED RESOLUTIONS

SENATE RESOLUTION 299—HONORING THE LIFE, LEGACY, AND EXAMPLE OF FORMER ISRAELI PRIME MINISTER YITZHAK RABIN ON THE TWENTIETH ANNIVERSARY OF HIS DEATH

Mrs. FEINSTEIN (for herself, Mrs. BOXER, Mr. CARPER, Mr. LEAHY, Mrs. SHAHEEN, Mr. FRANKEN, Mr. MERKLEY, Mr. MURPHY, and Mr. KAINE) submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 299

Whereas Yitzhak Rabin was born on March 1, 1922, in Jerusalem;

Whereas Yitzhak Rabin volunteered for the Palmach, the elite unit of the Haganah, the

predecessor of the Israeli Defense Forces, and served for 27 years, including during the 1948 War of Independence, the 1956 Suez War, and as Chief of Staff in the June 1967 Six Day War;

Whereas Yitzhak Rabin served as Ambassador to the United States from 1968 through 1973, Minister of Defense from 1984 through 1990, and Prime Minister from 1974 through 1977 and from 1992 until his assassination in 1995;

Whereas, in 1975, Prime Minister Yitzhak Rabin signed the interim agreement with Egypt that laid the groundwork for the 1979 Camp David Peace Treaty between Israel and Egypt;

Whereas on September 13, 1993, in Washington, D.C., Yitzhak Rabin signed the Declaration of Principles framework agreement between Israel and the Palestinians, also known as the Oslo Accords;

Whereas, upon the signing of the Declaration of Principles, Yitzhak Rabin said to the Palestinian people: "We say to you today in a loud and clear voice: Enough of blood and tears. Enough! We harbor no hatred toward you. We have no desire for revenge. We, like you, are people who want to build a home, plant a tree, love, live side by side with you—in dignity, empathy, as human beings, as free men.";

Whereas Yitzhak Rabin received the 1994 Nobel Peace Prize for his vision and bravery as a peacemaker;

Whereas, on October 26, 1994, Yitzhak Rabin and King Hussein of Jordan signed a peace treaty between Israel and Jordan;

Whereas, on November 4, 1995, Yitzhak Rabin was assassinated after attending a peace rally in Tel Aviv, where his last words were: "I have always believed that the majority of the people want peace, are prepared to take risks for peace. . . Peace is what the Jewish People aspire to.";

Whereas Yitzhak Rabin dedicated his life to the cause of peace and security for the state of Israel by defending his nation against all threats, including terrorism and invasion, and undertaking courageous risks in the pursuit of peace;

Whereas, in the years following Yitzhak Rabin's assassination, successive United States Administrations have sought to help Israel and the Palestinians achieve a negotiated two-state solution that ends their conflict;

Whereas today Israel and the Palestinian territories are the site of renewed terrorism and violence;

Whereas the continuation and deepening of the Israeli-Palestinian conflict in the absence of progress toward a two-state solution has contributed to suffering among both peoples, including being one of several factors driving the current terrorism and violence in Israel and the Palestinian territories; and

Whereas today, more than ever, the leadership of Yitzhak Rabin can be a model for securing peace during a time of conflict: Now, therefore, be it

*Resolved*, That the Senate—

(1) commemorates the life and accomplishments of Yitzhak Rabin and extends its deepest sympathy and condolences to his family and the people of Israel on the twentieth anniversary of his death;

(2) recognizes and reiterates its continued support for the close ties and special relationship between the people and Governments of the United States and Israel;

(3) reaffirms its commitment to the process of building a just and lasting peace between Israel and the Palestinians based on two states for two peoples, living side-by-side in peace and security; and

(4) calls on Israeli and Palestinian leaders to quell the current outbreak of terrorism and violence, and to resume work toward a

negotiated two-state solution ending the conflict once and for all.

Mrs. FEINSTEIN. President, I rise today to submit a resolution recognizing the 20th anniversary of the assassination of Yitzhak Rabin.

On November 4, 1995, after a major peace rally, then-Prime Minister Rabin was gunned-down by an Israeli nationalist. Rabin's brutal assassination ended the life of a man who lived for peace.

