

side, to exercise restraint, particularly with policy amendments. The Senate has just completed a broad energy authorization bill, and I understand that the Environmental and Public Works Committee will soon be drafting a Water Resources Development Act. So I want my colleagues to know that the subcommittee has had to make some tough choices, but these decisions were made in a bipartisan way and have led us to draft a balanced bill, one that I believe and hope should satisfy Members on both sides of the aisle.

I thank the chairman and the Presiding Officer, and I yield the floor.

ENERGY AND WATER DEVELOPMENT AND RELATED AGENCIES APPROPRIATIONS ACT, 2016

The PRESIDING OFFICER. Under the previous order, the motion to invoke cloture on the motion to proceed on H.R. 2028 is withdrawn and the Senate will proceed to the consideration of H.R. 2028, which the clerk will report.

The bill clerk read as follows:

A bill (H.R. 2028) making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2016, and for other purposes.

The Senate proceeded to consider the bill, which had been reported from the Committee on Appropriations, with an amendment to strike all after the enacting clause and insert in lieu thereof the following:

That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for energy and water development and related agencies for the fiscal year ending September 30, 2016, and for other purposes, namely:

TITLE I

CORPS OF ENGINEERS—CIVIL

DEPARTMENT OF THE ARMY

CORPS OF ENGINEERS—CIVIL

The following appropriations shall be expended under the direction of the Secretary of the Army and the supervision of the Chief of Engineers for authorized civil functions of the Department of the Army pertaining to river and harbor, flood and storm damage reduction, shore protection, aquatic ecosystem restoration, and related efforts.

INVESTIGATIONS

For expenses necessary where authorized by law for the collection and study of basic information pertaining to river and harbor, flood and storm damage reduction, shore protection, aquatic ecosystem restoration, and related needs; for surveys and detailed studies, and plans and specifications of proposed river and harbor, flood and storm damage reduction, shore protection, and aquatic ecosystem restoration projects, and related efforts prior to construction; for restudy of authorized projects; and for miscellaneous investigations, and, when authorized by law, surveys and detailed studies, and plans and specifications of projects prior to construction, \$109,000,000, to remain available until expended.

CONSTRUCTION

For expenses necessary for the construction of river and harbor, flood and storm damage reduction, shore protection, aquatic ecosystem restoration, and related projects authorized by law; for conducting detailed studies, and plans and specifications, of such projects (including those

involving participation by States, local governments, or private groups) authorized or made eligible for selection by law (but such detailed studies, and plans and specifications, shall not constitute a commitment of the Government to construction); \$1,641,000,000, to remain available until expended; of which such sums as are necessary to cover the Federal share of construction costs for facilities under the Dredged Material Disposal Facilities program shall be derived from the Harbor Maintenance Trust Fund as authorized by Public Law 104-303; and of which such sums as are necessary to cover one-half of the costs of construction, replacement, rehabilitation, and expansion of inland waterways projects shall be derived from the Inland Waterways Trust Fund, except as otherwise specifically provided for in law.

MISSISSIPPI RIVER AND TRIBUTARIES

For expenses necessary for flood damage reduction projects and related efforts in the Mississippi River alluvial valley below Cape Girardeau, Missouri, as authorized by law, \$330,000,000, to remain available until expended, of which such sums as are necessary to cover the Federal share of eligible operation and maintenance costs for inland harbors shall be derived from the Harbor Maintenance Trust Fund.

OPERATION AND MAINTENANCE

For expenses necessary for the operation, maintenance, and care of existing river and harbor, flood and storm damage reduction, aquatic ecosystem restoration, and related projects authorized by law; providing security for infrastructure owned or operated by the Corps, including administrative buildings and laboratories; maintaining harbor channels provided by a State, municipality, or other public agency that serve essential navigation needs of general commerce, where authorized by law; surveying and charting northern and northwestern lakes and connecting waters; clearing and straightening channels; and removing obstructions to navigation, \$2,909,000,000, to remain available until expended, of which such sums as are necessary to cover the Federal share of eligible operation and maintenance costs for coastal harbors and channels, and for inland harbors shall be derived from the Harbor Maintenance Trust Fund; of which such sums as become available from the special account for the Corps of Engineers established by the Land and Water Conservation Fund Act of 1965 shall be derived from that account for resource protection, research, interpretation, and maintenance activities related to resource protection in the areas at which outdoor recreation is available; and of which such sums as become available from fees collected under section 217 of Public Law 104-303 shall be used to cover the cost of operation and maintenance of the dredged material disposal facilities for which such fees have been collected: Provided, That 1 percent of the total amount of funds provided for each of the programs, projects, or activities funded under this heading shall not be allocated to a field operating activity prior to the beginning of the fourth quarter of the fiscal year and shall be available for use by the Chief of Engineers to fund such emergency activities as the Chief of Engineers determines to be necessary and appropriate, and that the Chief of Engineers shall allocate during the fourth quarter any remaining funds which have not been used for emergency activities proportionally in accordance with the amounts provided for the programs, projects, or activities.

REGULATORY PROGRAM

For expenses necessary for administration of laws pertaining to regulation of navigable waters and wetlands, \$200,000,000, to remain available until September 30, 2017.

FORMERLY UTILIZED SITES REMEDIAL ACTION PROGRAM

For expenses necessary to clean up contamination from sites in the United States resulting

from work performed as part of the Nation's early atomic energy program, \$101,500,000, to remain available until expended.

FLOOD CONTROL AND COASTAL EMERGENCIES

For expenses necessary to prepare for flood, hurricane, and other natural disasters and support emergency operations, repairs, and other activities in response to such disasters as authorized by law, \$28,000,000, to remain available until expended.

EXPENSES

For expenses necessary for the supervision and general administration of the civil works program in the headquarters of the Corps of Engineers and the offices of the Division Engineers; and for costs of management and operation of the Humphreys Engineer Center Support Activity, the Institute for Water Resources, the United States Army Engineer Research and Development Center, and the United States Army Corps of Engineers Finance Center allocable to the civil works program, \$178,000,000, to remain available until September 30, 2017, of which not to exceed \$5,000 may be used for official reception and representation purposes and only during the current fiscal year: Provided, That no part of any other appropriation provided in this title shall be available to fund the civil works activities of the Office of the Chief of Engineers or the civil works executive direction and management activities of the division offices: Provided further, That any Flood Control and Coastal Emergencies appropriation may be used to fund the supervision and general administration of emergency operations, repairs, and other activities in response to any flood, hurricane, or other natural disaster.

OFFICE OF THE ASSISTANT SECRETARY OF THE ARMY FOR CIVIL WORKS

For the Office of the Assistant Secretary of the Army for Civil Works as authorized by 10 U.S.C. 3016(b)(3), \$3,000,000, to remain available until September 30, 2017.

GENERAL PROVISIONS—CORPS OF ENGINEERS—CIVIL

(INCLUDING TRANSFER AND RESCISSION OF FUNDS)

SEC. 101. (a) None of the funds provided in title I of this Act, or provided by previous appropriations Acts to the agencies or entities funded in title I of this Act that remain available for obligation or expenditure in fiscal year 2016, shall be available for obligation or expenditure through a reprogramming of funds that:

(1) creates or initiates a new program, project, or activity;

(2) eliminates a program, project, or activity;

(3) increases funds or personnel for any program, project, or activity for which funds have been denied or restricted by this Act, unless prior approval is received from the House and Senate Committees on Appropriations;

(4) proposes to use funds directed for a specific activity for a different purpose, unless prior approval is received from the House and Senate Committees on Appropriations;

(5) augments or reduces existing programs, projects or activities in excess of the amounts contained in subsections 6 through 10, unless prior approval is received from the House and Senate Committees on Appropriations;

(6) INVESTIGATIONS.—For a base level over \$100,000, reprogramming of 25 percent of the base amount up to a limit of \$150,000 per project, study or activity is allowed: Provided, That for a base level less than \$100,000, the reprogramming limit is \$25,000: Provided further, That up to \$25,000 may be reprogrammed into any continuing study or activity that did not receive an appropriation for existing obligations and concomitant administrative expenses;

(7) CONSTRUCTION.—For a base level over \$2,000,000, reprogramming of 15 percent of the base amount up to a limit of \$3,000,000 per project, study or activity is allowed: Provided, That for a base level less than \$2,000,000, the reprogramming limit is \$300,000: Provided further,

That up to \$3,000,000 may be reprogrammed for settled contractor claims, changed conditions, or real estate deficiency judgments: Provided further, That up to \$300,000 may be reprogrammed into any continuing study or activity that did not receive an appropriation for existing obligations and concomitant administrative expenses;

(8) OPERATIONS AND MAINTENANCE.—Unlimited reprogramming authority is granted in order for the Corps to be able to respond to emergencies: Provided, That the Chief of Engineers must notify the House and Senate Committees on Appropriations of these emergency actions as soon thereafter as practicable: Provided further, That for a base level over \$1,000,000, reprogramming of 15 percent of the base amount a limit of \$5,000,000 per project, study or activity is allowed: Provided further, That for a base level less than \$1,000,000, the reprogramming limit is \$150,000: Provided further, That \$150,000 may be reprogrammed into any continuing study or activity that did not receive an appropriation;

(9) MISSISSIPPI RIVER AND TRIBUTARIES.—The same reprogramming guidelines for the Investigations, Construction, and Operation and Maintenance portions of the Mississippi River and Tributaries Account as listed above; and

(10) FORMERLY UTILIZED SITES REMEDIAL ACTION PROGRAM.—Reprogramming of up to 15 percent of the base of the receiving project is permitted.

(b) DE MINIMUS REPROGRAMMINGS.—In no case should a reprogramming for less than \$50,000 be submitted to the House and Senate Committees on Appropriations.

(c) CONTINUING AUTHORITIES PROGRAM.—Subsection (a)(1) shall not apply to any project or activity funded under the continuing authorities program.

(d) Not later than 60 days after the date of enactment of this Act, the Corps of Engineers shall submit a report to the House and Senate Committees on Appropriations to establish the baseline for application of reprogramming and transfer authorities for the current fiscal year: Provided, That the report shall include:

(1) A table for each appropriation with a separate column to display the President's budget request, adjustments made by Congress, adjustments due to enacted rescissions, if applicable, and the fiscal year enacted level;

(2) A delineation in the table for each appropriation both by object class and program, project and activity as detailed in the budget appendix for the respective appropriations; and

(3) An identification of items of special congressional interest.

SEC. 102. (a) Of the funds made available in prior appropriations Acts for water resources efforts under the headings "Corps of Engineers-Civil, Department of the Army, Construction" that remain unobligated as of the date of enactment of this Act, including amounts specified in law for particular projects, programs, or activities, \$128,000,000 is rescinded.

(b) None of the funds under subsection (a) may be rescinded from amounts that the Congress designated as an emergency requirement pursuant to the Concurrent Resolution on the Budget or the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

SEC. 103. The Secretary of the Army may transfer to the Fish and Wildlife Service, and the Fish and Wildlife Service may accept and expend, up to \$4,700,000 of funds provided in this title under the heading "Operation and Maintenance" to mitigate for fisheries lost due to Corps of Engineers projects.

SEC. 104. None of the funds made available in this or any other Act making appropriations for Energy and Water Development for any fiscal year may be used by the Corps of Engineers during the fiscal year ending September 30, 2016, to develop, adopt, implement, administer, or enforce any change to the regulations in effect on October 1, 2012, pertaining to the definitions of the terms "fill material" or "discharge of fill material" for the purposes of the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.).

PROJECT DEAUTHORIZATION

SEC. 105. (a) Not later than 180 days after the date of enactment of this Act, the Secretary shall execute a transfer agreement with the South Florida Water Management District for the project identified as the "Ten Mile Creek Water Preserve Area Critical Restoration Project", carried out under section 528(b)(3) of the Water Resources Development Act of 1996 (110 Stat. 3768).

(b) The transfer agreement under subsection (a) shall require the South Florida Water Management District to operate the transferred project as an environmental restoration project to provide water storage and water treatment options.

(c) Upon execution of the transfer agreement under subsection (a), the Ten Mile Creek Water Preserve Area Critical Restoration Project shall no longer be authorized as a Federal project.

SEC. 106. Section 5032(a)(2) of the Water Resources Development Act of 2007 (Public Law 110-114; 121 Stat. 1205) is amended by striking "15" and inserting "20".

SEC. 107. (a) No funds made available in this Act or any prior Act shall be available to reallocate water within the Alabama-Coosa-Tallapoosa (ACT) river basin, or any study thereof, until the Corps of Engineers has executed a Partnering Agreement with Alabama and Georgia outlining the participation of each State in a water reallocation study for the ACT river basin.

(b) The prohibition in subsection (a) shall apply to the use of contributed or other non-Federal funds.

TITLE II

DEPARTMENT OF THE INTERIOR

CENTRAL UTAH PROJECT

CENTRAL UTAH PROJECT COMPLETION ACCOUNT

For carrying out activities authorized by the Central Utah Project Completion Act, \$9,874,000, to remain available until expended, of which \$1,000,000 shall be deposited into the Utah Reclamation Mitigation and Conservation Account for use by the Utah Reclamation Mitigation and Conservation Commission: Provided, That, of the amount provided under this heading, \$1,350,000 shall be available until September 30, 2017, for expenses necessary in carrying out related responsibilities of the Secretary of the Interior: Provided further, That, for fiscal year 2016, of the amount made available to the Commission under this Act or any other Act, the Commission may use an amount not to exceed \$1,500,000 for administrative expenses.

BUREAU OF RECLAMATION

The following appropriations shall be expended to execute authorized functions of the Bureau of Reclamation:

WATER AND RELATED RESOURCES (INCLUDING TRANSFERS OF FUNDS)

For management, development, and restoration of water and related natural resources and for related activities, including the operation, maintenance, and rehabilitation of reclamation and other facilities, participation in fulfilling related Federal responsibilities to Native Americans, and related grants to, and cooperative and other agreements with, State and local governments, federally recognized Indian tribes, and others, \$988,131,000, to remain available until expended, of which \$22,000 shall be available for transfer to the Upper Colorado River Basin Fund and \$5,899,000 shall be available for transfer to the Lower Colorado River Basin Development Fund; of which such amounts as may be necessary may be advanced to the Colorado River Dam Fund: Provided, That such transfers may be increased or decreased within the overall appropriation under this heading: Provided further, That, of the total appropriated, the amount for program activities that can be financed by the Reclamation Fund or the Bureau of Reclamation special fee account established

by 16 U.S.C. 6806 shall be derived from that Fund or account: Provided further, That funds contributed under 43 U.S.C. 395 are available until expended for the purposes for which the funds were contributed: Provided further, That funds advanced under 43 U.S.C. 397a shall be credited to this account and are available until expended for the same purposes as the sums appropriated under this heading: Provided further, That, of the amounts provided herein, funds may be used for high-priority projects which shall be carried out by the Youth Conservation Corps, as authorized by 16 U.S.C. 1706.

CENTRAL VALLEY PROJECT RESTORATION FUND

For carrying out the programs, projects, plans, habitat restoration, improvement, and acquisition provisions of the Central Valley Project Improvement Act, \$49,528,000, to be derived from such sums as may be collected in the Central Valley Project Restoration Fund pursuant to sections 3407(d), 3404(c)(3), and 3405(f) of Public Law 102-575, to remain available until expended: Provided, That the Bureau of Reclamation is directed to assess and collect the full amount of the additional mitigation and restoration payments authorized by section 3407(d) of Public Law 102-575: Provided further, That none of the funds made available under this heading may be used for the acquisition or leasing of water for in-stream purposes if the water is already committed to in-stream purposes by a court adopted decree or order.

CALIFORNIA BAY-DELTA RESTORATION (INCLUDING TRANSFERS OF FUNDS)

For carrying out activities authorized by the Water Supply, Reliability, and Environmental Improvement Act, consistent with plans to be approved by the Secretary of the Interior, \$37,000,000, to remain available until expended, of which such amounts as may be necessary to carry out such activities may be transferred to appropriate accounts of other participating Federal agencies to carry out authorized purposes: Provided, That funds appropriated herein may be used for the Federal share of the costs of CALFED Program management: Provided further, That CALFED implementation shall be carried out in a balanced manner with clear performance measures demonstrating concurrent progress in achieving the goals and objectives of the Program.

POLICY AND ADMINISTRATION

For expenses necessary for policy, administration, and related functions in the Office of the Commissioner, the Denver office, and offices in the five regions of the Bureau of Reclamation, to remain available until September 30, 2017, \$58,500,000, to be derived from the Reclamation Fund and be nonreimbursable as provided in 43 U.S.C. 377: Provided, That no part of any other appropriation in this Act shall be available for activities or functions budgeted as policy and administration expenses.

ADMINISTRATIVE PROVISION

Appropriations for the Bureau of Reclamation shall be available for purchase of not to exceed five passenger motor vehicles, which are for replacement only.

GENERAL PROVISIONS—DEPARTMENT OF THE INTERIOR

SEC. 201. (a) None of the funds provided in this title shall be available for obligation or expenditure through a reprogramming of funds that—

(1) creates or initiates a new program, project, or activity;

(2) eliminates a program, project, or activity;

(3) increases funds for any program, project, or activity for which funds have been denied or restricted by this Act;

(4) restarts or resumes any program, project or activity for which funds are not provided in this Act, unless prior approval is received from the Committees on Appropriations of both Houses of Congress;

(5) transfers funds in excess of the following limits—

(A) 15 percent for any program, project or activity for which \$2,000,000 or more is available at the beginning of the fiscal year; or

(B) \$300,000 for any program, project or activity for which less than \$2,000,000 is available at the beginning of the fiscal year;

(6) transfers more than \$500,000 from either the Facilities Operation, Maintenance, and Rehabilitation category or the Resources Management and Development category to any program, project, or activity in the other category; or

(7) transfers, when necessary to discharge legal obligations of the Bureau of Reclamation, more than \$5,000,000 to provide adequate funds for settled contractor claims, increased contractor earnings due to accelerated rates of operations, and real estate deficiency judgments.

(b) Subsection (a)(5) shall not apply to any transfer of funds within the Facilities Operation, Maintenance, and Rehabilitation category.

(c) For purposes of this section, the term “transfer” means any movement of funds into or out of a program, project, or activity.

(d) The Bureau of Reclamation shall submit reports on a quarterly basis to the Committees on Appropriations of both Houses of Congress detailing all the funds reprogrammed between programs, projects, activities, or categories of funding. The first quarterly report shall be submitted not later than 60 days after the date of enactment of this Act.

SEC. 202. (a) None of the funds appropriated or otherwise made available by this Act may be used to determine the final point of discharge for the interceptor drain for the San Luis Unit until development by the Secretary of the Interior and the State of California of a plan, which shall conform to the water quality standards of the State of California as approved by the Administrator of the Environmental Protection Agency, to minimize any detrimental effect of the San Luis drainage waters.

(b) The costs of the Kesterson Reservoir Cleanup Program and the costs of the San Joaquin Valley Drainage Program shall be classified by the Secretary of the Interior as reimbursable or nonreimbursable and collected until fully repaid pursuant to the “Cleanup Program—Alternative Repayment Plan” and the “SJVDP—Alternative Repayment Plan” described in the report entitled “Repayment Report, Kesterson Reservoir Cleanup Program and San Joaquin Valley Drainage Program, February 1995”, prepared by the Department of the Interior, Bureau of Reclamation. Any future obligations of funds by the United States relating to, or providing for, drainage service or drainage studies for the San Luis Unit shall be fully reimbursable by San Luis Unit beneficiaries of such service or studies pursuant to Federal reclamation law.

SEC. 203. Section 9504(e) of the Secure Water Act of 2009 (42 U.S.C. 10364(e)) is amended by striking “\$300,000,000” and inserting “\$500,000,000”.

SEC. 204. Title I of Public Law 108–361 (the Calfed Bay-Delta Authorization Act) (118 Stat. 1681), as amended by section 210 of Public Law 111–85, is amended by striking “2016” each place it appears and inserting “2020”.

SEC. 205. The Reclamation Safety of Dams Act of 1978 is amended by—

(1) striking “Construction” and inserting “Except as provided in section 5B, construction” in section 3; and

(2) inserting after section 5A (43 U.S.C. 509a) the following:

“SEC. 5B. Notwithstanding section 3, if the Secretary, in her judgment, determines that additional project benefits, including but not limited to additional conservation storage capacity, are necessary and in the interests of the United States and the project and are feasible and not inconsistent with the purposes of this Act, the

Secretary is authorized to develop additional project benefits through the construction of new or supplementary works on a project in conjunction with the Secretary’s activities under section 2 of this Act and subject to the conditions described in the feasibility study, provided the costs associated with developing the additional project benefits are allocated to the authorized purposes of the project that have a benefit, a cost share agreement related to the additional project benefits is reached among State and Federal funding agencies and repaid consistent with all provisions of Federal Reclamation law (the Act of June 17, 1902, 43 U.S.C. 371 et seq.) and acts supplemental to and amendatory of that Act.”.

SEC. 206. Section 5 of the Reclamation Safety of Dams Act of 1978 (43 U.S.C. 509) is amended in the first sentence—

(a) by inserting “and effective October 1, 2015, not to exceed an additional \$1,100,000,000 (October 1, 2003, price levels),” after “(October 1, 2003, price levels),”; and

(b) in the proviso—

(1) by striking “\$1,250,000” and inserting “\$20,000,000”; and

(2) by striking “Congress” and inserting “Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate”; and

(3) by adding at the end the following: “For modification expenditures between \$1,800,000 and \$20,000,000 (October 1, 2013, price levels), the Secretary of the Interior shall, at least 30 days before the date on which the funds are expended, submit written notice of the expenditures to the Committee on Natural Resources of the House of Representatives and Committee on Energy and Natural Resources of the Senate that provides a summary of the project, the cost of the project, and any alternatives that were considered.”.

SEC. 207. The Secretary of the Interior, acting through the Commissioner of Reclamation, shall—

(a) complete the feasibility studies described in clauses (i)(I) and (ii)(II) of section 103(d)(1)(A) of Public Law 108–361 (118 Stat. 1684) and submit such studies to the appropriate committees of the House of Representatives and the Senate not later than December 31, 2015;

(b) complete the feasibility study described in clause (i)(II) of section 103(d)(1)(A) of Public Law 108–361 and submit such study to the appropriate committees of the House of Representatives and the Senate not later than November 30, 2016;

(c) complete a publicly available draft feasibility study for the project described in clause (ii)(I) of section 103(d)(1)(A) of Public Law 108–361 and submit such study to the appropriate committees of the House of Representatives and the Senate not later than November 30, 2016;

(d) complete the feasibility study described in clause (ii)(I) of section 103(d)(1)(A) of Public Law 108–361 and submit such study to the appropriate committees of the House of Representatives and the Senate not later than November 30, 2017;

(e) complete the feasibility study described in section 103(f)(1)(A) of Public Law 108–361 (118 Stat. 1694) and submit such study to the appropriate committees of the House of Representatives and the Senate not later than December 31, 2017; and

(f) provide a progress report on the status of the feasibility studies referred to in paragraphs (1) through (3) to the appropriate committees of the House of Representatives and the Senate not later than 90 days after the date of the enactment of this Act and each 180 days thereafter until December 31, 2017, as applicable. The report shall include timelines for study completion, draft environmental impact statements, final environmental impact statements, and Records of Decision.

SEC. 208. Notwithstanding any other provision of this Act, funds provided by this Act for Cali-

fornia Bay-Delta Restoration may be used to deliver water to the Trinity River above the minimum requirements of the Trinity Record of Decision or to supplement flows in the Klamath River.

SEC. 209. Notwithstanding any other provision of this Act, funds made available by this Act for Central Valley Project Restoration Fund may be used for all authorized activities necessary to supplement or enhance the instream flow requirements in the State of California that are mandated under the Endangered Species Act of 1973 and the Central Valley Project Improvement Act.

TITLE III

DEPARTMENT OF ENERGY ENERGY PROGRAMS

ENERGY EFFICIENCY AND RENEWABLE ENERGY

(INCLUDING TRANSFER AND RESCISSION OF FUNDS)

For Department of Energy expenses including the purchase, construction, and acquisition of plant and capital equipment, and other expenses necessary for energy efficiency and renewable energy activities in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion, \$1,950,000,000, to remain available until expended: Provided, That, of such amount, \$160,000,000 shall be available until September 30, 2017, for program direction: Provided further, That, of the amount provided under this heading, the Secretary may transfer up to \$45,000,000 to the Defense Production Act Fund for activities of the Department of Energy pursuant to the Defense Production Act of 1950 (50 U.S.C. App. 2061, et seq.).

ELECTRICITY DELIVERY AND ENERGY RELIABILITY

For Department of Energy expenses including the purchase, construction, and acquisition of plant and capital equipment, and other expenses necessary for electricity delivery and energy reliability activities in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion, \$152,306,000, to remain available until expended: Provided, That, of such amount, \$27,000,000 shall be available until September 30, 2017, for program direction.

NUCLEAR ENERGY

For Department of Energy expenses including the purchase, construction, and acquisition of plant and capital equipment, and other expenses necessary for nuclear energy activities in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion, \$950,161,000, to remain available until expended: Provided, That, of such amount, \$80,000,000 shall be available until September 30, 2017, for program direction including official reception and representation expenses not to exceed \$10,000: Provided, That, of such amount, \$24,000,000 shall be derived from the Nuclear Waste Fund.

FOSSIL ENERGY RESEARCH AND DEVELOPMENT

For Department of Energy expenses necessary in carrying out fossil energy research and development activities, under the authority of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition of interest, including defensible and equitable interests in any real property or any facility or for plant or facility acquisition or expansion, and for conducting inquiries, technological investigations and research concerning the extraction, processing, use, and disposal of mineral

substances without objectionable social and environmental costs (30 U.S.C. 3, 1602, and 1603), \$610,000,000, to remain available until expended: Provided, That, of such amount, \$115,000,000 shall be available until September 30, 2017, for program direction.

