

the foundations of a free and democratic way of life;

Whereas preliminary reports indicate that voter turnout exceeded 80 percent;

Whereas international observers have reported that election day was largely free and fair and conducted in an orderly and peaceful fashion despite broader structural concerns such as the disenfranchisement of the Rohingya;

Whereas the ruling military-backed Union Solidarity Development Party suffered a dramatic loss at the polls, and the National League for Democracy won a sizable majority in both chambers of Burma's Union Parliament, the Pyidaungsu Hluttaw, and will select Burma's next President;

Whereas Nobel Peace Prize Laureate Aung San Suu Kyi has symbolized the struggle for freedom and democracy in Burma and has actively supported democratic reform through her leadership of the National League for Democracy;

Whereas the National League for Democracy espouses a policy of nonviolent movement towards multi-party democracy in Burma, supports national reconciliation, and endorses strengthening democratic institutions, protecting human rights, implementing free market economic reforms, and reinforcing rule of law;

Whereas President Thein Sein and Commander-in-Chief Min Aug Hlaing made public commitments to respect the election results and vowed to abide by the law to ensure an orderly and prompt transition to a new government;

Whereas the continued democratic development of Burma is a matter of fundamental importance to the advancement of United States interests in Southeast Asia and is supported by the United States Senate:

Now, therefore, be it

*Resolved*, That the Senate—

(1) congratulates the people of Burma for embracing democracy through their participation in the November 8, 2015 general elections and for their continuing efforts in developing a free, democratic society that respects internationally-recognized human rights;

(2) recognizes the National League for Democracy's victory as a reflection of the will of the Burmese people;

(3) calls on the Union Solidarity Development Party to undertake a peaceful transfer of power and abide by the law to ensure an orderly and prompt transition to a new government;

(4) encourages all parties to pursue national reconciliation talks and work together in the spirit of national unity to seek what is best for the country;

(5) recognizes that while the Government of Burma has made important progress towards democratization, there remain important impediments to the realization of full democratic and civilian government, including the reservation of unelected seats for the military and the disenfranchisement of groups of people including the Rohingya;

(6) expresses hope that newly elected members of parliament and a prompt and orderly transition to a new government will herald a new generation of responsible leadership in Burma;

(7) calls on the Government of Burma to support meaningful efforts to reform the 2008 Constitution of Burma, with the full and unfettered participation of the people of Burma and in a manner that promotes and protects democratic development of Burma and safeguards against arbitrary interference by the military;

(8) supports negotiations between the Government of Burma and ethnic-based peoples and organizations;

(9) encourages the President of the United States to take further steps toward normalization of relations with Burma and consider the potential relaxation of restrictions should the Union Solidarity Development Party respect the election results and proceed with a prompt and orderly transition in power; and

(10) reaffirms that the people of the United States will continue to stand with the people of Burma in support of democracy, partnership, and peace.

**SENATE RESOLUTION 321—HONORING THE 70TH ANNIVERSARY OF THE FOUNDING OF CARE**

Ms. MIKULSKI submitted the following resolution; which was referred to the Committee on Foreign Relations:

**S. RES. 321**

Whereas CARE is 1 of the largest and most respected international development and emergency aid organizations in the world;

Whereas CARE was officially founded on November 27, 1945, which is 70 years prior to the month of adoption of this resolution;

Whereas the United States sent 100,000,000 CARE packages to Europe during World War II, which—

(1) delivered canned meats, powdered milk, dried fruits, chocolate, and coffee to brave soldiers of the United States; and

(2) each cost only \$10 but provided 10 soldiers each 1 meal;

Whereas President Harry Truman purchased the first CARE package;

Whereas CARE was originally intended to be a temporary organization, but CARE—

(1) continued as the need for global relief continued; and

(2) grew into an international organization working in 87 countries;

Whereas CARE—

(1) has significantly broadened the scope of its relief work;

(2) provides assistance in the wake of devastating natural disasters;

(3) combats hunger; and

(4) comes to the assistance of refugees, including refugees of the current refugee crisis in Syria;

Whereas CARE also works—

(1) to empower women and girls;

(2) to reduce the incidence of child marriage;

(3) to prevent and respond to gender-based violence; and

(4) to promote gender equality internationally; and

Whereas the words of President John F. Kennedy, that the work of CARE "expresses America's concern and friendship in a language that all peoples understand" are still true today: Now, therefore, be it

*Resolved*, That the Senate recognizes the 70th anniversary of the founding of CARE, which serves as a symbol of hope and humanity throughout the world.