Today, with renewed terrorism and violence in Israel and the Palestinian territories, leaders should look to the example of Mr. Rabin, who forged peace against long odds. His assassin may have ended his life, but his message must live on.

During Mr. Rabin's first term as Israel's Prime Minister, he laid the foundation for peace with Egypt by concluding the Sinai Interim Agreement on September 1, 1975.

The eventual 1979 Camp David Peace Treaty officially ended hostilities between the two nations. Importantly, Egypt became the first Arab state to recognize Israel. Today, because of Mr. Rabin's work, Egypt and Israel remain at peace.

During Mr. Rabin's second term as Prime Minister, he continued to seek peace with Israel's neighbors. He led the effort to sign the Oslo Accords, which created the Palestinian Authority, and which serves as a framework for the creation of a Palestinian state today.

For their efforts, Mr. Rabin, Yasir Arafat and Shimon Peres won the 1994 Nobel Peace Prize.

That same year, Israel and Jordan also signed a peace treaty, making Jordan the second Arab state to establish peace with Israel.

On this, the twentieth anniversary of the assassination of Yitzhak Rabin, I offer my condolences to his family. May they continue to find solace in the legacy of a leader who sought peace when others sought war.

May leaders all around the world look to him for inspiration on how to lead courageously and chart a more peaceful future for one's people.

#### SENATE RESOLUTION 300—DESIGNATING NOVEMBER 7, 2015, AS NATIONAL BISON DAY

Mr. ENZI (for himself, Mr. DONNELLY, Mr. ROBERTS, Mr. BENNET, Mr. HATCH, Mr. UDALL, Mr. CORNYN, Mr. HEINRICH, Mr. WICKER, Mr. WHITEHOUSE, Mr. LEE, Ms. BALDWIN, Mr. MORAN, Mrs. FEINSTEIN, Mr. HOEVEN, Mrs. GILLIBRAND, Mr. THUNE, Mr. SCHUMER, Mr. PORTMAN, Mr. TESTER, Mr. INHOFE, and Mr. MARKEY) submitted the following resolution; which was considered and agreed to:

#### S. RES. 300

Whereas bison are considered a historical symbol of the United States;

Whereas bison were integrally linked with the economic and spiritual lives of many Indian tribes through trade and sacred ceremonies;

Whereas there are more than 60 Indian tribes participating in the Intertribal Buffalo Council;

Whereas numerous members of Indian tribes are involved in bison restoration on tribal land;

Whereas members of Indian tribes have a combined herd on more than 1,000,000 acres of tribal land;

Whereas the Intertribal Buffalo Council is a tribal organization incorporated pursuant to section 17 of the Act of June 18, 1934 (commonly known as the "Indian Reorganization Act") (25 U.S.C. 477);

Whereas bison can play an important role in improving the types of grasses found in landscapes to the benefit of grassland;

Whereas a bison has been depicted on the official seal of the Department of the Interior since 1912;

Whereas bison hold significant economic value for private producers and rural communities;

Whereas, as of 2012, the Department of Agriculture estimates that 162,110 head of bison were under the stewardship of private producers, creating jobs, and contributing to the food security of the United States by providing a sustainable and healthy meat source;

Whereas a bison is portrayed on 2 State flags;

Whereas the bison has been adopted by 3 States as the official mammal or animal of those States;

Whereas the buffalo nickel played an important role in modernizing the currency of the United States;

Whereas several sports teams have the bison as a mascot, which highlights the iconic significance of bison in the United States;

Whereas a small group of ranchers helped save bison from extinction in the late 1800s by gathering the remaining bison of the diminished herds;

Whereas on December 8, 1905, William Hornaday, Theodore Roosevelt, and others formed the American Bison Society in response to the near extinction of bison in the United States;

Whereas on October 11, 1907, the American Bison Society sent 15 bison to the first big game refuge in the United States, now known as the "Wichita Mountains Wildlife Refuge";