NAVAL PETROLEUM AND OIL SHALE RESERVES

For Department of Energy expenses necessary to carry out naval petroleum and oil shale reserve activities, \$17,500,000, to remain available until expended: Provided, That, notwithstanding any other provision of law, unobligated funds remaining from prior years shall be available for all naval petroleum and oil shale reserve activities.

STRATEGIC PETROLEUM RESERVE

For Department of Energy expenses necessary for Strategic Petroleum Reserve facility development and operations and program management activities pursuant to the Energy Policy and Conservation Act (42 U.S.C. 6201 et seq.), \$200,000,000, to remain available until expended.

NORTHEAST HOME HEATING OIL RESERVE

For Department of Energy expenses necessary for Northeast Home Heating Oil Reserve storage, operation, and management activities pursuant to the Energy Policy and Conservation Act (42 U.S.C. 6201 et seq.), \$7,600,000, to remain available until expended.

ENERGY INFORMATION ADMINISTRATION

For Department of Energy expenses necessary in carrying out the activities of the Energy Information Administration, \$122,000,000, to remain available until expended.

NON-DEFENSE ENVIRONMENTAL CLEANUP

For Department of Energy expenses, including the purchase, construction, and acquisition of plant and capital equipment and other expenses necessary for non-defense environmental cleanup activities in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion, \$244,000,000, to remain available until expended.

URANIUM ENRICHMENT DECONTAMINATION AND DECOMMISSIONING FUND

For Department of Energy expenses necessary in carrying out uranium enrichment facility decontamination and decommissioning, remedial actions, and other activities of title II of the Atomic Energy Act of 1954, and title X, subtitle A, of the Energy Policy Act of 1992, \$614,000,000, to be derived from the Uranium Enrichment Decontamination and Decommissioning Fund, to remain available until expended, of which \$32,959,000 shall be available in accordance with title X, subtitle A, of the Energy Policy Act of 1992.

SCIENCE

For Department of Energy expenses including the purchase, construction, and acquisition of plant and capital equipment, and other expenses necessary for science activities in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition or condemnation of any real property or facility or for plant or facility acquisition, construction, or expansion, and purchase of not more than 17 passenger motor vehicles for replacement only, including one ambulance and one bus, \$5,143,877,000, to remain available until expended: Provided, That, of such amount, \$185,000,000 shall be available until September 30, 2017, for program direction.

ADVANCED RESEARCH PROJECTS AGENCY—ENERGY

For Department of Energy expenses necessary in carrying out the activities authorized by section 5012 of the America COMPETES Act (Public Law 110-69), \$291,000,000, to remain available until expended: Provided, That, of such

amount, \$28,000,000 shall be available until September 30, 2017, for program direction.

TITLE 17 INNOVATIVE TECHNOLOGY LOAN GUARANTEE PROGRAM

Such sums as are derived from amounts received from borrowers pursuant to section 1702(b) of the Energy Policy Act of 2005 under this heading in prior Acts, shall be collected in accordance with section 502(7) of the Congressional Budget Act of 1974: Provided, That, for necessary administrative expenses to carry out this Loan Guarantee program, \$42,000,000 is appropriated, to remain available until September 30, 2017: Provided further, That \$25,000,000 of the fees collected pursuant to section 1702(h) of the Energy Policy Act of 2005 shall be credited as offsetting collections to this account to cover administrative expenses and shall remain available until expended, so as to result in a final fiscal year 2016 appropriation from the general fund estimated at not more than \$17,000,000: Provided further, That fees collected under section 1702(h) in excess of the amount appropriated for administrative expenses shall not be available until appropriated: Provided further, That the Department of Energy shall not subordinate any loan obligation to other financing in violation of section 1702 of the Energy Policy Act of 2005 or subordinate any Guaranteed Obligation to any loan or other debt obligations in violation of section 609.10 of title 10, Code of Federal Regulations.

ADVANCED TECHNOLOGY VEHICLES

MANUFACTURING LOAN PROGRAM

For Department of Energy administrative expenses necessary in carrying out the Advanced Technology Vehicles Manufacturing Loan Program, \$6,000,000, to remain available until September 30, 2017.

DEPARTMENTAL ADMINISTRATION

For salaries and expenses of the Department of Energy necessary for departmental administration in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), \$248,142,000, to remain available until September 30, 2017, including the hire of passenger motor vehicles and official reception and representation expenses not to exceed \$30,000, plus such additional amounts as necessary to cover increases in the estimated amount of cost of work for others notwithstanding the provisions of the Anti-Deficiency Act (31 U.S.C. 1511 et seq.): Provided, That such increases in cost of work are offset by revenue increases of the same or greater amount: Provided further, That moneys received by the Department for miscellaneous revenues estimated to total \$117,171,000 in fiscal year 2016 may be retained and used for operating expenses within this account, as authorized by section 201 of Public Law 95-238, notwithstanding the provisions of 31 U.S.C. 3302: Provided further, That the sum herein appropriated shall be reduced as collections are received during the fiscal year so as to result in a final fiscal year 2016 appropriation from the general fund estimated at not more than \$130,971,000: Provided further, That, of the total amount made available under this heading, \$31,297,000 is for Energy Policy and Systems Analysis.

OFFICE OF THE INSPECTOR GENERAL

For expenses necessary for the Office of the Inspector General in carrying out the provisions of the Inspector General Act of 1978, \$46,424,000, to remain available until September 30, 2017.

ATOMIC ENERGY DEFENSE ACTIVITIES

NATIONAL NUCLEAR SECURITY

ADMINISTRATION

WEAPONS ACTIVITIES

For Department of Energy expenses, including the purchase, construction, and acquisition of plant and capital equipment and other incidental expenses necessary for atomic energy defense weapons activities in carrying out the purposes of the Department of Energy Organization

Act (42 U.S.C. 7101 et seq.), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion, \$8,882,364,000, to remain available until expended: Provided, That of such amount, \$97,118,000 shall be available until September 30, 2017, for program direction.

DEFENSE NUCLEAR NONPROLIFERATION

For Department of Energy expenses, including the purchase, construction, and acquisition of plant and capital equipment and other incidental expenses necessary for defense nuclear nonproliferation activities, in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion, \$1,705,912,000, to remain available until expended.

NAVAL REACTORS

For Department of Energy expenses necessary for naval reactors activities to carry out the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition (by purchase, condemnation, construction, or otherwise) of real property, plant, and capital equipment, facilities, and facility expansion, \$1,300,000,000, to remain available until expended: Provided, That of such amount, \$42,504,000 shall be available until September 30, 2017, for program direction.

FEDERAL SALARIES AND EXPENSES

For expenses necessary for Federal Salaries and Expenses in the National Nuclear Security Administration, \$375,000,000, to remain available until September 30, 2017, including official reception and representation expenses not to exceed \$12,000.

ENVIRONMENTAL AND OTHER DEFENSE ACTIVITIES

DEFENSE ENVIRONMENTAL CLEANUP

For Department of Energy expenses, including the purchase, construction, and acquisition of plant and capital equipment and other expenses necessary for atomic energy defense environmental cleanup activities in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion, and the purchase of not to exceed one fire apparatus pump-truck and one armored vehicle for replacement only, \$5,180,000,000, to remain available until expended: Provided, That, of such amount, \$281,951,000 shall be available until September 30, 2017, for program direction: Provided further, That the Office of Environmental Management shall not accept ownership or responsibility for cleanup of any National Nuclear Security Administration facilities or sites without funding specifically designated for that purpose in an Appropriations Act at the time of transfer.

DEFENSE URANIUM ENRICHMENT DECONTAMINATION AND DECOMMISSIONING

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for atomic energy defense environmental cleanup activities for Department of Energy contributions for uranium enrichment decontamination and decommissioning activities, \$614,000,000, to be deposited into the Defense Environmental Cleanup account which shall be transferred to the "Uranium Enrichment Decontamination and Decommissioning Fund".

OTHER DEFENSE ACTIVITIES

For Department of Energy expenses, including the purchase, construction, and acquisition of plant and capital equipment and other expenses, necessary for atomic energy defense, other defense activities, and classified activities, in carrying out the purposes of the Department

of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion, \$764,000,000, to remain available until expended: Provided, That, of such amount, \$249,137,000 shall be available until September 30, 2017, for program direction.

**POWER MARKETING ADMINISTRATIONS
BONNEVILLE POWER ADMINISTRATION FUND**

Expenditures from the Bonneville Power Administration Fund, established pursuant to Public Law 93-454, are approved for the Shoshone Paiute Trout Hatchery, the Spokane Tribal Hatchery, the Snake River Sockeye Weirs and, in addition, for official reception and representation expenses in an amount not to exceed \$5,000: Provided, That, during fiscal year 2016, no new direct loan obligations may be made.

**OPERATIONS AND MAINTENANCE, SOUTHEASTERN
POWER ADMINISTRATION**

For expenses necessary for operations and maintenance of power transmission facilities and for marketing electric power and energy, including transmission wheeling and ancillary services, pursuant to section 5 of the Flood Control Act of 1944 (16 U.S.C. 825s), as applied to the southeastern power area, \$6,900,000, including official reception and representation expenses in an amount not to exceed \$1,500, to remain available until expended: Provided, That, notwithstanding 31 U.S.C. 3302 and section 5 of the Flood Control Act of 1944, up to \$6,900,000 collected by the Southeastern Power Administration from the sale of power and related services shall be credited to this account as discretionary offsetting collections, to remain available until expended for the sole purpose of funding the annual expenses of the Southeastern Power Administration: Provided further, That the sum herein appropriated for annual expenses shall be reduced as collections are received during the fiscal year so as to result in a final fiscal year 2016 appropriation estimated at not more than \$0: Provided further, That, notwithstanding 31 U.S.C. 3302, up to \$66,500,000 collected by the Southeastern Power Administration pursuant to the Flood Control Act of 1944 to recover purchase power and wheeling expenses shall be credited to this account as offsetting collections, to remain available until expended for the sole purpose of making purchase power and wheeling expenditures: Provided further, That, for purposes of this appropriation, annual expenses means expenditures that are generally recovered in the same year that they are incurred (excluding purchase power and wheeling expenses).

**OPERATIONS AND MAINTENANCE, SOUTHWESTERN
POWER ADMINISTRATION**

For expenses necessary for operations and maintenance of power transmission facilities and for marketing electric power and energy, for construction and acquisition of transmission lines, substations and appurtenant facilities, and for administrative expenses, including official reception and representation expenses in an amount not to exceed \$1,500 in carrying out section 5 of the Flood Control Act of 1944 (16 U.S.C. 825s), as applied to the Southwestern Power Administration, \$47,361,000, to remain available until expended: Provided, That, notwithstanding 31 U.S.C. 3302 and section 5 of the Flood Control Act of 1944 (16 U.S.C. 825s), up to \$35,961,000 collected by the Southwestern Power Administration from the sale of power and related services shall be credited to this account as discretionary offsetting collections, to remain available until expended, for the sole purpose of funding the annual expenses of the Southwestern Power Administration: Provided further, That the sum herein appropriated for annual expenses shall be reduced as collections are received during the fiscal year so as to result in a final fiscal year 2016 appropriation estimated at not more than \$11,400,000: Provided further,

That, notwithstanding 31 U.S.C. 3302, up to \$63,000,000 collected by the Southwestern Power Administration pursuant to the Flood Control Act of 1944 to recover purchase power and wheeling expenses shall be credited to this account as offsetting collections, to remain available until expended for the sole purpose of making purchase power and wheeling expenditures: Provided further, That, for purposes of this appropriation, annual expenses means expenditures that are generally recovered in the same year that they are incurred (excluding purchase power and wheeling expenses).

**CONSTRUCTION, REHABILITATION, OPERATIONS
AND MAINTENANCE, WESTERN AREA POWER
ADMINISTRATION**

For carrying out the functions authorized by title III, section 302(a)(1)(E) of the Act of August 4, 1977 (42 U.S.C. 7152), and other related activities including conservation and renewable resources programs as authorized, \$307,714,000, including official reception and representation expenses in an amount not to exceed \$1,500, to remain available until expended, of which \$302,000,000 shall be derived from the Department of the Interior Reclamation Fund: Provided, That, notwithstanding 31 U.S.C. 3302, section 5 of the Flood Control Act of 1944 (16 U.S.C. 825s), and section 1 of the Interior Department Appropriation Act, 1939 (43 U.S.C. 392a), up to \$214,342,000 collected by the Western Area Power Administration from the sale of power and related services shall be credited to this account as discretionary offsetting collections, to remain available until expended, for the sole purpose of funding the annual expenses of the Western Area Power Administration: Provided further, That the sum herein appropriated for annual expenses shall be reduced as collections are received during the fiscal year so as to result in a final fiscal year 2016 appropriation estimated at not more than \$93,372,000, of which \$87,658,000 is derived from the Reclamation Fund: Provided further, That, notwithstanding 31 U.S.C. 3302, up to \$352,813,000 collected by the Western Area Power Administration pursuant to the Flood Control Act of 1944 and the Reclamation Project Act of 1939 to recover purchase power and wheeling expenses shall be credited to this account as offsetting collections, to remain available until expended for the sole purpose of making purchase power and wheeling expenditures: Provided further, That, for purposes of this appropriation, annual expenses means expenditures that are generally recovered in the same year that they are incurred (excluding purchase power and wheeling expenses).

**FALCON AND AMISTAD OPERATING AND
MAINTENANCE FUND**

For operations, maintenance, and emergency costs for the hydroelectric facilities at the Falcon and Amistad Dams, \$4,490,000, to remain available until expended, and to be derived from the Falcon and Amistad Operating and Maintenance Fund of the Western Area Power Administration, as provided in section 2 of the Act of June 18, 1954 (68 Stat. 255): Provided, That, notwithstanding the provisions of that Act and of 31 U.S.C. 3302, up to \$4,262,000 collected by the Western Area Power Administration from the sale of power and related services from the Falcon and Amistad Dams shall be credited to this account as discretionary offsetting collections, to remain available until expended for the sole purpose of funding the annual expenses of the hydroelectric facilities of these Dams and associated Western Area Power Administration activities: Provided further, That the sum herein appropriated for annual expenses shall be reduced as collections are received during the fiscal year so as to result in a final fiscal year 2016 appropriation estimated at not more than \$228,000: Provided further, That, for purposes of this appropriation, annual expenses means expenditures that are generally recovered in the same year that they are incurred: Provided further, That, for fiscal year 2016, the Administrator of

the Western Area Power Administration may accept up to \$460,000 in funds contributed by United States power customers of the Falcon and Amistad Dams for deposit into the Falcon and Amistad Operating and Maintenance Fund, and such funds shall be available for the purpose for which contributed in like manner as if said sums had been specifically appropriated for such purpose: Provided further, That any such funds shall be available without further appropriation and without fiscal year limitation for use by the Commissioner of the United States Section of the International Boundary and Water Commission for the sole purpose of operating, maintaining, repairing, rehabilitating, replacing, or upgrading the hydroelectric facilities at these Dams in accordance with agreements reached between the Administrator, Commissioner, and the power customers.

FEDERAL ENERGY REGULATORY COMMISSION

SALARIES AND EXPENSES

For expenses necessary for the Federal Energy Regulatory Commission to carry out the provisions of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including services as authorized by 5 U.S.C. 3109, official reception and representation expenses not to exceed \$3,000, and the hire of passenger motor vehicles, \$319,800,000, to remain available until expended: Provided, That, notwithstanding any other provision of law, not to exceed \$319,800,000 of revenues from fees and annual charges, and other services and collections in fiscal year 2016 shall be retained and used for expenses necessary in this account, and shall remain available until expended: Provided further, That the sum herein appropriated from the general fund shall be reduced as revenues are received during fiscal year 2016 so as to result in a final fiscal year 2016 appropriation from the general fund estimated at not more than \$0.

**GENERAL PROVISIONS—DEPARTMENT OF
ENERGY**

**(INCLUDING TRANSFER AND RESCISSIONS OF
FUNDS)**

SEC. 301. (a) No appropriation, funds, or authority made available by this title for the Department of Energy shall be used to initiate or resume any program, project, or activity or to prepare or initiate Requests For Proposals or similar arrangements (including Requests for Quotations, Requests for Information, and Funding Opportunity Announcements) for a program, project, or activity if the program, project, or activity has not been funded by Congress.

(b)(1) Unless the Secretary of Energy notifies the Committees on Appropriations of both Houses of Congress at least 3 full business days in advance, none of the funds made available in this title may be used to—

(A) make a grant allocation or discretionary grant award totaling \$1,000,000 or more;

(B) make a discretionary contract award or Other Transaction Agreement totaling \$1,000,000 or more, including a contract covered by the Federal Acquisition Regulation;

(C) issue a letter of intent to make an allocation, award, or Agreement in excess of the limits in subparagraph (A) or (B); or

(D) announce publicly the intention to make an allocation, award, or Agreement in excess of the limits in subparagraph (A) or (B).

(2) The Secretary of Energy shall submit to the Committees on Appropriations of both Houses of Congress within 15 days of the conclusion of each quarter a report detailing each grant allocation or discretionary grant award totaling less than \$1,000,000 provided during the previous quarter.

(3) The notification required by paragraph (1) and the report required by paragraph (2) shall include the recipient of the award, the amount of the award, the fiscal year for which the funds for the award were appropriated, the account and program, project, or activity from

which the funds are being drawn, the title of the award, and a brief description of the activity for which the award is made.

(c) The Department of Energy may not, with respect to any program, project, or activity that uses budget authority made available in this title under the heading “Department of Energy—Energy Programs”, enter into a multiyear contract, award a multiyear grant, or enter into a multiyear cooperative agreement unless—

(1) the contract, grant, or cooperative agreement is funded for the full period of performance as anticipated at the time of award; or

(2) the contract, grant, or cooperative agreement includes a clause conditioning the Federal Government’s obligation on the availability of future year budget authority and the Secretary notifies the Committees on Appropriations of both Houses of Congress at least 3 days in advance.

(d) Except as provided in subsections (e), (f), and (g), the amounts made available by this title shall be expended as authorized by law for the programs, projects, and activities specified in the “Bill” column in the “Department of Energy” table included under the heading “Title III—Department of Energy” in the report of the Committee on Appropriations accompanying this Act.

(e) The amounts made available by this title may be reprogrammed for any program, project, or activity, and the Department shall notify the Committees on Appropriations of both Houses of Congress at least 30 days prior to the use of any proposed reprogramming that would cause any program, project, or activity funding level to increase or decrease by more than \$5,000,000 or 10 percent, whichever is less, during the time period covered by this Act.

(f) None of the funds provided in this title shall be available for obligation or expenditure through a reprogramming of funds that—

(1) creates, initiates, or eliminates a program, project, or activity;

(2) increases funds or personnel for any program, project, or activity for which funds are denied or restricted by this Act; or

(3) reduces funds that are directed to be used for a specific program, project, or activity by this Act.

(g)(1) The Secretary of Energy may waive any requirement or restriction in this section that applies to the use of funds made available for the Department of Energy if compliance with such requirement or restriction would pose a substantial risk to human health, the environment, welfare, or national security.

(2) The Secretary of Energy shall notify the Committees on Appropriations of both Houses of Congress of any waiver under paragraph (1) as soon as practicable, but not later than 3 days after the date of the activity to which a requirement or restriction would otherwise have applied. Such notice shall include an explanation of the substantial risk under paragraph (1) that permitted such waiver.

SEC. 302. The unexpended balances of prior appropriations provided for activities in this Act may be available to the same appropriation accounts for such activities established pursuant to this title. Available balances may be merged with funds in the applicable established accounts and thereafter may be accounted for as one fund for the same time period as originally enacted.

SEC. 303. Funds appropriated by this or any other Act, or made available by the transfer of funds in this Act, for intelligence activities are deemed to be specifically authorized by the Congress for purposes of section 504 of the National Security Act of 1947 (50 U.S.C. 414) during fiscal year 2016 until the enactment of the Intelligence Authorization Act for fiscal year 2016.

SEC. 304. None of the funds made available in this title shall be used for the construction of facilities classified as high-hazard nuclear facilities under 10 CFR Part 830 unless independent oversight is conducted by the Office of Inde-

pendent Enterprise Assessments to ensure the project is in compliance with nuclear safety requirements.

SEC. 305. None of the funds made available in this title may be used to approve critical decision-2 or critical decision-3 under Department of Energy Order 413.3B, or any successive departmental guidance, for construction projects where the total project cost exceeds \$100,000,000, until a separate independent cost estimate has been developed for the project for that critical decision.

SEC. 306. (a) DEFINITIONS.—In this section:

(1) AFFECTED INDIAN TRIBE.—The term “affected Indian tribe” has the meaning given the term in section 2 of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10101).

(2) HIGH-LEVEL RADIOACTIVE WASTE.—The term “high-level radioactive waste” has the meaning given the term in section 2 of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10101).

(3) NUCLEAR WASTE FUND.—The term “Nuclear Waste Fund” means the Nuclear Waste Fund established under section 302(c) of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10222(c)).

(4) SECRETARY.—The term “Secretary” means the Secretary of Energy.

(5) SPENT NUCLEAR FUEL.—The term “spent nuclear fuel” has the meaning given the term in section 2 of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10101).

(b) PILOT PROGRAM.—Notwithstanding any provision of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10101 et seq.), the Secretary is authorized, in the current fiscal year and subsequent fiscal years, to conduct a pilot program, through 1 or more private sector partners, to license, construct, and operate 1 or more government or privately owned consolidated storage facilities to provide interim storage as needed for spent nuclear fuel and high-level radioactive waste, with priority for storage given to spent nuclear fuel located on sites without an operating nuclear reactor.

(c) REQUESTS FOR PROPOSALS.—Not later than 120 days after the date of enactment of this Act, the Secretary shall issue a request for proposals for cooperative agreements—

(1) to obtain any license necessary from the Nuclear Regulatory Commission for the construction of 1 or more consolidated storage facilities;

(2) to demonstrate the safe transportation of spent nuclear fuel and high-level radioactive waste, as applicable; and

(3) to demonstrate the safe storage of spent nuclear fuel and high-level radioactive waste, as applicable, at the 1 or more consolidated storage facilities pending the construction and operation of deep geologic disposal capacity for the permanent disposal of the spent nuclear fuel.

(d) CONSENT-BASED APPROVAL.—Prior to siting a consolidated storage facility pursuant to this section, the Secretary shall enter into an agreement to host the facility with—

(1) the Governor of the State;

(2) each unit of local government within the jurisdiction of which the facility is proposed to be located; and

(3) each affected Indian tribe.

(e) APPLICABILITY.—In executing this section, the Secretary shall comply with—

(1) all licensing requirements and regulations of the Nuclear Regulatory Commission; and

(2) all other applicable laws (including regulations).

(f) PILOT PROGRAM PLAN.—Not later than 120 days after the date on which the Secretary issues the request for proposals under subsection (c), the Secretary shall submit to Congress a plan to carry out this section that includes—

(1) an estimate of the cost of licensing, constructing, and operating a consolidated storage facility, including the transportation costs, on an annual basis, over the expected lifetime of the facility;

(2) a schedule for—

(A) obtaining any license necessary to construct and operate a consolidated storage facility from the Nuclear Regulatory Commission;

(B) constructing the facility;

(C) transporting spent fuel to the facility; and

(D) removing the spent fuel and decommissioning the facility; and

(3) an estimate of the cost of any financial assistance, compensation, or incentives proposed to be paid to the host State, Indian tribe, or local government;

(4) an estimate of any future reductions in the damages expected to be paid by the United States for the delay of the Department of Energy in accepting spent fuel expected to result from the pilot program;

(5) recommendations for any additional legislation needed to authorize and implement the pilot program; and

(6) recommendations for a mechanism to ensure that any spent nuclear fuel or high-level radioactive waste stored at a consolidated storage facility pursuant to this section shall move to deep geologic disposal capacity, following a consent-based approval process for that deep geologic disposal capacity consistent with subsection (d), within a reasonable time after the issuance of a license to construct and operate the consolidated storage facility.

(g) PUBLIC PARTICIPATION.—Prior to choosing a site for the construction of a consolidated storage facility under this section, the Secretary shall conduct 1 or more public hearings in the vicinity of each potential site and in at least 1 other location within the State in which the site is located to solicit public comments and recommendations.

(h) USE OF NUCLEAR WASTE FUND.—The Secretary may make expenditures from the Nuclear Waste Fund to carry out this section, subject to appropriations.

SEC. 307. (a) NOTIFICATION OF STRATEGIC PETROLEUM RESERVE DRAWDOWN.—None of the funds made available by this Act or any prior or subsequent Act, or funds made available in the SPR Petroleum Account, may be used in this fiscal year or each subsequent fiscal year, to conduct a drawdown (including a test drawdown) and sale or exchange of petroleum products from the Strategic Petroleum Reserve unless the Secretary of Energy provides notice, in accordance with subsection (b), of such exchange, or drawdown (including a test drawdown) to the Committees on Appropriations of both Houses of Congress.

(b)(1) CONTENT OF NOTIFICATION.—The notification required under subsection (a) shall include at a minimum—

(A) the justification for the drawdown or exchange, including—

(i) a specific description of any obligation under international energy agreements; and

(ii) in the case of a test drawdown, the specific aspects of the Strategic Petroleum Reserve to be tested;

(B) the provisions of law (including regulations) authorizing the drawdown or exchange;

(C) the number of barrels of petroleum products proposed to be withdrawn or exchanged;

(D) the location of the Strategic Petroleum Reserve site or sites from which the petroleum products are proposed to be withdrawn;

(E) a good faith estimate of the expected proceeds from the sale of the petroleum products;

(F) an estimate of the total inventories of petroleum products in the Strategic Petroleum Reserve after the anticipated drawdown;

(G) a detailed plan for disposition of the proceeds after deposit into the SPR Petroleum Account; and

(H) a plan for refilling the Strategic Petroleum Reserve, including whether the acquisition will be of the same or a different petroleum product.