**SENATE CONCURRENT RESOLUTION 25—EXPRESSING THE SENSE OF CONGRESS THAT THE PRESIDENT SHOULD SUBMIT THE PARIS CLIMATE CHANGE AGREEMENT TO THE SENATE FOR ITS ADVICE AND CONSENT**

Mr. LEE (for himself, Mr. COTTON, Mr. CRUZ, Mr. VITTER, Mr. SHELBY, Mr. THUNE, Mr. SCOTT, Mr. WICKER, Mr. HATCH, Mr. McCAIN, Mr. BLUNT, Mr. JOHNSON, Mr. ROUNDS, Mr. ROBERTS,

Mr. SESSIONS, Mr. COCHRAN, Mr. TILLIS, Mr. GRASSLEY, Mr. COATS, Mr. CASSIDY, Mr. CRAPO, Mr. INHOFE, Mr. MCCONNELL, Mr. SASSE, Mr. DAINES, Mr. TOOMEY, Mr. BARRASSO, Mr. PAUL, Mrs. CAPITO, Mr. ENZI, and Mr. CORNYN) submitted the following concurrent resolution; which was referred to the Committee on Foreign Relations:

**S. CON. RES. 25**

Whereas the United States is party to the United Nations Framework Convention on Climate Change, with annexes, done at New York May 9, 1992, and entered into force March 21, 1994 (in this resolution referred to as the "Convention");

Whereas the Convention requires the United States to "adopt national policies and take corresponding measures on the mitigation of climate change, by limiting its anthropogenic emissions of greenhouse gases," but does not require the United States to commit to specific targets or timetables for emissions reductions;

Whereas, during the Convention's advice and consent process in the Committee on Foreign Relations of the Senate (in this resolution referred to as the "Foreign Relations Committee") a question arose whether future protocols made pursuant to the Convention "containing targets and timetables" for emissions reductions should be submitted to the Senate for advice and consent;

Whereas the Foreign Relations Committee submitted a written question, "Would a protocol containing targets and timetables be submitted to the Senate?" to which the Executive Branch responded, "If such a protocol were negotiated and adopted, and the United States wished to become a party, we would expect such a protocol to be submitted to the Senate.:"

Whereas the Foreign Relations Committee, chaired by Senator Claiborne Pell, issued Executive Report 102-55 regarding the Convention in which it noted "that a decision by the Conference of the Parties to adopt targets and timetables would have to be submitted to the Senate for its advice and consent before the United States could deposit its instruments of ratification for such an agreement";

Whereas Executive Report 102-55 further noted "that a decision by the executive branch to reinterpret the Convention to apply legally binding targets and timetables for reducing emissions of greenhouse gases to the United States would alter the 'shared understanding' of the Convention between the Senate and the executive branch and would therefore require the Senate's advice and consent";

Whereas, under the auspices given by the Executive Branch that future agreements made pursuant to the Convention containing targets and timetables for emissions reductions would be submitted to the Senate, the Senate gave its consent to ratification of the Convention on October 7, 1992;

Whereas, in December 2011, at the seventeenth session of the Conference of the Parties (COP-17) in Durban, South Africa, the Ad Hoc Working Group on the Durban Platform for Enhanced Action was established, *inter alia*, "to develop a protocol, another legal instrument or an agreed outcome with legal force" under the Convention to be completed no later than 2015 and adopted at the twenty-first session of the Conference of the Parties (COP-21);

Whereas, subsequent to COP-17, representatives of President Barack Obama, including the Special Envoy for Climate Change, have made public statements indicating that the United States intends to finalize a climate change agreement at COP-21 that contains

targets and timetables for emissions reductions;

Whereas the Executive Branch has made clear through its public statements that it intends to negotiate a climate change agreement at COP-21 that contains legally binding provisions as well as non-binding provisions—including targets and timetables for emissions reductions—attached as an addendum or schedule to the legally-binding agreement;

Whereas the French Minister of Foreign Affairs, Laurent Fabius, who will host COP-21, has stated, “We must find a formula which is valuable for everybody and valuable for the U.S. without going to the Congress.”;

Whereas the Department of State developed guidelines known as the Circular 175 Procedure (C-175) to facilitate “the application of orderly and uniform measures to the negotiation, conclusion, reporting, publication, and registration of U.S. treaties and international agreements”;