Whereas in 2005, the American Bison Society was reestablished, bringing together bison ranchers, managers from Indian tribes, Federal and State agencies, conservation organizations, and natural and social scientists from the United States, Canada, and Mexico to create a vision for the North American bison in the 21st century;

Whereas there are bison herds in National Wildlife Refuges and National Parks;

Whereas there are bison in State-managed herds across 11 States;

Whereas there is a growing effort to celebrate and officially recognize the historical, cultural, and economic significance of the North American bison to the heritage of the United States; and

Whereas members of Indian tribes, bison producers, conservationists, sportsmen, educators, and other public and private partners have participated in the annual National Bison Day since 2012 and are committed to continuing this tradition annually on the first Saturday of November: Now, therefore, be it

*Resolved*, That the Senate—

(1) designates November 7, 2015, the first Saturday of November, as National Bison Day; and

(2) encourages the people of the United States to observe the day with appropriate ceremonies and activities.

## AMENDMENTS SUBMITTED AND PROPOSED

SA 2750. Mr. McCONNELL proposed an amendment to the bill H.R. 1314, to amend the Internal Revenue Code of 1986 to provide for a right to an administrative appeal relating to adverse determinations of tax-exempt status of certain organizations.

SA 2751. Mr. McCONNELL proposed an amendment to amendment SA 2750 proposed by Mr. McCONNELL to the bill H.R. 1314, supra.

SA 2752. Mr. McCONNELL proposed an amendment to the bill H.R. 1314, supra.

SA 2753. Mr. McCONNELL proposed an amendment to amendment SA 2752 proposed by Mr. McCONNELL to the bill H.R. 1314, supra.

SA 2754. Mr. McCONNELL proposed an amendment to amendment SA 2753 proposed by Mr. McCONNELL to the amendment SA 2752 proposed by Mr. McCONNELL to the bill H.R. 1314, supra.

## TEXT OF AMENDMENTS

**SA 2750.** Mr. McCONNELL proposed an amendment to the bill H.R. 1314, to amend the Internal Revenue Code of 1986 to provide for a right to an administrative appeal relating to adverse determinations of tax-exempt status of certain organizations; as follows:

At the end add the following:

“This Act shall take effect 1 day after the date of enactment.”

**SA 2751.** Mr. McCONNELL proposed an amendment to amendment SA 2750 proposed by Mr. McCONNELL to the bill H.R. 1314, to amend the Internal Revenue Code of 1986 to provide for a right to an administrative appeal relating to adverse determinations of tax-exempt status of certain organizations; as follows:

Strike “1 day” and insert “2 days”.

**SA 2752.** Mr. McCONNELL proposed an amendment to the bill H.R. 1314, to amend the Internal Revenue Code of 1986 to provide for a right to an administrative appeal relating to adverse determinations of tax-exempt status of certain organizations; as follows:

At the end add the following:

“This Act shall take effect 3 days after the date of enactment.”

**SA 2753.** Mr. McCONNELL proposed an amendment to amendment SA 2752 proposed by Mr. McCONNELL to the bill H.R. 1314, to amend the Internal Revenue Code of 1986 to provide for a right to an administrative appeal relating to adverse determinations of tax-exempt status of certain organizations; as follows:

Strike “3 days” and insert “4 days”.

**SA 2754.** Mr. McCONNELL proposed an amendment to amendment SA 2753 proposed by Mr. McCONNELL to the amendment SA 2752 proposed by Mr. McCONNELL to the bill H.R. 1314, to amend the Internal Revenue Code of 1986 to provide for a right to an administrative appeal relating to adverse determinations of tax-exempt status of certain organizations; as follows:

Strike “4” and insert “5”.

## AUTHORITY FOR COMMITTEES TO MEET

## COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. LANKFORD. 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 October 28, 2015, at 10 a.m., in room SR-253 of the Russell Senate Office Building.

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

## COMMITTEE ON FOREIGN RELATIONS

Mr. LANKFORD. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on October 28, 2015, at 9:30 a.m., to conduct a hearing entitled, “The U.S. Role and Strategy in the Middle East.”