(2) TIMING OF NOTIFICATION.—The Secretary shall provide the notification required under subsection (a)—

(A) in the case of an exchange or a drawdown, as soon as practicable after the exchange or drawdown has occurred; and

(B) in the case of a test drawdown, not later than 30 days prior to the test drawdown.

(c) **POST-SALE NOTIFICATION.**—In addition to reporting requirements under other provisions of law, the Secretary shall, upon the execution of all contract awards in this fiscal year and each subsequent fiscal year associated with a competitive sale of petroleum products, notify the Committees on Appropriations of both Houses of Congress of the actual value of the proceeds from the sale.

(d)(1) **NEW REGIONAL RESERVES.**—The Secretary may not establish any new regional petroleum product reserve unless funding for the proposed regional petroleum product reserve is explicitly requested in advance in an annual budget submission and approved by the Congress in an appropriations Act.

(2) The budget request or notification shall include—

(A) the justification for the new reserve;
(B) a cost estimate for the establishment, operation, and maintenance of the reserve, including funding sources;

(C) a detailed plan for operation of the reserve, including the conditions upon which the products may be released;

(D) the location of the reserve; and

(E) the estimate of the total inventory of the reserve.

SEC. 308. (a) Unobligated balances available from appropriations for fiscal years 2005 through 2010 are hereby permanently rescinded from the following accounts of the Department of Energy in the specified amounts:

(1) “Energy Programs—Energy Efficiency and Renewable Energy”, \$16,677,000.

(2) “Energy Programs—Electricity Delivery and Energy Reliability”, \$900,000.

(3) “Energy Programs—Nuclear Energy”, \$1,665,000.

(4) “Energy Programs—Fossil Energy Research and Development”, \$12,064,000.

(5) “Energy Programs—Science”, \$4,717,000.

(6) “Power Marketing Administrations—Construction, Rehabilitation, Operation and Maintenance, Western Area Power Administration”, \$4,832,000.

(b) No amounts may be rescinded by this section from amounts that were designated by Congress as an emergency requirement pursuant to a concurrent resolution on the budget or the Balanced Budget and Emergency Deficit Control Act of 1985.

SEC. 309. (a) Unobligated balances available from appropriations are hereby permanently rescinded from the following accounts of the Department of Energy in the specified amounts:

(1) “Atomic Energy Defense Activities—National Nuclear Security Administration—Weapons Activities”, \$65,135,000.

(2) “Atomic Energy Defense Activities—National Nuclear Security Administration—Defense Nuclear Nonproliferation”, \$19,324,000.

(3) “Atomic Energy Defense Activities—National Nuclear Security Administration—Naval Reactors”, \$628,000.

(b) No amounts may be rescinded by this section from amounts that were designated by Congress as an emergency requirement pursuant to a concurrent resolution on the budget or the Balanced Budget and Emergency Deficit Control Act of 1985.

SEC. 310. Of the amounts made available by this Act for “National Nuclear Security Administration—Weapons Activities”, up to \$50,000,000 may be reprogrammed within such account for Domestic Uranium Enrichment, subject to the notice requirements in section 301.

TECHNICAL CORRECTION

SEC. 311. (a) **CONTRACTS FOR STORAGE.**—Notwithstanding any other provision of law and subject to the availability of appropriations, the Secretary is authorized, in this year and each subsequent fiscal year, to enter into contracts to store spent nuclear fuel and high-level radioactive waste, as applicable, to which the Secretary holds the title or has a contract to accept title, at any facility licensed by the Nuclear Regulatory Commission for such storage.

(b) **TRANSFER OF TITLE.**—Delivery, and acceptance by the Secretary, of any spent nuclear fuel or high-level radioactive waste for storage under this section shall constitute a transfer of title to the Secretary of such spent fuel or waste.

(c) **CONTRACT MODIFICATION.**—The Secretary is authorized to enter into new contracts or modify existing contracts with any person who generates or holds title to high-level radioactive waste or spent nuclear fuel, of domestic origin for the acceptance of title, subsequent transportation, and storage of such high-level radioactive waste or spent nuclear fuel at a facility described under subsection (a).

SEC. 312. Notwithstanding any other provision of law, the provisions of 40 U.S.C. 11319 shall not apply to funds appropriated in this title to Federally Funded Research and Development Centers sponsored by the Department of Energy.

TITLE IV

INDEPENDENT AGENCIES

APPALACHIAN REGIONAL COMMISSION

For expenses necessary to carry out the programs authorized by the Appalachian Regional Development Act of 1965, notwithstanding 40 U.S.C. 14704, and for expenses necessary for the Federal Co-Chairman and the Alternate on the Appalachian Regional Commission, for payment of the Federal share of the administrative expenses of the Commission, including services as authorized by 5 U.S.C. 3109, and hire of passenger motor vehicles, \$105,000,000, to remain available until expended.

DEFENSE NUCLEAR FACILITIES SAFETY BOARD

SALARIES AND EXPENSES

For expenses necessary for the Defense Nuclear Facilities Safety Board in carrying out activities authorized by the Atomic Energy Act of 1954, as amended by Public Law 100-456, section 1441, \$29,150,000, to remain available until September 30, 2017.

DELTA REGIONAL AUTHORITY

SALARIES AND EXPENSES

For expenses necessary for the Delta Regional Authority and to carry out its activities, as authorized by the Delta Regional Authority Act of 2000, notwithstanding sections 382C(b)(2), 382F(d), 382M, and 382N of said Act, \$25,000,000, to remain available until expended.

DENALI COMMISSION

For expenses necessary for the Denali Commission including the purchase, construction, and acquisition of plant and capital equipment as necessary and other expenses, \$11,000,000, to remain available until expended, notwithstanding the limitations contained in section 306(g) of the Denali Commission Act of 1998: Provided, That funds shall be available for construction projects in an amount not to exceed 80 percent of total project cost for distressed communities, as defined by section 307 of the Denali Commission Act of 1998 (division C, title III, Public Law 105-277), as amended by section 701 of appendix D, title VII, Public Law 106-113 (113 Stat. 1501A-280), and an amount not to exceed 50 percent for non-distressed communities.

NORTHERN BORDER REGIONAL COMMISSION

For expenses necessary for the Northern Border Regional Commission in carrying out activities authorized by subtitle V of title 40, United States Code, \$7,500,000, to remain available until expended: Provided, That such amounts shall be available for administrative expenses, notwithstanding section 15751(b) of title 40, United States Code.

NUCLEAR REGULATORY COMMISSION

SALARIES AND EXPENSES

For expenses necessary for the Commission in carrying out the purposes of the Energy Reorganization Act of 1974 and the Atomic Energy Act of 1954, \$990,000,000, including official representation expenses not to exceed \$25,000, to remain available until expended: Provided, That, of the

amount appropriated herein, not more than \$7,500,000 may be made available for salaries, travel, and other support costs for the Office of the Commission, to remain available until September 30, 2017, of which, notwithstanding section 201(a)(2)(c) of the Energy Reorganization Act of 1974 (42 U.S.C. 5841(a)(2)(c)), the use and expenditure shall only be approved by a majority vote of the Commission: Provided further, That revenues from licensing fees, inspection services, and other services and collections estimated at \$872,864,000 in fiscal year 2016 shall be retained and used for necessary salaries and expenses in this account, notwithstanding 31 U.S.C. 3302, and shall remain available until expended: Provided further, That the sum herein appropriated shall be reduced by the amount of revenues received during fiscal year 2016 so as to result in a final fiscal year 2016 appropriation estimated at not more than \$117,136,000.

OFFICE OF INSPECTOR GENERAL

For expenses necessary for the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, \$12,136,000, to remain available until September 30, 2017: Provided, That revenues from licensing fees, inspection services, and other services and collections estimated at \$10,060,000 in fiscal year 2016 shall be retained and be available until September 30, 2017, for necessary salaries and expenses in this account, notwithstanding section 3302 of title 31, United States Code: Provided further, That the sum herein appropriated shall be reduced by the amount of revenues received during fiscal year 2016 so as to result in a final fiscal year 2016 appropriation estimated at not more than \$2,076,000: Provided further, That, of the amounts appropriated under this heading, \$958,000 shall be for Inspector General services for the Defense Nuclear Facilities Safety Board, which shall not be available from fee revenues.

NUCLEAR WASTE TECHNICAL REVIEW BOARD

SALARIES AND EXPENSES

For expenses necessary for the Nuclear Waste Technical Review Board, as authorized by Public Law 100-203, section 5051, \$3,600,000, to be derived from the Nuclear Waste Fund, to remain available until September 30, 2017.

GENERAL PROVISIONS—INDEPENDENT AGENCIES

SEC. 401. (a) The amounts made available by this title for the Nuclear Regulatory Commission may be reprogrammed for any program, project, or activity, and the Commission shall notify the Committees on Appropriations of both Houses of Congress at least 30 days prior to the use of any proposed reprogramming that would cause any program funding level to increase or decrease by more than \$500,000 or 10 percent, whichever is less, during the time period covered by this Act.

(b)(1) The Nuclear Regulatory Commission may waive the notification requirement in (a) if compliance with such requirement would pose a substantial risk to human health, the environment, welfare, or national security.

(2) The Nuclear Regulatory Commission shall notify the Committees on Appropriations of both Houses of Congress of any waiver under paragraph (1) as soon as practicable, but not later than 3 days after the date of the activity to which a requirement or restriction would otherwise have applied. Such notice shall include an explanation of the substantial risk under paragraph (1) that permitted such waiver and shall provide a detailed report to the Committees of such waiver and changes to funding levels to programs, projects, or activities.

(c) None of the funds provided for the Nuclear Regulatory Commission shall be available for obligation or expenditure through a reprogramming of funds that increases funds or personnel for any program, project, or activity for which funds are denied or restricted by this Act.

(d) The Commission shall provide a monthly report to the Committees on Appropriations of

both Houses of Congress, which includes the following for each program, project, or activity, including any prior year appropriations—

- (1) total budget authority;
- (2) total unobligated balances; and
- (3) total unliquidated obligations.

SEC. 402. The Nuclear Regulatory Commission shall comply with the July 5, 2011, version of Chapter VI of its Internal Commission Procedures when responding to Congressional requests for information.

SEC. 403. Public Law 105-277, division A, section 101(g) (title III, section 329(a), (b)) is amended by inserting, in subsection (b), after “State law” and before the period the following: “or for the construction and repair of barge mooring points and barge landing sites to facilitate pumping fuel from fuel transport barges into bulk fuel storage tanks.”.

TITLE V

GENERAL PROVISIONS

SEC. 501. None of the funds appropriated by this Act may be used in any way, directly or indirectly, to influence congressional action on any legislation or appropriation matters pending before Congress, other than to communicate to Members of Congress as described in 18 U.S.C. 1913.

SEC. 502. (a) None of the funds made available in title III of this Act may be transferred to any department, agency, or instrumentality of the United States Government, except pursuant to a transfer made by or transfer authority provided in this Act or any other appropriations Act for any fiscal year, transfer authority referenced in the report of the Committee on Appropriations accompanying this Act, or any authority whereby a department, agency, or instrumentality of the United States Government may provide goods or services to another department, agency, or instrumentality.

(b) None of the funds made available for any department, agency, or instrumentality of the United States Government may be transferred to accounts funded in title III of this Act, except pursuant to a transfer made by or transfer authority provided in this Act or any other appropriations Act for any fiscal year, transfer authority referenced in the report of the Committee on Appropriations accompanying this Act, or any authority whereby a department, agency, or instrumentality of the United States Government may provide goods or services to another department, agency, or instrumentality.

(c) The head of any relevant department or agency funded in this Act utilizing any transfer authority shall submit to the Committees on Appropriations of both Houses of Congress a semi-annual report detailing the transfer authorities, except for any authority whereby a department, agency, or instrumentality of the United States Government may provide goods or services to another department, agency, or instrumentality, used in the previous 6 months and in the year-to-date. This report shall include the amounts transferred and the purposes for which they were transferred, and shall not replace or modify existing notification requirements for each authority.

SEC. 503. None of the funds made available by this Act may be used to implement, administer, carry out, modify, revise, or enforce Executive Order 13690 (entitled “Establishing a Federal Flood Risk Management Standard and a Process for Further Soliciting and Considering Stakeholder Input”).

This Act may be cited as the “Energy and Water Development and Related Agencies Appropriations Act, 2016”.

The PRESIDING OFFICER. The Senator from Tennessee.

AMENDMENT NO. 3801

(Purpose: In the nature of a substitute.)

Mr. ALEXANDER. Mr. President, I call up the substitute amendment No. 3801.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Tennessee [Mr. ALEXANDER] proposes an amendment numbered 3801.

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

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

(The amendment is printed in today's RECORD under “Text of Amendments.”)

AMENDMENT NO. 3804 TO AMENDMENT NO. 3801

Mr. ALEXANDER. Mr. President, I ask unanimous consent to call up amendment No. 3804.

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

The clerk will report.

The bill clerk read as follows:

The Senator from Tennessee [Mr. ALEXANDER] proposes an amendment numbered 3804 to amendment No. 3801.

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

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

The amendment is as follows:

(Purpose: To modify provisions relating to Nuclear Regulatory Commission fees)

Beginning on page 55, line 23, strike “Provided” and all that follows through page 56, line 13, and insert the following: “Provided further, That revenues from licensing fees, inspection services, and other services and collections estimated at \$823,114,000 in fiscal year 2017 shall be retained and used for necessary salaries and expenses in this account, notwithstanding section 3302 of title 31, United States Code, and shall remain available until expended: *Provided further*, That of the amounts appropriated under this heading, not less than \$5,000,000 shall be available for activities related to the development of regulatory infrastructure for advanced nuclear reactor technologies, and \$5,000,000 of that amount shall not be available for fee revenues, notwithstanding section 6101 of the Omnibus Budget Reconciliation Act of 1990 (42 U.S.C. 2214): *Provided further*, That the sum herein appropriated shall be reduced by the amount of revenues received during fiscal year 2017 so as to result in a final fiscal year 2017 appropriation estimated at not more than \$115,886,000.”.

Mr. ALEXANDER. The senior Senator from Louisiana is here to speak, but I thank Senator FEINSTEIN for her remarks and her leadership.

I would remind our colleagues we are open for business, in terms of amendments. Fortunately, 77 of the Senators had made requests that we were able to accommodate in our basic bill. We have talked to maybe a dozen more since then, and are accommodating amendments whenever we can.

We would like to begin voting on any other amendments that we need to vote on this afternoon, if possible, so we can move on through the bill and hopefully get to the next appropriations bill.

Mr. President, I thank especially the staff of Senator FEINSTEIN—Doug Clapp, Chris Hanson, Mark Mendenhall, and Samantha Nelson—for the way they have worked with us, whether we are in the majority or the minority. I also would like to thank my own staff—Tyler Owens, Adam DeMella,

Meyer Seligman, Jen Armstrong, and Hayley Alexander—for extraordinarily good work.

I yield the floor.

The PRESIDING OFFICER. The Senator from Louisiana.

COMMEMORATING THE 6TH ANNIVERSARY OF THE “DEEPWATER HORIZON” EXPLOSION AND OIL-SPILL

Mr. VITTER. Mr. President, I rise to commemorate the sixth anniversary of the *Deepwater Horizon* explosion and oilspill that took the lives of 11 men and devastated so many gulf coast communities. It was a horrible event, but I think it is very important and appropriate that we always recognize the lives lost in that disaster.

The 11 lives lost were Jason Anderson, then 35, of Midfield, TX; Aaron Dale “Bubba” Burkeen, 37, of Philadelphia, MS; Donald Clark, 49, of Newellton, LA; Stephen Ray Curtis, 40, of Georgetown, LA; Gordon Jones, 28, of Baton Rouge, LA; Roy Wyatt Kemp, 27, of Jonesville, LA; Karl Dale Kleppinger, Jr., Natchez, MS; Keith Blair Manuel, 56, of Gonzales, LA; Dewey Revette, 48, of State Line, MS; Shane Roshto, 22, of Liberty, MS; and Adam Weise, 24, of Yorktown, TX.

The gulf coast is one of the most resilient parts of the country, of the world, having faced a variety of disasters and yet always bounces back, always continues to push forward. In Louisiana, offshore oil and gas development is more than just our State's largest economic driver, it is a way of life, supporting countless jobs and families across the region. That is why our top priority must always be maintaining the highest level of safety standards. In the last 6 years, we have been working to make sure this kind of human tragedy that we commemorate today on this sixth anniversary never happens again.

It has been a real uphill battle, but the good news is that we have had a few solid wins during that time. Louisiana's resilience and recovery cannot be easily measured in terms of numbers and figures, but I can say with confidence that each and every Louisianian should be proud of how far we have come, including in these last 6 years. That is why as a region it continues to be imperative that we fight misguided attempts coming out of Washington that would hinder the progress we have made. From fighting President Obama's misguided drilling moratorium to working to pass the RESTORE Act, our region has continually shown our ability to work together to produce the right positive results, but the battle certainly is ongoing.

The current dramatic downturn in energy production has had ripple effects across Louisiana and the country, which is why the very last thing the government should be doing now is imposing new obstructive rules and regulations. Instead, we should be focusing

on finding commonsense solutions to improve safety and buoy our Louisiana-based businesses and preserve thousands of crucial jobs. We must support policies that create a strong balance between having a solid regulatory scheme that certainly promotes strong safety standards while also allowing the energy industry to thrive and prosper.

In the 6 years since the tragic *Deepwater Horizon* explosion and spill, Louisiana has done what we do best: recover, rebuild, and progress. In order to build a broader future for our families, businesses, and communities, we must also protect the symbiotic relationship between Federal regulations and the oil and gas industry and not allow the former to strangle the positive livelihood so many depend on in that industry.

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 legislative clerk proceeded to call the roll.

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

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

CLIMATE CHANGE AGREEMENT

Mr. BARRASSO. Mr. President, on Friday, representatives from more than 130 countries are going to be gathering at the United Nations in New York to sign a broad new climate change agreement. This is the same agreement that countries negotiated in Paris last year.

Back in December, President Obama said that it was a “strong” agreement. Hillary Clinton called it a “historic step forward.” But for many Americans, it is actually going to be a giant step backward.

First, I believe this agreement is terrible for our economy. The Obama administration is using this international agreement to force new regulations on American energy producers and new restrictions on the American people. There are new rules on coal producers, and there are new rules on exports of American crude oil and liquefied natural gas.

This administration has spent years—years—targeting the men and women who produce American energy, energy in our country. Well, Democrats and Republicans in Congress rejected the President’s radical ideas. We knew that all of these regulations would cripple America’s energy industries and would throw Americans out of work, many in my home State of Wyoming. We knew that all of these destructive rules would cost billions of dollars and produce little or no positive benefit. The Obama administration went ahead and ignored what the people wanted, and they wrote these destructive new rules anyway.

All of these regulations have consequences. My home State of Wyoming

has seen thousands of hard-working men and women lose their jobs in the energy fields. Just over the past few years, people working in oil, gas, coal, and uranium—just a few weeks ago, two of the largest coal mines in Wyoming announced that they would let go 15 percent of their workers. Some 465 families were affected by the job losses.

Despite all of this pain, the Obama administration went out and promised the rest of the world that it was going to keep pushing for more restrictions on American energy, on red, white, and blue energy. The other countries getting together in New York on Friday need to be aware that there are serious doubts about whether this administration is actually going to be able to actually do that.

This administration has promised huge cuts to America’s greenhouse gas emissions, but the promise has already run into legal problems. The Supreme Court ordered the Environmental Protection Agency to stop enforcing the so-called Clean Power Plan—stop enforcing it completely—until the courts can decide if it is even legal. I believe it is not legal.

Now the Obama administration has promised \$3 billion to the United Nations for its climate change efforts. Well, it turns out that giving away this money will violate U.S. law. The money the administration pledged was supposed to go to the Green Climate Fund. This is the money the United Nations plans to use to coerce—really coerce—developing countries to go along with the climate change—what I believe is a sideshow.

President Obama asked for \$500 million for this fund in his budget last year. So what happened when the budget came here to the Senate where the President had a request? Congress rejected the President’s budget 98 to 1. Talk about bipartisan rejection. That is it. But the administration went ahead and transferred the money anyway, even though the money was never authorized by Congress. Now the President wants to give this Green Climate Fund another \$750 million in taxpayer money.

There is a second climate change organization; it is called the United Nations Framework Convention on Climate Change. This organization is the foundation for funding this whole climate change agreement. The administration has contributed to it in the past. It wants to send another \$13 million next year.

Here is the problem and the legacy the administration faces: As the administration tries to give away money to these international climate change groups, it is now prohibited by law. You may ask why. Well, it is because last month, on March 17, the United Nations officially recognized the so-called State of Palestine. They said that the State of Palestine is a full member of the United Nations Framework Convention on Climate Change. Well, according to a 1994 law passed by

the House, passed by the Senate, and signed into law, the United States cannot give any money to any affiliated organization of the United Nations that grants the Palestinians membership as a state. It is called the 1994 Foreign Relations Authorization Act.

These climate change groups are clearly affiliated organizations of the U.N. The United Nations Framework Convention on Climate Change—the organization that the Palestinian group, this so-called State of Palestine, just joined as a member state—says on its own Web site that it is institutionally linked to the United Nations. There is no denying it. It says that the Green Climate Fund is one of its “constituted bodies.” So there is a direct link. The law of the United States on this is clear, it is simple, and it is unmistakable.

The pipeline of money the Obama administration is planning to send to these organizations is shut off. That is what happened in 2011 when the Palestinian group joined the United Nations Educational, Scientific and Cultural Organization, commonly known as UNESCO. That triggered a similar 1990 law, and the United States has not given any money to UNESCO ever since.

The Palestinians have been trying to get international organizations connected to the United Nations to recognize them as a state for a long time. It is part of their strategy. They think that if they can get the rest of the world to recognize the “State of Palestine,” then it strengthens their hand in negotiations with Israel.

That strategy absolutely undercuts U.S. policy that says the Palestinians and the Israelis should be negotiating these things on their own without the rest of the world getting involved. That is the best way for Middle East peace negotiations to go forward, and that is what both the Palestinians and the Israelis have agreed to in the past. So U.S. law says that when the Palestinians try to go around that process, as we just saw with this climate change organization, there are legal consequences. That is why a group of 28 Senators wrote to Secretary of State John Kerry earlier this week. We wrote to demand that he follow the law, obey the law of the land. We wanted to make sure the rest of the world understands clearly that it is unlawful for the United States to give another dime to these U.N. climate change groups.

The Obama administration has skirted the will of Congress in the past when it sent \$500 million of U.S. taxpayer money to these groups. It will not get away with sending any more money in violation of the law. The administration needs to understand this fact, and so do the rest of the countries getting together in New York on Friday.

The American people do not support shutting down our economy, hurting our economy, to support the administration’s promises on greenhouse gases. The American people don’t support

the administration spending billions of their hard-earned taxpayer dollars to support this alarming climate change agreement. What the American people expect is their President and his administration to follow and to obey the law.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

WORKING TOGETHER IN THE SENATE

Mr. CORNYN. Mr. President, yesterday this Chamber passed a bill to reauthorize the Federal Aviation Administration, another bipartisan accomplishment that without a doubt has helped return this Chamber to operating the way that I think we all believe it should function. After that, today we were finally able to move forward with an energy bill, the Energy Policy Modernization Act. We have all been working on that legislation for some time now, and I am pleased we got it done earlier today. I give special credit to Chair MURKOWSKI, the bill manager, and her counterpart Senator CANTWELL for their incredible patience and diligence in dealing with this legislation that had been stuck on this Senate floor for some time.

Senator MURKOWSKI, in particular, didn't shy away from addressing some of the most difficult challenges head on. Needless to say, her tirelessness, her diligence, and hard work finally paid off earlier today.

This legislation is important to the country because it helps update our energy policies and helps America produce more energy, use it more efficiently, and save money in the process. One of the most significant portions of that legislation was streamlining the approval process for the liquefied natural gas export. This is really an example of how our energy future has been transformed so dramatically.

You may recall that years ago there were terminals being built around the country on the shorelines that were going to be the recipients of natural gas produced in some other part of the world and then brought to the United States. But thanks to modern drilling technology and the use of fracking—I know in some quarters this is a dirty word, but we have been doing it successfully in the United States for 70 or more years. Thanks to horizontal drilling in fracking and modern drilling technologies, America is now producing more natural gas than we have any use for. It is good for our economy, good for our jobs, and good for the world, really, for America to be able to export more of its natural gas—and oil, for that matter. It is something we dealt with at the end of last year when

we lifted the antiquated export ban on crude oil.

This legislation, like the Federal Aviation Administration reauthorization bill, is another example of how the Senate is back to work. When I talk to constituents and folks back home, I say: Well, you may not have heard—or if you heard it, you may not actually believe it—but we are actually getting some work done in this Congress under new leadership. I think it has been beneficial not only to the country, not just to those directly affected by the legislation we are passing—things such as the Comprehensive Addiction and Recovery Act to deal with the opioid prescription drug abuse and heroin issue—not only are the people directly affected by the legislation benefiting, but the entire country is, and particularly Members of the Senate. We have actually been able to debate, discuss, and ultimately vote on legislation. What a concept.