Whereas C-175, *inter alia*, set forth eight factors for determining “whether any international agreement should be brought into force as a treaty or as an international agreement other than a treaty”;

Whereas the Executive Branch must give “due consideration” to the eight factors outlined in C-175, and “the utmost care is to be exercised to avoid any invasion or compromise of the constitutional powers of the President, the Senate, and the Congress as a whole”;

Whereas the eight factors are as follows: (1) the extent to which the agreement involves commitments or risks affecting the Nation as a whole; (2) whether the agreement is intended to affect State laws; (3) whether the agreement can be given effect without the enactment of subsequent legislation by the Congress; (4) past United States practice as to similar agreements; (5) the preference of the Congress as to a particular type of agreement; (6) the degree of formality desired for an agreement; (7) the proposed duration of the agreement, the need for prompt conclusion of an agreement, and the desirability of concluding a routine or short-term agreement; and (8) the general international practice as to similar agreements;

Whereas COP-21 will be held in Paris, France from November 30 to December 11, 2015;

Whereas, at COP-21, the United States will be expected, *inter alia*, to commit billions of dollars in taxpayer money to fund the Green Climate Fund and other financial mechanisms to fund mitigation and adaptation projects in developing countries;

Whereas the Paris climate change agreement, either in the form contemplated by the President or in its current draft form released on October 5, 2015, by the Ad Hoc Working Group on the Durban Platform, reflects the characteristics of a treaty as set forth in C-175, and does not reflect the characteristics of an international agreement other than a treaty; and

Whereas, pursuant to commitments made by the Executive Branch to the Senate during the advice and consent process for the Convention the Executive Branch stated that any protocol containing targets and timetables would be submitted to the Senate; Now, therefore, be it

*Resolved by the Senate (the House of Representatives concurring),* That it is the sense of Congress that—

(1) the statements made by the Executive Branch to the Senate during Senate consideration of the Convention and set forth in Executive Report 102-55 remain valid and in force and, accordingly, any agreement adopted at COP-21 containing targets and timetables, whether deemed “legally binding” or not, must be submitted to the Senate for ad-

vice and consent pursuant to Article II, section 2 of the Constitution;

(2) any agreement or decision made at COP-21 that contains targets and timetables—whether they are contained within a legally-binding instrument or attached as a non-binding schedule or addendum to a legally-binding instrument—shall be considered by the Congress to be an agreement “containing targets and timetables”;

(3) a decision by the Executive Branch made at COP-21 or any other venue to apply targets and timetables for reducing emissions of greenhouse gases to the United States would alter the “shared understanding” of the Convention between the Executive Branch and the Senate and would therefore require the Senate’s advice and consent;

(4) the Department of State developed the “Circular 175 Procedure” to determine how international agreements would be negotiated, and the eight factors contained in the Procedure strongly support the conclusion that any agreement made under the Convention that contains targets and timetables for reducing emissions of greenhouse gases must be submitted to the Senate for advice and consent;

(5) until all commitments on emissions targets and timetables made at COP-21 are submitted to the Senate for advice and consent and subsequently ratified by the Executive Branch, such commitments shall have no effect on the interpretation of United States law or the international obligations of the United States; and

(6) Congress should refuse to consider any budget resolutions and appropriations language that include funding for the Green Climate Fund or any affiliated body or financing mechanism unless and until all agreements on emissions targets and timetables reached at COP-21 are submitted to the Senate for advice and consent.

#### AMENDMENTS SUBMITTED AND PROPOSED

SA 2855. Mr. ENZI (for himself and Mr. WYDEN) submitted an amendment intended to be proposed to amendment SA 2812 proposed by Ms. COLLINS (for herself and Mr. REED) to the bill H.R. 2577, making appropriations for the Departments of Transportation, and Housing and Urban Development, and related agencies for the fiscal year ending September 30, 2016, and for other purposes; which was ordered to lie on the table.

SA 2856. Mr. BROWN submitted an amendment intended to be proposed to amendment SA 2812 proposed by Ms. COLLINS (for herself and Mr. REED) to the bill H.R. 2577, *supra*; which was ordered to lie on the table.

SA 2857. Mrs. SHAHEEN submitted an amendment intended to be proposed to amendment SA 2812 proposed by Ms. COLLINS (for herself and Mr. REED) to the bill H.R. 2577, *supra*; which was ordered to lie on the table.