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

## COMMITTEE ON FOREIGN RELATIONS

Mr. LANKFORD. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on October 28, 2015, at 3:30 p.m., to conduct a hearing entitled “Nominations.”

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

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

Mr. LANKFORD. 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 October 28, 2015, at 2:30 p.m., in room SH-216 of the Hart Senate Office Building, to conduct a hearing entitled “Retirement Plan Options for Small Businesses.”

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

## COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

Mr. LANKFORD. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs be authorized to meet during the session of the Senate on October 28, 2015, at 2:30 p.m., to conduct a hearing entitled “Assessing the State of Our Nation’s Biodefense.”

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

## COMMITTEE ON VETERANS’ AFFAIRS

Mr. LANKFORD. Mr. President, I ask unanimous consent that the Committee on Veterans’ Affairs be authorized to meet during the session of the Senate on October 28, 2015, at 2:30 p.m. in room SR-418 of the Russell Senate Office Building, to conduct a hearing entitled “VA Mental Health: Ensuring Access to Care”.

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

## SUBCOMMITTEE ON FINANCIAL INSTITUTIONS AND CONSUMER PROTECTION

Mr. LANKFORD. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs Subcommittee on Financial Institutions and Consumer Protection be authorized to meet during the session of the Senate on October 28, 2015, at 10 a.m., to conduct a hearing entitled “The State of Rural Banking: Challenges and Consequences.”

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

## PRIVILEGES OF THE FLOOR

Mr. MERKLEY. Mr. President, I ask unanimous consent that my intern Bria Justus, who is participating in a shadow day, have privileges of the floor for the balance of the day.

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

## SUPPORTING THE GOALS AND IDEALS OF NATIONAL DOMESTIC VIOLENCE AWARENESS MONTH

Mr. McCONNELL. Mr. President, I ask unanimous consent that the Judiciary Committee be discharged from further consideration of and the Senate now proceed to the consideration of S. Res. 293.

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

The clerk will report the resolution by title.

The senior assistant legislative clerk read as follows:

A resolution (S. Res. 293) supporting the goals and ideals of National Domestic Violence Awareness Month, commending domestic violence victim advocates, domestic violence victim service providers, crisis hotline staff, and first responders serving victims of domestic violence for their compassionate support of victims of domestic violence, and expressing the sense of the Senate that Congress should continue to support efforts to end domestic violence and hold perpetrators of domestic violence accountable.

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.

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

The resolution (S. Res. 293) was agreed to.

The preamble was agreed to. (The resolution, with its preamble, is printed in the RECORD of October 22, 2015, under “Submitted Resolutions.”)

## NATIONAL BISON DAY

Mr. McCONNELL. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of S. Res. 300, submitted earlier today.

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

The senior assistant legislative clerk read as follows:

A resolution (S. Res. 300) designating November 7, 2015, as National Bison Day.

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

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. 300) was agreed to.

The preamble was agreed to. (The resolution, with its preamble, is printed in today's RECORD under "Submitted Resolutions.")

**MEASURE READ THE FIRST TIME—H.R. 597**

Mr. McCONNELL. Mr. President, I understand there is a bill at the desk, and I ask for its first reading.

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

The senior assistant legislative clerk read as follows:

A bill (H.R. 597) to reauthorize the Export-Import Bank of the United States, and for other purposes.

Mr. McCONNELL. I now ask for a second reading and, in order to place the bill on the calendar under the provisions of rule XIV, I object to my own request.

The PRESIDING OFFICER. Objection having been heard, the bill will be read for the second time on the next legislative day.

**ORDERS FOR THURSDAY, OCTOBER 29, 2015**

Mr. McCONNELL. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 10 a.m., Thursday, October 29; that following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, and the time for the two leaders be reserved for their use later in the day; finally, that following leader remarks, the Senate resume consideration of the House message to accompany H.R. 1314.

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

**ADJOURNMENT UNTIL 10 A.M. TOMORROW**

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 6:41 p.m., adjourned until Thursday, October 29, 2015, at 10 a.m.