It was not too long ago—when the Democratic leader was majority leader—that this Senate was virtually shut down. Even if you were in the majority party, even if you were a Democrat when Democrats held the majority in the Senate, basically because of the decision to shut down the legislative process and to deny anyone an opportunity to offer an amendment, when it came to election time, many of our Democratic colleagues didn't have anything to show for their service representing their constituents in the Senate, even though they were in the majority party.

Under the new leadership of the Senator from Kentucky, Mr. MCCONNELL, the Senate majority leader is committed to an open process that benefits all Members of the Senate and all 320 million or so people in the United States who we represent. Now any Senator, regardless of whether they are in the majority or minority, can call up and seek votes on amendments to legislation to help make legislation better. I think we have learned an invaluable lesson from the mistakes of the past. Only by working together in a bipartisan way can we try to find consensus and get things done. The American people deserve that.

Now that we have finished our work on the Energy bill, I hope we can work together to address other problems facing the country. One of the most fundamental jobs the Congress has to perform is the appropriations process because somebody has to pay for the policies to actually make the policies that we pass work.

This week we have a chance to start that process with the Energy and Water Appropriations bill. This is another example of great bipartisan work and commitment, a bill that unanimously passed out of committee. This legislation will invest in our Nation's waterways and fund critical infrastructure projects.

Yesterday I spoke about the flooding that has been affecting much of Texas

this week, particularly the Houston area, and that we are struggling to deal with. This appropriations bill, for example, would invest in projects to mitigate risks associated with flooding like that which Texas has been experiencing over this week. It would also invest in our nuclear arsenal to make sure we are ready to meet existing and future nuclear threats.

To put it simply, this appropriations bill plays a big role, not only in terms of our national security but also in terms of our public safety. That is both at home and abroad.

Last year we got stuck. We tried to move the appropriations bills through the regular process, but because of a dispute over spending levels, our Democratic friends basically blocked any ability we had to move the appropriations bill through the regular order or the regular process. Unfortunately, at the end of the year, what that left us with was the need to pass one big Omnibus appropriations bill, something that nobody said they liked. In fact, on the Senate floor I called it not an Omnibus appropriations bill but an ominous appropriations bill. The problem with that is there is very little transparency, and only a handful of people are really directly involved in crafting a bill that spends over \$1 trillion. That is a terrible way to do business. Now we are trying to get back to the old-fashioned way—one bill at a time.

I commend Chairman ALEXANDER and Ranking Member FEINSTEIN for the good work they have done so far. This is going to take a little bit of cooperation and maybe even a little bit of self-restraint, something that Washington isn't necessarily known for. Even though all 12 appropriations bills were sent out of their respective committees last year for the first time since 2009, we weren't able to get it done. I am hoping this year will be different.

So far our colleagues across the aisle have said they believe we ought to proceed with a markup of different appropriations bills, voting on them one at a time. This is our first test. Believe me, people are watching to see how we proceed on this legislation and on other appropriations bills, including our colleagues in the House of Representatives.

Stop passing some stopgap funding bill at the brink at the end of a fiscal year where people are talking about shutdowns. That is not the way we are supposed to work. We could do better and we could avoid those pitfalls if we would just do our best, show a little restraint, and get our work done.

I hope the Energy and Water bill is the first of 12 appropriations bills that we consider, discuss, and ultimately pass because that is what the American people deserve.

I yield the floor.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. ALEXANDER. Mr. President, while the assistant Republican leader is on the floor, I wish to say a word

about this chart that I mentioned earlier.

He mentioned this is the first bill where we are spending \$1 trillion. Most of us on both sides of the aisle, I know especially on the Republican side of the aisle, are concerned about the Federal debt, which is \$19 trillion, and we make great speeches about it. But as we begin to talk about the \$1 trillion we are about to appropriate in 12 bills, I would like to invite my colleagues to look once again at the bottom line. That is the money we are talking about. This is the \$1 trillion that we are working on. It has been flat since 2008. It is going up at the rate of inflation or a little less, but that is \$1 trillion.

We are spending \$4 trillion this year. The other \$3 trillion is not what we are working on in these 12 bills; the other \$3 trillion is automatic mandatory spending and interest on the debt. If we add interest to that red line, it would be even higher. So I may offer an amendment at some point—maybe not on this bill—to turn the entire budget over to the Appropriations Committee because we are doing our job. We have kept spending down. That is not the problem.

I hear that some people may want to say: Well, let's further reduce the blue line. I invite my friends and colleagues to say—we have letters from more than 80 Senators requesting support for projects important in their States, for flood control, nuclear weapons, national labs, deepening harbors, and for inland waterways. We have included in our bill requests from all those Senators.

If we cut that blue line by \$2 billion, we will need to ask for requests from those 80 Senators about what they would like to cut—which flood would they like not to clean up, which lock would they like to close, and which nuclear operation needs to be slowed down. We need to be reasonable about this, and we need to be straightforward about it.

I want to see us deal with that red line. That is where the real spending problem is. I would like to see us be responsible on the blue line.

Senator FEINSTEIN and I have cut a \$125 million program. We have control of one big construction project; we are getting control of two others. We are doing our job.

As we enter into this discussion, I respectfully ask my colleagues: Let's keep a focus on the two lines. The \$1 trillion is the blue line. It is under control; it is not the problem. If that were the debt, we wouldn't have a problem. It is that red line that we are not doing anything about on either side of the aisle.

Senator CORKER and I have a bill to reduce the growth of that spending by \$1 trillion. We are the only two cosponsors.

After we do these 12 bills, we can talk about the blue line. But I am going to make sure during this whole process

that, if Senators want to talk about cutting spending, they focus on where the problem is. It is the red line—not the blue line—that we are working on, starting with this bill.

I thank the Senator for his remarks.

Mr. CORNYN. Will the Senator yield for a question?

The PRESIDING OFFICER. The Senator from Texas.

Mr. CORNYN. Mr. President, I would just ask the distinguished Senator from Tennessee, the bill manager—the point he makes is exactly right, and I think most Americans would be surprised at this blue line and the fact that this is the money the appropriations process spends each year, but it is only about 30 percent of what the Federal Government spends—to his point.

My recollection is that under current projections, that red line is growing at about 5.3 percent, it seems like, over the next 30 years or so, while the blue line remains roughly flat. But that is a product of a lot of things that need to be fixed, such as the fact that for every \$1 put into Medicare, \$3 is spent, and the fact that in the not too distant future, the Social Security trust fund is going to run out of money because people are getting older, more people are benefiting, and fewer people are paying into it.

But the Senator is exactly right. We actually have been pretty disciplined in dealing with discretionary spending because of the Budget Control Act and sequestration. And many people have decried the fact that we actually renegotiated the sequester numbers, but one reason we did that is for national security purposes, that about half a trillion dollars of the money we spend is for national security.

I know the Senator is aware, as I am, that there is good work being done at the Budget Committee level to come up with some budget reforms, but unless we get control of not just the discretionary spending but the non-discretionary—the mandatory spending, that red line—we are going to continue to see the deficits and the debt grow. And when interest rates go back up to normal levels, we are going to be spending more money on interest on the debt than we will, perhaps, on national security.

I told the Senator this was a question and I guess it is more of a statement, but I just wanted to thank him and Senator FEINSTEIN and the Committee on Appropriations for getting us back to regular order and back to work, and I hope we will take up and pass this legislation without undue delay.

I would also add that this is not an opportunity for people to empty their out basket on different pieces of legislation they would like. Because of the rules of the Senate, that would create a lot of problems. So, again, I guess we would counsel for some of the self-restraint that was talked about earlier.

I thank the Senators from Tennessee and California for bringing this important piece of legislation to us. I hope

we can get this done sometime today or tomorrow.

I thank the Senator.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. ALEXANDER. Mr. President, I thank the Senator from Texas for his leadership and for his comments. He is exactly right. Over the next 10 years, according to the Congressional Budget Office, that red line is projected to increase by nearly 80 percent—nearly 80 percent. The blue line—the one that is reasonably under control—will go up about 23 percent. But the bigger problem is that the blue line, as a share of the Federal budget, will decrease from 33 percent to 22 percent. That is the money for national defense in an unsafe world. That is the money for national laboratories in an economy that needs the job growth that comes from that research. That is the money that cleans up after the Missouri River, the Tennessee River, and the Mississippi River flood. It deepens the harbors in Savannah, Los Angeles, San Diego, Gulf Port, and all around.

After a big spring flood, I have been to Environmental and Public Works Committee hearings where we have had 17 U.S. Senators come in and ask for more money. Well, we have record levels of funding for the Army Corps of Engineers in this budget for the purpose of locks, dams, flooding, and environmental cleanup, and it is all within the Budget Control Act. We set priorities. We reduced projects. We cut some out that weren't as important. And we have kept that blue line flat. We have done our job on financial oversight.

There are a number of advantages to having a full 10 or 12 weeks to deal with appropriations bills.

The first advantage is that it allows Senators, such as the Senator from Nebraska, who is not a member of the Appropriations Committee, to have a chance on the floor to offer their amendments if they would like to. The way our system works, Senators may ask us—and, as I mentioned, 77 did ask us—to include some of their ideas and policies in our bill, and we did in every case in some way—in some way. Now we are up in the eighties. Everybody has had a shot at this and will have more of a shot in the next day or two on the floor. So the whole Senate will be involved. That is one advantage.

The second advantage is that it will show the American people that we are doing our job, that we are conducting oversight of the government agencies, that we have had four hearings, that we have set priorities, that we have cut out lower priority projects and are getting other projects under control.

The third advantage is that maybe we can put a spotlight on the difference between the top line and the bottom line—the red line and the blue line. The blue line is an example of good government. The red line is an example of malpractice. By whom? By us. By which party? By both. By both.

So let's be specific. If you are a surgeon, you don't cut off the left arm because your nose is hurting; you work on the left arm. And we don't need to cut off the blue line if the red line is the problem—if the red line is the problem.

So as often as I have a chance over the next 2 days, I am going to do my best to remind our colleagues and the American people that we are doing our job on the \$1 trillion we appropriate, and Senators will have a chance to help us do our job if they come to the floor with their suggestions.

We are not doing our job on the red line, which is mandatory spending, and if we don't do our job, the Chairman of the Joint Chiefs of Staff has said it is our greatest national security problem.

So maybe it will help over these 12 weeks to have a contrast: the way we should be doing it, the bottom line; and the way we shouldn't be doing it, which is that line that is growing out of control.

I welcome the opportunity, and I thank both the majority leader and the Democratic leader for getting things in order so we can have a regular appropriations process for the first time.

I remind our colleagues that this is the earliest we have started an appropriations process since the Budget Control Act became law in 1974.

The Senator from California has suggested that I remind our colleagues and their staff members that if they have amendments, bring them to our staff, and we will work with them and see if we can include them in the bill, or if Senators would like to offer the amendments, we would like to do that today or tomorrow. There is no need to waste time here. We have 11 other bills we can get to very quickly and other important legislation that is awaiting the Senate's action.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from West Virginia.

Mrs. CAPITO. Mr. President, I am extremely pleased to rise to express my support for the open debate we are going to have on the fiscal year 2017 Energy and Water appropriations bill.

I would certainly like to thank the Senator from California and my colleagues on the Appropriations Committee, and I would like to thank Senator ALEXANDER for his leadership and work on their collaboration. As a person who has only been in the Senate for a year and a half and on the Appropriations Committee for about that amount of time, it has been fun for me to watch seasoned pros as they weave their way through the appropriations process. So I thank them for that. But this is what our constituents sent us here to do: to legislate, to express an opinion, to amend and debate. And I appreciate my colleagues' willingness to do that with this piece of legislation.

This is a fiscally responsible, bipartisan bill which unanimously passed out of the Committee on Appropriations last week.

It is also worth noting—and I have heard it noted already today and will probably hear it many more times—that we are considering appropriations bills on the Senate floor at the earliest point since 1974. I look forward to the bill passing with many priorities that are important to my home State of West Virginia, and I also look forward to passing the other 11 appropriations bills as we move through this process.

We can all agree that governing by continuing resolution is not ideal. The leadership in the Senate, and through the work of the Appropriations Committee, of which I am a proud member, has put us on a path to passing bills that will fund our government in a reasoned manner, in a transparent manner, and in a manner which is an open, deliberative, fair, and responsible process. Today marks an important step forward—one of many to come, I hope.

The bill before us has enormous importance to every State and particularly my State of West Virginia. It includes resources that ensure safe and stable infrastructure, promotes and stimulates research in the fossil fuel industry, and provides resources for rural areas most negatively impacted by the economic downturn and continued assault against coal-producing areas in Appalachia, where I live.

A few weeks ago, I visited the Bluestone Dam in Hinton, WV. It is an engineering marvel. It was built in the late 1940s and completed in the 1950s. But we must maintain and modernize to make sure we have the safest and the most technologically superior dams for the prevention of flooding. The importance of the Bluestone Dam to its surrounding area—and really all of West Virginia—cannot be overstated. It is protecting the neighboring capital city of Charleston, where I live, from massive and catastrophic flooding.

This bill provides construction funds for the Army Corps of Engineers for projects such as Bluestone, as well as operation and maintenance funds for hundreds of locks and dams across the country, including many in my State besides Bluestone—from Elkins, to Beech Fork Lake, to Tygart Lake. Disappointingly, the President's budget cut funding for the Corps of Engineers. I don't know how you can do that. That irresponsible action is eliminated in this bill. We restore the cut and fund the Army Corps of Engineers by more than \$1 billion above the President's request.

A smaller but equally important investment in West Virginia is the Appalachian Regional Commission, known as the ARC. I am pleased the Senate is again proposing to boost funding for the ARC following the increase in last year's omnibus bill. While it might not be familiar to a lot of people, the ARC really spearheads many worthwhile efforts in the Appalachian region, including actions to help communities impacted by the downturn of the coal industry through worker training, economic diversification, and job services.

One way to provide our citizens with greater opportunities is to provide them with broadband access. West Virginia is not wired for broadband like a lot of our other States. We need to meet the acceptable standards set by the FCC. We understand we have mountains and it is difficult, but if we don't do this, if we don't make this change, West Virginia will be left further behind. This is an economic, educational, and health care tool.

The ARC is one of the entities that are helping West Virginia connect to the Internet, and by doing so, it connects the possibilities for commerce, education, health care, and other things that all of us—particularly these young people in front of me—have come to think of as essential to life as bread and water.

This bill maintains the funding level for fossil fuel energy research and development at \$632 million. Sixty-seven percent of the electricity generated in the United States is from fossil fuels—coal, natural gas, and petroleum—and this will not change anytime soon. The Department of Energy's own Energy Information Administration predicts that coal will still make up about one-third of U.S. electricity generation for decades to come.

If the administration itself acknowledges that fossil fuels will be critical to electricity generation, we must ensure that we are using these in the cleanest way possible. Therefore, we must continue to make that investment in research and development for clean coal technologies, which is a large component of this funding. This funding is \$272 million above the President's request. The President's proposed cut and those proposed by some of my colleagues—and as we move through the markup we anticipate proposed cuts to fossil fuel research—in my view, are shortsighted because they fail to realize the value of the research being done in places like the National Energy Technology Lab in Morgantown, WV, known as NETL.

NETL has reorganized and restructured its budget to be more transparent, so we can understand what is actually going on, where the dollars are being appropriated, and better focus on research and maximize those funds. I applaud these efforts. Frankly, I think we should all applaud them. Their work is very important to each and every one of us.

There are many other provisions in this bill that are very noteworthy, but I wish to close with this: For West Virginia, this legislation provides funding and support that will help us in many ways. I am proud to have supported it in committee and now on the floor. I will be very excited to see my first appropriations bill actually come to the Senate floor. Well, we maybe did do one last year, but this will be the first time Energy and Water has been on the floor. I look forward to this debate by my colleagues.

The PRESIDING OFFICER. The Senator from Colorado.

FAA AND ENERGY BILLS

Mr. GARDNER. Mr. President, I first wish to congratulate my colleagues for the work they have accomplished this week, work on reauthorizing the Federal Aviation Administration. For those in Colorado, it is important work. For Denver International Airport and for multiple airports around the State, the aviation industry in Colorado accounts for tens of thousands of jobs and billions of dollars of revenue generated by not only DIA, but whether it is Vail, Durango, Grand Junction, or any number of airports across the State, we have benefited from the work this FAA reauthorization has accomplished. I commend the chairman, Senator THUNE, for his work, as well as the chairman, Senator MURKOWSKI, for the work she has accomplished on the Energy bill—legislation that will accomplish greater opportunities for the United States to achieve North American energy security, including thousands of jobs that can be created by legislation I was able to secure within the bill on performance contracting—a very great accomplishment for the Senate. I urge the House and the Senate to come together quickly in order to find a compromise on the Energy bill and to get this signed into law.

CHEYENNE MOUNTAIN DAY

Mr. President, I come to the floor to talk about an event I participated in last week with General Hyten in Colorado Springs, based in Cyber Command, to talk about an event that was shared by Governor Hickenlooper as well from the great State of Colorado.

Since 1966, the U.S. Air Force at Cheyenne Mountain Air Force Station in Colorado Springs has been at the forefront of our Nation's capacity to track foreign threats worldwide, providing an essential component of North American defense and global security.

Today we celebrate the 50th anniversary of the operational capability of Cheyenne Mountain, an event General Hyten, Governor Hickenlooper, and I were able to participate in last week.

Many people across this country probably know Cheyenne Mountain Air Force Station. They know it through popular culture, they know it through movies like "Dr. Strangelove" or through "WarGames," for those who aren't quite of the "Dr. Strangelove" generation, and perhaps for newer generations yet, they know Cheyenne Mountain Air Force Station from "Stargate."

Colorado is proud to be at the center of the effort to provide for the defense of North America through this facility which has far-reaching consequences and whose multiuse services are critical to national and global security.

Cheyenne Mountain Air Force Station is one of the greatest engineering marvels of its time, representing an \$18 billion facility, unrivaled anywhere in the world, bored into the front range of the Rocky Mountains. At this world-class facility, countless space and ground sensor data collections are as-

simulated to provide our Nation's national security leadership apparatus key information to determine threat assessments and ensure the safety and security of millions of people around the world.

The 21st Space Wing at Peterson Air Force Base in Colorado Springs provides operational support and infrastructure sustainability, the 721st Mission Support Group provides the dedicated daily sustainment to more than 13 mission partners performing the national security mission inside the mountain complex—or the "mountain fortress," as it has been nicknamed—and over 1,000 U.S. and Canadian military members and civilians remain vigilant around the clock to defend our great Nation at this facility.

I am proud the Senate came together last week to approve my resolution, which designates today, April 20, 2016, as Cheyenne Mountain Day, to recognize the 50th anniversary of Cheyenne Mountain achieving full operational capability.

Today we recognize the strategic importance of Cheyenne Mountain and celebrate the efforts of the 21st Space Wing, the 721st Mission Support Group, and the men and women who work for the common defense of North America at Cheyenne Mountain.

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

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

PRESCRIPTION DRUG ABUSE

Mr. MANCHIN. Mr. President, I rise today to once again share the devastating story of the nationwide opiate epidemic that America currently faces, which is pain pills. It is a crisis I have been dealing with since my days as Governor of the great State of West Virginia, and each and every one of us as Senators representing our great States are dealing with it also.

It is ravaging my State. West Virginia has been hit harder than most States in our country. The drug overdose deaths have soared by more than 700 percent since 1999. Just last year, we lost 600 West Virginians alone to opiate abuse. That is prescription drug abuse.

Let me explain what we are dealing with. We are dealing with a product that is manufactured legally by pharmaceutical companies, a product that is approved by the Food and Drug Administration—the Federal Government—a product that is distributed and prescribed by our doctors—the most trusted people we have in our lives. It goes on and on.

Basically, people don't understand and have not understood for the last two decades the devastating effect that

it has. But our State is not unique. This is happening everywhere, and 51 Americans die every day. Every day, 51 Americans die. You have to think about that. Every 30 minutes or less, someone is dying because of an overdose from a prescription drug to which they became addicted. Since 1999, we have lost almost 200,000 Americans to prescription opioid abuse. We need a serious culture change in America to get to the root of the problem. We need to change the approval of all these new, more potent painkillers coming on the market.

The scope of the problem is this: In the United States of America, we have less than 5 percent of the world population. Seven billion people live on this beautiful planet Earth of ours. We have approximately 330 million people. How in the world can we explain how 5 percent of the population consumes 80 percent of all the addictive opioids produced in the world? Our country is the most addicted country on Earth. There is not another one like us. We allow pharmaceuticals to advertise their products on television. We are the only ones who allow drugs that are addictive and have the ability to destroy lives to be advertised, and so naturally people are asking for them. They want to go out and buy something because the market is so slick. How we approach this is totally wrong. There needs to be an overhaul of our culture.

My office continues to get flooded with letters. Today I will read a letter from my State of West Virginia and the Presiding Officer's State of Georgia. We are encouraging people to continue to share their experiences. The reason I am encouraging people to share their letters is because for far too long this has been a silent killer. There is not a person watching this or a person in this Chamber who doesn't know somebody in their immediate family or extended family who has been affected by drug abuse. Most of the time, it is legal prescription drug abuse. We have an epidemic on our hands.

We talk about Ebola, Zika, and all the other things that are of concern to us, but not one of those is killing 51 Americans every day, and people are still silent about it. Well, people are breaking their silence and sending these letters to me. I will read them every week so I can put a personal touch on this epidemic we face. I don't want people to be ashamed. We have all had it happen to us. It could be your father, mother, brother, sister, aunt, uncle, cousins, or children.

We basically have to look at addiction as an illness. For far too long, we have looked at addiction as a crime. We put people in jail because they have committed a crime. Most of them are charged with grand larceny because they had to steal to support their habit and as a result end up with a felony on their record. When they get out of jail, they are no better. They are still addicted, and now they have a felony and

can't get a job. We have taken them out of the productive part of our society. Our society is losing a whole generation of productive, unbelievable, beautiful people.

This is Debbie's story. Debbie is from West Virginia. She said:

My daughter started using drugs off and on around the age of 13. It really escalated after her second child was born, her "husband" being from Baltimore, MD with access to lots of different kinds of drugs.

She told me that after the birth of her baby the doctor prescribed percocet after a vaginal birth. She started off snorting and then injecting them. Her drug abuse spiraled out of control to using meth, on to heroin and cocaine, and who knows what else. Then she started buying Suboxone illegally, supposedly to get off the other drugs.

Suboxone is supposed to help you get off your addiction, but it is also an opioid.

When she had her third child, CPS stepped in, but then they walked away 90 days later. She took off to Baltimore, MD, putting her two youngest children in danger, leaving her oldest behind with us. However, we finally got her to bring the children back to us, but she wasn't willing to stay with her children. The drugs were more important. We now have temporary guardianship and she is finally taking steps in recovery.

I don't understand why these doctors hand out opioid drugs like it's candy.

I can tell Debbie why they do it. They don't have the training. They don't understand the effects these drugs are having on people. They are basically told whatever the manufacturer or salesperson has told them. If the drug is a 30-day prescription, they give you 30. If it is 60, they will give you the maximum of 60.

Her letter continues:

I have another daughter that was in a car accident and broke her leg. She had to have surgery and the doctor prescribed her 80 percocet all at one time.

Can you believe that?

Already battling one child with addiction I VERY closely monitored her medication. Not all people are strong willed.

This has to stop. These are dangerous drugs and they lead to more dangerous drugs! These drugs are killing our children, pulling our families apart!

Why are doctors prescribing so many at a time?

Why do we have Suboxone, another addictive drug to treat addiction?

Methadone is another one, methadone clinics. They are the same thing.

Why isn't Suboxone an in care monitored drug so it can't be sold on the streets?

Why don't we have free treatment centers in every county to help with addiction so our children aren't dying?

I am going to talk about the treatment centers—or lack of treatment centers—and what we can and what we should be doing as a country.

My daughter is 24 years old with a lifetime of fighting addiction. My mom and sister had to bury their sons because of addiction. I DON'T want to bury my daughter!!!

That was Debbie's story from West Virginia.

This is Winnie's story from Augusta, GA.

My name is Winnie Garrett.

She wanted me to use her full name because she is not ashamed and she wants to fight this addiction and she needs help.

I have been living in Augusta, GA, for 15 years with my husband, son, and daughter. My daughter Erin is 21 and a heroin addict. She started opiates when she was 16. She met a guy who was shooting pills and heroin, so in September of 2014 she started shooting too.

She had a great job, an apartment, and was a highly functioning addict. In May she asked if her boyfriend and she could come and move into our house so they could save money and get an apartment together.

In July, her boyfriend attempted suicide and was hospitalized and then sent to rehab. Erin's heroin use skyrocketed at that time.

In September, we caught Erin and her friends in our house about to shoot up together, but we intervened. Erin agreed that she needed help and she started methadone at a methadone clinic.

So we have methadone and Suboxone.

In October of 2015, one of her "friends" that was in our house back in September overdosed and died at her grandmother's house. Erin started to abuse opioids again. In December, she lost her job. By Christmas she had no new job and no money to pay for methadone. She was going downhill fast.

On January 2, 2016, she called me and asked me to come and get her. Her friends had left her alone, she had no phone, and she was sick. My husband and I found her and told her she must go to the hospital as we were not prepared to help her go through withdrawal. We just didn't have the ability or the knowledge to do it. She fought with us and didn't want to go.

As we drove closer to the hospital and stopped for a light, she jumped out of our moving vehicle and proceeded to walk away from us. We had to walk her into the hospital and commit her.

After the hospital went through her belongings, she was civilly committed for a minimum of 72 hours. Erin went through withdrawal and was clean for about 2 weeks but wouldn't consider going to a rehab place because she wouldn't want to leave her "friends." She has relapsed, and I have tried to talk to her, but she is not ready for rehab.

It breaks my heart to see my baby girl now. It has affected our entire family. Her brother wants nothing to do with her and her father and I can only pray that God will look after her and keep her safe from harm.