SA 2858. Mr. SESSIONS submitted an amendment intended to be proposed to amendment SA 2812 proposed by Ms. COLLINS (for herself and Mr. REED) to the bill H.R. 2577, *supra*; which was ordered to lie on the table.

SA 2859. Mr. LEE (for himself and Mr. COTTON) submitted an amendment intended to be proposed to amendment SA 2812 proposed by Ms. COLLINS (for herself and Mr. REED) to the bill H.R. 2577, *supra*; which was ordered to lie on the table.

SA 2860. Ms. COLLINS (for herself and Mr. REED) submitted an amendment intended to be proposed to amendment SA 2812 proposed by Ms. COLLINS (for herself and Mr. REED) to the bill H.R. 2577, *supra*; which was ordered to lie on the table.

SA 2861. Mr. SULLIVAN submitted an amendment intended to be proposed to amendment SA 2812 proposed by Ms. COLLINS (for herself and Mr. REED) to the bill H.R. 2577, *supra*; which was ordered to lie on the table.

SA 2862. Mr. REED (for himself and Ms. COLLINS) submitted an amendment intended to be proposed to amendment SA 2812 proposed by Ms. COLLINS (for herself and Mr. REED) to the bill H.R. 2577, *supra*; which was ordered to lie on the table.

SA 2863. Mr. WARNER submitted an amendment intended to be proposed to amendment SA 2812 proposed by Ms. COLLINS (for herself and Mr. REED) to the bill H.R. 2577, *supra*; which was ordered to lie on the table.

SA 2864. Mr. SCHATZ (for himself, Mr. Kaine, Ms. COLLINS, and Mrs. MURRAY) submitted an amendment intended to be proposed to amendment SA 2812 proposed by Ms. COLLINS (for herself and Mr. REED) to the bill H.R. 2577, *supra*; which was ordered to lie on the table.

SA 2865. Mr. SCHATZ (for himself, Mr. Kaine, Ms. COLLINS, and Mrs. MURRAY) submitted an amendment intended to be proposed to amendment SA 2812 proposed by Ms. COLLINS (for herself and Mr. REED) to the bill H.R. 2577, *supra*; which was ordered to lie on the table.

SA 2866. Mr. INHOFE submitted an amendment intended to be proposed to amendment SA 2812 proposed by Ms. COLLINS (for herself and Mr. REED) to the bill H.R. 2577, *supra*; which was ordered to lie on the table.

SA 2867. Mr. FLAKE submitted an amendment intended to be proposed to amendment SA 2812 proposed by Ms. COLLINS (for herself and Mr. REED) to the bill H.R. 2577, *supra*; which was ordered to lie on the table.

SA 2868. Ms. MURKOWSKI (for herself and Mr. SULLIVAN) submitted an amendment intended to be proposed to amendment SA 2812 proposed by Ms. COLLINS (for herself and Mr. REED) to the bill H.R. 2577, *supra*; which was ordered to lie on the table.

SA 2869. Mr. COONS (for himself, Mr. BOOKER, Mr. CARPER, Mr. MURPHY, and Mr. CASEY) submitted an amendment intended to be proposed to amendment SA 2812 proposed by Ms. COLLINS (for herself and Mr. REED) to the bill H.R. 2577, *supra*; which was ordered to lie on the table.

SA 2870. Mr. MARKEY (for himself, Mr. THUNE, Mr. NELSON, and Mr. BLUMENTHAL) submitted an amendment intended to be proposed to amendment SA 2812 proposed by Ms. COLLINS (for herself and Mr. REED) to the bill H.R. 2577, *supra*; which was ordered to lie on the table.

SA 2871. Mr. PAUL submitted an amendment intended to be proposed by him to the bill H.R. 2577, *supra*; which was ordered to lie on the table.

SA 2872. Mr. PORTMAN submitted an amendment intended to be proposed to amendment SA 2812 proposed by Ms. COLLINS (for herself and Mr. REED) to the bill H.R. 2577, *supra*; which was ordered to lie on the table.

SA 2873. Mr. McCONNELL (for Mrs. ERNST) proposed an amendment to the bill S. 1550, to amend title 31, United States Code, to establish entities tasked with improving program and project management in certain Federal agencies, and for other purposes.

#### TEXT OF AMENDMENTS

SA 2855. Mr. ENZI (for himself and Mr. WYDEN) submitted an amendment intended to be proposed to amendment SA 2812 proposed by Ms. COLLINS (for herself and Mr. REED) to the bill H.R.