**NOMINATIONS**

Executive nominations received by the Senate:

**IN THE COAST GUARD**

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES COAST GUARD RESERVE IN THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203(A):

*To be rear admiral*

FRANCIS S. PELKOWSKI

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES COAST GUARD TO THE GRADE INDICATED UNDER TITLE 14, U.S.C., SECTION 271(E):

*To be captain*

LADONN A. ALLEN  
AREX B. AVANNI  
DONALD E. BADER  
RICHARD L. BATES  
LANCE C. BELBEN  
GARY R. BOWEN  
MICHAEL E. BRANDHUBER  
STEPHEN BURDIAN  
MICHAEL E. CAMPBELL  
KEVIN M. CARROLL  
CHRISTOPHER M. CHASE  
KURT A. CLARKE  
DWIGHT E. COLLINS  
THOMAS F. COOPER  
DARCIE G. CUNNINGHAM  
RUSSELL E. DASH  
MICHAEL J. DAVANZO  
DAVID S. DEUEL  
MATTHEW J. FAY  
PATRICK M. FLYNN  
BRIAN C. GLANDER  
DOUGLAS D. GOODWIN  
JOHN P. GREGG  
JOHN L. HOLLINGSWORTH  
SCOTT A. KEISTER  
KEVIN M. KING  
MARC W. KNOWLTON  
BRIAN K. KOSHULSKY  
MATTHEW W. LAKE  
KRISTI M. LUTTRELL  
GREGORY H. MAGEE  
RYAN D. MANNING  
MICHAEL F. NASITKA  
ROBERT A. PHILLIPS  
CURTISS C. POTTER  
JOHN W. PRUITT  
THOMAS C. REMMERS  
JOHN G. RIVERS  
MONICA L. ROCHESTER  
WILLIAM E. SASSER, JR.  
PATRICK C. SCHREIBER  
JOSEPH H.D. SOLOMON  
GLENN D. STOCKS  
ERIC J. STORCH  
JOSEPH SUNDLAND  
JAMES P. SUTTON  
JASON P. TAMA  
PETER R. VAN NESS  
MARK VISLAY, JR.  
MARK R. VLAUN  
AARON E. WATERS  
BLAKE E. WELBORN  
ADRIAN L. WEST  
STEPHEN R. WHITE  
CRAIG J. WIESCHORSTER  
JEFFREY V. YAROSH

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES COAST GUARD RESERVE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203(A):

*To be captain*

SHARIF A. ABDRAHBO  
MICHAEL K. ARNOLD  
JOHN M. CARABALLO  
RONALD J. CATUDAL  
MICHAEL J. FERULLO  
EVAN J. GALBO  
JOHN J. GAROPOLO, JR.  
JILL I. LUMPKIN  
MATTHEW J. MCCANN  
DAVID A. MENCHACA  
PATRICIA J. QUINN  
JENNIFER A. TRAVERS  
WILBUR A. VELARDE

**IN THE ARMY**

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

*To be major general*

BRIG. GEN. ARLEN R. ROYALTY

**IN THE NAVY**

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

*To be admiral*

VICE ADM. KURT W. TIDD

**IN THE AIR FORCE**

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE GRADE INDICATED IN THE RESERVE OF THE AIR FORCE UNDER TITLE 10, U.S.C., SECTION 12203:

*To be colonel*

ALAN D. MURDOCK

**IN THE ARMY**

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY JUDGE ADVOCATE GENERAL'S CORPS UNDER TITLE 10, U.S.C., SECTIONS 624 AND 3064:

*To be colonel*

OLGA M. ANDERSON  
ROSEANNE M. BENNETT  
JOHN H. COOK  
JOHN A. HAMNER II  
TIMOTHY P. HAYES, JR.  
MAUREEN A. KOHN  
JULIE A. LONG  
ROBERT L. MANLEY III  
ANDRAS M. MARTON  
SEAN T. MCGARRY  
OREN H. MCKNELLY  
MICHAEL D. MIRRAU, JR.  
RUSSELL N. PARSON  
TRAVIS L. ROGERS  
MICHAEL C. WONG  
ERIC W. YOUNG

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY AS CHAPLAINS UNDER TITLE 10, U.S.C., SECTIONS 624 AND 3064:

*To be colonel*

JIMMY C. DAVIS, JR.  
CHARLES M. FIELDS  
MARK A. FREDERICK  
DAVID M. LOCKHART  
ROBERT NAY  
DARIN A. NIELSEN  
KEVIN M. PIES  
JAMES E. SCHAEFER  
OLEN Z. SELLERS  
SCOTT R. SHERRETT  
DAVID L. SHOFFNER  
JERRY C. SIEG  
KENNETH R. SORENSON  
TIMOTHY D. WALLS  
KEVIN B. WESTON  
STANLEY E. WHITTEN  
ROBERT E. WICHMAN

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTION 12203:

*To be colonel*

SPENCER T. PRICE

**IN THE NAVY**

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE REGULAR NAVY UNDER TITLE 10, U.S.C., SECTION 531:

*To be lieutenant commander*

JAMES E. O'NEIL III  
KEITH M. ROXO

THE FOLLOWING NAMED OFFICERS FOR TEMPORARY APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 5721:

*To be lieutenant commander*

JOSHUA C. ANDRES  
CARL W. BARLOW III  
LOWELL E. BRUHY  
RALPH T. BUCKLES  
DEREK A. BURNEY  
ARON E. CALLIPO  
DANA S. CANBY  
KENDRA B. CARTER  
DAVID A. DUFFIELD  
STEPHEN M. EMERSON  
CLINTON D. EMRICH  
JACOB M. GERLACH  
DANIEL W. GOODWIN  
CHRISTOPHER A. GRILLO  
RYAN M. GRUNDT  
SAMUEL F. HARTLEY  
JOHN J. HARTSOG  
KYLE T. HAUBOLD  
COLLIN R. HEDGES  
DARRELL R. HEIDE  
RICHARD S. HEIDEL  
BRENT J. HOLLOWAY  
ROBERT A. HOLLISON  
CHARLES P. JONES  
ALFRED L. KELLER, JR.  
JEREMY D. LEAZER  
WILLIAM C. LIVINGSTON  
BENJAMIN B. LONG  
FRANCISCO D. MARTINEZ  
JOSHUA D. MEIK  
THOMAS E. MILLER  
JEFFREY A. MILOTA  
JUSTIN A. MURTY  
SHAUN A. POSEY  
PETER J. REMILLARD  
ALEX RINALDI  
COSMAS SAMARITIS  
JOSEPH W. A. SAMMUR  
DANIEL C. SHEA  
THOMAS J. SIMMONS  
MATTHEW D. SPAKOWSKI  
ERIK B. SUNDAY  
STEPHEN D. SZACHTA, JR.  
CHAD T. TELLA  
MARK TEMPLAR  
NATHANIEL B. VANDEVENTER

ROBERT W. VINSON  
MARK F. WAITE  
BRIAN D. WILSON  
JOHN E. WOODSON  
ALAN W. YOUNG  
BETHANY R. ZMITROVICH

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT  
TO THE GRADE INDICATED IN THE UNITED STATES NAVY  
RESERVE UNDER TITLE 10, U.S.C., SECTION 12203:

*To be captain*

CALVIN M. FOSTER

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT  
IN THE GRADE INDICATED IN THE REGULAR NAVY  
UNDER TITLE 10, U.S.C., SECTION 531:

*To be lieutenant commander*

TARA A. FEHER

**CONFIRMATION**

Executive nomination confirmed by  
the Senate October 28, 2015:

DEPARTMENT OF TRANSPORTATION

SARAH ELIZABETH FEINBERG, OF WEST VIRGINIA, TO  
BE ADMINISTRATOR OF THE FEDERAL RAILROAD ADMIN-  
ISTRATION.

**WITHDRAWAL**

Executive Message transmitted by  
the President to the Senate on October  
28, 2015 withdrawing from further Sen-  
ate consideration the following nomi-  
nation:

AIR FORCE NOMINATION OF ENRIQUE J. GWIN, TO BE  
COLONEL, WHICH WAS SENT TO THE SENATE ON JUNE 16,  
2015.