She is living on the streets and at anyone's house who will take her in for a day or two. My daughter graduated from Fine Arts Magnet School and was accepted to Savannah College of Art and Design. Erin is smart, beautiful and very capable when she is clean. I don't recognize my little girl on drugs. Something must be done.

Thank you for listening.

Three or four years ago, these people probably wouldn't have written these letters to us. They are desperate and need help. They are willing to put their names to it. They want to put a face on this epidemic. They really do.

Let me tell you the problem. We do not have—Georgia and West Virginia—treatment centers. When people are begging for help, there is no place to send them. We have day courts and drug courts, but there is really no treatment center. They end up with a felony on their record. I am not talking about those who have a violent or sexual crime; I am basically talking about

grand larceny. They end up getting a felony. If we do get them clean, they can't get a job with that felony.

There are some things we have to do. Let me tell you what we can do. The first thing we can do is address the treatment centers. Think about this: We have a fee on cigarettes. We know cigarettes are dangerous. They have proved that cigarettes are addictive and dangerous to your health, and you pay a tax when you buy cigarettes. Most of those States use those taxes for their health clinics. We know alcohol is dangerous. We shouldn't drink alcohol, but we partake in it, and they charge a tax.

We have no way of funding or supporting the treatment centers. We are looking at and working on this almost every day. I am going to propose to my colleagues that one penny per milligram of every opioid produced by manufacturers be used to go to a treatment fee. It strictly cannot be used for anything except for treatment centers throughout the United States of America so we can help the people who need help.

We should also consider how to get people back to having a productive lifestyle. Let's say they go through an approved treatment center for 1 year and then go into a mentoring program. Not only do they become clean, but they are mentoring and helping other people become clean. They don't have a violent or sexual crime against them, but they have a crime of larceny. Should that person not be considered—basically from their good standing of finishing a 1-year rehabilitation program, which they passed with flying colors and are clean and have committed another year of their lives to giving back and helping other people through mentoring—to have that felony basically expunged from their record so they can get back into the workforce? If not, we are losing a whole generation of quality workers. These are all bright, smart people who can do something and contribute back to the economy.

I will be coming down here every week, and I will make sure the people of America know they are not alone. We hear you and we are going to do something.

I thank the Presiding Officer for listening.

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. INHOFE. 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. INHOFE. Mr. President, I ask unanimous consent that I be recognized as in morning business for up to 15 minutes.

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

PARIS CLIMATE AGREEMENT

Mr. INHOFE. Mr. President, as Secretary of State John Kerry prepares to

sign the United States on to the Paris climate agreement on April 22—that is Earth Day—2 days from now, there are lessons from past international climate agreements, namely the 1997 Kyoto Protocol, that we would be remiss to ignore.

Let's keep in mind that the meeting they had was the 21st annual meeting. This is the big United Nations meeting, when everyone tries to get 196 countries to come in and have mandatory emissions reductions. It hasn't worked in 21 years, and it will not work this year either.

The situation they are facing now is kind of embarrassing. Let's just call the Paris Agreement what it is. It is a political stunt for the President to do what President Clinton was going to do in the Kyoto Protocol back in 1997. To recap, in 1997, the United Nations Framework Convention on Climate Change adopted the Kyoto Protocol, which set forth binding targets and timetables for greenhouse gas emission reductions for developed countries such as the United States and the European Union. Meanwhile, developing countries such as China, India, and Brazil got a free pass. In fact, the Kyoto Protocol exempted 80 percent of the world from greenhouse gas emission reductions. That was back in 1997.

I could talk extensively about how it was known then that without developing countries, Kyoto would produce no meaningful impact on global climate change or reductions. What is most important in advance of the Paris Agreement signing, which is 2 days from now, is holding the Obama administration accountable to the lessons learned from the fallout of Kyoto.

Let's not forget that the Kyoto Protocol—which was a legally binding treaty, as opposed to the Paris treaty, which is all voluntary—was signed by the Clinton administration in late 1998 but was never submitted to the Senate for ratification. This was because the Senate had already voted, and they knew they weren't going to ratify it.

About that time in 1997, we had the Byrd-Hagel resolution, which warned that if the United States came back from Kyoto with a signed product that economically harmed the United States or exempted developed countries from participating, we would not ratify it. The resolution passed 95 to 0 in this Chamber. They knew when they came back that it wasn't going to be signed. With a vote of 95 to 0, not one Senator would have voted to ratify.

Ultimately, the 36 developed countries were legally bound to the greenhouse gas targets, and 17 of them failed to meet the greenhouse gas targets. First of all, they are not even meeting the targets. Some countries that joined Kyoto, like Iceland, had targets that actually granted increases in greenhouse gas emissions, while others, like Russia, had a target of zero that required them to do nothing.

The same thing is true for Russia today with the Paris Agreement. Rus-

sia pledged to reduce its carbon emissions by 30 percent but made their promise based on emission levels from 1990, not their current emission levels today. So they could actually increase their emissions and still comply with the commitment that they made in Paris.

Of course, they were looking at—and I remember from all the other meetings that Russia is sitting back there with areas such as Siberia, without any development, and they could use that as land that is not being developed, where there are no emissions, so it sounded as though they are really doing something.

I had an occasion many years ago to fly a small Cessna airplane around the world, emulating the trip of Wiley Post, the aviator from Oklahoma. He was the one who was flying the airplane when Will Rogers was killed. I was emulating his flight around the world. I will never forget going all the way from Moscow to Provideniya, across Siberia. There is time zone after time zone, and there is nothing down there. It is bare down there—no houses, no industry, nothing down there. That is the land Russia has been using to give them the advantage that they have.

Others, including Japan, the host country for the signing of the Kyoto Protocol significantly missed its greenhouse gas reduction targets, and instead they increased. Here is the host country, and they increased their emissions.

There were warning signs that the countries would fail to meet the Kyoto targets. For example, in 2005, the year Kyoto went into force, as then-chairman of the EPW committee, I held hearings on Kyoto where I questioned the U.S. senior climate change negotiator, Harlan Watson, about the European Union countries meeting their targets. Watson testified at the time that only two of the EU countries, the U.K. and Sweden, were on track to reach their targets. In other words, they all had targets, but only two countries met them.

Another witness, Dr. Margo Thorning of the American Council for Capital Formation, told the Committee at the hearing that the European Union "policymakers are beginning to worry about the additional steps required to meet the targets."

We now know they were right. The EU, one of the staunchest advocates for the global greenhouse gas emission cuts, barely reached half of the targets required by Kyoto.

If developed countries like those in the European Union have ignored legally binding gas emission targets in Kyoto, it is highly unlikely that they would meet the voluntary reductions that are in the Paris Agreement. Within the EU, some individual countries, such as Poland, have already shown fierce opposition to the Paris Agreement due to the fact that they are relying on coal power to run their coun-

try. There also has been vigorous debate over EU emissions reductions, and so far further cuts are off the table due to climate leadership fatigue from Kyoto. Everybody is tired of it.

Some have said Paris is different because developing countries like China agreed to the greenhouse gas targets. However, as is normally the case, you have to read a little bit closer. China's climate change commitment to peak their emissions by 2030 is business as usual. Yes, they signed on. They are a developing country. But what did they sign? They agreed to increase their emissions until 2030, and then they will reconsider.

After making their pledge, the New York Times uncovered that China dramatically underreported the amount of coal it burns per year, burning 17 percent more than what China had previously reported during climate talks. Just last month, a London School of Economics and Political Science researcher found that it is possible that Chinese emissions have already peaked. It is no wonder when the country is bringing online a new coal-powered powerplant every 10 days.

We keep hearing from all of our do-good friends: Just give China a chance. They are going to follow our leadership. Yes, they are going to follow our leadership, all right. They are anxious for us to meet our reductions as we chase our manufacturing base to someplace like China, which would be the recipient of it.

China is putting online a new coal-fired plant every 10 days. Why would China bother putting forth such a commitment and why would the Obama administration promote it as historic? First, it is in the interest of China to ensure this commitment is ratified because it makes it more difficult for the United States and the European Union to get out of economically damaging regulations. Second, it is in the interest of President Obama to sign this agreement since his own legacy hinges on its ratification. For the agreement to come into force, 55 countries representing at least 55 percent of emissions are going to have to sign.

We have seen this before. Think back to Kyoto. Clinton did not have the support of the Senate, yet Clinton delegated his U.S. Ambassador to sign it.

That is exactly what is happening today. President Obama doesn't want to go there because President Obama is fully familiar with the fact that they can't reach their targets, and besides that, we have the U.S. Supreme Court stepping in and saying that they can't do it.

The Obama administration should take note that history does repeat itself. If Secretary Kerry signs the Paris Agreement—which he will—it will be an act in defiance of the lessons from the past and in defiance of the best interests of the American people, all while achieving no meaningful impact on global temperatures.

Just like Kyoto, countries will not comply. Here at home, the President's

means to force the United States to achieve a 26- to 28-percent reduction in greenhouse gases by 2025—primarily through the so-called Clean Power Plan, which is likely to get struck by the courts—is extremely limited. Its implementation has already been blocked by the U.S. Supreme Court.

We have 27 countries that have filed lawsuits against the plan. We actually had someone from the National Chamber of Commerce and the Sierra Club come before our committee just a few weeks ago saying: Look, there is no way in the world that you can have this kind of a reduction. So it is dead in the water anyway, with 40 percent doing business as usual. Only 15 percent could have an effect from the power plan, and then the rest—45 percent—are not even in the middle of it. Besides that, the Supreme Court has now said that until all the litigation has cleared up, nothing is going to happen. They intervened in that as well as the WOTUS regulations—the waters of the United States. So it is not going to happen. They are going to have their party there. The President is embarrassed, and he is sending John Kerry to do his dirty work.

I hope all 196 of the countries send their representatives to New York because I would love to have them get to know America, travel around, spend their money, and go down historic Highway 66 that goes through my State of Oklahoma. They will have a wonderful time while they are here, but they might as well skip the New York part.

I see my good friend from Indiana, and, with that, I yield the floor.

The PRESIDING OFFICER. The Senator from Indiana.

NOMINATIONS OF MARK MCWATTERS AND ADAM SZUBIN

Mr. DONNELLY. Mr. President, for more than a month, many of my colleagues and I have come to this floor to talk about our responsibility as Senators to do our job and consider the President's Supreme Court nominee, Merrick Garland. That is right. Here in one of the world's greatest deliberative bodies, where we have debated war and peace, civil rights, and the right of women to vote, we are now engaged in a debate about whether the Senate should carry out one of its most basic constitutional responsibilities.

Even more troubling than the refusal of some Senators to consider the Supreme Court nominee is that this is one in a series of failures over the past year. It is not an isolated incident; it is a pattern.

Back home in Indiana, our priorities are clear. We want good jobs and safe communities. Hoosiers are asking important questions of their elected officials, such as: What is the Senate doing to strengthen our economy? What are we doing to keep Americans safe?

Today I want to talk about two additional simple things that the Senate can do to strengthen our economy and to keep our country safe. Both have strong bipartisan support already. We

just have to do our job. The first relates to the Export-Import Bank. Last December, after months of negotiations, and a 5-month lapse, Congress agreed, with bipartisan support, to reauthorize the Export-Import Bank, the official export credit agency of the United States of America, which helps American companies, including small businesses from my home State and from everyone else's, compete in the global economy.

It does not get more common sense than approving an agency whose sole purpose—sole purpose—is to help create more American jobs at no cost to taxpayers. In fact, in 2014, the Bank supported \$27.5 billion in U.S. exports and more than 164,000 American jobs and returned over \$675 million to the U.S. Treasury.

The Bank creates jobs, reduces the deficit, and spurs economic growth. It is a win-win-win. Yet, despite bipartisan approval last December, Senate inaction continues to hamstring the Bank, which keeps it from fully functioning. You see, in order to approve certain financing, the Bank needs a minimum of three Senate-approved board members. Today, we have only two.

That is because board nominee Mark McWatters, a Republican, has been stuck in the Senate Banking Committee for more than 3 months. At a time when American companies are struggling to compete in an economy that is often rigged by other countries manipulating their currency, by intellectual property theft, and by insurmountable foreign regulatory barriers, there are a few Members of this body who are intent on obstructing this important economic tool by refusing to consider Mr. McWatters' nomination in order to advance an extreme ideological agenda.

So here we are again, willfully allowing an important tool for economic growth to sit idle simply because some in the Senate refuse to do their job. While most Americans find it hard to believe we cannot agree on something as common sense as supporting the American economy, perhaps more troubling is the refusal to confirm an official to lead our Nation's efforts to combat terrorist financing around the world.

Mr. Adam Szubin is the nominee to be Treasury Under Secretary for Terrorism and Financial Crimes. His job is to identify and to disrupt the lines of financial support to international terrorist organizations, proliferators of weapons of mass destruction, narcotics traffickers, and other actors posing a threat to U.S. national security or foreign policy.

It is a critical job. Just about anyone you ask will tell you that Adam Szubin is the guy we want doing this job. He has helped shape and enforce U.S. sanctions against our adversaries for nearly a decade, under both Republican and Democratic administrations. He is recognized as a leading expert on ter-

rorism financing and is widely considered one of our Nation's best tools in taking the financial footing out from under terrorist groups like ISIS and Al Qaeda and countering adversaries like Iran, North Korean, and, increasingly, Russia.

Today marks 1 year since Mr. Szubin was nominated—an entire year. For 1 full year, our country has worked to combat terrorist financing and enforce and expand sanctions against key adversaries without a confirmed official to lead the charge. At a time when our sanctions regimes are critical to countering Iran's ballistic missile program, North Korea's nuclear weapons development, and Russia's renewed aggression, and at a time when U.S. military personnel are serving in harm's way in locations around the world, combatting ISIS and Al Qaeda and their affiliates, the Senate is undermining the ability of one of our Nation's top counterterrorism officials to do his job.

By failing to act on the nomination of Mr. Szubin, who people on both sides of the aisle agree is the perfect person for the job, we are undermining his credibility with the very countries we need on our side to effect these sanctions and to cut off funding flows to terrorists.

The American people expect us to use every single resource—every single resource we have—to keep our Nation safe. Yet, when it comes to putting our strongest team on the field to fight back and to cut off terrorist financing, some in this body continue to put politics ahead of our national security.

Why has Mr. Szubin not yet been confirmed as the Under Secretary for Terrorism and Financial Crimes? Simply put, the Senate refuses to do its job, to have a vote. I understand it is an election year and there is much discussion in Washington about what is good political strategy for the different parties. While the timing may be inconvenient for some, I will remind my colleagues that every day outside of Washington, law enforcement officers, among many others, rely on a fully functioning Supreme Court for the legal guidance that serves as the basis of our founding promise of liberty and justice for all.

I remind my colleagues that every day across our country, millions of hard-working men and women go to work to support their families, many of whom rely on jobs supported by the Export-Import Bank. Every day across the globe, our service men and women put their lives on the line to protect our country from terrorists and from foreign nations intent on doing us harm.

Many of those terrorists and foreign nations are targets of the crippling sanctions the U.S. Treasury implements and enforces to help keep Americans safe. Adam Szubin is leading that team. These men and women who go to work to support their families, the law enforcement officers who protect our communities, and the service men and

women who fight for our great country every single day do not stop doing their job because it is an election year. They do not pass on confirmations because it is inconvenient timing.

I have said it before, and I will say it again. Most Americans believe Congress can do something to help move our country forward. At the very least, we should do no harm. We are falling short of this most basic standard. But we can change that right now by simply doing our job, by considering Merrick Garland's nomination to the Supreme Court, by doing our job to support the economy by considering the nomination of Mark McWatters to sit on the board of the Export-Import Bank, and by doing our job to support our troops and protect our country by considering the nomination of Adam Szubin to be Under Secretary of the Treasury for Terrorism and Financial Crimes.

This should be the very least that we do. We need to do it now. Let's follow the example of those who elected us, who roll up their sleeves every day and go to work. It is time for us to roll up our sleeves and go to work and do our job.

I yield the floor.

The PRESIDING OFFICER. The Senator from California.

Mrs. FEINSTEIN. Mr. President, I just wanted to compliment the Senator from Indiana on the remarks he has just made and thank him very much.

I also want to urge Members: Please bring amendments to the Energy and Water appropriations bill to the floor. We hope to finish this bill. The only way we are going to do it is if Members bring and file their amendments.

The PRESIDING OFFICER. The Senator from Ohio.

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

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

UNANIMOUS CONSENT REQUEST—EXECUTIVE CALENDAR

Mr. BROWN. Mr. President, 1 year ago today, the President nominated Adam Szubin to serve as Under Secretary for Terrorism and Financial Crimes at the Treasury Department. Mr. Szubin's nomination was pending in the Banking Committee for more than 11 months before we finally acted on it.

So far in this Congress—not this session, but the entire Congress—the Senate has not acted on a single nominee from the Banking Committee, even those who play critical national security roles like Mr. Szubin. We have not even acted yet on certain nominees eligible for expedited consideration by the full Senate. In the past, the Senate acted on these “privileged nominees” as a routine manner.

The hard-working people of Ohio, Arkansas, and Georgia expect the Senate to do its job. Part of our job is to give the President's nominees fair, respectful, and timely consideration. Unfortu-

nately, the unprecedented partisan obstruction we have seen over Judge Merrick Garland's nomination to the Supreme Court has been a fact of life longer than that at the Banking Committee.

The Under Secretary for Terrorism and Financial Crimes is one of the most important national security posts in our government. Mr. Szubin serves in an acting capacity in that position. Despite having bipartisan support, as evidenced by the vote out of committee and as evidenced by his initial appointment to the executive branch by President Bush, his nomination has languished for a year—a full year—because of one thing: Republican obstruction.

Allowing this proven leader to remain unconfirmed weakens his position and undermines American influence in our efforts to track terrorists and stop them from raising money on the black market or elsewhere. The mission of Treasury's Office of Terrorism and Financial Intelligence is too important right now for us to have anything less than our best person in that role with the full backing of this Senate.

Mr. Szubin served Republican and Democratic administrations in senior positions related to economic sanctions and countering terrorist financing. His job is focused on leading our country's efforts to disrupt terrorist financing by ISIS, Al Qaeda, and other groups.

There is absolutely no question that he is qualified. Over the last decade and a half, Mr. Szubin has distinguished himself as a tough and aggressive enforcer of our Nation's sanctions laws against Russia, Iran, and North Korea, against money launderers and terrorists and narco-traffickers.

Given all the concerns surrounding terrorist financing, you would think a nomination for this position would be a priority. In the Senate Banking Committee and in the Senate in 2015 and 2016, that has not been the case.

I repeat. One year ago he was nominated. One year ago the Senate Banking Committee got his nomination.

Mr. Szubin's mentor, Bush administration Under Secretary Stuart Levy, was confirmed by the Senate 3 weeks after his nomination came to the Banking Committee, when the Democrats were in control of this Senate. Mr. Szubin's immediate predecessor took the Senate just 2½ months to consider.

This is a critical national security post that must be filled permanently. Szubin heads what is, in effect, Treasury's economic war room, managing U.S. efforts to combat terrorist financing and fight financial crimes. He leads the charge to choke off ISIL's funding sources and prevent it from developing additional capacity to strike targets around the world.

Cutting off the money supply, including profits from illicit oil sales, money-laundering extortion, and other crimes by ISIS actors is a critical part of our strategy to defeat this terrorist organi-

zation. He works to hold Iran to its commitment under the nuclear deal and to lead a campaign against the full range of Iran's other terrorizing, destructive, and destabilizing activities, including its support for Hezbollah and other terror proxies.

He has broad support across the political spectrum. Even groups opposed to the Iran nuclear deal support his nomination. Banking Chair Shelby described Szubin as “eminently qualified.”

The recent Panama Papers scandal shows how some of the richest and most powerful people may have used shell companies in offshore accounts to evade taxes, launder money, and dodge sanctions. The leak of these documents underscores the role that Mr. Szubin and the Office of Terrorism and Financial Intelligence play in combatting money laundering and terrorist finance networks. It is yet another reminder of why Szubin's confirmation is so urgent.

Mr. Szubin is well-regarded around the world for his intellect, his courage, his experience, his expertise, and his integrity. He deserves the strong backing of the Senate. Confirming him would demonstrate the commitment of the United States to disrupt and destroy the global financial networks of terrorist organizations. Without it, his ability to operate here and abroad is undermined.

Treasury must have in place an experienced watchdog with the know-how and with the authority to lead U.S. efforts to track and choke off the financial lifeblood of terrorist organizations.

The bottom line is Republicans in Congress need to stop holding our national security apparatus hostage to political demands. We need to allow Adam Szubin and other national security nominees to be approved. The Senate needs to do its job.

Mr. President, I ask unanimous consent that the Senate proceed to executive session to consider Calendar No. 478, the nomination of Adam J. Szubin to be Under Secretary for Terrorism and Financial Crimes; that the Senate proceed to vote on the nomination without intervening action or debate; and that following disposition of the nomination, the Senate resume legislative session.

The PRESIDING OFFICER (Mr. SCOTT). Is there objection?

The Senator from Arkansas.

Mr. COTTON. Reserving the right to object, and I will object.

Until just a few weeks ago, I did not object to Mr. Szubin's nomination.

I did oppose the nomination in the Banking Committee because he supports a clearly inconsistent interpretation of the Iran threat reduction act because it would hinder the implementation of the Iran nuclear deal. To be fair to Mr. Szubin, he is well respected on both sides of the aisle, having worked in the former Bush administration. I suspect this is not his interpretation. This is the interpretation of the

community organizer, the failed novelist, and the political operative who are in charge of implementing these parts of the Iran nuclear deal. However, I couldn't, in good conscience, support the nomination given that clearly flawed interpretation.

But just 2 or 3 weeks ago, Secretary Jack Lew gave a speech in which he all but announced that the U.S. Government would allow Iran access to the U.S. dollar. This would truly unravel every last sanction we have against Iran, not just for their nuclear program but for their campaign of aggression and terror throughout the Middle East.

This is in direct contradiction to what Secretary Lew said and in direct contradiction to what Mr. Szubin said. In fact, I would note Mr. Szubin's testimony before the Banking Committee last summer:

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

Further, in another quote, he said:

. . . nor will Iran be able to access the U.S. banking sector, even for that momentary transaction to, what we call, dollarize a foreign payment.

Yet Secretary Lew has all but announced that the U.S. Government will allow Iran to dollarize their foreign transactions. In fact, Secretary of State John Kerry just this week is meeting with his Iranian counterpart to try to figure out more ways we can heap economic benefits on the world's worst state sponsor of terrorism.

So until President Obama, Secretary Kerry, and Secretary Lew publicly and conclusively renounce any intent to allow Iran to dollarize a foreign transaction, I will object to this nomination.

If the Senator from Ohio and 41 other Democrats don't like that, they should have considered that before they voted for a deal that gave over \$100 billion to the world's worst state sponsor of terrorism.

I object.

The PRESIDING OFFICER. Objection is heard.

The Senator from Ohio.

Mr. BROWN. Mr. President, I find it ironic. This is the first time we have actually heard specific reasons—all seeming fairly recent, mostly seeming fairly recent about objections to Mr. Szubin. But I also find it interesting that they talk about sanctions not being fully enforced. Well, don't you need someone in place who has the imprimatur of a full appointment to the position, not just nomination and serving as interim or acting but full appointment with Senate confirmation?

I just stand puzzled by that, but I also understand the partisan nature of this. I remember my colleague's letter to the country of Iran that 46 Republican Senators signed saying, for all in-

tents and purposes: Don't negotiate with President Obama.

This is a lot about President Obama, but I don't care about that. What I care about is that he is acting in that position, and not confirming him makes no sense for our country.

A full year has gone by. I intend to continue to press for approval of Adam Szubin and others before our committee in the weeks ahead.

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. 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.

FILLING THE SUPREME COURT VACANCY

Mr. HATCH. Mr. President, I rise to speak about the conflict over the Supreme Court vacancy created by the untimely death of Justice Antonin Scalia. This conflict has two dimensions, one focusing on the nominee and the second focusing on the confirmation process.

America's Founders established a system of government that preserves liberty by limiting government and including a defined role for judges. Three of America's Founders provide principles helping to define that judicial role. James Wilson signed the Declaration of Independence, helped draft the Constitution, and was one of the six original Supreme Court Justices appointed by President George Washington. He explained our system of government by saying that "here, the people are the masters of the government."

The second principle is from President Washington himself, who said in a farewell address, on behalf of our system of government, that the basis of our system of government is that authority to control the Constitution belongs to the people.

Alexander Hamilton served in the Continental Congress, helped draft the Constitution, and became the first Secretary of the Treasury. He wrote 51 of the 85 installments of the *Federalist Papers*, the single most important reference for understanding the Constitution. In *Federalist No. 78*, he wrote that the judiciary is the weakest and least dangerous branch because judges exercise judgment but not will.

These three principles outline the proper role for judges in our system of government. The people are the masters of government. They alone have the authority to control the Constitution, and judges may exercise judgment but not will. Our system of government and the liberty it makes possible requires judges who leave control of the law in the hands of the people.

The conflict over the appointment of judges is really a conflict over the power of judges—a conflict over whether this should still be the proper judi-

cial job description. Those whose political agenda fares poorly with the American people and their elected representatives want a very different kind of judge. They want willful judges who will impose their political agenda by manipulating statutes or the Constitution.

This is the first dimension of the conflict over filling the Scalia vacancy. I have spoken and written extensively about how the Senate owes the President some deference regarding nominees who are qualified by both legal experience and judicial philosophy. Those considerations are relevant when the confirmation process takes place.

However, the second dimension in the conflict over filling the Scalia vacancy focuses on the process, rather than the nominee. When and how the nomination process should occur is rarely a question at all, but it is a serious one under the circumstances we face today. Ignoring the integrity of the process, acting as if the ends always justify the means, would be a serious dereliction of the Senate's duty.

The President has the constitutional power to nominate judges, but he cannot appoint them without the advice and consent of the Senate. However, the Constitution does not tell either the President or the Senate how to exercise their powers. Deciding when and how to conduct the confirmation process is as valid an exercise of the Senate's advice-and-consent power as is taking a final confirmation vote at the end of that process.

Our late colleague Daniel Patrick Moynihan of New York once said that everyone is entitled to his own opinion but not his own facts. The majority leader recently offered a similar axiom when he said that "no matter how many times you tell a falsehood, it is still false." When it comes to falsehoods, Democrats and their liberal allies are telling some real whoppers. For example, the minority leader has said the Senate's obligation to hold a hearing and a floor vote for President Obama's nominee is "in the Constitution." He has made that claim in different forms on the Senate floor more than 40 times.

I understand Democrats want the Senate to confirm the President's nominee to the Scalia vacancy, but I cannot understand why they would put all their eggs in this completely fictional basket. As falsehoods go, this one is especially easy to expose because the Constitution obviously says no such thing. This is why the Washington Post Fact Checker called the Democrats' claim that the Constitution requires Senate consideration a politically convenient fairytale.

One of the reasons the Constitution says nothing about Judiciary Committee hearings is that the committee was not created until 29 years after the Constitution was written. In fact, the committee's practice of nominees regularly appearing in public hearings did not begin until the 1960s. During the

110th Congress, Chairman PATRICK LEAHY denied a hearing to dozens of President George W. Bush's judicial nominees. If the minority leader is right that the Constitution requires such a hearing, then Chairman LEAHY was guilty of serially violating the Constitution.

Between 2003 and 2007, Senators PATRICK LEAHY, CHARLES SCHUMER, and RICHARD DURBIN voted dozens of times to deny floor votes to Republican judicial nominees. So did Senators HILLARY CLINTON, JOSEPH BIDEN, and JOHN KERRY. If the minority leader is right that the Constitution requires a floor vote on every nominee, then these Senators were guilty of deliberately attempting to violate the Constitution over and over again. So was the minority leader, himself, because he voted 25 times to deny the very floor votes that today he claims the Constitution requires.

The Constitution does not require committee hearings, and it does not require floor votes. The Constitution leaves to the Senate the judgment about when and how to conduct the confirmation process in each situation. Republicans have made that judgment by deciding that the confirmation process for filling the Scalia vacancy should be deferred until after the Presidential election season is over. We are following the recommendation of Vice President JOE BIDEN in 1992, when he chaired the Judiciary Committee. The circumstances compelling his recommendation to defer the confirmation process exist in equal or greater measure today.

Neither Democrats nor their leftwing allies have even attempted to argue that the 1992 Biden speech and his recommendation do not apply today. Instead, they have had three different reactions. First, some have simply dismissed it as not worth taking seriously. For example, President Obama responded by saying that "we know Senators say stuff all the time." Others have complained that Republicans are misconstruing that speech or somehow taking it out of context. Just as anyone can test the minority leader's claim about the Constitution by reading the Constitution, however, they can test our discussion of Chairman Biden's 1992 speech by reading that speech—a rather long one indeed. The Washington Post read it, and reported this on February 23:

Biden's remarks were especially pointed, voluminous and relevant to the current situation. Embedded in the roughly 20,000 words he delivered on the Senate floor were rebuttals to virtually every point Democrats have brought forth . . . to argue for the consideration of Obama's nominee.

In his 1992 speech, Chairman BIDEN addressed how the confirmation process should be conducted in two different scenarios. First, he spoke about a Supreme Court vacancy in a Presidential election year. This was his recommendation:

It would be our pragmatic conclusion that once the political season is under way, and it

is, action on a Supreme Court nomination must be put off until after the election campaign is over.

That was then-Senator BIDEN, chairman of the committee.

Second, Chairman BIDEN separately discussed how the confirmation process "might be changed in the next administration, whether it is a Democrat or a Republican." He used the phrase "the next administration" no less than four times. This was his recommendation:

If the President consults and cooperates with the Senate or moderates his selections absent consultation, then his nominees may enjoy my support. . . . But if he does not, as is the President's right, then I will oppose his future nominees as is my right.

Two separate scenarios, two separate recommendations. The first scenario involved a Supreme Court vacancy in a Presidential year like 1992, and the recommendation involved the entire appointment process. Those circumstances and that recommendation apply fully today.

The second scenario Chairman BIDEN addressed involved the next administration, outside a Presidential election year, and his recommendation involved his personal support or opposition. Those circumstances and that recommendation do not apply today.

I understand Chairman BIDEN's recommendation for deferring the confirmation process in a Presidential election year is a very inconvenient truth for his party today. However, the only ones misconstruing that speech today are those trying to create confusion where none exists by conflating these two separate scenarios and recommendations.

The third reaction to Chairman BIDEN's 1992 speech is to pretend that he said something he simply did not say. For example, I have heard the claim that Chairman BIDEN would have gone forward with the confirmation process in 1992 if the President consulted the Senate before choosing a nominee. Let me once again quote the minority leader. It is pretty clear: "No matter how many times you tell a falsehood, it is still false." Read the speech. Chairman BIDEN said no such thing.

I also want to comment on the President's recent remarks at the University of Chicago on the Scalia vacancy. For example, he said that "there has not been a circumstance in which a Republican President's appointee did not get a hearing." Of course, the Senate's power of advice and consent applies across the board. If the Constitution requires hearings and floor votes for some nominees, it requires them for all nominees.

Last month, the Congressional Research Service confirmed in a new memo that during the 102nd Congress, when Democrats controlled the Senate, 52—52—Republican judicial nominees never even got a hearing. Vice President BIDEN chaired the committee and denied those hearings. In September 1992, the New York Times reported on

page 1 that this was part of a deliberate strategy to keep judicial vacancies open in the hope that Bill Clinton would be elected.

The President also said there has not been a circumstance when a Republican President's nominee did not get a floor vote. Obviously, none of the dozens of nominees denied a hearing ever got a floor vote. The 52 Republican judicial nominees I just mentioned were not only denied a hearing, they were never confirmed at all. When the President served in this body, he voted to deny floor votes to multiple Republican judicial nominees. In fact, he has the distinction of being the only President ever to have voted to filibuster a Supreme Court nominee. The President was a Senator during the 110th Congress, when Chairman LEAHY denied a hearing to dozens of Republican nominees. I could find no record that then-Senator Obama objected in any way that these nominees were being denied full consideration.

The President also said that the increasing use of the filibuster to defeat nominees is unacceptable. Democrats first used the filibuster to defeat a majority-supported judicial nominee in 2003. They are the ones who started this. They led nearly two dozens filibusters during the 108th Congress alone, preventing one appeals court nominee after another from being confirmed. President Obama should know this because, as I mentioned, he participated in and supported this filibuster campaign. The President should also know filibusters of judicial nominees declined by 65 percent after he took office in January 2009. That did not matter to Democrats who, in November of 2013, abolished the very filibusters they had used so aggressively.

The President also expressed concern that an increasingly partisan confirmation process would erode the judiciary's institutional integrity and that the American people would lose confidence that courts can fairly decide cases. I submit that the kind of judge a President advocates has a much bigger impact on the American people's view of the courts.

When he was a Senator, the President said judges decide cases based on their personal views, core concerns, and what is in their hearts. When he ran for President, he told Planned Parenthood that he would appoint judges who have empathy for certain groups. As President, he has nominated men and women who share this politicized, activist approach, believing that judges may make the Constitution conform to current social practices and evolving cultural norms. I think our fellow citizens can easily see that relying on personal empathy and personal concerns is the opposite of impartiality.

Since President Obama took office, the percentage of Americans disapproving of the way the Supreme Court is handling its job has risen by more than 20 points, and the percentage saying the Court is too liberal has

risen steadily. Three-quarters of Americans now believe Supreme Court Justices decide cases based on their personal or political views, even though most Americans think they should not do so. The kind of judge President Obama and other liberals favor has much more to do with such trends than how we handle some procedural matters within the United States Senate.

Finally, I want to respond to the minority leader's recent attack on the Judiciary Committee and its distinguished chairman, Senator GRASSLEY. The minority leader recently made the bizarre claim that Chairman GRASSLEY "forced his committee members to sign loyalty oaths." I first thought I must have heard wrong. That statement is completely detached from reality, and, I thought, no Senator would utter something so strange on the Senate floor, but there it is in the CONGRESSIONAL RECORD.

The minority leader may be referring to the letter dated February 23, signed by the Republican members of the Judiciary Committee affirming that there will be no hearing for any nominee from President Obama for the Scalia vacancy. The chairman did not force anyone to sign anything. It may come as a surprise to the minority leader, but we sincerely and freely came to the conclusion that the confirmation process should be deferred.

If the minority leader really wants to characterize Senators acting together as evidence of a "loyalty oath," then I have another example for everyone to consider. When Democrats led 20 filibusters of President George W. Bush's judicial nominees during the 108th Congress, not a single Democrat voted even once to end debate—not one. Every one of the 868 total votes for those filibusters was cast by a Democrat, 20 of them by the minority leader himself. Now, that is loyalty.

I have yet to hear an argument from the other side regarding the Scalia vacancy that is not contradicted by present facts, by their own past actions or both. The Constitution assigns to this body the responsibility of advice and consent as an important check on the President's power to appoint. Advice and consent begins with a judgment about the best way to exercise that power in each situation. We have done so in different ways, at different times, under different circumstances.

Democrats and their leftwing allies are peddling the false claim that the Constitution requires the Senate to conduct the confirmation process now for this President's nominee to the Scalia vacancy. Of course, they are free to claim the Constitution requires today the very hearings and floor votes they denied to Republican nominees in the past. They may say those falsehoods as often as they wish, but they are still false.

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

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

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.

NOMINATION OF ADAM SZUBIN

Ms. HEITKAMP. Mr. President, I rise today to remind everybody that today is the 1-year anniversary of Adam Szubin's nomination to a key Federal post that works to stop financing for terrorism; yet he still waits a confirmation vote in the full Senate.

Mr. Szubin, if you have met him—I think almost anyone would agree he is one of the most qualified people for this job to enforce U.S. sanctions on terrorism, finance laws against countries such as Syria, Iran, North Korea, as well as against terrorist organizations, narcotraffickers, and money launderers. The Senate needs to do its job by holding a vote on Mr. Szubin's nomination, as well as the nominations of so many other Federal nominees. We have to stop putting politics above national security.

Exactly 1 year ago today, Adam Szubin was nominated to serve as the U.S. Treasury Department's Under Secretary for Terrorism and Financial Crimes. For 1 year, Adam Szubin and his family have been waiting for a vote in the Senate—and his family. I think way too often when we delay votes, when we string out these nomination processes, we forget that it is not just the nominee, it is also the families of the nominees who are waiting for a final decision. Mr. Szubin received a vote in the Senate Banking Committee in March. Now the Senate needs to do its job and vote up or down on his confirmation.

I have a particular soft spot for Adam because I am convinced that he is one of the most intelligent people I have ever had in my office, and especially in this critical and important job. He has 15 years of experience countering the financing of terrorism in both Republican and Democratic administrations. During Mr. Szubin's confirmation in the Senate Banking Committee last September, Chairman SHELBY called Mr. Szubin eminently qualified.

If we are serious about enforcing sanctions against Iran and defeating terrorist organizations such as ISIL and Al Qaeda, we have to stop the financing of terrorism. That means we need Adam Szubin to be able to do his job at the U.S. Department of Treasury.

In January, I visited the Mideast on an official Senate trip with seven other Senators. We visited Saudi Arabia, Turkey, Israel, and Austria. The goal was to learn more about the ongoing threats posed by terrorist groups such as ISIL and the progress we have made to roll back Iran's nuclear program. We met with allies in the region to learn more about how to best prepare the United States to face these issues. This

trip was about protecting the safety and well-being of our country.

During our meetings, the issue that came up over and over again was, how do we stop the financing of terrorism? We know that financing is the linchpin of a terrorist organization being able to do everything they do, threatening our country and threatening the world. For the United States to ably and effectively do that work, Adam Szubin needs to be confirmed to the job for which he has been recommended.

Some would say that it doesn't really matter, that Adam Szubin is still at the Department of the Treasury and we really don't need to do this. I think we need to look at, No. 1, what it means for the individuals and their families when we delay these confirmation votes. I am not saying—and Members on both sides of the aisle will have to make up their minds on how they are going to vote on that confirmation, but why is it that we can't even get a vote? Why is it that we can't even get our job done?

Here is a position which most people in this body would say is absolutely critical to the security of our country. If Adam Szubin isn't the right guy for the job, the right person for the job, then let's find that out—according to the advice and consent of this body—and nominate somebody else. But why are we holding back on this critical job against a nominee who I would tell you is eminently qualified? We should be so lucky as to have someone with his qualifications, his capability helping protect our country. Yet we ask him to wait. We ask other nominees to wait. We ask that they sit by the sidelines with their professional lives in limbo while we have political discussions here in the Senate.

Is this a political decision? It might be. You know what. Let's take the vote. Why is this so hard? Why is it so hard to actually put up a number of nominees, take the vote, make the decision, and move on? I think that as I and many of my colleagues spend a lot of time talking to young people, encouraging them to be involved in public service, encouraging them to be part of a system that really does benefit all the people of this country. We ask people to go into public service, and then, when they aspire and work to achieve some of the highest positions in our country, we say: Not only are we not going to consider your nomination, we are not going to vote on it even after it comes out of committee. That is not a formula that speaks well to our recruitment of the best and brightest to serve the American people.

A year later, Adam Szubin remains in limbo. His family remains in limbo. His confirmation remains in limbo. Please, let's just vote. There are plenty of votes probably on the other side to say "We are not going to confirm you," but it is not right. It is not right. It is not fair to his family, it is not fair to him, and it is not fair to the people of this country to not have a confirmed

person in the position for which Adam Szubin has been nominated.

I hope we can take a look at all of these nominees, break this logjam, and eventually get folks put in positions that are essential for American security.

I yield the floor.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. ALEXANDER. Mr. President, on behalf of the Senator from California and myself, I ask unanimous consent that the committee-reported substitute to H.R. 2028 be withdrawn and that amendment No. 3801 remain pending and be considered the committee-reported substitute amendment.

The PRESIDING OFFICER (Mr. TOOMEY). Is there objection?

Without objection, it is so ordered.

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

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

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

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

PRESCRIPTION OPIOID ABUSE

Mr. TOOMEY. Mr. President, I rise this afternoon to talk about a huge problem that I am pretty sure is affecting every one of our States. It is certainly affecting my State in a very serious way, and the abuse of opioid painkillers often leads to the abuse of heroin, overdoses, and death. This is wreaking havoc all across Pennsylvania. It is affecting every geographic part of the State. It is in urban areas, suburban, and rural areas. It affects every demographic group and every age group. The scale of the problem is shocking. The increase in the number of people who are overdosing and becoming addicted is disturbing. I began hearing about this issue immediately when I became a Senator in 2011, and frankly this problem is getting worse.

I recently became the chairman of the Senate Finance Subcommittee on Health, and that has given me an opportunity to delve into this ever more deeply. We have had a series of hearings across Pennsylvania to get as much expertise as possible so we can learn about what is causing this and how we should deal with it. There are three areas that have come to my attention—three directions—that I think the Federal Government can pursue to help deal with this very complex and very widespread problem of opioid addiction. No. 1, we need to improve the access and quality of treatment for people who are addicted. There is no question that this is a very difficult disease to treat. There is so much we don't understand. We don't understand what predisposes someone to be more likely to develop an addiction. We don't understand the genetic implications. We know there are some behav-

ioral issues, but we don't understand as much as we need to know about it. We do know there are often underlying mental health issues which contribute to this problem. Whatever these causes are, we need to learn more so we can treat and prevent them better, and we need to treat the people who currently find themselves in the very difficult situation of facing addiction. As I said, that is category No. 1.

There is another thing we can do in the Federal Government. We need to take steps to reduce the diversion of these powerful prescription narcotics to the black markets. In fact, prescription opioids are available on the street for a price. There is a market for them, and they contribute to the addiction problem we have. They don't get there because a burglar broke in and stole them from a pharmacy. That is not the typical way these narcotics get to the street. They get there because someone prescribed it and a prescription was filled. We need to look at ways to reduce that phenomenon.

I introduced legislation with Senator CASEY, my Pennsylvania colleague, Senator PORTMAN, Senator BROWN, and Senator KAINE. That legislation is designed to reduce the frequency and occurrence of prescription opioids finding their way into the black market. Our bill provides Medicare with a tool that Medicaid and private insurers have long had, and that tool is called Lock-In. When an insurer—in the case of our legislation it would be Medicare—discovers that a patient is doctor shopping, which is systematically going to multiple doctors and getting multiple prescriptions for opioids, filling them at multiple pharmacies, and ending up with a commercial scale quantity, our legislation would allow Medicare to lock that patient into a single prescriber and single pharmacy. Any person with a legitimate need can get that need met, but we can put an end to some of these very large quantities reaching the black market.

The good news is our legislation was offered as an amendment. Senator CASEY and I offered it as an amendment to the CARA legislation a few weeks ago. It was adopted by the Senate, and of course the underlying CARA legislation was passed by the Senate. I am hoping the House will take this up, pass it, and get it to the President, and I am confident he will sign it. That would be a big step in the right direction.

The third category of action that I think we need to consider are steps that would reduce overprescribing in the first place. One of the things I have learned from the many hearings I have had across Pennsylvania are doctors who have told and described to me a culture within medicine in recent decades which has put so much emphasis on eliminating all pain that doctors are tending to prescribe these opioids in far greater quantities than would have been imagined a couple of decades ago. That is an important piece.

I have raised questions about whether it is appropriate to use opioids to treat long-term chronic pain as opposed to short-term acute pain. That is another area we ought to be raising questions with health care professionals so they can help us understand so we have an answer. There is yet another way I think we can address this in the Senate, and that is an unintended consequence of ObamaCare—a provision in ObamaCare that I think is encouraging doctors to overprescribe opioids in the hospital setting. That is what I want to talk about today.

First, a little background on this. ObamaCare created a system that provides financial rewards to hospitals that perform well on certain outcomes, such as reducing readmissions and hospital-acquired infections, for instance. If they do badly in those areas, then they are penalized and get lower reimbursements. It is a financial set of incentives to get better outcomes. Those two examples I just mentioned, readmissions and hospital-acquired infections, are objective, measurable, quantifiable, and there is little doubt we want to see less of those things. You can argue that it makes sense to have financial incentives to deal with that.

ObamaCare also links reimbursement for hospitals to a much more subjective outcome separate and apart from the ones I just mentioned; that is, patient satisfaction as defined by the government. Specifically, the Federal Government mandates that hospitals survey their patients about their stay at a hospital using a form known as the Hospital Consumer Assessment of Health Care Providers and Systems, or HCAHPS. It is known as HCAHPS. That is the survey hospitals are required by ObamaCare to administer to their patients. Hospitals that have a higher score on this survey get more money and hospitals that have lower scores on this survey get less money. There is a roughly \$500 million swing nationally across the country based on these personal patient satisfaction scores alone.

It is not just that the government is saying these scores are important, the government is making it financially important to these hospitals. This raises a question, and the question is, Is the hospital score on some bureaucrat's test always in the patient's best interest? It is not clear to me that it always is. There is no doubt that hospitals, physicians, nurses, and health care providers generally want to have satisfied patients. We all do. We want to be a satisfied patient when we go to see a doctor or go to a hospital. It is obviously a good thing if a patient has as good an experience as possible, but it is specifically the survey questions on pain management per se that are raising a lot of red flags and not just with me but with health care professionals and those who have been studying it. There was a recent Time magazine article entitled "How ObamaCare is Fueling America's Opioid Epidemic."

This article is a lengthy investigation into the unintended but as I said predictable consequences of this ObamaCare-created HCHAP survey and specifically the questions in the survey that relate to pain management and the prescription of opioids.

One of the questions from the study is: "During this hospital stay, did you need medicine for pain?" Second question: "During this hospital stay, how often was your pain well controlled?" Finally, during this hospital stay: "How often did the hospital staff do everything they could to help you with your pain?"

These are the questions that patients respond to, and they contribute to the overall score on the test. The score on the test determines, in part, the level at which the hospital is reimbursed by Medicare. There is a very powerful financial incentive for hospitals to make sure that patients are answering these questions in a way that will get the desired response from CMS—from Medicare. They are graded on these questions. So it is a big incentive. When you tie the measurement of these kinds of questions to reimbursement, you are very likely to get changes in behavior. In fact, that seems to be what is happening.

I think we need to ask ourselves whether we are striking the appropriate balance here when 27,000 people are dying from heroin and prescription painkiller overdoses. Many of the people who are dying from heroin overdoses began with prescription opioids, and they moved on to heroin when they discovered that it was cheaper and more available than the prescription opioid that they got addicted to in the first place.

So there is increasing evidence now that physicians and hospitals are, in fact, responding to these financial incentives, and they are responding by prescribing more opioids.

Dr. Nick Sawyer, a health policy fellow at the UC Davis Department of Emergency Medicine told *Time Magazine*:

The government is telling us we need to make sure a patient's pain is under control. It's hard to make them happy without a narcotic. This policy is leading to ongoing opioid abuse.

A survey by the South Carolina Medical Association found that almost half of over 150 doctors responding reported that they were prescribing inappropriate narcotic pain medication because of the patient satisfaction questions. One doctor wrote that drug seekers "are well aware of the patient satisfaction scores and how they can use these threats and complaints to obtain narcotics."

Here are two examples from a story entitled "Patient Satisfaction Is Overrated," published by the Pennsylvania Academy of Family Physicians, about Press Ganey, a company that administers patient satisfaction surveys that often include these HCAHPS questions.

One doctor reported that he had to give Dilaudid—and that is a powerful prescription opioid—for minor pain because his score on this test was too low in the previous month.

An emergency room doctor with poor survey scores started offering hydrocodone goody bags to discharged patients to improve his ratings.

Now, as I said, I have had multiple field hearings across Pennsylvania to hear firsthand from health care providers, recovering addicts, law enforcement—people who are dealing with this epidemic in a variety of ways. One of our witnesses in Pittsburgh last October was Dr. Jack Kabazie. He is the system director of Allegheny Health Network's Division of Pain Medicine. He testified: "Physicians who have compensation or employment tied to patient satisfaction scores may feel pressured to prescribe opioids in response to patient pain complaints."

Another ER doctor told my office how his hospital administrator informed him that the ER patient satisfaction scores are in the 50th percentile—or average—and that he should find a way to get them higher or "I'll find someone who can."

This is a big concern. There is a range of evidence that doctors and hospitals have been changing their prescribing habits in response to these pain questions.

Now, let me be clear about one thing. None of us wants to see anyone needlessly suffer. None of us wants to themselves go through pain that is unnecessary. None of us want to see a loved one or anybody experiencing pain if it could be appropriately managed. For the terminally ill, of course, it makes sense to do everything possible to make those folks as comfortable as they can be in their final days. But what I am asking is this: Are we appropriately weighing the risks and the benefits here?

Sure, there is a benefit to complete and immediate elimination of all pain that a powerful narcotic can temporarily provide, but we know that there is also a risk of addiction to that narcotic. That risk is very significant, and it has increased exponentially. That addiction is incredibly dangerous because it can spiral out of control and even lead to heroin abuse, addiction, and death.

Have we gone too far in creating an expectation that the results for every patient must be zero pain? Or are there some circumstances in which it is better to treat pain as best we can with nonnarcotics—other ways or other medicines? There are other treatments, including physical therapy. There are other ways to diminish pain. It may not be 100 percent effective all the time, but if it is temporary and it has zero risk of opioid addiction, then maybe we ought to be considering that a little more frequently.

So this is definitely a complicated issue. There are many factors contributing to the heroin epidemic, the

opioid epidemic. But it is increasingly looking like one of the contributing factors at some level is the financial incentives created by this aspect of ObamaCare, this particular questionnaire that focuses significantly on complete elimination of pain. I think we need to ask ourselves whether this is appropriate.

Last week, the group Physicians for Responsible Opioid Prescribing sent a petition signed by more than 60 non-profit groups and medical experts—including Pennsylvania's Department of Health Secretary Karen Murphy—to CMS, calling for the removal of the pain questions from the HCAHPS survey. Now, that is one approach.

Senator JOHNSON from Wisconsin has introduced a bipartisan bill that has a lot of merit. His bill is called the Promoting Responsible Opioid Prescribing Act. What his bill does is it removes the results of the pain questions from Medicare's calculations of reimbursement. So the questions would still be asked, and we would still learn about how patients feel about the extent to which their pain was managed. But it wouldn't affect the hospital's reimbursement. I think there is a lot of merit for that proposal. Again, it is because we are in the midst of a deadly crisis. It is killing people every day.

The impact of opioid addiction and heroin addiction and overdose on a family is so devastating. I can only imagine the grief, but I know people who have been through the grief of losing a child, losing a loved one to this terrible scourge. That is why I am here on the Senate floor today. That is why I want to continue to focus on this.

I think there are many things that we need to consider, but one of them is decoupling the results of these pain questions from the level of reimbursement, because the evidence is starting to mount that the financial tie is creating incentives to change behavior.

So I hope we will, as a body, address this issue seriously, because there is a lot that needs to be done on this.

I appreciate the recognition, and I yield the floor.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. 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, the faces and voices of the opioid and heroin epidemic are all around us. The victims and survivors are everywhere, in Connecticut and across the country.

Just this past weekend, one of them perished. A young woman, Erikka Lyn Hughes, was found unconscious in her boyfriend's apartment, later dying from a heroin overdose. Erikka was only 21 years old. She had her whole life ahead of her, and her future was destroyed as a result of this epidemic.

Her family, bravely and strongly, has chosen to speak out and stand up in the midst of their shock and grief to say that they hope that Erikka's story will inspire action to combat this epidemic of overdose and addiction.

Rampant opioid overdose and abuse and misuse in our country has reached epidemic proportions, and it shows no signs of slowing. In Connecticut, I have seen these stories firsthand. This public health hurricane has swept our State and our Nation, crashing down on the lives of families and innocent people, much as a natural disaster would destroy homes or landscapes, leaving a path of pain, heartbreak, and addiction in its wake.

The numbers in Connecticut are as shocking as they are tragic. Last year in my State, a record number of people—nearly 700—died from opioid overdoses. Sadly, this number is abstract, but it reflects a disheartening trend that has led to a 75-percent increase in prescription drug overdoses in Connecticut since 2012. I have heard stories, seen faces, and heard voices firsthand in roundtables that I conducted around the State of Connecticut—nine in all—involving public health experts, doctors, specialists, public officials, law enforcement, and—maybe most movingly and profoundly—recovering addicts and their families.

I heard from parents who have buried children far too young. I heard from first responders whose quick action saved lives using Narcan. I heard from doctors who understand that change is needed to prevent this disease from spreading further and from families and professionals from Torrington and Rocky Hill, Willimantic and Wethersfield, Bridgeport and New London, New Britain and New Haven—across our State—people who came forward to break the silence and defeat the denial that is one of our greatest enemies in this fight against opioid addiction and abuse.

This problem knows no boundaries and no distinctions in income, race, religion, ZIP Code. It afflicts and affects everyone everywhere, and that is the beginning truth to solve the problem.

I heard heartbreaking stories from a woman who lost both of her sons to addiction. The sobering conversations I had with her family and others, while not always easy, were absolutely crucial to my understanding how widespread and pervasive this problem is. What I heard from them and what I believe is necessary is a call to action. It is more than an effort to honor the legacy of Connecticut citizens who were lost last year—mothers, fathers, daughters, sons, sisters, and brothers—but to teach every one of us to reach those who are still fighting their own private battle against this disease.

Make no mistake. It is a disease. It is every bit a disease—as much as any we have discussed on this floor—requiring research and action and urgent and drastic steps that we can and must pro-

vide because it is demeaning and reducing our Nation's fabric. It goes to the core of America.

These conversations led me to do a report. I was inspired by the loved ones and families who have lost the most to do a call to action. It is called "Opioid Addiction: A Call to Action," and it has 23 specific and definite recommendations. Some require funding, but others are without fiscal impact. I hope to discuss them at length in a series of speeches on the floor and not to leave this issue at one talk, one speech, one remark, but to talk about it continuously, as we all should be doing in our communities, because, again, denial and silence are the enemies here.

This report outlines 23 policy proposals focused on curing our Nation's addiction to opioids. The proposals are all grassroots, community-based solutions suggested by people who have firsthand knowledge. They are experts—maybe not in academic training, maybe without Ph.D.s and qualifications based on formal studies, but they know this pervasive problem. They have seen it firsthand, and they have observed the wreckage and destruction that opioid addiction causes. They cannot bring back the lives of their loved ones, but they are determined that others will be spared this hurricane's effects.

These proposals, which touch on prescribing practices, adequate treatment, emergency medical response, law enforcement, and help for our veterans, have the common goal of ending this crisis. They are a response to the most pressing issues I heard throughout our conversations. While none is a panacea, none is a single bullet, all of them together are the beginning of a long process that must be undertaken toward curbing this epidemic.

A place to start is with our prescribing practices, which is where misuse and abuse so often begin. Our Nation makes up 5 percent of the world's population; we use 80 percent of its opioid painkillers. In 2012, doctors wrote 259 million prescriptions for painkillers, enough for every American adult to have a bottle of these controlled substances for themselves.

Many of us have children. My wife Cynthia and I have four. Every one of them plays sports and every one of them has suffered sports injuries. Most of them could have availed themselves of these painkillers. We drew the line and said no. Other parents should be doing the same, but more importantly, the providers should be exercising greater discipline and self-restraint because every one of those bottles, even if prescribed for legitimate injuries such as broken bones, repaired LCLs, and other kinds of injuries, is potentially a risk.

Just last week a couple in Connecticut was arrested for selling painkillers out of their home. For 2 years they collected 1,400 powerful painkillers from their local pharmacy, abusing their own prescriptions in the

process. In the pharmacy that got them arrested, the couple picked up 300 oxycodone and 140 oxymorphone tablets. This flagrant abuse of the system should not be possible in our State or any others.

There are legitimate reasons for painkillers to be prescribed, especially in chronic pain or end-of-life situations. There is no need to deprive people of those painkillers when they need them for those inevitable reasons, but my call to action outlines steps to confront this issue where it can be addressed so as to minimize the risk of abuse or misuse or overuse, especially when young people such as our children are involved.

It would mandate training for medical professionals to reduce opioid overprescribing. It would call for drug enforcement agency guidelines for partial fills of these prescription opioids, meaning fewer of these prescription drugs would make it onto our streets.

Of course, reducing prescriptions can't be the only answer, particularly when so many who need care go without it. My report also seeks to improve treatment options, calling for meaningful mental health parity, implementation of the law requiring it, and much more vigorous and effective enforcement to ensure that people who need help actually receive it. This step includes access to medication-assisted therapy that can prove essential to the recovery process.

We can do more to guarantee that Naloxone, a powerful antidote to heroin overdose, remains both affordable and successful. This means holding manufacturers accountable when they begin raising prices to astronomic levels. The prices have been skyrocketing. Local police and firefighters are often unable to afford it in their current budgets. It means also pushing for elimination of copays when it is prescribed at pharmacies. Insurance ought to cover it. It also means that the Federal Government must do its part and increase funding for Narcan so that cash-strapped first responders can actually afford it to save lives.

Our law enforcement officials require both the training and resources needed to keep our streets safe and our communities healthy and drug-free. That means funding to establish prescription drug monitoring programs—effective programs to facilitate training so that police officers can recognize when suspected criminals are actually people struggling with addiction and to assist drug take-back programs throughout our States and Nation that allow the return of unused prescription drugs.

Finally, in my role as ranking member on the Senate Veterans Affairs Committee, I have encouraged the establishment of more consistent and safe VA prescribing practices and the creation of an integrated service model for mental health and pain management.

I am pleased that the Senate raised this issue and addressed it and passed

the Comprehensive Addiction and Recovery Act earlier this year, but that measure is a downpayment. It is only the beginning. I hope policy levels at all levels of government will draw on the strategies delineated in this legislation and in my report and elsewhere to combat the devastating epidemic of addiction and abuse.

Passing new laws is not the only answer. Enforcement and implementation of existing ones is necessary too. The prime example is mental health care, where still, years after President Bush signed that measure in 2008, its implementation is inconsistent and inadequate, and enforcement of mental health parity remains an aspiration, not an action. Part of what we need to do is make sure that existing laws are implemented effectively and fairly and that the investment is made in commonsense, practical measures like the 23 recommendations I have outlined in this report—by no means an exclusive way to deal with this problem.

I have no pride of authorship in these 23 recommendations. I would yield to wiser and better suggestions, but the point is that action is necessary. It is necessary now because every day we lose lives. Despite the best efforts of our first responders and our medical community, we continue to lose lives and futures, and our families continue the grief and heartbreak that I saw in my roundtables and that families in Connecticut feel today.

I thank the Presiding Officer.

I yield the floor.

The PRESIDING OFFICER. The Senator from Florida.

PUERTO RICO

Mr. RUBIO. Mr. President, I want to speak today about the fiscal crisis that faces Puerto Rico. In addition to some thoughts on what the island's own leaders need to do, I would like to commend the House leadership for their efforts to solve this problem with the recent bill they proposed. We need to take a close look at their proposed solutions, but they are right to tackle this problem head-on, and I look forward to offering more ideas as the debate reaches the Senate.

Whenever I speak about Puerto Rico, I like to start by reminding people of a very basic fact: The people of Puerto Rico are American citizens and right now they are living in dire economic conditions. More than 3.5 million of our fellow Americans on the island are facing tremendous economic hardship, in large part because of irresponsible leadership from the government in San Juan.

As we all know, Puerto Rico has a debt crisis of enormous proportions, and it has thrown off the stability of its economy from top to bottom. While some have suggested that Washington can deliver a silver-bullet solution to help Puerto Rico out of its debt, the reality is that nothing Washington does will be effective unless Puerto Rico's leaders turn away from decades of failed policies.

The debt crisis goes hand in hand with a deeper problem: Puerto Rico's economy is not growing, and if the economy in Puerto Rico does not start growing, they will never generate the revenue necessary to pay their debt or the billions of dollars in unfunded liabilities they currently have on their books; in other words, the promised payments they have made to future generations that are completely unrealistic.

Why is their economy not growing? The primary reason is decades of left-leaning policies that have made it too expensive to do business. Tax revenue is too high. Government regulations are stifling. The island is unattractive to investors. Their leadership has simply been irresponsible. This year alone, even with all the fiscal problems they are having, they barely reduced their budget from last year. In that sense, the problem in Puerto Rico is not unlike the problem we have here in Washington, DC. Puerto Rico's government is spending more than it takes in, and any time you spend more than you take in, you are going to have debt. No restructuring is going to solve that unless you restructure the way you spend money. Bankruptcy protection alone is not going to solve it either. Without reforms, if we grant bankruptcy protection by itself, Puerto Rico will simply be bankrupt again not far down the road.

As a result of all of these problems, there is a massive exodus of professionals and others from Puerto Rico. They are leaving and heading to Florida and other places in the mainland United States. If we don't solve the problem on the island, we are going to continue seeing thousands of Puerto Ricans leave, which is going to further cripple the island's economy and reduce its revenue.

The leadership in San Juan has to show its willingness to get their fiscal house in order. They need to accept that their decades of liberal policies have not succeeded and must now be traded in for pro-growth policies. If they keep refusing to do this, our options in Washington will be more limited and we won't have support.

To help Puerto Rico, first and foremost, we need to do the same things that are necessary to help the rest of the United States. We need pro-growth and pro-family tax reform at the Federal level. We also need to repeal and replace ObamaCare so we can end the disproportionate damage the Obama administration has inflicted on the island by raiding its Medicare Advantage funding and reducing reimbursement payments for Medicare, which have left patients with fewer health options and higher costs.

Puerto Rican consumers need to be treated the same as other American consumers on the mainland.

It may be that the best path forward for Puerto Rico would be at some point to include a limited opportunity to restructure its debt, but that will require

a serious discussion first to ensure that the solution is responsible and fair to creditors as well. Any mechanism for debt restructuring must be a last resort. It must come after Puerto Rican leaders have shown seriousness, initiative, and courage in tackling the problem, and it cannot be seen as the silver bullet that leaves the creation of conditions for economic growth by the wayside. Otherwise, protection will only amount to a cosmetic solution that does nothing to deal with the underlying disease.

In closing, the problem must be addressed for the sake of the people of Puerto Rico. While there is a significant amount of responsibility on the shoulders of the government on the island, we cannot ignore that crisis here either. We, too, have a responsibility to our fellow Americans who live on the island of Puerto Rico to tackle this issue with the same urgency and the same attention we would if this fiscal crisis were confronting one of our 50 States.

I hope we will take up this calling and act. I again congratulate the leadership in the House for trying to do something. We hope they will continue that work to arrive at something that can pass there. But I think it is important for us to take up the cause here as well.

For over a century, Puerto Ricans have contributed to our economy, enriched our culture, and nobly sacrificed in our wars. Puerto Ricans are Americans. They deserve better than indifferent leadership in Washington and atrocious Big Government mismanagement in San Juan. Puerto Rico's leaders must answer the challenge, but by taking some of the steps outlined here, leaders in Washington can and must do their part as well.

I yield the floor.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. Mr. President, I ask unanimous consent to address the Senate as in morning business.

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

MILITARY READINESS

Mr. MCCAIN. Mr. President, last week a story appeared on FOX News that captured a glimpse of the real damage being done to our military by years of senseless budget cuts known to many of us here as sequestration. I don't think there are 100 Americans who know what the word "sequestration" means. What it means is senseless budget cuts that have emasculated our military and dramatically harmed our ability to defend this Nation. This poses a risk to the lives of the men and women who are serving our Nation in uniform.

In a story entitled "Budget cuts leaving Marine Corps aircraft grounded," senior marine officers warn FOX News that the "[Marine] Corps' aviation service is being stretched to the breaking point."

I quote from the story:

Today, the vast majority of Marine Corps aircraft can't fly. . . . Out of 276 F/A-18 Hornet strike fighters in the Marine Corps inventory, only about 30 percent are ready to fly. Similarly only 42 of 147 heavy-lift CH-53E Super Stallion helicopters are airworthy.

In short, Marine Corps aviation is in a crisis and being left grounded. What is the cause of this crisis? According to dozens of marines interviewed by FOX News:

The reason behind the grounding of these aircraft includes the toll of the long wars in Afghanistan and Iraq, the fight against ISIS, and budget cuts—

For example, sequestration—precluding the purchase of the parts needed to fix an aging fleet.

The report goes on to say:

U.S. military spending declined from \$691 billion to \$560 billion in 2015.

So, as the world has become more dangerous, as conflict has spread throughout the world, the cuts have taken place in an unscheduled, unplanned, and unorchestrated operation.

The cuts came just as the planes are returning from 15 years of war, suffering from overuse and extreme wear and tear. . . . Lack of funds has forced the Marines to go outside the normal supply chain to procure desperately needed parts. Cannibalization, or taking parts from one multi-million dollar aircraft to get other multi-million dollar aircraft airborne, has become the norm.

One marine likened the difficult job of maintaining this aircraft to “taking a 1995 Cadillac and trying to make it a Ferrari.”

This job is only more difficult because 30,000 marines have been cut from the force as a result of sequestration and its misguided budget cuts. As Maj. Michael Malone put it:

We don't have enough Marines to do the added work efficiently. We're making it a lot harder on the young Marines who are fixing our aircraft.

Lt. Col. Matthew Brown added that this burden “is coming on the backs of our young Marines. . . . They are the ones who are working 20 to 21 hours a day to get them ready to go on deployment.”

The Commandant of the Marine Corps, Gen. Robert Neller said, “we don't have enough airplanes that we could call ‘ready basic aircraft,’” and that aviation readiness is his No. 1 concern. It is no wonder, because this readiness crisis is literally putting the lives of our marines at risk.

Lt. Col. Harry Thomas commands a squadron of Marine Corps F/A-18s. He told FOX News that last year he deployed to the Pacific with 10 jets, but only 7 made it. His own jet caught on fire in Guam. Lieutenant Colonel Thomas was able to land the aircraft safely, but the incident nearly cost taxpayers \$29 million and Lieutenant Colonel Thomas his life. Now his squadron is getting ready to deploy in 3 months, but only 2 of his 14 Hornets can fly.

The aircraft shortage also means training is suffering and our pilots could be losing their edge. As the FOX News report details:

Ten years ago, Marine pilots averaged between 25 and 30 hours in the air each month.

Today, in Lieutenant Colonel Thomas's squadron, the average flight time per pilot over the last month was just over 4 hours.”

I assure my colleagues, you cannot maintain readiness and capability in a modern-day fighter aircraft flying 4 hours a month. It can't be done.

Super Stallion helicopters have flown thousands of marines into combat over the past three decades, but these aging aircraft, filled with a tangled web of hundreds of wires and fuel lines, present a daunting challenge for young marines assigned to inspect each and every one. As the FOX News report explained, “One failure can be catastrophic, as happened in 2014 when [a Navy version of the aircraft] crashed off the coast of Virginia after a fire engulfed the aircraft due to faulty fuel lines.”

The bottom line is this: Years of budget cuts have left us with a Marine Corps that is too small and has too few aircraft. The aircraft it does have are too old and can barely fly and only by cannibalizing parts from other aircraft. Young marines are being asked to muddle through this crisis with shrinking resources, knowing that if they fail, their comrades flying and riding in those aircraft could pay a fatal price.

The crisis in Marine Corps aviation would be shocking if it were not such a tragically common story throughout each of our military services. Arbitrary budget cuts and sequestration have shrunk the Army by nearly 100,000 soldiers since 2012, bringing the Army to a size that Army Chief of Staff GEN Mark Milley testified has put the Army at “high military risk.”

These budget-driven reductions were decided before Russia's invasion of Ukraine and the rise of ISIL. As the force has shrunk, readiness has suffered. Just one-third of Army brigade combat teams are ready to deploy and operate decisively. Indeed, just 2—just 2—of the Army's 60 brigade combat teams are at the highest level of combat readiness.

To buy readiness today, as lackluster as it is, the Army is being forced to mortgage its future readiness and capability by reducing end strength and delaying modernization needed to meet future threats.

The result of budget cuts, forced reductions, and declining readiness is clear: In an unforeseen contingency, General Milley testified this month before the Armed Services Committee that the Army “risks not having ready forces available to provide flexible options to our national leadership . . . and most importantly, [risks] incurring significantly increased U.S. casualties.”

I repeat: “significantly increased U.S. casualties.”

Likewise, by any measure, the Navy's fleet of 272 ships is too small to address critical security challenges. Even with recent shipbuilding increases, the Navy will not achieve its requirement of 308 ships until 2021. There is no plan to meet the bipartisan

National Defense Panel's unanimous recommendation for a fleet of 325 to 346 ships.

A shrinking fleet operating at high tempo has forced difficult tradeoffs. For example, the last five carrier strike group deployments have exceeded 8 months. Keeping sailors at sea for 8 months is damaging to morale and will sooner or later affect retention. It takes a toll on sailors, ships, and aircraft.

Unable to continue years of deferred maintenance, the Navy is no longer able to provide constant carrier presence in the Middle East or the Western Pacific.

The Air Force is the oldest and the smallest in its history. The combination of decades of relentless operational tempo and misguided reductions in defense spending in recent years has depleted readiness. Today, less than 50 percent of the Air Force's combat squadrons are ready for full-spectrum operations—well below the Air Force's stated requirement of 80 percent. The Air Force does not anticipate a return to full-spectrum readiness for another decade. In other words, after flying in uncontested skies over the Middle East for more than a quarter of a century, our Air Force is not ready for a high-end fight against a near-peer adversary.

The truth is this: The ongoing war in Afghanistan, the rise of ISIL, Russia's aggression in Europe, and China's assertiveness in the Pacific have all increased the demands imposed upon our servicemembers and their families. But at the same time, the requirements of our military have continued to grow.

For 5 years—5 years now—the Budget Control Act of 2011 has imposed caps on defense spending. Despite periodic relief from those caps, including the Bipartisan Budget Act passed last year, every one of our military services—the Army, the Navy, the Air Force, and, yes, the Marine Corps—remains undersized, unready, and underfunded to meet current and future threats.

Unfortunately, the President's defense budget request for the coming year does little to nothing to address this problem. Instead, it continues down the dangerous path of budgeting based not on what our military needs but on what arbitrary defense spending constraints allow. In order to strictly adhere to the defense spending floor in last year's Bipartisan Budget Act, the Department of Defense cut \$17 billion from what it said it needed last year.

Does anybody believe the situation in the world has improved to the point where you can reduce by \$17 billion from what we paid last year, what we spent last year? Those are billions of dollars of cuts for things our military needs right now: Army helicopters, Air Force fighters, Navy ships, Marine Corps fighting vehicles, and critical training and maintenance across the services.

The former Chairman of the Joint Chiefs of Staff, GEN Martin Dempsey, described last year's budget as "the lower ragged edge of manageable risk in our ability to execute the defense strategy."

One year later, the President of the United States has sent us a budget request that is less in real dollars than last year and \$17 billion less than what our military needed and planned for. The military service's unfunded requirements totaled nearly \$23 billion for the coming fiscal year alone. Meanwhile, sequestration threatens to return in 2018, taking away another \$100 billion from our military through 2021.

I don't know what lies beneath "the lower ragged edge of manageable risk," but this is what I fear it means; that our military is becoming less and less able to deter conflict. If, God forbid, deterrence does fail somewhere and we end up in conflict, our Nation will deploy young Americans into battle without sufficient training or equipment to fight a war that will take longer, be larger, cost more, and ultimately claim more young American lives than it would otherwise have.

If that comes to pass, who will be responsible, who is responsible for the military's readiness crisis? Who is to blame for the increasing risk to the lives of the men and women who volunteer to serve and defend our Nation? The answer is clear: We are—the White House, Congress, Democrats, and Republicans, every politician who designed, agreed to or went along with the Budget Control Act and the mindless mechanism of sequestration, and every politician who in the past 5 years has failed to realize our mistake or, perhaps having realized it, failed to do anything and everything possible to fix it.

What is worse is the two-faced hypocrisy of it all: Democrats who will say they favor more funding for our military but only if they get dollar-for-dollar increases for their pet domestic programs first and Republicans who say they favor a strong defense, but when it comes time to do the hard work of funding it, are nowhere to be found.

For 5 years, we have been playing politics with funding that our military servicemembers need and deserve. For 5 years, we have been playing a rigged game, where the politicians win and our military loses.

This must all end before it is too late. We cannot continue to avert our eyes and ignore the grave impact budget cuts are having on our military. The warning signs are clear: a marine aircraft that can't fly, pilots who can't train, and young marines trying to hold it all together by stealing parts from one aging airplane to give to another.

The potential consequences are clear. Our Nation could soon find itself in a position where it must either abandon an important national interest or send young Americans into a conflict for which they are not prepared.

This is the reality our soldiers, sailors, airmen, and marines are facing. It is our urgent and solemn task to confront it. This Congress can begin to chart a better course, one that is worthy of the service and sacrifice of those who volunteer to put themselves in harm's way on our behalf.

I am committed to doing everything I can as chairman of the Armed Services Committee to accomplish this task, and I will work with any of my colleagues to find a solution. Despite the odds, I am ever hopeful we can live up to our highest constitutional duty and moral responsibility to provide for the common defense.

I yield the floor.

I suggest the absence of a quorum.

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

Mr. ALEXANDER. 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. ALEXANDER. Mr. President, I rise to thank the Senator from Arizona for his comments.

One of the advantages of having a full appropriations process is it puts the spotlight on the money we spend. I am asking to put this chart where the Senator from Arizona can see it.

We will be debating 12 appropriations bills hopefully in the next few weeks. This is the first one. It is \$37.5 billion. A little more than half of it is defense spending—our weapons, plutonium enrichment, and necessary things for our country—but all of the spending we are talking about in these 12 bills adds up to \$1 trillion.

The Federal spending for this year is \$4 trillion. The money the distinguished Senator from Arizona, Mr. MCCAIN, was talking about is our defense money. It is down here on this blue line. It is in the trillion dollars. It is nearly half of that. As we look back since 2008, this blue line has stayed level. Over the next 10 years it is projected to rise at about the level of the rate of inflation.

At the same time, this line, which is the \$3 trillion line—mandatory spending, entitlements, all that—is going up. After about 10 years, the end result will be that this will go from about 32 percent of our total spending to about 22 percent. What is that going to do to our defense spending?

We have strong speeches made sometimes about let's get the spending under control, but on both sides of the aisle there is not a lot of courage shown when it comes to this red line because this is Medicare, Medicaid, Social Security, entitlements, and other benefits. It is squeezing out not only our national defense but our cancer research and the other things we need to do as a country.

It is important over these next few weeks that we use this as an occasion on both sides of the aisle to recognize what we are doing with money. No one can say this is part of the budget prob-

lem. In fact, we have just heard an eloquent speech from the Senator from Arizona, who said we have not spent enough to defend ourselves in an unsafe world. Nobody is doing anything about this.

Mr. MCCAIN. Will the Senator yield for a question?

Mr. ALEXANDER. Of course.

Mr. MCCAIN. Is the interest on the national debt included in that red line?

Mr. ALEXANDER. The answer to the Senator from Arizona is, no, it is not. In fact, if it were, this line would be higher. So it is this line plus the interest on the debt.

Mr. MCCAIN. Obviously, it makes it much more compelling. Obviously, that all would be moved one way or another. Obviously, it is going to go up, but a return to inflation would dramatically increase that red line, would it not?

Mr. ALEXANDER. Yes, it would.

Mr. MCCAIN. I thank the Senator.

Mr. ALEXANDER. I thank the Senator from Arizona.

I have heard there might be an effort to commit our bill back to the committee in order to reduce spending to a lower level. If we do that, someone needs to say which division needs to lose troops, which country do we not want to defend, which airplane do we not want to fly, and which pilot do we not want to train.

We are talking about real decisions, and we are talking about not setting priorities. I don't think most of the American people know that when we talk about the Federal debt, it is not national defense that is driving up the Federal debt. It is in the blue line. It is our unwillingness on both sides of the aisle to confront this.

One statistic that I was reminded of by my colleague the Senator from Tennessee is an American family today—think of an average age couple, 50 years of age, would pay about \$140,000 into Medicare. They will get back about \$430,000 in Medicare. We can understand how people who pay into Medicare would want to get their Medicare back, but we can also understand how that is not a sustainable program, and I think all of us as Americans can see that.

One of the things I hope we do over the next several weeks is talk honestly about that problem. We are not solving that problem in this debate. We are talking about this \$1 trillion. What are we going to do about the other \$3 trillion that adds to our \$19 trillion debt? Thank you.

I yield the floor.

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

Mrs. ERNST. Mr. President, my amendment is pretty straightforward.

It eliminates duplicative and wasteful spending. It eliminates \$200 million from the Appalachian Regional Commission, the Delta Regional Authority, the Denali Commission, and the Northern Border Regional Commission.

These entities have a mission to provide “strategic investments” for economic development, broadband deployment, infrastructure improvements, and housing. You name it; there is funding for it. That is laudable, but there are already several Federal, State, and local programs that fund these types of projects.

What is worse is that a quick look at some of the grants awarded from these entities show questionable choices: Should \$100,000 be awarded to the Lake Placid Ski Club to build ski jumps? Should \$125,000 be awarded for a Chinese medicine herb growers consortium? Should \$250,000 be awarded to a tribe in Maine to build a maple processing facility—after it was awarded about \$100,000 from USDA to launch maple syrup ventures? This is through the Federal Government. I don’t believe so.

I ask you to support my amendment and stop such duplicative and wasteful spending.

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

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

Mr. CARDIN. 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. CARDIN. Mr. President, I understand that it is likely that we will shortly be considering Ernst amendment No. 3803, eliminating funding for the Appalachian Regional Commission, the Delta Regional Authority, the Denali Commission, and the Northern Border Regional Commission. I want to talk about the Appalachian Regional Commission. I know a little bit about this.

The western part of my State, known as Mountain Maryland, is a beautiful part of Maryland. I visit there frequently. There are not a lot of people, and it is certainly a hearty life. It is not easy. It is not easy to attract business to the western rural part of Maryland. These people work hard, and they are preserving a way of life in an economy that is critically important to the State of Maryland.

The Appalachian Regional Commission is absolutely essential for the economic growth of western Maryland. The Appalachian region is a region of a proud history, and we have given them a future. The Ernst amendment would take away one of the most important tools towards their future.

Let me just mention a few things about the Appalachian Regional Commission and the projects they fund on an annual basis.

Mr. ALEXANDER. Mr. President, will the Senator yield for a unanimous

consent request so we can call the amendments up?

Mr. CARDIN. I am glad to yield to the Senator from Tennessee.

Mr. ALEXANDER. I thank the Senator from Maryland.

AMENDMENTS NOS. 3802 AND 3803 TO AMENDMENT NO. 3801

Mr. ALEXANDER. Mr. President, I ask unanimous consent, on behalf of Senator FEINSTEIN and myself, that the following amendments be called up and reported by number: 3802, Schatz; and 3803, Ernst; further, that at 4:55 p.m. on Wednesday, April 20—today—the Senate vote in relation to the amendments in the order listed and that no second degree amendments be in order to either of the amendments prior to the votes, and that there be 2 minutes, equally divided, prior to each vote.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The clerk will report the amendments by number.

The senior assistant legislative clerk read as follows:

The Senator from Tennessee [Mr. ALEXANDER], for others, proposes amendments numbered 3802 and 3803 to amendment No. 3801.

The amendments are as follows:

AMENDMENT NO. 3802

(Purpose: To modify funding for certain projects of the Department of Energy)

On page 28, line 16, strike “\$292,669,000” and insert “\$325,000,000”.

On page 46, between lines 14 and 15, insert the following:

(4) “Energy Program—Title 17 Innovative Technology Loan Guarantee Program”, \$9,500,000.

(5) “Energy Program—Energy Efficiency and Renewable Energy”, \$20,600,000.

(6) “Energy Program—Nuclear Energy”, \$231,000.

(7) “Energy Program—Strategic Petroleum Reserve”, \$150,000.

(8) “Energy Program—Naval Petroleum and Oil Shale Reserves”, \$150,000.

(9) “Energy Program—Science”, \$1,700,000.

AMENDMENT NO. 3803

(Purpose: To eliminate funding for the Appalachian Regional Commission, the Delta Regional Authority, the Denali Commission, and the Northern Border Regional Commission)

On page 53, strike lines 3 through 12.

Beginning on page 53, strike line 20 and all that follows through page 55, line 8.

Mr. ALEXANDER. Mr. President, I thank the Senator from Maryland for allowing me to interrupt his comments.

Mr. CARDIN. Mr. President, I am glad to see we have the ability to vote on a couple of amendments. I am glad I was able to accommodate and yield the floor. If I might, let me continue.

AMENDMENT NO. 3803

Now that the Ernst amendment is going to be voted on in a few moments, I urge my colleagues to reject that amendment. The Appalachian Regional Commission approves funding for more than 400 projects annually throughout this 13-State region.

As I was saying, the western part of our State—in order for them to be able

to have a viable economy, to have a valuable future, they need help on economic opportunities. They need help in improving health care.

The Appalachian Regional Commission has helped the communities of Western Maryland improve health care. The ARC funding was used for the Garrett County Hospital telehealth initiative to enhance community health care.

Just by happenstance, the CEO of Garrett County Hospital was in my office yesterday. That is a hospital located in Oakland, MD. For those who are not familiar with where Oakland, MD, is, it is on the border with West Virginia. It is not too far from Pennsylvania in the western part of Maryland.

People who use the Garrett County Hospital come from West Virginia and they come from Maryland. It provides hospital service in a rural area that otherwise would not be there. But for the type of help they get through the Appalachian Regional Commission, it is difficult to see how they could perform the quality access to affordable health care that is absolutely essential for the economic growth of Mountain Maryland, for the Appalachian region.

Appalachian Regional Commission funding was used for phase III of the last-mile wireless broadband network so that they could have high-speed broadband access in the western part of Maryland. I know the Presiding Officer and my colleagues know that if you don’t have broadband, it is difficult to see how you can attract industry. The Appalachian Regional Commission has been critically important in making sure we can effectively provide high-speed access to the western part of our State.

ARC grants have also been used to assess the impacts of energy production and consumption on our economy and the environment. ARC funding was used for the “Garrett County Marcellus Shale Impact Study,” which assessed the impact of hydraulic fracturing on the economy and environment of Western Maryland.

ARC has been essential for the development in the Appalachian region. It has worked, and it is continuing to work. I urge my colleagues to make sure this tool continues for the benefit of the people in the Appalachian region—a commitment that we made.

Lastly, let me remind my colleagues of what my friends who are actively engaged in the Appalachian Regional Commission in all of the 13 States tell me. Since 1978, this program—every dollar that has been invested by the Appalachian Regional Commission has leveraged an average of \$6.40 from the private sector. It leverages private sector investment in the Appalachian region, which is critically important to the economic growth of the Appalachian region. Otherwise, this is a tough area.

If we are committed to economic growth in this country, I would urge

my colleagues to reject the Ernst amendment.

The PRESIDING OFFICER. The Senator from California.

Mrs. FEINSTEIN. Mr. President, I rise to support the comments of the distinguished Senator from the State of Maryland. I must say that when I first came to the Senate, I looked at these perhaps with not as full an understanding of them as I have now. But I think the committee supports it, the bill supports it, and the Appropriations Committee supports it. I certainly agree with the Senator and support him.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. WICKER. Mr. President, I rise to speak on the amendment for 3 minutes, if I might.

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

Mr. WICKER. Mr. President, I appreciate that.

First of all, I don't think the Senate is going to adopt the Ernst amendment because we authorized—reauthorized this important ARC program just last year on a bipartisan basis in both the House and the Senate.

I want to make this point: This is discretionary spending that is largely under control. This is discretionary spending. It is 2008 projected out to 2026. As you can see, it hardly keeps up with inflation. We have a spending problem in this country, but it is mandatory programs—the red line—not this discretionary line from which comes the Appalachian Regional Commission. I want to make that point. This amendment is targeted at the wrong type of spending.

What do we get out of ARC? My friend from Maryland is exactly right. We leverage private dollars for investments to create jobs. We build infrastructure that creates jobs and supports jobs. We have revolving loan programs that have created 50,000 jobs since 1977 and retained 51,000 jobs.

Let's attack spending. Let's get together and talk about Bowles-Simpson and do what we need to do about the problem that has given us this \$19 trillion debt. But for heaven's sake, we have a program that was reauthorized almost unanimously last year that helps people get a job and persuades private industry to contribute to that effort at a 6- or 7-to-1 ratio. We want to keep that type of investment to create jobs for our families.

I will be voting against the Ernst amendment and urge my colleagues to do so.

I yield back.

The PRESIDING OFFICER. The Senator from Hawaii.

AMENDMENT NO. 3802

Mr. SCHATZ. Mr. President, I wish to call up my amendment No. 3802.

The PRESIDING OFFICER. The amendment is pending.

Mr. SCHATZ. I wish to thank the chair and the vice chair of the Energy and Water Appropriations Sub-

committee for their great work, and especially their staff, who were instrumental in finding offsets to increase funding for a great, successful, bipartisan program, ARPA-E, which funds research at the cutting edge of clean energy.

This amendment takes unspent money from prior years' appropriations for expired programs. This is an important point. CBO has confirmed that this amendment does not score. This amendment does not score. This amendment uses unspent balances to increase funding for ARPA-E.

I again thank the chair and the vice chair for helping us to find some resources for this very successful program and for cosponsoring this amendment. I ask all of my colleagues for their support.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. ALEXANDER. Mr. President, I congratulate Senator SCHATZ. I support and cosponsored the Schatz amendment. He has identified a priority that Senator FEINSTEIN and I already made a priority. It is one of the two parts of the Department of Energy that got any increase in the nondefense area—the Office of Science and this one.

He has worked with us in committee. He has worked with us on the floor. He found an offset so that it is paid for. We are reducing other spending to increase this spending. This is called setting priorities in discretionary spending, which is under control. It is not the part of the budget that creates Federal debt.

We should do more of this energy research, but we should do it by reducing other spending. I would suggest that reducing subsidies to wind power, oil, and gas would be a good way to start.

I ask for a "yes" vote on the Schatz amendment.

The PRESIDING OFFICER. The Senator from California.

Mrs. FEINSTEIN. Mr. President, I heard what our chairman said. I thoroughly support him.

I commend the Senator from Hawaii for seeing this and proposing this amendment. We recommend that it be adopted.

Can we call the vote?

We yield back any time.

Mr. ALEXANDER. We yield back any time.

The PRESIDING OFFICER. Without objection, all time is yielded back.

The question is on agreeing to amendment No. 3802.

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

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The senior assistant legislative clerk called the roll.

Mr. CORNYN. The following Senator is necessarily absent: the Senator from Texas (Mr. CRUZ).

Mr. DURBIN. I announce that the Senator from Delaware (Mr. CARPER),

the Senator from Pennsylvania (Mr. CASEY), and the Senator from Vermont (Mr. SANDERS) are necessarily absent.

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

The result was announced—yeas 70, nays 26, as follows:

[Rollcall Vote No. 55 Leg.]

YEAS—70

| | | |
|------------|------------|------------|
| Alexander | Gardner | Murray |
| Ayotte | Gillibrand | Nelson |
| Baldwin | Graham | Perdue |
| Bennet | Hatch | Peters |
| Blumenthal | Heinrich | Portman |
| Blunt | Heitkamp | Reed |
| Booker | Hirono | Reid |
| Boozman | Hoeben | Rounds |
| Boxer | Inhofe | Schatz |
| Brown | Isakson | Schumer |
| Cantwell | Johnson | Shaheen |
| Capito | Kaine | Stabenow |
| Cardin | King | Sullivan |
| Cassidy | Kirk | Tester |
| Coats | Klobuchar | Toomey |
| Cochran | Leahy | Udall |
| Collins | Manchin | Vitter |
| Coons | Markey | Warner |
| Corker | McCaskill | Warren |
| Cornyn | Menendez | Whitehouse |
| Donnelly | Merkley | Wicker |
| Durbin | Mikulski | Wyden |
| Feinstein | Murkowski | |
| Franken | Murphy | |

NAYS—26

| | | |
|----------|-----------|----------|
| Barrasso | Grassley | Roberts |
| Burr | Heller | Rubio |
| Cotton | Lankford | Sasse |
| Crapo | Lee | Scott |
| Daines | McCain | Sessions |
| Enzi | McConnell | Shelby |
| Ernst | Moran | Thune |
| Fischer | Paul | Tillis |
| Flake | Risch | |

NOT VOTING—4

| | |
|--------|---------|
| Carper | Cruz |
| Casey | Sanders |

The amendment (No. 3802) was agreed to.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. ALEXANDER. Mr. President, I wish to make an announcement on behalf of Senator FEINSTEIN and myself. This is important. This is scheduling.

Senator FEINSTEIN and I wish to thank all of the Senators on both sides—Senator MCCONNELL, Senator REID—for creating an environment in which we could get so much done. We have more than 80 Senators who have policy that is already a part of this bill. That has happened over the last few weeks. Several amendments have been adopted and accepted. We are voting on two this afternoon.

Tomorrow, we expect to have two votes in the morning and one vote after lunch.

We have a request of Senators. This doesn't always work, but we would like to get an agreement to have all of our amendments in by 1 o'clock tomorrow. If we can do that, we can finish the bill early next week. So if Members can ask their staff and legislative counsel to do that, we would like to do that by consensus as much as possible. That is the old-fashioned way of doing a bill. I would like to set a good example for the other 11 bills that are coming.

So that is the schedule as we look forward. Senator ERNST has the remaining amendment, and there will be no further votes after her vote.

AMENDMENT NO. 3803

The PRESIDING OFFICER. There will now be 2 minutes of debate, equally divided, prior to a vote in relation to amendment No. 3803, offered by the Senator from Iowa, Mrs. ERNST.

The Senator from Iowa.

Mrs. ERNST. Mr. President, my amendment is straightforward. I am asking for support on amendment No. 3803.

I ask unanimous consent to call up amendment No. 3803.

The PRESIDING OFFICER. The amendment is pending.

The Senator has 1 minute to debate the amendment.

Mrs. ERNST. Thank you, Mr. President.

The amendment is pretty straightforward. What we are doing is eliminating duplicative programs. Many programs exist out there already which will provide for housing needs, for infrastructure needs, many other needs. What we are doing is stating that we shouldn't be providing separate funds for very specific regions and duplicating processes that are found in the Federal Government.

Just a few examples: \$100,000 awarded to Lake Placid Ski Club to build ski jumps, \$125,000 awarded for Chinese Medicine Herb Growers Consortium, and \$250,000 awarded to a tribe in Maine to build a maple-processing facility after it received \$100,000 from the USDA to launch Maple Syrup Ventures.

I don't believe this is activity the Federal Government should be engaged in. Again, these are duplicative programs. There are many other programs available out there. So I am asking for the support of my colleagues on this amendment.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Mr. President, I would certainly oppose this amendment. The regional commission is a joint Federal-State economic development effort that includes some of the most economically distressed counties of Maine, New Hampshire, Vermont, and northern New York. For decades, these people have faced tough economic circumstances. These programs have helped.

More importantly, every Federal dollar invested leverages, on average, 2.6 dollars in matching funds in return. New jobs are created. Thousands of jobs are retained. That is how we should be investing our Federal dollars.

We invest in other countries around the world, and we ought to be investing them in our own country and support programs like the Northern Border Regional Commission and not eliminate them.

I hope Senators will oppose this amendment.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. ALEXANDER. Mr. President, as the manager of the bill, I was going to take that time. I ask unanimous con-

sent for 2 minutes and to allow Senator ERNST 2 more minutes to make her point.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. ALEXANDER. Thank you, Mr. President.

The issue is spending. This is discretionary spending. This is an opportunity, as we consider these 12 bills, to consider where the spending problem is. This is discretionary spending. It includes defense, it includes cancer research, it includes roads, it includes locks and dams, and it includes the Appalachian Regional Commission, the Denali Commission, and other commissions that would be defunded by this amendment.

This is not our spending problem. That is \$1 trillion we are spending through these 12 bills. We are spending \$3 trillion more through mandatory spending and interest on top of that.

We have not been very brave on the Republican side of the aisle or the Democratic side of the aisle on the real spending problem. We have done pretty well on this.

I have said to some of my colleagues that maybe the Senate should turn over to the Appropriations Committee the real spending problem and see if we can make the red spending line like the blue spending line because that is what we have done.

So we have set a priority for projects like sewer improvement in Alabama and planning and development in Mississippi, automotive workforce in Georgia, rural dental in Kentucky. These are all priorities within spending that are under control.

This is not under control. We can't fix that in these 12 weeks, but I hope we pay attention to this difference and sooner or later have the courage to deal with it.

I urge a "no" vote on this amendment.

The PRESIDING OFFICER. The Senator from Iowa.

Mrs. ERNST. Mr. President, again, this is \$200 million. I would beg to differ that this is not a lot of spending, and \$200 million is a lot of money for folks back in Iowa.

Iowa does not have one of these funds. Many other States don't have these same types of funds. This is just an additional way for certain regions to tap into Federal dollars. So there are many programs. As I stated earlier, I have heard folks say this is about jobs. We have workforce investment programs that everyone across the Nation can dive into to provide opportunity for everyone. Everyone needs opportunity, so everyone should be able to tap into these Federal dollars.

Mr. ERNST. \$200 million is a lot of Federal spending.

Thank you, Mr. President.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

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

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. CORNYN. The following Senator is necessarily absent: the Senator from Texas (Mr. CRUZ).

Mr. DURBIN. I announce that the Senator from Delaware (Mr. CASPER), the Senator from Pennsylvania (Mr. CASEY), and the Senator from Vermont (Mr. SANDERS), are necessarily absent.

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

The result was announced—yeas 25, nays 71, as follows:

[Rollcall Vote No. 56 Leg.]

YEAS—25

| | | |
|----------|----------|--------|
| Barrasso | Gardner | Moran |
| Coats | Grassley | Risch |
| Cornyn | Heller | Rubio |
| Crapo | Hoeven | Sasse |
| Daines | Inhofe | Scott |
| Enzi | Johnson | Thune |
| Ernst | Lankford | Toomey |
| Fischer | Lee | |
| Flake | McCain | |

NAYS—71

| | | |
|------------|------------|------------|
| Alexander | Gillibrand | Perdue |
| Ayotte | Graham | Peters |
| Baldwin | Hatch | Portman |
| Bennet | Heinrich | Reed |
| Blumenthal | Heitkamp | Reid |
| Blunt | Hirono | Roberts |
| Booker | Isakson | Rounds |
| Boozman | Kaine | Schatz |
| Boxer | King | Schumer |
| Brown | Kirk | Sessions |
| Burr | Klobuchar | Shaheen |
| Cantwell | Leahy | Shelby |
| Capito | Manchin | Stabenow |
| Cardin | Markey | Sullivan |
| Cassidy | McCaskill | Tester |
| Cochran | McConnell | Tillis |
| Collins | Menendez | Udall |
| Coons | Merkley | Vitter |
| Corker | Mikulski | Warner |
| Cotton | Murkowski | Warren |
| Donnelly | Murphy | Whitehouse |
| Durbin | Murray | Wicker |
| Feinstein | Nelson | Wyden |
| Franken | Paul | |

NOT VOTING—4

| | |
|--------|---------|
| Carper | Cruz |
| Casey | Sanders |

The amendment (No. 3803) was rejected.

The PRESIDING OFFICER. The Senator from Tennessee.

AMENDMENT NO. 3811 TO AMENDMENT NO. 3801

Mr. ALEXANDER. Mr. President, I ask unanimous consent that the following amendment be called up and reported by number: Hoeven No. 3811; further, that at 11:45 a.m. on Thursday, April 21, the Senate vote on that amendment and that it be subject to a 60-affirmative-vote threshold for adoption; and further, that no second-degree amendments be in order prior to the vote.

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

The clerk will report the amendment by number.

The legislative clerk read as follows:

The Senator from Tennessee [Mr. ALEXANDER], for Mr. HOEVEN, proposes an amendment numbered 3811 to amendment No. 3801.

The amendment is as follows:

(Purpose: To prohibit the use of funds relating to a certain definition)

At the appropriate place in title V, insert the following:

SEC. 5 _____. None of the funds made available in this or any other Act making appropriations for Energy and Water Development for any fiscal year may be used by the Corps of Engineers to develop, adopt, implement, administer, or enforce any change to the regulations and guidance in effect on October 1, 2012, pertaining to the definition of waters under the jurisdiction of the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.), including the provisions of the rules dated November 13, 1986, and August 25, 1993, relating to such jurisdiction, and the guidance documents dated January 15, 2003, and December 2, 2008, relating to such jurisdiction.

Mr. ALEXANDER. Mr. President, I thank Senators for their cooperation today. As I indicated earlier, Senator FEINSTEIN and I have been in touch with every Senate office over the last few weeks, asking for advice, policy, and amendments. Senators have been terrific in getting that to us. For example, there is Senator SCHATZ' amendment. He offered and withdrew it in committee. We worked with him and were able to adopt it once it came to the floor. That is typical of what has happened.

I would judge that about 83 or 84 Senators have contributed policy to this bill. There are really not many more amendments that will be offered. But we will have this one amendment, at least, tomorrow morning at 11:45. Then, the last vote will be at about 2:00 p.m., tomorrow after lunch. There may be other votes before that.

I would ask, as I did earlier, that Senators and their staffs get any other amendments that we do not know about to us by 1 o'clock tomorrow. Then, perhaps we can come to an agreement about how to proceed from there to the end of the bill, maybe even without the necessity of cloture.

I yield the floor.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. KIRK. Mr. President, I wanted to reassure the Senate and thank Chairman ALEXANDER for making sure that this legislation has \$285 million in it for advanced computing. It also includes the Kirk language to ensure that the United States is home to the No. 1 supercomputer in the world.

Today, China has the fastest computer in the world. It is called the Tianhe-2. It is clocked at 33.8 petaflops per second. Computers in the U.S. National Labs should soon topple China. It is a priority issue that I share with Chairman ALEXANDER.

The Titan computer, which is now at Oak Ridge National Laboratory in Tennessee, is ranked at No. 2 in the world. At Argonne National Laboratory in Illinois, we are working on a computer to be upgraded which will soon be No. 1 in the world. It will clock in at 180 petaflops per second. That is 18 times faster than the current computer that is at Argonne called Mira and three times faster than China's top computer today.

With that, supercomputing is essential for American competitiveness in the future. I think it is essential that we pass this legislation to make sure that we are all No. 1 in supercomputing.

I yield the floor.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. ALEXANDER. Mr. President, I thank the Senator from Illinois for his advocacy of keeping America No. 1 in the world in supercomputers and exascale computing. He has a special knowledge of that because of his intimate knowledge of Argonne National Laboratory in Illinois. I know something about it because of the work at the Oak Ridge National Laboratory in Tennessee.

The Obama administration has consistently funded exascale and supercomputing, and we have consistently supported that recommendation of funding. We have been able to do that for the last 4 or 5 years, Senator FEINSTEIN and I. There has been no more vigorous advocate to cause our country to be No. 1 in supercomputing than Senator KIRK of Illinois. I thank him for his leadership and his contributions to this bill.

MORNING BUSINESS

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

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

The Senator from Rhode Island.

Mr. WHITEHOUSE. Mr. President, I ask unanimous consent to speak for up to 20 minutes.

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

CLIMATE CHANGE

Mr. WHITEHOUSE. Mr. President, I am here for the 134th time to urge the Senate to wake up to the growing threat of global climate change. I am afraid my chart here is getting a little bit beat up after all of these speeches. I hope we can begin to make progress.

But we continue here in this body to be besieged by persistent and meretricious denial. Of course, the polluters want us to do nothing. They are so happy to offload to everybody else the costs of the harm from fossil fuels: the cost of heat waves, the cost of sea level rise, the cost of ocean acidification, the cost of dying forests, and the rest of it. They are running a very profitable "we keep the profits, you bear the costs" racket. They spend rivers of money on lobbying and on politics and on a complex PR machine that fills the airwaves with sound bites of cooked-up, paid-for doubt about climate change.

I believe the worst of them actually know better, but they do it any way. In this turbulence, the Wall Street Jour-

nal editorial page regularly sides with the rightwing climate denial operations. So, naturally, they have challenged my call for an appropriate inquiry into whether the fossil fuel industry's decades long and purposeful campaign of misinformation has run afoul of Federal civil racketeering laws.

Now, it is very hard for them to argue that the fossil fuel industry should be exempt from fraud laws. It is very hard for them to argue that the tobacco lawsuit years ago was ill funded, although certainly they tried right up until the government won the case. So they turn, instead, to invention. The Wall Street Journal repeatedly and falsely has accused me of seeking to punish anyone who rejects the scientific evidence of climate change. That is, of course, a crock. I never said anything close to that, but that does not stop them.

In fact, this line of counterattacks fits the Journal's playbook for defending polluting industries. The Wall Street Journal's editorial page has a record on acid rain, on the ozone layer, and now on climate change. There is a pattern. They deny the science, they question the motives of those who call for change, and they exaggerate the costs of taking action.

At all costs, they protect the polluting industry. When the Journal is wrong, as they have repeatedly been proven to be, they keep at it, over and over. In the 1970s, scientists first warned that chlorofluorocarbons could erode the ozone layer of the Earth's stratosphere, and that would increase human exposure to cancer-causing ultraviolet rays.

The Wall Street Journal editorial page doggedly fought back against the science, questioning it, and attacking any regulation of the CFCs.

In at least eight editorials between 1976 and 1992, the Wall Street Journal proclaimed that the connection between CFCs and ozone depletion "is only a theory and will remain only that until further efforts are made to test its validity in the atmosphere itself." They called the scientific evidence "scanty" and "premature," suggested that the ozone layer "may even be increasing," insinuated that "it is simply not clear to us that real science drives policy in this area," and warned of "a dramatic increase in air-conditioning and refrigeration costs," with "some \$1.52 billion in foregone profits and product-change expenses" as well as 8,700 jobs lost. Those are all actual quotes from the ed page.

Well, back then Americans listened to the science. Congress acted, the ozone layer and the public's health were protected, and the economy prospered. All those terrible costs that the Journal predicted, according to the EPA's 1999 progress report, "Every dollar invested in ozone protection provide[d] \$20 of societal health benefits in the United States"—\$1 spent, \$20 saved.